

**MINUTES OF MEETING
SWEETWATER CREEK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Sweetwater Creek Community Development District was held on **Thursday, March 7, 2024** at 4:00 p.m. at the Fitness Center, 1865 N. Loop Parkway, St. Augustine, Florida.

Present and constituting a quorum were:

Ron Cervelli	Chairman
John Smith	Vice Chairman
Rob Lisotta	Supervisor
Stephen Handler	Supervisor
Charles Usina	Supervisor

Also present were:

Howard McGaffney	District Manager, GMS
Jennifer Kilinski <i>by Zoom</i>	District Counsel, KVW
Alex Acree <i>by Zoom</i>	District Engineer, Matthews DCCM
Erin Gunia	Director of Amenities, RMS
Jerry Lambert	Operations Manager, RMS
Dan Wright	Riverside Management Services
Mary Marchiano	Duval Landscape
Mary Grace Henley <i>by Zoom</i>	Kilinski Van Wyk

The following is a summary of the discussions and actions taken at the March 7, 2024 Sweetwater Creek Community Development District's Regular Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. McGaffney called the meeting to order at 4:00 p.m. Five Board members were physically present, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment

David Carson stated that the ARB approved his request to install a pool in his backyard located at 119 Medio, however the section between his house and the common area is not wide enough for the contractor to bring in supplies. He requested use of the common area during the

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installation process and stated that he would replace any damaged sod and repair any irrigation heads as necessary.

There were no objections from the Board.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, authorizing use of a District easement for installation of a pool at 119 Medio Drive subject to an easement agreement and repairing any damage to the property was approved 5-0.

A resident stated that a parking lot and a pavilion are the two items that would affect the Onda cul-de-sac with the improvements to Onda Park.

Michael Barber stated that a pavilion type structure is not welcome or wanted by the Onda residents as they feel it would encourage kids and people from outside the community to hang out at nighttime. He proposed adding more covered benches around play structures for seating. Similarly, the Onda residents do not want a parking lot. He added that a basketball court would be more useful to the community.

Christopher Diesel stated that the major concerns with Onda Lane residents seems to be the parking lot and the pavilion. A parking lot is dangerous for children and looking at the pavilion at Ensenada and the lack of use that it gets, he does not see a reason for it other than adding the possibility of trouble with regard to misuse.

Gary Lacombe stated that he was concerned last week when staff said patrons could no longer exit the pool area from the gate to the lap pool. He is concerned with the water that will be dripping on the floor and asked if there are plans to put a rug down. He contacted the Department of Health asking to be pointed to the Florida Building Code that requires an emergency exit for the pool and the answer he received was that there is no requirement. He added that the wooden gate is not code compliant as it is not self-closing or self-latching, so if that is fixed it should solve the issues with the inspector and the swimmers.

Mr. Lisotta stated that the access and egress control needs to be through the building for better control over who uses the pool and it's the same at the other building, and they don't seem to have a problem. If the gate is not a requirement, his recommendation is to remove the gate and fence the area. He added that some mats can be added, and staff can ensure the area is mopped and kept up as best as possible.

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Ms. Gunia stated that staff has been instructed to post a wet floor sign and mop the floor up with towels when the swim team leaves. She has also spoken to the swim coaches as well.

Mr. Cervelli asked staff to find out what the regulations are.

Gary Lacombe stated that the new gate to pickleball court should be checked as well as he does not believe it's compliant.

Mr. Lisotta stated that all gates will be checked.

Alicia Zervos stated that a light on Dosel Lane is constantly on and there are still items in the drain. She added that she has several pictures of neglect.

Mr. Lisotta stated that she can send the pictures to Mr. McGaffney and can copy Mr. Lambert and himself or Mr. Cervelli.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the February 6, 2024 Meeting

Copies of the minutes of the January 4, 2024 meeting were included in the agenda package for the Board's review.

B. Financial Statements

Copies of the financial statements were provided to the Board for their review.

C. Check Register

A copy of the check register was included in the agenda package for the Board's review.

D. Ratification of Requisition Nos. 118-125

Copies of requisition numbers 118 through 125 were included in the agenda package for the Board's review.

E. Ratification of Change Order from Florida Certified Contractors for Roof Repairs

A change order from Florida Certified Contractors totaling \$3,570 for additional work done during the roof repairs was included in the agenda package for the Board's review.

On MOTION by Mr. Lisotta, seconded by Mr. Smith, with all in favor, the consent agenda was approved 5-0.
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Mr. Cervelli stated that when the staffing agreement with Marshall Creek was terminated there was a lot of concern that the District would be overspending, and so far, the original budget under the old agreement is being maintained.

Mr. Usina stated that the remaining amount in the project construction fund, less the pickleball water fountain cooler and camera system actual costs, is \$416,285.18.

Mr. McGaffney noted that the financials are through January and there were some additional expenses in February.

Mr. Cervelli asked that at the end of the month the final numbers from the pickleball court construction be published.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Landscape Team – Maintenance Report

Ms. Marchiano provided an overview of the landscape maintenance report, a copy of which was included in the agenda package, and informed the Board that Duval is working on cleaning up various areas. Flowers are coming in on March 14th and pine straw is coming in between the 24th and 26th.

Mr. Cervelli asked what damage to the landscaping has been done with the pump being down.

Ms. Marchiano responded none currently, but if it is not fixed in the next week, then flowers cannot be planted at the front entrance or at Otero Point or Lazo.

Mr. Cervelli stated that was his concern and added that Mr. Lambert has been working with the pump company, however he's not sure of the timing. He asked that flowers not be installed until the pump is functional.

Ms. Marchiano stated that is the reason they started plant installs on Ensenada instead of the front entrance. She suggested holding on the flower install until after the pine straw is installed to allow time for the pump to get fixed.

B. District Engineer

Mr. Acree reported that he read the meters for the consumptive use permit, and they have done a good job reducing the ground water usage, but he will keep an eye on it.

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C. District Counsel

Ms. Kilinski informed the Board that the settlement agreement with Sports Surfaces has been finalized and fully executed. Since the last meeting she has received a few questions, one being a reminder of what the District's platted easements say that differ from Marshall Creek's. She has sent the language to the board members, so they have it for reference to see what is and what is not allowed in the easements compared to Marshall Creek. The second question relates to the temporary access agreement for pool construction. She sent the Board the form of access agreement for their reference. The final question was regarding challenges with Marshall Creek having a tennis-only user fee agreement for non-residents to buy into the tennis facilities and the idea that Sweetwater wants to work with Marshall Creek to ensure the tennis users do not gain access to Sweetwater's facilities. She has some ideas on how to manage that and is working with staff on that issue.

Mr. Smith stated that it was not contemplated when the pickleball courts were built that the 40+ people that pay for the non-resident tennis membership at Marshall Creek would have access to the fitness center and/or the pickleball courts.

Ms. Gunia stated that the challenge is when the card is swiped, it does not right away say tennis only on the screen, so the staff at both buildings don't have an indicator to stop their access. The easiest solution would be to have a different color card for the tennis-only members. She's also suggested a different color card for patrons under the age of 14.

Mr. Usina questioned how much money the tennis center generates and if people are using the pickleball courts, is the revenue cost shared.

A resident stated she thinks that is something that needs to be looked that.

Mr. Handler asked what the final settlement was on the small claims court case.

Ms. Kilinski responded \$4,000.

D. District Manager

There being nothing to report, the next item followed.

E. Field Manager – Report

A copy of the operations report was included in the agenda package for the Board's review.

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Mr. Usina asked if staff can look at installing some sort of bush around the backside of the newly installed mirrors.

Mr. Lambert stated that he inquired about that and was quoted \$3,000, so if the Board would like that done, RMS will complete the install.

Mr. Cervelli asked when the pump will be repaired.

Mr. Lambert responded it's scheduled for the next week, but he will confirm.

F. Director of Amenities – Report

A copy of the amenities report was included in the agenda package for the Board's review.

Ms. Gunia informed the Board the roofing contractor is coming out the day following the meeting to inspect a new leak. She asked the Board if they were amenable to her seeking quotes for creating a door into the bathroom from her office in case of an emergency.

FIFTH ORDER OF BUSINESS

Business Items

A. Consideration of Request for Resident Block Party

Ms. Kilinski informed the Board that residents are asking to use District property to hold a block party. She recommended a one-page simple agreement that does not require insurance that would assign a point person for the party in case something happens on the property, or it needs to be repaired, and the resident would also provide a waiver and release of the District from responsibility for any permits or anything else they would need to hold the event.

There was no objection from the Board.

On MOTION by Mr. Usina, seconded by Mr. Lisotta, with all in favor, authorizing a resident block party subject to a simple agreement was approved 5-0.

B. Consideration of Proposals for Pruning Palm Trees

Three proposals for pruning the palm trees ranging from \$4,725 to \$7,000 were included in the agenda package for the Board's review.

On MOTION by Mr. Usina, seconded by Mr. Smith, with all in favor, the proposal from Tree Medic Tree Surgeons totaling \$5,360 was approved 5-0.

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Mr. Lisotta asked that Mr. Lambert inform the Board when the pruning is scheduled to start.

C. Update Regarding Cost Share – FEMA / Marshall Creek CDD

Mr. Cervelli stated that documents have been requested from Marshall Creek. He noted this is a cost share item that will be paid out of the Fiscal Year 2025 budget.

Ms. Kilinski stated that no evaluation can be made at this point because staff does not have all the documents yet.

The Board took a brief recess at this time. Upon reconvening, the following items were taken.

D. Consideration of Onda Park Related Matters

1. Discussion Regarding Proposal from Matthews DCCM for Design, Management and Certification of Onda Park Project

Mr. Usina asked if the Board can agree to what improvements are wanted after hearing resident feedback, provide that information to the engineer, and let them come up with a few concepts for the Board to approve.

Mr. Smith proposed adding a golf cart path that would lead from Las Calinas to the area on the left of the mailboxes, a multi-purpose field, a playground, swing sets, a pavilion with four picnic tables, and a full-size fenced basketball court as far away from the houses as possible.

Mr. Lisotta asked that the pavilion be removed from the plan.

Mr. Cervelli stated that he thought the takeaway from a recent meeting was that the residents were not okay with a fixed structure pavilion, but a shaded structure for parents to sit under near the playground is desired.

Mr. Lisotta stated that he thinks a pavilion for the purpose of gatherings and birthday parties will bring an issue of cars parking at the dead end. A few parking spots on Las Calinas between the home and the trees is a better option. He also commented that the Ensenada pavilion has had issues over the years with people hanging out and trash left behind.

Mr. Usina stated that there is a nice pavilion at Ensenada and suggesting putting a robust play structure for kids and something for smaller kids as the community does not already have that amenity.

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Mr. McGaffney stated that the Board previously took a roll-call vote on what items were desired. The only item that was unanimous was a play structure; four board members were in favor of a walking path with benches around it; four board members were in favor of soccer goals; and two board members were in favor of a pavilion.

Another roll call vote on improvements was taken with the following results: multi-use field, five in favor; walking path from Las Calinas to the mailboxes, four in favor; two double-swing sets without a shade structure, four in favor; playground structure, five in favor; benches and a bike rack, five in favor; fenced basketball court, five in favor; pavilion, two in favor; picnic tables, one in favor; benches with a shade structure, five in favor;

During the roll call a resident stated her objection to some of the park improvements.

Mr. Usina asked the engineer to provide two or three concepts for the park included the improvements the majority of the Board has agreed on.

Mr. Acree explained that the next steps are to come up with an engineered site plan that everybody is on board with, then engineering construction drawings, and obtaining permits and approval from St. Johns County and the water management district.

Mr. Usina stated that he would like to see an option that includes a four-space parking area around the mailboxes on Las Calinas.

Mr. Cervelli stated that he felt voting on parking now and getting county approval would slow the project down.

Mr. Acree stated that he doesn't see a concern with adding parking spaces as part of the scope and permitting it at the same time.

Mr. Cervelli asked how long Mr. Acree thinks it would take the County to approve the project.

Mr. Acree responded the first review is going to take three weeks and if they have any comments, those will be addressed, and a second review will take two to three weeks.

The Board directed Mr. Acree to create two concepts, one with parking and one without parking.

Ms. Kilinski asked if the Board was okay with utilizing an hourly rate for Mr. Acree's firm to draw up concepts as he was not sure of a not to exceed amount at the time.

There were no objections from the Board.

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On MOTION by Mr. Cervelli, seconded by Mr. Lisotta, with all in favor, authorizing Matthews DCCM to operate under the hourly rate to create two concepts for Onda Park to be presented at the next meeting was approved 5-0.

2. Discussion of Onda Park Project Scope, NTE and Appointment of a Supervisor for Project Oversight

Mr. Cervelli stated that Mr. Usina has done a lot of work on this project, and he’s interfaced with the residents, but he would prefer someone who has time to go through the project in detail with the engineer to move it along as fast as possible.

Mr. Usina nominated Mr. Smith to oversee the Onda Park project.

Mr. Lisotta asked Mr. Smith to work within the framework of the nuances the Board gave at the meeting.

On MOTION by Mr. Usina, seconded by Mr. Cervelli, with all in favor, appointing Mr. Smith to work with staff on the Onda Park project was approved 5-0.

Mr. Smith asked if the same amount of money as what was estimated for a pavilion can be used for a shade structure, approximately \$50,000-\$60,000.

Mr. Cervelli stated if a not to exceed is needed, he proposed approving a not to exceed for the entire project and how it is apportioned is accomplishing what the entire board agrees will come from the concepts that the engineer creates.

Mr. Lisotta reminded Mr. Smith that the project cannot go over budget.

The Board discussed the available funds and made the following motion.

On MOTION by Mr. Cervelli, seconded by Mr. Usina, with all in favor, authorizing an amount not to exceed \$340,000 for the Onda Park project was approved 5-0.

E. Comcast Update for Fitness Center and Guard Gates

The Board agreed that Supervisor Smith would review technology and Comcast concerns and make recommendations to the Board to consider.

This item was tabled.

SIXTH ORDER OF BUSINESS

Other Business

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There being none, the next item followed.

SEVENTH ORDER OF BUSINESS

Supervisor Requests / Public Comment

Mr. Cervelli asked the Board to think about two items. When a resident damages the security gates, should the District penalize them? The second item is fitness instructors in the fitness center are paid \$55,000 a year; should the District continue to pay for the service, or should the residents pay? These items will be added to the next agenda for discussion.

EIGHTH ORDER OF BUSINESS

Next Scheduled Meetings – Budget Workshop on March 21, 2024 at the Palencia Amenity Center, 625 Palencia Club Drive; Regular Board Meeting on Thursday, April 4, 2024 at 4:00 p.m. at the Fitness Center, 1865 N. Loop Parkway, St. Augustine, Florida 32095

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Usina, seconded by Mr. Lisotta, with all in favor, adjourning the meeting was approved 5-0.

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Jim Oliver
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Secretary/Assistant Secretary

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Ron Cervelli
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Chairman/Vice Chairman

**MINUTES OF MEETING
SWEETWATER CREEK
COMMUNITY DEVELOPMENT DISTRICT**

A workshop of the Board of Supervisors of the Sweetwater Creek Community Development District was held on **Thursday, March 21, 2024** at 4:00 p.m. at 625 Palencia Club Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Ron Cervelli	Chairman
John Smith	Vice Chairman
Rob Lisotta	Supervisor
Charles Usina	Supervisor
Stephen Handler	Supervisor

Also present were:

Howard McGaffney	District Manager, GMS
Erin Gunia	Director of Amenities, RMS
Dan Wright	RMS
Jerry Lambert	RMS
Jim Oliver	GMS

The following is a summary of the discussions taken at the March 21, 2024 Sweetwater Creek Community Development District's Board of Supervisors workshop.

FIRST ORDER OF BUSINESS

Roll Call

The workshop began at approximately 4:00 p.m. Four Board members were physically present.

SECOND ORDER OF BUSINESS

Discussion of the Fiscal Year 2025 Budget

Mr. McGaffney stated that he and the Chair reviewed the contractual agreements and the change in costs for taking over the amenity operations. He presented a document summarizing all the anticipated budget changes.

Mr. Cervelli stated that the financial health of Sweetwater Creek is not very good. There is \$191,000 in capital reserves and that will be cut into by \$50,000 for this year. If the boardwalk and proposed projects are not budgeted for separately, the balance of capital reserves would become \$41,000 next year.

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Mr. McGaffney noted the projection is an overall increase to the budget of approximately \$82,000 with the substantial changes due to the removal of use of surplus funds, a reimbursement owed to FEMA, an increase in pool chemicals, the addition of a budget for tree pruning, addition of facility management, an increase in the storm cleanup line item, and the addition of a park repairs and maintenance line item.

Mr. Usina recommended getting an updated capital reserve study.

The Board discussed possible increases in the landscape contract and the affect that may have on the budget.

THIRD ORDER OF BUSINESS

Public Comment

A resident commented that the FEMA issue is Marshall Creek’s mistake and to pay them for their mistake is a huge issue.

Mr. Lisotta stated that had they not filed for FEMA assistance and paid for the boardwalk themselves, Sweetwater would be paying for it anyway.

FOURTH ORDER OF BUSINESS

Next Scheduled Meeting – Thursday, April 4, 2023 at 4:00 p.m. at the Fitness Center, 1865 N. Loop Parkway, St. Augustine, Florida 32095

FIFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Smith, seconded by Mr. Usina, with all in favor, the workshop was adjourned at approximately 4:46 p.m.

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Jim Oliver
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Secretary/Assistant Secretary

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Ron Cervelli
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Chairman/Vice Chairman