

MINUTES OF MEETING
SIX MILE CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Six Mile Creek Community Development District was held on Wednesday, July 20, 2022 at 2:05 p.m. at the Renaissance World Golf Village Resort, 500 South Legacy Trail, St. Augustine, Florida.

Present and constituting a quorum were:

Gregg Kern	Chairman
Mike Taylor	Vice Chairman
Wendy Hartley	Supervisor
Blake Weatherly	Supervisor

Also, present were:

Jim Oliver	District Manager
Wes Haber <i>by phone</i>	District Counsel
Zach Brecht	District Engineer
Alex Boyer	Operations Manager
Joe Cornelison	Greenpointe

The following is a summary of the actions taken at the July 20, 2022 Six Mile Creek Community Development District's regular Board of Supervisor's Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Oliver called the meeting to order at 2:00 p.m. Four Supervisors were in attendance at the meeting constituting a quorum.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Oliver explained the comment protocol for audience comments and opened the floor to audience members. There were no public comments.

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THIRD ORDER OF BUSINESS

Approval of Minutes of the June 8, 2022 Meeting

Mr. Oliver asked for any comments or changes to the June 8, 2022 meeting minutes. The Board had no changes to the minutes.

On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, the Minutes of the June 8, 2022 Meeting, were approved.

FOURTH ORDER OF BUSINESS

Acceptance of Fiscal Year 2021 Audit Report

Mr. Oliver provided that as a unit of government in Florida, they were required to have an independent audit performed each year. He stated that this report was completed by an auditor that was selected through the RFP process as required by Chapter 218 of Florida statutes. He noted that the audit report was in the agenda package. He explained that it had been provided to the Auditor General of the state of Florida. He reviewed the audit report with the Board. He read over the opinion letter that the auditor wrote which stated, “In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of September 30, 2021, and the respective changes in financial position thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.”

Mr. Oliver reviewed the report for the internal control on page 28 of the agenda package. He read over the summarization of the internal control report which stated, “Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.” He also reviewed page 30 of the agenda package, which was the independent auditor’s report on compliance with the requirements of section 218.415 Florida Statutes report. He stated that the auditor wrote “In our opinion, the District complied, in all material respects, with the aforementioned requirements for the fiscal year ended September 30, 2021.”

Mr. Oliver explained the management letter, highlighting on the purposes of the management letter, which were the current year findings and recommendations, the status of prior year findings and recommendations, and compliance with the provisions of the Auditor General of the State of Florida. He reviewed the current year findings observation of the 2021 budget. He

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stated that the actual expenditures exceeded appropriations in the general fund for the fiscal year that ended on September 30, 2021. He explained that they had set a budget and through the year they had spent more than they had budgeted. He stated that a large amount of that was due to landscaping improvements that was funded by developer contributions. He stated that in the future, immediately after the close of the fiscal year, they would amend the budget to reflect that.

Mr. Oliver further discussed the compliance section of the audit report stating that the District had not met one or more of the financial emergency conditions which was described in Section 218.503 (1), Florida Statutes. He noted that this was good news and that they were not in a state of financial emergency.

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, Accepting the Fiscal Year 2021 Audit Report, was approved.

FIFTH ORDER OF BUSINESS

Discussion Regarding Fiscal Year 2023 Budget (August 17, 2022)

Mr. Oliver stated that the budget hearing would be August 17, 2022. He noted that they would have it at their current location in conjunction with their regular meeting. He also noted that there was no per unit increase for this year. He explained that it had increased in the budgeted amount and that the total budget for the District was covered by the additional platted lots. He stated that over the amount of time as the number of platted lots and total assessments increased, the developer contributions were to be reduced because eventually the District needed to be fully self-sufficient on the assessments that come in from all of the landowners within the District. He discussed that there would not be a mailed notice going out to the residents this year because there was no increase in assessments. He stated that the assessment hearing would be in the newspaper and that it would be posted to the website as well.

Mr. Kern stated that he had a question on the operating reserves that was now being funded. He further explained that it showed up under the amenity center category. Mr. Oliver stated that this was the first year that they were doing that. He explained that it was a projection of when those would come in to fully fund that. He also explained that it was the last thing that they funded as they go through the fiscal year. He noted that they monitor the assessments that come in from the tax collector. Mr. Kern stated that it appeared that they had zeroed out the repairs and maintenance budget presumably because that reserve account would function as available funds for repairs and

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maintenance. Mr. Boyer responded that there were two-line items for the same item and that they had just combined them into one. He explained that one of the repairs and maintenance should have an increase to it and the other should be zeroed out. Mr. Kern stated that he knew the capital projects had gone up, but the repairs and maintenance went from \$10,000 to zero, and the maintenance reserves had stayed at \$10,000. Mr. Taylor explained that it was under the management contract. Mr. Kern responded with clarification that it had went from \$15,000 to \$25,000, so that was where the \$10,000 went.

SIXTH ORDER OF BUSINESS**Consideration of Fitness Equipment Lease Agreement**

Mr. Taylor stated that he was working with legal counsel to make sure that the legal comments had been incorporated. He noted that they had narrowed down what would be the 4-year lease. He explained that this was for the existing facility, and that they would be replacing the old equipment with new equipment. He noted that it was a 4-year lease and was \$2,192.88. He noted that the initial down payment that was required was \$22,802.70. He explained that it would be the initial payment, and then the lease would start once the equipment was excepted. He gave a December timeframe for the equipment to be delivered. He also noted that it would be monitored as they go through the process with supply chain issues. He stated that he would like to make a motion to move forward with executing the lease NTE those numbers subject to incorporating comments from legal.

On MOTION by Mr. Taylor, seconded by Mr. Kern, with all in favor, Executing the Fitness Equipment Lease Agreement After Legal Review, was approved.

SEVENTH ORDER OF BUSINESS**Update Regarding Stormwater Needs Analysis**

Mr. Brecht stated that the report was completed and that the requested spreadsheet was filled out and sent to the county, which was then to be sent to the state for their assessment. He noted that there was nothing further for them to do at this time.

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EIGHTH ORDER OF BUSINESS

Ratification of Proposal/Contract from Environmental Resource Solutions (Phase 13 Permitting; East Phase 3, Phases 10 and 12 additional budget)

Mr. Kern stated that he had already approved this and that it was just typical permitting from the consultant.

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, the Proposal/Contract from Environmental Resource Solutions (Phase 13 Permitting; East Phase 3, Phases 10 and 12 Additional Budget), was ratified.

NINTH ORDER OF BUSINESS

Ratification of TECO Gas Agreement

Mr. Taylor stated that he had been talking with TECO Gas and this was for the Reverie Clubhouse. He noted that they had a heated pool component and some other functions that required gas. He explained that TECO was their provider and that they had entered into a Gas Service Agreement of which he asked the Board to ratify. He explained that it was to start the process of getting gas service to the building.

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, the TECO Gas Agreement, was ratified.

TENTH ORDER OF BUSINESS

Consideration of Agreement with Evergreen Lifestyles Management, LLC for Facility Attendant and Contract Administration of East Parcel Amenity

Mr. Oliver stated that they got the proposal from Evergreen Lifestyles Management, LLC and that their counsel had put it in the form of an agreement as an attachment. Mr. Taylor asked if the monthly amount was covered in the budget. Mr. Oliver responded yes; it was. He stated that under the billing and payment section on page 2 of the agenda showed that the monthly contractor fee was \$3,800. Mr. Kern noted that it was primarily services for the Reverie amenity center as well as for some field services. He stated that his only comment was to ensure that it was being billed through the Reverie O&M general fund. Mr. Taylor asked if the cancellation provision was a 30-day notice. Mr. Haber responded yes and that it was under item 11 on page 4 of the agenda which stated, "The District shall have the right to terminate this Agreement at any time due to

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Contractor's failure to perform in accordance with the terms of this Agreement or upon thirty (30) days written notice without cause.”

On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, the Agreement with Evergreen Lifestyle Management, LLC for Facility Attendant and Contract Administration of East Parcel Amenity, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-12, Designating Officers

Mr. Oliver stated that this was to allow additional people from his office to serve as Assistant Secretaries and Assistant Treasures with the District. He listed the additional people as Marilee Giles, Daniel Laughlin, and Darrin Mossing.

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, Resolution 2022-12, Designating Officers, was approved.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2022-13, Ratifying the RFP for Phase 12 Site Work

Mr. Brecht stated that they had went out to bid for the next phase of TrailMark Phase 12 and that they had put an RFP on the street in June for bids to come back in the beginning of August to start the process. He noted that with the current fluctuation in construction prices and how things kept increasing, they felt that it was best to get the RFP on the street to start soliciting bids from contractors to perform that work. He stated that attached to the resolution was the RFP that was advertised in the newspaper along with a copy of the evaluation criteria that would be used to evaluate bids when they come back. He stated that the evaluation criteria were the same that they had used for all of the other phases within this District. He noted that there were no changes as far as point values went of what was being contemplated. He stated that once they get them back at the beginning of August, they would evaluate them more and present them to the Board at the August meeting.

On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, Resolution 2022-13 Ratifying the RFP for Phase 12 Site Work, was approved.

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THIRTEENTH ORDER OF BUSINESS**Consideration of Resolution 2022-14,
Designating Registered Agent**

Mr. Oliver stated that this resolution designated Wesley Haber as a registered agent for Six Mile Creek Community Development District as well as Kutak Rock LLP Tallahassee as a registered agent.

On MOTION by Mr. Taylor, seconded by Mr. Weatherly, with all in favor, Resolution 2022-14 Designating Registered Agent, was approved.

FOURTEENTH ORDER OF BUSINESS**Consideration of Resolution 2022-15,
Declaring Assessments and Setting a
Hearing for Expansion Parcel**

Mr. Haber stated that when they issued the last series of bonds, which was for Area 3 and Phase 2 bonds, the methodology that was adopted at that time contemplated that those bonds would be secured by certain property within the District. He noted that if that property was the only property to secure it, assessments would be at a certain level. He also noted that he recognized the fact that there were some lots that were in the expansion parcel to be added to the CDD. He noted that if the expansion parcel was successfully added to the CDD, which it had been, the District would supplement the methodology to extend the assessments to the expansion parcel to cover the additional lots within the expansion parcel that were to also secure those bonds. He explained that in order to do that, it was necessary for the CDD to go through the same process that it goes through when it levies assessments to originally secure the bonds, which was to adopt a resolution and to set a public hearing date for the Board to consider a formal resolution levying the assessments. He discussed that the resolution that they had in the agenda package was the beginning of that process to extend the assessments to the expansion parcel for the purpose of securing those bonds. He noted that all they were looking for on this day was for the approval of the resolution and to choose a date for the public hearing. He stated that because the notice requirements for that public hearing required a 30-day mailed notice to the property owner, it was their recommendation to choose their September meeting for the hearing date to make sure that there was plenty of time to get the notice sent out in a timely fashion. He stated that he was happy to answer any questions regarding the resolution or the exhibits. He stated that the exhibits were the same as the engineer's report that

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was included on the original issue of the bonds. He noted that the Board had already approved the engineer's report. He discussed the supplement to the methodology that was finalized and circulated on this day. He recommended to do a motion of approval for this resolution and to authorize their Chairman to work with the engineer and GMS to finalize the methodology that would ultimately be used for the notices and then included in the final resolution levying the assessments. He stated that he would be happy to answer any questions. Hearing none, Mr. Oliver stated that the hearing date would be September 21, 2022.

On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, Resolution 2022-15 Declaring Assessments and Setting a Hearing for Expansion Parcel, was approved.

FIFTEENTH ORDER OF BUSINESS

Conservation Easement to SJRWMD

A. Ratification of Special Warranty Deed

B. Ratification of Resolution 2022-16, Approving a Conservation Easement for SJRWMD

Mr. Haber stated that in order to get the approval of the various permits that get put in place to allow for the development of the project within the District, the Water Management District required that certain property be set aside and encumbered by a conservation easement. He explained that meant that the property could not be developed, but rather it would remain in the state of preservation. He explained that between meetings, it was determined that a conservation easement was needed and that the property that would be subject to the conservation easement that was owned by both the developer and the CDD. He stated that the ultimate final goal would be that the CDD would own all the conservation property. He noted that in order to make the process of recording the conservation easement cleaner, there were two steps to take. He noted that the first step was to have the developer convey all of the conservation property to the CDD, so that the CDD would become the owner of the property. He noted that the second step was for the CDD to approve the easement agreeing to hold that property in conservation and to not develop the property. He noted that the Water Management District wanted the evidence of that through a resolution, but the Chairman sign between meetings. He stated that the motion that they were looking for was a ratification motion. He further explained that it was ratification of the acceptance of the deed from the developer for the conservation property as well as a ratification of the resolution, which authorized the conservation easement from the CDD to the Water Management

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District agreeing that the property would remain in conservation. Mr. Kern stated that this was related to Phase 10.

On MOTION by Mr. Taylor, seconded by Mr. Kern, with all in favor, Ratification of Special Warranty Deed, was ratified.
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On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, Resolution 2022-16, Approving a Conservation Easement for SJRWMD, was ratified.

SIXTEENTH ORDER OF BUSINESS

Consideration of License Agreement for Installation of Improvements

Mr. Haber stated that the License Agreement stemmed from requests that the HOA had received from homeowners in the community that wanted to construct improvements within either the access easements or the drainage easements that were identified on a plat. He explained that typically those improvements were fences but could be irrigation or other improvements. He noted that when the HOA gets these requests, the HOA then makes the CDD aware of the fact that the request has been made. He added that often the HOA wanted confirmation that the CDD approved of the improvements being built in the easement. He stated that upon getting that from the HOA, the CDD staff would look at the area, look at the easement, and confirm with the engineer to make sure that constructing the improvements in that area would not affect the functionality or the ability to operate and maintain any improvements that may be within or adjacent to the easement areas. If that conclusion was made that the installation of the improvements would not, the District asked that the property owner sign the License Agreement that was included in the agenda package. He explained that the License Agreement granted the homeowner the right to install the improvements within the easement area and then it numerates various obligations on the part of the homeowner as it related to obligations that the homeowner had to essentially remove the improvements at the homeowners' expense, if the CDD in the future needed to use that easement area. He stated that in discussing this topic with Mr. Kern between meetings, they wanted to have the Board to approve a motion that allowed staff to deal with these requests between meetings and authorizing their Chairman to work with staff to do the requisite review to determine whether authorizing the improvements to be constructed in the easement and then if signing this agreement would be appropriate. If so, to have their District manager sign these documents without further review or

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approval by the Board, but rather delegating authority to staff and their District manager to sign the document. He discussed the purposes of this meeting because they didn't have the Board authority that they were looking for. He discussed the ratification of the document that was included in the agenda package. He noted that separate from that was the discussion of whether they were interested in delegating that authority to allow these types of requests and processes to be handled at the staff level rather than for each event to be brought to the Board. Mr. Taylor asked if the License Agreement continued with the land. Mr. Haber stated yes, the License Agreement was to be recorded in the public records of St. Johns County. He noted that it would run with the land and if the home was sold, then the new homeowner would be required to fulfill the obligations in the agreement.

On MOTION by Mr. Taylor, seconded by Mr. Kern, with all in favor, the Rivera Ratification of License Agreement for Installation of Improvements, was approved.

On MOTION by Mr. Taylor, seconded by Mr. Kern, with all in favor, Authorizing the District Manager to Sign License Agreement to be Approved in Substantial Form, was approved.

SEVENTEENTH ORDER OF BUSINESS**Other Business**

There being none, the next item followed.

EIGHTEENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Haber noted that he had nothing further to add.

B. Engineer

- 1. Ratification of Requisitions 156 – 157 2020 Assessment Area 2, Phase 3A (East Parcel Phase 1)**
- 2. Consideration of Requisitions 158 – 159 2020 Assessment Area 2, Phase 3A (East Parcel Phase 1)**
- 3. Ratification of Requisitions 135 – 141 2021 Capital Improvement Review Bonds, Assessment Area 3, Phase 1 (Phases 9 & 11)**
- 4. Consideration of Requisitions 142 – 147 2021 Capital Improvement Review Bonds, Assessment Area 3, Phase 1 (Phases 9 & 11)**

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5. **Ratification of Requisition 22 – 25 2021 Capital Improvement Revenue Bonds, Assessment Area 3, Phase 2 (Phase 10)**
6. **Consideration of Requisition 26 2021 Capital Improvement Revenue Bonds, Assessment Area 3, Phase 2 (Phase 10)**
7. **Ratification of Requisitions 45 – 50 2021 Capital Improvement and Refunding Revenue Bonds (AA2, Phase 3B)(East Parcel Phase 2)**
8. **Consideration of Requisitions 51 – 58 2021 Capital Improvement and Refunding Revenue Bonds (AA2, Phase 3B)(East Parcel Phase 2)**

Mr. Brecht stated that the requisitions total was \$3,735,905.53. He stated that he would be happy to answer any questions about any of the requisitions listed. Hearing none,

On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, the Requisition Summary, was approved as presented.

9. Ratification of Work Authorization No. 67 TrailMark Phase 12 Construction Services

Mr. Brecht stated that this was for ETM to prepare the RFP documents and go through the process for the contractors to receive bids to present to the Board. He noted that the work authorization was an hourly contract with a NTE budget of \$10,000.

On MOTION by Mr. Kern, seconded by Mr. Taylor, with all in favor, Work Authorization No. 67 TrailMark Phase 12 Construction Services, was ratified.

C. Manager – Discussion of Fiscal Year 2023 Meeting Schedule

Mr. Oliver stated they were required to approve an annual meeting schedule. He suggested the third Wednesday of each month at 2:00 p.m. in their current location.

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, the Fiscal Year 2023 Meeting Schedule for the Third Wednesday of the Month, was approved as presented.

D. Operations / Amenity Manager – Report

Mr. Boyer reviewed the Operations/Amenity Managers Report. He discussed some of the items that they had worked on over the last several months. One was some drainage issues in the woman's restroom at the welcome center. Another was that the fitness center/welcome center

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project had been completed. He also discussed that the crosswalk that they had discussed previously had been cut back. He discussed the dead trees issue stating that there were several dead trees that they had to address recently, especially in the preserve area.

Mr. Boyer reviewed some events that they had coming up. One was a Florida nature discussion on July 23, 2022. Another event on July 23, 2022 was a live music festival. He noted that on August 4, 2022, they were going to have high school and middle school bingo night. August 6th was a back-to-school bash for various ages of school children. He discussed that there was another event coming up on October 8th.

On MOTION by Mr. Taylor, seconded by Mr. Weatherly, with all in favor, the Proposal from Tree Amigos for Lake Bank Mowing, was approved as presented.

NINETEENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

A member of the audience, Ms. Newman, discussed some fence proposals with the Board. Mr. Kern stated that the Board would have to ask the District engineer to explore the permitting that may be required. He also noted that they would need to decide on how they were going to potentially consider funding the project as well. He noted that they would need to consider the operations and maintenance part of it too. Mr. Kern stated that he checked the property records, and that area was not owned by the CDD, but owned by the developer. He stated that he would start this conversation with the developer though. He also stated that he would look around to see if there were other potential areas for the garden as well.

Another member of the audience stated that there was a path that ran next to the parking lot by the amenity center that led to a path that goes between the volleyball and golf course where there was a branch that stuck out across the path. She asked if this branch could be cut. The Board responded that they would look at it.

Another member of the public asked the Board about cleaning up some shrubs on Black Creek. Mr. Boyer stated that there was some conversation on how it was best to proceed with this and what it would cost.

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TWENTIETH ORDER OF BUSINESS Financial Reports

A. Balance Sheet as of May 31, 2022 and Statement of Revenues and Expenses for the Period Ending May 31, 2022

Mr. Oliver presented the financials to the Board, noting there was no action needed. He commented on the landscaping and the water irrigation, which were large parts of the costs.

B. Assessment Receipt Schedule

Mr. Oliver noted that they were 99% collected at this time.

C. Check Register

Mr. Oliver presented the check register and after discussion with the Board, he asked for a motion to approve.

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, the Check Register, was approved.

TWENTY-FIRST ORDER OF BUSINESS Next Scheduled Meeting – August 17, 2022 at 2:00 p.m.

Mr. Oliver noted that the next regular meeting date will be August 17, 2022, at 2:00 p.m. at their current location.

TWENTY-SECOND ORDER OF BUSINESS Adjournment

On MOTION by Mr. Kern, seconded by Mr. Weatherly, with all in favor, the meeting was adjourned.

DocuSigned by:
James Oliver
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Secretary/Assistant Secretary

DocuSigned by:
Gregg Kern
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Chairman/Vice Chairman