

**MINUTES OF MEETING**

**CROSS CREEK COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS MEETING**

**Tuesday, January 24, 2023, at 11:00 a.m.**

**Holiday Inn Sarasota-Airport 8009 15th Street East, Sarasota, FL 34243**

Board Members Present were:

Charlie Tokarz	Chairperson
Connor Chambers	Vice Chairperson
Kathy Beccia	Assistant Secretary
Lianna Litwin	Assistant Secretary
Bruce Stolarz	Assistant Secretary

Also present were:

Venessa Ripoll	District Manager - PFM Group Consulting LLC
Vivian Carvalho	District Manager- PFM Group Consulting LLC (via phone)
Jorge Jimenez	PFM Group Consulting LLC (via phone)
Amy Champagne	PFM Group Consulting LLC (via phone)
Andy Cohen	District Counsel- Persson Cohen & Mooney, P.A.
Charlie McKinnies	Medallion Home
Gabby Baca	Medallion Home
Andrew Irick	Medallion Home
Bill Gipp	LMP
Chris Berry	LMP

**FIRST ORDER OF BUSINESS**

**Organizational Matters**

**Call to Order and Roll Call**

Ms. Ripoll called the meeting to order at 11:12 a.m. and confirmed quorum.

**Public Comment Period**

No Public Comments.

**Consideration of the Minutes of  
the November 22, 2022, Board of  
Supervisors' Meeting**

The Board reviewed the minutes. Mr. Cohen had corrections that District Staff will be correcting.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board approved the Minutes of the November 22, 2022, Board of Supervisors' Meeting with corrections by District Counsel.

## **SECOND ORDER OF BUSINESS**

### **Business Matters**

#### **Discussion of Storage Room**

Ms. Litwin stated the district has the storage room that has been utilized for the last few years for Medallion Homes purposes as their construction office. However, there was no agreement put into place for such usage. The residents would like to be able to use that room. Ms. Litwin noted she went into the model home for Medallion Home and she was told that there are no lots left available to sell inside of Cross Creek and that room was being utilized for construction developer representatives for surrounding properties. She stated that since the storage room is a part of the Cross Creek CDD and the district amenity center, Ms. Litwin feels it would be appropriate for Medallion Home to move their things out of there. The district is paying for the electricity associated to the room with no contribution from the developer. Ms. Litwin stated she had talked with Mr. Berry when her and Ms. Ripoll met in December and had asked that they move out of there so members of the district could put all of their storage items in there like Christmas items that were purchased. Members of the District talked about maybe making it into a workout area. The community that is right over the bridge is replacing all their equipment and they said that they would gift the district some workout equipment to put in there. So, the residents would like to have that storage area back for their use.

Ms. Beccia noted just for everyone's information she confirmed and verified no one from Medallion Home is utilizing that space. She stated there are documents in the room which she has coordinated with the construction team and Medallion Home staff to clear everything out from the room. She confirmed there are no subcontractors and or trades that have been using the space.

Mr. Stolarz asked for a target date when all items will be cleared from the room.

Ms. Beccia stated she might be able to get it done today. She noted that she is in the process of texting the construction team back and forth, so they are trying to get it done this week. Once it's all done, she will let Venessa know so she can notify and update everyone.

Ms. Litwin asked once that happens, is it possible to switch that lock that is there for a key fob so that people have access to it? She noted that she also was gifted some commercial big umbrellas so the district will have umbrellas for the tables, but to use that area for residents to put the umbrellas, when there are storms there will be a place to put them.

Mr. Cohen asked who would have access to it? He noted he has a liability concern if nobody is there could kids be getting in there sleeping or doing things in there.

Ms. Litwin stated with the fob it will be the same access as getting into the bathrooms so, residents would be able to open the storage room door to get in there.

Mr. Cohen stated he thinks it might be better just a code lock or something that only the Board members and people who are authorized have the code for.

Ms. Litwin stated the area that has all the electronics is behind a separate closed locked door, so that is not really a big worry to go in there the district could add a video camera into that space since the District already has video cameras, other than that, the only other room that is opened is the air conditioner. That's the only other thing that's in there besides the Christmas decorations.

Ms. Litwin stated that's where the District's security comes into place, the current security vendor hasn't really been reporting anything that's happening, even though residents know that there's a lot of people accessing that area that should not be.

Ms. Litwin stated it's something that the Board could figure out as long as the District has that option of having that area back since the residents pay for it, she thinks that it's a step in the right direction.

Mr. Chambers asked if Ms. Baca could commit to having the storage room cleaned out by the end of next week?

Ms. Baca said she could commit to having the storage room cleared by the end of next week and she will communicate with Ms. Ripoll when it is done.

#### **Discussion of Perimeters of Willow/ Laurel Responsibility under License Agreement**

Ms. Litwin stated she met with Ms. Ripoll and Mr. Chavez on December the 5th and they walked that area. There were a lot of questions of responsibility on that area and she hadn't heard back from Mr. Berry on any of the questions that she had on it. The previous Board had approved this license agreement; however, it doesn't go into any detail of what exactly is the responsibility of the Willows and the Laurels. The District has electricity for all those street poles that are on that property, the irrigation which at the time December 5th Mr. Berry said within 30 days he thought that they would be on their own pump. Ms. Litwin asked does District staff know if that happened because that was almost two months ago?

Ms. Litwin noted the District's pump is in very bad condition, it is extremely noisy, it sounds like it's going to blow up and it spews water everywhere. This licensed area is being watered several times a day because of all the new landscaping which is putting a great deal of taxing on the District's irrigation system. Ms. Litwin stated she isn't sure why the District gave them the license agreement to use the property without having all this stuff set up into place prior. Right now it is costing the residents of Cross Creek CDD money to take care of their electricity for the street poles that are on that property, their irrigation, and the taxing on the pump. The District was paying for several months to Brightview to do the landscaping on that area, that has since been switched. Ms. Litwin noted she did

ask Mr. Chavez to come up with some type of agreement to get paid back what the residents have been taking care of as Cross Creek CDD on that licensed piece of property that the residents should not have been paying anything for. As far as the license agreement goes, what Ms. Litwin had asked Mr. Chavez when he and Ms. Ripoll had met was that the District does an addendum or amend that license agreement to include more detail. Ms. Litwin stated she wouldn't want the residents to have to fight with the HOA for the Willows and Laurels because it is not stated in the license agreement who is responsible for the electricity, street poles repairs that are on licensed property, who is responsible for irrigation, and who is responsible for the other side of the sidewalk. There are also areas that are not in the license agreement, but it looks like they're going to be putting some things in there where there is going to have to be some type of landscaping or additional fence that is still the Cross Creek CDD property.

Ms. Litwin asked if anyone knows if they are still running off the District's irrigation or if they put in their own pump.

Mr. Chambers stated he agrees completely that the Hoover Pump Station is in need of either major renovations or replacement, it is in very bad shape and Mr. Seibert has done a very good job keep it running. He noted on the question of the license agreement that he appreciates the fact that the developer did step forward to offer to take care of and maintain the landscaping and irrigation along the main streets, but those areas would have been the CDD's responsibility anyway, just by the way the community was originally designed. Mr. Chambers asked would the Board entertain comments from Mr. Irick just to answer some of their questions about how quickly or soon the irrigation for those Phases 1D and F will be undertaken.

Mr. Irick stated just to kind of recap what Mr. Chambers was talking about Medallion has come in a situation where the rights of way for the roads at Silkwood Dr. and Creekside, those rights of way are CDD responsibilities. What Medallion has done with the license agreement, is Medallion has agreed that instead of the CDD mowing the grass on that one side of Silkwood and Creekside instead of the CDD handling the maintenance of the grass and the landscaping that was added that the HOA would take over the responsibility and the cost of that maintenance now. He noted that the Board members are totally correct that there is irrigation taking place right now using the CDD water, that might be a little bit in excess of what would have been the CDD responsibility. Mr. Irick stated it's his understanding that the HOA or Medallion home has taken over the mowing responsibility already.

Mr. Stolarz asked are they also going to mow from the sidewalk to the street poles?

Mr. Irick stated that it is his understanding that mowing from the sidewalk to the street poles will be done, and that he believes the license agreement addresses it in exhibit A.

Ms. Litwin stated it does not and that is one of the reasons that she felt like it needs to say exactly what the responsibility is, because even on the exhibit it does not show clearly where the area ends and begins.

District staff provided a picture of the area that is in question.

Ms. Litwin noted the sidewalk is not depicted on the photo.

Mr. Irick stated the easement is for the 20 feet from the sidewalk to the property line. It doesn't include the sidewalk, and it doesn't include the strip.

Ms. Litwin stated when she and District staff met with Mr. Berry, he said it would absolutely include the area.

Mr. Irick stated he will readdress the issue with Mr. Berry but right now the exhibit the way it's attached to the license agreement is from the sidewalk to the property line. He noted that was and is a CDD responsibility that in the license agreement is being taken over by the Association. The cost of mowing that area from the sidewalk to the property line is now going to be an Association cost.

Mr. Stolarz stated that even if the Association was going to take it over, the CDD would have to bill Medallion Homes for the new landscaped area.

Ms. Baca stated right now the contract Medallion has for the new HOA's continual maintenance, that strip is included in that contract so, the CDD is not paying for that strip between the street and the sidewalk, technically that space is actually County owned.

Ms. Litwin stated that's her point, with a contract everything should be clearly spelled out.

Ms. Baca suggested that an amendment could be done to include the strip in question.

Discussion ensued about the light poles and the responsibility of maintaining them.

Mr. Cohen went over the legalities of the license agreement.

Mr. Cohen stated the irrigation needs to be discussed because CDD water is being utilized to do this enhanced landscaping which the District did not contemplate in the agreement.

Mr. Chambers asked the Board if the streets are the property of the CDD or the County. Ms. Litwin stated she has been in communication with the County and the roads are owned by the County.

Discussion ensued about the stormwater drains.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with three in favor and two opposed, the Board approved the streetlights to stay as the CDDs responsibility.

Mr. Tokarz stated if the water is being used there needs to be reasonable or appropriate compensation given to the District.

Mr. Irick stated he is responsible for managing the switch over the water to the HOA but there has been a delay in the availability of the materials for the electricians. He noted he should be hearing back in the next week or two.

Mr. Tokarz requested that Mr. Irick provide a schedule of when the watering started and when it will end, what the estimated consumption of water has been and will be, as well

as what the basis is for that estimate, and a proposal of how much the HOA intends to pay the CDD for that usage of water. He said that the Board would then consider that at the earliest appropriate time.

Mr. Cohen stated that in the amendments to the agreement he will confirm that the HOA will be paying for the water and irrigation from their own source.

Discussion ensued about getting a map of the District that everyone can agree upon.

**Ratification of Payment  
Authorizations 179-185**

The Board reviewed the Payment Authorizations.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with all in favor, the Board ratified payment authorizations 179 - 185.

**Review of District Financial  
Statements**

The Board reviewed the financial statements.

**THIRD ORDER OF BUSINESS**

**Other Business**

**Staff Reports**

**District Counsel-** Mr. Cohen stated the District did a contract with LMP and they took over on January 1<sup>st</sup>. He also noted there was an exchange of emails with BrightView, who felt that they were owed some funds, but District Counsel pushed back on that because they did not have a contract with the District, they had a contract with the HOA which was never even signed by BrightView.

**District Engineer-** Not present.

**District Manager-** Ms. Ripoll stated the next meeting is February 28, 2023, at 11:00 a.m.  
Ms. Ripoll noted the removal of the Red Cedar trees has started and LMP has been approved to replace them. There is also a white fence at the amenity center that has been down and will be taken care of by the end of the week.

**FOURTH ORDER OF BUSINESS**

**Supervisor Requests and  
Audience Comments**

Mr. Stolarz asked about where tracts V and C1 are located. Mr. Cohen stated he reached out to the real estate counsel for the Medallions, he stated that the previously discussed quit claim deed was never done, so the property was never conveyed so those slivers remained a part of the CDD. That area still lays within that plat area so that's why the Chair signed the plat due to that area being owned by the CDD.

Ms. Litwin mentioned that residents have been talking about the trees around the ponds. She asked if that is something LMP could look into. Mr. Gipp stated he could give a proposal on that.

**FIFTH ORDER OF BUSINESS**

**Adjournment**

There was no other business to discuss. Ms. Ripoll requested a motion to adjourn the meeting.

On MOTION by Ms. Beccia, seconded by Mr. Chambers, with all in favor, the Board adjourned the January 24, 2023, Board of Supervisors Meeting for Cross Creek Community Development District at 12:16 p.m.

  
Secretary/Assistant Secretary

  
Chairperson/ Vice Chairperson