

**MINUTES OF MEETING**

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

**Tuesday, July 25, 2023, at 11:00 a.m.**

**Hampton Inn & Suites Sarasota/ Bradenton – Airport  
975 University Parkway, Sarasota, FL, 34243**

Board Members Present were:

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

Also present were:

Venessa Ripoll	District Manager - PFM Group Consulting LLC
Vivian Carvalho	District Manager - PFM Group Consulting LLC
Kwame Jackson	PFM Group Consulting LLC (via WebEx)
Andy Cohen	District Counsel- Persson Cohen & Mooney, P.A.
Charlie McKinnies	Medallion Home
Chris Chavez	Medallion Home

Various audience members via WebEx and in-person.

**FIRST ORDER OF BUSINESS**

**Organizational Matters**

**Call to Order and Roll Call**

Ms. Ripoll called the meeting to order at 11:04 a.m. and confirmed quorum.

**SECOND ORDER OF BUSINESS**

**Business Matters**

**Consideration of Landowner's  
Offer to Purchase of CDD Slivers  
and Other Property**

Mr. Tokarz stated the District has some areas of property that have been in question. The District has tried to do a license agreement but the Board hasn't agreed.

Mr. Cohen stated there is a license agreement but as a group the Board decided that there were issues with the current one in place, so District staff worked on a corrective license agreement which was never finalized. He noted there is a holder license agreement in place.

Mr. Tokarz stated there is a current emergency situation where someone is 'turning dirt' on property that belongs to the CCD. Mr. Tokarz stated he has an offer based on an AIA

appraisal to purchase the slivers that were licensed and to purchase the property where the development is going on to build the road.

Mr. Stolarz asked who approved the 'turning of the dirt'.

Mr. Tokarz answered that the developer got permitted by the County.

Ms. Litwin noted after talking to the County, she was told that the County doesn't verify the owner of the property, but just goes by what the developer has listed.

Mr. Tokarz stated he is proposing as his second motion, that the Board orders a second appraisal of the land and get another viewpoint on it. At that point, if there's a big discrepancy, counsel and the District manager can be asked to renegotiate the price that the Landowner has paid for the property. Mr. Tokarz noted his first motion would be to accept the offer based on this appraisal to buy those pieces of property and get them out of emergency status. The appraisal for the properties came in at \$11,716.00.

Discussion ensued regarding the land that is being appraised.

Mr. Stolarz asked about how the irrigation is going to work with this sale of these parcels.

Discussion ensued regarding the responsibilities of the lands and how something needs to be in place to make sure water is equally allocated.

Mr. Cohen stated in the corrective license agreement District staff stated any and all irrigation infrastructure located within the CDD tract shall be maintained by the licensee, which was the HOA with the Medallion entity at its cost. Mr. Cohen stated District staff had provided for that but did not recognize the fact that the infrastructure was within the CDD.

Mr. Stolarz and Ms. Litwin noted that the Board would want to look at the proposal more in-depth before moving forward.

Discussion ensued regarding the pond that was emptied without the Board's consideration.

Mr. Chambers stated he feels like this is an effort from Medallion to complete the community. Mr. Chambers read a section of the landscape plan that states the declarant reserves the right to make modifications, changes or deletions to the landscaping and landscape buffers of the initial property subject to the declaration upon the addition of future phases to the development and the development of adjacent subdivisions within Cross Creek CDD. He noted his point is that additional changes or modifications are consistent with the original plan of the community.

Mr. Stolarz stated the original community was 1,282 units and Medallion made a decision to cut it down to 340. He also asked what benefit is it to the CDD to sell that parcel to Medallion.

Ms. Litwin stated she has no problem with the parcels being sold, but it has to be to the benefit of the CDD being that the homeowners have paid out a lot of money and have suffered enough.

Discussion ensued regarding whether or not there is a benefit to the CDD selling the parcel to Medallion.

Ms. Litwin asked how many acres of land the parcel in question is.

Mr. Chambers stated that it's roughly two acres.

The Board discussed the appraisal as it compares to the current cost to purchase that amount of land in the county.

Mr. Cohen stated that he agrees that the CDD should obtain their own appraisal to maximize what the CDD can get for the property.

Mr. Tokarz noted that the two motions are, number one, to accept the offer and sell the property to the Developer, and number two, to get a second appraisal done and renegotiate the price with the Developer.

Ms. Litwin stated she recommends having the developers stop their work and wait while the CDD gets their own appraisal, and at the point decide what's best for the Community.

Ms. Litwin noted that the documents presented for the sale of the parcels was just provided to the Board and she hasn't had a chance to review them. She stated she won't be able to make a vote until she is able to review the documents.

Discussion ensued regarding changes to the Board with the change in the number of homes in the community.

Mr. Cohen stated Mr. Chambers handed him a proposed Quit Claim Deed in anticipation of whether the Board was going to convey this or not. He stated he needs direction on what to do with it. He noted he briefly looked at it but hasn't had an opportunity to fully review it yet, and based on the fact that this Board, by a three to two vote, voted to sell the parcel, then he is assuming that he will be reviewing this deed, providing comments and moving forward with it.

Ms. Litwin stated she wants to know how this falls under the Sunshine Law being that items seem to be being discussed outside of the Board meetings.

Mr. Stolarz stated the document was drafted due to the appraisal.

Discussion ensued regarding the responsibility of irrigation, streetlights, the gazebo, and parcel three.

Ms. Carvalho stated District staff will confirm if there's any maintenance related or just consumption. If there is consumption, then depending on how many lights are in that area, District staff will have to carve that out because there will be a saving, or a shift, or

depending on how invasive it is between the District and the HOA for that component, could there be a potential cost share agreement between both entities.

Ms. Litwin asked what is the District going to do about the irrigation, streetlights and the ongoing issues in the community.

Mr. Cohen stated District management is going to investigate the billing and see what is included therein, and the potential of being able to get a submeter for the electric. If not, then the Board will need to discuss some sort of allocation amongst the parties, a formal agreement.

Discussion ensued regarding switching the irrigation over to the HOA lines.

The Board agreed to look into this.

The Board discussed moving the gazebo if that is an option.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with two opposed, the Board accepted the AIA appraisal to sell the parcels to the Developer for the amount of \$11,716.00.

On MOTION by Mr. Tokarz, seconded by Mr. Chambers, with one opposed, the Board approved District staff to get a second appraisal, and if the price is lower authorizing District staff and District counsel the ability to renegotiate the price with the Developer and bring that back to the Board for consideration. On

#### **Public Comment Period**

Mr. Pines stated he feels like Medallion is forcing the CDD to sell the property.

Ms. Bomer stated she is very disappointed by the arrogance of the Developer and also disappointed by the CDD that this has been 'swept this under the rug' for a bit. She noted she also questions the legality of the Developer claiming that the property was theirs when the Developer submitted to SWFWMD and the county. Ms. Dover also asked about the gazebo being moved. She asked if the Developer be resubmitting to SWFWMD and the county now that the parcel ownership will change.

Ms. Ripoll acknowledged the homeowner's concern and advised it would be looked into as the Board will be looking at the Fiscal Year schedule at the August meeting.

Mr. Pines stated that he is having a hard time with the fact that he may have to pay \$700.00 for a pump when he just purchased his home. He stated Medallion should have made him aware of this before selling him the home.

## **Discussion of the Irrigation, Pump System and Landscaping**

Mr. Chavez stated District staff has engaged a landscape architect named Kurt Crist to design this system, District staff got proposals from two different landscape architects. Crist proposal was \$500.00 the other proposal came in at a not-to-exceed amount of \$5,000.00. Kurt Crist is designing a system, with anticipation of having his design by the end of this week. This is for a dual pump system, and it will be a design that the District can then take to three different irrigation or pump contractors to get a apples to apples proposal. He noted the plan is to have the scope from the architect then get it out to bid with requests to have the numbers back by the following Friday in hopes of having everything ready for the August meeting.

Mr. Chavez stated in speaking with Davis Construction on the landscaping sections, there is two locations and the other one was the parcel that is South of the entrance at Fort Hamer. He stated he sent an email a month ago with a graphic showing that there's an area that's being mowed. He is waiting on a reply from Davis Construction.

The Board discussed the bank loan from Synovus Bank and the steps needed from the CDD on their end.

Ms. Litwin stated the irrigation system has been down since the last week of March, homeowners have tried to tie into the Laurel system, which has not worked out very well. She noted that she tried using it on Monday and it just dripped out of the ground, and other homeowners have had issues as well. Ms. Litwin stated with the amount of money the homeowners have spent in damages they could have already got the pump. She stated she feels the Board should choose from the bids that the Board already has.

Discussion ensued regarding waiting on other proposals or moving forward with the proposals the Board has already been presented.

The Board discussed the option to have a special meeting instead of waiting to the August meeting to discuss the information received from the landscape architect.

## **Ratification of Payment Authorization Nos. 211-213**

This item was moved to the next Board meeting.

## **THIRD ORDER OF BUSINESS**

### **Other Business**

### **Staff Reports**

**District Counsel-** No report.

**District Engineer-** Not present.

**District Manager-** Ms. Ripoll stated once she receives the information from Mr. Chavez she will collectively send to the Board and if there is a need to schedule a meeting, she will contact everyone. She also noted the next scheduled meeting is budget meeting in August.

**FOURTH ORDER OF BUSINESS**

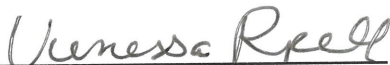
**Supervisor Requests and  
Audience Comments**

**FIFTH ORDER OF BUSINESS**

**Adjournment**

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 July 25, 2023, Board of Supervisors' Meeting for Cross Creek Community Development District.

  
Secretary/Assistant Secretary

  
Chairperson/Vice Chairperson