

MINUTES OF MEETING
BRANDY CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Brandy Creek Community Development District was held on Wednesday, January 12, 2022 at 6:30 p.m. at the Johns Creek Phase 2 Amenity Center, 251 Huffner Hill Circle, St. Augustine, FL 32092.

Present and constituting a quorum were:

Meredith Payne (<i>via phone</i>)	Chairman
Barbara Little	Vice Chairperson
Alton Chamberlain	Supervisor
Clarence Blalock	Supervisor
Shawn Jolly	Supervisor

Also present were:

Jim Oliver	District Manager
Mike Eckert	District Counsel
Jim Masters	Operations Manager - Vesta
Jennifer Meadows	Assistant Manager - Vesta
Dan Fagen	Vesta Property Services
Resident	

The following is a summary of the discussions and actions taken at the January 12, 2022 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Payne called the meeting to order at 6:30 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comment

There being none, the next item followed.

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THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 10, 2021 Meeting

On MOTION by Mr. Blalock seconded by Mr. Chamberlain with all in favor the Minutes of the November 10, 2021 Meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Consideration of Yellowstone Landscape Revised 2022 Services Proposal

Mr. Oliver recalled at the November 10th meeting, Yellowstone asked the Board for an increase in their current contract and the Board directed the Operations Manager to obtain additional information from Yellowstone. Mr. Masters met with Yellowstone to negotiate the price and look at other services such as mulching, flower rotation and tree pruning for cost savings. Mulching could be performed in-house. Yellowstone proposed \$136,037 with the mulching and \$126,440 without. Mr. Payne asked if staff was satisfied with Yellowstone's performance and if they could be managed versus going out for proposals and establishing a new relationship. Mr. Masters was happy with Yellowstone and did not see a need to look elsewhere for landscaping services. If they went out for bids, Yellowstone could come back with a higher price. Mr. Eckert noted labor issues in many communities with landscaping. Based on the environment, supply chain and activities, Mr. Payne was in favor of remaining with Yellowstone and revisit as needed.

On MOTION by Mr. Payne seconded by Mr. Blalock with all in favor the Revised 2022 Services Proposal with Yellowstone Landscape in the amount of \$126,440 was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Adopting Amended prompt Payment Policies

Mr. Eckert reported this was due to a change that was made in the Florida Legislature, increasing the amount of interest that construction contractors can get on a monthly basis from 1% to 2% per month as a late penalty. There is a process by which invoices could be disputed if they were not proper invoices, and stressed the need to follow the procedures in the event of a dispute.

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On MOTION by Mr. Blalock seconded by Mr. Chamberlain with all in favor Resolution 2022-02, Adopting Amended prompt Payment Policies was adopted.

SIXTH ORDER OF BUSINESS**Consideration of Work Authorization to Conduct Stormwater System 20-Year Need Analysis and Prepare Report for Submission to St. Johns County**

Mr. Oliver presented Work Authorization No. 20 to conduct the Stormwater System 20-Year Need Analysis and prepare the report for submission to St. Johns County in the amount of \$10,000. The price was consistent with proposals presented at other Districts by this engineering firm. Mr. Eckert clarified that the work authorization was in an amount not-to-exceed \$10,000 and would talk to the District Engineer about the general conditions to ensure that they did not conflict with the existing contract. Mr. Blalock questioned how often this report was due. Mr. Oliver stated it was due on June 30, 2022 and must be updated every five years. For Fiscal Year 2027, it will be included in the budget.

On MOTION by Mr. Blalock seconded by Ms. Little with all in favor Work Authorization No. 20 to conduct the Stormwater System 20-Year Need Analysis and prepare the report for submission to the St. Johns County in a not-to-exceed amount of \$10,000 was approved in substantial form, subject to final approval by the Chairman and District Counsel and execution by the Chairman.

SEVENTH ORDER OF BUSINESS**Consideration of 2021 Bonuses for Operations Manager and Event Coordinator/Administrative Assistant**

Mr. Oliver recalled that in January of 2021, the Board adopted a policy to award bonuses up to a maximum of 8% of the salaries of Mr. Masters and Ms. Meadows. *Mr. Masters and Ms. Meadows left the room during the Board discussion.* Mr. Payne recommended that Mr. Masters and Ms. Meadows receive the maximum 8% increase as they met with him on numerous occasions to discuss items and were instrumental in getting the food trucks and activities that were a big hit with residents. Mr. Blalock questioned when they last received a bonus. Mr. Oliver stated they received one last year. Mr. Chamberlain agreed with Mr. Payne's

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recommendation, due to what Mr. Masters and Ms. Meadows accomplished in the past year. Mr. Jolly thought that they were going to cut back spending, but felt Mr. Masters and Ms. Meadows deserved bonuses. Mr. Oliver noted \$3,400 was budgeted for bonuses this year versus the \$3,000 that Mr. Masters received last year. Mr. Chamberlain felt that 8% was reasonable. Ms. Little agreed with the 8% bonus as Mr. Masters and Ms. Meadows performed above and beyond.

On MOTION by Mr. Chamberlain seconded by Ms. Little with all in favor providing a bonus equal to 8% of their salary to Mr. Jim Masters and Ms. Jennifer Meadows was approved.

Mr. Fagen thanked the Board for approving the bonuses, as it was tough to retain employees. *Mr. Masters and Ms. Meadows returned to the room and Mr. Oliver announced their bonuses.* They thanked the Board. Mr. Payne appreciated their effort and service to the District.

EIGHTH ORDER OF BUSINESS

Ratification of Addendum to Agreement with Security 101

Mr. Eckert reviewed the agreement and included terms protecting the District.

On MOTION by Mr. Jolly seconded by Mr. Blalock with all in favor the Addendum to the Agreement with Security 101 was ratified.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

There being none, the next item followed.

C. Manager

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Mr. Oliver requested that the next meeting date of March 9th be moved to March 2nd.

On MOTION by Mr. Chamberlain seconded by Mr. Jolly with all in favor moving the March 9, 2022 meeting to March 2, 2022 was approved.

D. Operations Manager

1. Report

Mr. Masters presented the Operations Manager Report, which was included in the agenda package. He met with Yellowstone last week. They will come and service every two weeks for two days, since they were now in the off-season to complete outstanding items and special projects. The rewiring was completed and was being fine-tuned. There was now irrigation along Johns Creek Parkway. Lake Doctors was still treating the ponds twice a month, even though they did not have growth this time of year in the ponds. The Phase 2 pergola repair was completed; however, it was over budget by \$4,000, due to additional rotting wood replacements. The walk-through was last week and it looks good. Mr. Blalock asked if it was painted. Mr. Masters stated it was painted after waiting several weeks for it to dry out. It should be good for many years. A list of anticipated future costs was provided. Proposals would be obtained for the tennis court resurfacing. Ms. Little requested that the hedge be lowered in front of the Amenity Center at Nature Walk and John's Creek Parkway to see ongoing traffic from County Road 2209. Mr. Masters would handle it next week. Mr. Blalock questioned the timeframe for the Phase 2 pool remarciting. Mr. Masters anticipated after this season obtaining proposals and remarciting in the off-season next year. There should be 10 years of marciting on a commercial pool, but there was pealing. Mr. Oliver stated that this item would be paid out of capital reserves. Mr. Blalock preferred to remarcite sooner rather than later, due to increasing prices. Mr. Masters noted with more competition now, the price may drop.

Mr. Masters received an email from a resident on West American Eagle Drive regarding erosion in the pond causing a loss of land. Mr. Payne felt that it should be the homeowner's responsibility. He had a similar issue and ended up bringing in dirt on his own. Mr. Eckert recommended having the District Engineer review this request to ensure that the District was in compliance with the Water Management District permits. Mr. Masters stated that once the District Engineer provided an opinion, the Board could discuss a policy. Mr. Payne agreed, as he

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did not want to set a precedent. Mr. Blalock believed that there a void in the mitered end section that caused the erosion, due to the drainage no longer being functional. Mr. Masters would forward the email to the District Engineer and respond to the homeowner.

Mr. Masters reported that a homeowner was interested in property off of Huffner Hill Circle. If they Board decided to look into the matter, it would cost the District to research. Mr. Eckert advised that every District that had this issue, did not want to spend other residents' money to improve someone else's property or give up property that the District may need for some purpose. If the Board wanted to proceed, Mr. Eckert recommended entering into an agreement with the homeowner to obtain a deposit and reimburse if the purchase did not go through. Mr. Payne did not want to proceed as the District was not in the land selling business. The Board agreed. Mr. Eckert would work with Mr. Masters to send a letter to the homeowner declining their request.

Mr. Masters received a request from Florida, Power & Light (FPL) regarding some easements. FPL wanted to get easement rights on two parcels owned by the District along Old County Road 210 to replace wooden telephone poles with concrete poles. They would compensate the District \$12,000 for an area going towards Publix and \$33,000 for an area around the monument; however, many questions needed to be answered regarding the exact location and extent of the work. FPL was asked to stake the area and that their engineer meet with the District Engineer to walk the area. Mr. Eckert would review the easement to ensure it had the proper language to protect the District. This would be brought back to the Board when staff had additional information. Discussion ensued.

Mr. Masters reported a lamp was burned out on the Phase 2 monument, which was surprising since it was a new monument. Since it was still under warranty, the light could either be replaced by the contractor or they could purchase a new one and return the old one for a credit. Mr. Masters preferred to purchase a new one so there was no delay. He hoped that this was an isolated incident and at Mr. Payne's request, would have the contractor evaluate the other light.

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E. Amenity Manager**1. Report**

Ms. Meadows presented the Amenity Manager's Report, which was included in the agenda package. She was evaluating the budget with Mr. Masters for the remainder of the year regarding future events. As a result of the resident survey, they were looking into a concert on the green and games. They were in the process of forming a bunco group and having another father-daughter dance. New holiday lights will be purchased for Phase 2. Mr. Jolly heard that there were not enough lights this year.

Ms. Meadows presented a quote for the pool furniture replacement. The cost to replace all chairs and tables was \$37,267.25. Another option was to replace what needed to be replaced as the frames were in good condition. Mr. Masters recommended that the Board approve \$5,000 to re-strap and change the fabric on the existing chairs and \$3,000 to purchase new umbrellas to provide additional shade. Mr. Payne asked if changing the straps was economical. Mr. Masters spoke with Mr. Payne about changing the straps to a blue-gray mix; however, the color would not match the current frames, which were in good shape. Mr. Chamberlain was in favor of re-strapping and staying with the current color as it was one-sixth of the cost to purchase new chairs. Discussion ensued.

Mr. Chamberlain MOVED to re-strap the current chairs and purchase new umbrellas for the Phase 1 and Phase 2 Amenity Centers in the amount of \$8,000 and Ms. Little seconded the motion.

Mr. Jolly asked if they were changing the fabric on the umbrellas. Mr. Masters preferred to purchase new umbrellas. Mr. Payne talked with Mr. Masters about adding umbrellas in the Phase 1 rotunda area to provide an aesthetic appeal.

On VOICE VOTE with all in favor re-strapping the current chairs in a not-to-exceed amount of \$5,000 with similar colors and purchasing new umbrellas in a not-to-exceed amount of \$3,000 for the Phase 1 and Phase 2 Amenity Centers was approved.

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ELEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Supervisor's Requests

Mr. Payne asked if the District should continue operating under the current COVID guidelines given the current status of the pandemic. Mr. Blalock asked if there were changes in the guidance since the last Board Meeting. Mr. Masters recalled that there used to be a restriction of six people at a time, but there were no current restrictions. Mr. Oliver noted no changes in any of the other Districts he represented. Mr. Blalock was in favor of allowing the Chairman to coordinate with Mr. Masters if there were any changes to the CDC guidelines. *There was Board consensus.*

Audience Comments

None.

TWELFTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet and Income Statement as of December 31, 2021

Mr. Oliver presented the November 30, 2021 Balance Sheet and Income Statement, which were included in the agenda package. The capital reserve balance was \$260,000 and \$85,000 would be added during this fiscal year. There was a positive variance of \$13,000 for expenditures.

B. Assessment Receipt Schedule

Mr. Oliver reported 38% collection in assessments and the District should be fully collected by April.

C. Approval of Check Registers

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the October 1, 2021 through November 30, 2021 Check Register in the amount of \$81,062.14 was approved.

THIRTEENTH ORDER OF BUSINESS

Next Scheduled Meeting – March 9, 2022 at 6:30 p.m. at Phase 2 Amenity Center

As approved above, the next scheduled meeting was March 2, 2022 at 6:30 p.m. at this location.

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FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Blalock seconded by Mr. Jolly with all in favor the meeting was adjourned.

DocuSigned by:

James Oliver

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Secretary/Assistant Secretary

DocuSigned by:

Meredith Payne

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Chairman/Vice Chairman