

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, March 2, 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	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	Vesta/Amenity Services Group
Jennifer Meadows	Vesta/Amenity Services Group

The following is a summary of the discussions and actions taken at the March 2, 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 6:31 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 January 12, 2022 Meeting

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the Minutes of the January 12, 2022 Meeting were approved as presented.

FOURTH ORDER OF BUSINESS

FPL Request for Easement Rights

Mr. Payne received correspondence on the Florida, Power & Light (FPL) easement request, but requested further details. Mr. Masters explained that an FPL engineer would call the District Engineer to discuss. At this time, FPL would not put any poles on Parcel 175, which was at the front entrance by McDonalds. The only place they were putting poles was in the woods on 201 in the sidewalk that the District owned between the hurricane area towards Publix. There were many questions that the District Engineer needed to discuss with FPL’s engineer. They did not plan to put anything underground. Once their questions were answered, FPL would make a formal proposal. Mr. Payne questioned the purpose of FPL requesting these easements. Mr. Eckert stated FPL wanted the exclusive right of that space for maintenance purposes.

FIFTH ORDER OF BUSINESS

Update on Preparation of Report of Stormwater System Needs Analysis (due 06/30/22)

Mr. Oliver recalled at the last meeting, that the Board approved a work authorization for preparation of the Stormwater System Needs Analysis Report. The District Engineer provided a matrix of tasks and Mr. Oliver would work with him on some of the tasks such as site visits. Mr. Payne stated that the District Engineer provided a detailed signed document, which he signed electronically.

SIXTH ORDER OF BUSINESS

Board Guidance Regarding Preparation of Fiscal Year 2023 Proposed Budget

Mr. Oliver stated that the District was required to have a budget approved by the Board at the end of each fiscal year. Usually, the Proposed Budget was provided for approval at the May meeting and a public hearing was scheduled no sooner than 60 days later by the July meeting. The Proposed Budget had the worst-case scenario and was pared down before the Board approved it. If there is an increase in assessments, letters would be sent to all property owners in

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the District. He recommended that the Board draft the budget first and then decide whether to increase it. Mr. Payne questioned if there would be any increases. Mr. Oliver noted minimum wage, pool chemical and landscape increases, which were projected to be 7.5%. Mr. Eckert stated that sovereign immunity limits could be increased depending on the legislature, which would affect insurance rates. They should know by March 11th what was passed in the legislature regarding the sovereign immunity limits. Mr. Oliver requested input from the Board regarding any of the line items before the budget was prepared by late April.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-03,
Instructing the Supervisor of Elections to
Conduct the Upcoming General Election**

Mr. Oliver stated that Seats 1, 3 and 5 were up for General Election. Mr. Eckert explained that the Supervisor of Elections for St. Johns County required the adoption of a resolution identifying which seats were up for election. By statute, they were required to conduct the election every two years. Mr. Payne read the following resolution into the record:

“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRANDY CREEK COMMUNITY DEVELOPMENT DISTRICT IMPLEMENTING SECTION 190.006(3)(a)2.c., FLORIDA STATUTES AND INSTRUCTING THE ST. JOHNS COUNTY SUPERVISOR OF ELECTIONS TO BEGIN CONDUCTING THE DISTRICT’S GENERAL ELECTION. “

On MOTION by Mr. Payne seconded by Mr. Chamberlain with all in favor Resolution 2022-03, Instructing the Supervisor of Elections to Conduct the Upcoming General Election was adopted.

EIGHTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eckert reported on March 11th, the legislative session will end. A report would be provided to the Board in late March on what Bills passed. Two Bills that they were watching were on sovereign immunity limits and mandatory ethics training for all CDD Board Members. Mr. Payne questioned what was driving the ethics training, whether there were egregious behaviors or if it was required. Mr. Eckert explained that due to a large movement in the State

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for greater accountability for public officials and egregious behavior in South Florida, there was a big push for ethics training and fiduciary duty for public officials. It was centered around making sure that public officials understood what their ethical obligations were.

B. Engineer – Consideration of Work Authorization No. 21 for Public Facilities Report

Mr. Oliver presented Work Authorization No. 21 to prepare a Public Facilities Report in the amount of \$3,500. Mr. Eckert stated this was a very old requirement that did not make sense anymore but was required.

On MOTION by Mr. Blalock seconded by Ms. Little with all in favor Work Authorization No. 21 to prepare a Public Facilities Report in a not-to-exceed amount of \$3,500 was approved.
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C. Manager

There being none, the next item followed.

D. Operations Manager
1. Report

Mr. Masters presented the Operations Manager Report, which was included in the agenda package. At the last meeting, there was discussion about an email from a resident regarding pond erosion. He spoke with the District Engineer and the resident several times and they still did not know everything about the ponds. So, he was relying on getting some basic information from the Water Management District and what was the District's responsibility. It was not black and white whether the resident owned to the water line and he wanted to explore that with the Water Management District. Mr. Masters hoped to have more information at the next meeting.

Mr. Payne asked if this was for the pond when entering the community. Mr. Masters stated it was the first big pond and was a request from a resident. Ms. Little asked if the two houses next to this lot were affected. Mr. Payne noted that it was happening everywhere and was 20 years' worth of erosion. The drain was not behind the resident's house, but two houses down and was not attached to the bank. Mr. Payne questioned the authority. Mr. Eckert suggested a review the permit from the Water Management District which would outline the permittee's responsibility, the HOA documents as it may impose a maintenance obligation on the

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homeowner for the lake bank all the way down to the water's edge and the plat, which would show if the District had easements. Mr. Blalock asked if the resident's question was regarding the stormwater drain. Mr. Masters stated the resident lived there for 20 years and lost land over the years at the water line. Mr. Blalock questioned where the water line was as it fluctuated significantly depending on the amount of rainfall. Mr. Masters noted in some areas the water line meant different things and would speak with the District Engineer about this.

Mr. Masters was working on opening the pools for Spring, painting the light features in Phase 1 to improve the look and putting new straps on the chairs. The re-strapping would be completed in-house over the next three or four months as it was tedious work. Each chair had 34 straps. Doing it this way would save the District money. Mr. Jolly asked if they were able to find pool monitors. Mr. Masters stated that they had three adults, two from the community that were retired, but it would be tight for Spring Break because of some last-minute paperwork. Mr. Payne appreciated Mr. Masters effort, taking the time to meet with him for two hours to discuss the logistics of the pool and saving the District money. Ms. Little questioned when Spring Break was. Mr. Masters stated that it was next week. They would have pool monitors on Friday through the following week until Sunday and every weekend. When school was out, they would have pool monitors every day. They would go back to closing the Phase 1 pool on Monday and the Phase 2 pool on Tuesday.

2. Lake Doctors Report

Mr. Payne requested that Mr. Masters ask Lake Doctors if there were trends with other ponds and if they were seeing the same deterioration. Mr. Masters spoke with Lake Doctors about that last week and they do not pay too much attention to it because it was not part of their job. In some areas where they launched their boat, there was some erosion. Mr. Masters purchased sand and dirt from ACE to fill in some of the holes. Mr. Payne asked if there were any concerns regarding Lake Doctors performance. Mr. Masters noted times when he noticed things and they went right back out. With the heat, issues would happen quickly. He expected resident phone calls next week after they fertilized. Mr. Blalock read in the HOA documents that it was the responsibility of each lot owner whose lot abuts a lake to maintain the lake bank to the water's edge and to sod or maintain the area between their property line and the street. It was the responsibility of each lot owner to prevent erosion on all areas of their lot, including easements.

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Mr. Payne asked if they have to provide an answer to the resident. Mr. Eckert stated they did not have to but believed that they should.

E. Amenity Manager

1. Report

Ms. Meadows presented the Amenity Manager's Report, which was included in the agenda package. Their first bunco night was on Thursday, February 10th. Only eight people showed up, but it was a lot of fun. They were having another one tomorrow and were getting a lot of responses. One Blood planned for six or seven blood drives in the community for the entire year. Every time someone donated blood for a certain timeframe, they would receive a bonus gift. If someone donated blood for the entire year, they would make over \$150. With their last drive, 50 or 60 people were able to be helped. Their king and princess dance was held on Saturday, February 19. It was fun and they had a great turnout. Many moms were emailing and posting on Facebook that their kids had a blast. March 11th, the official first day of Spring Break, they were having a family picnic at the Phase 1 pool from 4:00 p.m. to 7:00 p.m. There would be hot dogs, chips and non-alcoholic drinks. They were already starting to put in orders for the egg hunt. She was in touch with a couple of bands and musicians for a concert sometime in April. Mr. Payne noted that St. Johns County had Spring Break starting on Friday. Ms. Meadows stated it officially started on Monday, March 14th, but Friday was a teacher planning day.

TENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Supervisor's Requests

Mr. Payne heard several residents complain about visibility issues coming from south to north turning into Phase 2. Mr. Jolly clarified if he was heading north, it was the grass on the north side that was impeding his view of oncoming traffic. Mr. Payne felt that it was a safety issue. Mr. Masters would handle. Mr. Blalock asked if the election could be advertised in the community newsletter. Ms. Meadows would handle. Mr. Eckert stated an advertisement must be placed in the newspaper regarding the qualifying period.

Audience Comments

None.

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ELEVENTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet and Income Statement as of January 31, 2022

Mr. Oliver presented the January 31, 2022 Balance Sheet and Income Statement, which were included in the agenda package. The first four months of the fiscal year was busy. There was \$222,000 in the capital reserve including another \$85,000 that would be added during this fiscal year.

B. Assessment Receipt Schedule

Mr. Oliver reported 98.79% collection in assessments.

C. Approval of Check Registers

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the December 1, 2021 through January 31, 2022 Check Register in the amount of \$150,572.01 was approved.

TWELFTH ORDER OF BUSINESS

**Next Scheduled Meeting – May 11, 2022
at 6:30 p.m. at Phase 2 Amenity Center**

Mr. Oliver stated that the next scheduled meeting was May 11, 2022 at 6:30 p.m. at this location. As mentioned, this would be the start of the budget process.

THIRTEENTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Jim Oliver
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Secretary/Assistant Secretary

DocuSigned by:
Meredith Payne
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Chairman/Vice Chairman