

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, May 11, 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
Jay King	Vesta/Amenity Services Group
Yellowstone Landscaping Representatives	

*The following is a summary of the actions taken at the May 11, 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.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the March 2,  
2022 Meeting**

Mr. Payne provided corrections to the minutes, which would be incorporated.

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the Minutes of the March 2, 2022 Meeting were approved as amended.

**FOURTH ORDER OF BUSINESS****Landscape Maintenance Update –  
Yellowstone Landscape**

The Account Manager for Yellowstone reported that on April 8, 2022, all repairs were made to the irrigation system and the next inspection was next week. They would make sure that everything was operating so they did not have any issues. Mr. Payne asked if there was a break in the piping system. The Account Manager noted mainly sprinkler head repairs, due to the age of the system and people driving over the grass. The trench where the rewiring was completed, was growing back nicely. It was hard to have nice turf by the Oak trees, but it looked good. All of the turf was treated with fertilizer, an insecticide to control insects and an herbicide to treat weeds. The Jasmine was treated with an over-the-top herbicide for weed control. All of the turf was mowed on Wednesday and Thursday of each week since the start of the summer season and sections of beds were treated for weeds. Annuals were installed in April. The next annual rotation was on July 1<sup>st</sup> and they would try to accommodate the Board with any preferences. This month, the area behind the Phase 2 pool was cleaned out, the trees and ginger were trimmed around the volleyball court and Jasmine was installed at the pool. There has been no rainfall since Easter, which was creating drought stress to the turf. Due to labor and material costs, Yellowstone requested a cost increase. In December of 2021, the cost was \$1,992 versus \$2,354 in March of 2022. Mr. Blalock voiced concern with the drought and its effect on the turf. The Account Manager for Yellowstone confirmed that the irrigation system was working, but they were only allowed to irrigate two to three times per week. Once there was rain, the turf would improve.

- **Public Comment**

A resident of Johns Creek who represented Hindu Swayamsevak Sangh (HSS), requested use the Amenity Center for an hour or two per week at no charge for a Hindu education program. They were a non-profit organization that offered free services and offered to share donations with the District that they received on a weekly basis.

Mr. Chamberlain questioned their arrangement with other non-profit programs. Mr. Payne noted most programs were coordinated through Vesta and the room was rented on a case-

by-case basis for parties and personal activities. Ms. Little asked if this was a verbal request or whether they would receive something in writing. Mr. Masters did not receive anything in writing, but when the Board adopted the rental policy last year, the Board decided to only allow use of the facility for parties with the exception of fitness classes. Mr. Payne questioned the percentage of residents versus non-residents utilizing this program. The Johns Creek resident noted that the percentage was 60%/40%. Mr. Payne recommended not approving the request, based on their policy and the complexity of the request. There was Board consensus not to approve HSS' request for utilization of the Amenity Center. Mr. Eckert would provide a copy of the rental policy to HSS along with a statement of the Board's decision to not change its policy.

Mr. Masters suggested that the Board discuss their preference for use of the Amenity Center by non-profits. Mr. Eckert recommended that the Board discuss the frequency of room rentals and would review the language of the policy and report back to the Board. Mr. Payne was in favor of allowing staff to research non-payment usage of the facility by non-profits.

#### **FIFTH ORDER OF BUSINESS**

#### **FPL Request for Easement Rights**

Mr. Masters presented proposals from Florida, Power & Light (FPL) for the installation of concrete poles on Nature Walk Parkway, behind the monument by McDonalds side and for an additional 10-foot easement off of County Road 210, east of Hurricanes. They offered to pay the District, \$34,000 for the area behind the monument on the McDonalds side and \$14,000 for the portion of County Road 210 that was owned by the CDD. The one by Sherwin Williams next to the dumpster was not owned by the CDD; however, FPL was honoring their initial proposal. The pole behind the monument on the McDonalds side, was still being staked out by the District Engineer and FPL's engineer. Mr. Blalock asked if FPL would replace the wall behind the monument, which the CDD owned. Mr. Masters was waiting for clarification on whether it was a replacement or in addition to.

Mr. Eckert discussed the form of the easement, giving FPL the right to rip out area around the monument, but the way it was drafted, in his opinion, was not acceptable as it did not protect the District's assets. He drafted revisions to the easement to protect the District, but voiced concern about whether the valuation was reasonable or fair market and FPL paying for attorney's fees incurred by the District. Mr. Eckert recommended providing FPL with a revised easement to protect the District's property. Mr. Chamberlain suggested including clarification in

the easement regarding the length of the easement area. Mr. Blalock voiced concern whether there was adequate space behind the monument for the concrete pole and whether there was value due to the activity. Mr. Masters stated they should have that information in the next week or so when it was permanently staked and would provide it to the Board. Mr. Payne would include as future items of discussion.

**SIXTH ORDER OF BUSINESS**

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

Mr. Oliver reported that England, Thims & Miller (ETM) was finishing up the 20-year Stormwater System Needs Analysis Report and once completed, it would be provided to the Board.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Stormwater Operation and Maintenance Program**

Mr. Oliver stated that one of the questions in the Stormwater System Needs Analysis Report was whether the District had a Water Management Plan. The Board was provided with a one-page plan that meets the requirement, which was reviewed by the District Engineer with suggested changes from District Counsel. He recommended approval from the Board to include it as part of the Stormwater System Needs Analysis Report. Discussion ensued and the Board requested that ETM implement the plan every 10 years and check the outfall structures. Mr. Eckert suggested when erosion was identified, if it was the responsibility of the homeowner under the covenants, it must go before the HOA. If the pond bank problem was bad enough for the permit to be out of compliance, the District would step in. Residents should be educated about this issue.

On MOTION by Mr. Blalock seconded by Mr. Payne with all in favor the Stormwater Operation and Maintenance Program was approved in substantial form.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Water Management Agreement with The Lake Doctors for Fiscal Year 2023**

Mr. Oliver reported that The Lake Doctors was proposing a \$30 per month increase of

their fee, from \$854 to \$884 per month. Mr. Masters was not surprised by the increase, due to high chemical costs. Mr. Chamberlain estimated a 3.5% increase. Ms. Little was pleased with their service. Mr. Masters stated if someone managed them, they received good service and there was a good communication if there were issues. In response to Ms. Little’s question, Mr. Master explained that he maintained the lakes in some areas, largely lakes against the woods, which were easily assessable and did not have homes abutting them. The tract behind a resident’s home was the resident’s responsibility. Mr. Master also picked up trash from ponds.

On MOTION by Mr. Payne seconded by Mr. Chamberlain with all in favor the Water Management Agreement with The Lake Doctors for Fiscal Year 2023 with a \$30 per month increase from \$854 to \$884 per month was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-04, Approving the Proposed Budget (will be sent under separate cover) for Fiscal Year 2023 and Setting a Public Hearing Date for Adoption**

Mr. Oliver stated that the District was required by Florida Statues to approve a proposed budget by June 15<sup>th</sup> of each year and set a public hearing 60 days thereafter. Resolution 2022-04 approving the Proposed Budget and setting the public hearing for July 13, 2022, was provided to the Board. The Board was approving a worst-case scenario budget. If there was an assessment increase, mailed notices must be sent to all property owners. In the past, carry forward surplus was used to keep assessments low, but this year, there was no carry forward surplus. Last year, there was \$26,000 in *Carry Forward Surplus*. The *Capital Reserve* last year was \$85,000, versus \$105,000 for this year, for a \$20,000 increase. There were yearly budgetary increases. The Lake Doctors increase was reflected in this budget. There was an assessment increase proposed of \$152 or 11.5%. The District would look into refinancing opportunities for the 2013 bonds in 2023, which could be used to lower assessments.

Mr. Chamberlain voiced concern about increasing *Capital Reserve* by \$20,000, which made up \$34 of that \$152 assessment increase, due to unforeseen expenditures and requested a variance column. Mr. Oliver would include it. Mr. Payne felt there was nothing egregious. Ms. Little noted that *Pet Waste Disposal* decreased. Mr. Masters stated the amount was in error and

they never billed for that amount. Mr. Blalock suggested decreasing the assessment with the FPL easement if it was favorable for the District. Mr. Payne noted that the earliest they could do so was 2024 budget as it would take time to receive it and questioned increases in Vesta line items. Mr. Masters introduced, Mr. Jay King, who attended on behalf of Mr. Dan Fagen. Mr. King explained that there was a 5% labor cost increase across all Vesta line items and a 13.1% increase for 15 hours of additional maintenance for 26 weeks out of the year, from March through September. Mr. Payne felt that the increases were reasonable, due to the cost of chemicals and maintenance.

Mr. Chamberlain was in favor of increasing the Capital Reserve from \$85,000 to \$105,000 and the assessment increase of \$151.45. After further discussion, there was Board consensus to proceed with Mr. Chamberlain’s recommendation. Mr. Payne read the following resolution into the record:

*“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRANDY CREEK COMMUNITY DEVELOPMENT DISTRICT APPROVING PROPOSED BUDGETs FOR FISCAL YEAR 2022/2023 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”*

On MOTION by Mr. Payne seconded by Mr. Chamberlain with all in favor Resolution 2022-04 Approving the Proposed Budget for Fiscal Year 2023 and Setting the Public Hearing for July 13, 2022 at 6:30 p.m. at this location was adopted.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney – Memo Regarding Public Records Requests**

Mr. Eckert would provide the revised FPL easement to Mr. Masters. The Bills that they were watching on the sovereign immunity limits and mandatory ethics training for all CDD Board Members, did not pass in the Legislature; however, the Bill on public notices, did pass. If the Governor signs it, in January of 2023, they may be able to publish their notices on a county website rather than newspapers, which would save the District money; however, they did not know what the county would charge. A memorandum that Mr. Eckert provided to all Districts

relating to public records requests, was included in the agenda package. Any public records requests that the Board received should be forwarded to Mr. Oliver's office.

**B. Engineer**

There being none, the next item followed.

**C. Manager – Report on the Number of Registered Voters (1,293)**

Mr. Oliver reported that each year, the District was required to place into the record, the number of registered voters. According to the St. Johns County Supervisor of Elections, there were 1,293 registered voters in the District as of April 15, 2022. The qualifying period for the General Election seats was Noon on June 13, 2022 to Noon on June 17, 2022.

**D. Operations Manager**

**1. Report**

Mr. Masters presented the Operations Manager Report, which was included in the agenda package. Mulching was separated from Yellowstone's contract and was performed directly through a vendor to save the District money. It was completed a couple of weeks ago for \$9,400. The security agreement with Tyco for the Amenity Centers was not renewed, as the cost could be increased at any time for any reason and they refused to reduce their costs. A proposal was put out for bid and the Board chose Security 101. The District paid \$31,000 outright for the equipment and received various warranties. The Flock contract comes up for renewal in June at a fee of \$11,000.

*Mr. Payne left the meeting, briefly.*

Mr. Blalock requested data from SJSO on how many times the LPRs were utilized by local law enforcement and if there were any incidents. Mr. Masters would contact Deputy Lauren.

*The meeting was recessed at 7:45 p.m.*

*The meeting was reconvened at 7:46 p.m.*

*Mr. Payne joined the meeting.*

Mr. Masters noted that no one sees any footage from the cameras unless there was an active investigation with the SJSO. Outside projects have slowed down and he spent more of his time on the pools with maintenance and any safety issues. There were several projects that he

was working on with pool furniture. The painting of the splash feature in Phase 1 was 90% completed, but the chairs have come to a halt. Only 25 loungers were completed; 12 loungers were left to be completed for the Phase 2 Amenity Center and two loungers remained to be completed at the Phase 1 Amenity Center. He would like to complete 23 more loungers before July 4<sup>th</sup> to provide more coverage on the pool deck, but the chairs were pushed until next year as it was tedious work.

Mr. Jolly questioned the status of the proposal for the bathroom doors. Mr. Masters stated that they talked several times about locking the bathroom doors and using an access card reader. They were currently installing one at the Phase 1 Amenity Center, but the doors were warped at the Phase 2 Amenity Center and would not close naturally. He was looking at different options to replace or repair the doors and hoped to have quotes for the next meeting. On April 16<sup>th</sup>, there was an incident at the Phase 2 Amenity Center at 2:30 a.m. It was difficult to control access, due to a low fence and relied on residents to call the SJSO. Mr. Masters would include a reminder in their newsletter and e-blast as well as a warning that anyone smoking Marijuana or drinking alcohol on CDD property would lose their access privileges. Mr. Payne did not have an issue including the warning as long as District Counsel approved of the language. Mr. Eckert would review the language.

## **2. Lake Doctors Service Report**

Mr. Masters presented the Lake Doctors Service Report, which was included in the agenda package.

### **E. Amenity Manager - Report**

Ms. Meadows presented the Amenity Manager's Report, which was included in the agenda package. There has been interest in non-residents purchasing memberships. The current fee was \$1,300 and five families were already registered. She questioned whether the Board wanted to limit the number of outside memberships. Mr. Masters stated that residents that used to live in the community who did not have amenities, wanted to purchase memberships and suggested limiting the number of non-memberships to 10. Mr. Eckert noted that there was a fee in the policy to facilitate public use and wanted to review the policy before the Board made a decision. This was a public facility and they must allow for public access. In his opinion, \$1,300



was less than what other facilities charged, in the \$2,500 to \$3,500 range. Mr. Payne did not want to include a limit but wanted to consider the cost.

Mr. Master reported a problem with access cards. Each household received two and the cost to replace a lost one was \$10. The prior homeowner or lessee was supposed to turn over their cards to the new homeowner or lessee when they sold their home, but when cards disappear, the new homeowner wanted free cards. In his opinion, a fee should be charged to cover their cost for purchasing new cards, which was \$5 each, since other properties charged \$25 for one card. Mr. Blalock asked if the old cards were deactivated. Mr. Master stated if the name changed, they deactivated the card. The system accepts a renter for one year and if the renter decided to rent again, their card would automatically deactivate. He suggested having a fee schedule. Mr. Payne requested a written plan for the next meeting, charging \$5 for a new card and \$10 for a replacement card. Mr. Eckert would provide suggestions for non-resident user fees from surrounding communities for the July meeting.

Ms. Meadows reported that Aqua Fitness would be returning this month. They were now down to one food truck, due to a decline in customers and proposed having the food trucks in Phase 2 or planning an event the same night as the food trucks. Mr. Payne asked if there was an issue in the type of food truck, as certain food trucks sold out before the event was over. Ms. Meadows would find out. Mr. Master believed that the issue was having food trucks every week. Mr. Jolly suggested including an ice cream truck. Ms. Matthews stated that an ice cream social was planned for May 28<sup>th</sup> and a big summer event was planned for either June or the beginning of July. Ms. Meadows contracted with a former resident to provide swimming lessons. She would offer a parent and tot group. An announcement would be sent to residents on Friday. The Easter egg hunt was a success. A blood drive was held on April 16. They were able to save 27 lives with the donations.

**TWELFTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

**Supervisor's Requests**

Mr. Payne questioned whether or not to continue having SJSO write tickets, as their fee increased from \$40 to \$55 per hour, which was a 37.5% increase or hire a private company. Mr. Masters stated that the deputy was onsite for a total of 15 hours for the month, two to three hours at a time and does an excellent job. He asked them to patrol the neighborhood the weekend that school ends and was looking into other security companies for comparison purposes. The Board did not think that they could get a security guard or a patrol vehicle for the same amount of money.

**Audience Comments**

None.

**THIRTEENTH ORDER OF BUSINESS**

**Financial Reports**

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

Mr. Oliver presented the March 31, 2022 Balance Sheet and Income Statement, which were included in the agenda package. There were positive variances in both revenues and expenditures.

**B. Assessment Receipt Schedule**

Mr. Oliver reported a 99.45% collection in assessments. Mr. Payne appreciated the services that Mr. Masters and Ms. Meadows provide to the District and saving the District money.

**C. Approval of Check Registers**

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the February 1, 2022 through March 31, 2022 Check Register in the amount of \$100,080.17 was approved.

May 11, 2022

Brandy Creek CDD

**FOURTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – July 13, 2022  
at 6:30 p.m. at Phase 2 Amenity Center**

Mr. Payne stated that the next scheduled meeting was on July 13, 2022 at 6:30 p.m. at this location.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Payne seconded by Mr. Blalock 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