

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, July 12, 2023 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
Clarence Blalock	Supervisor
Shawn Jolly	Supervisor
Thomas Metych	Supervisor

Also present were:

Jim Oliver	District Manager
Mike Eckert (<i>via phone</i>)	District Counsel
Jim Masters	Vesta/Amenity Services Group
Jennifer Meadows	Vesta/Amenity Services Group
Chuck Dicey	Resident

The following is a summary of the actions taken at the July 12, 2023 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 no comments, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the May 10, 2023 Meeting

Mr. Payne felt that the minutes were too detailed and noted on Page 2, "*Fitness Center*" should be changed to, "*Phase 2 Amenity Center.*"

July 12, 2023

Brandy Creek CDD

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the Minutes of the May 10, 2023 Meeting were approved as amended.

FOURTH ORDER OF BUSINESS

Acceptance of Fiscal Year 2022 Audit Report

Mr. Oliver presented the Fiscal Year 2022 Audit Report, which was finalized and provided to the Auditor General. It was a clean audit.

On MOTION by Mr. Blalock seconded by Ms. Little with all in favor the Fiscal Year 2022 audit was accepted.

FIFTH ORDER OF BUSINESS

Fiscal Year 2024 Budget

A. Overview of Budget

Mr. Oliver noted no increase in assessments this fiscal year. Ms. Little questioned whether \$12,000 was sufficient for *Special Events*. Mr. Oliver recalled that it was the same as the prior year and since there was no increase in assessments, mailed notices were not sent to residents.

B. Public Hearing Adopting the Budget for Fiscal Year 2024

On MOTION by Mr. Payne seconded by Mr. Jolly with all in favor the Public Hearing to adopt the budget for Fiscal Year 2024 was opened.

There were no public comments.

On MOTION by Mr. Payne seconded by Mr. Jolly with all in favor the Public Hearing to adopt the budget for Fiscal Year 2024 was closed.

Mr. Payne noted a significant increase in *Insurance*. Mr. Oliver explained that property insurance increased by 50% and staff was looking for vendors that provided governmental insurance. Mr. Payne noted no other significant increases other than the 3% to 4% standard increases.

July 12, 2023

Brandy Creek CDD

1. Consideration of Resolution 2023-12, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2024

Mr. Oliver presented Resolution 2023-12, formally adopting the Fiscal Year 2024 Budget. The Board had the opportunity to amend the budget subsequent to adoption. If it was an amount greater than \$15,000 or 15% of the original appropriation, a budget amendment must be approved by the Board; however, monies could be moved within line items. Mr. Jolly asked if the issue was worked out with the different POAs adding to the special events. Mr. Payne pointed out there might be an issue with Phase 1, but Phase 2 planned to contribute. Ms. Little would follow up.

On MOTION by Mr. Payne seconded by Ms. Little with all in favor Resolution 2023-12 Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2024 was adopted.

Ms. Little questioned where *Insurance* would be paid from if it increased by 50%. Mr. Payne reported that it was already budgeted for next year. Mr. Oliver pointed out if it was less than 50%, the District would retain the surplus. Property insurance increased for both private and public entities.

2. Consideration of Resolution 2023-13, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2024

Mr. Oliver presented Resolution 2023-13, providing for the collection of special assessments and certifying the Assessment Roll to the St. Johns County Tax Collector for inclusion on resident property Tax Bills. There were 583 units, which were assessed equally for the operation and maintenance (O&M) assessments. Mr. Payne noted a per unit assessment amount of \$1,470.02.

On MOTION by Mr. Payne seconded by Mr. Blalock with all in favor Resolution 2023-13 Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2024 was adopted.

July 12, 2023

Brandy Creek CDD

SIXTH ORDER OF BUSINESS**Discussion of Mutual Aid Agreement and Consideration of Resolution 2023-14**

Mr. Eckert presented Resolution 2023-14, approving the Florida Statewide Mutual Aid Agreement, explaining any local government that was a party to the agreement, could request assistance from other local governments in emergencies, typically during hurricanes. There was no cost to enter into the agreement, but there was a cost to reimburse the local government for labor and materials. Mr. Payne questioned whether this was beyond standard utility services. Mr. Eckert explained that it was specifically designed for emergency situations. Discussion ensued.

On MOTION by Mr. Payne seconded by Mr. Blalock with all in favor Resolution 2023-14, Approving the Florida Statewide Mutual Aid Agreement was adopted.

SEVENTH ORDER OF BUSINESS**Consideration of Proposal for Purchase & Installation of Phase 2 Replacement Air Conditioner Unit**

Mr. Masters reported that the Phase 2 air conditioner was 10 years old, but the air handler had a freon leak and to replace it, would cost \$3,000, but the process of switching out units would exceed \$10,000. Proposals were received for a Trane 15 Seer air conditioner from Snyder Arnett in the amount of \$17,929 and Chiller Medic in the amount of \$16,378. Griffin did not provide a proposal because they did not carry Trane products. According to the Capital Improvement Plan, the A/C units were supposed to be replaced in 2027 at a cost of \$13,500. Mr. Jolly questioned what Mr. Masters recommended. Out of the two companies, Mr. Masters preferred Chiller Medic, which Heritage Landings used and were happy with. In the next year, the office unit would need to be replaced. Mr. Payne questioned the warranty. Mr. Masters favored the warranty that Chiller Medic provided, which was a five-year compressor warranty and was more comprehensive than the warranty that Snyder Arnett would provide. Discussion ensued.

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the proposal with Chiller Medic for a replacement Trane air conditioner unit for Phase 2 in the amount of \$16,378 was approved.

July 12, 2023

Brandy Creek CDD

Mr. Masters would find out the timeframe from Chiller Medic so there were no disruptions in rentals.

EIGHTH ORDER OF BUSINESS

Consideration of Agreement with Taylor Tree for Tree Removal Services

Mr. Eckert stated rather than dealing with the trees on a case-by-case basis, staff recommended that the Board approve a Master Agreement, which would have all of the terms and conditions, insurance and indemnification to protect the CDD. Mr. Masters had a reliable contractor, Taylor Tree and each time work needed to be completed, Taylor Tree would provide a Work Authorization under this agreement. Mr. Masters had the ability under his spending limits to approve the work. Mr. Payne asked if it was a standard contract that Taylor Tree would accept. Mr. Eckert explained that it was standard for tree services as well as fountain repairs. Mr. Blalock questioned the need for it. Mr. Masters was concerned about liability issues. Mr. Oliver questioned how this would affect the District's tree policy. Mr. Masters noted there was no difference and the policy would merge with this one. Mr. Eckert pointed out the agreement not only protected the District from liability if a tree falls, but it would protect the District related to employees of the tree contractor. Discussion ensued.

On MOTION by Mr. Payne seconded by Mr. Blalock with all in favor the Agreement with Taylor Tree for Tree Removal Services was approved.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2023-15, Designating Safety Zones

Mr. Eckert reported that St. Johns County had a Child Safety Zone Ordinance, which was designed to prevent sexual predators and offenders from being in places that were designed for use by children, primarily used by children or customary gathering places for children, including parks, recreation centers, public or private playgrounds. The purpose of Resolution 2023-15 was to formally request the county designate locations within the CDD that were primarily used by children as safety zones because the County Ordinance was for county facilities and not public facilities owned by CDDs. Exhibit A showed the areas in question, which were the Phase 1 and Phase 2 Amenity Centers and the park in the northeast corner of South Fieldcrest Drive and Huffner Hill Circle. There was a typo that would be corrected. This resolution would be provided

July 12, 2023

Brandy Creek CDD

to the county with a request for designation of the three areas as safety zones. Mr. Payne asked if the District would enforce them. Mr. Eckert stated if staff were to become aware that there was a sexual predator or offender in any of these areas, they would contact the Sheriff’s Office to enforce it as the District did not have police powers. Mr. Jolly questioned how they would know it was a sexual predator. Mr. Eckert pointed out that there was a predator database. Discussion ensued and Mr. Payne read the resolution into the record.

On MOTION by Mr. Payne seconded by Mr. Metych with all in favor Resolution 2023-15, Requestion Designation of Safety Zones by St. Johns County was adopted.

TENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

ELEVENTH 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 – Discussion of Fiscal Year 2024 Meeting Schedule

Mr. Oliver presented proposed meeting dates for Fiscal Year 2024, which was similar to last year’s meeting schedule. with meetings on the second Wednesday at 6:30 p.m. on November 8, 2023, January 10, 2024, March 6, 2024, May 8, 2024, July 10, 2024 and September 11, 2024.

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the Fiscal Year 2024 meeting schedule as amended was approved.

D Operations Manager

- 1. Report**
- 2. Lake Doctors Report**
- 3. Yellowstone Report**

Mr. Masters presented the Operations Manager Report, which included reports from Lake

July 12, 2023

Brandy Creek CDD

Doctors and Yellowstone. Silverleaf, next to the Phase 2 entrance, had a community named Johns Island, which caused confusion as it was next to Johns Creek. Mr. Payne asked if Silverleaf residents were using their facilities. Mr. Masters confirmed there were always residents from Silverleaf using their facilities, but he asked them to leave. Mr. Payne wanted to identify them. Mr. Masters noted that many arrived in golf carts. Ms. Little witnessed young men from Silverleaf fishing in the pond behind her house.

Mr. Masters reported that the Fire Department performed an inspection of their facilities on June 26th and all required equipment was in good working condition; however, there were missing placards on the Phase 1 building identifying the roof structure, which Mr. Masters would purchase. The Health Department performed an inspection at the pools and no discrepancies were noted. The Phase 2 pump motor and variable speed drive was replaced at a cost of \$7,200. The pool for closed for several weeks but was re-opened on June 29th. Yellowstone provided two days of service each week, which Mr. Masters was happy with. They replaced the grass at the Phase 1 exit, due to mole crickets. Lake Doctors inspects the ponds twice per month; however, there were issues this time of year and they must wait 10 days in between treatments. Mr. Masters spoke with Silverleaf regarding the median clearance on CR 2209, but they did not want to cut back the grass any further as they were 150 feet further back than required by the Florida Department of Transportation (FDOT). At Mr. Payne's request, Mr. Masters would follow up with FDOT to find out who had control, but asked Mr. Blalock to mark off where they believed the grass should go back to. Ms. Little questioned whether everything was exhausted to obtain a traffic light. Mr. Masters spoke to FDOT after they performed a survey, but there was no justification to install one; however, they were conducting a survey at the intersection of Old County Road 210 and Natures Walk Parkway, due to the number of accidents.

Mr. Masters reported that the tennis court was resurfaced and pickleball lines were added. It was being heavily used. A new stair stepper was added to the Fitness Center. Due to the Board's discussion about turning the community room into a Gym, usage was tracked in May, June and July. Approximately 29 to 40 residents utilized the Fitness Center per day. The mulching was completed at the end of June. Natures Walk Parkway from Old County Road 210 to the Amenity Center and from CR 2209 behind Publix to the corner of East/West American Eagle Drive. were pressure washed. Mr. Payne noted that Natures Walk Parkway looked cleaner. Putting on Pressure and American Eagle Powerwashing were paid \$4,400 for both areas. The

July 12, 2023

Brandy Creek CDD

back of Huffner Hill Circle would be completed this year by Vesta. Ms. Little praised Mr. Masters for the thoroughness of his report and the noticeable difference in the landscaping. Mr. Masters agreed, as they were very responsive.

E. Amenity Manager - Report

Ms. Meadows presented the Amenity Manager's Report. Business was the same as usual. The food trucks were going well and two dates were added in July. More residents were coming out to support them. The Summer Spectacular was rescheduled for July 8th, due to the weather. It was well attended. The Mario theme was well received. They were finalizing their final Summer plans with a Back to School Bash and Ice Cream Social. Ms. Little thanked Ms. Meadows and Mr. Masters for coordinating the Summer Spectacular. Ms. Meadows provided a comparison of costs on the cost of rentals in neighboring communities, to determine if there should be a raise in the District's fee structure for rentals. Compared to other facilities in North Florida, Brandy Creek's fees were the lowest. For example, Durbin charged \$140 for a resident and \$60 for a staff member. Mr. Payne requested that this item be placed on the next agenda for Board consideration.

TWELFTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Supervisor's Requests

Discussion ensued regarding turning the community room into a Gym. Mr. Payne wanted to discuss building a new Gym; however, they must issue a bond to pay for it. Mr. Jolly did not believe there was not enough room for a new Gym. Mr. Blalock felt that there would have to be a huge increase in usage to make it worthwhile, as only 35 people per day on average, were utilizing the current one. Mr. Metych noted that his neighbors were using off property Gyms like LA Fitness and Planet Fitness and questioned whether the current space was adequate or if they would have more residents using it if they had more space available. Mr. Masters pointed out that Brandy Creek was a relatively small community, but they acted like a large community with the number of amenities. Usually communities of this size, had one Amenity Center with two pools, but Brandy Creek had two Amenity Centers with three pools and three playgrounds. Mr. Oliver suggested that the Board look at the amenities at St. Johns Golf and Country Club and consider whether the residents wanted a larger Gym. Mr. Masters believed that the District had

July 12, 2023

Brandy Creek CDD

the land available for a new Gym. Mr. Blalock was not in favor of proceeding as they had a small Gym, but it was larger than a hotel Gym and was a nice benefit to have; however, the purpose of the CDD was not to provide everything for everyone. Ms. Little agreed as she had not heard any complaints. Mr. Masters suggested that the Board consider reducing the number of guests that a resident could bring from two to one. Mr. Payne recommended limiting Gym use to two hours, but if the Board wanted to build a new Gym, they needed to come up with a budget and a plan.

Audience Comments

Resident Chuck Dicey requested that the Board consider the cost to build another tennis court with pickleball lines as many residents wanted to play pickleball. Ms. Little disagreed as there was not much activity on the tennis court. Mr. Masters recommended surveying residents to see if they would pay an additional assessment for another court and utilize the backboard court in Phase 1 for pickleball. Mr. Payne preferred expanding on their current facilities and having someone come out to provide an estimate. Mr. Payne questioned whether there should be a gate at the tennis court fence going to the basketball court, as kids made a hole at the tennis court fence to get to the basketball court as opposed to walking around. Mr. Masters tried to plug the hole, but the kids were pulling out the fence and going underneath it and ended up putting in large stakes to hold the fence down. If the Board wanted, Mr. Masters could obtain a price to replace that section of fence; however, the Board preferred to have a gate and Mr. Masters would obtain the cost for a gate.

THIRTEENTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet & Income Statement as of May 31, 2023

Mr. Oliver presented the May 31, 2023 Balance Sheet and Income Statement. There was a balance in the Capital Reserve Fund of \$246,000. There were no unusual variances and a positive variance at the end of the year of \$48,000. The budget was projecting a \$45,000 positive variance. Mr. Payne questioned whether the surplus could be allocated to the Capital Reserve Fund. Mr. Oliver confirmed that it would be transferred to the Capital Reserve Fund and would monitor it.

July 12, 2023

Brandy Creek CDD

B. Assessment Receipt Schedule

Mr. Oliver presented the Assessment Receipt Schedule, showing assessment collections of 100%.

C. Approval of Check Registers

Mr. Payne questioned if Comcast planned to install a line at the Amenity Center, which was less costly than AT&T running a line. Mr. Masters contacted Comcast’s Business Department and the cost would be \$12,900 to run a line; however, it could be waived if the District purchased their plan. However, in the office, the landline was transferred to an AT&T cellphone, since the price was out of the market. There would be a savings of \$120. Comcast had many outages. Ms. Little questioned how residents would be informed when Comcast was available to them for cable. Mr. Masters had a working relationship with Comcast and when Comcast was ready to provide service in Phase 1, residents would be notified. It was expected at the end of July, but due to the weather and the difficulty of the work, it could be the middle of August.

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the April 1, 2023 through May 31, 2023 Check Register in the amount of \$134,330.92 was approved.

FOURTEENTH ORDER OF BUSINESS

Next Scheduled Meeting – September 13, 2023 at 6:30 p.m. at Phase 2 Amenity Center

Mr. Payne stated the next meeting was scheduled for September 13, 2023 at 6:30 p.m. at the Phase 2 Amenity Center.

FIFTEENTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Jim Oliver
D1B45E5E7410418...
Secretary/Assistant Secretary

DocuSigned by:
Meredith Payne
F90EE6B0C57E452...
Chairman/Vice Chairman