

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, September 13, 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
Shawn Jolly	Supervisor
Thomas Metych	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 September 13, 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 with the exception of Mr. Blalock.

SECOND ORDER OF BUSINESS

Public Comment

There being no comments, the next item followed.

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THIRD ORDER OF BUSINESS**Approval of the Minutes of the July 12, 2023 Meeting**

On MOTION by Mr. Payne seconded by Mr. Jolly with all in favor the Minutes of the July 12, 2023 Meeting were approved as presented.

FOURTH ORDER OF BUSINESS**Discussion of Unsolicited Request to Purchase CDD Owned Parcel**

Mr. Payne referred to communication from Mr. Masters regarding a request to purchase a parcel that the CDD owned and questioned whether the District had the authority to sell property. Mr. Eckert explained there was an analysis to determine if the property could be sold and looking at the Development Order (DO) to see if the property was preserved as open space, as every community was required to have a certain amount of open space and if there was a conservation easement. There was no harm for the District to look into it if someone else was posting a deposit of \$5,000 to \$10,000 for the District Engineer and District Counsel to perform the due diligence, but he would be surprised if it was developable property. Mr. Payne recalled several years ago, when a prior Board sold a parcel next to Hurricane Wings to a non-profit organization for \$1. Mr. Masters would find out the details. Mr. Eckert believed that it was probably declared as surplus property, but if it could not be developed, they should not give away control. Mr. Payne recalled that the developer wanted to build a sports complex and sell wine and beer. Mr. Masters pointed out that the developer wanted to charge memberships like in Lakewood Ranch and was following up with their broker to see if they were still interested in this property. Mr. Payne questioned if there would need a buffer between Natures Walk and CR 210. Mr. Masters stated the entrance would be off of CR 210 where there were woods.

If the Board wanted to pursue it, Mr. Payne did not have an issue with Mr. Masters obtaining confirmation that there was interest but preferred that they pay to do the research and come back to the Board. Mr. Jolly was not a fan of adding more traffic. Mr. Metych pointed out if the developer paid for the research and had oversight of the layout, the Board did not have to make a decision or pay for it. Ms. Little agreed with the developer doing the research as many of the Board Members were against it. Mr. Eckert stated if the developer made a proposal, the District could request that they provide a letter from the county stating it was a permitted use and a letter from a Real Estate Attorney agreeing with the county that it conformed with the DO, so

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the District did not favor one business over another. Then the Board could ask the developer how much they were offering and how they would deal with the traffic. After further discussion, there was Board consensus for Mr. Masters to follow up with the developer's broker regarding their interest in the property and for the developer to pay the research costs as stated above and come back to the Board with a proposal, if the property was viable.

FIFTH ORDER OF BUSINESS**Discussion of Basketball Court Relocation and Installation of Pickleball Court**

Mr. Masters reported that both tennis courts were resurfaced and relined with pickleball lines and were getting a lot of usage by tennis and pickleball players. The Chairman requested a proposal from a company to look at the half basketball court and backboard court in Phase 1 and provide an estimate to convert it to a pickleball court. The contractor was present the day that Mr. Blalock was on his community ride and Mr. Blalock suggested using half of the basketball court for a pickleball court as there was less to build and moving the basketball court to the backboard. The total cost of the project would be in the \$60,000 to \$70,000 range; \$34,000 for the concrete work, to cut out some areas and drill in the poles, install a pickleball net, cut down the basketball hoop, draw the lines, resurface the basketball court, install a new basketball hoop and post and \$10,000 to \$11,000 to install a fence and an additional light on the back of the tennis court poles to light the area. Mr. Payne liked the idea of having multiple activities such as the volleyball court, soccer field, tennis court, pickleball court and basketball court and discussed with Mr. Masters about having a 7x7 soccer field as opposed to an 11x11 soccer field, keeping the rebound wall and connecting all surfaces. Mr. Payne questioned the usage if they were spending over \$50,000 on increasing the facility or making it more appealing.

Mr. Metych felt that it was a good idea as pickleball was the biggest sport out there and alleviated the complaints from the tennis players, but wanted to obtain quotes on different options to see what prices they could get. Mr. Jolly questioned whether they were going to paint the court once it was moved. Mr. Masters confirmed that paint was included in the price. Ms. Little asked if people were waiting to use the pickleball and tennis courts. Mr. Masters noticed some people waiting, but it was not a big issue. Ms. Little questioned whether the basketball court would have to be made larger. Mr. Masters did not want to take anything away from the basketball players and to provide at least as good as what they already had so they were happy. Mr. Jolly asked if the company that provided the proposal did resurfacing work in the

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community and was happy with their work as the drainage from those courts were much better. Ms. Little was thankful that they had the property and questioned where the money would come from. Mr. Oliver stated there was \$249,000 in reserves; however, there were items in the Capital Reserve Study that allocated some of these funds. Mr. Masters pointed out there were large capital items such as resurfacing of the pool and the Splash pool structure, which was at the end of its life.

After further discussion, there was Board consensus for Mr. Masters to obtain separate proposals for the concrete work to convert half of the basketball court to a pickleball court, to move the basketball court to the backboard, for a fence and provide options for connecting the surfaces to the Board at the next meeting.

SIXTH ORDER OF BUSINESS**Other Business**

There being no comments, the next item followed.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Eckert reported that the Florida Statewide Mutual Aid Agreement approved at the July meeting, was not submitted to the State because they were revamping their system and requested that all agreements be held until their system was up and running. The Chiller Medic proposal for the Phase 2 air conditioner was executed on July 31st. Mr. Payne questioned the status on the safe location. Mr. Eckert submitted the child safety zones to the county and requested that they include the Phase 1 and Phase 2 Amenity Centers and the park in the northeast corner of South Fieldcrest Drive and Huffner Hill Circle, in their Child Safety Zone Ordinance. Changes that the county was going to be making that would be beneficial to the District would be provided to the Board at a future meeting.

B. Engineer

There being no comments, the next item followed.

C. Manager

Mr. Oliver recalled that a few years ago, the Board adopted a resolution regarding an annual bonus and incentive program for new onsite employees. Typically, the Board addressed

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that in November and at that time, Mr. Oliver would provide a copy of the resolution scoring sheet. The Board could award a maximum 8%. Mr. Payne pointed out this was the standard process that the Board established.

D. Operations Manager

1. Report

Mr. Masters presented the Operations Manager Report. No incidents or accidents were reported at the pools and there were no complaints on the cleanliness of the pools as the pools were cleaned every day. They had a good summer with many rentals in the pergola and the Phase 1 breezeway. Mr. Payne requested that Mr. Masters track the number of parties held in the pergola and breezeway. The number of pool monitors was good, but Mr. Masters preferred to hire more retirees to have some mature adult supervision as it was challenging for teenagers to follow through on tasks. They had two or three individuals from the community that were retired working as pool monitors and were going to work harder this year on bringing in more residents. They were going to create a pool monitor video to use as part of their training as many tasks were not completed and residents were not handled in the way that Mr. Masters liked. He was thinking of switching their hours from 10:00 a.m. to 6:00 p.m. to 12:00 p.m. to 8:00 p.m. as the bulk of the activity was after 6:00 p.m. In addition, they typically scheduled two people per shift of three to four hours and they would continue that into next year.

Mr. Payne requested that Mr. Masters continue having pool monitors on the weekends into September, end of September or mid-October as the pool was heavily used, especially this Saturday. Mr. Masters stated there were two parties at the Phase 1 pool on Saturday, one from 11:00 a.m. to 3:00 p.m. and the other from 4:00 p.m. to 8:00 p.m. The pool was packed because the Summer heat lasted longer and would look at cutting some hours. Someone was in the office Saturdays from 10:00 a.m. to 3:00 p.m. Mr. Payne did not want to add additional funds to their pool monitor budget. Mr. Masters would work with the budget that they had and look at the hours. Mr. Jolly stated it should be contingent on having the right staff and using retirees from within the community. Mr. Payne received feedback that the signage was not clear about smoking at the pool as there should be no smoking at the pool. Mr. Masters received a letter on Monday from a family that was at the pool on Saturday who smelled marijuana from a birthday party. Mr. Masters was deciding what to do with the birthday party and assumed that the person who had the party was not policing their guest, which they were responsible to do. Mr. Payne

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requested that it be monitored and action be taken on a case-by-case basis.

Mr. Masters reported that the Flock Safety (Flock) License Plate Readers (LPRs) helped to save the District \$5,000 this year, but they were not happy with Flock's communications with the St. John's County Sheriff's Department last year or the year before, as they did not provide what they said they would. As a result, Mr. Masters was able to get Flock to provide six months of service for free. The Comcast installation was completed in Phase 1 and went relatively well, considering there was trenching in front of residents front yards; however, there was one incident where they hit a resident's sewage line underneath their driveway. They were working with the resident and were paying for the repair of the line. At this time, there were no plans to go into Phase 2. They dodged a bullet on Hurricane Idalia, although they still did some storm preparation. Their assets were safeguarded. The only thing that they lost during Hurricane Idalia was a broken clock at the entrance to the pool, which fell down.

2. Yellowstone Report

3. Lake Doctors Report

Mr. Masters presented the Yellowstone and Lake Doctors Reports. He was very happy with both contractors as everything looked good. Yellowstone was working hard throughout the property, clean up some of the corners in some of the common areas to. Lake Doctors was very busy because every summer they had heat and fertilizer runoff. Once they applied the chemicals, they could not be applied for 10 days or they risked oxygen depletion and a fish kill, which they did not want. The air conditioner was replaced in the Amenity Center and there were broken spotlights at the Phase 1 entrance that had to be replaced due to vandalism. It looked like somebody grabbed them and twisted them around until they broke the metal off. It cost \$300 to replace three spotlights. All three playgrounds were re-mulched and a volleyball net was installed. Mr. Jolly asked if the tennis courts and basketball courts were busier when it was colder. Mr. Masters replied affirmatively. Mr. Payne hoped as they increased the facilities, they would have more usage.

E. Amenity Manager - Report

Ms. Meadows presented the Amenity Manager's Report. It was a quiet couple of months. They had smaller events like the Root Beer Float Friday, which was always a big hit, but they ran out of supplies, due to the amount of people. They also had a Movie Friday where kids

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created Mario characters out of beats while watching the new Super Mario Brothers movie and eating popcorn. It was a nice, peaceful small event that was a big hit with kids. Next were their typical holiday events such as their Halloween event and Turkey Trot on Thanksgiving. She was thinking about doing another craft and movie like showing Charlie Brown Thanksgiving while the kids are crafting, as it was a very well received event. They would also have the annual cookie event with Santa. A resident requested a Trunk or Treat at the Amenity Center, where people decorate their trunks with a holiday or Halloween theme and hand out candy and questioned the liability of someone handing candy out of their trunk in their parking lot. Mr. Eckert explained that there was potential liability as they were not screening anyone who was coming in or control what they were passing out, but other Districts have had them. Mr. Masters stated their plan was to have it at Phase 2 where they had 16 parking spaces with trunks facing out. Residents who wanted to participate would register and provide their vehicle information and tag number to provide some comfort on who was participating.

Mr. Payne questioned whether there would be interest. Mr. Masters stated the resident was excited about this event and he was fine doing it as long as the District was protected. They could do it same time as the Phase 1 event to make it a larger event, which was two weeks before Halloween. They could come to Phase 1 first or to this event, which would have decorations and fog machines. Mr. Metych was in favor of it if the liability was there, it would be covered by having the resident's information and vehicle information and there were 16 residents handing out candy and not outside residents. Mr. Eckert would feel better if the District provided the candy versus people bringing their own as the liability was controlling the product going out. Mr. Masters used Deputy Warren for crowd and traffic control. She could handle the kids as she was also a School Resource Officer. Mr. Jolly suggested having a haunted trail in the Phase 1 field and volunteers hand out candy throughout the trail instead of having a Trunk or Treat. Mr. Masters estimated that they currently spend \$500 on candy and suggested putting this out to the community to see if there was interest as it would cost another \$300 to \$400 for the candy. Ms. Moore suggested charging \$15 for the space and \$15 for the candy. Mr. Payne liked the idea of having a Trunk or Treat if it could be done in a controlled manner and requested that Mr. Masters explore it further. Ms. Little suggested having residents pass out candy from their trunk in their driveway. Mr. Jolly suggested that POA consider a community Trunk or Treat. Mr. Masters would research this matter further and work with District Counsel on the liability.

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Ms. Little questioned general liability for all events and whether the District was covered by blanket insurance through Vesta. Mr. Masters confirmed that the District was insured through Vesta, but anyone could sue and go after everyone. Mr. Eckert felt that the District was well protected through a general liability policy with a minimum of \$1 million and sovereign immunity limits of \$200,000 per person and \$300,000 per incident, which insurance exceeded the maximum liability that the District could have under the statute. In addition, there were various statutory immunity provisions that protected the Supervisors. Mr. Payne heard that the Root Beer Float event was a hit and suggested having one every two months. Mr. Masters stated when it cooled off, they passed out coffee or hot coffee and donuts in the Phase 1 roundabout. Mr. Payne would leave it up to staff to provide the events and venues. Ms. Little noted that everything looked great and received good reviews.

EIGHTH ORDER OF BUSINESS**Supervisor's Requests and Audience Comments****Audience Comments**

There being no comments, the next item followed.

Supervisor's Requests

Mr. Jolly asked about the two locations that Mr. Masters picked for the community garden. Ms. Little questioned who would be responsible for it as she could not grow anything in her backyard due to the deer. Mr. Jolly suggested that it be fenced in. Mr. Metych was in favor of having a community garden in the area that Mr. Masters started clearing as there was coverage with the trees and it was away from residences. Mr. Payne agreed with having the community garden in this area, even if they had to cut some trees down to provide more space, but wanted it to be aesthetically pleasing, requested a proposal with a budget and suggested fencing in the garden itself and still have an open area versus fencing the entire area. Mr. Masters pointed out that deer could jump high and would provide a budget for the fence, soil and running a hose off of the pump house for water. Mr. Jolly would provide pictures to Mr. Masters of a community garden by the beach. Mr. Masters recalled that a community in Central Florida spent \$8,000 for a community garden. Mr. Eckert recommended that the Board Members look at the community garden in Shearwater next to the dog park. Mr. Jolly suggested that the community pay for the

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structure and residents provide the seeds and plants. After further discussion, there was Board consensus for Mr. Masters to provide a proposal and budget for the community garden.

Mr. Payne questioned the status of the company that wanted to use their facilities to provide swimming lessons and in turn provide contributions or improve the facilities by providing lights for night swimming. Mr. Masters did some research, but the company was not ready to discuss it and recommended getting further information from the company. They were going to provide a heater for the pool, not lights, so they could provide year-round swim lessons. If they could have a heated swimming pool for their residents, they would be one of the few facilities that had a heated pool year-round, but there were too many questions that needed to be answered. Mr. Jolly asked if there was feedback on the volleyball net. Mr. Masters pointed out that a few people were using it, but until it cooled down further, it was not going to get much use. Mr. Payne spoke to Mr. Masters about putting in sand, like at Stonehurst.

NINTH ORDER OF BUSINESS

Financial Reports

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

Mr. Oliver presented the July 31, 2023 Balance Sheet and Income Statement. The balance of the Capital Reserve Fund was \$250,000. The District was in good shape with a positive variance of about \$43,000.

B. Assessment Receipt Schedule

Mr. Oliver presented the Assessment Receipt Schedule, showing that the District was fully collected for Fiscal Year 2023.

C. Approval of Check Registers

On MOTION by Mr. Payne seconded by Ms. Little with all in favor the June 1, 2023 through July 31, 2023 Check Register in the amount of \$251,833.34 was approved.

TENTH ORDER OF BUSINESS

Next Scheduled Meeting – November 8, 2023 at 6:30 p.m. at Phase 2 Amenity Center

Mr. Payne stated the next meeting was scheduled for November 8, 2023 at 6:30 p.m. at the Phase 2 Amenity Center. Staff bonuses would be discussed.

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ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Payne seconded by Mr. Jolly with all in favor the meeting was adjourned at 7:45 p.m.

DocuSigned by:
Jim Oliver
Secretary/Assistant Secretary

DocuSigned by:
Meredith Payne
Chairman/Vice Chairman