

MINUTES OF MEETING
MEADOW VIEW AT TWIN CREEKS
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Meadow View at Twin Creeks Community Development District was held on Thursday, June 16, 2022 at 10:00 a.m. at the offices of Governmental Management Services, 475 West Town Place, Suite 114, St. Augustine, Florida 32092.

Present and constituting a quorum were:

Bruce Parker	Chairman
Blaz Kovacic	Vice Chairman (by phone)
Aaron Lyman	Supervisor
Danielle Simpson	Supervisor
Ben Bishop	Supervisor

Also present were:

Jim Oliver	District Manager
Jere Earlywine	District Counsel (by phone)
Scott Lockwood	District Engineer
Marc Rousseau	Amenity Manager
Chris Hall	Field Operations Manager
Robert Yerkes	Foerster, Isaac & Yerkes

The following is a summary of the discussions and actions taken at the June 16, 2022 meeting.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Oliver called the meeting to order at approximately 10:03 a.m.

SECOND ORDER OF BUSINESS

Public Comment

There being no comments, the next item followed.

The following items were taken out of order of the agenda.

FOURTH ORDER OF BUSINESS

**Approval of the Minutes of the May 19,
2022 Board of Supervisors**

There were no comments on the minutes.

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On MOTION by Mr. Bishop seconded by Ms. Simpson with all in favor the minutes of the May 19, 2022 Board of Supervisors meeting were approved.

FIFTH ORDER OF BUSINESS

Acceptance of the Audit Committee's Recommendation

Mr. Oliver informed the Board the Audit Committee ranked Berger Toombs Elam Gaines & Frank #1 with 98 points and Grau & Associates #2 with 97 points.

On MOTION by Mr. Lyman seconded by Ms. Simpson with all in favor the Audit Committee's recommendation to rank Berger Toombs #1 was approved with staff authorized to obtain an engagement letter.

SEVENTH ORDER OF BUSINESS

Acceptance of Engagement Letters from Grau & Associates for Arbitrage Rebate Services

Mr. Oliver informed the board the District is required to ensure there are not overearnings on the investment of the construction funds received through the bonds. The arbitrage rebate calculations ensure the District remains in compliance with the guidelines regarding tax-free bonds.

On MOTION by Mr. Lyman seconded by Ms. Simpson with all in favor the engagement letters from Grau & Associates for arbitrage rebate services were accepted.

NINTH ORDER OF BUSINESS

Ratification of Janitorial Services Agreement with Jani-King

Mr. Oliver informed the Board there was a change in janitorial services and the monthly price is now at \$1,522.91, which equals an annual cost of \$18,273.

On MOTION by Mr. Bishop seconded by Ms. Simpson with all in favor the agreement with Jani-King for janitorial services was ratified.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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A. District Counsel

There being nothing to report, the next item followed.

B. District Engineer

1. Approval of Requisition Summary

Mr. Lockwood gave a brief overview of the requisition summary, a copy of which was included in the agenda package.

On MOTION by Mr. Lyman seconded by Ms. Simpson with all in favor the requisition summary listing numbers 42-46 for Phase 3 and numbers 13-15 for Phase 4 for approval and numbers 11 and 12 for Phase 4 for ratification was approved.

2. Acceptance of Annual Engineer’s Report

Mr. Lockwood provided a brief overview of the annual engineer’s report, a copy of which was included in the agenda package.

On MOTION by Mr. Lyman seconded by Ms. Simpson with all in favor the annual engineer’s report was accepted.

3. Acceptance of Stormwater Needs Analysis Report

Mr. Lockwood provided a brief overview of the stormwater needs analysis report, a copy of which was included in the agenda package.

On MOTION by Mr. Kovacic seconded by Mr. Bishop with all in favor the stormwater needs analysis report was accepted.

C. District Manager

There being nothing to report, the next item followed.

THIRD ORDER OF BUSINESS

Consideration of FPL Request to Purchase Easements from CDD

Mr. Yerkes stated FPL is getting ready to put a 150-volt line along the southside of County Road 210, so they’ve been contacting various owners including yourselves. They’re taking the 15-foot easement along the road right of way and they had offers of \$112,00,

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\$75,000, \$200 and \$1,600 for the three different parcels that they've identified, SJ123, SJ124 and S128. I know from talking with Jere that there were concerns about the program that they talked about where they want to bore these holes where they plan to put the new poles and making sure there is nothing else down there. There were concerns about liability. Mr. Earlywine prepared a liability license agreement. That covers that concern about liability. They have no legal descriptions yet in the proposals they provided and when you ask them, they say, we don't have a legal description. So, they're in the middle of their program where normally they would have construction plans of some percentage. They're still doing the borings for these areas. I know that was a big concern when I talked to you before, because you've already paid to put lines underground and so far, they've not been willing to consider doing that with some other developments we've got along 210, which are similarly situated where they've paid to put the lines underground because they didn't want to have the obstructions. The other owners have just said, you need to stay off our property until you give us the normal imminent domain documents, which is a written offer and a copy of an appraisal on which that offer is based, so we know what they're really doing, because then you have a legal description of the taking and we can see exactly what you want to do and can negotiate from there. Right now, there's not a lot of detail to where they are, so there's a couple of ways we could go. With a license agreement, if you're comfortable with that, you could allow them to come on and do those borings and they have to put it back in the condition that it was prior to their digging, with liability provisions that you've prepared. Or you could tell them you don't want to move forward with it until they do what normally happens in imminent domain, which is what I just discussed, which is pursuant to Florida law, they give you a written offer supported by an appraisal that shows how they got to their evaluation, exactly what they're doing and a legal description of what they're doing. Those are your choices. I sent over a couple of agreements to sign that allows us to converse regularly with FPL about this project under imminent domain. If you haven't been involved with imminent domain before, the Florida law provides that all costs and expenses are paid for by the proposer in addition to the compensation received by the owners, so no money comes out of your compensation. Our fees are based on our ability to work for you to obtain as much possible compensation for what they take and that difference from their initial offer, so there's no liability. You have no expense for our services. We've been doing this throughout northeast Florida for more than 40

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years, so we've represented a lot of business, single property owners and developers. You can see in the documents they're talking about constructing this line before winter of 2024. That's the only timeframe we have thus far. As far as taking the property and filing imminent domain proceedings, that hasn't even been discussed yet. This is their preliminary work. If you have any questions about the representation agreements, let me know. If not, when I get them, I can then work with them to keep pushing them on detail and timelines.

Mr. Earlywine asked Mr. Yerkes to explain how the fee structure works.

Mr. Yerkes responded our fees are based on the written offers that they make to you and how we achieve a benefit over and above that for you. So, you never owe us anything. There are no retainers.

Mr. Parker stated I think we should hold back whatever we can to get them to agree to bury the lines, at least at our entry. If we paid a couple hundred thousand dollars to bury lines to FPL, for them to cover over top now, what would I have to do, pay them again to come back and bury them? I don't know how long we can delay them with imminent domain. If we allow them to move forward, if they agree to bury them, I'm probably more concerned about that than the actual fee. Once Jere says we're okay to sign them, I will sign them. If you could start the topic with, we have good guys at Beacon Lake that are willing to work with you, but bottom line is you don't charge them \$200,000 to bury wires and they want to make sure you guys are going to bury the wires at their entry. If they're not going to work with us and bury the wires, we're going to do everything we can possibly do to delay them.

Mr. Earlywine stated I think we should make the residents aware of the fact that we tried to bury the lines, that we paid money to do that, and there's some injustice going on here that they should be aware of, because voters matter. I think spreading the word would be a good thing.

Mr. Lockwood stated I had a concern with one of the maps that showed in the townhomes they were also wanting to have an easement over the wetlands that are in the middle of the project. The wetlands are in conservation, so I'm not understanding why or how they would want an easement over top of that.

Mr. Kovacic asked is any of this coordination being handled out of FPL's St. Augustine service center?

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Mr. Yerkes responded no, they've got contracted right of way agents and the project director is out of Daytona. He's not been willing to disclose much of anything. He has showed up on properties though. If I can get the project engineer to meet us on the property and give more detail than they've given us, then it would be a good chance to explain and voice more vehemently our demands that they bury these lines. I'd like to get information from them on what is there and what they did. We can schedule a meeting at Meadow View with him and us.

Mr. Kovacic stated we are very sensitive to the timing and everything that the St. Augustine service center still needs to live up to specific to Phases 3B and 4 of our development. That's why I asked that question.

Mr. Parker stated that what my next point. The next thing is, we should tell them we've got houses under construction, we've had infrastructure in for probably four months at this point, and we still don't have the power going in. Without that, we can't close on the houses.

Mr. Yerkes stated if anybody has the contact information for the St. Augustine service center and something that shows where you are on that, I'll be glad to see if I can make any contacts there as well.

On MOTION by Mr. Parker seconded by Mr. Lyman with all in favor the engagement letter with Foerster, Isaac & Yerkes was approved subject to District Counsel's review.

SIXTH ORDER OF BUSINESS

Discussion of the Fiscal Year 2023 Budget

Mr. Oliver stated you approved the budget at your last meeting, and you'll adopt a budget at the August meeting. The main thing is we can work with you and BBX on is determining the assessment levels. Depending on that, the mailed notice will go out in July.

NINTH ORDER OF BUSINESS

Staff Reports (Continued)

D. Amenity Manager

Mr. Rousseau provided the Board with an overview of the upcoming events and noted Charlie's Grill and EZ Eats by Yaya, as well as kayak rentals are doing well. He also informed

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the Board there have been issues with property being destroyed at the clubhouse. Mr. Oliver noted there was an agenda item related to security services, which was taken next.

EIGHTH ORDER OF BUSINESS

Discussion of Options for Evening Security Monitoring or Amenity Staffing

Ms. Simpson informed the Board she has received proposals from RMS and Central Security Agency. RMS proposed \$35 per hour, which is higher than the fee last year, so she would like to do more research. Mr. Parker stated that it was important to get somebody in to protect the facility and directed staff to notify the guardians of the minors destroying property to inform them the amenity privileges will be suspended if it happens again. Mr. Earlywine informed the Board the amenity manager has the right to suspend privileges on a limited basis and then the case will come to the Board for a more permanent suspension if that is the board's desire.

TENTH ORDER OF BUSINESS

Discussion on Common Area Damage Due to Homeowner Pool-Related Improvements

Mr. Oliver informed the Board that during construction of a homeowner's pool, some of the District's turf and irrigation was damaged. The homeowner has signed a temporary access agreement, but still needs to provide a security deposit. There is a currently a cease and desist in place until all the required items have been provided. Mr. Lockwood also stated there is a retaining wall that has been built that will need to be dealt with.

On MOTION by Mr. Parker seconded by Ms. Simpson with all in favor the temporary access agreement with the homeowners of 50 Constance Lane was approved.

Mr. Earlywine stated it sounds like the CDD needs to send them a letter, and probably the HOA too about that issue, because I think it violates the HOA documents. The conservation easement is owned by the CDD, so we've got a problem too. I would ask for direction from the Board for staff to send a follow-up letter asking them to put a hold on their project until they can verify that they're not impacting a jurisdictional wetland and that they provide proper surveying and have staff go out there and review it with them.

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On MOTION by Mr. Parker seconded by Mr. Bishop with all in favor directing staff to send a follow-up letter to the homeowners of 50 Constance Lane to ask them to stop their project until it can be confirmed they are not impacting a jurisdictional wetland was approved.

ELEVENTH ORDER OF BUSINESS Staff Reports (Continued)

E. Operations Manager – Report

Mr. Hall gave the Board a brief overview of the repairs and replacements detailed in the operations report, a copy of which was included in the agenda package. He also noted pressure washing of various areas is scheduled for next week.

TWELFTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet & Income Statement

B. Assessment Receipts Schedule

Mr. Oliver noted the on-roll assessments for FY22 are 96.5% collected.

C. Check Register

A copy of the check register totaling \$130,184.51 was included in the agenda package for the Board’s review.

On MOTION by Mr. Parker seconded by Mr. Lyman with all in favor the check register was approved.

D. Consideration of Construction Funding Request No. 35

A copy of construction funding request number 35 totaling \$69,505.60 was included the agenda package for the Board’s review.

On MOTION by Mr. Lyman seconded by Mr. Parker with all in favor construction funding request number 35 was approved.

E. Consideration of Funding Request No. 57

A copy of funding request number 57 totaling \$108,152.35 was included in the agenda package for the Board’s review.

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On MOTION by Mr. Lyman seconded by Mr. Parker with all in favor funding request number 57 was approved.

THIRTEENTH ORDER OF BUSINESS Supervisors' Requests and Audience Comments

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – July 21, 2022 at 10:00 a.m. at the offices of GMS

FIFTEENTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Bishop seconded by Mr. Lyman with all in favor the meeting was adjourned.

DocuSigned by:
Jim Oliver
D1BA5E5E7410418
Secretary/Assistant Secretary

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RJC
B1C03893E5A342A
Chairman/Vice Chairman