

MINUTES OF MEETING
DOUBLE BRANCH COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Double Branch Community Development District was held Monday, November 8, 2021 at 4:00 p.m. at the Plantation Oaks Amenity Center, 845 Oakleaf Plantation Parkway, Orange Park, Florida 32065.

Present and constituting a quorum were:

Cindy Nelsen	Chairperson
Chad Davis	Vice Chairman
Scott Thomas	Supervisor
Tom Horton	Supervisor
Andre Lanier	Supervisor

Also present were:

Marilee Giles	District Manager
Mike Eckert	District Counsel
Jay Soriano	Operations Manager
Chalon Suchsland	VerdeGo
Crys Grizzle	S3 Security

FIRST ORDER OF BUSINESS

Roll Call

Ms. Giles called the meeting to order at 4:00 p.m.

SECOND ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

**Ratification of Transfer of Client Matters
to Kutak Rock, LLP**

Mr. Eckert stated our firm has been going through some significant changes over the last six to eight months. We've had a lot of attorneys leave. One group left to open the Florida / Tallahassee Office of a Washington D.C. firm and then we've had some other folks that picked up at other firms as well. What that has resulted in is our practice group, which is about 10 attorneys, three paralegals and three assistants, we've made the decision to stick around and make sure our employees were taken care of and that they found work. We're in the process of

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winding down our legal operations in terms of providing legal services and that will end on November 15th. Our practice group has accepted the role of opening up the first Florida office for Kutak Rock, which is a national firm out of Omaha, Nebraska with over 500 attorneys. They do a lot of special district work in other states, but not in Florida. Colorado, California, Texas and some other states have very similar vehicles to a Community Development District so they have that experience, they also have federal tax expertise, as well as a lot of bond law that we also work in so we're looking at that opportunity as maybe we can provide them some best practices, maybe they can provide us with some best practices and then ultimately for your district hopefully that will be a benefit to you. There is no change in the fees that are charged to the district. There is no change in who your attorney would be unless you request it. That would still be me, and my paralegal David Wilbourn who is also moving to Kutak Rock would still be the one that does a lot of the drafting of documents initially and things like that to help me out, so there isn't really a change to you all if you decide to go in that direction. That would start on November 15th. In your agenda package you have a typical letter that we had to modify, because usually this is a letter the Bar requires when an attorney leaves a firm. There really isn't a letter when the firm is shutting down and you're leaving to go somewhere else. You have two options; alternative one is you can choose to stay with me and have your files and account transferred over to Kutak Rock, or alternative two is you all can choose to seek other legal counsel. Obviously, I'd love to keep working with you, but it's your choice. If you did choose alternative one, I would ask for a motion to that effect, and also the authority for the Chair to execute a contract so we could have that in place by November 15th.

Vice Chairman Davis stated my only question is the date. I'm looking at the signature from 10/18.

Ms. Giles stated we're ratifying it.

Chairperson Nelsen stated that was a temporary kind of thing that we needed to hold over because we would still need 30 days' notice and all of that kind of stuff.

Mr. Eckert stated correct. What we've been doing is most managers or chairs have gone ahead and executed it to make sure you didn't have a lapse in legal coverage. I serve at your pleasure. Any day you can say we don't want to use you anymore.

Vice Chairman Davis stated there's no question in that, I want you guys to continue. I was just questioning the date of the signature and if we should change that to today's date.

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Mr. Eckert stated that's fine if you want it to be today's date, but it doesn't matter. I just wanted to make sure we didn't have a lapse and that we got something executed before that time because then we have to prepare the Kutak contract, which we have prepared. It's up to you. This board can ratify it. If this board chooses not to ratify it, it's of no legal effect and then we start over.

Ms. Giles stated if the board does ratify it, I have the fee agreement here that the Chairman would sign and it would go into effect on the 15th of November.

Vice Chairman Davis asked which again would be no change?

Mr. Eckert responded no change in the fees that we discussed earlier this year.

Mr. Horton stated let's keep it the way it is.

On MOTION by Mr. Horton seconded by Mr. Lanier with all in favor the fee agreement and transfer of client matters to Kutak Rock, LLP was ratified.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the October 11, 2021 Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**
- D. Check Register**

Ms. Giles stated included in your agenda package are the minutes of the last meeting, the financial statements as of September 30th, your assessment receipts schedule showing you are 100% collected for FY2021 and the check register totaling \$73,967.79.

Mr. Horton asked the pickleball system from Welch Tennis Courts, what is that?

Mr. Soriano responded they asked for new nets. They are temporary nets. We had some temporary nets when we first opened but they are a few years old, and they were kind of rusting. So, they are out there using them a lot so I went ahead and purchased the new nets to put out there so that we can keep them happy until we make some kind of decision on what we're going to do.

Mr. Horton asked how many nets were there?

Mr. Soriano responded just two. They have four courts, but I was only going to do two. The nets aren't that cheap and if we do make a decision, you're talking about a lot more money. We were planning on putting in permanent posts for nets so I'll be able to reuse the net itself, but the frame will be wasted.

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Mr. Horton stated those are some expensive nets. The second question is the Times Union there was \$669.69 for advertising the meeting, I guess?

Ms. Giles responded yes sir, that’s the notice that we put in the paper.

Mr. Horton instead of the other paper.

Ms. Giles stated I’ll have to find out why she ran in the Times Union versus the Clay Today.

Mr. Horton asked why is it so much? Is it one month?

Ms. Giles responded it’s one ad.

Mr. Soriano stated I think we’ve talked about this before. I think it’s the time of publishing so there are certain rules for when we have to do published notices before our meeting for any of our meetings whether it’s budget or just regular meetings and I think it’s the Times Union has always worked out for our meetings better being this day of the month. Legal notices are expensive.

Mr. Horton stated it’s not the one we’ve been using here.

Mr. Eckert stated I think I understand what is going on. Our annual meeting schedule has to go in a newspaper that has a broader publication and broader readership, so that is that one meeting notice that gets published once a year and then your regular meeting notices I think go in the Clay Today and that is much more affordable.

On MOTION by Vice Chairman Davis seconded by Mr. Horton with all in favor the Consent Agenda was approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

1. Memo Regarding Publication of Legal Notices

Mr. Eckert stated I have four memorandums for you today. I’ve touched on some of these briefly in your legislative updates, but these are the actual memos that we did. Number one is a memo regarding publication of legal notices. Ever since I’ve been in Tallahassee, every year there is this big debate at the legislature in terms of letting people use the internet for government purposes and specifically to publish notices because if we were able to publish a notice on our own website, it wouldn’t cost us anything and we wouldn’t have the discussion we just had about the cost of legal notices, which is a significant part of your budget. This year

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the legislature finally passed something. Basically, it says if you're going to publish notices online, you also have to buy an ad in the newspaper to let people know you're publishing your notices online and that has to run periodically. So, I would say this is a very small baby step. We don't see the advantage in you doing that. You're already publishing the notices online, that is required, but I don't see an advantage for you guys to run the ad saying we're also publishing online. I think that will change in a couple of years because the local governments will get pretty upset that they've created this situation, but I'm sure it was a last-minute compromise with the newspapers who don't want to lose the revenue. We will keep an eye on that.

2. Memo Regarding Stormwater Needs Analysis

Mr. Eckert stated every CDD is going to have to come up with a 20-year needs analysis for their stormwater management system. Essentially, that is a requirement that you're going to take an inventory of what your system is, you're going to have a plan in terms of how you're going to fund the maintenance of it, how you're going to deal with inspecting it, how you're going to deal with replacing systems when they fail and all that information needs to be gathered together by each CDD and then it's transmitted to the County and the County then sends it up to the State. The Florida Department of Environmental Protection has already provided a template for this document so what I would expect to see is in January or December, get a proposal from your district engineer to put this report together. It's not due until June of 2022, but I think you ought to be in a position to give that authorization, at least by the end of January so that they can get that compiled in time. There is a template out there and it's not terribly intimidating. It will probably be a good planning tool for you. You'll want to make sure it coincides with your budget on an annual basis and if you have a reserve plan you want to make sure it jives with that. You don't want to have something in this plan that says the pipe is going to last 20 years and your reserve is counting on you replacing it at year 50.

Mr. Horton asked the County doesn't do anything for storm drains?

Mr. Eckert responded the County is going to have to prepare a 20 year needs analysis for its own system

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Mr. Horton stated the reason I ask that is if a drain collapses, which has happened on the streets out there several times, the County comes out and fixes it. So, what is our responsibility?

Mr. Soriano responded we spoke about it briefly at the last meeting. There are areas that are actually theirs, even though it may be connected to our system. If you recall, they had to tear up a whole street and replace the giant culvert that went underneath that connects two of our ponds. That is underneath their street. We didn't pay for or do any of that work. There are areas that they have to take care of, but Peter will give us a plan for ours. Things like the outfall are completely in our pond and our area.

Vice Chairman Davis asked so anything on a county road would be them?

Mr. Soriano responded there's even boxes on the street side that lead into our areas that the County helps out and takes care of now, but there are some sections that are completely in their right of way and they won't allow us to touch it. It's hooked to our system, that is that floodwater balance, but they will have to have their own plan.

Mr. Horton asked so we know which ones are ours and what we're responsible for?

Mr. Soriano responded we will have to make sure, but Peter will have that plan. Right now, his list will probably have some things that the County actually has responsibility of, like the road culverts. We put them in, but they are the County's now. The roads get deeded to the County. They handle that, the right of way and the culverts. He's probably first going to pull up everything that we put in and then we can pull those sections out that would be the County's responsibility.

Mr. Horton stated an example is we just put that nature trail bridge in. Is that outfall right there ours?

Mr. Soriano responded yes, we're responsible for maintaining it. Let's say that were to sink in between the two ponds. The pond bank and the trail that it sits on and the preserve on the other side is all our property. St. Johns Water Management would tell us that we have to be able to control that outfall. I'm sure there will be certain rules on how we do it, but it's completely ours.

3. Memo Regarding Prompt Payment Requirements

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Mr. Ecker stated there was a change to the prompt payment act. Basically, if local governments don't pay their construction contractors on time, instead of a 1% monthly penalty, it's now a 2% monthly penalty. I'm not suggesting we don't pay our contractors on time, but if we do have a legitimate payment dispute, there are certain procedures that your management has to follow, or your engineer has to follow to make sure we lodge that dispute in a timely manner. If there is a dispute, that becomes twice as important as it used to be now that it's 2%. My point is not that we have to pay the 2%, it's let's make sure we lodge the dispute, so we don't have to.

4. Memo Regarding Public Records Exemptions

Mr. Eckert stated many of you may know that there are certain people in the State of Florida because of their profession that their information is not subject to a public records request; it is exempt and confidential. For example, judges, state attorneys, fireman and policeman. All of their personal information if it's held by GMS is exempt from disclosure. So, if somebody says I want to find out where this policeman lives, the District Manager would say no, I'm not going to do that because it's exempt. The issue has always been, how does the local government know who is exempt and who isn't, because unless somebody tells them they don't know by looking at a parcel ID number. The new law basically says if you're one of these people who have an exemption, you have to fill out an affidavit and provide it to the local government, so they know not to disclosure your information so it's actually a very good fix to a problem that we had before. There's nothing you need to do on that, just something you need to be aware of.

B. District Engineer

There being nothing to report, the next item followed.

C. District Manager

There being nothing to report, the next item followed.

D. Operations Manager - Memorandum

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Mr. Soriano stated we just had our Pumpkin Plunge, which was held at your pool. There was a very large turnout with a couple hundred people. It was hard to get a couple hundred pumpkins, but everybody had fun. Because of that turnout I have talked to staff about going back to some of those patterns we did with our events where there is a low cost involved. This whole last year after the pandemic we've only been doing those free events, but we do need to get back to that. The 200 pumpkins were a little more expensive this year than they were in the past so even if people chip in \$2 per person, that is what we were doing for things like the camp outs and Pumpkin Plunge in the past. Now that things have gotten a little closer to usage numbers we've seen in the past, we can slowly get back to that. We have our virtual Turkey Trot coming up. I will send out the maps this week. One difference from last year is the course is going to be bigger, and it's completely on your side. The main reason is just the size. I had 26 turkeys and I didn't really have enough time to make and paint more. It is a 3.5-mile trek, and it includes our nice new nature trail to get people out to see that. I'll send that out this week and they will have two weeks to go through and take pictures and hunt for the turkeys. We will have a movie coming up here, however I want to make sure with food trucks that everything is kind of the same and they haven't changed dates around because with November we do have some odd dates. The second food truck event was planned for the day after Thanksgiving, so I don't know if she's going to change the date. I only want to run the movie as long as we have those food trucks to make sure we have people there. I hate to pay those license fees and have staff and volunteers out there if we only have 20 people.

We started testing the pool heaters out here, so your pools are closed and this pool is adult-only and swim at your own risk starting this month. You'll see our numbers there. We are kind of picking back up in usage. We had a few more rentals in our facilities. We're still really slow on your side, but this side is picking up a lot more. Your side is a smaller room and we do still have people leery of that. We want to get back to where these rooms are rented out every weekend and used toward things like meetings during the week and things like that.

Short of anything on the maintenance side, I did want to give you guys an update on the nature walk. It is open. I got a question about our ADA ramps. I do have one I have to adjust. We need to make sure that we are at the slope needed and everything is compliant, but everything is open and ready to go. Once we are done adjusting the ramp, we will put in the bollards for the trail at the front so we can stop all of those people that have been driving

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vehicles up since we cleared out that walkway. The walkway is nice and large now, but people constantly drive down there, and the residents tell me about it and we've seen it. The bollards on the bridge so nobody can take golf carts or anything like that, but for the trail itself I need to be able to stop them. We are still working on a couple of little things like signs, and I do have one more trash can out at the dog park, but most of the other projects are pretty much complete.

Mr. Thomas stated in front of Nature's Hammock it looks like a big truck went off the road. Have you seen that? It looked like they jumped the curb.

Ms. Suchsland responded yes.

Vice Chairman Davis stated I have a question about the Clay County 4x4s, the posts that hold the meters. Are those not Clay County's responsibility? They're responsible for the meter but not what holds it?

Mr. Soriano responded the posts are actually ours. They removed the meters, and they go through the slow steps of paperwork and contacting me. If you notice, I have two columns out too. When you drive in you have four columns and there are the two that are out because they removed the meters that I need for that. I have the posts ready to go and hopefully that'll be up in the next day or two. Then I have to call them up and wait for them to bring the meter back and the lights will be back on. They've started going through a couple of them just because those posts are starting to rot out.

Vice Chairman Davis asked what posts are we going back with?

Mr. Soriano responded a 4x6, so it's a little heavier.

Vice Chairman Davis stated termites are still going to eat it. If you did a vinyl 4x4 or 5x5 post and put it in the ground it will be there forever.

Mr. Soriano stated the only problem with vinyl is making sure that nobody is trying to rip anything off of the vinyl. Vinyl is hollow.

Vice Chairman Davis stated no, concrete with vinyl surround.

Mr. Soriano stated most people think metal, but I can't put a meter on a metal post, but if they allow me to fill it with concrete that would be different because we've looked at vinyl before, but there's no good way to secure it.

Vice Chairman Davis stated of course. But if you put a bag of Sakrete in it, now it becomes a vinyl form full of concrete.

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Mr. Soriano stated if they're good with it, I'm fine with that. If you've noticed in the last couple of years, we've had a couple meters run over so that concrete post would stop that. I've got two out right now, but these are 17 or 18 years old, so they've lasted a little while in that ground for Florida between termites and soil organisms.

Mr. Horton asked you had vandalism at the dog park?

Mr. Soriano responded it didn't even last a week. We did pay extra for a specialized coating that is pretty much impervious. We got out there with some citrus cleaner and it came off. It took us a couple of hours of rubbing, it's almost like polishing a car, but now if you go back by there you won't see it, but yeah, within a week it was covered in black paint.

Mr. Horton asked what about the vandalism at the pedestrian bridge?

Mr. Soriano responded we have an issue I'm working with Clay County Sheriff's on because I think I know who some of our culprits are down there. We've caught some kids in other issues and one of their names is spelled a certain way. I'm still working with the officer that caught them. If you guys have been down on the nature trail, they actually did some cool graffiti down there. There is one side that has some very artistic flamingos and squirrels, but the new stuff we're going to have to first make sure it's okay with St. Johns Water Management District because they control anything the water touches even though it's ours. Some of that stuff has been there for years so it's going to have to be painted.

Mr. Horton asked pressure washing won't take it off?

Mr. Soriano responded some of that stuff has been there 10 or 15 years. We had a gentleman drive a golf cart down it last week when we were working on one ramp, and he was bringing his mom down there to show her the bridge and he was telling her that's where he used to hang out when he was a kid and it's really neat that we've opened it up for everybody to use. There have been people hanging out back there for plenty of years, we know that.

Vice Chairman Davis stated at the ballpark somebody broke into the bathrooms only to fill the toilets completely up with Halloween candy and you have to dig that stuff out.

Mr. Thomas asked were you able to get that fence? Construction is starting now, and those heavy trucks are starting to go back there.

Mr. Soriano stated we grabbed some parts. Some large trucks tore through some of that. It's almost like they didn't want to move the fence and they just drove right through it. If you

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notice the bollards that are on the bridge ADA ramps, those are expensive 5-inch galvanized. We took the time to pull those up the ground and move them out to your bridge.

Mr. Thomas asked do they know when they start advertising back there that we still own the 1,000-feet back in there? I do not want a Sugarleaf sign on my property.

Mr. Soriano stated between here and Mike, we will make sure they're in the right spots.

Mr. Thomas asked I'm assuming they still have no contact with either of you?

Mr. Eckert responded no.

Mr. Thomas stated I just want to make sure they do nothing on that property.

Vice Chairman Davis stated I agree with that.

Mr. Eckert stated I don't know of an easement that would allow them to do that, but that would be the only way they'd be allowed to place something on our property.

Vice Chairman Davis stated we didn't give them an easement so it would have to be the County.

Mr. Soriano stated I thought you were talking about their sign. They shouldn't have any of those because you can't buy a house back there, it's rental only. We own space there, but there is county right of way also so even if we own it, when it comes to those things there are rules and we wouldn't have a say in that, but like I said, we shouldn't see those signs.

Mr. Eckert stated if you see a sign that comes up let Jay and I know, and I'll track down whether there is any ability for them to do that.

Mr. Soriano stated that should be a while because they can't rent out until they get close to being built. Right now, what you're seeing is underground utilities going in. We don't need signs along Oakleaf Village Parkway for rentals.

Chairperson Nelsen stated Jay, didn't you go to the County Commissioner's meeting and there is a possibility now?

Mr. Soriano responded I'm hoping the people on the planning commission board and our commissioner to really push for that road because Wilford Preserve, which is down Chimney Lakes, and you see the McDonalds you turn right. That road comes all the way back and that is what is going to connect to Kindlewood. The road through Sugarleaf was supposed to connect to that road and that is still in their plans. It might be ten years out. They are not looking to drop that, so hopefully this will push them along because if we can get that extra exit, I think it will help out. If I can talk them into doing one of their meetings over here for the

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Planning Commission, it helps because you can get homeowners to actually show up and bug them to get those extra roads. If you look at the Middle Village minutes from I think last month they were talking about the traffic from the high school and that's not getting any better. That's part of the Planning Commission also is finding other avenues for Oakleaf so that we can cut down traffic on this road here.

Vice Chairman Davis stated they fix that by rezoning.

Chairperson Nelsen stated and by reducing tolls.

Mr. Horton asked did you get the track sprayer?

Mr. Soriano responded I don't have that in, but I haven't even checked to see where it's at. Once I got the emulsion, I was happy that I got something and since the track and the parking lot were finalized there is landscaping there, the fencing is up, and everything is completed out there. It's being used well.

Ms. Suchsland stated we still have some the north side of the parking lot to do, we're waiting on the plant material, but I'm really pleased with the sizes of the shrubs that I got in.

Chairperson Nelsen stated it looks really good.

Mr. Horton asked what about the pool leak?

Mr. Soriano responded they told me they are two weeks out. They want full payment ahead of their planning. They are a well-known company, so I trust them, however we don't typically do a lot of that. Everything we have is net 30 or net 60, do the work first and then I pay you, but that is the way business has been going the last year or year and a half. They are one of the two big commercial companies. Red Rhino is the first one I went to and there were customer service issues which is the reason I'm not going with them.

Mr. Horton asked what about the cardio area?

Mr. Soriano responded we have our concepts put together. TVs are installed and I ran cable last week through everything so really the only thing I'm waiting on is mats. I will probably move the ellipticals and treadmills without the mats so we're not tearing up the floor too much, but then it's ready to go.

Mr. Horton asked did we get all of the machines that we wanted?

Mr. Soriano responded the Hammer Strength is backordered so right now we're just going to move the cardio out.

Mr. Horton asked no word on it?

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Mr. Soriano responded when they get it in, they will refurbish it and that's when they give me updates. As long as they give me a decent price on shipping, and it doesn't cut into the not to exceed amount they can send just send two of the machines and send the others as they get them in.

SIXTH ORDER OF BUSINESS

Audience Comments / Supervisors' Requests

A resident stated when you talk about the change where they can do the public notice on the website, but then you also had to do something else, did it change the amount where you could then put it in the Clay Today with the website versus having to be in a bigger paper?

Mr. Eckert responded no; I don't believe they changed that. There may be some things we can do there, but what we have always done is we looked at the specific statutory requirements and if it had to be in a newspaper of general circulation, then that is when we've really had to use the Times Union. If it just says it has to be advertised, that's when we have been able to use the Clay Today. We might be able to work with the definition of general circulation a little bit and that's one of the things we will look at. The legislative session will start in January so by the time we all message through that, they may have a different bill that changes it all together so I think at this point we will revisit that issue, probably in March.

Supervisor Requests

Mr. Horton asked S3, do you have anything to report?

Ms. Grizzle responded we will be honoring what our contract states that we would hold off on the increase until May of 2022. We of course want to adhere to that. Are there any questions as to why the increase is what it is or anything along those lines?

Vice Chairman Davis responded we did that last month. We're good on that.

Ms. Grizzle stated I know that everything is increasing at a huge rate, so we didn't want to increase our rate for you all at that level, but we do need to increase it to maintain or break even in this case.

Mr. Horton asked how about any vandalism?

Ms. Grizzle responded we are working on continuing our recruiting efforts. We are working on officers that not only have their standard Class E security license and a little bit of

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experience, but we're looking at specifically recruiting those who have ex-law enforcement or military experience, specific criteria to hire on.

Vice Chairman Davis stated he asked about vandalism and anything notable to report.

Ms. Grizzle stated no, we haven't really found anything to report at this time. I know there is a continuing concern with vandalism but I'm not sure if it's happening outside of the hours the officers are on property.

Mr. Horton stated I'm going to ask you every meeting, so if you've got something unique or something trending, I'd like to hear about it.

SEVENTH ORDER OF BUSINESS

Next Scheduled Meeting

Ms. Giles stated the next scheduled meeting is December 13th at 4:00 p.m. at the Plantation Oaks Amenity Center.

EIGHTH ORDER OF BUSINESS

Adjournment

On MOTION by Vice Chairman Davis seconded by Mr. Lanier with all in favor the meeting was adjourned.

DocuSigned by:
Marilee Giles
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Secretary/Assistant Secretary

DocuSigned by:
Cindy Nelson
1834ED053396448...
Chairman/Vice Chairman