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, February 8, 2012 at 6:00 p.m. at Watson St. Johns Realty, 175 Hampton Point Drive, St. Augustine, Florida 32092.

Present and constituting a quorum were:

Meredith Payne
Barbara Little
Diane Drinkwater

Supervisor Supervisor Supervisor

Chairman

Charlie Arnold

Also present were:

Jim Oliver

District Manager

Jason Walters

District Counsel (by phone)

Tom Welch Tracey Michaels Brian Moore District Engineer Facility Manager

Joe Taylor

Austin Outdoor
Johns Creek POA

Residents

FIRST ORDER OF BUSINESS

Roll Call

Mr. Payne called the meeting to order at 6:00 p.m.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the January 11, 2012 Meeting

Mr. Payne stated included in your agenda package is a copy of the minutes of the January 11, 2012 meeting. Are there any additions, corrections or deletions?

Ms. Drinkwater responded on page 16 where Gary was speaking the word "shed" should be "unit."

On MOTION by Ms. Drinkwater seconded by Ms. Little with all in favor the Minutes of the January 11, 2012 Meeting were approved as amended.

THIRD ORDER OF BUSINESS

Discussion of Florida Forest Stewardship Program

This item was tabled.

Mr. Brian Moore of Austin Outdoor stated I was approached by Tracey to upgrade an area in Huffner Hill Circle that is ready to be converted from irrigated Bahia to irrigated Bermuda. I am here to answer any questions you may have about the two proposals you have in front of you.

Ms. Michaels stated it was a meeting between Diane, Brian and myself. We have Bahia grass back there. There is one small tract back there that is ready.

Ms. Drinkwater stated it is tract M.

Ms. Michaels stated all construction has been done. Probably the easiest thing to do is to do a little bit at a time and get it gradually going.

Ms. Drinkwater stated we discussed doing sections at a time as they are complete. There would be no impact of any construction because it is out of the construction zone.

Mr. Payne asked so the concept of moving to this type of grass is going to be consistent with phase two?

Ms. Michaels responded yes. That is what we have in the phase one common areas.

Mr. Arnold stated Tracey and I have talked about it. I have given her some input. It is really what level of quality or finish do the residents desire in these common area tracts. I understand the desire to be consistent with phase one; however, my recollection is I don't believe phase one was actually sodded with Bermuda. I think it was seeded and re-seeded over time. My support is going to be consistent with what the residents and the board members desire. It seems like a lot of money. In fairness, Bermuda is an expensive turf, so I think the price is proportionate to the job.

Ms. Drinkwater stated one proposal is for Bermuda sod and one is for seeding. "Brian, do you have any pros and cons with this?"

Mr. Moore responded obviously, we want to go with the instant yard. It fits in with the scope of work. Seeding requires more babysitting and proper water management. The most difficult thing we are going to have is we are going to be trying to fight off weeds that are going to involuntarily come up with the Bermuda grass. When you have young Bermuda grass that has a root system maybe three quarters of an inch, it may not be able to tolerate selective herbicides. I don't think we can get the quality with seed as we would with sod.

Mr. Oliver asked if we would apply this same approach to all of phase two, what would it end up costing us?

Ms. Little asked how many square feet are we talking about?

Mr. Moore responded 6,000.

Ms. Michaels stated that is just what we are proposing tonight.

Mr. Payne asked are we budgeted for this?

Mr. Oliver responded we have some landscape contingency. I was just trying to get the big picture for the budget for 2013.

Ms. Drinkwater stated we just looked at this pretty quickly. If you do this in the same increments, it is going to be probably \$50,000 to do the whole thing and that is not including the island.

Ms. Michaels stated the other islands are St. Augustine grass.

Mr. Payne asked and then we would be done?

Ms. Michaels responded those are the only tracts that we would need done.

Mr. Arnold asked are we getting a lot of complaints from residents?

Ms. Michaels responded there are some saying that Bahia seed is getting into their yard.

Mr. Arnold stated in some cases with these tracts, you will have potentially Bermuda coming in contact with St. Augustine grass.

Ms. Michaels stated a lot of them already have fence lines going.

Mr. Arnold stated even though that tract is in an area where all of the homes are finished, there will be construction activity going around Huffner Hill for some time to come.

Mr. Payne asked what is the cost benefit of waiting or doing it now? I am hearing some degree of aesthetics that is needed for the neighborhood, but not a strong demand from residents. I am trying to find the value of doing it now.

Ms. Drinkwater stated we could wait and then budget it next year.

Ms. Little asked is there adequate water management there?

Ms. Michaels responded yes. They are irrigated.

Mr. Payne stated my concern is that we didn't budget for this.

Mr. Moore stated the advantage of discussing it now is that the Bermuda grass seed has a much better survival rate now, as opposed to waiting until August or September. Our wettest month is September and that would be more beneficial for the seed to prosper but after September I would say that seeding is not an option.

Mr. Payne stated in terms of the budgetary numbers, the seeding does look more appealing. If we were to put down the grass seed, did you say there was a lot more maintenance around it?

Mr. Moore responded it would call for supplemental fertilizers. The biggest disadvantage with seed is that as well as I do with getting rid of the Bahia, that other weeds will germinate as the Bermuda grass seed germinates. I can't selectively remove that weed. The only sense of urgency would be with the seed. I can get sod to grow in up and through September.

Mr. Payne stated I would say we need to look at the broader picture and see how much it would cost to cover the tracts comprehensively. Brian can probably give us an estimate for that for the sod.

Mr. Moore stated Tracey and I discussed this in depth prior to our meeting and we just didn't know the direction of the board. The chief complaint in that area back there is that it only gets x amount of cuts as opposed to the cuts the Bermuda gets year round.

Ms. Drinkwater asked do you have any idea on when it is anticipated that this full area would be completed, as far as construction is concerned?

Mr. Arnold responded I think the easterly side would be first. The westerly side would be second but I would say this year and next year. My recommendation would be to wait. That gives us the benefit of continuing the discussion and get some more

numbers and plan on it for the next budget season. It also allows construction to get completed and continue to progress. You also get to see the tract continue to grow and become what it is. We also have other commercial landscape contractors coming to the project to work on the phase two amenity and they will be invited to bid on it too. We could maybe get some efficiencies in cost by doing it at the same time.

Mr. Payne stated we can bring this item back for our April meeting.

FOURTH ORDER OF BUSINESS

Discussion of Resident Survey Regarding Use of Series 2003 Bond Proceeds

Mr. Oliver stated the survey results you have in your package have been updated. They have been weighted. If there are any items that the board has reached consensus on and wants to move forward with, then we can get the ball rolling on that. We don't have to execute a comprehensive plan; however, some of these projects may be contingent upon what you learn about the phase two amenities. Once we commit to some of these projects, there won't be funding left for some of the lower ranked projects. This is a tool for you as the board of supervisors, but you will consider other factors as you make your decision with the capital projects.

Mr. Payne stated we will continue to keep this on the radar. The one item that wasn't on the survey but has had a lot of discussion was the desire for oak trees around the neighborhood. Could we proceed with getting an estimate on getting 25 or 30 oak trees in the common areas?

Ms. Michaels responded I'm sure Brian and I could walk the property and come up with some ideas.

Ms. Drinkwater stated as I was driving down Nature's Parkway yesterday, I noticed there are three oak trees that look like there is some deterioration on them. Could you look at them?

Mr. Moore responded sure.

FIFTH ORDER OF BUSINESS

Update Regarding Phase 2 Amenity Center

Mr. Arnold stated there is no real change from last month's update. We are negotiating contracts with a couple of potential general contractors. I was asked to bring

some information. I brought the conceptual site plan that was presented awhile back. I hand selected a few plans out of the complete set of construction drawings that would show the site plan, the main clubhouse, the bathroom facility building and the pool. We have started exporting dirt off of the site. We will continue to export dirt off the site within the neighborhood this week. Starting next week, we will start exporting dirt outside of the neighborhood. We are pretty close to having the site open and ready to pull the permits and start construction sometime in March. This is the same site plan that was presented awhile back. Your major components of the facility are the clubhouse, the pool, the deck space around the pool, shade space and a detached restroom building with the storage unit.

Ms. Drinkwater asked could you go through that storage area?

Mr. Arnold responded it is a 8x12 foot storage unit with either a five or six foot entrance door. The recreational field will be out here. The playground facility will be here and the basketball facility will be over there.

Mr. Payne asked what is the capacity of the social hall?

Mr. Arnold responded the square footage would be the best way to describe that and I will double check that and let you know.

Ms. Little asked there is no parking, right?

Mr. Arnold responded there are a limited amount of parking spots in the front drop off area. Conceptually there were 14 places in the beginning but I would have to look at the plan. We did increase the bike rack capacity. One of the original plans just had one bike rack but we doubled them up upfront and then even put one by the playground.

Ms. Drinkwater asked it looks like there is a lockable attic access in the storage area?

Mr. Arnold responded there hasn't been storage up in the attic designed due to the pitch of the roof. I expect that will be limited space. We might be able to utilize some storage but it hasn't been designed to be a storage unit.

Ms. Drinkwater asked what are the dimensions of the meeting room?

Mr. Arnold responded the conceptual design calls for about 1,000 square feet of mixed use space.

Mr. Welch stated it looks like it is 42x28.

Mr. Arnold stated there is a kitchenette feature in the social hall. It is an open space that is a blank canvas right now. It would be premature of me to decide how to furnish it and what to put in there. I really want the residents to decide how they want to use the space.

Mr. Arnold stated there is a small electrical janitorial closet off the main Residents Club building. There are actually two closets on the south end of the building but one of them will be dedicated to mechanical. I will provide Tracey with a full set of plans when they are complete, so if supervisors had a question they could stop by her office.

Mr. Payne stated and then Joe could provide the homeowners with updates from the POA.

SIXTH ORDER OF BUSINESS

Consideration of Agreement with FPL for Additional Street Lights

Mr. Arnold stated we had a discussion at the last meeting about exploring the ability to put some more street lights in the neighborhood. I met the resident out in the community and evaluated all of the lights that should be there and determined that we could put six more lights in the neighborhood. I worked with FPL to relocate a future light and it was already scheduled to be across from her. There was no power in that area yet, so FPL simply relocated it across the street from where it was scheduled to be, which is right next to her house and that is one of the six that will be going into the neighborhood. She is aware of the fact that it is in the process of being approved and installed.

Mr. Oliver stated there is no installation cost. There will be a monthly cost. It costs about \$15 per streetlight per month. It is going to cost the District another \$90 a month.

Ms. Drinkwater stated it is well worth it in my opinion.

On MOTION by Ms. Little seconded by Mr. Arnold with all in favor the Agreement with FPL for Additional Street Lights was approved.

Mr. Arnold stated I will continue to work with FPL to expedite the installation.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2012-01, Confirming the District's Use of St. Johns County Supervisor of Elections to Conduct the District's Election of Supervisors in Conjunction with the General Election

Mr. Oliver stated this is required by the St. Johns County Supervisor of Elections. It is a resolution announcing that there are some vacancies on the board. There will be two seats up for election, which are seat number two held by Ms. Drinkwater and seat number four held by Mr. Payne. They will be on the general election ballot this year. This resolution authorizes the Supervisor of Elections to conduct those elections.

Mr. Payne asked is that an individual thing that we do?

Mr. Oliver responded it is an individual thing. You should contact the supervisor of elections. Although the qualification period is June 4th to June 8th, you can actually contact them now and start the process. Sometimes no one qualifies for a seat. If that is the case, the board will appoint someone to fill that seat once that term of office expires. If only one person qualifies for the seat, they will not go on the general election ballot. They will simply assume that office after the general election.

On MOTION by Ms. Drinkwater seconded by Mr. Arnold with all in favor Resolution 2012-01, Confirming the District's Use of St. Johns County Supervisor of Elections to Conduct the District's Election of Supervisors in Conjunction with the General Election was approved.

EIGHTH ORDER OF BUSINESS

Update Regarding Compliance with ADA

Ms. Michaels stated the chair lift has been ordered. I am expecting it by the end of the month. There is another District that has almost the exact same pools that we do and they are looking at the splash pool. We will be getting a letter from the engineer about what it would take to get the splash pool into compliance.

Mr. Payne asked and I believe we are saying if it is too cost prohibitive that we can make it an exception to the rule?

Mr. Oliver responded yes. Jason will help prepare a letter saying that the changes would be technically infeasible or something to that effect. The ADA consultant came out with an addendum to the report. It says the Title 2 ADA rules require program access, which means the swimming or wading must be accessible. Additional means of access to swimming will be provided in the main amenity pool. Also, there are alternative means of entry into the wading pool. The parent or guardian is able to lower the child into the wading area. It is technically infeasible to add a sloped entry into the wading pool. Both with the attorney working on that, as well as the consultant's addendum, I think we will be in good shape.

Mr. Walters stated we will need to make findings for that. We will need an estimate to let them know what the final costs will be.

Mr. Payne asked how long will the installation take on the chair lift?

Ms. Michaels responded it is nothing in depth. It is a matter of drilling a hole and getting an anchor in place and putting the chair in place and testing it. There is no electrical required for it.

Mr. Oliver stated I am very comfortable with the time table for compliance.

NINTH ORDER OF BUSINESS

Discussion of Evaluation Process for Property Manager

Mr. Oliver stated Tracey helped put this draft evaluation form together. She and I have been working on this project. We would like you to take it with you and we will discuss it again at the April meeting. We are trying to capture the many things that she does.

Mr. Payne asked is this going to be once a year or twice a year?

Mr. Oliver responded I recommend an annual evaluation, but we would certainly want to sit down with her on a frequent basis and probably do some type of quarterly or monthly reviews.

TENTH ORDER OF BUSINESS

Other Business

Ms. Michaels stated we have Mike Parsons here, who is a resident of Johns Creek. He brought to my attention about preserving and sealing our pavers that we have at the amenity center.

Mr. Mike Parsons stated I own a small business called Paver Sealing Plus. I have been in business for eleven years. I have lived in Johns Creek for almost seven years. I came across a sealer. There are two reasons to seal; one is to protect the integrity of the brick and the other one is for appearance. I have noticed over the years that there are stains on the pool deck. I came across a sealer that is very good. Most sealers change the color of the brick but I came across one a few months ago that when you apply it doesn't change the color or the appearance. It does a great job of protecting. When you put water on concrete it usually soaks in but with a sealer on it just stays there. If you have a stain of some sort then you would have to clean it off but then you have time to get to it before it penetrates down into the concrete. It has a 10 year service life. When you think about the investment that you have that pool deck is valued at over \$100,000 to be replaced. As time goes by the sun and the rain really does some damage to the surface. It erodes away over time. When they mix these pavers up at the factory, they use little white rocks. When they do that you can't really see them very well when it first comes out the factory but as time goes by the sunlight really damages those pavers and exposes the little white rocks. What is happening is it is eroding away and it is creating a more porous brick. Over time it decays to the point where you will have to replace them. They have a pretty long life but if you seal them they will have a much longer life. The sealer that I have on this red brick is a little bit different, in terms of quality it is not as good but in appearance it is better. It really makes the color pop. The service life on that is about two to three years. The one on the pool deck is about a 10 year service life. There are three parts to what we would do. The first thing we would do is come in and pressure wash the pavers and address the stains. We would try to remove the stains or at least minimize the stains with chemicals. Then after it dries we would come back and we would re-sand all of the joints and that gives you more stability on the deck because over time you lose sand. Last, we would apply a sealer.

- Mr. Payne stated I saw some of the pavers are broken.
- Ms. Michaels stated and we have had some ongoing repairs to them.
- Mr. Payne asked what is the risk of the pavers?

Mr. Mike Parsons responded on concrete there is really no risk. You can feel this with your hands. It is really rough. It is when you get into tiles and travertine and things like that. I have been doing this for 11 years and no one has ever called me and told they slipped and got hurt.

Mr. Payne asked is it a one time application?

Mr. Mike Parsons responded on the pool deck it is a one time application. You are not going to have to do that again for a really long time. On the driveway the real issue there is appearance and that would probably call for it every two to three years. It gets full sun all day. As time goes by the sealer is going to diminish. At some point you will want to have it done again.

Mr. Arnold stated I would want to do some more research before I could help with a recommendation.

Ms. Michaels stated we will probably always have repairs to the pavers. They will always be shifting and sinking. He is doing the ones that are needed at this time. I have a proposal here from him but I will look for two other quotes.

Mr. Payne stated I think we should start to pursue and evaluate the options we have.

Mr. Arnold stated in addition to other bids, when we are evaluating the cost to do the work maybe we can take a look at the annual maintenance costs that have been budgeted for.

Mr. Payne asked is this something that we will also consider for phase two?

Mr. Arnold responded we actually have the same exact pavers to be efficient with repairs. It is a very cost effective deck. It is not currently specked to be sealed. I will get my education and see if it is something that is worth doing.

ELEVENTH ORDER OF BUSINESS Staff Reports

A. Attorney – Governor Executive Order #12-10

Mr. Walters stated included in your agenda package is the Governor's Executive Order #12-10. The Governor has signed the executive order. We wanted to bring it to

the board for information purposes. The Governor has ordered a review of all special Districts. CDDs are included in the special Districts that they are intended to take a look at. This is going to be somewhat entity specific, meaning that it is not necessarily all CDDs or all hospital Districts or water management districts.

B. Engineer - Requisition Summary

1. Consideration of Requisitions

a. Requisition No. 220, Payable to Brandy Creek CDD

Mr. Welch stated requisition number 220 is a repayment to the general fund for the CDD survey for potential capital projects. It is for \$472.33.

b. Requisition No. 221, Payable to Brandy Creek CDD

Mr. Welch stated requisition number 221 is a repayment to the general fund for the pool lift at \$4,010.64.

On MOTION by Ms. Drinkwater seconded by Ms. Little with all in favor Requisition Nos. 220 & 221 were approved.

c. Requisition No. 222, Payable to Hopping Green & Sams

Mr. Welch stated requisition number 222 is payable to Hopping Green & Sams for services related to reviewing the close out of the 2003 bonds and some conversations between myself and Jason for \$580.

Mr. Walters stated I need to make a correction on this one. It should be specific to the phase two series. It references the 2003 bonds but it should reference the phase two project. We will table this and bring it back at the next meeting.

C. Manager

There being none, the next item followed.

D. Facilities Manager - Amenity Center and Operations Update

Ms. Michaels stated we had one minor incident back in phase two park. There was some graffiti on the playground equipment. They left some names. After a small investigation I found out whole the individuals were. It was three young girls that did it. I approached them. They admitted to it. I went and spoke to each of their parents. I told them they had until Monday to get the property cleaned and if it wasn't we would

take it a step further. It was cleaned the next day. The parents were very apologetic. I had some feedback from some of the moms watching them. Two of the girls' moms came and were pretty much standing over them. The third child came by herself and she cleaned, also. From what I understand she did most of the defacing. Yesterday afternoon I noticed the light to the flagpole has been damaged, so I am working on that. It will hopefully be fixed tomorrow.

Mr. Payne asked is there a light missing in the center of the entrance?

Ms. Michaels responded yes. That is also being worked on. We had some water in the middle that corroded some of parts inside.

Mr. Payne stated I saw that the new phase two sign was knocked down. Is it repaired?

Ms. Michaels responded yes. Lennar fixes them as they see them.

TWELFTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Walters I received a call from Supervisor Drinkwater regarding some things that have happened over the last few days. I told her that I thought the appropriate thing to do was to have a discussion on the record and that I would take a look and make the determination if there was anything we need to do.

Ms. Drinkwater stated I am a property manager. I manage several communities. I work very closely with Austin Outdoor in my other communities. I am very happy with their work. What has recently occurred is that the president of Austin Outdoor sent a survey out to me in my capacity as a property manager. I filled out that survey and was very pleased, not only with the work that they do for me as a property manager but also seeing their work here. I had a very detailed survey back to the president with regard to this. What happened with that was out of the eight Districts that he owns, which are in Georgia, South Carolina and Florida, the northeast District won overall for the company. Brian, as well as all of his team, won that award. In winning that award, I was able to go and have lunch with them and speak with the president and all of their senior people. Just recently I came home one night from work this week and noticed something on my lawn. It wasn't until the next morning as I walked out I realized my front shrubs were trimmed and some weeds were pulled. Last night I happened to have

a meeting with Austin Outdoor in my capacity as a property manager. I questioned Brian and also his supervisor on this and I interpret it as a gift to me and I was a little concerned with that. I was concerned with how it would look to the community with that work being done. It was not something that I requested. I was very happy to have that work done but I was concerned with how that would look and if there was any impropriety with my position as a supervisor and elected official. I discussed it with Jason.

Mr. Walters stated when I initially spoke to Diane I thanked her for bringing this to me. This is one of those issues that sometimes you don't even think about. I don't think there is any ill will on either party. The question is do we have to do anything. I thought it was important to disclose it for a number of reasons. One of the first things she said to me was that I need to pay for this. The question really is it is required. My gut reaction and my look through the statute is that it would not be required to be repaid because the reality is there are very specific gift provisions dealing with lobbyists. There are also general provisions that deal with code of conduct type things. The general gist of that rule is that you cannot receive a gift or compensation for the purpose of influencing your vote or decision. Obviously in this context it wasn't a gift that was knowingly received or accepted by Diane because she wasn't even aware that they were going to do it. Having worked with both of the parties involved, I don't believe this was anything other than someone trying to be nice. I want to take a look and make sure we are not dealing with any issues. At most there may be a recording requirement, where there would be a form filled out to say I received a benefit or gift from Austin valued at x amount of dollars. The biggest step we would have to take here would be if Diane was required to pay for that service and if that is required then we will make sure those steps are taken and we will update the board at the next meeting.

Ms. Drinkwater stated just so everyone knows, I intend on using them for another irrigation issue.

Mr. Walters stated if you wanted to hire Austin Outdoor to be your landscaper for your yard, there is certainly no prohibition on that.

Mr. Joe Taylor stated we have a POA election coming up next month. Right now, there is no one that has come forward. There are two positions to be filled. Gary is

not going to run and Nick is not going to run. I have one more year on my term. We directed Leland to send out a flyer and plead with the neighborhood for some people to come forward and run.

Mr. Payne asked are there are any updates regarding Comcast as a provider here?

Mr. Tim responded I have no updates currently because the person I was speaking to was in the middle of a cut over somewhere else in St. Augustine, so she said she wasn't really going to be available. I was able to meet with Tracey. I would like to sit down and figure out exactly what we need to do.

Ms. Drinkwater stated I would like to talk to you after the meeting. I am also involved in 210 Community Alliance and we are having a meeting tomorrow that represents the 13 communities on State Road 210. In looking at the Sherman William's building, it has me dismayed with how close it is to the back of our entrance.

Ms. Michaels stated I spoke to Austin and they said they would do a rendering of landscaping to try and help screen it.

Mr. Payne stated I know McDonald's is individually owned. Whether or not they have any vested interest in supporting the neighborhood of contributing to the beautification or the aesthetics of the entrance for their business, I don't know. We could look at that going down the road. There could be a partnership, in terms of beautification.

Ms. Drinkwater asked that lot is not on CDD property, correct?

Ms. Michaels responded correct.

Ms. Drinkwater asked so any kind of buffering would be on their side?

Ms. Michaels responded not necessarily. Austin is more than willing to do a rendering and what they would render would be on our side.

Ms. Drinkwater my point is it is right behind that sign. I will look into it also.

THIRTEENTH ORDER OF BUSINESS Financial Reports

A. Balance Sheet & Income Statement

Mr. Oliver stated included in your agenda package are the balance sheet and income statement.

B. Approval of Check Register

Mr. Oliver stated included in your agenda package is a check register.

On MOTION by Ms. Little seconded by Ms. Drinkwater with all in favor the Check Register was approved.

C. Treasury Report

Mr. Oliver stated included in your agenda package is a treasury report.

D. Assessment Receipt Schedule

Mr. Oliver stated included in your agenda package is an assessment receipt schedule, which shows we are 95% collected. On January 26th, we got another distribution of \$5,770.70, so you are now at 96% collected.

FOURTEENTH ORDER OF BUSINESS

Next Meeting – April 11, 2012 at Watson St. Johns Realty

Mr. Oliver stated the next scheduled meeting is April 11, 2012 at this location.

On MOTION by Ms. Drinkwater seconded by Ms. Little with all

FIFTEENTH ORDER OF BUSINESS

in favor the Meeting was adjourned.

Adjournment

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Chairman / Wife Chairm