

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, October 10, 2012 at 6:01 p.m. at Watson St. Johns Realty, 175 Hampton Point Drive, St. Augustine, Florida 32092.

Present and constituting a quorum were:

Meredith Payne	Chairman
Barbara Little	Supervisor
Charlie Arnold	Supervisor

Also present were:

Jim Oliver	District Manager
Jason Walters	District Counsel
Peter Ma	District Engineer
Brad Weeber	England-Thims & Miller
Mike Usina	Interim Facility Manager
Brett Sealy	MBS Capital Markets, LLC
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Payne called the meeting to order at 6:01 p.m.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the August 15, 2012 Meeting**

Mr. Payne stated included in your agenda package is a copy of the minutes of the August 15, 2012 meeting. On page 12 it says Mr. Michaels and it should be Ms. Michaels. Are there any additions, corrections or deletions?

On MOTION by Mr. Arnold seconded by Ms. Little with all in favor the Minutes of the August 15, 2012 Meeting were approved as amended.
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**THIRD ORDER OF BUSINESS**

**Discussion of Florida Forest Stewardship Program**

Mr. Payne stated we are going to table this item.

**FOURTH ORDER OF BUSINESS****Update Regarding Refunding of Series 2003 Bonds**

Mr. Sealy stated at the beginning of the year, the board authorized us to monitor the refunding opportunities, as well as present the credit package to one of the rating agencies, which is S&P. I sent a memo to the board and gave an update on what the numbers looked like. The numbers were sufficiently compelling at that point that we went ahead at our own risk and our cost and submitted a package to the rating agency. S&P came back and reaffirmed the clean A rating on the 2003 bonds. The numbers have not changed that dramatically at this point. There has been some fluctuation in interest rates but basically, we are in and around where we were when we said our numbers back in August. The board is now armed with a rating. We are in a historically low interest rate environment and at this point, the board has to make a decision as to whether or not it would like to proceed with undertaking a refinancing today. I am going to talk about two things to take into consideration with that versus to wait until we get a little bit closer to that first option of the call date of May 1, 2013. As presented in other materials, if we are going to refund the bonds in advance of May 1, 2013. In essence, you are paying interest on two series of bonds because you are going to pay interest on the old series of bonds until that May 1, 2013 date and you are going to pay interest on the new series of bonds from their date of issuance. Given that if we invested bond proceeds today then in essence would pay interest on the old bonds for several months, we have what we call negative arbitrage. There is such a big gap between borrowing rates and investment rates. Undertaking the refinancing too far in advance with the first optional call date makes the refunding more expensive because you are paying interest for a longer period of time and it diminishes the net benefit of the refunding itself. As you get closer to the first optional call date that benefit starts to reduce dramatically as you get closer and closer and the amount of interest rate movement that you need to wipe that benefit of waiting out gets smaller and smaller. We are getting into that period now, where I don't have any better idea of where rates are going any better than anyone else does. I would be unfair for me to give you direction telling you where economists think rates are going. What I can arm you with are the facts to say that as we get closer, smaller interest rate movements can wipe out that benefit of waiting. A couple of things to take into consideration is under Florida

Law if the principal amount of the refunding bonds is greater than the current principal assessment, the District has to go through a public hearing process. Notices would be mailed out. A preliminary assessment hearing would be held. Folks would be invited to a public hearing. They would be notified that while the principal might go up slightly, their annual assessment would come down. We are in a very interesting period of time. Your levy for debt service for the 2012/2013 year has already occurred. Jim has already certified that tax roll to the tax collector and the money is going to start to come in probably late November but you are likely to be fully collected by sometime in January or February. We are kind of in this window here of do we start the refunding process and go through the public hearing process only to find out that we may not even need to go through it because we will have had revenues come in that would result in bringing the principal down below the current principal outstanding. From a timing perspective, if the board wanted to get going and time a refunding to making sure the principal is less than it is today and not taking a chance all the way up until that first optional call date, we can commence the process. We can monitor the receipts as they come in and when we are in a position to issue bonds that would result in the principal amount being less than it currently is then at that point and time we could pull the trigger and proceed. If you want to just wait until closer to the May 1, 2013 date, we can do that, as well. I think we can start this process and if rates start to go one direction or the other, we have to come back to you.

Mr. Payne asked and we are pretty confident based on previous collection rates that we will have sufficient collections to bring the amount below the bottom amount?

Mr. Oliver responded yes. You are going to be pretty close to fully collected early in the second quarter of the fiscal year.

Mr. Sealy stated and you don't actually need to be fully collected but at least 75% or 80%.

Mr. Oliver stated this District has traditionally achieved high collection rates, as evidenced by the Standard & Poor's rating. Most of the assessments are collected in November and December.

Mr. Walters stated when Brett is saying that we need 75% to 80% that is only to trip the assessment hearing issue. That is not going to prohibit a refinancing. If we get

to February and we really want to start moving and we are at 60% then we can still go through the refinancing. We just have to go through that assessment process.

Mr. Payne asked so if we made a decision to proceed that would give Brett the authority to execute at that point or in February or March would he need to come back to the board to get that approval?

Mr. Oliver responded Brett would be coming back to the board either way.

Mr. Sealy stated we have to come back to the board. The next step would be to prepare documentation. We have to present that documentation to the board and we would bring a delegation resolution and within that resolution you would set forth certain perimeters that would then turn my firm loose to go out and mail an offering document, market the bonds and then we would have to price the bonds within the perimeters that you have stipulated. One way or the other, we have to come back to the board for document approval, as well as the delegation resolution.

Mr. Oliver asked once you have the delegation resolution approved, how long does it take for the process?

Mr. Sealy responded once we have the delegation resolution approved assuming that the documents were in substantially final form it would be less than 30 days.

Mr. Payne asked within that 30 days, are we locked in, in terms of interest? At what point do we say we are locked in and there are no variations in any rates?

Mr. Sealy responded the delegation resolution is going to provide some perimeters because there is going to be some movement in the market from the time we mail the offering document until the time that we price. Generally when we mail, we need a five to seven day marketing period and we would set an order period. We would invite the various institutions and high network retail folks that we mailed to. We would invite them to provide orders. That order period is typically a two hour order period. At the end of that order period that is when the rates would be set. Generally about a week after I would come to you would be the period of time that there would be fluctuation. It is about two weeks from pricing to closing and then at that point the rates would already be locked.

Mr. Oliver stated I would recommend at the next meeting we can bring the delegation resolution and then start the clock, so you are positioned to reach out to the different institutions for the rates.

Mr. Sealy stated that might be a little early in the process to bring a delegation resolution at the next meeting. Only because with the expectation that the District will have received sufficient receipts likely in the January time. My guess is that we would come back at the December meeting.

Mr. Oliver stated that is the next meeting.

Mr. Sealy stated okay.

Mr. Oliver stated I think that still gives us plenty of time. Even if we don't hit that trigger, in terms of collections, I don't have a problem with going through the public notice process for this District either.

Mr. Sealy stated at the December meeting, we will make sure there is a preliminary special assessment methodology prepared. I know your office has a form of a notice that would go out, so if we feel it is necessary to start the process, then it can be started at the December meeting and completed at the January meeting. I have a feeling based upon what you demonstrated in receipts in the past that it may be a moot point.

Mr. Oliver stated the other good thing is that Jason Hill will be a newly seated supervisor and will be able to participate in the process.

Mr. Walters stated we will come back in December and that is where we will have the resolution prepared and some other documents.

**FIFTH ORDER OF BUSINESS**

**Discussion of Use of Series 2003  
Bond Proceeds and Declaring  
Project Complete**

Mr. Oliver stated there will be two related issues that we will talk about today. One issue is use of the remaining construction funds with the Series 2002 bonds. Jason can talk about the process of either reserving those for future projects or rolling them into the refinancing. There are some projects that have already been identified. One was already started and that was the tree installation. I think Gary Williams came up with the idea and Dianne Drinkwater has been providing leadership on it. She has been working with Mike Usina, our interim property manager on the project. I met earlier today with Dianne, and in a separate meeting Mike met with Dianne. She prepared a letter for me to handout to the board. She asked me to read it into the record.

*October 10, 2012*

*Mr. Chairman, fellow Supervisors and owners within Brandy Creek:*

*This letter is a follow up to the tree installation project within Johns Creek and to provide an explanation to the amount of time delay experienced in getting the trees installed and also the due diligence completed to ensure this project is done correctly.*

*The Brandy Creek Board requested that I investigate the concerns I had with regard to the tree species before installation began. My initial concern was the tree species. While not voiced in the last Board meeting, the location concerned me also due to the utility lines in that area. My concerns were validated.*

*I had the opportunity through my work as a property manager with another community to meet with the St. Johns County staff arborist. I explained the situation to her and asked her to follow me to Johns Creek. Based upon my conversation with her she was happy to do so.*

*Her findings, based upon the markings at the time, were the trees were marked within the 60 foot wide county road right of way and based upon the utility markings she would never approve the installation of the trees in that location. A call was made to Austin Outdoors immediately onsite to place them on notice and for the county arborist to explain her concerns to the Austin Outdoors District Manager. The county arborist was fine with the live oak species as long as it was outside of the 60 foot right of way and utilities.*

*After much work and continued inspections, Mike Usina worked with Austin Outdoors to ensure that the tree locations were set outside of the 60 foot right of way. I inspected those markings and now feel more confident that the tree installation will not pose any future unforeseen problems for the community.*

*Additionally, the county arborist voiced her concerns for the community regarding the trees located on Nature's Parkway and recommended that the Board engage an arborist to inspect the trees and provide a long term care program to ensure the viability of the trees.*

*Mike will be providing the Board with an update on location of the trees to be installed at this meeting.*

*Respectfully submitted,*

*Dianne Drinkwater  
Brandy Creek Supervisor*

Mr. Oliver stated Mike will show us on the map, where those trees will be. Dianne also mentioned that her recommendation based on what she heard from the County arborist, is that we have some type of independent party conduct an assessment of the trees. We will bring proposals to the board. Dianne and staff will go over those proposals and make a presentation to the board.

Mr. Usina stated I got help from a resident regarding the pins that were used. What I tried to do was locate them in a three dimensional sense as to where they are going to land on the parkway. All of the trees, we were able to locate on the parkway. The preliminary concern was we were not going to have enough room on the parkway based on all of the issues regarding right-of-way, etc. and we were going to have to land some back at the amenity center around the soccer but we were able to locate them all.

Mr. Payne asked how many trees are there?

Mr. Usina responded 25.

Ms. Little asked and they are oak trees?

Mr. Usina responded yes.

Mr. Payne stated I know we had also talked about as you come into Johns Creek just before West Johns Creek Parkway, there is always people parking right there. We had talked about planting trees there to help mitigate that. We can probably revisit that.

Mr. Oliver stated yes, especially as we work on a tree plan as Dianne recommended. We had the survey. We looked at potential projects. Certainly, there is not a decision to be made tonight but we are going to have to make some decisions at that next meeting in concert with the refunding of the bonds. We need to identify the projects you want to pursue and set that money aside, so when the refunding happens those funds remains available.

Mr. Walters stated the accounts and the funds established for the bonds, if you look on the balance sheet, you have the debt service revenue, the reserve and the capital projects. Those are all going to get collapsed and get moved around into this refinancing. All of those monies get allocated, so at the end of the day, we have to make a decision because we are going to declare that project complete. We can identify the projects that we are going to use the funds for and set them aside, so they don't get flushed through. We will still have them available but in order to segregate them out of the trust estate and appropriately use those, we have to come to a decision point soon. I

would like to bring both of the projects back to declare them complete in December. We have been done for quite some time in terms of the District work in phase two. We have discussed project completion. There is some interest earnings that have accrued into the construction fund, which will more than cover the process of declaring that project complete and then we can set up a deferred cost account and start shoveling that money back through. That project can get declared complete under the indenture and the 2003 project can, as well. I would anticipate in December bringing back project completion documents for both of those projects.

Mr. Oliver stated this will be on the agenda for the December meeting. We will also speak individually with each supervisor, including Jason Hill, to prepare them for the December meeting.

Mr. Walters stated we have approximately \$135,000 in the 2003 construction account.

Mr. Payne asked we didn't buy the trees yet, right?

Mr. Oliver responded correct.

Mr. Walters stated if we identify \$75,000 worth of projects, the reality is that extra \$25,000 is just going to go towards the refinancing, so it would bring down the assessment a little bit more.

Mr. Oliver stated the eighth most popular choice was to redeem bonds with these bonds.

Mr. Ma stated we will work with Jason to get the completion report done.

**SIXTH ORDER OF BUSINESS**

**Acceptance of Arbitrage Report –  
Series 2006A Special Assessment  
Bonds**

Mr. Oliver stated included in your agenda package is a copy of the arbitrage report. This was performed by Grau & Associates. The arbitrage report is required, in the fact that the District issued tax exempt bonds. The IRS code has limits on the earnings that you achieve with those bonds. The reason for that is they don't want you to issue tax-exempt bonds intended for construction but instead, used for investment purposes. The good news is the auditor writes, "The results of our computations based on the information provided to us indicate a negative rebate requirement for the District." The District does not have a rebate requirement, so there is no penalty for the



District. It is important for us to have this on hand because the IRS will occasionally audit Districts. We had three CDDs undergo IRS audits last year.

On MOTION by Ms. Little seconded by Mr. Arnold with all in favor the Arbitrage Report – Series 2006A Special Assessment Bonds was accepted.

**SEVENTH ORDER OF BUSINESS**

**Update Regarding Phase II Amenity Center**

Mr. Arnold stated construction has begun. The pool shell has been shot. The walls are vertical, as well as the restrooms. There has been some site work and some storm drainage facilities installed onsite. We are still on schedule for a spring of 2013 delivery. All is going well. We are coordinating and involving the interim property manager. He was involved in our first onsite meeting and he will be involved throughout the process, so that we can ensure that when it is time to turn the facility over to the District that the property manager is familiar with the facility. The construction access road has been re-graded and has been reopened for the last two weeks. It is in much better shape, so construction activity for both the amenity center and homebuilding should be directed down the access road.

Mr. Payne stated I would also want us to continue to look at the survey results because some of the survey results activities were tying into the phase two projects, like storage and additional rooms. I just want to make sure that we satisfy some of these requests from the residents.

Mr. Arnold stated as we discussed the potential projects for phase one, we were going to take advantage and leverage the new amenity construction activity to get a better price on certain items but I think we would need direction from the board and the residents as to the specific item we are looking to do. I don't know if any of those items on that list are ready to be done. If they were, we could reach out to a contractor at a time that he is onsite and get a bid on it and take advantage of them being onsite but I don't believe any of those items have been approved to be done.

Mr. Oliver stated I know we were not considering some of those items until we knew exactly what was going to be included with the new amenity center. Is there anything on that list that we are holding back on and now we have more information that

would lead us to conclude that we need to go ahead and do this with the 2003 phase one funds? What comes to mind are playgrounds, etc.

Mr. Arnold stated as it relates to what is in phase two, the specifications and plans are very specific. I think now we have the benefit of knowing what exactly is going in there.

Mr. Walters stated maybe we can put together a list for the next meeting that way we can look at the specs for phase two and know what is going on.

Mr. Payne asked weren't we going to consider some storage in phase two?

Mr. Arnold responded you have a storage room in the restroom building that is approximately 6x8 feet in space.

Mr. Payne asked is that sufficient storage?

Ms. Dana Boggs responded no but it does help. What about the resurfacing of phase one's pool at the same time of doing the pool for phase two?

Mr. Arnold stated we are coordinating that. Mike is collecting bids. We are working together. He will be able to present that to the board. It is a late winter event. We will probably know more by the next meeting and have some options. We are going to try and marry the two finishes together.

Mr. Oliver stated some of the things, like resurfacing and new furniture, will come from your capital reserve repairs and replacements.

Mr. Arnold stated we are also providing aerial photos on a monthly basis until February, so you can see the progress.

Mr. Payne asked do we send that aerial shot out to the POA, so they can show the residents?

Mr. Oliver responded we will not only send it to Joe Taylor for circulation but we will also post it to the website.

**EIGHTH ORDER OF BUSINESS**

**Update Regarding Phase II  
Lennar Signage**

Mr. Payne stated this is regarding the phase two Lennar signage that we executed at the last board meeting.

Mr. Oliver stated you met onsite with Mike Usina and me a couple Monday mornings ago. We gave Tom Daddario the green light to put three signs in three specific locations and also to have a certain landscaping plan around those. Shortly after

these signs were installed Mike talked with our landscaping company, Austin Outdoors, and noted that the landscaping plan was not to standard. He immediately told us and also told Tom Daddario with Lennar. Tom agreed that it was not up to standard and he is going to have that up to standard and he is going to have that corrected. Mike is going to continue to keep an eye on that and make sure they hold up their part of the agreement.

Mr. Payne stated probably at the same time that they are fixing the mulch process, they could finish up the shrubbing and the flowers, as well. I think the signs are aesthetically appealing. They weren't too encroaching.

#### **NINTH ORDER OF BUSINESS**

#### **Update Regarding Compliance with ADA**

Mr. Oliver stated we still have a rail to be installed in the old pool. That will be done when we do the pool resurfacing. There is no need to do it at a time separate than that. The compliance deadline has shifted to March of 2013.

Mr. Payne asked do we still need to file an exception for the kiddie pool?

Mr. Walters responded we may have to. Obviously, they have morphed some of the requirements and made some exceptions. The last discussion we had was if we got to the point of the enforcement time period and they still hadn't made a final decision on those then we would take the necessary steps. If you recall, this was prompted by a lot of the hotel operators and facilities like that around the State. They are still looking to clarify some of those things.

#### **TENTH ORDER OF BUSINESS**

#### **Discussion Regarding Property Manager Position Vacancy**

Mr. Oliver stated we have two supervisors not here and they both know a lot about this position. One thing we want to do before we advertise it is reach board consensus on what the position should be. This is an opportunity to consider tweaking the job description and determine whether it would be fulltime or part-time, and what the new requirements of the additional amenity center are going to place on the position. It is my thought that we could table this until we have the new board seated and they can tweak that job description at the December and direct staff to advertise that position in whatever way the Board deems best. If you recall, we may have had 150 to 200 responses last time we advertised the job. We may find a way to tighten the minimum

qualifications and make it more local. We will have no problem getting quality applicants. In the meantime, Mike was available and we didn't want someone to just serve as a temp to answer the phone. We wanted someone hands-on to be proactively managing on some of these many projects that we have in motion. Mike has been more than helpful filling the void right now.

Mr. Payne stated I agree with tabling this for now. At the last meeting, we talked about whether or not the position could come in-house as opposed to making it a District employee.

Mr. Oliver stated currently, this is a District employee position.

Ms. Little asked so in December, will we have a rough draft of a job description?

Mr. Oliver responded yes. I will have conversations with all five members of the new board leading up to that, so we can have updates on the refunding and where we are with these particular construction funds, so we can make some recommendations on which projects to move forward with. I will also bring you up to speed on the job description. I think both Gary and Dianne will be doing a lot of heavy lifting on the job description but I will work closely with them.

Mr. Payne asked do you have job descriptions at other Districts that we could use as a draft?

Mr. Oliver responded yes.

## **ELEVENTH ORDER OF BUSINESS**

### **Consideration of District Parking Policies**

Mr. Oliver stated the problem we have is many times we have privately owned vehicles parked on District common areas. The District doesn't have a lot of jurisdiction to do anything because we don't even have discussion of such parking included in our policies. We have taken parking policies that we have approved at another District and included those as a draft in your agenda package. This gives us at least the authority to go to a violator and show them the District parking policies. Parking on this common area creates costs such as repairs to irrigation breaks and of damaged turf. It is an irritant to the neighbors in the community to see cars parked like that. There would be an education piece with this. We would get it out through the website and make sure everyone is aware that you are not supposed to park that way. We don't have powers

necessary to tow vehicles but at least, this would give us a little more leverage to make sure common areas are not damaged by motor vehicles.

Mr. Walters stated I think it is probably a good thing because people always say tell me where it says I can't do it. I think it would be helpful because I think there are some specific issues around the District, where this is happening.

Mr. Payne asked what are we saying in the policies about it?

Mr. Walters responded I think we are making it explicit in the written policy that you can't park there. We don't have 'No Parking' signs around the District because that is sometimes is somewhat unattractive.

Mr. Oliver stated what we have done at other Districts is to start with a phone call or a knock on the door to say as a courtesy here is what the policies are and please do not park your vehicle there. Then the next step is a certified letter. If they don't respond to that, they could be invoiced for any costs involved. Beyond that, there could be other legal actions if necessary. We don't get specific in the policies but we probably have those rights anyways. It is good to have something in the policies to say it is against the rules. We would be looking to approve these policies subject to review by the Vice Chairman with the necessary revisions.

Ms. Little stated one of my concerns are all the vehicles that park up on the curb on the wrong way.

Mr. Oliver stated these are county roads. I would say there is probably a certain amount of leeway that a sheriff's deputy could probably enforce that to a certain extent.

Mr. Joe Taylor stated I think a lot of problems that the CDD and the POA has had is the fact that the covenants did not cover things such as parking on the grass. I am going to recommend at our next meeting to put a policy in addition to the covenants. The covenants just basically said that vehicles had to be within the garage or on the driveway. They don't cover parking on the grass or things like that, which need to be in there.

Mr. Payne stated I think that will be good. It will compliment this action by the District. I have seen an increase of people parking on their lawns.

Mr. Joe Taylor stated where there is a sidewalk sign, I consulted with the sheriff's office and also got a Florida drivers manual and you cannot block the sidewalks. It is against the law and they can be ticketed for that.

On MOTION by Mr. Arnold seconded by Ms. Little with all in favor the District Parking Policies were approved, subject to review by the Vice Chairman with any necessary revisions.

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Walters stated we have seen an increase in public record requests lately. If someone were to reach out to you requesting a District document or District documentation then contact Jim or I, so we can go through the proper channels. It is a good practice to segregate all of your District documents, so if you do get a request, you can go to that specific file and it is not intermingled.

**B. Engineer - Requisition Summary**

**1. Consideration of Requisitions**

**a. Requisition No. 230, Payable to England-Thims & Miller, in the Amount of \$857.50**

Mr. Ma stated included in your agenda package is Requisition No. 230 payable to England-Thims & Miller in the amount of \$857.50.

**b. Requisition No. 231, Payable to England-Thims & Miller, in the Amount of \$675.00**

Mr. Ma stated included in your agenda package is Requisition No. 231 payable to England-Thims & Miller in the amount of \$675.00.

**c. Requisition No. 232, Payable to Brandy Creek CDD in the Amount of \$867.94**

Mr. Ma stated included in your agenda package is Requisition No. 232 payable to Brandy Creek CDD in the amount of \$867.94.

**d. Requisition No. 233, Payable to Best Fence Company of Jacksonville, Inc. in the Amount of \$1,668.00**

Mr. Ma stated included in your agenda package is Requisition No. 233 payable to Best Fence Company of Jacksonville, Inc. in the amount of \$1,668.00.

On MOTION by Ms. Little seconded by Mr. Arnold with all in favor Requisition Nos. 230, 231, 232 & 233 were approved.

**2. Consideration of Work Authorization No. 14 – 2012/2013  
General Consulting Engineering Services**

Mr. Ma stated included in your agenda package is work authorization number 14 for England-Thims & Miller. This is for attending meetings and to provide technical support to the District. We have an estimated fee of \$5,000 for the year. The rate is the same as last year.

On MOTION by Ms. Little seconded by Mr. Arnold with all in favor Work Authorization No. 14 – 2012/2013 General Consulting Engineering Services was approved.

**C. Manager**

Mr. Oliver stated several residents have been working with Mike and me on the establishment of the new website, which is a joint venture between the District and the HOA. We had a meeting with the new webmaster, along with Joe Taylor, Michelle Walling and Mike Usina. We have also had input from Dana Boggs. She couldn't attend that meeting but she has been very involved with the process. I have had conversations with Bob Hutson of the HOA. We do have a website up now. There is still work to be done but you can certainly visit the site. The website is [johnscreekfl.com](http://johnscreekfl.com). I took a look at it again today and there are a quite a few documents on it. It is a work in progress.

Mr. Payne asked is there a cost sharing here?

Mr. Oliver responded no. The District is going to be carrying the load on the funding but we have always worked closely with the POA on this anyways. The District has a requirement to have certain items on the website.

Mr. Usina stated tomorrow I plan to announce the website on the welcome sign.

**D. Facilities Manager – Amenity Center and Operations Update**

Mr. Usina stated I have stayed pretty busy. I appreciate becoming involved on behalf of the community with regard to the phase two. Charlie has been very supportive of that involvement. A lot of what I have tried to do initially is reengage our suppliers

and vendors. I have had many face to face meetings with most of them. If they are long distance then I have had a teleconference with them. We have rearranged a couple of schedules. I have been able to make some progress in a relatively short time.

Mr. Payne stated I know as we made this transition we had a lot of comments from residents.

Mr. Arnold stated it looks like he is really thorough and he has jumped right in.

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

Ms. Dana Boggs stated I would like to say thank you to Mike because he moved in very quickly and he is very great at everything that he does. I work closely with him. He has been able to see things that have not been taken care of in a couple of years. It has been very nice to see and hear all of the things that he does. He doesn't need to report to me but he does. He takes the initiative and doesn't need anyone to tell him to do anything. He has been a great help and has been very professional.

Mr. Oliver stated thank you for working with him, also.

A resident asked can the access cards be taken back if they are not paying their homeowner dues?

Ms. Dana Boggs responded no. We cannot connect the two.

Mr. Walters stated they are two very separate type of assessments. To try and intermingle them like that is not possible. There has been some attempts in legislature to pull some things together but they just haven't passed and I don't envision them passing. The fact is, those are public facilities. They have access to those by virtue of being a resident and paying the fees to use those facilities. Obviously, that comes with certain obligations to the District to maintain certain décor and while you are there if they come and set the place on fire then we have the right to tell them they can't come here for a specified period but to say because you are not paying your HOA dues to enforce covenant and restrictions unrelated to the District would be a very different argument.

Ms. Dana Boggs asked, "Jim, do I come to you as far as asking Janet questions? We want to have a calendar on there for events.

Mr. Oliver responded yes. We can work that out offline but the way I see the website is I have the CDD part and you or whoever has authority with the HOA to deal directly with Janet. We will coordinate that.



**FIFTEENTH 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. These financials are through August 31<sup>st</sup>. We still project to have in the neighborhood of \$60,000 to \$70,000 in excess funds and much you will want to put into the capital reserve fund.

**B. Approval of Check Register**

Mr. Oliver stated included in your agenda package is a check register. The largest transaction was \$20,000 but that was simply transferring funds received to the capital reserve fund.

On MOTION by Ms. Little seconded by Mr. Arnold with all in favor the Check Register was approved.
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**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. The District is fully collected for fiscal year 2012.

**SIXTEENTH ORDER OF BUSINESS**

**Next Meeting – Wednesday,  
December 12, 2012 at Watson St.  
Johns Realty at 6:00 p.m.**

Mr. Payne stated this is my last meeting as the Chairman of the board. I think the District is in good hands with everyone involved. I will still be around. I am committed to Johns Creek. Thank you for the time to serve. The next scheduled meeting is on December 12, 2012 at this location at 6:00 p.m.

Mr. Oliver stated we greatly appreciate your distinguished service. We want you to know that you will be invited to the next meeting, so we can more formally recognize you.

**SEVENTEENTH ORDER OF BUSINESS      Adjournment**

On MOTION by Mr. Arnold seconded by Ms. Little with all in favor the Meeting was adjourned.

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Secretary / Assistant Secretary

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Chairman / Vice Chairman