

MINUTES OF MEETING  
BRANDY CREEK COMMUNITY DEVELOPMENT DISTRICT

A continued meeting of December 12, 2012 of the Board of Supervisors of the Brandy Creek Community Development District was reconvened on Wednesday, January 9, 2013 at 6:00 p.m. at Watson St. Johns Realty, 175 Hampton Point Drive, St. Augustine, Florida 32092.

Present and constituting a quorum were:

Gary Williams	Chairman
Dianne Drinkwater	Vice Chairperson
Barbara Little	Supervisor
Jason Hill	Supervisor
Charlie Arnold	Supervisor (by phone)

Also present were:

Jim Oliver	District Manager
Jason Walters	District Counsel
Mike Usina	Interim Facility Manager
Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Discussion of Proposed Division  
of Forestry Plan to Mow and  
Mulch Certain Common Areas**

Mr. Williams stated there are a couple of smaller common areas on the backside of Johns Creek Parkway that we talked about doing some mowing and mulching on.

Ms. Little joined the meeting.

Mr. Usina stated there is a letter that is being drafted. It has not been completed yet. I will complete the draft and share it with you for proofing and approval. I have identified 11 adjacent properties or residences that we will hand deliver this letter to and ask for feedback if necessary. They can contact me with any questions they may have as a result of the information that we are passing onto them.

Ms. Drinkwater stated Greg Dunn had indicated that he was willing to assist you with that. I think that will help tremendously in answering questions for homeowners.

Mr. Usina stated I will name his as a resource.

Mr. Oliver stated I would suggest that when you go door to door that you invite him to go with you.

Mr. Usina stated exactly. My hope would be the letter would be completed and our initial approach with residents by the end of next week.

*Mr. Arnold joined the meeting by phone.*

**THIRD ORDER OF BUSINESS**

**Update Regarding Refinancing of Series 2003 Bonds**

Mr. Oliver stated earlier today I received an email from Brett Sealy. Brett informed me there is not yet a resolution with the IRS matter regarding a CDD in central Florida. In light of that, investors don't necessarily want to issue bonds for these conditions. We are still on hold until they resolve that. Our first option for redemption is May 1<sup>st</sup>, but our most important target is to have it done before we turn in the assessment roll on September 1<sup>st</sup>.

Mr. Williams stated we will really need to have a serious discussion at our February meeting about what we do. One of the things that I am concerned about is that we have had these discussions for the past year about whether we want to use any of that unspent funding that is out there. I know there has been a number of ideas and discussions. I am a little frustrated that we haven't reached a decision on how or if to use that. I would just ask the board members to give some serious thought to those potential projects and see if there is something that we want to move forward with. The one that seemed to get a lot of attention was the sign. Quite frankly, based on the research that I have seen from our engineers that sign is not feasible where people talked about wanting it.

Mr. Oliver stated Brett is still confident that we will be able to do a refinancing. It is just that we want to do it in the conditions that are best for the District.

Mr. Williams stated and my point about this is that if we do a refinance then we need to decide what we do with that incremental funding. Do we roll it into the refinance or do we spend it on a project?

Ms. Drinkwater responded to give us the benefit of the doubt, I think we had other items that rose to the top of our agenda that caused those to be delayed. I also look at that list as a starting ground.

Mr. Williams stated I agree. I just want to make sure we do the right thing in terms of how that impacts refinancing.

A resident asked how long does it take for the bond? Is there a period of time that you are working with on the refinancing?

Mr. Walters responded it can happen pretty quickly. There has been some pending review and some statements by the IRS. From the time that we get a go, I am not anticipating having to go through the assessment hearing because the par amount would drop, as well as the assessments. That would be done in four to five to six weeks.

Ms. Little asked, "Joe, was this list ever discussed at one of the POA meetings?"

Mr. Joe Taylor responded I believe there was a survey sent out at one time.

Ms. Drinkwater stated I can attest to the fact that they had a subcommittee meeting with some input from homeowners.

**FOURTH ORDER OF BUSINESS**

**Consideration of Proposals to Resurface Swimming Pools**

Mr. Williams stated we did discuss this at the initial part of our continued board meeting. We asked Mike to go back to the three vendors and make sure we have best and final proposals. Mike did summarize that and Jim sent that out to all of us. I think we are at the point now that we need to make a decision on which of these proposals we would like to go with.

Mr. Usina stated the best and final I have highlighted in blue. You can see minor changes to two quotes. The third quote remained the same. I asked for references as requested from the board on each bidder. I received several references for each. You would expect to get good reports from references supplied from the bidders themselves. It was good to hear without exception that in all three cases we had picked reputable companies to consider the contract. All of them received glowing reports related to their efforts. Of the three if I had to measure it, I would say that Rick Arsenault based on the length of time he has been involved in this type of work received probably the strongest overall recommendations from businesses he has been involved with for upwards to 20 years. By virtue of length of service and time doing this work, Rick might enjoy a little bit of an edge. If you couple that with the fact that one customer of Rick's has had him on average do three to five resurfacing jobs a year for the last 10 years is a pretty

significant volume of work. He is an exclusive contractor with this company out of Jacksonville, who has 27 properties and 60 pools.

Ms. Drinkwater asked which one was that?

Mr. Usina responded Mid American Apartments. Both Dicky Smith and Mark Duda received good reports from their references. Be assured that whoever the board chooses, we would be in good hands based on referrals.

Mr. Hill asked are we going to have some discussion on whether we are going to go with the pebble finishing or not?

Mr. Williams responded my preference based upon what we talked about last time would be not to do it.

Mr. Arnold stated we were holding off on the final decision until we saw exactly what we wanted to do. My recommendation after doing a lot of research and being familiar with the resurfacing bidding is that Rick Arsenault would be a great contractor and I think staying with the same finish would be the best for both the short term and the long term.

Mr. Williams stated my feeling would be the same. Rick has been our pool provider for a long time. My recommendation would be that we award the contract to him because he is the one that has to maintain it. I think he has good references and I think the prices are good.

Mr. Usina stated I don't want to overlook the consideration for one of the options that was mentioned here and that is the LED lighting. "Charlie, have you confirmed what lighting you are using in the new pool?"

Mr. Arnold responded we have traditional lighting that is consistent with the same lighting that is in phase one's pool right now. I do not believe we have the LED upgrade right now; however, if you were to consider taking that option then we will match whatever we do in the existing pool, so we have consistency for maintenance.

Ms. Drinkwater stated my preference would be to move towards LED lighting for efficiency and cost savings. I agree with you on Arsenault. I have worked with Arsenault in the past. He is a good vendor.

Ms. Little stated LED is the answer.

On MOTION by Ms. Drinkwater seconded by Mr. Hill with all in favor the Proposal from Rick Arsenault to Perform the Pool Resurfacing & to Include LED Lighting & Maintain the Crystal Creek was approved.

Mr. Williams stated the expectation is that is going to be done before the pool season starts.

Ms. Drinkwater asked do they have an estimation on when they can begin?

Mr. Usina responded it wasn't specific but I have the impression it will be pretty quickly. Do I have the authority to notify them tomorrow morning?

Mr. Walters responded you can notify him because he may need to order materials.

**FIFTH ORDER OF BUSINESS**

**Consideration of Property Manager Candidates**

Mr. Williams stated we do have an open property manager position. Mike is our interim property manager. We did post the job position and we received six resumes for that. I need to recuse myself from this discussion. My wife is one of the candidates for this position, so I am going to pass the gavel to Vice Chairperson Drinkwater.

Ms. Drinkwater asked has everyone had the chance to review the resumes and what are your thoughts in regard to the candidates?

Mr. Little responded I have reviewed all of them and I have my thoughts. We are very fortunate to have six superb applicants for this position. It is a matter of making a decision.

Mr. Hill stated I have reviewed the candidates. I am very pleased with the service we have been having thus far.

Ms. Drinkwater stated I have several thoughts and I have shared them already with Jim. I have concerns with people that live in our community to actually be a property manager for our community in the fact that the board itself would be making the decisions and the job would fall under the Brandy Creek CDD. I think that as far as hiring someone from the community, I wouldn't have a problem with that. I am currently having difficulty with a community that has hired vendors that live in the community. I just have my own concerns with regard to that. If we went that route I

would recommend the person be brought in under a management companies salary. Looking at the candidates, I think there were some good candidates. Three people stood out for me. I am also pleased with Mike's performance and we know what his performance is. I also want to share with you my concern on the number of hours that we currently have and at this point and time I believe it is a 30 hour a week job.

Ms. Little stated I had the same experience of having a resident in this position, which ended up causing a conflict of interest. I have reviewed all of the resumes and I to had plans to compliment Mike for his performance and I feel that we have been very fortunate to have someone of his caliber and performance within our community.

Ms. Drinkwater asked what are your feelings about interviewing any or all of the candidates or are you ready to make a motion based on the information you have in front of you?

Mr. Hill responded I am comfortable making a motion and I am also comfortable if the board decides not to carry that motion to perform whatever means are necessary.

Ms. Little stated I am comfortable making a motion without interviewing. Is that going against our bylaws by not interviewing?

Mr. Walters responded we don't have bylaws with respect to hiring practices. We are in somewhat of a unique position in that often times you don't have an interim manager. There is no set in stone formal process.

Mr. Drinkwater stated at this point I am going to open it up to the homeowners to see if any of the candidates are here tonight that have provided their resume to us.

Ms. Karin Williams stated I have five years of commercial property management experience. Gary and I have been active in this community for the last eight years. I have been a CDD liaison and I would be honored to serve this community. What is your biggest concern about a resident being in that position?

Ms. Drinkwater responded for me it is really a conflict. I don't have a problem if the individual works through a management company in order to engage. It is if you are engaged directly by the Brandy Creek board of supervisors. Then I feel it becomes a very difficult situation.

Ms. Williams asked would GMS be open to that?

Mr. Oliver responded I don't know if the District could make that work from a financial standpoint because there would be certain overhead costs that GMS would

have to have because of the increased liability profit margin and benefits. It is certainly something we can look into. We have done that in other Districts. It is unusual that Districts have District employees. The only Districts I have with District employees are this one and Julington Creek Plantation. We used to outsource this job through GMS, ASG and Stazak. There is some additional costs for doing it that way that the District would have to bear.

A resident stated I haven't been able to make it to any of these meetings for several months. The last meeting that I was at was when we knew that Tracey was leaving and that there was going to be an interim person. At that time the discussion was that there would not be any residents considered. I was just wondering when the decision was made to have residents submit resumes or did residents just submit them on their own?

Ms. Drinkwater responded the decision was made just to post it on our website.

Mr. Oliver stated the intent was never to exclude residents. Dianne was speaking about her particular viewpoint on the issue. That doesn't reflect the Board's position.

Mr. Arnold stated I reviewed all of the applicants. I think you have several qualified applicants. I have obviously enjoyed working with Mike. I will really defer to the resident board members on this decision. I think we have the benefit of the existing interim property manager that is doing a good job.

Mr. Ken Roberts stated I have not attended very many of these meetings at all. I was not aware of who the candidates were until tonight. I am assuming that Mike is one of the candidates?

Mr. Usina responded yes.

Mr. Ken Roberts stated I would just like to relay an experience to you that I have just recently had within the last two weeks. I had an issue at my house and whenever I went to see someone at the office, who happened to be Mike, I found out that he was already aware of my problem. He was extremely responsive. He was very professional and he resolved the issue in a very quick manner. I have been a resident here for four years and I have been involved in homeowners associations before that. Based on that, I have no idea who the other candidates are but based on that one experience I can tell you that I have a very positive response from Mike professionally and every other way.

Ms. Drinkwater stated thank you to all of the candidates. All of the resumes were superb. Based on Ken's experience and on past performances by Mike, within my heart and conscious I feel that I would like to make a motion to offer the position to Mike Usina.

On MOTION by Ms. Little seconded by Mr. Hill with Mr. Arnold & Ms. Drinkwater voting aye & Mr. Williams abstaining due to a voting conflict to Offer General Manager Position to Mr. Mike Usina was approved.

Mr. Usina stated thank you. I accept.

Mr. Williams stated I will open it up to brief resident comments.

Ms. Amy Barrett stated obviously we have had a lot of incidents. We have gone a duration without incidents in the neighborhood. In the middle part of December we saw a massive influx of some pretty significant property damage. I know there has been some smaller issues on community property and that is why I wanted to bring it up here. In phase two we had a gentlemen with a can of paint dumped all over his car. We had a number of people get their cars keyed. It is bad. I have put some feelers out there within the middle school. There is a little bit of feedback. When individuals do this, they tend to not keep quiet about it for long. We are working with the St. Johns County Sheriff's Office. Most of the incidents have happened in phase two. Johns Creek has never been like this.

Ms. Drinkwater stated my daughter moved to phase two and she has called the police at 2:00 a.m. because there were 18, 19 and 20 year olds walking in packs in the neighborhood. She was very concerned at that point because it was not a good situation. I would like to give her your name to contact.

Ms. Amy Barrett stated my role kind of came about because of an incident that happened about two years ago. I would like to get some additional people on board from phase two and hopefully transition the role to some fresh blood, who might be able to revamp it a little bit. It is critical that we call when we see things. We have fellow neighbors, who are staking out outside of their houses. We do have a routine patrol that are driving through phase two of the neighborhood. Where we have seen the incidents rise is right on the cusp of the neighborhood and right at the edge of where the

development is continuing. I don't know if they are going into the homes that are being built. I am assuming that is probably where they got the paint.

Mr. Usina stated they found it at the amenity center of phase two.

Mr. Williams asked did we beef up the off duty sheriff's deputies during the holidays?

Mr. Usina responded we attempted to. We were on a waiting list and we did not get the service as a result.

Mr. Williams stated I appreciate the work you and the committee do. Unfortunately, there is only so much the CDD can do. As the CDD Chairman and as a resident and as a long term board member, I remain committed to making sure that part of our budget is money to pay for off duty patrols and we will do that and beef it up over holidays. We need to make sure that we are getting on the waiting list early for spring break.

Ms. Amy Barrett stated we didn't really have any major incidents over the summer but two spring breaks ago, we had some significant incidents.

Mr. Williams stated I am assuming that as phase two continues to be built out, there is more opportunity for vacant homes. Hopefully once phase two gets built out, some of it will go away.

Ms. Amy Barrett stated I would just request that at some point as this second amenity center is completed to consider cameras there.

Mr. Williams stated they are in the plan.

Ms. Maria stated some of the discussion I have seen on the Johns Creek facebook page is there is some kind of hole in some fencing and maybe someone here on the board can get this repaired.

Mr. Usina stated I was going to report it to Charlie but he is out of town this week. I walked the fence yesterday. There is a break in the fence. It is on the back side of a common area with a pond in South Hampton.

Mr. Williams stated I thought we had repaired that fence once before.

Mr. Usina stated it was attempted but it failed. You can get through it again now. I don't know if this is Charlie's fence or not. I was going to pursue it more aggressively with Charlie when he got back.

Mr. Arnold stated that hole was repaired.

Mr. Oliver stated I think it has been repaired more than once.

Mr. Usina stated the cable that was used has been stretched and opened enough that I can get through it.

Mr. Oliver stated we will get it repaired.

Mr. Arnold stated, "Mike, I will get with you when I get back and we can go look at it together next week and try to come up with a more permanent repair." I know FP&L will be in the western side of the neighborhood to install the next phase of streetlights. We will get some more lights back there. Then we will be down to one more phase of streetlights on the outside western loop.

Mr. Williams stated let's even beef up the patrols in the next few weeks on Friday's and Saturday's. I don't care what we have to spend on those patrols. If we need to beef up the patrols then we need to do that.

Ms. Drinkwater stated I agree and the timeframe from 11:00 p.m. to 2:00 a.m. is a critical time.

A resident stated you should consider talking to other law enforcement agencies, like the State Highway Patrol or possibly a private security company. St. Johns County is not the only option.

Mr. Williams stated that is a really good idea. I think there is a value in having licensed officers because they have arrest capabilities.

Ms. Little asked could we look at staging a vacant police car somewhere?

Mr. Usina responded yes.

Mr. Williams stated I think we would have to defer to the sheriff's office on that.

Mr. Tim Master stated I was out walking last night and I noticed that half of the lights in the park were out and there is another light on Huffner Hill that is also out.

Mr. Usina stated yes. I did a light check two nights ago and there are actually three lights out at the playground and there are two FP&L lights out right around the JEA station right there, so there are five lights out right there. Three of those in the park are fixtures that have gone bad that we have to replace and we have ordered them. We will be doing that work next week. With the light check two nights ago, I found three other FP&L light poles within the neighborhood that were out, as well. Michelle had mentioned Owl Hollow has one that is out too. I have tried to step up the inspections to try and stay on top of the lighting.

Ms. Drinkwater stated also any homeowner can report a street light out online at FP&L's website.

Mr. Williams asked why don't you just have our webmaster add a link over to the FP&L site?

Mr. Usina responded yes.

Ms. Amy Barrett stated at the POA meeting next week, we will have a representative with the sheriff's office.

Mr. Ken Roberts stated in the last six to eight months I have had a situation, where I happened to be on Johns Creek Parkway and because of the speed people are going I have had two vehicles in my yard. One of the vehicles ate up part of the grassy area between the curb and the sidewalk. Previous to that, there was actually one inside the sidewalk area, which appeared to be a motorcycle. It is the speed coming around the curve. I experienced one more thing when I was coming home. I have to make a left turn to get into my driveway and I learned very quickly that by the time I pass the first intersection there I have to put my turn signal on because an individual had to slam on their brakes and I had to go past my driveway to keep them from rear ending me. We are talking about speeding on Johns Creek Parkway. I am told that sometime back there was a traffic count that may have indicated exceeding 20,000 cars in six days. That is a huge amount in this type of development. What I have provided to Mike is a copy of a program in St. Johns County. It is not only a St. Johns County program but it is a State wide program about traffic calming. It is a series and a process of how a community such as ours can qualify for a traffic calming program. It is funded, most of the time fully funded by the County and/or through the State. This is an issue that we need to deal with. This is a young neighborhood. I watch the school bus come through and we almost fill up a school bus at one stop.

Mr. Usina asked can you speak to the board about your background?

Mr. Ken Roberts responded I spent 30 years with the Florida Department of Transportation. At one time back in the 70's I was the area engineering for Northeast Florida. I was also a consulting engineer for a number of years. The consulting engineering firm that I worked for, we had a major traffic calming program and we did traffic calming for a number of Counties all over the State.

Mr. Williams stated I appreciate your update. I have been involved in this exact issue as part of both the POA and the CDD. In fact, I spoke to St. Johns County Traffic Department and had them come out and look at three intersections and specifically asking for a stop sign at that intersection and I was told no. They won't do it because of the ratio of cars going straight through versus those turning. It is not enough of a ration to justify a four way stop. Additionally one of the discussion points that we have had, is in St. Johns Golf & Country Club there was a sign put up that was a solar flashing signs that says what your speed is and believe it or not I am told those things cost \$30,000. I am also told that our county commissioner helped to shepherd that through. I actually sent a letter to both county commissioner and I have asked for them to help and neither one have responded. I welcome your help. Unfortunately as a CDD, we can't go place a stop sign. Those streets belong to the County. I would love for you to help us fix the problem.

Mr. Ken Roberts stated there is a process already laid out for traffic calming. It requires that the responsible authority, comes in and does a traffic survey. There is a ranking system and all of the communities gets ranked and is used for the funding of it. The first process in that regard to pursue only that situation would be to get the survey done.

Mr. Williams asked would you be willing to help us do that and work with Mike over the next 30 or 60 days?

Mr. Ken Roberts responded I will do that.

A resident stated I just moved into phase two. I was wondering if St. Johns Parkway is going to be linked up anytime soon because that might cut down on the amount of traffic going down Johns Creek Parkway?

Ms. Drinkwater responded don't hold your breath. I met with the county commissioner around six months ago and there is a to be determined date but that is it.

Mr. Williams stated thank you to everyone for being here.

**SIXTH ORDER OF BUSINESS**

**Adjournment**

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

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Secretary / Assistant Secretary

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Chairman / Vice Chairman