

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 9, 2013 at 6:00 p.m. at Brandy Creek Phase II Amenity Center, 251 Huffner Hill Circle, 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

Also present were:

Jim Oliver	District Manager
Jason Walters	District Counsel
Brad Weeber	District Engineer
Mike Usina	Facility Manager
Joe Taylor	POA

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comment**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the  
August 14, 2013 Meeting**

Mr. Williams stated included in your agenda package is a copy of the minutes of the August 14, 2013 meeting. Are there any additions, corrections or deletions?

On MOTION by Mr. Williams seconded by Ms. Drinkwater with all in favor the Minutes of the August 14, 2013 Meeting were approved.
--

**FOURTH ORDER OF BUSINESS**

**Update Regarding Phase I  
Capital Projects (Remaining  
Series 2003/2013 Bond Proceeds)**

Mr. Oliver stated there is a document in front of you that shows the list of projects that have been completed. There is also surfacing work and painting of the striping on the rebound wall that has a completed cost of \$9,944. Everything is complete with the exception of the installation of the interactive equipment for the fitness trail, which should occur tomorrow. You will also see that the third item on the list is a storage shed, which the District initially allocated \$26,000 for. If you flip to the second page, you will see that according to the trustee's statement at US Bank, there is a balance of about \$53,000. We have outstanding invoices of \$12,100, which shows available balance of \$40,539.57 for the utility shed and any other projects we need to wrap up.

Mr. Usina stated you can see the status and the completion or near completion reference on each item. I did make a mistake on the rebound wall in terms of its total. It is off by \$2,000. The interactive equipment for the fitness trail will begin installation tomorrow with the hope that it would be completed by close of business Friday. The only other item on the list would be the storage shed.

Mr. Williams asked do you have proposals on the storage shed?

Mr. Usina responded yes. I have one proposal and parts of two others. I would like to thank Charlie Arnold for his assistance in trying to acquire bids from people that he knows through his affiliation and construction industry. It has been a challenge. We do have one complete bid from Southern Recreation. It is paper clipped to the package I just gave you. It does meet our budget constraint with the exception of the costs associated with permitting. It would include architectural design and engineering documentation that would be required for permits by the County.

Ms. Drinkwater asked what is the cost of that?

Mr. Usina responded I would like to defer to Charlie. He has had a conversation with ELM and they have made an offer to us to provide that for \$3,000, which is well below what they normally would charge. As Charlie explained to me that based on their partnership that they were willing to do that for us at that number.

Ms. Drinkwater asked in obtaining the bids, did you go out and say we are trying to keep it in a range or are people just not interested in bidding?

Mr. Usina responded typically you wouldn't want them to know what your budget number is.

Mr. Arnold stated I attempted to help solicit two bids. What I was going after was a company that could design it, engineer it, pull the permit and build it. What I found in my discussions with them was without disclosing our budget, it was either going to be challenging for them to hit that number and get a profit and there is quite a bit of new home construction out there. What emerged in all of this was someone you wouldn't typically expect and that is Southern Recreation. What we were missing there was the architectural and structural engineering to them be provided to Southern. It was just demand. It is a small project. I think it was important to find a contractor, who wanted the job. We approached Dreamfinder Homes. They are a new preferred builder in phase two and they are doing a great job.

Mr. Usina stated they expressed interest and then didn't respond. The building will match the façade of the existing buildings and amenity center. It will be stucco. It will have a metal roof.

Mr. Arnold stated England-Thims & Miller really helped guide Mike and the District through the zoning and permitting.

Mr. Usina stated this is a utility shed by definition.

Mr. Williams stated I appreciate all of the hard work from everyone. Is Southern Recreation qualified to build this kind of building? I get the sense that they haven't done this before.

Mr. Usina responded they are not a typical building contractor, but the subcontractors that support the effort perform that work on a regular basis, so this would not be a rookie experiment.

Mr. Williams asked so they are using subs?

Mr. Usina responded absolutely. I have been very impressed in virtually everything that Southern Recreation has provided to us in these other capital improvement projects that they have been involved in.

Mr. Arnold stated I have some experience with Southern, as well. I think in their history of building recreational components, they have probably built utility buildings before, like what you would see at a baseball field. I will also tell you that the spec of

this construction is not hard. It is not difficult to build. I would offer to continue to work with Mike and I will supervise the job.

Mr. Williams stated I am not a builder. I don't know the costs that go into it. I don't have a problem with the people we contract with earning money. I find it interesting that their bid was exactly what our not to exceed was. If I recall when we first started talking about this, we were thinking that we could probably get this built for \$15,000 to \$20,000. Is \$26,000 a fair use of our money?

Mr. Arnold responded I think I was probably the one that said we should be able to get this built for \$15,000. This is a block structure versus a wood frame. I think a wood frame would be able to be completed a little less expensive. With a wood frame, you have to put some finishes on it. Block is finished without doing much to it. I didn't solicit the bid from Southern but what I suspect is that maybe their number came in higher than the budget and there was a cut to the chase. I suspect that the margin is 10%, which would be typical. I think the District is getting a good price here.

Ms. Drinkwater stated I personally like to hear that it is a block construction rather than a wood frame construction. It is also going to be a little bit cooler in the summer time.

Mr. Hill asked do we need to have air conditioning in it?

Mr. Usina responded not at the onset. Mitsubishi is a brand that you can mount on the wall.

Ms. Drinkwater asked do you have a rendering of this?

Mr. Usina responded no. That would be part of the architectural expense. I would be happy to share that at the appropriate time.

Mr. Williams asked does this include some expense for landscaping around it, so we can hide it from the road?

Mr. Usina responded we are removing some landscaping for the footer. What we do remove out of there, we are going to replant right next to it if we can. We are going to try to retain as much of the landscaping as we can.

Mr. Williams asked are we going to need to run any cables out there to put a camera on it as part of our security system?

Mr. Usina responded the specs call for a roll up door and a pedestrian door. Maybe we will have a small window at the top of the pedestrian door. It is going to be

made of cement block. I don't know that we need to put a camera on it or at least initially.

Mr. Walters stated if we are going to have these additions it wouldn't be bad to do this upfront. I have talked to the trustee. I have talked to bond counsel. We are all comfortable but if we are going to spend the capital funds then I think it is going to make sense now because in six months from now it is going to come out of the general fund. If we want to add some landscaping and air conditioning then it may be something we look at on the front end.

Mr. Williams asked what would one of those air conditioner units cost?

Mr. Usina responded probably \$3,000 to \$4,000.

Ms. Drinkwater stated I am all set with it. I like the work that was done on it. I also like the fact that Charlie is going to oversee it. I am assuming that Southern is not a general contractor?

Mr. Usina responded they are.

Ms. Drinkwater stated that makes me feel even better.

On MOTION by Ms. Drinkwater seconded by Mr. Hill with all in favor the Proposal from ELM for Engineering & Architectural Services for Utility Shed with a not to exceed amount of \$3,000 and a total project NTE of \$37,000 was approved.
---

**FIFTH ORDER OF BUSINESS**

**Discussion of Process for Annual Performance Review of Property Manager**

Mr. Williams stated if you look in your agenda package there are two documents. Last year, we started having discussions about doing an annual performance review for our property manager because they are an employee of the District. When we first started with this, we had a different property manager. They left and we hired Mike. Mike has almost been here a year, so we need to start the process on this. We do have the form that we all agreed to the last time. I suppose we could make a couple of minor tweaks on that if anyone has a significant change. There are two steps that I think we need to do. I would like to see each of the supervisors fill this out independently and channel it back to Jim, so that he can consolidate the information. We also talked about getting resident feedback, as well. Jim has identified a way to send a survey out to the

people that we have an email address for and we can have a survey closure date with the information to be collected by Jim. Jim and I will work together to consolidate the information and develop a final review and then discuss it with Mike at the end of the year or the first part of January.

Ms. Drinkwater asked is there anyway to validate that information to ensure that you don't get duplicate surveys from homeowners?

Mr. Oliver responded we will find a way to do that. I will email you a writable evaluation form and I will establish a deadline of November 15<sup>th</sup>, which will also be the deadline for the resident input.

Mr. Williams stated once we collect all of the information, we will share it with the supervisors.

**SIXTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Walters stated if you recall when we did the refinancing we helped back the funds for these capital projects. We talked about a 180 day deadline and we are coming up on that. I just let bond counsel and trustee know what is going on. They were comfortable with that. They did mention a finalizing supplemental assessment resolution to close the loop on that.

**B. Engineer – Requisition Summary**

**1. Consideration of Requisitions**

- a. **Requisition No. 252, \$7,944.00, Payable to Southern Recreation, Inc.**
- b. **Requisition No. 253, \$36,280.00 Payable to Southern Recreation, Inc.**
- c. **Requisition No. 254, \$3,940.00 Payable to Brandy Creek CDD**

Mr. Weeber stated Requisition No. 255 did not make it in the agenda package. It is for \$2,000 to Southern Recreation to finish off the rebound wall.

On MOTION by Ms. Drinkwater seconded by Ms. Little with all in favor Requisition Nos. 252, 253 & 254 were ratified & Requisition No. 255 was approved.

**2. Consideration of Work Authorization No. 15, for 2013/2014 General Consulting Engineering Services**

Mr. Weeber stated included in your agenda package is a work authorization for ETM to continue consulting for the District.

Mr. Williams asked what is the rate for you?

Mr. Weeber responded I believe they bill me at the engineer level.

Mr. Oliver stated the \$5,000 on the work authorization is as budgeted.

On MOTION by Mr. Williams seconded by Ms. Drinkwater with all in favor Work Authorization No. 15 for 2013/2014 General Consulting Engineering Services was approved.

**C. Manager**

There being none, the next item followed.

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

Mr. Usina stated included in your agenda package is a copy of my report.

Mr. Williams stated this is a really good report. There is a lot of activity going on.

Ms. Drinkwater stated I also appreciate getting it upfront because it gives us time to read it.

Mr. Williams stated at the last meeting we had some discussion about trees. I know ETM was going to have the arborist come out and take a look. Can you give us an update?

Mr. Usina responded it is on page in the report. It is under amenity center and pool area. We are taking the recommendations that ETM provided us related to some maintenance that we will apply to the stand and monitor the progress as a result of the maintenance work to be done. Short of the aeration of the root system that was also recommended, we are going to approach it from a maintenance point of view. We will look at it again come spring time.

Mr. Williams stated I would like to talk about the flooding of the tot lot and the swale of the basketball court.

Mr. Usina stated the swale off to the side of the basketball court and around the north end corner of it is going to be repaired by Tree Amigos. It is under warranty as far as we are concerned but there is cost associated with the work that is being covered by the Developer. Based on a continuing problem with water sheeting off of the basketball court and bordering material not being able to withstand the water. It involves bringing sod in and sodding up to the basketball court in the hope that the sod will be able to manage the water better than the sand did. As it relates to the tot lot, Charlie and I physically went out and located the drain. That tot lot has had a historic flooding issue. We changed the filter cloth that was being used in the drain to keep mulch out of it. We went to a more porous material to hopefully allow that area to drain better. We have not had a significant rain since that rain was done five weeks ago. I still have that one drain is going to satisfactorily drain that playground. We are still going to have a sheeting problem related to the water. When it fills up if it hasn't had a chance to drain, the water is floating the bark off of the playground onto the sidewalk and into the surrounding grassy area. I think we would experience a lot more relief if we installed another drain down at the south end of the lot and did that in combination with refilling that playground with mulch. The estimate on mulch is about 40 yards of material that is going to be required. To add another drain along with that work would make much more sense then adding mulch and then having to go in there later to add another drain.

Ms. Drinkwater asked who is providing the estimate for the mulch?

Mr. Usina responded Southern Recreation. I can get other quotes if you would like but it is pretty competitive.

Ms. Drinkwater stated no. The reason I was asking is to make sure and to ensure that the level of mulch is adequate based upon the equipment that is there. They should know that.

Mr. Usina stated they do know that. Southern Recreation has also bid on installing a drain if we choose to add a drain.

Mr. Williams asked do you know what a drain would cost?



Mr. Usina responded the additional drain quote was \$1,200. It also involved making sure that the grade was proper to facilitate the drainage. There is some site work involved in that expense.

Mr. Williams asked is there an engineering issue here?

Mr. Weeber responded we looked at this issue quite some time ago.

Mr. Arnold stated the original engineering design was a French soft drain that cuts north and south through the site but because of the conflicts with the structure, it was modified to be an inlet style structure drain, where the slope of the area slopes from southwest to northeast. We just felt that the logic back then was that would perform better than a French drain system. If a French drain system ever had to be serviced then you have to remove the equipment to get to it. I think there is one more step that needs to be done before we say it is not functioning. I think over time that small particles of dust have gone to the bottom. The underneath sheet flow is from southwest to northeast but the top water flow is the opposite, so the water will flow off and over the sidewalk but what does get down will come back up underneath the mulch and that southwest edge is the dam that holds the mulch in place. What has happened over time as mulch has floated and migrated southwest, it has gotten compacted down there, so now when the area fills up with water and it is draining, it blows over the edge of concrete. I had recommended that we do a redistribution and enhancement of the mulch. It should put it back to the original status. It should function better. I am not 100% sure that another drain is necessary yet.

Mr. Williams stated I would like to think that something that is only two years old, we wouldn't be talking about retrofitting already.

Ms. Drinkwater stated I agree.

Mr. Williams stated part of it I get because we have had a lot of rain this summer. We could redistribute the mulch and not have a big summer rain season for three years and then all of a sudden we are right back to where we started.

Mr. Arnold stated by design this is not an easy drainage solution. You have a pool that collects water in a rain storm. You have mulch that is there to be soft to be able to use the recreation components but also puts off dust particles and dirt and you have drainage structures that by design get clogged. It is not an easy solution. That is why I hesitated to throw money at it. By definition it drains.

Ms. Drinkwater stated I want to talk about this a little bit also. As we proceed to try to define what the issue is because there was an injury there I want to ensure that with the heavy rains that it is something that is monitored by Mike and after a heavy rain to put up a sign and tape it off.

Mr. Williams stated I didn't realize we had an injury. Do we have a liability issue here?

Mr. Oliver responded potentially we do. A resident reported her child fell in an area where the mulch is scarce and he hit his head on the sidewalk. She was here just before the meeting. Mike will take immediate action to tape off the area with caution tape and add some mulch without regard to the drainage issue because it may be a safety hazard. He will then do a more global spreading of the mulch in that area after fixing the drainage problem.

Mr. Williams stated I agree. I am just frustrated.

Ms. Drinkwater asked is there another solution to it?

Mr. Williams responded I heard what Charlie is saying about not throwing money at it but I would spend \$1,200 to put more drainage in there and not be dealing with this next summer. Part of it is emotional because we have had issues with drainage in common fields and common areas before. We spent a ton of money last year on one of the streets, where there was flooding. We have spent a ton of money on the phase one activity field. Here we are again talking about drainage issues. I think it is worth to put another drain in there and be done with it.

Mr. Weeber stated let me take a look at it.

Mr. Arnold stated it needs to be re-mulched.

Mr. Williams stated I am good with that. I am talking about doing that too.

Mr. Arnold stated what you see in there right now is a lack of maintenance.

Mr. Williams stated if that is the case then that is on us because we own the maintenance.

Mr. Oliver stated I am comfortable with the boards direction.

Mr. Arnold stated we have a proposal from Southern Recreation to add a drain and add mulch. What is that total number?

Mr. Usina responded \$2,700.

Mr. Oliver asked does Austin Outdoor not do this? The reason I ask that is because they are out here every week.

Mr. Williams responded let's take the time to get a couple of bids. I would like to see something done before the end of the year.

Mr. Usina stated I will tape off that area tomorrow.

Ms. Drinkwater stated my concern with that is they are not qualified to know how many inches of mulch are needed. To cover us make sure that you get it and you get it in writing and that it is compliant.

Ms. Little asked how often is this area monitored and by whom for safety?

Mr. Usina responded it is monitored by me. Today I was back and forth to this facility four times. It is in my eyesight once or twice a day.

Ms. Little stated in regards to landscaping and irrigation, I think it is wonderful that Taylor Tree is giving us that mulch. How soon will that be completed?

Mr. Usina responded that is a good question and it is one that I pose every couple weeks. Getting the mulch from Taylor free is a function of their trimming processes. For the most part in the summer months, their trimming is palm tree related, which is not the right material we are looking for. We are looking for pine and/or oak. We have received nine loads at this point. We just got a new load in the last few days from Taylor. They will start turning to oak and pine tree work. We should see an increase in the mulch. My hope would be that given spring time we would be done. We had a speed control device that was mounted on Johns Creek Parkway for about 10 days. We are waiting on St. Johns Sheriff's Department to let us know what our average speed is. The incidents are down and I think it is because the presence is up. I am encouraged that the sheriff patrols that we have are coming in, in a variety of different ways and they are mixing up the schedule. It is not every Friday and Saturday night. We are plugging them in throughout the week at different times. They have not been shy about approaching people.

Ms. Little asked so for November should we go back to our routine schedule?

Mr. Oliver responded we will probably do that.

Ms. Drinkwater asked how was the usage of this room and the other facility and have you had any issues?

Mr. Usina responded this building became pretty popular during the summer. Last week we had four parties. We had two parties here and two parties in phase one. I am very proud of the residents and how well they have taken care of this building. I am surprised with the amount of traffic that we have had that I haven't dealt with issues related to the carpet. Everyone is using the vacuum cleaner and they have been very tidy. I will try to get you the number of the amount of parties we have had. Through the summer months we have averaged six parties a month here.

Ms. Drinkwater asked have any homeowners provided you with any issues they may have?

Mr. Usina responded the question has been asked about a television. There hasn't been anything much that we should consider. There have been some concerns about the sound in this room. Charlie had a conversation with ELM about that. We did install a stereo system, which got its first use last weekend. I programmed a kids station on Pandora. I had a very nice call afterwards thanking me for that.

Ms. Little asked what are we going to do about the acoustics?

Mr. Arnold responded I spoke to Tim Miller with ELM. The addition of some softer surfaces will help. He suggested you can introduce furniture pieces or some treatments on the east and west walls.

Ms. Drinkwater stated and there is baffling that can be used also that they always use in studio work. They have them now, where they are very modern looking. I would love to get some estimates on that.

Mr. Walters stated I had another District with a similar situation and they chose to go ahead with some wall treatments that look really nice. I think they will be in by this months meeting, so I will be able to see how they work.

## **EIGHTH ORDER OF BUSINESS**

### **Supervisor's Requests and Audience Comments**

A resident stated on Facebook there is a Johns Creek Social Committee page. There was someone last night that said someone came to there door at midnight knocking on their door and the husband came out with a baseball bat and they took off. I wasn't sure if anyone has brought that to your attention.

Mr. Williams stated they need to call the police.

A resident stated there is a gentlemen that keeps coming up and down the street with a white van selling food. I thought there was no solicitation.

Mr. Williams stated there is no solicitation.

Ms. Drinkwater stated these are County roads, so there is no much that can be done with that.

Mr. Walters stated I have seen where HOAs will get involved in terms of non-solicitation. I don't know if the HOA here has non-solicitation policy. The trick is always enforcement.

A resident stated a concern I have is there are no umbrellas out here. My dad just had skin cancer taken off and that is a big concern for us. We can't come up here and use the pool because there is no shade.

Mr. Williams stated it is not on a specific agenda. It is a money item. We would have to make a decision on spending funds to add those umbrellas. We did add umbrellas to the phase one pool. We had left over bond funds in phase one, so that is why we were able to do that. Adding umbrellas here is just an expense. It may be time to get some bids and factor that into our budget for next year.

Mr. Usina stated I actually have a bid already. Phase two was just under \$6,000 for two installed.

Mr. Williams asked is this something we want to do as a capital improvement?

Mr. Oliver responded that would be the appropriate account to take it out of.

Mr. Williams stated we can bring the proposals back to the December meeting to consider.

Mr. Joe Taylor asked how much power does that sign at the front that says no solicitation hold?

Mr. Walters responded it holds as much as much as the sheriff is willing to give it. The big thing on signage is often times the sheriff or police in that area will say we can't enforce trespassing if there is not a specific sign. The District is in somewhat of an awkward position in that you are not going to be able to tell someone you can't drive in here. I think the combination of having a policy in place and signage in place then you could go to the sheriff and say something.

Mr. Joe Taylor stated I know a few years ago we had a big problem with ADT. They would drop people off in the neighborhood and knock on people's doors.

**NINTH ORDER OF BUSINESS**

**Financial Reports**

**A. Balance Sheet & Income Statement**

Mr. Oliver stated included in your agenda package is a 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 Mr. Williams seconded by Mr. Hill with all in favor the Check Register was approved.

**C. Assessment Receipt Schedule**

Mr. Oliver stated included in your agenda package is an assessment receipt schedule.

**TENTH ORDER OF BUSINESS**

**Next Meeting – Wednesday, December 11, 2013 at 6:00 p.m. @ Phase II Brandy Amenity Center, 251 Huffner Hill Circle, St. Augustine, Florida 32092**

Mr. Oliver stated the next scheduled meeting is December 11<sup>th</sup> at 6:00 p.m. at this location.

-

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

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

\_\_\_\_\_  
Secretary / Assistant Secretary

\_\_\_\_\_  
Chairman / Vice Chairman