

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, March 12, 2019 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Lee Clabots	Chairman
Wil Simmons	Vice Chairman
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel
Mike Yuro	District Engineer
Mark Insel	Vesta/Amenity Services Group
Roy Deary	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Michael Johnson	Duval Landscape Maintenance

The following is a summary of the actions taken at the March 12, 2019 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Clabots called the meeting to order at 6:00 p.m. and Mr. Torres called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Mr. Murphy stated fire ants are on the track, throughout some of the walking areas and are a lot worse since I moved here. Are the fire ants being taken care of?

Mr. Johnson stated we spot treat that every week, we also do an application twice a year of the whole grounds especially the fields. If there are ant hills out there we will get those addressed tomorrow.

A resident stated since we moved in our backyard has been flooded. The lady before us spent about \$10,000 trying to get the water to the front somewhere. I don't know if this board can do anything about that and our neighbors are dealing with the same situation. The location is 3527, 3531 and 3532 Garibaldi. It is the whole cul-de-sac.

Mr. Wing stated we will ask our engineer to look at that.

Mr. Yuro stated I have looked at that and I have information that I was going to bring up under my report.

**THIRD ORDER OF BUSINESS**

**Staff Reports (Part 1)**

**A. Landscape Manager (Presenter: Duval Landscape)**

Mr. Johnson updated the board on the landscape maintenance activities that took place since the last meeting, new flowers will be installed next Tuesday and they will work on the fire ants.

Mr. Erasmus stated we need to find a place for the mulch trailer because we get complaints from neighbors.

Staff was directed to use the field on Ragusa Lane.

**B. Engineer - Report (Presenter: Mike Yuro)**

Mr. Yuro stated I was made aware of the drainage concerns on Garibaldi Way and I prepared an exhibit based on the as-built drawings from the permit file. According to the original design plan that whole area is designed to drain towards the houses from that common area, and they are designed to be a Type A lot, which means the rear lot line is designed to drain towards the house, the house is always above the adjacent ground level, and the house is designed to drain away from the house and it creates a swale in the backyard that is supposed to be graded to bring it towards the front yard. I did see the pictures and there is significant ponding in their backyards. It appears to be more of a lot/homeowner issue than a CDD issue because if the lot was graded properly that water wouldn't be standing in the backyard it would be draining down the sides of the yards towards the front.

The board directed Mr. Yuro to go to the houses on the cul-de-sac and report back to the board on his findings and the homeowners were requested to contact the home builder and advise them of the drainage problem.

Mr. Yuro stated I wanted to bring the priority list that was prepared last year and I got a call and met Lourens at Amalfi Court behind 1925 and 1929 and those are on the high priority list. There are several areas in the community that have severe erosion issues and you addressed some about a year ago but didn't have enough money to address them all. The pond has a lot of issues. I am happy to reach out to contractors for suggestions and recommendations on what they have had success with. This is one of the more challenging erosion repairs that I have ever seen.

**FOURTH ORDER OF BUSINESS**

**Consideration of Proposals for Treating Ponds (Presented: Lourens Erasmus)**

Mr. Torres stated we provided by email bids that came in for lake maintenance, the contract with Future Horizon ends at the end of March.

Mr. Erasmus stated they told me their rate was going up and I put it out to bid and as you can see they are under the proposals that came in.

On MOTION by Mr. Wing seconded by Mr. Simmons with all in favor the proposal from Future Horizons was approved in substantial form in an amount not to exceed \$14,100 annually and staff was directed to amend the 5-10 feet shoreline vegetation to 2-4 feet.

**FIFTH ORDER OF BUSINESS**

**Discussion of Street Lighting (Presenter: Supervisor Labanowski)**

Mr. Labanowski stated I met with FP&L and did GPS locate for all the lights and since this has been going on for years prices may have changed. He is getting me prices as well as the GPS locater.

**SIXTH ORDER OF BUSINESS**

**Discussion of Social Group Use of Amenity Center Meeting Room (Presenter: Supervisor DelBene)**

**SEVENTH ORDER OF BUSINESS**

**Discussion of RFP Process for Amenity and Operations Services for Fiscal Year 2020-2023 (Presenter: Jennifer Kilinski)**

Mr. Clabots stated this was sent out as a draft, I would like to provide any comments or suggestions to be included in the RFP. I have one and I would like to be authorized to work with

district counsel to finalize the RFP no later than the end of the month so that we can get bids back by the 30<sup>th</sup> of April and consider those at our June meeting.

The board and staff discussed the following items; how the contractor proposed to distribute revenues from lessons and special events, disclosure of that information, public records of everything that is produced or generated by providing contractual services, timing of RFP and contracting for services, non-exclusivity in terms of programs, non-compete clauses, three years of pricing,

Mr. Wing stated you can work with Jennifer and she can forward it to us and if we have an issue we can contact her within four days so that we can get this noticed by the end of March.

On MOTION by Mr. Simmons seconded by Mr. Labanowski with all in favor the RFP process for amenity operations services was approved as amended and the vice chairman was authorized to work with Jennifer on the final document.

Ms. Kilinski stated we will have this ready by the end of March, circulate it to the board and if everybody is good with it then advertise and ask for proposals to be back by the end of April.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Fitness Equipment Proposal  
(Presenter: Mark Insel)**

Mr. Clabots stated you have a package of information based on staff's work and Wil's work to share at this meeting.

Mr. Simmons summarized his research and the proposals for the fitness equipment and recommended doing the flooring at the same time.

Mr. Torres stated there is \$227,000 in capital reserves for the remainder of FY19, there are a few items budgeted for the gym equipment in the budget and a few items in FY18 that we didn't use. When we combine those it is in the \$30,000 range. I have asked staff to look at the FY19 capital reserve study and make determinations as to what critical items need to be addressed or have funds available in the event that funds are shifted.

Mr. Wing asked is there anything in the study for 2020?

Mr. Torres stated yes.

Mr. Wing stated I would move to approve the proposal minus the TVs for a total of \$43,000.

Mr. Clabots stated that does not include painting they gym. What is the estimate for painting the gym?

Mr. Erasmus stated painting the gym is \$3,500.

Mr. Labanowski stated it would be nice to have all new equipment but there are other things in the community that need to be repaired. We need to replace the cardio machines, but to replace everything at one time when we don't need to when we have other priorities that need to be fixed I can't see spending that much money at this time.

Mr. Simmons stated if we replace it all then we don't have to worry about it and it is current and up to speed.

A resident stated I think we can get volunteers to paint the gym.

On MOTION by Mr. Wing seconded by Mr. Simmons with three in favor and Mr. Labanowski opposed the proposal from LifeFitness in an amount not to exceed \$48,000 minus the TVs was approved with the option of hiring a painter or getting volunteers to paint.

**NINTH ORDER OF BUSINESS**

**Staff Reports (Part 2)**

**A. Attorney (Presenter: Jennifer Kilinski)**

Mr. Labanowski asked is Comcast a dead issue?

Ms. Kilinski stated more than likely we will come back to you at a future meeting. The arbitration that occurred with Bartram Springs, which was on a very similar issue has concluded in favor of the developer. For our purposes that means there is probably going to be litigation from there, it is in our best interest to stay back and watch and see what the outcome of that is and I will come back to you to say do you want to pursue a claim because they were successful or it is not worth pursuing a claim because they lost on these merits.

Mr. Clabots asked are there any proposed bills in the Legislature that we should be worried about?

Ms. Kilinski stated not any more then you see in those distributions you receive by e-mail, at least not at this point. There are a couple bills we are closely tracking but every day there is something different. Amendment 12 is something that we are also following, that may have impacts for CDD boards. There was a constitutional amendment that was passed that dealt with abuse of power for governmental representatives and that includes special districts. The

Commission on Ethics has been charged with promulgating rules on what disproportionate benefit means as well as the standard of abuse associated with what would be considered a disproportionate benefit. I have attended Commission on Ethics meetings for the first two rule workshops, the third one is on Friday. The draft rule they put out this morning is incredibly vague and not particularly favorable to any board members to understand what the standard is and it appears one could construe the definition of disproportionate benefit to be very, very, very broad. We will keep you posted. They have to adopt a rule by October 1<sup>st</sup> of this year and the legislature will then prescribe the requisite intent, but it is still in the very early makings, we imagine there will be a handful of rule challenges but that one is the bigger picture issue as it relates to counties, cities and special districts.

**B. Manager – (Ernesto Torres)**

Mr. Torres stated in preparation of the 2020 budget draft, approval and adoption I prepared this handout that has the adopted budgets for 2017 and 2018 and a column of actual expenditures. The actual year to date expenditures highlighted are the items of concern that we will see a variance at the continued rate. There are not a lot of variances the only one I added was based on the lake maintenance to include the one we approved tonight for pond maintenance. As you will recall we were about \$32,000 from our assessment to our expenditures in FY 2019 and the technique used to fill that gap was to transfer cash in from the carry forward balance. At this point it is hard to predict if that is an option for Fiscal Year 2020. I am asking the board to consider if that option is not available, three other options to lower our contingency, lower capital contribution or increase assessments by a slight amount. Those will be the three options to consider when we approve the budget. Keep in mind we can always approve at a higher rate and when we adopt the budget, we will may have a better understanding as to what the carry forward may be.

I'm not alarmed by looking at this, I think we are on a good track other than the contract with Future Horizons.

Mr. Labanowski stated printing and binding is highlighted and is a concern because we waste too much paper. I would like to receive everything electronically and do away with printing and binding.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor future agenda packages will be provided electronically.

**C. Operations Manager (ASG) (Presenter: Lourens Erasmus)**

Mr. Erasmus gave an overview of the activities that have taken place since the last meeting and stated the he will work with Ernesto on how to prolong the life of the lights so that the expense of a lift will not be incurred so often.

Mr. Clabots asked will you look into what it would cost to rehab the signage we have, do the signs meet our needs, do we need additional signage for our future planning?

Mr. Erasmus stated we just replaced the pump motor at the pool and in total the pool was down about three weeks. I don't mind getting three bids, but it would make it easier if we had one vendor we could go to when that pump is down that I can call and say I need a pump. We have worked with Crown they worked on our pool and understand everything that is going on over here and their pricing on the last bids were right in the middle and on the lower end. After summer I'm happy to get bids, but in the summer I want to prevent us from being down for weeks at a time.

Mr. Torres stated when we got bids Crown Pools was comparable and I feel safe using them.

It was the consensus of the board to use Crown Pools if a pump goes down.

Mr. Clabots asked the pool light conversion to LEDs do the top heads come off?

Mr. Erasmus stated no, I take the bulb out, take the old bulb remove the ballast completely and replace it with LED.

Mr. Clabots asked could we replace the heads with lights that shine down if we want to have night swimming?

Ms. Kilinski stated no, it is way more involved than that.

Mr. Insel stated we retrofitted these poles in other districts and it was a significant project.

Ms. Kilinski stated you have to have a pool engineer conduct a lighting study.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor staff was authorized to contract with a lighting engineer to conduct light testing for night swimming in an amount not to exceed \$2,500.

**D. Amenity Center Update (Presenter: Mark Insel)**

Mr. Insel stated we changed the signs in the field so they are more visible, the first batch of pool chairs came back the second half is out for refurbishment, soccer season is underway, we held a wildlife safety event, we are bringing back the food trucks, we are planning another movie night and a CPR class.

**TENTH ORDER OF BUSINESS**

**Approval of Consent Agenda (Presenter: Ernesto Torres)**

- A. Approval of Minutes of the January 8, 2019 Meeting**
- B. Balance Sheet as of January 31, 2019 and Statement of Revenues & Expenditures for the Period Ending January 31, 2019; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

On MOTION by Mr. Simmons seconded by Mr. Clabots with all in favor the consent agenda items were approved.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

Mr. Torres stated there was an altercation between the coaches of Amenity Management League and Ancient City last week about the usage of the Pescara field. I emailed Andy about the issue and we would like the coaches to work out the details among themselves. I looked at the agreement the board approved for Ancient City, there was no mention of practice, I went back to the minutes and the recording of the meeting and there was no mention of practice. I got Andy’s practice schedule and I would like authorization to work with Ancient City and district counsel to amend Ancient City’s agreement to reflect practices. He has given me Tuesdays and Thursdays 5:30 to 7:00.

Mr. Wing asked does that work around Amenity athletics?

Mr. Insel stated they practice when they can, there is no set schedule. They use Pescara or here.

Mr. Wing stated assuming we approve this Andy’s group has all those times.

Mr. Insel stated the biggest problem is you will be telling paying residents they can’t use their own field. I got a comment about that this morning.

Ms. Kilinski stated the intent of the agreement was that there were going to be Saturday games, starting March 3<sup>rd</sup> through May 18<sup>th</sup>, just Saturdays from 9 – 12:30. There was no discussion about practices.

Mr. Clabots stated I don't have a problem if they want to practice the problem I have is they want a fixed schedule. I think that is up to the coaches of the respective leagues to work it out. I don't want someone from Ancient City saying I have the field on Tuesday and Thursday and you can't be on these fields. If there are only two fields that are usable then you have to work it.

Mr. Insel stated in years past we practiced every night, various nights, they pick and choose. Now we are up to 14 teams so between here and Pescara they generally work it out and find their own space.

Mr. Clabots stated I don't mind saying they can practice but I don't want to say they have a fixed schedule for them at the expense of our other league.

Mr. Torres stated the other issue where an amendment may also be required is Ancient City would like to have a soccer camp June 10 – 14<sup>th</sup> from 9 a.m. to 2 p.m. Currently that is not in the agreement, it is additional usage and I would like to put some agreement in place or add to the agreement to accommodate the camp.

Mr. Labanowski stated you can give them use of the Pescara field and it keeps this side open.

Ms. Kilinski stated a couple other questions, bigger context. Are we limiting this to residents only? And with a 9 – 2 the summer camp with no cover, no bathroom access if there are non-residents, do you want to allow facility use? It gets to the question of use of the facilities, which I have addressed in the agreement for their previous uses, but I want to be clear from you how you want to structure that. It is the same thing with the practices. Are non-residents allowed to use the facilities, are we still using port-o-lets because formerly there was only one at Pescara and now they are on Murabella fields as well. Do we want to address that?

Mr. Labanowski stated he can use a portable facility as he is now, that would be fine.

Mr. Simmons stated the only caveat is you can't get access to the gym through the back, don't be tracking the dirt, mud and grass into the gym.

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

Mr. Labanowski stated I think we need to look at the feasibility of fixing the fields up, getting them leveled. If we are going to be using the fields they need to be usable.

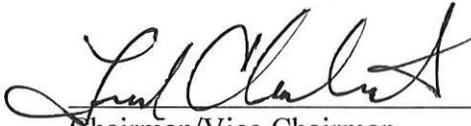
Mr. Clabots stated on the MuraBella Hood one member of the HOA board asked for suggestions for events. There was a suggestion for evening swim and we will talk about that when we talk about the lighting. There was a suggestion of those evening swims having alcohol. I said absolutely no alcohol, I'm not sure of our liability if we permit alcohol. If you disagree I can correct that answer. I would like to look at pricing of additional fencing. There is a level area along Pacetti Road where the berm was not extended all the way across, it was probably an entrance for construction traffic. I would like to get a price for fencing there because I have seen a number of people using that track, walking their dogs, not picking up after their dogs and at least a handful of those people are coming over from King of the Bear. That area is for Murabella residents and I would like to get a price so we can put that in our capital planning.

**THIRTEENTH ORDER OF BUSINESS                      Next Scheduled Meeting – May 14, 2019 at 6:00 p.m.**

Mr. Clabots stated the next meeting is scheduled for May 14, 2019 at 5:00 p.m.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the meeting adjourned at 8:00 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman