

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, May 8, 2018 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Brian J. Wing	Chairman
Lee Clabots	Vice Chairman
Chuck Labanowski	Supervisor
Wil Simmons	Supervisor
Aage G. Schroder, III	Supervisor

Also Present were:

Dave deNagy	District Manager
Jennifer Kilinski	District Counsel (by telephone)
Mark Insel	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Ernesto Torres	GMS, LLC
Michael Johnson	Duval Landscape Maintenance
Roger Johnson	Tree Amigos

The following is a summary of the actions taken at the May 8, 2018 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Mr. deNagy stated I have a couple comments received on the Facebook page. One from Denise Warden Horn is it rumor or fact that other communities can use our fitness center and pool for a fee. Kathy Venezia, there are red ant hills on the pond banks that need to be taken care of and she mentioned mowing the wet pond banks, shelving is starting to occur at the bottom.

**THIRD ORDER OF BUSINESS**

**Consideration of Proposals for Landscape Maintenance Service (Presenter: Dave deNagy)**

Mr. deNagy stated we received bids from three contractors, Brighview Landscape, Duval Landscape and Tree Amigos and he then reviewed the criteria use in evaluating the bids.

After board discussion of the three bids, the average of the scoring was Brighview with 73 points, Duval with 90 points and Tree Amigos with 88 points making Duval ranked no. 1, Tree Amigos no. 2 and Brighview no. 3.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the ranking of Duval no. 1, Tree Amigos no. 2 and Brightview no. 3 was approved and staff was authorized to enter into negotiations and to prepare and agreement for landscape maintenance service for the base bid in the amount of \$299,573.00.

**FOURTH ORDER OF BUSINESS**

**Staff Reports (Part 1)**

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

**1. Discussion with Duval Landscape for Service Around Pond Banks**

Mr. Johnson gave an overview of the work performed by Duval Landscape around the pond banks and other areas during the past month.

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

**1. Pond Priority of Repair Outline and Quote**

Mr. Yuro was not present at the meeting and the board will provide their questions to Mr. deNagy and he will coordinate and send them to Mr. Yuro for response.

**2. Drain Repairs and Quote**

The board will wait to award the contract for this work for another month or so to see how other expenses come in and determine if there is money in other accounts that may be used for this project.

**3. Report**

A copy of the engineer's monthly report was included in the agenda package.

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposals/Agreements**

**A. Ratification of the Aquagenix Agreement and Consideration of Addendum Regarding Hours of Work and Staging Area**

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the agreement with Aquagenix was ratified and the addendum regarding hours of work and staging area were approved and staff directed to determine if an earlier start date could be agreed upon.

**B. Consideration of Fiscal Year 2019 VESTA Pet Waste & Trash Removal Proposal (Presenter: Dan Fagen/Lourens Erasmus)**

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the proposal from Vesta to provide pet waste removal and bag replenishment plus additional services as noted on the proposal in the amount of \$18,300 was approved and staff authorized to notice Duval of termination of this portion of their contract and the earlier start date of the new contract.

Mr. Fagan stated Vesta will invest in a utility vehicle to use for this service as well as other services provided in the district.

**C. Consideration of Amending Policies Regarding Fishing in Ponds (Presenter: Chuck Labanowski)**

Mr. Labanowski presented the proposed change to the fishing policy, copy of which was provided in the agenda package.

The board discussed issues with people trespassing on private property, debris left on pond banks, access points for people who do not live on ponds, waiting a year to let the Tilapia recover, open all the ponds for fishing, and additional language to be added to not access common area through private property.

Mr. Labanowski moved to approve the amended fishing policy and there being no second the motion died for lack of a second.

Mr. Clabots moved to amend the fishing policy such that residents could fish in any lake so long as they didn't trespass on private property to access the lake and Mr. Simmons seconded the motion.

Mr. deNagy stated we need to make it subject to language that may be in the plat that somehow restricts this.

Mr. Wing asked Jennifer if we open it all up do we need to check plats since it is CDD property?

Ms. Kilinski responded we will have to look at the plat language and it may be fine, but I think we should look at the plat.

Mr. Wing stated if this motion passes I'm assuming at the next meeting if there is something on the plat we can come back and amend it?

Ms. Kilinski stated you can make it subject to the plat language.

Mr. Clabots accepted that language to be part of the motion and Mr. Simmons concurred.

Mr. Schroder stated I like the new language that Chuck proposed but I think we need to work on it.

Mr. Wing stated I suggest we change it before we adopt it. Lee's motion would amend it so one of you will have to come back with language that will be put in the guidelines based on this motion but to define it, it would essentially say, you can fish anywhere.

Mr. deNagy stated I suggest you open it up and see what happens. I don't think you can pinpoint all the problems we are going to have.

Mr. Abush stated I have the same concern that Chuck had about privacy, people walking the CDD property and there are dogs that will be barking because of the people on the pond bank. The privacy issue is people are going to say that is my pond bank it is behind my house it is disturbing my privacy and my dog and you are asking me to police it. If it is going to be written that you are allowed to fish behind just your pond bank who do I call when someone is fishing on CDD property behind my home to come and tell them to leave if they refuse to leave when I ask them to leave?

Mr. Wing stated that would have been under the amendment to the guidelines that failed. Under the motion now there are no restrictions so there is no one to call. Anybody can walk around the bank and fish wherever they want to.

Ms. Kilinski stated I pulled up the Unit 3 plat, the district owns from the top of pond bank and has an eight foot drainage easement, the drainage easement runs across private property, drainage easement defined for construction access, operation, maintenance of stormwater utilities. Maybe we wait until the next meeting and let us do a bit more analysis of how you structure the language and come back with proposed language if your goal is to go forward with that proposal.

Mr. Wing stated that is a good suggestion.

Mr. Clabots stated we will table the motion to be discussed and voted on at the next meeting.

**D. Consideration of Amendment to Fighting Turtles License Agreement (Presenter: Jennifer Kilinski)**

Ms. Kilinski gave an overview of the guidelines for swim team usage, which was included in the agenda package.

Mr. Schroder questioned item 10 referencing user access cards.

Ms. Patch stated all swimmers are logged in to the facility by a resident to ensure they are a member of the swim team and no one outside the district has access cards.

Mr. Wing stated it could say check in with their user access cards or sign in with swim team representative or something like that.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the amendment to the license agreement with the Fighting Turtles was approved as amended.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-04  
Confirming the District's Use of the St. Johns  
County Supervisor of Elections to Conduct  
the District's Election of Supervisors in  
Conjunction with the General Election  
(Presenter: David deNagy)**

Mr. deNagy stated we have a general election this November, Mr. Wing's, Mr. Labanowski's and Mr. Schroeder's seats are up for election. Anyone who is interested in serving on the CDD board is encouraged to reach out to the St. Johns County Supervisor of Elections for information about how that process works. The period for putting your name on the ballot is in June and it is only three or four days that are open for you to do that. This is just a resolution confirming the use of St. Johns County and their Supervisor of Elections to conduct the district's election of supervisors.

On MOTION by Mr. Clabots seconded by Mr. Simmons with all in favor Resolution 2018-04 was approved.

**SEVENTH ORDER OF BUSINESS**

**Discussion of Fiscal Year 2019 Budget  
(Presenter: David deNagy)**

Mr. deNagy stated you have a draft copy of the proposed fiscal year 2019 budget. We will not be taking this up for board action tonight, that will come before the board at our June 12<sup>th</sup> meeting. I did sit down with four of the board members and if Wil has time I will be happy to sit down with him also. In essence we have the decrease in the administrative costs, increase in amenity center expenses, an increase in grounds maintenance expenses and there is an increase that causes assessments to move from \$1,259.25 to \$1,288.20 just under \$39 a year or \$3 a month the way it is structured right now. We will update the projected numbers and work on that and get that out to the board in advance of our June meeting when we discuss the budget for purposes of approving the budget. Once we approve the budget we have to allow 60 days to lapse before we adopt our budget for purposes of levying assessments and that public hearing is scheduled for August 14, 2018. I did change the numbers from what is in the agenda package to reflect the landscape bid from Duval Landscape so instead of \$318,820 that should be \$299,573 so the increase as shown is not \$1,309.55 the increase would be \$1,288.20.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports (Part 2)**

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

There being none, the next item followed.

**B. Manager – (Presenter: David deNagy)**

Mr. deNagy stated we talked at the last meeting about email service providers that would retain your emails. I am working with Jennifer and Ernesto on this and will have that for the June meeting. We do have three or four firms out there that provide those services. I'm also interested because this will impact our budget in some way, shape or form.

**1. Update Regarding District Field Damages and State Attorney's Office**

Mr. deNagy stated I spoke a week ago with the State Attorney's office, they advised that they are prosecuting one of the three parties, the two juvenile parties are what they call "no file", which I believe they are not prosecuting since they are minors. The insurance company, however, is still filing for reimbursement of the costs and the State Attorney's office is waiting on mitigation for restitution, in other words it is on hold until they hear more from the adult defendant.

Mr. Labanowski asked have we had any word from FEMA

Mr. deNagy stated I would say we are not going to get anything from that. Lourens and I have worked tirelessly trying to get information back to those to satisfy what they need; the hang-up seems to be where the debris was taken. It was not taken to a FEMA site, I understand contractors are not allowed to use that site and there is a Catch-22 that I don't understand. I have gotten reimbursement on Durbin Crossing to the north of us without having to provide all this information and the whole process is very cumbersome and bureaucratic.

Mr. Wing asked you got money for Durbin, was it similar and a similar amount?

Mr. DeNagy responded yes.

Mr. Wing asked have we contacted our congressperson?

Mr. deNagy stated no but that is entirely possible. If we use that as an example I see no reason why they should be holding us up for reimbursement.

Mr. Wing stated I suggest we draft a letter to the congressperson representing this area and the two senators, Rubio and Nelson and explain we are getting the run around, you represent two communities, one got reimbursed and the other did not.

Mr. deNagy stated I would be happy to do that.

**2. Report on the Number of Registered Voters (2,038)**

A copy of the letter from the supervisor of elections indicating that there are 2,038 registered voters residing within the district was included in the agenda package.

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

**1. Fence Proposal, Determine Length of Price Quoted**

On MOTION by Mr. Simmons seconded by Mr. Labanowski with all in favor the contract for the fencing was awarded to St. Augustine Fence in an amount not to exceed \$8,600 for the Amenity security fence.

**2. Painting of District Assets**

Mr. Erasmus stated Mark and I have been working through the capital reserve and we noticed certain things listed in the reserve study and I called the vendor we have used in the past who has given us the best prices. I asked for pricing for all entryways and the Positano mail kiosk and there is \$14,000 available for S.R. 16 entryway and he is willing to do all of them plus the mail kiosk for a lot less.

Mr. Schroder stated I prefer to get more than one bid.

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

A copy of the amenity center management report was provided in the agenda package.

**NINTH ORDER OF BUSINESS**

**Approval of Consent Agenda (Presenter: David deNagy)**

- A. Approval of Minutes of the March 6, 2018 Meeting and April 12, 2018 Meeting**
- B. Balance Sheet as of March 31, 2017 and Statement of Revenues & Expenditures for the Period Ending March 31, 2017; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the consent agenda items were approved to include the amendments by staff to both sets of minutes.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Mr. DelBene stated I realize we are saving money on the garbage disposal, the pet cleanup and garbage cans. We are paying \$175 a day to empty trashcans and put it in our dumpster. Duval was more but if you want me to do that contract I can do it for about \$10,000, that is absolutely insane to pay that much to empty 20 trashcans per day. They are doing it twice a week for 52 weeks so for 104 days is \$18,300. You are talking about big proposals for \$7,000 worth of work, you just approved \$175 days to empty 15 trashcans.

Mr. Erasmus stated it is more than emptying trashcans. It includes me driving around and emptying them and picking up trash laying everywhere every day.

A resident stated the engineer isn't here and you are going to send questions to him. Does he get paid when he is here?

Mr. Wing stated yes.

A resident stated now we are going to pay him to answer questions when he should have been here to answer those questions.

Mr. Wing stated we will save money by him not being here, but we will spend it in the time he takes for the questions. He is not double billing.

A resident asked can I ask for an update on the lighting that Chuck is working on and can it be on the next agenda?

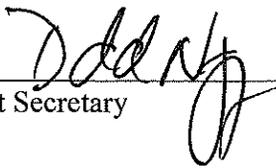
Mr. Labanowski stated if FP&L will get me the information. They have not gotten back to me yet.

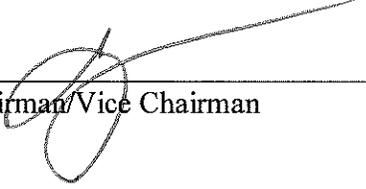
**TWELFTH ORDER OF BUSINESS**

**Next Scheduled Meeting – June 12, 2018 at 6:00 p.m.**

Mr. Wing stated the next meeting is June 12, 2018

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the meeting adjourned at 8:08 p.m.

  
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Secretary/Assistant Secretary

  
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Chairman/Vice Chairman