

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, June 12, 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:

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
David Bissenett	Vesta/Amenity Services Group
David deNagy	GMS, LLC
Michael Johnson	Duval Landscape Maintenance

The following is a summary of the actions taken at the June 12, 2018 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

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

Mr. Wing stated before we get to audience comments there is an acknowledgement I want to make. Matt Crable, a member of the maintenance staff who works with Lourens will be leaving on Friday, he is relocating out of state. He is a wonderful guy, always has a smile and is a very hard worker. We are going to miss him.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Torres read into the record posts made on Facebook.

Mr. deNagy read into the record and handed out to the board a petition.

Mr. Wing read into the record a comment and his response to a homeowner.

The comments will be addressed in the next couple of agenda items and a copy of all comments will be attached to the transcript of the meeting.

Mr. Dev stated I use the walking area and the benches, but nobody thought about restrooms and that would be helpful to the walkers.

Ms. Stolpman and you read my letter about pond maintenance. My concern is in the pond, it looks like a cesspool.

Mr. Wing stated these issues will be addressed under the landscape manager's report as well as staff reports as far as pond treatments.

THIRD ORDER OF BUSINESS

Staff Reports

A. Landscape Manager (Presenter: Duval Landscape)

Mr. Johnson stated Lourens and I together decide if the pond banks are going to be mowed or not. It has only been 2 ½ weeks, we have had a lot of rain and our number one objective is to not disturb the pond bank itself and if we feel the pond bank should not mowed, we do not mow it. We are using a 36" walk behind mower, which is in our new contract, but we are already using it. We mow two swipes behind each pond, it is a slow process because the grass is so high, but we have three more ponds to go.

B. Engineer (Presenter: Mike Yuro)

1. Pond Priority of Repair Outline and Quote

Mr. Yuro stated I met this morning with Aquagenix to review repairs that are currently underway. Most of the ponds behind people's homes have been completed. The two large repairs are currently being worked on then they are going to move their operations over to the tennis court area.

2. Engineer's Report

Mr. Yuro stated I prepared the yearly engineer's report, which is a summary of the infrastructure status that was requested by Dave's office.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the engineer's report was approved as amended and staff was authorized to file the report with the trustee.

3. Report

Mr. Yuro stated I wasn't at the last meeting but I had a note to go back out and follow-up with an inspection so the board can project for the future. I have walked all the ponds over the last week and a half and identified what I consider the high priority areas and there are 14 of them, almost all are on pond no. 5 and these are mostly going to be washout holes at the corner lot line between the houses and the lower priority are a variety of different pond areas that I didn't think were as critical but to keep an eye on because they could grow. This was to be a budgeting tool for board. After my meeting this morning with Aquagenix and they have also done a walk around to identify other areas and the budget number I used was based on the current work and took an average and the unit prices I received today are slightly less than that but the bottom line is this is a financial issue and if the board is looking to plan for future repairs I will share this with Aquagenix to make sure we are capturing the worst areas.

Mr. Schroder joined the meeting during this item.

FOURTH ORDER OF BUSINESS

Consideration of Proposals/Agreements

A. Discussion/Consideration of PreCast & Restoration Services, Inc. and Hersey's Stucco & Concrete, LLC Proposals (Presenter: Lourens Erasmus)

Mr. Erasmus outlined the proposal for repair to amenity center columns and discussed how the repairs will be made.

On MOTION by Mr. Labanowski seconded by Mr. Simmons with all in favor the proposal from PreCast & Restoration Services, Inc. to take care of the critical areas as outlined in the proposal in the amount of \$750 and for the dangerous area in the amount of \$6,125 was approved.

Mr. Erasmus outlined the proposal to remove the loose stone from corners of kids play building and replace with Styrofoam and stucco for safety reasons.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the proposal from Hersey's Stucco & Concrete in the amount of \$2,900 was approved.

B. Consideration of Converting District Streetlighting Bulbs to LED (Presenter: Chuck Labanowski)

Mr. Labanowski stated FPL will come out and change everything over to LED at no cost to the community. There are 160 streetlights in the area, all halogen bulbs and it will save us in the long run \$970.20 per year.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the FPL lighting plan to replace halogen lights with LED lights at no cost to the district was approved.

Mr. Abush asked can you give us an update on the additional streetlighting that FPL was going to put in?

Mr. Labanowski stated we are waiting on the cost to run the conduit and I expect to have that by the next meeting.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2018-05 Approving the Proposed Budget for Fiscal Year 2019 and Setting a Public Hearing Date for Adoption (Presenter: David deNagy)

Mr. deNagy stated we have a proposed increase of \$34,315 to the O&M budget and I sent an analysis out Friday of the changes in the budget this year, a line item overview, that reflected an increase to landscape maintenance, a 3% increase in the agreement with Vesta but that includes trash pickup that we transferred to them, a small increase in attorney fees, moved money from grounds maintenance to repairs and replacement. The biggest decrease is to the irrigation repair of \$12,000 and that is due to the new pump that has helped considerably, projected decrease of \$9,000 in engineering and a \$4,000 reduction in management fees. The O&M assessment is currently \$1,249.25 and will push the O&M to \$1,300.07, \$15.82 annually or \$4.25 per month.

We can mitigate the increase of approximately \$45,000 so that we don't have an increase in the O&M assessments. The first one is to pull that from the capital reserve budget. The other way to do this is a transfer in, we pull money out of our checking account and we have money to

do this and put \$45,000 in revenues on the top line that will cover all our expenses for FY19. That is my recommended way to do that if you are interested in doing something like that. In this year's budget we have revenues for the HOA to pay for special events and a director in the amount of \$11,500; we have \$11,575 for both those functions in the FY19 budget, however, I did not put any revenue in from the HOA because I'm not sure what the status is. If we get the money from the HOA that would reduce the amount of money we need to pull in from our checking account.

Mr. deNagy gave an overview of the capital reserve budget items, expected funding for the various line items and after discussion and input the board decided to take it out of the cash reserves not the capital reserve.

Mr. deNagy stated pulling that out of the cash reserves there will be no increase and there will be no mailed notice to residents, we will have our public hearing on August 14th and when I find out if we get HOA money we can refigure the revenue sources coming from our cash reserves versus HOA.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor Resolution 2018-05 approving the proposed budget as amended and setting the public hearing for August 14, 2018 was approved.

SIXTH ORDER OF BUSINESS

Discussion of Social Media and District Email Server/Service (Presenter: Ernesto Torres)

Mr. Torres gave an overview of the document prepared in response to a request of the board to gather more information on social media and email services.

Ms. Kilinski stated since you got your agenda package and this presentation we have been made aware of a sudden increase in lawsuits regarding local governments and ADA compliance with websites. You are aware that Florida Law changed to require special districts to have websites and certain things have to appear on your website. Since that time there has been federal rulemaking regarding ADA compliance with local government websites and there are lawsuits in the last couple of years for cities and counties and now a few of our districts in South Florida have received notices of ADA consistency with Title II of the ADA act. That is a long way of saying we are going to need to do something, we don't have proposals yet or consultants

that can provide that service yet but we sent a letter from our firm telling district managers we are going to start undertaking that analysis and bring a proposal back at your next meeting for making the current website ADA compliant, which is not related to your emails but is related to the way that you will structure your websites in the future. In terms of social media based on the knowledge that I have right now and subject to change, Facebook and Twitter as an example are already required to be ADA compliant, they are not our platforms, we can't control them. I believe that we are currently trying to find case law as to whether that is required to be compliant.

Mr. Torres stated based on that Facebook may be exempt from the ADA compliance issue.

Mr. Clabots stated I would only be in favor of us having emails managed, not necessarily in my name but the seat number then it could transition to whoever has this seat and could be managed.

Ms. Kilinski stated in other districts we have tried the seat numbers for email and it has not worked well in practice.

The board directed staff to bring back proposals to the next meeting for email services.

SEVENTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney (Presenter: Jennifer Kilinski)

Ms. Kilinski stated we were served with a subpoena about appearance at an arbitration between G&C Developers and Comcast. What I understand from the lawsuit is that the developer of a handful of districts, Bartram Springs is one and this district is another, has sued Comcast regarding the assignment of the contract for the marketing materials that you had contemplated several months ago. The district has not been sued, we have not been named in the lawsuit, I don't know that is happening one way or the other but we have been ordered by a subpoena to appear at this arbitration. I talked to Dave about the nature of what the lawyers told me they needed representations by the district for and it is pretty limited; who owns property and give me your meeting minutes regarding discussions with Comcast. I believe Dave would be a good representative for the district based on his knowledge of the structure and transition from developer to resident board. It is really limited to that capacity. If for some reason we got served with a lawsuit we could have a shade session regarding that. I would like to keep

discussions regarding those matters to a minimum at this meeting. I would be happy to discuss it offline with any of you individually.

B. Manager – General Election (Presenter: David deNagy)

Mr. deNagy stated just want to remind you of the general election. Next week is the qualifying period from the 18th to the 22nd and there was preregistration for people interested in serving on the board. There are three seats open and any resident who is interested can go to the St. Johns County supervisor of elections website you can find the three seats and if you are interested in serving I strongly encourage you to reach out to the supervisor of elections.

At the last meeting we talked about fishing and there was a proposal put out about fishing throughout the community. Since that meeting myself, Ernesto, Mike Yuro had conversations about the plat language, permit language and in a nutshell we boiled it down to the district while we are maintaining the pond banks as part of our permit there is really no reference to allowing recreation on pond banks; it is strictly maintenance. The other issue is privacy and we recommend that we not pursue having fishing on all the pond banks. We have two, San Marino and Pescara areas where there is fishing allowed but it is my understanding that the pond banks are essentially for maintenance not recreation.

Mr. deNagy gave an update to the board on correspondence received from the state attorney's office with regard to damage on the field and that he had sent letters to Senators Nelson and Rubio and Congressman Rutherford in regard to the FEMA claim.

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

Mr. Erasmus gave an overview of the operations and outlined problems with landscape maintenance due to heavily saturated pond banks from the heavy rains.

D. Amenity Center Update - Report (Presenter: Mark Insel)

Mr. Insel gave an overview of his report then presented a proposal for LED lighting to illuminate areas to deter trespassing at the pool.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the proposal from Thibault's Electrical Services for 3 LED dual lead motion lights in the amount of \$1,425 was approved.

EIGHTH ORDER OF BUSINESS

Approval of Consent Agenda (Presenter: David deNagy)

- A. Approval of Minutes of the May 8, 2018 Meeting**
- B. Balance Sheet as of April 30, 2017 and Statement of Revenues & Expenditures for the Period Ending April 30, 2017; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of check Register**

On MOTION by Mr. Labanowski seconded by Mr. Simmons with all in favor the consent agenda items were approved to include amendments to the minutes.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Schroder asked have we followed-up with the provider of the canopies over the playground? They are two different colors.

Mr. Erasmus stated yes and he sent the photos to the manufacturer and the manufacturer is going to send us a new one that will match.

Mr. Labanowski stated I noticed during the storm that they billowed real bad and I don't know but they may need to be adjusted.

Mr. Erasmus stated I will ask them.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – August 14, 2018 at 6:00 p.m.

Mr. Wing stated the next meeting is August 14, 2018 at 6:00 p.m.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the meeting adjourned at 8:07 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman