

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, October 11, 2016 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Aage G. Schroder, III	Chairman
Kathleen Venezia	Vice Chairman
Joseph Quinto	Supervisor
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor

Also Present were:

Dave deNagy	District Manager
Clark Gates	District Counsel
Mike Eckert	Hopping Green & Sams (by telephone)
Mike Yuro	District Engineer
Daniel Laughlin	GMS, LLC
Mark Insel	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Several Residents	

The following is a summary of the actions taken at the October 11, 2016 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.

SECOND ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Staff Reports (Part 1)

A. Engineer

Mr. Yuro stated I was asked to look into access for the berm on the backside of the property. In reviewing the county property appraiser site and recorded plats you will see the colored area on the map I provided is a development edge, 17 ½ foot development edge along the long side of the property and a 35 foot development edge along the shorter side of the property and in the corner is a conservation easement where there is no access. Conservation easements are typically undisturbed. Access to those two areas is limited, one access point is a drainage easement coming off a pond and in order to get to that berm you would have to gain access to the pond bank and then get access to the berm. There is another drainage easement that can reach that development edge and other than that it would have to be off S.R. 16. The other development edge there is a 20 foot pedestrian bike access easement off that road. On the backside of that page is Phase 5 of the community and you will see access in the limited area off of Messina Drive or C.R. 13. According to the recorded plats, there are not many other easements to gain access to that berm other than mostly at the far edges and that one 20 foot pedestrian access.

Mr. Schroder stated the development edge is CDD property and the 35 foot development along Pescara doesn't show an easement. What rights do we have along that edge?

Mr. Yuro stated it was identified on the plat as a 35 foot development edge and a 30 foot drainage easement overlapping it. In Phase 5, it is identified as a development edge, but the plat did not include a drainage easement.

Mr. Schroder asked if it is ours do we have the right to use it for access?

Mr. Yuro responded correct, my understanding based on the plat is that the development edge is in the name of the CDD.

Mr. Schroder stated then we have to determine if it is physically possible to access it. In some cases we have berms.

Mr. Yuro stated I have not had an opportunity to physically go out to either end to see how accessible it would be, this is just from the property rights access.

Mr. Schroder stated I think we need to determine if we can use them without having to remove berms and landscape trees and that type of thing. Did you look into Tract A at the north side of the conservation area?

Mr. Yuro stated I did. Tract A is an open space, which would be in the name of the CDD, but that northern edge of the conservation easement does not include another easement along its northern edge.

Mr. Schroder stated that is where I was heading, if we could get into that undisturbed conservation easement maybe 10 to 15 feet to get to the end of that 17 ½ foot development edge tract that might be easier than going between lots and having people move fences and things like that. That may be encumbered by the fact that it is a conservation area and we may not be able to disturb it if there are trees and so forth.

Mr. Yuro stated conservation easements are typically recorded in favor of St. Johns River Water Management District and they are typically undisturbed so in order to do anything in a conservation easement you need to get permission from the water management district to see if they would allow access. I think it would be easier for them to say no than to say yes, but we could certainly ask. I can reach out to them and see if they will allow the District to use it to gain access to the area for maintenance. If repairs need to be made the water management district is generally open to working with you, but I think they would hesitate to make it a common use type of easement.

Mr. Schroder what is the next step? Do we need to walk it?

Mr. Yuro stated it sounds like that I am going to reach out to the water management district and see if they would possibly grant access at the north end of their conservation easement in order to get back there and address some of the tree issues we are having. I'm happy to meet Lourens at either end to see if we can get a good idea of where that limited 35 foot or 17 ½ foot is and understand what needs to be done in order to gain access. Is there a ditch we have to go over or a berm that is going to have to come down and see if there is practical access from those areas.

Mr. Schroder stated I would like to walk it too if I can. That is an area that I have not walked yet and I need to understand what is back there.

B. Landscape Manager

Mr. Schroder stated I spoke with Brian this morning and he gave me a copy of a position that they are going to take and I guess it would be an agreement and I will give that to Clark if he doesn't have it. It is a storm cleanup agreement, roles and responsibilities and this deals with

issues that are beyond our contract. Before we get into anything like that we need to understand what their responsibilities are under the landscape contract. I understand some of this cleanup is beyond what is in the contract.

Mr. deNagy stated I talked with Lourens just before the meeting and I need to get that from him and I will work with Clark on that.

Mr. Quinto stated I think they should continue to cut later in the morning on the pond banks not early in the morning because it is still damp.

FOURTH ORDER OF BUSINESS

Discussion of Final Inspection of Pond Bank Work

Mr. deNagy stated in your agenda you have a copy of correspondence we sent to Besch & Smith as well as Mike's outline of the final inspection.

Mr. Yuro stated I did the final inspection and I can only inspect what I can see currently. I couldn't verify what was actually put in the ground as far as the underdrain and the stone. I have to assume it was done correctly because the previous engineer signed off on it. I noted any observations I had that didn't look like what the expected end result was whether it was poor condition of turf or erosion that was starting to happen again or the end treatment to the pipes not being done correctly and that was the summary report that I prepared for the board to review and I also sent it to Clark and Clark will explain the communication with the contractor.

Mr. Gates stated we prepared the letter and essentially what this does is preserves all of our claims under the warranty provided in the contract. This serves Besch & Smith notice of all the issues that Mike had found and outlines the recommendations included in the attached report. After we sent the letter, I believe Mike and Supervisor Labanowski have talked to Besch & Smith about the next steps.

Mr. Labanowski stated I contacted them to let them know the letter was coming, they got the letter while the storm was going on and they would like to walk the pond banks sometime next week to go through the punch list. He wasn't too happy with some of the stuff in the letter especially with the condition of the grass. He again explained that the irrigation is a major issue and both of us understood that when we walked it. If the homeowner is not irrigating that pond bank it has caused some issues. He wants to go through with the punch list and look at all the issues we have including the new area they just finished. While they are here doing the work they will take care of that as well.

Mr. Gates stated I think going forward Mike is going to be more or less the point of contact with Besch & Smith and trying to coordinate all that work.

Mr. Wing stated it seems like better than half the issues are turf related with irrigation and fertilization. You are saying a lot of that needs to be replaced. I'm assuming Besch is going to say that is not their problem and they were not paid to irrigate or fertilize and that it is the homeowners' responsibility for irrigation and possibly for the fertilization. I'm guessing they are going to say this is not my problem. I don't think the CDD should pay for this again.

Mr. Yuro stated I suspect that is going to be their argument as well; however, my approach was to document everything that I see currently that doesn't look like what the expected result was as our starting point. I expect there is going to be some negotiation, but I felt like we had to start somewhere.

FIFTH ORDER OF BUSINESS

Discussion of Next Phase of Pond Bank Work

Mr. Yuro stated in your agenda package is a map and an estimate of what I thought my effort would be as well. In order to develop this map, I reviewed a lot of the information that Chuck provided to me from when you were first undertaking this effort. I reviewed the previous report that was done by the geotechnical firm that did the soil borings. Chuck provided me a map that was a preliminary phasing for the next round of pond repairs and it seemed to group them by area not necessarily by which ponds appeared to have the most erosion or slope issues. I kept that regional grouping and tried to identify where the pond borings were obtained. I noticed that the borings were very similar. The soils they found were similar to the areas that were identified in the design of Phase 1 to have underdrain versus the areas that were not to have underdrains. My understanding is the difference in the repair was chosen based on what was observed happening to the slope at the time. You have been involved in this a lot longer than I have and you may have other ideas as to which way you want to go, but I wanted to get something in the board's hands to react to, to get some direction from the board on if and how you would like me to proceed if you want to move forward. I tried to keep to the same format the previous engineer had done and I did my best to identify what I thought it would take to address these phase by phase. I broke it out this way so the board could do one thing at a time and not all at the same time. That is what the proposal is based on. If you did them all at the same time there would be some economy.

Ms. Venezia asked do we have something that says which ponds have the most areas that need repair?

Mr. Schroder stated we do but we have not prioritized those.

The board discussed the types and number of issues with the various ponds, access and obstructions in the easement area, funding the work from the \$93,000 left from the bond for the Phase 1 work after which the following action was taken.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the engineer was authorized to inspect ponds 5, 9, 10, 14 and 15 in an amount not to exceed \$6,210 and the chairman to email staff information on any ponds that are not listed but have been identified as having issues.

SIXTH ORDER OF BUSINESS

Consideration of Positano and Pescara Kiosk Grading Proposals

Mr. Yuro stated the areas by the two mail kiosks and tennis court have been identified as problem areas. Lourens has gotten proposals for some of this, but I thought it would be helpful to have a sketch with some areas and quantities so when you get re-grading proposals at least all the contractors are bidding on the same thing. For the tennis courts, I propose putting a swale down the side of the tennis courts closest to the main road and also along the back of the tennis courts between the pond and tennis courts where all the erosion is happening. Since we don't have the elevation to get the swale to the existing catch basin I am proposing a small yard drain and discharging into the pond. It appears that water is coming across the surface of the tennis courts during heavy storms and causing the erosion and if we can capture that into a swale get it into a drain and into a pipe to the pond I believe that will solve the erosion issue on the pond.

Mr. deNagy stated if the board is okay with what Mike has proposed he can give this to Lourens to obtain proposals.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2017-01 Prompt Payment Policies

Mr. Gates stated these policies are not a response to any particular issue with Dave's office or anything like that; however, the way the statute is written is a little vague and hard to follow. The prompt payment act allows districts to adopt a set of policies to deal with certain issues and improper invoices in particular. In the policy, we have given the district the most

flexibility and protection in all circumstances. We did this for all of the districts we work for and spread the cost between everyone so it is economical for the district.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor Resolution 2017-01 was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney

There being none, the next item followed.

B. Manager

Mr. deNagy introduced Daniel Laughlin who will serve as an assistant district manager.

1. Resignation of Dissemination Agent

Mr. deNagy stated we received a resignation letter from Prager & Co. with regard to dissemination reports. We had a dissemination agreement with Prager & Co. for the bonds to provide notices to bondholders, MSRB and EMMA, the websites where bondholders go to look for information about what is going on with the bonds. Prager & Co. no longer wants to do this work and recommends GMS to serve as the dissemination agent.

2. Consideration of Proposal/Agreement with GMS for Dissemination Services

Mr. deNagy stated we have a proposal in the agenda package for your consideration and the fee would be \$2,200 a year, which is consistent with what Prager & Co. charged and is consistent with what is in the fiscal year 2017 budget. GMS is very familiar with dissemination reporting we do it for several districts.

Mr. Wing stated I would like to see a comparison between what GMS would charge versus other communities that might be using somebody else.

Mr. Schroder asked how did you determine the \$2,200 annually when we have all those bonds and the table of compensation on the first page?

Mr. deNagy stated the compensation on the first page has to do with future bond issues mostly. If we approve this in substantial form I can come back to the next meeting and explain

this. The fee is \$2,200, we do have reporting that is required to be done and I would like to get us under contract. If we find out at a future meeting that this does not meet with your approval, we can always go to another contractor.

Mr. Schroder asked is the \$2,200 payable now, is it paid in advance?

Mr. deNagy stated it will not be paid until the board is comfortable with whatever the proposal is.

On MOTION by Mr. Wing seconded by Mr. Quinto with all in favor the agreement with GMS for dissemination agent services in the amount of \$2,200 was approved in substantial form.

3. Discussion of Turf Replacement at 3301 N. Ravello Drive

Mr. deNagy stated Comcast did some work along Damiano Lane abutting N. Ravello Dr. and damaged a sprinkler head and it took a number of months before Comcast replaced the sprinkler head and finally fixed it. Today I got an email from Comcast requesting the history of all this and I have sent numerous emails to them about what is going on. Ms. Knowles had gotten a proposal from A. Johnson Property Services to remove all the sod and replace the sod for \$600. I would like to authorize her to get that work done and have the district reimburse her. We will continue to pursue reimbursement from Comcast. Ms. Knowles has been waiting since April for this and we have done everything we could to get Comcast out there. I could have authorized that amount but I wanted you to know what was going on.

It was the consensus of the board for staff to move forward and to continue to pursue Comcast for reimbursement.

C. Operations Manage (ASG)

- 1. Pictorial Maintenance Report**
- 2. Community Maintenance and Projects Report**

Mr. Erasmus gave an overview of the operations management report, copy of which was included as part of the agenda package.

D. Amenity Center Update – Report

Mr. Insel gave an overview of the amenity center update, copy of which was included as part of the agenda package.

NINTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the August 30, 2016 Meeting and September 13, 2016 Special Meeting**
- B. Balance Sheet as of August 31, 2015 and Statement of Revenues & Expenditures for the Period Ending August 31, 2015**
- C. Month-by-Month Income Statement**
- D. Assessment Receipt Schedule**
- E. Approval of Check Register**

On MOTION by Mr. Labanowski seconded by Ms. Venezia with all in favor the consent agenda items were approved.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Wing stated Mike sat through a long discussion of a lot of stuff that didn't involve him at all. Are we paying by the hour for these meetings?

Mr. Yuro stated I charge by the hour for the meetings.

Mr. Wing stated let's do the same thing we did before, once the engineer's report is done he can leave.

Mr. Yuro stated that is fine with me.

Mr. Schroder stated we have to make sure the agenda has his items and report first. If something comes up later in the meeting we will refer the question and get the answer at another time.

Mr. Labanowski stated it is cost prohibitive for us to do anything as far as enlarging the gym or building a new gym but there is an alternative I would like to have on the next agenda if I may.

Mr. deNagy stated we will put on the next agenda an alternative proposal for gym expansion.

Mr. DeFranzo stated going back to the pond banks, which I started many years ago, I spent a lot of time walking these banks and saw erosion issues and we need to separate erosion from slippage. The erosion issues are almost always a congregation of water that is invading from private properties or the swales between the properties, fences, etc. My experience is that erosion and further degradation of the soil is due to that congregation of the water going into that channel and widening it worse. It is not beneficial to try to put any kind of soil over there now until you solve where the water is coming from. We have had comments about the grass some is green some is not and I agree wholeheartedly I really don't think it is that much of a problem with irrigation because our previous engineer selected the Bahia because it is supposed to be drought tolerant. I think it has more to do with the fact that the sod was never fully grown, when they put it in the contractor irrigated it for a number of weeks. There is probably some responsibility on their part they are not getting the full stand of grass prior to approval of their work. I would be more than happy to donate gratis any time to spend with Mr. Yuro looking at some of the issues I have identified in the past if the board doesn't have any objection to that.

I did want to make the board aware of the fact that I did spend a lot of time getting with Rodney Cooper, the St. Johns County Traffic Engineer, regarding the signage that is missing at the Murabella Parkway entrance off of 16, actually all entrances and exits. We had a lot of discussion and probably next week we will have signage put up.

Ms. Venezia asked what signage?

Mr. DeFranzo stated specifically the sign at Murabella Parkway that is missing is the one that identifies the median and says keep right with an arrow but I asked him to also put entrances and exit signs as well. At San Giacomo there needs to be a redirection of a reflective sign because coming west you cannot see that at night because your headlights do not hit that sign, coming east it is not a problem. You should also know that the county worked a deal with the state and the state is coming in shortly with streetlights on all of 16. That is coming very soon and they have a contract to do the section from U.S. 1 up to 95, the second phase will be our

section. He couldn't speculate a specific time because it is always a budget issue. We talked about the traffic light at Pacetti and 16 needs to be resurveyed because there is so much more traffic on Pacetti versus 16.

We have two seats being voted on for the board and I suggest the board doesn't make any decisions for expenditures especially on bond expenditures because you may have new members and hopefully, I'm one of them. I suggest you change the next meeting date because that is the day we vote.

Mr. Wing stated I think it would be a good idea to move the meeting from 11/08/16 to another date.

Ms. Venezia stated most people vote in the morning before they go to work or in the evening and our meeting is at 2:00 p.m.

Mr. Sumner stated I came tonight to talk about the baseball diamond. I don't know if you are aware of the organization Villages Baseball Little League and they are crying for facilities right now. So far they have 350 kids signed up, it is a Little League organization, kids between the ages of 5 and 12 and that number doubles in the spring and they don't have the facilities. They use the three baseball diamonds at Valencia. They have tried to use Pacetti Middle but that facility is so rundown the middle school team doesn't use it they go somewhere else. They are turning kids away because they don't have any place to play. There is a place just down the road where there are two diamonds and they were turned away because one neighbor objected. They have facilities for concessions, parking everything and they can't use it. I would like to find out if we can arrange for Villages Baseball to potentially use the diamond we have here, which is in need of repair.

Mr. deNagy stated we would need a proposal from Villages to know exactly what they are looking for, the timing, very similar to our swim team in the spring and summer, the Fighting Turtles. That would be the initial step and then we would have to talk about the field condition and what we need to do, what kind of money we need to invest to get that up to par.

Mr. Sumner stated Villages Baseball has money to invest so they can spend money on the field, they can spend money on dugouts, fences, etc. to bring it up to the standards of a Little League baseball diamond. They take care of insurance so they are just looking for land right now. They have petitioned the county to give them a field and they will spend the money to

actually put everything down there. Would it be possible to make those improvements by spring?

Mr. Labanowski stated the county parks and rec need to develop the land that they have and that we all contributed to.

Ms. Venezia stated there are also legal issues because there are kids that are now going to be on our property.

Mr. Sumner asked what did the swim team do?

Ms. Venezia stated they have a contract and a waiver with the kids.

Mr. Sumner asked is there a template for a contract that could be transferred over to baseball?

Ms. Venezia stated it is something our attorney would have to devise a contract with your group.

Mr. Gates stated we need to get a proposal and evaluate it from there because it is going to be up to the board to decide if they want us to spend time moving forward and draft anything.

Mr. Sumner asked would the proposal have to come from the Villages?

Mr. Wing stated and what needs to be done to make it the way you need it to be.

Mr. Sumner stated they have insurance and they will sign a waiver.

Mr. Schroder stated the county needs to develop a complex for this type of thing.

Ms. Venezia stated I think we need to get resident input on this also.

Mr. deNagy asked is there any interest in changing the November meeting date from the 8th?

Mr. Wing stated yes.

Mr. Schroder stated I wouldn't change it.

Ms. Venezia stated I wouldn't change it.

The Chairman and Vice Chairperson stated they wouldn't move the meeting because of the cost to re-advertise. No further action was taken by the Board.

Ms. Carey stated I'm trying to get caught up on the pond bank issue. When you talk about repairing the pond banks is that from the age of the pond banks or because they originally were not constructed properly?

Mr. Schroder stated there was some concern but we went through this process several years ago and we looked at our recourse with the developer and determined it would cost more in

legal fees to go after the contractor. In a lot of cases the homeowners have caused or contributed to the problem.

Ms. Carey asked instead of going after the contractor has anyone looked at going after the county because if there was work not done properly and the county signed off on it the county is ultimately responsible so it is the county that needs to come in and fix these problems.

Mr. Schroder stated I'm not sure that is the case.

Ms. Venezia stated the county has approved everything there was no documentation that indicated otherwise.

Ms. Carey stated they approved that this work could go on and it was good but coming down the road you have professionals saying this was not right, this was not good, we have to fix it after so many years so obviously there was a problem in the county inspection they allowed this to continue.

Ms. Venezia stated it might be a combination of things. Don't forget we live in the State of Florida there will be erosion no matter what. Between the runoff from the homes, the wave action in the ponds we don't have control.

Ms. Carey stated everybody has been saying that the residents are responsible for the irrigation of the pond banks and it is a constant battle where some residents aren't taking care of them. Has anyone considered that the CDD could put an irrigation system where they use the pond water to irrigate and consider what the cost would be to put that in versus always having to fix the problem? Is that something that could be looked at?

Mr. Schroder stated that discussion has been had too and it would be very, very expensive to develop an irrigation system for just the pond banks.

TWELFTH ORDER OF BUSINESS

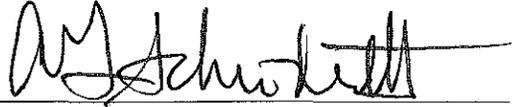
**Next Scheduled Meeting – November 8, 2016
at 2:00 p.m. at the Murabella Amenity
Center**

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

October 11, 2016

Turnbull Creek CDD


Secretary/Assistant Secretary


Chairman/Vice Chairman