

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, October 13, 2015 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
Mike Eckert	District Counsel
Preston Doub	District Engineer
Mark Insel	Vesta/Amenity Services Group
Jeff Branch	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Milo Williams	Duval Landscape
Michael Johnson	Duval Landscape

The following is a summary of the actions taken at the October 13, 2015 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

Mr. Jacobs stated the Cascadia Court common property by the sewer substation is not being maintained. The dog park was brought up at the HOA meeting and the HOA has an interest and is willing to come up with half the money. There are dead and dying oak trees at the main entry.

Mr. Fagan stated our policy is that the Shumard Oaks when they go we replant with 100 gallon Live Oaks.

Mr. Schroder stated we have an issue with diseased trees we are removing and we are continuing to work towards a grant to replace those and come up with a plan to make sure we plant the right species in the right location.

THIRD ORDER OF BUSINESS

Update on Pond Bank Work

Mr. Doub stated change order no. 2, which has been approved deducted the work in the existing contract in Area 5.

Change order no. 3 we have worked through with the contractor and they will start the work March 15th and be substantially completed in 60 days. When they are complete with the original contract work we would pay all the retainage in the contract because that work would be 100% finished and it wouldn't be fair to hold retainage on them until March. They will mow the entire area in change order no. 3 area. They will increase their performance and payment bond prior to proceeding with the work. It also includes the optional warranty bond that was \$300 that was added it wasn't in an earlier number we looked at and is based on the plans we provided them, there are two access points through the easements. They also have an alternate because we are unsure about the school bus stop or they may have to move to another location so we have pricing for that. The total of the change order is \$159,854.65 but you have to deduct the \$8,535 so the total add to the project for the additional work in Area 5 is \$151,318.89.

Mr. Wing asked does the \$151,318.89 include the \$22,576 for the alternate?

Mr. Doub responded no and we are hoping we don't have to do that.

Mr. Schroder stated I don't think we are going to have to do that. I have communicated with the school board that the work will start March 15th and will be finished in 60 days. I will get back with the school board on why I do not see a problem with them moving the bus stop a few hundred feet to get them away from the area where there will be a lot of activity.

Mr. Labanowski asked on the work that was just done in Area 3 do you know if all the metal stakes have been put back in place because we lost a lot in that area?

Mr. Doub responded we are working on that and that may be in addition to the punch list that we have. As we progress through the final we may find other items that we add.

Mr. Labanowski asked has DR Horton agreed to that \$12,900?

Mr. Schroder responded no because I haven't communicated that. I waited until this meeting to make sure we are happy with that price.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor change order no. 3 with Besch & Smith in the amount of \$151,318.89 was approved.

Cost Share

Mr. Doub stated the next item is the Horton cost share. We do a lot of these because there are cost share items between developers on different projects and basically we take the common items that are mobilization, maintenance of traffic and that kind of thing and come up with a formula that we think is reasonable for a prorated cost share of general overhead items. It came out to about 12% based on the linear feet of the work that we are doing overall versus the linear feet that is on the Horton lots and that totals \$12,916.15. However you want to work through this we will be happy to work with you to work with Horton or meet with them or whatever you need. No board member voiced disagreement with the amount attributed to D.R. Horton.

Mr. Schroder stated we have communicated verbally and in writing now we need to give them that amount and see if that is going to be acceptable to them. I will communicate that in writing.

Mr. Eckert stated you can do it by email if you prefer, Mr. Porter will acknowledge that he received the email and whether he agrees with it or not.

Substantial Completion Certification

Mr. Doub stated I passed out a substantial completion certification for Areas 1 through 4 and the dates for 1A is June 15th, 1B through Area 4 is October 7th. Adding 30 days to that final completion will be November 6th. I think they have completed a lot of the things that were on the punch list. We would be looking for board approval of those substantial completion dates.

Mr. Labanowski moved to approve the substantial completion dates for Area 1A being June 15th and Areas 1B through Area 4 being October 7th and Ms. Venezia seconded the motion.

Mr. Schroder stated I walked the areas with Jeff Brooks several days ago as he was developing the punch list, the pond bank looked very good. There are some areas at the top of bank where I want to make sure the lot owners are happy with the way the sod sits. Some of these little items deal with dressing up some of those areas where the transition is between the Bahia on the slopes just so it looks good. It will grow back in time but I don't want unhappy residents and it is not going to be that much of an effort and is something that can be done by hand and no equipment will be required. It will be wheelbarrows, sod and a little dirt and leveling it out.

On voice vote with all in favor the motion passed.

Requisitions 22 through 27

Mr. Doub stated the last item is requisitions 22 through 27 and this includes Besch & Smith's pay request no. 5, three Hopping Green invoices, and England Thims & Miller invoices for a total of \$116,108.08

On MOTION by Ms. Venezia seconded by Mr. Labanowski with all in favor requisitions 22 through 27 in the total amount of \$116,108.08 were approved.

Mr. Labanowski stated on the work done on the other areas I have already given the homeowners a notice they can put their fences back in place as well as making sure that the irrigation was turned on and watering the bank. We have had a number of issues with the homeowners actually watering the banks, which mean we may be losing some grass because some of it is turning brown already. I don't know what we can do, they have had notice from the HOA and I have given multiple notices.

Mr. Eckert asked does the HOA have the ability to fine people for violation of the covenants?

Mr. Labanowski stated as far as the watering I will have to find out.

Mr. Eckert stated it is enforcement of an HOA covenant.

Mr. Labanowski stated it is hard to prove that they are not because you have to actually be out there to find out who is doing it and who is not doing it.

Thank you cards were given to all the homeowners thanking them for their patience with the construction.

Mr. Schroder stated I will be passing out similar notes on 3A.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Eckert stated you may recall when we refinanced the Series 2005 Bonds we said you would be able to refinance your 2006 Bonds as of May 1, 2016 and given the fact that the holidays are coming up we probably ought to have that process kicked off at our January meeting to position ourselves to refinance when we get the best rate possible. That is something I want the board to be looking at.

One of the other things we also talked about when we refinance those bonds is there is some cost savings for running two series of bonds at the same time. I'm not suggesting you do that but now that we have a linear foot price for the types of pond bank repairs that we need, at least at that point in time we said we were going to go through and figure out what additional pond bank repairs might need to be done and get the ability to deal with those when we have to. Again, I think that is more of a January timeframe unless you want to start doing any other work before the wet season we would need to start in November. I don't want us to wait until March and say I guess we could refinance our bonds and then interest rates go up in June because we weren't ready. We will keep an eye on that and talk with the underwriter and probably bring proposals to the board at your January meeting to deal with at least the refunding. I think the board needs to give some direction to staff in terms of what sort of an analysis you want done for the remaining pond bank issues that we have once Besch & Smith completes change order no. 3 in the spring.

Mr. Schroder stated that fund is going to roll over into another fiscal year but that really doesn't matter.

Mr. Eckert stated you are not going to have a lot left from the initial bond issue to deal with future pond bank repairs. What we didn't know when we issued the first one was what was going to be a linear foot cost to do the different types of repairs. Now that we have done a lot of that work it seems like you ought to have a better estimate in terms of what needs to be done and you probably have priorities in terms of which ponds need additional work and which ones really

aren't that much of a concern. I'm not sure that anyone has done that analysis because we have been focused on dealing with what we have now. Now we have that information it is up to the board to decide how you want to use that information to plan for the future.

Mr. Doub stated I think that we in our shop ought to look at the timing of what we think it is going to take because it was a pretty good effort for us to just nail down what we were doing on the first three ponds and with 17 or so to look at if we want to look at all of those or if we want to look at another three or four. If we have to look at all of them that would be a pretty good effort to figure that out. We need to think of the time required to go through all those steps to get to the point where you are ready.

Mr. Schroder stated that is a lot of territory to cover to make that assessment. I did it before with the engineer and we walked every foot of those banks and looked at the conditions. Hopefully, we won't have to do the geotechnical work that we did before but we learned a lot through this process even identifying areas that are problematic. We may have to do some but certainly not to the extent we did before.

Mr. Doub stated on the geotech we wouldn't do any additional testing because they kind of tested throughout the project and came up with their solutions but we would want them to be part of the walk through to determine areas.

Mr. Eckert stated you have to identify the ponds that still have issues, prioritize the issues the ponds have in terms of the most serious and what is not and then you probably need to come up with a five year plan on how you are going to address those. That is the analysis I suggest the board go through. All I'm pointing out is I think we have enough financial data to start that process and be ready to deal with it when it falls into the district's plan. We can continue the discussion at the November meeting but it is not too early to be thinking about it.

Mr. Labanowski asked do we have a rough figure of what money is left from this pond work.

Mr. Doub responded I did some quick numbers before the meeting and some of it is based on estimates but I came up with about \$20,000 left over.

Mr. Eckert stated we had enough money to do this additional area so we have added additional work that wasn't contemplated in the beginning.

Mr. Doub stated that also does not include the \$12,000 that we would get from Horton so if we get that we would be at \$32,000.

B. Engineer

There being none, the next item followed.

C. Manager

Mr. deNagy stated I handed out a copy of the license agreement, the UPS/Turnbull Creek agreement. As you may recall the past two or three years we worked with UPS and they used Murabella as a staging site for holiday deliveries in the community. They are proposing to put the storage bin by the trash bin where they had it last year and they will pay the district \$400 as a license fee for that use. I recommend the effective date be today if it is approved by the board and run through December 31st.

Mr. Eckert stated it is a very similar form to what you approved before.

There being no comments from the audience on the proposed agreement the following action was taken.

On MOTION by Mr. Wing seconded by Ms. Venezia with all in favor the license agreement with UPS to use Murabella as a staging area for holiday deliveries was approved, effective date to be today, October 13, 2015 through December 31, 2015.
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D. Landscape Manager

Mr. Williams stated I want to go through a list of what we have been working on and if there are any questions I will be happy to answer them. The tasks the crews have completed are: we treated all the fungus and turf and applied liquid fertilizer, treated turf weeds throughout all common grounds, trimmed all hedges and ornamentals at the entryways and clubhouse, treated all crack weeds along curb lines and sidewalks, we put in a pre-emergent, we treated all crack and dead weeds in the clubhouse and pool area, raised the tree canopies within the clubhouse and parking lot out front and along a lot of the main sidewalks. We still have a lot to do though. We also line trimmed most of the berms in the front of the property along the road and the berm that runs between the two fields over here. We mowed a few pond banks we haven't really gotten into them yet, we tried to mow the worst ones first. We treated all grasses that were overgrowing the asphalt walkways around the big field adjacent to this berm over here and we are going to

line trim that. A lot of the grasses are starting to encroach on the asphalt and we are going to work on those. We treated Sago Palms for scale throughout the property and started creating bed edges along the berms and other common ground beds where there was no bed edge.

E. Operation Manager (ASG)

1. Report

A copy of the report was included as part of the agenda package.

2. Pictorial Maintenance Report

A copy of the report was included as part of the agenda package.

3. Consideration of Proposal to Prune or Remove Oak Trees and Plant Crape Myrtles at the Amenity Center and Pescara

Mr. deNagy stated we are going to table this item until November, Jeff is looking at other options

4. Consideration of Proposal to Remove Diseased Trees

Mr. deNagy stated this is from Jason Shaw Tree Service. They have done all the work to date and this is for an additional 84 trees. We do have money in the budget, we budgeted close to \$19,000 for tree removal.

On MOTION by Mr. Labanowski seconded by Ms. Venezia with all in favor the proposal from Jason Shaw Tree Service for the removal of diseased trees in an amount not to exceed \$4,200 was approved.

Mr. Labanowski asked where are we on replacing trees we have already taken out?

Mr. Wing stated we are on track to get seedlings in January and it will be staged around Florida Arbor Day and we will get volunteers to help with that project. We should also be able to get a couple master gardeners from the Ag Center to help. The state forester will be here on the 24th at 10:00 a.m. to lead a seminar on tree planting and care and maintenance and will also talk about the grant and the seedling program.

F. Amenity Center Update - Report

Mr. Insel reviewed work items for the amenity center and highlighted items in his report.

FIFTH ORDER OF BUSINESS

Approval of Consent Agenda

A. Approval of Minutes:

1. August 25, 2015 Meeting
2. September 8, 2015

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. Wing seconded by Mr. Labanowski with all in favor the consent agenda items were approved.

SIXTH ORDER OF BUSINESS

Acceptance of Audit Engagement Letter with Grau & Associates to Perform the Fiscal Year 2015 Audit

On MOTION by Mr. Quinto seconded by Mr. Labanowski with all in favor the engagement letter with Grau & Associates to perform the fiscal year 2015 audit in the amount of \$4,100 was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2016-01 Amending the Fiscal Year 2015 Budget

Mr. deNagy stated Resolution 2016-01 amends the fiscal year 2015 budget and it is an outline of where our expenditures occurred as of September 30th, we moved money around in the budget to show we have no overages.

On MOTION by Ms. Venezia seconded by Mr. Labanowski with all in favor Resolution 2016-01 was approved.

EIGHTH ORDER OF BUSINESS

Consideration of License Agreement for Irrigation of District Property

Mr. deNagy stated we deferred this item until fiscal year 2016 and this would be a license agreement with three residents, 677 Porta Rosa Circle, 3801 N. Trapani Drive and 3901 S. Trapani Drive. We would buy meters so we would know how much water we are taking from each resident and reimburse them for the cost of irrigating our property. I suggest we get a copy of the license agreement to them, explain what we are going to do and reimburse them at the rate the water utility charges.

Mr. Schroder stated on the water bill we pay for water and pay a sewer fee. Would we be paying a sewer fee on the water we use for irrigation?

Mr. deNagy stated we will adjust for the sewer and add it in.

On MOTION by Mr. Quinto seconded by Mr. Labanowski with all in favor the license agreement was approved with the addition of also paying certain sewer charges incurred by the homeowner for the above referenced addresses and staff was authorized to contact the residents.

NINTH ORDER OF BUSINESS

Discussion of Capital Outlay Survey

Each item on the capital outlay survey was discussed and the consensus of the board, except for Supervisor Wing, was to not send the survey out at this point in time due to a lack of funds available to make any capital improvements. When requests for additional amenities are made in the future the response would no, we can't fund it at this time, it is not in the budget.

On MOTION by Mr. Wing to send resident survey, the motion died due to lack of a second.

TENTH ORDER OF BUSINESS

Consideration of Replacing the Amenity Center Playground Water Fountain

Mr. Branch stated based on what I learned at our last meeting I put in the agenda package two different ideas for water fountains. My recommendation would be to go with the exact same one that is out there and that would be at a cost of a little over \$600. The reason is it is refrigerated, filtered so kids in the playground and basketball courts can get cold water. The one that is out there has lasted eight years so we would like to duplicate that and give cold water to people out there.

Mr. deNagy stated that is the cooler that cost \$606. What about the installation cost?

Mr. Branch stated it would be minimal because there is already a slab out there, electrical and water supply.

Mr. deNagy asked would you like to approve a not to exceed amount of \$700?

Mr. Branch responded that would be fine.

On MOTION by Mr. Labanowski seconded by Mr. Quinto with all in favor the proposal from Global in an amount not to exceed \$700 to replace the water fountain in the amenity center playground was approved.

ELEVENTH ORDER OF BUSINESS Consideration of Building/Purchasing a District Storage Facility

This item was tabled until the next meeting at which time staff will come back with a firm price on the cost of the concrete slab, electrical service, and total cost of the shed and if ARC approval is necessary.

TWELFTH ORDER OF BUSINESS Discussion of Fishing in Community Ponds Not Abutting Residential Homes

Mr. deNagy stated I put a copy of the policies for the stormwater management facilities in your agenda package for reference.

Mr. Labanowski stated other communities have fishing areas where kids are allowed to fish on a catch and release basis and I was looking at the ponds by the amenity center and anywhere there are homes there would be no fishing allowed. In San Marino it would be around the park itself but not where the homes are located. Pescara has a huge lake in the playground area. All the other ponds would be pretty much off limits so we are looking at 6 out of 21 ponds would be affected. They would be identified with signs and the homeowners would be notified.

Mr. Schroder stated my suggestion was to add to the sign where we say fishing in district lakes is prohibited, unless in an area specifically designated for recreational catch and release fishing and in no case shall any fish or wildlife caught in ponds be used for human consumption.

Mr. Labanowski stated if we find this being abused it should be suspended immediately.

Mr. deNagy asked do you want to make this a six or ninth month trial period?

Mr. Labanowski stated I would be fine with that. What are our liabilities?

Mr. Eckert responded potentially the liability does not necessarily out weigh allowing fishing. We have districts that have fishing in their ponds all around. The one thing you all ought to be aware of is right now you have a policy that there is no recreational use of the lakes and historically this district has treated them the same as they would a water system or a sewer system; it is a utility to deal with stormwater. When you make the shift to using them as recreation you open the issue of public access and it is going to be very difficult for anybody to be checking access cards or preventing outside use. When people are driving by and see people fishing in the lakes you probably will have some people who will stop and throw in a line from time to time and you need to understand that you are changing the usage of those lakes, and again for the benefit of the residents, but you will have more outside use as a result of making this change than you do right now.

Mr. Schroder stated at one time we had talked about maybe having one pond designated so you have more control. If you have it scattered among those other areas we would lose some control. Maybe if we want to do a trial period we just do it in this pond that way we can keep an eye on it.

Mr. Labanowski stated Pescara is a big area where you are not going to be disturbing residents and you have a walkway that goes around that whole area, which is a buffer between the residents and anyone fishing on that pond.

Mr. Schroder stated I would be inclined to do it on a trial basis at one location.

Mr. Labanowski moved to approve a six month trial period to allow fishing in the Pescara pond.

Mr. Eckert stated we will just change the policy to say except at Pescara pond or however we describe it, we aren't going to mention the six months in the policy, you just revisit it in six months and decide if you want to change it.

Ms. Venezia seconded the motion.

Mr. Schroder asked do we want to make sure there is language in there for catch and release?

Mr. deNagy stated if you will provide to me the language you had that was good and we can tweak it for Pescara.

Mr. Schroder stated I would get that to Michael.

On voice vote with all in favor the motion passed.

THIRTEENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Ms. Venezia stated in doing some research on erosion control I have come across a teacher at the University of Florida in Gainesville who is very knowledgeable on erosion control for pond banks and she has assisted communities. She would be very willing to come here and speak to the board regarding some vegetation that we can grow on the pond banks, some would be by the water's edge to help prevent the water beating up against the bank and stuff that would be low enough so it wouldn't be troublesome to residents. She would be willing to come and speak with us and we would just pay travel expense and she could come to our November 10th meeting.

Mr. Schroder stated I'm torn on this. We have nice grass where we have done the restoration if it is not irrigated it is going to look like the rest of it, which is Heinz 57 weed display. We are never going to be able to not mow it, you are going to have volunteer trees and weeds that show up and it will minimize it but there is going to be some maintenance required.

Mr. deNagy stated since the board is just seeing this it might be a good idea for them to look at it and read it over and in November if there is an interest in having the lady come to the next meeting after November we do it that way.

Mr. Schroder stated let's look at it and bring it back on the agenda for our November meeting.

Mr. Doub stated one of her publications is Florida Friendly Plants for Stormwater Ponds and it is online so you could all look at that.

Mr. Wing stated earlier Chuck mentioned thank you letters given to homeowners on the pond banks. I would like to see a copy of it.

Mr. deNagy stated Chuck if you will send me a copy I will get it to Mr. Wing.

Mr. Quinto stated I'm having trouble with the mail that is getting out of hand. Is there anything we can do about it? It seems we have new mail people every week and we get other people's mail.

Mr. Wing stated there is not a thing you can do about it except perhaps a letter from the chair of the CDD to a congress person saying we have complained numerous times to the local postmaster and the postal service is just terrible and can you assist us in getting it corrected.

Mr. Schroder stated I like your idea of going on the record with a letter but maybe we ought to start with the postmaster in St. Augustine.

Ms. Venezia stated I have called several times.

Mr. Quinto stated I want to say thank you to the board members here that did the hard work on the pond banks. Most of them were out there and I was sick for a couple weeks and couldn't go out there. Also to Jeff he goes beyond his duties and does a lot for us. I want to thank you all for the work you did.

Mr. Labanowski stated San Marino Park, I talked to both of the families and the one guy was so appreciative of us even looking at naming the park after his wife. Both families are in agreement with it. The only one was Amanda's mother and father who asked that her maiden name be used and at that point if the board wants to go ahead with this then we need to notify the sheriff's office of a change so if they get any calls in the future they know which park the caller is talking about. The cost is not that expensive it is going to be 4" letters and 3" letters so the 4" letters is \$50.64 without shipping or anything else the ampersand would be \$7.60 and there are 34 3" letters at \$101.66, which is a total of \$159.90 tax and shipping and I don't know what the shipping is. You can't get all the letters from a local company, you can get them but the price is astronomical. We would install them ourselves and it just takes two screws per letter to mount them.

Mr. deNagy asked what would be a not to exceed amount?

Mr. Labanowski responded not to exceed \$225.

On MOTION by Mr. Labanowski seconded by Ms. Venezia with all in favor the Board approved the renaming of the park to the Amanda Cloaninger & Lindy Dobbins Park in an amount not to exceed \$225 for the purchase of the letters for the sign in San Marino Park was approved.

Mr. deNagy stated once we get the letters the board can discuss the timing on installation and having some kind of dedication ceremony.

Mr. Labanowski stated Amanda's parents would love to come down from Georgia for the ceremony.

Mr. Schroder stated I will be contacting the school board about the staging area. The staging area will be in county right of way. Do we need to get an okay from the county? I would say that we do and I will make that communication as well.

Mr. Doub stated I can talk to the county about it.

Mr. Longstreth stated I have two comments, one is regarding the Pescara area, known as the swamp trail, it is really terrible over there and I know we have had a lot of rain but my wife and I walk along there and try to take our dog that way and it has been sludge. There are some magnolia trees and they look like bushes, the tops are dead, they are growing on the bottom, they have anthills growing up the side. There are oak trees out there and I don't think an arborist has done anything to those trees but they need to be addressed. Weeds are just pitiful over there particularly on the berm side if they treat it with weed killer there won't be anything left. There is a missing tree on West Positano for a couple months and I know there is a replacement policy. The one covered by accident insurance has been replaced but the other one hasn't been replaced. I know there was new irrigation put on East Positano but we didn't get an update on that today.

Mr. Branch stated it is working.

Mr. Longstreth stated on the storage shed you might want to consider a security system and security lights otherwise it is going to get broken into.

Mr. deNagy stated if you will give those items in Pescara to Jeff he will follow-up and let us know what we need to do.

Mr. Wing asked can we send another email blast on the tree thing?

Mr. Insel responded it is scheduled to go.

FIFTEENTH ORDER OF BUSINESS

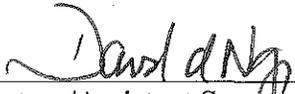
**Next Scheduled Meeting – November 10,
2015 at 2:00 p.m. at the Murabella Amenity
Center**

Mr. deNagy stated our next meeting is November 10, 2015 at 2:00 p.m.

Mr. Labanowski asked are we having a December meeting?

Mr. deNagy responded I don't think we have one scheduled.

On MOTION by Mr. Labanowski seconded by Mr. Quinto with all
in favor the meeting adjourned at 7:50 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman