

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, January 10, 2017 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

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

Also Present were:

Dave deNagy	District Manager
Mike Eckert	District Counsel
Mike Yuro	District Engineer
Mark Insel	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Daniel Laughlin	GMS, LLC
Brian Moore	Duval Landscape

The following is a summary of the actions taken at the January 10, 2017 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. deNagy stated we have a comment card from Kathy Venezia asking when the drainage issues will be addressed in the San Marino track and that is on Lourens list and we will talk about that later in the meeting.

THIRD ORDER OF BUSINESS

Organizational Matters

Mr. Schroder stated I want to welcome the new board members we look forward to working with you. This is very important work in our minds and I hope we can continue our efforts toward the objective of trying to control the costs and use our money wisely so we can keep the facilities in great shape and not result in an increase in our assessments.

I would like to thank our outgoing members Kathy Venezia and Joseph Quinto and the board and community thanks you for your service on the board and we hope you will stay involved in the process. In appreciation of your efforts I would like to present each of you with a plaque that reads as follows: With appreciation to (each name and office inscribed) of the Board of Supervisors (date of service inscribed) of the Turnbull Creek Community Development District thanks you for your leadership, public service and commitment to the Murabella Community.

Mr. Quinto stated it was my honor to serve on the board and my objective was to keep up with the finances and landscaping. I appreciate all of you.

A. Oath of Office for Newly Elected Supervisors

Mr. Laughlin being a notary public of the State of Florida administered the oath of office to Mr. Clabots and Mr. Simmons.

Mr. deNagy stated I have some information for you both, Q&A on community development districts, a copy of Chapter 190, F.S., form 1 that needs to be filed within 30 days of today with the supervisor of elections in St. Johns County, an I-9 form and Guide on the Florida Sunshine Laws that counsel will speak to you about. You are allowed as a board member to be compensated \$200 per meeting up to \$4,800 a year. Do you accept or waive compensation?

Mr. Simmons stated I accept.

Mr. Clabots stated I accept.

Mr. Eckert stated under Florida law you are now public officials and subject to a lot of the same laws that a county commissioner or city council person is. Those laws include the sunshine law, which basically is a law that says that you cannot have communication with another member of your board outside of a publicly noticed meeting if it is about a matter that could come before the board for discussion or a vote. If you should see another supervisor in the community and want to talk about family or restaurants that is okay, nothing is prohibited about

that. If you want to talk about who your landscape contractor is for the CDD that will be an example of something that would be prohibited and those discussions would have to take place in a publicly noticed meeting where minutes are taken and things of that nature. That sounds easy enough. I think the thing that trips people up sometimes is the fact that it is any communication whether it is electronic, written, verbal, text messaging, emails and it also applies if you use a third party person to be a conduit. You can't call me and say this is how I feel about this can you tell me how Brian feels about it. I'm not going to call Brian find out and call you back and tell you and you have to be careful because people in the community don't quite understand that there is that restriction and you have to recognize when that is going on and say I can't do that.

The second set of laws you will be subject to is the public records law. If you get something from my office or you get something from Dave's office we have copies of it and you can choose to keep that or not keep that. If you choose to keep, it keep it in a separate place that is separate and apart from all of your other records so if we get a public records request and we call you, you are not trying to sort through what is a business record, what is a personal record, what is a CDD record. I suggest people do not text CDD business unless you are prepared to buy some computer program that is going to preserve your texts. For emails I recommend you either have a separate email address that you use solely for district business or if you use another address that you have a mailbox set up where you can drag all CDD emails over to that box. You are going to be required to keep those so if you have questions let me know but make sure that you are doing that and not deleting them as you get them.

A couple other things, we don't follow Robert's Rules of Order. Basically we have an agenda topic that comes up, we will have a discussion and at some point somebody will make a motion to approve something and there will be a second, there will be another opportunity for discussion and it is a simple majority vote. It is important to remember that you are required to vote unless you have a conflict of interest and if you have a conflict of interest such as you are asked to vote to hire a company that you own that would be a conflict of interest and then you abstain, not engage in the discussion and not vote. Unless you have a conflict of interest that is recognized under Florida law you must vote you can't abstain just because you don't want your vote to be counted for some reason.

I think it is really important to start out by giving everybody on your board the benefit of the doubt that what they are doing they truly believe is in the best interests of the community. It may not be exactly the way that you want to do it, it may not be what you think is even a good way to do it but give them the benefit of the doubt that their motives are pure in terms of them looking out for the community and I think you will find the discussions go a little bit easier that way.

As a member of a public body your main purpose is to set policy and make sure the people who work for you are carrying out your policies. I think because you live here and you are walking the community and you are here everyday sometimes it is easy to get kind of stuck in the weeds on some issues and things like that but understand that at the very end of the day you are a policy board and if the people you hire are not carrying out your policy you need to tell them that but I would refrain from getting involved in day to day operations as a supervisor. One, because you don't speak for the whole board you only speak for yourself and two, it kind of negates all the protections of us having independent contractors in the first place from a legal perspective. The more individual board members are making decisions on operational issues the less protection the district has in the event something were to go wrong.

I'm always available to answer questions you have, the sunshine law does not apply to communications between me and you, between you and Dave, between you and Mr. Yuro or anybody else; it only applies to conversations you have with board members.

Mr. Clabots stated you are available for comments or questions; but does the meter start the moment I call you?

Mr. Eckert responded absolutely.

B. Election of Officers, Resolution 2017-02

Mr. deNagy stated currently Mr. Schroder is chair, Mr. Labanowski is an assistant secretary, Mr. Wing is an assistant secretary. This is an opportunity for the board to make any changes.

Mr. Schroder stated I have done a lot of thinking about this and I would like to step down as chair. I have enjoyed it, it has been very interesting and it is very time consuming.

Mr. Schroder moved to appoint Chuck Labanowski as chairman and Mr. Labanowski seconded the motion.

Mr. Schroder stated I have been very impressed with Chuck over the past several years, he is extremely dedicated, he knows all of our issues, our normal routine issues and the pond bank issues. I think he has the time and I think he is best suited for that position as we move forward in 2017.

Mr. Simmons stated I think the chair should be rotated and I agree that Chuck should be the chair for the coming term but I take the position that each year it should be rotated for each supervisor and we may want to think about maybe the vice chair becomes the chair and then you just have to vote for a vice chair every year.

Mr. Clabots stated I like Will's suggestion I am comfortable with Chuck being chairman for a year then I think we go down the list one, two, three, four and then back to five.

Mr. Wing stated the only concern I have is there has been some discussion about serving on both boards the HOA and CDD and I'm not sure how the chairman of the CDD could also be on the HOA board as well.

Mr. Clabots stated we have had that discussion at the HOA meeting and having been on that board, that board doesn't object to a CDD person being on the board. I have always been keen on protecting what I think are conflicts of interest although legally it is not a conflict of interest unless you do something that is self serving. I have less concern these days about a CDD board member being on the HOA board and being an officer on either one of those boards.

Mr. Eckert stated from a legal perspective the two issues that raises is one, sunshine law you have another board member who goes to an HOA meeting and you are sitting on the HOA board and they want to talk about a CDD issue. That could be problematic but that has been known for a long time. The other thing is if you were using your CDD position to somehow get an advantage for the HOA that it wasn't entitled to that would be problematic but again those are things that can be managed I would assume.

Mr. deNagy asked do we need to amend the motion?

Mr. Eckert stated I think what Mr. Simmons is suggesting is that we as staff every January bring back this resolution that you have today and the board will have a discussion on how to fill that in and I think we can formulate it into a policy or rule but if nobody on the board objects to it we will take that as staff direction and do that. You can change the chairman five

times in a meeting if you are not happy with whomever you pick. It is at the will of the board in terms of how long that person serves.

On voice vote with all in favor the motion passed appointing Mr. Labanowski as chairman.

Mr. deNagy stated we will look for a motion for vice chairman.

On MOTION by Mr. Simmons seconded by Mr. Clabots with all in favor Mr. Wing was appointed vice chairman.

Mr. deNagy stated we have the remaining board members, Mr. Schroder, Mr. Simmons and Mr. Clabots who would serve as assistant secretaries. I serve as secretary and treasurer, Jim Perry and Jim Oliver at my office are assistant secretaries and Jim Perry and Patti Powers serve as assistant treasurers. GMS employees serve in that capacity to sign checks and contracts and so forth.

On MOTION by Labanowski seconded by Mr. Clabots with all in favor Mr. Simmons, Mr. Schroder and Mr. Clabots were appointed assistant secretaries with the balance of the officers as outlined above remaining the same.

FOURTH ORDER OF BUSINESS

Staff Reports (Part 1)

A. Engineer

1. Report

2. Phase 2 Pond Bank Review

Mr. Yuro stated my biggest effort this past month was to inspect the Phase 2 pond banks and prepare a preliminary map for the board's review. In past meetings board members have expressed a desire to walk these pond banks with me and I would appreciate the opportunity to walk with the board. I was hoping we could assign certain ponds to certain board members who want to walk the pond banks. My concern with walking the same pond banks with multiple board members is not just repetition but one board member may look at it one way another may

look at it another way and then we have a stalemate. I wanted to propose that to the board and get your thoughts on it but I'm happy to do whatever the board would like to do.

Mr. Schroder stated I walked some of the ponds not all of the ponds and I'm most familiar with the ones that I walked. I notice there are some issues that have been raised since we made those walks as individual board members. I would like to have the opportunity to walk with you on those ponds that I walked before. I think we need to do it quickly because we can't linger and dwell on certain issues because it takes a lot of time to walk those ponds.

Mr. Labanowski asked what if after we adjourn this meeting and go to the pond banks as a group?

Mr. Eckert stated it is the same thing, are the people in the public going to be able to hear the conversations that you are having and witness those conversations. Somebody has to take minutes of those conversations, those have to be recorded, it is not just the fact that we noticed a meeting and we are all going out there. You have to make sure that everybody is physically able to go, follow you and participate in your meeting. I think it is fairly problematic. You either have to rely on your engineer, who is an expert or if you want to walk the ponds understand you are either going to have to do parts of it like he is suggesting or do the whole thing with him but the sunshine law is what it is.

Mr. Labanowski stated this is going to take time and time is something we don't have on some of the spots that we have out there. I know several homeowners have issues in their backyards and they keep getting worse. We have an issue with the tennis court and it is getting worse. Is there something we can do to temporarily fix that to stop the erosion or at least slow it down? The hay bales are not working it is slowing it down but it is starting to expand again. Is there something internally we can do such as fill it in to stop or slow the erosion until it has a permanent fix?

Mr. Yuro stated if you fill it in and compact it, it could be a temporary solution but it is temporary until you do something more permanent. Those areas experiencing the most trouble I think the likely solution on those is the underdrain solution with the discharge into the pond to alleviate that.

Mr. Wing stated it is my understanding that you prepared these drawings so you walked those ponds.

Mr. Yuro stated I have walked all the ponds, yes.

Mr. Wing stated getting back to what Mike said earlier I am not an engineer, Chuck is not an engineer, Aage is an engineer, I know Will isn't and I know Lee isn't. If we want to walk banks I suggest that we walk them by ourselves, make notes and we can talk to Mr. Yuro but for all of us to walk the banks again for \$125 an hour for Mr. Yuro's time I think is a waste. We can have conversations individually, if you have a concern he can clarify, you can bring that to the meeting for discussion but I don't think any of us need to walk the pond banks with Mr. Yuro.

Mr. Simmons stated I agree with Mr. Wing, I don't know what the value would be in terms of anyone walking the pond banks and paying Mr. Yuro \$125 per hour for his time. I think he could be better utilized and we have to trust the engineer. I think we need to be careful in terms of going down that slope.

Mr. Schroder stated I think that is an excellent idea because now we have the benefit of your drawings with the location identified, which we didn't have prior to this. It makes it much easier to find the issue that has been identified by us or by Mr. Yuro.

Mr. Yuro stated I'm happy if the board wants to go that route and you want to send me your comments I'm happy to update the map accordingly so at the next meeting it can be a summarized update of whoever walked the pond banks if there are any changes or additions.

Mr. Wing asked Mr. Yuro could prioritize these and clarify a couple of things for example I notice in some of these you noted that the pond bank is higher than the property in back of it. Does the pond bank get raised somehow?

Mr. Yuro stated in those areas it is my opinion that the lot grading was not done properly.

Mr. Wing stated so that is not a CDD issue.

Mr. Yuro responded I agree with your comment.

Mr. Schroder stated if that is true in most of the areas and some of the areas in Pescara the 10 foot flat area behind the top of the bank is CDD property rather than an easement across the lots like there are for most of Murabella. The problem we had with the previous work is we had to get fences moved and everything else because the top of the bank was also the back of the lot and then we had a 10 foot easement by which we could access the pond banks so we had to make people move trees and fences. Most of the lots in Pescara the lot line is 10 feet from the top of the bank so we don't need to bother the homeowners to have them move fences. In most cases the lot didn't get the proper compaction and it settled and it became lower over time than the top of bank.

Mr. Wing stated I understand all I'm suggesting is that assuming the pond bank has not increased in height anything in back of it is not going to be a CDD issue. Unfortunately, the homeowner is going to have to regrade or do something but I don't know that the CDD has responsibility on their private property.

Mr. Clabots asked if my property is below the level of the pond bank when it rains am I creating a drainage problem toward the back of my lot that might have a negative impact on the pond bank?

Mr. Yuro stated what will happen is water will gather and it won't be able to get into the pond because of the higher pond bank. The risk is that if you start to get a little bit of erosion it could cut a swale into the pond bank. I have seen places where homeowners have cut their own swale and that gets bigger because it is a concentrated area of flow. For most of your irrigation and normal storms that water should percolate into the ground.

Mr. Schroder stated I probably didn't explain that very well but I was trying to say the design in most of Murabella is the top of the bank is the back lot line and in Pescara the top of the bank and 10 feet of the flat area is CDD property. It is possible there could be issues there. My guess is the lowest part of the pond banks was set on the original development plans. I think there is one case we came across in the previous improvements where there was a 6" difference between where the top of the pond bank should have been. It was hard to tell if that was done by lot grading or done originally and was not done at the right elevation.

I will walk those areas again and try to make that determination if they are holding water on CDD property in back of the top of bank.

Mr. Eckert stated from a planning perspective I think the prioritization that Brian suggested is absolutely the next thing. Once you get that then you price it out and once you know what you are talking about for all the phases in terms of what today's costs are then we investigate what the funding mechanisms are based on that. That is what we need to do, the next three steps in that order.

Mr. Clabots stated I don't think these pond banks deteriorate overnight I think small problems grow into large problems so when we prioritize these I think there are some that probably needs immediate attention but there is probably a second level of those that need attention sooner as opposed to later.

Mr. Schroder stated I like your idea of immediate attention as the first priority, sooner rather than later would be the second order of priority and there may be a third level. It is going to be difficult for Mr. Yuro to make that determination unless he has some basis for doing that.

Mr. deNagy stated just to recap my understanding is that those board members interested in looking at the different pond banks that Mike has outlined will get back to Mike with any comments they may have and then we have asked Mike if he could then prioritize the issues that he has noted. Our next meeting is February 14th and I would ask board members who will have comments for Mike to get those back to him. We put the agenda packages out to the board by the 7th so sometime well in advance of February 7th so he has time to work with that.

Mr. Labanowski stated in regard to the fill that we put in these areas that are washing out I know we were doing roughly a 70/30 when we did the major repairs. Is the 70/30 sand the proper fill to put in there now as a temporary fix or should we go with more concentrated material?

Mr. Yuro stated I think that is probably a fair amount. If anything I might go a little bit more clay to make sure it holds temporarily then it just need to be compacted well.

Mr. Labanowski asked about 60/40?

Mr. Yuro responded that would be a good estimate.

Mr. Clabots stated I think Kathy arranged with the University of Florida to come here and talk about vegetative growth you can put along the edges of the pond bank that would hold that soil better. As you look at these pond banks and prioritize is that something we should definitely consider as we go about doing things? The pond behind my house the water is fairly low and if you were to plant some natural vegetation around there early it would probably start to grow before summer and maybe that would hold the soil in place better.

Mr. Yuro stated that is certainly a strategy that is sometimes used to plant some aquatic plants at the edge so that as the water fluctuates up and down that plant material still remains healthy and the root structure helps hold the pond bank in place. That is one of the reasons why you see sod always stopping at what is called the normal water level because if it gets below that it gets saturated and dies. The problem is when you have periods of drought and the ponds drop a foot or two feet and you have all that exposed dirt when you get a heavy rain that is susceptible to having erosion beneath the sod line then you get almost a vertical drop. There are some strategies that can be looked at and I will make a note to look into that.

Mr. deNagy stated I know you have a requisition then I want to jump ahead to item seven so we can talk about the public facilities report.

Requisition 54

Mr. Yuro stated requisition 54 is the effort this past month for the pond exhibits and also some miscellaneous coordination in regard to the pond banks on Phase 1 particularly working with the contractor to come up with a potential solution for removing some of this silt from the pond bank in Phase 1. Requisition 54 is for a total of \$2,820.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor requisition 54 in the amount of \$2,820 was approved.

Mr. Clabots asked do we have all the engineering plans from our prior engineer?

Mr. Eckert stated our prior engineer is still on contract as one of our engineers. I know Mike has received a fair amount and he can elaborate on that but just so you understand we still have them on contract so we can ask questions that come up on the pond banks from time to time.

Mr. Yuro stated I received a zip drive that had a wealth of information on it. It is not very intuitive as far as what is in each folder there are probably 40 folders and I think the previous engineer numbered the folders based on their project numbers. Sometimes it is hunt and peck looking for stuff but I did receive a lot of information from them. I'm not sure if it is all of it but I assume it was what they had to give me.

Mr. Schroder stated we had requested photographs.

Mr. Yuro stated some of the information included photographs and some of the inspection reports for Phase 1 also had photographs attached.

Mr. Schroder stated that is one of the lessons learned in the last experience, we need to be able to document the way things were prior to the contract beginning so there is no excuse about what is happening.

Mr. Simmons asked how are we going to keep records so that it is intuitive?

Mr. Yuro stated moving forward I'm trying to make sure the records I keep are easy to follow. I also work by project number and I try to put a description into it to make it easier to find what I'm looking for.

SEVENTH ORDER OF BUSINESS

Consideration of Proposal for Public Facilities Report

Mr. Laughlin stated this is a proposal for a public facilities report that is required by Florida Law that it is done initially when the CDD is formed and updated every seven years. It contains what construction you have, current and past.

Mr. Yuro stated I know there is a requirement by Florida Statute that needs to be included in the report and I provided a proposal to generate a report and complete these requirements.

Mr. Wing asked Mike have you done these reports before?

Mr. Yuro responded I have, not in this neighborhood but I have done public facilities reports before.

Mr. Schroder stated we need to satisfy the law but we don't necessarily need a Cadillac. I assume you are meeting the basic requirements.

Mr. Yuro stated yes.

On MOTION by Mr. Wing seconded by Mr. Clabots with all in favor the proposal from Yuro & Associates to prepare the public facilities report in the amount of \$2,650 was approved.

Mr. deNagy stated I would like to go back to what Kathy had mentioned at the beginning of the meeting about the San Marino area about the walkway around the track area and drainage.

Mr. Yuro asked Lourens is this an area that you showed me?

Mr. Erasmus stated I took you back on Verona and there is a walkway and a big drain in the middle but it is almost like the drain is a little high. The whole section from the circle back starts filling with water and pushed back. You looked at it and said this whole thing has to go the swale will have to go all the way back to almost the San Marino entrance because it is not just digging a line and all the water is going to go there. I remember we looked at it and talked about it that way. I want to get your insight on that and the board will have to decide if they want us to do further research on it.

Mr. Schroder stated this goes back some years and we had a project that cost \$80,000+ or something. They put a drain in a couple areas because it had a long flat run and that has helped to a degree but there is still an issue. I think the bigger problem is near the trails themselves or is it still a problem back behind those lots?

Mr. Erasmus stated it is right at that hill.

Mr. Schroder stated I think we need to lower some of those areas to allow it to work as designed.

Mr. Yuro stated in some of the information I received it looks like they had done a design. Is that what you are talking about? They had done a design for some improvements?

Mr. Schroder stated and they were executed. That was constructed.

Mr. deNagy stated that was the sidewalk that ran along S.R. 16.

Mr. Labanowski stated in regards to that sidewalk I have some pictures when it was under water that I will share with you. From what I could see when I was back there is we have a berm then the running track then you have the homeowners. What is happening is that water can't get past the running track. I don't know if re-grading would work or maybe we should just put a drainage line in there. We have a second issue in the Pescara track as well.

Mr. Clabots stated on the Pescara track in a heavy rain there are four or five areas that flood, some areas have flooded because of irrigation breaks, etc. I can see the track deteriorating from the amount of flooding that has occurred and unless that is addressed we are going to have sections of that track that aren't going to be any good.

Mr. Schroder stated one of the things that has been brought up in the past and I brought it up several years ago is the water standing on the pavement as well as the lack of edging, the Bermuda roots were going in there and we were getting ripples in the pavement. One of the solutions in some cases may be if we have places where the pavement is high and it blocks the flow to the drains we have other areas where the pavement is probably low and it needs to be graded lower or put in asphalt to raise the profile of the trail.

Mr. Yuro stated I remember Lourens took me there a while ago and I would like to go back and review my notes and have some kind of solution for you at the next meeting.

Mr. Schroder stated we need a list of things that absolutely needs our attention, others may be temporary nuisances but they are not a safety issue.

Mr. Labanowski stated if it were graded properly between the sidewalk and the drain it should be an easy fix.

Mr. Stanley stated I live right there and that whole area does not drain it gets covered with water in a second.

Mr. deNagy stated this was brought up at the outset of the meeting I wasn't trying to blindside you. To recap I think Mike understands the issue and will come back to the board with some ideas.

Mr. Yuro left the meeting at this time.

B. Landscape Manager

Mr. Moore gave an overview of work items completed during the month.

Mr. Moore left the meeting after his report was completed.

FIFTH ORDER OF BUSINESS

Selection of Audit RFP Committee

Mr. deNagy stated item five is selection of an audit RFP committee. This is the last year of our contract with Grau & Associates for audits and I would like to select an audit RFP committee tonight and typically that is the entire board of supervisors. We will bring back the RFP criteria to you at the next meeting, the audit committee will meet prior to the board meeting and accept the RFP criteria and the board will accept the audit committee's recommendation and allow staff to issue an RFP so we can get proposals in from different auditors.

On MOTION by Mr. Simmons seconded by Mr. Clabots with all in favor the board members were appointed to serve as the audit committee.
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SIXTH ORDER OF BUSINESS

Consideration of Proposal for Reserve Study

This item tabled and staff was directed to obtain additional proposals to be considered at a future meeting.

EIGHTH ORDER OF BUSINESS

Discussion of Proposed Fiscal Year 2017 Special Events

Mr. deNagy stated a copy of the special event schedule was emailed to the board and was included in the agenda package. Our budget for special events this year is \$11,000.

Mr. Simmons stated the turnout for the food truck events is just not there and if it is not working we need to try something else. I don't know that is the best utilization of our funds.

Mr. Insel stated it started out great then dropped off and the food trucks decided they are not coming back to this community. Folks started asking about food trucks so I started

implementing them in the summer, it is free and doesn't cost us anything. We have a lot of interaction with residents and this is what they want. I try to act on the responses I get from the residents.

Mr. Wing stated the food trucks and fun for July is that the 4th?

Mr. Insel stated it would be around that date, yes. Not on the 4th because the facility is closed. Depending on when the 4th is.

Mr. Wing asked if the community sponsored its own fireworks could you do it the same day as that?

Mr. Insel stated I could. In the past they did that they had food trucks last year. They usually have snacks and refreshments in the field but last year they were going to have food trucks but only one showed up.

Mr. Wing stated I would like to get in touch with you on the fireworks. I would ask if the early events don't work out well would you think about substituting in September into October for Halloween, maybe a parade for the kids?

Mr. Insel stated yes, I'm all for not doing a list like this for a year out because things change. Food trucks were huge then they died. I work with our program director, our company has an entire committee that do events on every property all over this part of the state and we get together and say what works and what doesn't work. We come up with these ideas, which is great but it may not be good three months from now.

Mr. Wing stated the other thing is you mentioned an event coordinator. GMS is over at St. Johns Golf & Country Club is that the same event coordinator there that we have helping Mark?

Mr. Insel stated no. Our event coordinator works for our company. During the time I have been here I get requests and I act on them and get the things that are requested and it is great out of the gate or it is a matter of the residents want it but they don't come. We had a number of residents request a free wine tasting and I set that up and only five people showed up and two of them were board members.

Mr. Fagan stated it is a challenge but it comes back to getting support from the residents.

Mr. Clabots asked is the budget set for this year?

Mr. deNagy stated yes.

Mr. Clabots asked why does the CDD plan events as opposed to the homeowners association? I will bring that back at budget time. We go through a contentious discussion every year about fireworks and neither the HOA board nor this board provide any financial allowance for doing that. I think Chris does a great job in soliciting money and vendors who participate but I think we need to get our heads out of the sand, it is a popular event in this community and maybe the HOA board and the CDD board could contribute something toward that every year. You know we will be back here at a board meeting and Chris will be in the audience and he will say can you help us and we will say our budget is set for the year then we start the whole ballgame going about May coming up to July and it becomes contentious and I think we ought to get rid of it. When we talk about liability the fact that we give them the grounds to shoot fireworks off on is a liability for the district whether or not you contribute \$1,000 to it on top of that.

Mr. Wing stated the CDD started funding the events because there was no HOA. The HOA was simply doing architectural review and enforcement and that's all because no homeowners were on the board.

Mr. Eckert stated I will probably go a step further and say this is a community as designed for the HOA to take care of architectural control and the CDD to be the one that has the amenities and quite frankly in most of the communities that are designed that way the CDD is the one that does the events, they do the programming, they hire the staff, they maintain the buildings. To answer your question why is the HOA not planning the events if this was an HOA owned clubhouse I'm sure they would and the CDD would be taking care of the ponds. From an historical sense I think that is important but I think the community was set up if you look at the covenants and restrictions for the HOA to have a more limited role and the CDD to have a much greater role in the community amenities.

From a liability standpoint we require an agreement each year that requires an insurance certificate so that the liability is not on the district for that and that has been a source of contention in the past and I think that is unfortunate that the district is trying to protect its coffers and gotten a lot of blowback when we requested that agreement in the beginning. It is now a matter of course and I think they understand that we are going to require an agreement and then we get insurance and they coordinate with the fire marshal and all that and from the

documentation standpoint I am comfortable that we have protected against as much liability as we can.

Mr. Simmons asked if we were to contribute \$1,000 or \$2,000 for that event out of this budget would that increase our liability?

Mr. Eckert stated no I don't believe so.

Mr. Labanowski stated regardless of the fireworks I have a concern where 3% of the community is the only ones supportive of fireworks. The donations last year was 3%, the rest was businesses outside the community. The majority of the people who come to this function are not homeowners they are people from outside the community. I have an issue with us spending money for everyone else.

Mr. Eckert stated I want to get back to the point of this discussion and that is somebody asked that the list of events be included in the agenda and then somebody suggested that we look at funding fireworks. Let's try to stay focused on what we are talking about and not get far afield.

Mr. Schroder stated fireworks is going to be contentious every time for the reasons that have been brought up. One of the best fireworks exhibits in the country is downtown Jacksonville, there is a very good one in World Golf Village, ours pales in comparison. Last year we invited people to come in here and we had a discussion and there were people in the audience who wanted the fireworks here said that was too far to go. That is not a reason. There are serious concerns about inviting all these people into our neighborhood who are not residents. At World Golf Village they have security and they block people unless you can prove you live there they can't get in and they park nearby. Hundreds of people observe from the road and even from Southwood roads. I think it is a mistake to invite people into our neighborhood for fireworks when there are all kinds of fireworks exhibits that are free in this community.

Mr. Clabots stated I hear that but we as a board have one foot in and one foot out. I have heard it for almost three years on the fireworks discussion. We aren't going to make a contribution for the fireworks but we give them permission to use the property. If we really don't want fireworks here get the other foot out and say you don't have permission to set them off in the field. That would end the issue although it might not please a lot of people. One foot in and one foot out doesn't make a lot of sense. I raised it as a comment I don't necessarily ask that it come for a vote tonight but I think it is something we should think about.

Mr. deNagy asked is there any more discussion on the list?

Mr. Labanowski stated I agree with adjusting some of these activities. The Produce trucks and food trucks work for a while then they are no longer supported. Maybe with the added activity involved the food truck will take another jump. Maybe we make use of our bandstand out there that is not being used as a community. I would like to set the record straight as far as fireworks on my end. I have been supportive in past years I just see too much outside coming into our community and we shouldn't be supporting outside we should be supporting internally.

NINTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney

Mr. Eckert stated as you will remember we entered into an agreement with Comcast that was a revenue sharing agreement with them as well as requiring them to provide some free services to the amenity center. I talked with Mark and the answer he keeps getting from them is he is still in the queue to get those services hooked up but they haven't pulled the magic ticket yet. We have reached out to the person we deal with at Comcast and said that is unacceptable and we are going to be expecting some sort of a credit or payment for the months we missed. In addition we were supposed to be getting a revenue sharing check in November according to the agreement. I finally got a response out of them and they paid the money to the developer instead of the district, which was required by the contract. We have told them that is nice you made a contribution to the developer now you need to pay according to our contract and they submitted it to their legal department and we are waiting to hear back but the recommendation from the person on the ground to the legal department is you also need to pay the CDD.

Mr. Wing asked what developer did they pay?

Mr. Eckert responded whomever they had the original agreement with.

Mr. Wing stated I happened to see in the HOA minutes that they are expecting some part of that revenue. Did we agree to that?

Mr. Eckert stated I don't recall that I will pull the agreement and unless the agreement says that they are expecting revenue from us and we agree to that then no.

Mr. Clabots stated I think the agreement says payment to us and the homeowners association. I think that is what the signed agreement said.

Mr. Eckert stated I will have to look at that.

Mr. Clabots stated Brian you are right; there are some members on that board looking for some portion of that.

Mr. Eckert stated I will pull the agreement but this is one of those things the HOA and the CDD need to look at and say we have these funds, what is in the best interests of the community and make it happen. When we get that I will provide the agreement but I just wanted you to know we have the option to kick in some termination provisions on that agreement because they haven't complied yet. I'm not recommending that because I'm not sure that is in your financial interests to do so. We will keep working on that issue.

B. Manager

Mr. deNagy stated I want to advise the board that budget season is rolling around pretty quickly and we have to have the budget approved by June 15th. We will be talking about the budget probably in the March/April/May period and I ask all of you to take a look at your operating budget, capital budget and let me know if you have any questions, concerns, issues we need to bring up regarding the budget so we can factor that in when I sit down with ASG and others to talk about the budget. It is a two-step process. After June 15th we have to adopt the budget more than 60 days after we approve the budget so by September 15th we have to adopt the budget and submit that to the county.

C. Operations Manage (ASG)

Mr. Erasmus reviewed the items in the monthly report, copy of which was included in the agenda package.

D. Amenity Center Update – Report

Mr. Insel gave an overview of his monthly report, copy of which was included in the agenda package and raised an issue of safety of the staff and residents with non-resident usage. The board directed Mr. Insel to come back with proposed solutions and costs for access systems and security guards also proposed policy changes limiting the number of guests.

TENTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the November 8, 2016 Meeting**
- B. Balance Sheet as of November 30, 2016 and Statement of Revenues & Expenditures for the Period Ending November 30, 2016**
- C. Month-by-Month Income Statement**
- D. Assessment Receipt Schedule**
- E. Approval of Check Register**

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the consent agenda items were approved with a revision to the minutes.

ELEVENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Wing asked have we gotten reimbursement from FEMA for the storm damage?

Mr. deNagy stated we actually had a meeting here with FEMA and the state, we provided them with our invoices that totaled about \$17,000.

Mr. Wing stated I wanted to let folks know, remember a year ago we planted all those seedlings and I had gone to area businesses to try to get donations for the volunteers and one of the first to step up and provided the most was Gator's Dockside. I was surprised to get an email from them the other day saying it has been a year since you had this event if you are going to have any other charitable type events that we can help support please let me know. I never had a business reach back to me saying they would like to donate more so if you are there for lunch ask for the manager and say thanks we appreciate your support.

Mr. Labanowski stated for the next agenda I would like to have installation of additional streetlights as an agenda item as well as gym equipment. I was asked by a resident to pass on the information that a proposal is being put together by Villages baseball and St. Johns County to

offer funds to refurbish the baseball diamond for access in the evenings and weekends for the kids to practice and play ball.

A resident stated it is to keep us in the loop that this proposal is going to be coming from the Villages and that money was from Villages and the county. The baseball diamond is in need of upgrading and there will be 700 kids applying for the spring season and they just don't have the facilities for that. These are kids from World Golf Village and they will be coming into the neighborhood but if we start a model here and upgrade us then maybe Heritage Landing will follow suit, World Golf Village will follow suit and their kids will come to us and our kids will go to them.

Mr. deNagy asked is the board interested in seeing a proposal?

Mr. Labanowski stated I think we told them last time to get a proposal to us.

Mr. Eckert asked when you are talking about a proposal I understand the upgrade but how does that affect the utility of the field and the availability for the residents because I'm assuming there is a programming component in terms of other people using the field with set practice times and game times and things like that. That is something that you need to at least understand before you say yes it is a great idea.

Mr. Simmons asked is it possible for us to take the public information such as the agenda or meeting minutes and have it posted on Facebook on the community page?

Mr. Eckert stated it is legal; you can post it anywhere you want to. It is just a question from a policy standpoint who is going to do it, when is it going to be done but there is no prohibition against it.

Ms. Covington stated thank you Lourens for the cleanup after the storm. On behalf our cul-de-sac where a lot of those trees fell over thank you very much. The crew was very careful. I know you send out an email with updates and some of the community had letters that said there would be trees removed. Some of the trees that started out very short when we moved in nine years go are now towering and they scare me when there is a windstorm. On behalf of all of us I was checking to see what your time table is for when you do remove the last of the trees? Do you plan on replacing them and could you let us know what that might be? My biggest problem is the area behind me is now built up and there is no more buffer between the new construction and my house. There was always a privacy screen before. I have evergreen shrubs, hollies, that I would be happy to donate if you want to put as part of that screening.

Mr. Erasmus stated I took the team there to remove almost all of those dead trees but you still have a lot of diseased trees there as well that we will take care of in our next effort. I'm using the arborist to guide us in saying that tree is not good anymore. The hollies are something the board will have to decide on if we are willing to do that.

Mr. Labanowski stated they are being donated why not take them.

Mr. Erasmus asked were you going to have them dug up?

Ms. Covington stated we were going to rip them out of the ground.

Mr. Erasmus stated if the board is okay with it if the timeframe works out when they remove them we might reinstall them on their berm right behind their house to provide the buffer.

Mr. deNagy stated just make sure it is not conservation area.

Ms. Covington stated it is just the berm. My second item is the preserve area, there are kids back there building things. I was wondering if you could send a letter to the Samara Lakes Association just to remind them that it is preserve behind our neighborhood.

Mr. deNagy asked Lourens will you take a look back there?

Mr. Erasmus stated I will take a walk out there and let you know.

A resident asked as far as improvements to the gym, is that being done with this group? Where are they at with that?

Mr. deNagy stated we just finished some upgrades to the gym.

Mr. Erasmus stated we are making space in the office so we can have more space for equipment.

THIRTEENTH ORDER OF BUSINESS

**Next Scheduled Meeting – February 14, 2017
at 2:00 p.m. at the Murabella Amenity
Center**

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the meeting adjourned at 8:28 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman