

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, March 14, 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
Will Simmons	Supervisor

Also Present were:

David 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
Michael Johnson	Duval Landscape Maintenance
Brian Moore	Duval Landscape Maintenance
Dreux Isaac	Dreux Isaac & Associates by telephone
Nick Brenneman	Reserve Advisors by telephone
Charlie Sheppard	Community Advisors
Frank Piper	BluTek Security

The following is a summary of the discussions and actions taken at the March 14, 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. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. deNagy stated I have a comment card from Kathy Venezia regarding the easement encroachment as to why is it being considered since the HOA has denied the precedent and Joe Quinto has a couple issues dealing with the CDD.

Mr. Quinto stated awhile back we signed a contract with Comcast. Have you heard anything about getting money from them?

Mr. deNagy stated I will be giving an update on that tonight. We received just over \$4,900 for the first quarterly payment. We expect quarterly payments going forward.

I would like to take a couple of items out of order, the first is discussion of the BluTek Security proposal and after that I would like to take out of order the proposals for the reserve study.

Discussion of BluTek Security Proposal

Mr. Piper of BluTek gave an overview of the services covered under the proposal followed by board discussion and the following action was taken.

Mr. Clabots moved to approve the proposal for Phase 1 security services with BluTek in the amount of \$1,760 and Mr. Labanowski seconded the motion.

Mr. Wing stated there are a couple other items on the agenda tonight that are not presently funded in the budget and I prefer to table this and put those together so we can find out where we are on the budget.

Mr. Clabots amended the motion to table this item and discuss it with the gym equipment proposal later in the meeting and Mr. Labanowski accepted the amendment.

Mr. deNagy stated we will table this item.

Mr. Schroder stated I would like a plan as to how use the 10 days in Phase I.

Consideration of Reserve Study Proposals

Mr. Isaac of Dreux Isaac & Associates, Mr. Brenneman of Reserve Advisors and Mr. Sheppard of Community Advisors each gave an overview of their proposals, copies of which

were included in the agenda package after which the board discussed each proposal and the following action was taken.

Mr. deNagy stated these are unbudgeted costs and Mr. Wing suggested a little earlier that we evaluate these proposals along with other unbudgeted proposals and we will table this until our April meeting. I want to thank each of you for coming tonight and speaking with the board.

On MOTION by Mr. Wing seconded by Mr. Clabots with all in favor this item was tabled until the April meeting.

Mr. Isaac and Mr. Brenneman left the telephone conference at this time and Mr. Sheppard left the meeting at this time.

THIRD ORDER OF BUSINESS

Staff Reports (Part 1)

Mr. deNagy stated I would like to also consider item six, the easement encroachment under the engineer's report.

A. Engineer

Phase 5 Pond Bank Work

Mr. Yuro stated the one-year warranty period on the Phase 5 effort on the initial pond bank repair is coming up in May. I did the inspection on that so if there were any issues to coordinate with the contractor we can get those addressed before the expiration of the bond. I handed out a summary of the inspection and for the most part the area looks really good except for two small areas, items 3 and 6 on the list. Both are at areas where the storm pipe is coming from the street to the pond and there is some depression at the top of the bank. On item 3, that has been previously repaired and this may involve a bigger repair. I suggest we coordinate with the contractor on items 3 and 6 to get those repaired before the warranty expires.

1. Update on Phase II Pond Bank Repair Cost Estimate

Mr. Yuro stated at the last meeting the board authorized me to move forward with getting the plans together and also take a look at the remaining ponds that had not yet been inspected and evaluated. They appear to have fewer issues than the previous ponds that were looked at and evaluated. At the next meeting I will have a comprehensive list and draft of a plan and will fine-

tune the cost estimate for all the ponds to include looking at access to the ponds so that you can make a decision as to how to move forward with bidding and awarding a contract for repair.

2. Engineer's Report

Mr. Yuro gave an overview of the report copy of which was included in the agenda package.

3. Pay Requisition #56 (Yuro & Associates Invoice #1941)

On MOTION by Mr. Clabots seconded by Mr. Wing with all in favor Requisition no. 56 in the amount of \$2,140.00 was approved.

4. Yuro & Associates Estimate #486 for the SJRWMD Pond Inspections (Required every 2 years)

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the proposal to inspect all 22 ponds in the amount of \$1,850 in accordance with the St. Johns River Water Management District permit requirement was approved.

Consideration of Easement Encroachment at 1728 N. Cappero

Mr. Eckert stated before we get into this item in an abundance of caution Supervisor Clabots and Supervisor Labanowski due to their service on the architectural review committee wish to abstain from any discussion or voting on this matter and I will ask each one if that is your intention.

Mr. Clabots responded yes.

Mr. Labanowski responded yes.

Mr. Eckert stated consistent with our rules I will ask that you not participate in the discussion and the other three board members will make the decision on this issue.

Mr. deNagy stated you have a request from Mr. Kasch of 1728 N. Cappero Drive for the addition of a pool and patio in the backyard. As you know the district has a ten foot easement from the top of bank back into the property and the county also has an eight foot easement from top of bank back.

Mr. Yuro stated the county has a minimum stormwater easement requirement around the pond of eight feet, which is covered by your ten foot easement.

Mr. deNagy stated the pool is designed such that one foot of the pool deck as I understand it goes one foot into the ten foot district easement then there is a paver patio beyond that and it goes further into the easement. The resident is asking for an encroachment of another foot past the pool border for the pavers. You will have two of the ten feet used up and that will leave eight feet that is required by the county.

Mr. Yuro stated if the board wants to entertain reducing the easement my recommendation would be to reduce it but make sure you leave the minimum county requirement. In other districts where this has been considered they don't typically call it an encroachment they basically revised the easement for that area of the lot to become an eight foot easement, which in my opinion would still be sufficient for any type of pond repairs that may be needed in the future and that would give the homeowner two additional fee to work within their property.

Mr. Eckert stated let's start with the baseline that is the HOA is the one that has architectural control. The CDD doesn't have any architectural control powers. We also really shouldn't be in the business of approving or disapproving how somebody is using their property when it is something controlled by the HOA. When we look at this issue we should be looking at it through the prism of does the CDD want to abandon two feet of its ten foot easement to accommodate this permanent structure or does the CDD not want to do that. Getting into the business of saying you can put this encroachment here and then you have to use your easement later on that is a huge problem especially when you are talking about a pool or deck or things of that nature. I really think the question before you is do you want to abandon two feet of that easement or do you not. That is the question for you here today, not whether or not you are going to permit some encroachment when you don't have the permitting authority under the documents that govern this community.

Mr. Wing stated on the information provided it looks like the pool is 15 X 30 so I don't know why they can't make the pool narrower.

Mr. Schroder stated I had the same thought.

Mr. Wing stated make it 13 rather than 15 and then it doesn't encroach.

Mr. Schroder stated I'm inclined to say no primarily because I don't know that two feet is going to make that much difference and that it sets a precedent we don't want to set.

On MOTION by Mr. Schroder seconded by Mr. Wing with three in favor and Mr. Clabots and Mr. Labanowski abstaining from voting the board voted to not abandon two feet of the easement at 1728 N. Cappero Drive.

Mr. Yuro left the meeting at this time.

B. Landscape Manager

Mr. Moore and Mr. Johnson gave an update on the activities and work accomplished since the last meeting.

Mr. Moore and Mr. Johnson left the meeting at this time.

FOURTH ORDER OF BUSINESS Discussion Topics

A. Discussion of BluTek Security Proposal

This item taken earlier in the meeting.

B. Fitness Center Equipment Purchase

Mr. Labanowski distributed information on a multi-purpose unit and elliptical machine and stated I would like to have direction from the board to go to the HOA to see if the HOA will pay for the equipment.

Mr. Wing stated I know someone who sells fitness equipment and can get comparison pricing for the same equipment.

This item was tabled until the April meeting.

Mr. deNagy stated Mr. Wing suggested we consider the gym equipment along with the security proposal from BluTek.

Mr. Clabots moved to approve Phase 1 of the proposal from BluTek for security services in the amount of \$1,760 and Mr. Labanowski seconded the motion.

Mr. Wing stated I understand there may be a need for security. I am concerned that we keep going outside opposed to what our taxes pay for-the sheriff. This is not a budgeted item, we have several other non-budgeted items that we are talking about and if the HOA does not go along with this then I don't know if the intent is to try to buy the equipment out of whatever we have left over. I suggest the same as the streetlights, we are just beyond halfway into the fiscal year I prefer to wait two or three months and see if it looks like we are going to have some money left opposed to going into the hole right now.

Mr. Simmons stated I agree with Supervisor Wing because we need to be as prudent as possible in terms of making sure the money is there.

Mr. Schroder stated I concur.

Mr. Labanowski stated currently there is \$2,000 available that we approved at the last meeting that is not going to be used.

Mr. Wing stated I assume that will go back into the budget to fund events.

Mr. Labanowski stated we could move it over to use it for security to at least see if it is going to work.

Mr. Wing stated I'm not comfortable with these guys being armed. I understand you need to show something but I don't know what they have for training and it strikes me as a little overkill. If Mark knows who these kids are I don't see a problem if he sends the parents an email letting them know that they are rowdy or using profanity and some parents may like to know and some parents won't do anything.

Mr. Insel stated that is a small percentage of what is going on and those are children and that is easy. The four or five kids or adults that are threatening other residents and if we don't see that there is nothing we can do.

Ms. Garzia stated I was walking the track behind your house and there was a kid about 12 years old with his parents and he was shooting a BB gun at the electrical box by the mailboxes. We didn't say anything but we were watching and the mother must have told him to put the gun in the car and I proceeded with my walk and I walked around the pond and they were playing football and the football went into the parking lot and now the kid is shooting the gun again because she must have thought I left. The football went into the parking lot and I asked was her son shooting a BB gun and she said, yes, what's it to you. She went off on me like a lunatic, cursing at me and ran over to me and her husband had to grab her and pull her away from me. I

called the sheriff and he responded and in the interim I took her plate number and the sheriff came quickly and I gave them the plate number and they said they will go speak with this person. This happened two months ago and it was at noontime.

Mr. Wing stated I understand that there will be instances and I don't think the BluTek guys are going to be here at noon and these guys wouldn't have been able to do anything. You are both residents you are not necessarily trespassing they are going to say call the cops.

Mr. Labanowski stated if he is discharging a weapon they can detain him for the sheriff.

Mr. Clabots stated I have a motion on the table and am willing to withdraw it but I do think we need security here. I want my security guard to carry a gun if they are qualified to use it and have been trained properly. I want to see the qualifications, etc.

Mr. Clabots withdrew the motion.

Mr. Simmons stated this isn't the wild west but we do need security and maybe if we try it for the 10 day period we may not have to do it again. I'm on board with the ten days.

Mr. Schroder stated I prefer to defer this, I'm not sure if I'm for or against it but I'm not for it right now. I'm concerned about the funding. I also would like to have a plan and like to understand the options of what it costs for an off-duty police officer. If we go forward I don't want it known that it is a ten day trial I would like people to assume it is an ongoing contract.

Mr. deNagy stated the motion was withdrawn. Is there another motion to do the ten day trial or not?

Mr. Labanowski moved to approve the Phase I \$1,760 one time, ten day program.

Mr. Eckert stated I suggest you delegate to Mark to pick those days and hours and that we not have a drawn out discussion on what the schedule is going to be that everybody can see.

Mr. Labanowski amended the motion to delegate to Mr. Insel the scheduling of the security officers Mr. Simmons seconded the amended motion.

Mr. Wing stated I assume this motion will be approved and I would like you to find out from the owner who is being sent and their qualifications and email that to each of us so I feel better knowing who is here with a gun. Also at some point if you could email all of us and let us know you have a schedule we can have it and not give it to everyone else in the neighborhood because I would like to be around when they are around to observe them.

Mr. Eckert stated if any of the board members get that schedule and get a public records request for that schedule contact me because it should not be shared.

On voice vote with four in favor and Mr. Schroder voting no the motion passed.

C. CDD Meeting Dates/Times

Mr. deNagy stated for reference we did the schedule this year with 5 of the 11 meetings at 2:00 p.m. and the remaining 6 meetings at 6:00 p.m. For the balance of this year our April, May and July meetings are scheduled for 2:00 p.m. I know the April meeting at 2:00 p.m. is scheduled because the Fighting Turtles will be here that night for sign ups. The June, August and September meetings are all scheduled for 6:00 p.m. June and August are the budget approval and budget adoption meetings.

Mr. Simmons stated based on last month's meeting neighbors have approached me with concerns about the 2:00 p.m. meeting and their inability to attend. Sometimes the perception is that we try to get things done without their input and I think to alleviate that and be more transparent it would be in everyone's best interest if we could have our meetings at 6:00 p.m. on Tuesdays. I don't think everyone will make it or that they will fill the room but at least we will have given them the opportunity to be here and have their voices heard.

Mr. Clabots stated I suggest since we have a conflict for the April meeting we can leave that one at 2:00 p.m. and have the rest of the meetings in the evening.

Mr. deNagy stated that will leave the May and July meetings scheduled for 2:00 p.m. that we will reschedule for 6:00 p.m.

Mr. Clabots moved to reschedule the May and July meetings to be held at 6:00 p.m. and Mr. Simmons seconded the motion.

Mr. Labanowski stated I opened a Facebook page, murabellacdd, where every homeowner can have input into the meetings and every item they post will be brought before the board. Even if we have evening meetings a lot of homeowners still can't make it. This is a way for their voice to be heard.

Mr. Wing asked are we allowed to join?

Mr. Eckert stated I know it says murabellacdd but it is not a CDD website, Facebook, whatever. It is not an official CDD site that you have approved as a board or anything like that. It is really a conduit for Chuck to be able to bring questions to you that he gets from the community. With that said I would make sure that you are taking steps to preserve that and things of that nature because someone may argue that those are public records that you get so I would treat them as public records. To answer your question can you join that, the answer is it is a free country and you can join it but you do so at your peril. If you post something and another supervisor posts something in response to it you may have a problem. My recommendation is stay off social media period and if people don't like that recommendation, that is okay.

On voice vote with four in favor and Mr. Labanowski voting no the motion to reschedule the May & July meetings to 6:00 p.m. passed.

FIFTH ORDER OF BUSINESS

Consideration of Proposals

A. Reserve Study Proposals

- 1. Dreux Issac**
- 2. Reserve Advisors**
- 3. Community Advisors**

Presentations were made earlier in the meeting and this item tabled until the April meeting.

B. Consideration of Parking/Towing Policy

Mr. Wing moved to approve the policy relating to overnight parking and parking enforcement and Mr. Simmons seconded the motion.

Mr. Eckert stated the only thing is I want to confirm the driveway here should be included in the tow away zone as well as the parking lot and we will make that change to the map so your motion is subject to making that change.

Mr. Wing amended the motion to include the driveway and parking lot in the tow away zone and Mr. Simmons seconded the amendment.

Mr. Schroder stated I want to make sure that the definition of vehicle includes trailer.

Mr. Eckert stated a vehicle includes a trailer.

Mr. Labanowski stated we are basically giving law enforcement the authority to come in and if they see someone recklessly driving in the parking lot they can now write a ticket.

Mr. Eckert stated they can in reliance on this policy that they have permission to be here. Whether they will choose to exercise that is a totally different discretion. This is not a traffic enforcement agreement with the county this is just your towing policy so we can hire a towing company to deal with vehicles that are parked overnight.

Mr. Labanowski asked does this go to the county?

Mr. Eckert stated it may be shown to the county if we ever call the police. My guess is this will be between us and the towing company and showing it to them.

Mr. Schroder stated we can't tow a car on a county road.

Mr. Eckert stated correct.

On voice vote with all in favor the motion passed.

C. Consideration of April 1, 2017 2K Community Race

Mr. deNagy stated there was a request from a resident dealing with a 2K race in Pescara and would not involve us in any way, shape or form. Just a request to hold the event on April 1, 2017 and I think Clark had some changes.

Mr. Eckert stated just two items, one is our advice to you always is to make sure they sign a waiver, whoever is participating, that is consistent with our language not whatever their language is because what is in there is deficient. Also to have the district and the supervisors and Vesta added to their insurance certificate for the event in the event there is a problem. Beyond

that it is really up to you. Do you want to do it or not and you can also disregard my advice and not require insurance or a waiver but we are recommending that you do require those two things.

Mr. Labanowski stated this is a company that is actually testing some equipment. The company happens to be a homeowner. This was supposed to be a 5K race originally.

Mr. Clabots stated then I don't mind asking him to have insurance.

On MOTION by Mr. Simmons seconded by Mr. Clabots with all in favor the request for a 2K run in Pescara was approved subject to the applicant having waivers signed with language suggested by district counsel and with staff and the district being named on the insurance policy as additional insured.

SIXTH ORDER OF BUSINESS

Consideration of an Easement Encroachment Request for 1728 N. Cappero

This item taken earlier in the meeting under the engineer's report.

SEVENTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney

There being none, the next item followed.

B. Manager – Update on Comcast Revenue Sharing

Mr. deNagy stated we received payment for the first quarterly installment that was promised to us by Comcast in the amount of \$4,972.06. I look for authorization from the board to move those funds to the capital reserve fund and to also move future quarterly payments to the capital reserve fund.

On MOTION by Mr. Simmons seconded by Mr. Clabots with all in favor staff was authorized to move the first and future quarterly payment from Comcast to the capital reserve account.

A resident stated these funds were to be shared between the CDD and HOA by agreement. Does that money include what is supposed to be given to the HOA or is that separate?

Mr. Eckert stated you raise a good point. The agreement says payable to the CDD and HOA and doesn't include a percentage split or anything like that. Understand one thing here: it is the same pocket; if the HOA is short on money they are going to assess residents; if the CDD is short on money they are going to assess residents. The HOA and CDD ought to have a conversation and just decide what is in the community's best interest where this money goes because splitting it every three months and going through the transaction cost is silly since it is all the same pockets it is coming out of. There needs to be a conversation so rational people can come up with what makes the most sense. That is my suggestion but the agreement doesn't say what the split is.

Mr. Clabots stated I agree it does go into the same pot of dollars and I think capital reserve fund is probably as good a place as any to put it at this point in time because it is underfunded. I think there ought to be a discussion between the two chairmen because if it goes into the capital reserve it will get spent on things for the betterment of this community and our residents.

Mr. deNagy asked is there an interest in amending the motion?

It was the consensus of the board to keep the motion as it was made.

Mr. Labanowski asked have you heard more about getting funds from Comcast for the work we had to do to repair their digging?

Mr. deNagy stated I don't expect an answer.

C. Operations Manager (ASG)

1. Pictorial Maintenance Report

On MOTION by Mr. Clabots seconded by Mr. Schroder with three in favor and Mr. Labanowski and Mr. Wing opposed the Pescara gazebo will to be removed.

2. Operations Report

Mr. Erasmus gave an overview of the operations report, copy of which was provided in the agenda package.

D. Amenity Center Update – Report

Mr. Insel gave an overview of the amenity center report, copy of which was included in the agenda package.

EIGHTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the February 14, 2017 Meeting**
- B. Balance Sheet as of January 31, 2017 and Statement of Revenues & Expenditures for the Period Ending January 31, 2017**
- C. Month-by-Month Income Statement**
- D. Assessment Receipt Schedule**
- E. Approval of Check Register**

On MOTION by Mr. Clabots seconded by Mr. Wing with all in favor the consent agenda items were approved with one amendment to the minutes.

NINTH ORDER OF BUSINESS

Acceptance of the Minutes of the February 14, 2017 Audit Committee Meeting

On MOTION by Mr. Wing seconded by Mr. Clabots with all in favor the February 14, 2017 audit committee meeting minutes were accepted.

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 the patrolman who is writing tickets in the neighborhood, I'm not opposed but he parks on the grass on top of some kind of drain. I don't know if that is where he ought to be sitting.

Mr. Labanowski stated that is a county easement.

Mr. Wing asked when items are added to the agenda other than by Dave can we note who is asking to have it placed on the agenda?

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

Mr. Wing stated at the last meeting we tabled the discussion about residents maintaining the pond banks and I would like to confirm that no one wants to bring this issue up again. Are we done with it and if so I want to confirm everyone's thoughts on this.

Mr. Clabots stated my comment was when I proposed tabling it that it is always on the table. At some point in time should the board decide to bring it back off the table then they could. That was my interpretation of my motion to table. Do you leave it on the table forever or do you need to bring it off at some point?

Mr. Eckert stated we will take it off.

Mr. Wing stated the last is the new Facebook page I understand why you are doing it I have no issue with it except it is not a CDD sponsored thing and by calling it the MurabellaCDD page I think that is misleading.

Mr. Labanowski stated I can take the CDD off the name and name it something else. There are 20+ Facebook pages called Murabella and I tried to make it easy so people would know that is where they could take the information to get it back to this board.

Mr. Wing stated I understand Mr. Eckert's comments but as a supervisor I want to know what people are saying to us. I'm not saying I will comment but I likely will comment.

Mr. Eckert stated I give you the best advice I can.

Mr. Labanowski stated just like I promised the homeowners Lou Garzia who was here earlier said we ought to install more cameras in the problem areas. Chris Dalvina is it possible to do away with the posted and mailed notices? The CDD is paying \$45,000 for mailing those notices and postage.

Mr. Eckert stated no.

Mr. Labanowski stated that has been brought up a number of times.

Whatever happened to the sunshades that were discussed for all the parks, this is Chris DelBene again, were they purchased and if so when can we expect them to be installed. I will answer him on that. Jeremy Stein fixing the columns around the gazebo areas that we just removed one. John Stanley requesting a picnic table in San Marino common area near Verona and this is on Verona at 16th for the two sun shades. They were brought over here and used all

the time but the family groups that come up here on Mondays they have a picnic and those tables are used.

Ms. Covington stated I think it may be warming up enough to for us to rip out those shrubs that we were going to put on the berm that you previously approved. I know about half the pine trees are still there. My neighbor next door commented to me that they didn't haul mine off they just put them in the ditch and I said they hauled them off and I wanted to let you know that my neighbor's is in his ditch.

TWELFTH ORDER OF BUSINESS

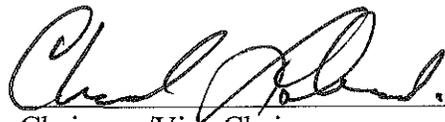
**Next Scheduled Meeting – April 11, 2017 at
2:00 p.m. at the Murabella Amenity Center**

Mr. deNagy stated our next meeting will be April 11, 2017 at 2:00 p.m. at the amenity center.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the meeting adjourned at 8:55 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman