

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, August 8, 2017 at 6:04 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 (by telephone)
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
Michael Johnson	Duval Landscape Maintenance

The following is a summary of the actions taken at the August 8, 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 6:04 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. deNagy stated I have two comment cards, the first is from Kathy Venezia. What steps are being taken to deter vandalism and theft in the community? Suggestion: Place a drop down bar with a key card at the entrance to the amenity center, San Marino and Pescara. The second is from Jeff Koby. The summer swim league blocks and the proposition for a year round

swim team. I think these items will come up later during audience comments and we have them noted.

Mr. deNagy stated I would like to take one item that was not on the agenda tonight and I was going to cover it under my report but if we could I would like to take that out of order.

Mr. Labanowski stated yes.

Damage that Occurred August 2, 2017

Mr. deNagy stated this is about the damage that occurred on August 2, 2017 to the amenity field behind the amenity center and at the roundabout in the dog park area. There are two items to discuss tonight. I handed out estimates from three companies for repairs to those areas with either sod or seed and the second item we will talk about tonight is how we are going to proceed with restitution to the district. Before we get started on the sod I want to note to the board that I did speak to our insurance carrier and it appears we may have insurance coverage through the district, there are some limits in our policy provided for by Lloyd's of London, there is a particular peril called "malicious mischief" that we think will cover the cost of the repairs and there is a \$50,000 limit. I have not confirmed that with the insurance carrier so keep that in the back of your mind. It looks hopeful that we have that possibility and that being the case if we were to hand this over to the insurance company they would handle any follow-up with regard to restitution from the person or persons involved.

Mr. Clabots stated I think it is nice that insurance may cover the cost of the damage but this was caused by a teenage child of a resident and I think the resident should pay the cost of the repairs. I think they could be assessed the cost of those repairs because every time we put in an insurance claim the rates will be raised in one way, shape or form. I'm not interested in letting people off the hook just because insurance pays for the repairs.

Mr. Labanowski asked in regards to the insurance would that be minus the deductible?

Mr. deNagy responded I will have to confirm that and if there is a deductible my understanding is the deductible is \$2,500.

The first issue I would like the board to talk about and make a decision if they can this evening would be the replacement and repair of the sod. I understand there is a fall soccer league that is going to start mid-September and ideally we would like to have the repair to at least the amenity field fixed as quickly as possible and then the other field as well.

Mr. Labanowski stated they also use the small field by the circle.

Mr. Wing asked if it were to be seeded starting in early to mid-September that seed would not take?

Mr. Johnson stated it would have to be marked off and you would have to stay off of it for three months.

Mr. Simmons asked is the estimate for the seed reasonable and what is the probability that seed will take?

Mr. Johnson stated it will take, they won't give you a 100% guarantee but they will guarantee that seed will come up. It will take a lot longer and if you want to use that field for soccer you will not be able to use that area this year.

Mr. Schroder stated I agree with Supervisor Simmons and I have a similar concern. If you seed it is that seeding with hay?

Mr. Johnson responded yes.

Mr. Schroder asked if we used hydro mulch would that reduce the time?

Mr. Johnson stated all that is going to do is help protect it and that is what we will use too. We use hay straw and also that mulch mixed in with seed you are still going to have a slow germination rate.

Mr. Wing stated I suggest we go with sod because I don't think we ought to deprive a lot of kids in the community who want to use that field because of vandalism.

Mr. deNagy stated we had three companies bid, Duval Landscape, Prestige Landscape and Down and Dirty Lawn Care; the low price for sod was from Duval Landscape at \$28,350, Prestige at \$32,600, Down and Dirty Lawn Care at \$34,300 and for seed Duval was \$10,500, Down and Dirty Lawn Care \$16,500 and Prestige Landscape \$18,500.

Mr. Clabots stated I would move to approve the lowest bid for sodding the area. I'm sorry about the soccer field but I think that would be the best way to replace this. I would also move to put an assessment against the homeowner. At some point in time we need to stand up as a board and say damage to the property by residents or their children is just not acceptable. The motion is go with the lowest bid for sod and assess the homeowner of the child who did this for the full cost.

Mr. deNagy framed the following motion.

Mr. Clabots moved to approve the bid from Duval Landscape for sod in the amount of \$28,350 and Mr. Wing seconded the motion.

Mr. Clabots stated that was not my motion, my motion had two parts to it.

Mr. Clabots moved to approve the bid from Duval Landscape for sodding the damaged area in the amount of \$28,350 and to assess the full cost to the homeowner whose child caused the damage.

Mr. Wing stated I withdraw my second because I think we need to get this fixed right away. My preference would be to wait until we see what the insurance company does and then take action afterwards. I agree with Supervisor Clabots that there has to be consequences to actions but this insurance thing is a new wrinkle that I just heard about two minutes ago. I want to see how that plays out first, see if it does anything to our insurance premiums and I don't think the rest needs to be dealt with immediately. Is that a fair statement?

Mr. Eckert stated certainly we have the issue of getting it fixed so it is ready for soccer, we understand that. Then in terms of what you do to recover the cost that the district incurs or whether or not you are basically assigning your rights to the insurance company if the insurance company puts in money again, we won't know yet whether the insurance is covering or not. We have not been asked to look at the policy to make a determination; usually we wait until the insurance company says no. You could wait today or you could make a decision today how you want to deal with that.

Mr. Wing stated if we don't know what the insurance company will assign or not assign what I'm interested in doing is getting the fields fixed but reserving options for taking further actions for some kind of penalty or something beyond just the insurance company paying for it and everybody washes their hands at one time.

Mr. Eckert stated that is within the board's discretion to defer that decision past today.

Mr. Clabots stated if that is a motion I would second that motion but I second it with the comment of I don't want the insurance company to pay for it. I want the homeowner to pay for it.

Mr. deNagy stated you are changing your motion again. I'm going to go back to your original motion.

Mr. Clabots stated I withdraw my motion and if Brian proposes the motion he just stated I will be happy to second it.

Mr. Wing moved to approve the bid from Duval Landscape for sod to repair the fields in the amount of \$28,350 and to defer the restitution issue until the next board meeting on September 12, 2017 and Mr. Clabots seconded the motion.

Mr. Simmons stated for clarification we are saying that go with the insurance policy and let the insurance policy cover it.

Mr. deNagy stated no, we are deferring that decision until we hear from the insurance company.

Mr. Schroder stated I believe we ought to avoid making an insurance claim if at all possible. My concern with the way the motion was originally worded was the family of the single offender would be assessed for the cost. My understanding is that there were three so I would hope that we would find out if the other two are residents too. I don't want to put it on one when all three of them need to understand the consequences.

Mr. deNagy stated all we are saying now is we are deferring the decision about insurance until the next meeting.

Mr. Labanowski stated not taking into consideration everything else they have done this is just sod replacement.

Mr. deNagy stated this is just the sod.

Mr. Labanowski stated there are a couple of days taken up of people and that cost as well so there are other costs that should be included, this is just for the sod replacement.

Mr. Eckert stated all we are trying to do today is get it fixed and we will revisit all the other auxiliary issues at our next meeting.

Mr. Simmons stated we keep shelving it and it is like the board is shelving something, it is what it is. We know we have insurance and we know we can come back on the homeowner. I don't see the difference here.

Mr. deNagy stated we don't know if the insurance carrier is going to cover this. I have been told they may cover this.

Mr. Wing stated we want to know the conditions under which they will cover this.

Mr. deNagy stated and if it affects premiums and so forth.

A resident asked will the insurance company reimburse after it is fixed or did they reply that there is a specific process the insurance company requires in order to submit a claim and have estimates done and go through their people?

Mr. deNagy stated all I know is we have three quotes.

A resident stated if we pay for it and charge them afterwards we don't know if it would be denied on that basis alone.

Mr. deNagy stated correct.

On voice vote with all in favor the motion passed.

Mr. Clabots stated we need to press charges for vandalism against whoever did the vandalism.

Mr. Clabots moved to press charges for vandalism and there being no second the motion died for lack of a second.

Mr. Wing stated just to be clear the board comment is we are interested in making sure this doesn't happen again. I don't think we have enough information to do anything further beyond getting the field fixed as soon as we can so the other residents are not deprived of the use.

Mr. Clabots stated I agree with you. My comment is those perpetrators that did the damage we need to press charges against them. That is all I'm saying.

Mr. Schroder asked can you ask the insurance company if they need to have someone do a damage assessment?

Mr. deNagy stated no, they have someone coming out and we had Lourens take pictures, do measurements, depths, what have you.

Mr. Simmons stated also if you can if you find a second opinion as a result of this.

Mr. deNagy stated I said I would check that, yes.

THIRD ORDER OF BUSINESS

Discussion of Fiscal Year 2018 Budget

Mr. deNagy stated this is just a placeholder and we did find out that the MOA has offered to help fund the program director and the special events in Fiscal Year 2018, in the amount of \$11,500. That would be broken down in the budget \$9,000 for special events and \$2,500 for a program director. Given that is okay with the board the assessment increase was \$129.71 and with MOA funding that would bring it down, on an annual basis, to \$113.07. Unless the board has any objection to that funding I will make the change to the budget that will be presented at our September meeting for adoption. Our public hearing is September 12th.

Mr. Clabots stated we have two responses to the proposals for legal services. I reviewed them and I propose somewhere whether it be September or whatever but we bring both respondents in and let's interview them. The board can decide whether they want to do that.

Mr. Clabots left the telephone conference call at this time.

Mr. deNagy stated unless there are any other questions on the budget I will make that one change and if you have any questions between now and September 12th that will be our budget hearing for adoption, which will bring the annual assessment to \$113.07. Mailed notices will be going out shortly.

Ms. Venezia asked considering \$113.07 as an annual assessment increase, does that mean the board is not going to look into getting a new bond for 30 years, which would lessen the cost for all the residents? If they had a new bond at \$100 a year per family for 30 years it would give us \$2.8 million and take out the fees and you get \$2.2 million. The reserve doesn't get touched, all the pond banks get repaired, the pool gets repaired, everything can get done and we don't have to touch reserve money. We can actually do what is actually in the reserve study for the next three years or so and residents won't have assessment increases for at least 15 or 20 years. Is that something the board is going to consider?

Mr. Wing stated I know Supervisor Clabots is not looking to take out any more debt. I'm not interested in taking on any more debt. If you sold bonds you could fix a few things but you can only use the money over a certain period of time you cannot leave it in the operating budget so you cannot say that will keep your fees the same for 15 years it is not the same thing.

Ms. Venezia stated if you get all the repairs done and we have tons of issues that still need to be addressed so if they are not going to be addressed for 2018 we know you are going to have them in 2019 and 2020 and where is that money going to come from.

Mr. Labanowski stated my concern is a lot of things aren't getting done. If we take a one time bond and get everything knocked out that is going to give everybody breathing room. I'm all for the bonds as much as I hate an increase like everybody else but I think it is something the board really needs to look at.

Mr. Simmons stated I spoke with Dave earlier this week and my concern was the \$129 at the time and I was more in favor of doing a special assessment to see if we could do a one time hit and be done with it but basically after my conversation with Dave I believe the \$129 is going to be able to sustain us for a couple years without any significant increases. That is not to say that there is not going to be any increases but I think a substantial amount is being addressed. I'm in agreement with Mr. Wing if we take on additional debt that is being extrapolated over the next 30 years what is the net effect of that going to be to us as homeowners? I can't see us taking on additional debt.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Landscape Manager – Consideration of Pond Bank Grass Proposal

Mr. deNagy stated you should all have a map in front of you and there are little black marks that identify different lots in Murabella. This pertains to the landscape quote that was presented last month, the 7,000 square feet that are proposed to be reseeded.

Mr. Johnson stated that shows the different lots where the lake banks are bare. We just have to decide if you want to apply the seed or not.

Mr. Wing stated before you ask for a motion I would like to pass my phone down and the board members can take a look. These are three or four photos all taken this afternoon along the areas of Porta Rosa, North Trapani, Reposto and South Trapani. With the exception of two or three little spots it is all filling in well as far as I can tell and I don't know that anything more needs to be done. These are individual lots, areas that have already been repaired by the pond bank repair project, accepted by the board, accepted by the engineer the sod was all good. I don't think that 959 homeowners should have to pay for the negligence of five or six. I saw no indication of erosion and it is filling in.

Mr. deNagy stated I will wait to get direction from the board before I include this on a future agenda.

B. Engineer

1. Engineer Report

Mr. Yuro gave an overview of the monthly engineer's report, copy of which was provided in the agenda package.

2. Pond Banks

Mr. deNagy stated item 7 is ratification of the Vallencourt agreement and I would like to talk about that now while Mike is here.

Ratification of Vallencourt Construction Pond Bank Agreement

Mr. Eckert stated it is a very similar form to what you have seen before when we did some pond bank repairs. We think it is in appropriate order and that is why we provided it to Mike and to Vallencourt.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the agreement with Vallencourt Construction for the pond bank was ratified.

Mr. Schroder stated I want to raise the issue of silt fences. I talked to Mr. Yuro about this and if the water management district allows us to do less of that it will save us a substantial amount of money if we can reduce some of those items. I have no problems if it functions the way it is supposed to but I have seen miles of that stuff put down and it does absolutely nothing.

Mr. Yuro stated I have had that conversation with the water management district and that is something I will bring up with the contractor to protect the final outfall that goes off property and we don't have to protect every interconnected pond. I will coordinate with them on the silt fence as well; I understand your concerns.

3. Requisition No. 61 & 62

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor requisition 61 to Hopping Green & Sams in the amount of \$317 and requisition 62 to Yuro & Associates in the amount of \$1,000 were approved.

Mr. Yuro left the meeting at this time.

C. Attorney

Mr. Eckert stated the only item I was going to be here to talk to you about was the vandalism issue we talked about earlier.

Mr. Wing asked can you explain what our options are?

Mr. Eckert stated you have many different options. First of all is getting it fixed, which you authorized earlier. In terms of seeking restitution you have the ability to accept the payment from the resident if they want to do that and that would resolve whatever civil claims that you have in relation to that. You have the option to turn it over to the insurance company and usually insurance companies don't cover landscaping. If they are covering it is because of that special provision so maybe the insurance company will pay it. If they pay it, you will likely assign your rights to the insurance company essentially for them to go after the resident or whoever else is responsible on their dime and they will have to choose how to do that.

Mr. Wing stated if that were to occur are we then completely out of it?

Mr. Eckert responded you can be if you want to be. If you don't want to be, for instance to seek your \$2,500 deductible and you want to work that out with the insurance company that they are going to seek that on your behalf, you work that out upfront so you are not spending the money trying to pursue that. There is also the issue that Mr. Clabots brought up in terms of how the board feels about pressing charges. All those issues are still up in the air so you have payment and everything goes away, you have the issue of insurance to deal with or you also have the issue of filing a civil case if you wanted to file a civil case and then you have the issue of pressing charges and seeking restitution in cooperation with the prosecutor's office. Those are all your options. I do think the board deferring until we know a specific answer on the insurance is a wise thing because customarily they don't cover it and if they cover it, it is only because it was intentional damage.

Mr. Wing asked is there any kind of timeframe as to when to press charges?

Mr. Eckert stated I think that certainly the board can wait while we gather more information until September. I encourage you to make a decision at your September meeting.

Mr. Labanowski asked can we put in a claim as well for the time it took for people to do everything?

Mr. Eckert stated if there are additional costs that the district incurred then I would include that in any insurance claim or claim for restitution. If it is just that somebody couldn't be working on some other stuff because they were working on that, that would be a harder claim to justify either to a court or to an insurance company.

Mr. Wing asked if we were to press charges is it appropriate or possible for the district to have input into whatever the outcome is, if we thought it would be fair for this individual to provide community service hours?

Mr. Eckert stated the district as the victim of the crime will have the opportunity if they want to write a letter to the judge or pass a resolution and provide it to the judge saying here are some of the things we would like the judge to take into consideration. Again, that is a decision for a later date whether or not you want to do that.

Mr. Simmons asked what if we decide to press charges or wanted additional restitution or some punitive element, is that something we could look at it further?

Mr. Eckert responded I think it is probably premature to make any decisions on that. I suggest that restitution ought to be the focus and that the court should handle the rest of it. That would probably be my recommendation.

A resident stated if you ask for restitution, which I think you should do, they are going to have lawyers as well. They aren't going to just hand over \$28,000 and they are paying their lawyers as well as you are paying your lawyers, how does that all get paid?

Mr. Schroder stated that may be a good reason to let the insurance company handle it.

Mr. Labanowski stated our focus right now is to get the damage repaired.

D. Manager – Discussion of Meeting Schedule for Fiscal Year 2018

Mr. deNagy stated we have the proposed meeting schedule for fiscal year 2018 in the agenda package and there are seven meetings scheduled: November 12, January 9, March 13, May 8, June 5, August 7 and September 11. Our June 5th meeting would be budget approval and August 7th or September 11th meeting can be the budget adoption.

Mr. Labanowski moved to approve the fiscal year 2018 meeting schedule as presented and there being no second the motion died for lack of a second.

Mr. Wing moved to approve the meeting schedule and for the meetings to start at 7:00 p.m. and there being no second the motion died for lack of a second.

Mr. Labanowski moved to approve the meeting schedule to start at 6:30 p.m. Mr. Schroder seconded the motion and on a vote of two in favor and Mr. Wing and Mr. Simmons voting no the vote tied and did not pass.

Mr. Wing asked why don't we meet at 6:30 p.m.?

Mr. Labanowski stated we are cutting down on the number of meetings to save the homeowners money with meetings being that packed we have a lot we have to do at each meeting and we are going to be sitting here at midnight trying to conduct business. With it being live streamed it is filling in a lot of homeowners on what is going on in the community and I would rather stay with 6:00 p.m. because we have a lot to do or we are going to be tabling everything.

Mr. Wing stated I think it would be easier for homeowners to attend.

Mr. Simmons stated we are always shelving things and in order to facilitate and expediting some of those if we had some informational meetings we could do some sort of business.

Mr. Wing asked we can have those right?

Mr. Eckert stated if you publicly notice them and take minutes of them then you can meet and not take action if you want to. But if you are going to publish it, you might as well call a meeting in case you do want to take action on something. If you are going to get together, just call it a meeting.

Mr. deNagy stated you can decide if you want to be paid or not paid. Is there a motion or do we bring this back in September?

Mr. Eckert stated however you choose to do it you will need to adopt a meeting schedule in September before our fiscal year starts.

Shade Structure Update

Mr. deNagy stated I have reached out to Terry Rogers and Southern Rec and I signed the document essentially giving Southern Rec the authority to do the work for the shade installations and the shades should be here within the next ten days.

E. Operations Manage (ASG)

1. Report

Mr. Erasmus stated I have been trying to work on the gym equipment and there is a waiver for bolting this equipment to the floor. We have to vote if you want to sign the waiver or if you want to have them bolt it to the floor per the manufacturer recommends.

Mr. Labanowski stated they said it didn't have to be bolted to the floor now they want a waiver. I don't think we should sign the waiver; we need it anchored so we don't have the liability if someone pulls it over.

Mr. Eckert stated I suggest that if the recommendation of the manufacturer is to bolt it down then you bolt it down and reduce your liability as much as possible.

On MOTION by Mr. Labanowski seconded by Mr. Simmons with four in favor staff was authorized to have the fitness equipment bolted to the floor.

2. Consideration of Pool Resurfacing and Slide Refurbishment Proposals

Mr. deNagy stated we asked the board to look at the proposals and reach out to Lourens with any questions. At the last meeting we had proposals from Epic Pools, H&H Pools, Blue Ribbon Pools and Crown Pools and the recommendation at the last meeting was for Crown Pools. I am looking for a motion to enter into a contract for pool resurfacing that would take place in December or January.

Mr. Wing moved to authorize staff to enter into an agreement with Crown Pools for resurfacing the pool in the amount of \$157,985 and Mr. Labanowski seconded the motion.

Mr. Labanowski stated they need to watch the corner near the slide where the tile has come off again, which means that something is going on behind it.

Mr. Schroder stated I have a problem with apples and oranges because we didn't send out bid items so we have a little bit different responses from the different vendors. Why are we going with Crown Pools opposed to some of the lower bidders?

Mr. Lourens responded my recommendation was because they offer a 15 year warranty on their workmanship and labor. They are local, they provided a reference list of the pools they have done locally, they have worked with Vesta in the past, they have worked with GMS in the past. There are pools that we looked at the workmanship that they completed and the quality was very good compared to some of the other work I have seen.

Mr. Schroder stated what I would like to see in the future is we put out a request for proposal that we want a 15 year warranty so everybody is bidding on a 15 year warranty.

Mr. Erasmus stated I do that but if they don't offer a 15 year warranty I at least get them to offer a quote. It is not easy anymore to get these companies to give us the same stuff.

Mr. Schroder stated I think it would help us if we were making this decision on comparable information.

Mr. Wing asked it talks about incandescent lighting but it is going to be LED, right?

Mr. Erasmus stated yes.

Mr. Simmons asked is there any way we can look at pools they have done?

Mr. Erasmus stated you can go to Heritage Landing, Aberdeen, RiverTown.

Mr. deNagy stated if you want to drive to Clay County, the main pool and swim park at Eagle Harbor was done by Crown Pool.

Mr. Judka asked do we have a standard RFP? I work for a company and companies give us RFPs all the time, doesn't a standard RFP say you need a 15 year warranty so when you send the bids out they have a piece of paper they are filling out that provides the information we requested. You should have a standard RFP.

Mr. Labanowski stated the bids we received some gave their warranty and some did not.

Mr. Judka stated if we had an RFP it is all there.

Mr. Eckert stated we have RFPs but RFPs are for above a certain threshold and maintenance contract that is \$195,000 and construction it is approximately \$356,000, but informally staff can develop whatever they want to develop at the board's direction. I want to make sure that everybody understands this isn't a competitive bid requirement of Florida Law; it is a policy decision for board and staff to work through.

Mr. DelBene asked has anyone looked into adding additional lights for potential night swimming while the pool is being worked on and prior to resurfacing?

Mr. Labanowski stated he is already working on that.

Mr. DelBene asked is that going to be prior to authorizing the resurfacing so it is done at the appropriate time?

Mr. Labanowski responded it will be done at the time. The main problem is the aboveground lighting he is going to check to make sure the new LED lights that are going in will be enough for night swimming.

Mr. Campbell stated I saw on live feed something about the sod over here being ran over and I guess you are charged \$26,000 to fix that. I looked at it and want to know what they are doing for \$26,000. I think as a community we are getting hosed at \$26,000. How are we bidding that out if it is not an RFP or it is not bid out to anybody? Did we have another bid come in?

Mr. Labanowski stated we had three.

On voice vote with four in favor the motion passed.

Mr. deNagy stated next is the slide resurfacing with Slide ReNu in the amount of \$29,325.

Mr. Labanowski moved to authorize staff to enter into an agreement for slide refurbishment with Slide ReNe in the amount of \$29,325 and Mr. Simmons seconded the motion.

Mr. Schroder asked I know there weren't any other respondents but are there other companies that do this type of repair?

Mr. Erasmus responded I reached out to a lot of places and they don't do this work. I reached out to the company that was the original installer and they don't refurbish them.

Mr. Schroder asked in your experience with your other properties is this a reasonable cost?

Mr. Erasmus responded yes, Heritage Landing refurbished their slide and the price was more because their slide is bigger than ours but the per foot price was the same as ours.

Mr. Fagan stated there are not many options out there to do this kind of work. The pool resurfacing as well, we are spending tens of thousands and these companies are going after hundreds of thousands of dollars worth of work so it is hard to get them to show up and give us a proposal. These guys do a lot of work in our communities and have always done a great job.

On voice vote with four in favor the motion passed.

F. Amenity Center Update – Report

1. Report

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

2. Discussion of Adult Swim

Mr. Insel stated I can discuss both the adult swim that was brought up at the last meeting and the use of the social hall for non-rentals.

Mr. Labanowski asked on the adult swim you are talking about closing the pool totally or give periods of time for X number of hours or whatever?

Mr. Insel stated that is what I gathered from what was mentioned, basically getting everybody out except for adults. What would be considered adult? At 14 years old you can be in the pool by yourself and 18 is typically considered an adult.

Mr. Labanowski stated I don't know that we want to restrict all the other homeowners that want to come to the pool. When the swim team is here they cordon off a lane or two but adults can still swim. I don't know that we can restrict the pool use to a number of homes.

Mr. Simmons stated I think the opposite. I think you can allocate an amount of time and it is not heavy traffic at that time, hypothetically it is a Wednesday 5 – 8 or something. I wouldn't want to see it on weekends when it is busy in the middle of the summer but just for a couple hours and not everyday but allocate a couple hours during the week.

Mr. Schroder stated I think the cons outweigh the pros. I think we would get a lot of backlash if it went that way so I'm against it.

Mr. deNagy asked is there a desire to take any action on this item?

Mr. Wing stated I think one day a week for a couple hours is not a big problem but we are at the end of the summer I don't know that now is the time to do it. If you do it in the early spring you get people used to it.

Mr. deNagy asked do you want to revisit this later on and closer to swim season next year?

Mr. Wing stated if we are I suggest January or something.

3. Discussion of Residential Use of Social Hall for Non-Rentals

Mr. Wing stated I certainly wouldn't want to see a big burden on the staff. We don't want lots of little kids running in here with wet bathing suits and stuff. On the other hand for adults it would be nice to have a couple of small bookcases where people can put books if they are at the pool or even if they are not come and sit and relax and read a book. I understand you have a problem with kids running run in and out and that is not necessarily what I think is being proposed.

Mr. Simmons stated I agree it would have to be within reason. If it is during day hours why can't someone come in and sit down and watch TV or have a conversation or play a card game. We have to find the right balance in terms of that but we should be able to enjoy the room.

Mr. Schroder stated if that door is locked you can still come in through the kitchen.

Mr. Insel stated usually, especially when the lifeguards are here because that is how they access everything.

Mr. Schroder asked how would we control it anyway.

Mr. Insel stated if we went that route I have a handful of things that I would need to figure out. On a day like today, this room is set up first thing in the morning for this meeting. If this room is open do we not set up for a meetings ahead of time because we do the janitorial and the bathrooms and stock everything before meetings, events, community use groups, all the classes and these are things that happen every single day. It is rare that there is nothing going on in here on a daily basis. Would it be open to everybody? Just adults? Do you want books and reading and quiet setting?

Mr. Schroder asked how many requests do we have?

Mr. Insel responded I have never had one other than community use groups coming in to use the room for their meetings, scrabble, fitness club, crafts. In the past I would leave the door open and I would find people having business meetings in here.

Mr. Schroder asked have you ever had anyone come in and say I would like to come in here and sit down for a few hours and read?

Mr. Insel responded no, other than last month.

Mr. Schroder stated I don't think there is that big of a demand. There are unintended consequences of doing this, it sounds good on paper but I'm concerned there are other consequences.

Mr. Simmons stated the only way we can measure it is to make it available. You might make it available first and then see what the result is.

Ms. Cotter stated I know that my group gets together very frequently and we have asked before to use this room and we were told no but we would really appreciate it that once every other month or something like that we would have some sort of structured activity that was inside. We were told we would have to pay the rental.

Mr. DelBene stated you can post a schedule during group times the room is not available, don't come in. That is a very simple solution. Is it key card access?

Mr. Labanowski stated no.

Mr. DelBene stated you could change it to key card access you already have a camera. How many more things do you want to limit the liability for using a community room?

Mr. Labanowski asked how hard would it be if someone wanted to come in and sit down and relax to come to the front desk and say I would like to be able to sit in here can you open the door?

Mr. Insel stated that would have been my suggestion when there is not a meeting.

Mr. Labanowski stated that way if you are setting up for a rental or whatever you can say not at this time. That would be a way to allow a homeowner to come in and you have some control over who is coming in and who is going out and the door is not left open so anybody can come in.

Mr. deNagy stated we can bring those ideas back to the September meeting.

Mr. Wing stated or October.

Mr. Simmons moved to make the social room available to residents so long as it is not reserved and that residents go to the front desk for access and Mr. Wing seconded the motion.

Mr. Koby asked is there a way you can block off some time for community time and post it on the schedule such as three days a week so a mother's group could come in with their kids for story time or something? They would know in advance that there are three mornings a week from 10 – 2 or whatever.

Mr. Wing stated if they are a community group they can make reservations now.

Mr. English asked is there a list of rules if they want to use this? You should establish some rules such as no wet bathing suits.

Mr. Labanowski stated if they go through the front desk that would stop it right away, they aren't going to let them in.

Mr. English asked are there posted rules for use of the room?

Mr. Insel stated facilities like this in every community that my company handles none of them are open for anything other than rentals. There is a list of rules and regulations for rentals, guidelines that people go by but for social, recreational, open use it is not used as such it is a rented space. There are some facilities in neighborhoods they have rec rooms, they have libraries, they have cafes and they have social rooms but the social room is something that is always a rental space.

Mr. Wing stated maybe we should put together a policy guideline. I wouldn't want to see kids under 18 for example unless they are accompanied by an adult; it is basically for adults.

Mr. Insel stated opening it up when we don't have meetings or groups, for adult use only would have been my suggestion.

Mr. Labanowski stated we have rules in the gym that pretty much covers that now, no wet bathing suits and adopt it over here.

Mr. Wing stated so you have something to point to.

Ms. Cotter stated if we could maybe make it set up for certain events or certain timeframes so that you don't set up at 7:00 a.m. for a 6:00 p.m. event taking the entire space away the whole day.

Mr. Labanowski stated we will take that into consideration.

A resident stated if you set it up I think that would be okay and people could come in. Have you looked into a drop box so when you can go on the website and see what's going on with this space.

On voice vote with four in favor the motion passed.

FIFTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the July 11, 2017 Meeting**
- B. Balance Sheet as of June 30, 2017 and Statement of Revenues & Expenditures for the Period Ending June 30, 2017**
- C. Month-by-Month Income Statement**
- D. Assessment Receipt Schedule**
- E. Approval of Check Register**

On MOTION by Mr. Labanowski seconded by Mr. Wing with four in favor the consent agenda items were approved to include an amendment on page 9 of the minutes.

SIXTH ORDER OF BUSINESS

Consideration of Proposals Received in Response to the RFP for District Counsel Services

This item tabled.

SEVENTH ORDER OF BUSINESS

Ratification of Vallencourt Construction Pond Bank Agreement

This item taken earlier in the meeting.

EIGHTH ORDER OF BUSINESS

Request for Murabella Fall 5K Run

Mr. deNagy stated we have a handout for the request for the Murabella Fall 5K Run.

Mr. Wing stated you have the write-up and the proposal to hold a series of free events for runners and families in Murabella, a 5K race, 10K race and 10K relay he estimates the time to be 90 minutes the route around the circle and one of the cul-de-sacs. He is willing to donate \$5 of entry fee back to the community so if there are 100 runners that is \$500. He would like to use part of the parking area for start and finish, have a water station there.

Mr. deNagy stated we had an event in Pescara and he provided the insurance.

Mr. Eckert stated you said they had insurance. Is that where the district will be named as additional insured on that policy?

Mr. deNagy stated that is how we did it with the other event.

Mr. Eckert stated I know we have done that I want to make sure that is what you expect.

Mr. Wing stated I will ask him but I'm sure he will.

Mr. Eckert stated usually there is a waiver that they will get from the participants and we will want to add the district's name to that waiver.

Mr. deNagy stated we had a waiver for that other event.

On MOTION by Mr. Wing seconded by Mr. Labanowski with four in favor the request to hold the 5K, 10K races and 10K relay was approved.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. DelBene stated earlier today you discussed the vandalism and I understand the board had to deal with it very quickly. My concern is that on the agenda provided to the residents there is no mention of that being an agenda item and we have not seen any of the proposals submitted to the board for voting. We don't know the specifics in regards to quantity of landscaping being provided, we don't know if it is a great price, we have someone who works in the industry talk about how ridiculous the price is. We have no information on this side of the desk and you voted on it unanimously without having informed your residents. No information has been provided online, nothing has been provided to us in the agenda. How fair does that seem to everyone?

Mr. Labanowski stated we went out and got three bids as we normally do and we picked the lowest bid, which we normally do. We do everything we needed to for the community. We shouldn't have to bring everything we do to repair the entry or everything in-house before the board.

Mr. DelBene stated Mr. Schroder keeps talking about price per square footage. Is that something that was provided as a breakdown for everybody?

Mr. Labanowski stated yes it was. We did everything we were supposed to do.

Mr. DelBene stated it wasn't included in the agenda even though you knew it was going to be brought up.

Mr. Labanowski stated we just got it at this meeting.

Mr. DelBene stated you had that less than a day and no resident had input or knows what you voted on so we can't review it or have comments on it or any interaction with it and your response is you don't have to answer to us.

Mr. Labanowski stated we don't have to go through every little item that we do and if that is the case we are going to hold up everything until we get community input.

Mr. Eckert stated I want to get back to a piece of advice that I have given the board before and that is we should run our meetings like the county does and the city does and you accept audience comments, you take them under advisement but I don't want to get into an argument back and forth; it is not going to do anybody any good.

A resident asked will the proceedings of this be sent to the community so they know what is happening because a lot of people don't know what's going on. I would like to know what the process is of the vandalism. We ought to set a precedent so other families know that we take this very seriously and there are consequences to the families of kids doing this. I think there has to be a precedent set here. We have had other acts of vandalism in the community in the past and it affects everybody.

Mr. Murray stated with these individuals who caused the damage I'm hoping the board really looks at charging them. That is the only way you are going to stop this from happening. This has happened in other communities I have heard within the last month to two months. I hope this board really thinks about it.

Mr. Koby stated this is to open the dialog about swim blocks briefly. I know it is a huge topic and I would like permission to approach Crown Pools to open the dialog with them to find

out exactly the process they go through in installing swim blocks for informational purpose. I'm trying to sweep this all together between the CDD, our board and them if that would be okay with this board.

Mr. Labanowski stated I don't see an issue with that.

Mr. Koby stated I am waiting for the manufacturer to get back to me tomorrow with several options and that will probably be a swim team issue but I proposed to the board to maybe put this on the agenda for the next meeting that we could maybe get the CDD to install the anchors that I believe are \$450 each and they have a company that comes in so there would be installation. Since those stay with the pool especially during the pool resurfacing I would like you to consider that.

Mr. Wing stated you have until November or December.

Mr. Labanowski stated I will provide you with all the information that I have.

Mr. Koby asked will you put that on the next agenda?

Mr. Labanowski stated November.

Mr. deNagy stated I recommend finding out from Crown when they need it as we are looking to go under contract with them sometime in December or January.

Mr. Koby stated the coaches we had this year are involved in year round swim and they are looking at us as a potential site to do a year round swim team. I told them that our pool is not heated I don't know that you want to do that. I don't know if that is going anywhere but the blocks would be nice. I will talk to Crown.

Mr. Wing stated talk to Lourens and he will get you what you need.

A resident asked is there a way to do a reality check on the price of the sod and for painting the gym? Your lowest bid may be ridiculously high.

Mr. Wing stated in some cases, not all, an advantage of having GMS is they do multiple properties around so on more than one occasion I have asked Dave what are you seeing in other districts so there is little bit of a check and balance even beyond just our bids.

Mr. Judka asked can we get a breakdown of that \$28,000 for sod and labor so we can understand the cost?

Mr. Abush stated I brought up this issue before, the issue of lighting going on Positano that FP&L said they would do then they weren't going to do. It is awfully dark on those corners and I want to know if this is ever going to get finished.

Mr. Labanowski stated if it were up to us it would be finished. Florida Power & Light has requested that we measure the poles we are using now so they can determine what size poles. That is the latest.

Mr. Abush stated okay so they are delaying it but it is still a possibility.

Mr. Labanowski stated a very good possibility.

Mr. Abush stated around the circle is that open pit. Can you tell us when that is going to be fixed?

Mr. Labanowski stated that is Comcast.

Mr. Erasmus stated they dug it open and made a mess there but they haven't notified us about fixing it. They don't have to because it is in a utility easement.

Mr. Campbell stated it is my understanding that the CDD hired a police officer who has been sitting in the roundabout for the last month or two.

Mr. Labanowski stated that is the HOA.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – September 12, 2017 at 6:00 p.m. at the Murabella Amenity Center

Mr. deNagy stated the next meeting will be September 12, 2017 at 6:00 p.m. and that will be our public hearing to adopt the budget.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the meeting adjourned at 7:58 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman