

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, June 11, 2019 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Lee Clabots	Chairman
Wil Simmons	Vice Chairman
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor
Chris DelBene	Supervisor

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel
Lauren Gentry	Hopping Green & Sams
Mike Yuro	District Engineer
Mark Insel	Vesta/Amenity Services Group
Jay King	Vesta/Amenity Services Group
Dan Fagan	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Michael Johnson	Duval Landscape Maintenance
Daniele Simpson	Riverside Management
Jay Soriano	Riverside Management
Several Residents	

The following is a summary of the actions taken at the June 11, 2019 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Clabots called the meeting to order at 6:00 p.m. and Mr. Torres called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Mr. Howell stated I have a comment on the conservation easement report, 2716 N. Portofino Road. This was discussed at length with the CDD board in 2008. A month after we

moved in my grandson was bitten by a water moccasin and he had to be air lifted to Wolfsons Medical Hospital. We started seeing a lot of snakes and the residents in the cul-de-sac killed 58 venomous snakes in three months. In 2007 I got a letter from the county that they were going to do a control burn and fill some ditches in the property behind us. We contacted them they came out and told us they were filling ditches and doing a burn, but the property belonged to the developer. In 2008 it was still part of the developer's responsibilities. We contacted the developer and the CDD board and they came out and looked at it and in an email they called it a dump ditch that should have been filled by the developer but wasn't. At this point they felt it would be costly and hard to do because there were a lot of houses. We continued to kill snakes and we never heard anything from you. The issue is with full knowledge of the CDD board, we pushed the berm into the ditch at the back of the property. We didn't haul any extra dirt in we just pushed the berm in and that has through the years grown in with grass. There are still snakes because a lot of the ditches didn't get pushed in. I just dealt with what was behind my house. On that particular lot we don't see a lot of snakes anymore. FWC came out and I showed them pictures, we didn't cut trees or anything. If you look at our property when we bought it there were no trees behind it there were no trees on the ditch and the builder or whoever had flattened it out pretty flat and just had the berm and ditch. It just held water and after we filled it, it still held water because it doesn't drain. Two houses from us there is a huge pond in the ditch that has green water and never drains. We cut the grass to keep the snakes away from the house and that is all that is done.

Mr. Torres stated I think Mike is going to address that under his report.

### **THIRD ORDER OF BUSINESS**

#### **Staff Reports (Part 1)**

##### **A. Landscape Manager (Presenter: Duval Landscape)**

Mr. Johnson gave an overview of the work performed over the past month.

##### **B. Engineer (Presenter: Mike Yuro)**

###### **1. Update of Conservation Easement Report to Water Management District**

Mr. Yuro reported on a conversation with the water management district dealing with the conservation easement. Their engineer didn't feel that there was any significant encroachment or anything that would raise a concern to open up any kind of violation. His response was it would be prudent to make residents aware that the conservation easements are to be undisturbed, to stay

out of them and to keep personal property out of the conservation area. The ditch that was filled in was originally a farm ditch and not part of the development and he didn't see an issue with its current condition.

Mr. Quinto stated the pond behind my house was covered in algae and I don't know why it took so long to take care of it.

Mr. Erasmus stated we had no rain the water is stagnant and the two ponds in San Marino are very shallow and the black algae is difficult to kill. They treat per the contract; in the summer they treat every two weeks and they came out and treated three ponds three additional times.

We identified four ponds and I don't have the electric proposal and I don't think solar is going to work. I have a verbal from Future Horizons that they will charge San Marino's ponds \$4,000 for each aerator and \$7,000 for electric. In San Marino we can put the pumps in the park where the noise will not bother anyone but when you go to other ponds you will have to put a motor behind someone's house.

Mr. Labanowski asked what money is available now?

Mr. Torres stated we have \$209,000 in capital reserves it does not include the Life Fitness bill that is about \$39,000 so we have about \$170,000. In the past you have provided a not to exceed amount and I can work with Lourens and in the event we are able to come up with a couple vendors we can go with the lowest bid and do that between meetings. In the meantime, I will work with a board member as the bids come in and make a decision.

On MOTION by Mr. Labanowski seconded by Simmons with all in favor staff was authorized to move forward with the two aerators and electrical for the San Marino ponds in an amount not to exceed \$16,000.
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#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Proposal with Aqua Kiddies Swim for Survival Swim Lessons**

This item withdrawn.

#### **FIFTH ORDER OF BUSINESS**

#### **Discussion of Pool Rules Enforcement**

Mr. DelBene stated over Memorial Day, Friday there were no lifeguards, Saturday they didn't get there until noon, Sunday people were wrestling on the top of the patio and getting body slammed into the water, hanging off the bridge. On Monday things bothered me. We were at the

slide with five little kids and Jim was at the top of the stairs and he said no goggles are allowed to go off the slide and said it was a rule. This is the first time I heard it and he said that rule doesn't exist. Later that day I was playing with my kids and tossing them in the pool. The lifeguard asked me to stop doing that and I said I'm supervising my kids, no one is around me and there is no rule that says I cannot toss my kid up in the pool. Jim later came over to me and I held my ground. Our pool has to be safe but the enforcement we have at the pool is never consistent at worst it is completely too subjective and we need to have rules for everything or rules for nothing. The worst offenders don't get spoken to and a father was with his kid who is on the swim team and they were practicing diving off the diving blocks and they were told they couldn't dive, it is not allowed as a pool activity even though it happens at every swim meet. Vesta has seen other communities enforce zero tolerance policies where if people are not acting right they are given a warning and if they don't stop they are asked to leave the pool and then they are banned from a facility they were told to leave. I don't know that I'm willing to go that far but I would like to hear some discussion on this.

Mr. Clabots stated related to tossing kids in the pool, rule 16 relates to roughhousing and they thought you were doing that. They also said you were asked not to do it and their comment to me was if a supervisor won't obey the rules and thinks he is above them how do we expect anybody else to obey the rules.

Mr. Wing asked does the policy need to be changed or the individuals who are given the responsibility to enforce the rules? Is that the role of the lifeguards? I thought their duty was to protect people safely in the pool. Is it their job to enforce pool policies?

Mr. Insel stated everybody who works here has to enforce the policies.

Mr. Fagan stated hanging from the bridge and diving is black and white. The swim team is a monitored activity with coaches and that is allowed, otherwise it is not. There is a certain depth we have to abide by for diving. This is a no diving pool.

The following issues were discussed, the need to have uniform enforcement of rules and policies, staff given initial training and monthly training, parents try to intimidate lifeguards.

Mr. Fagan stated at the beginning of every season we review the rules, what horseplay is and we need the board's support on the severity and frequency of the issues and we will work with a supervisor or district management to say this is the issue, this is our recommendation, what would you like to do with this, we would like to suspend until the next meeting.

Ms. Kilinski stated I have looked at the policies in preparation of this discussion and I'm very familiar with the escalating factors and there are district's that tend to suspend more often than not but I recommend that we think about soft changes to your suspension policies that are included within the existing policies that allow for some flexibility for staff because Vesta is very much aware of larger districts that suspend more frequently where you have situations with repeat offenders or situations that rise to a verbal or written warning but give staff the flexibility to suspend until the next board meeting. What happens is they will call the district manager, district counsel to discuss what happened, we will provide recommendation of 30, 60 or 90 days, a letter gets issued and they have an opportunity to come to you at the next board meeting and say, I apologize and you can extend or finalize their suspension. There tends to be a few people who are repeat offenders, but once they get those letters and are not allowed in the amenity facilities it tends to resonate throughout the rest of the community. I have some updates I recommend to give staff a little more flexibility to enforce the policies at a higher level and you can consider them at your August meeting. You could adopt these as an interim rule, they get adopted in a rulemaking process rather than just a policy process because they have a higher level of standards since you are taking away people's amenity privileges. One of the big changes is it has additional factors for considering suspension, such as damaged property, it gives authority to the district manager and your onsite staff to restrict amenity access if they deem it is in the district's best interests. The process for termination has three offenses but if you look at item B it talks about when those suspensions would terminate and under item C that is the broad discretion.

On MOTION by Mr. Labanowski seconded by Mr. Simmons with all in favor the proposed policies were adopted on an interim basis.
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Mr. Clabots stated I would like to see another district's no tolerance policy and how they enforce that.

Ms. Kilinski stated it may be a good idea since you are transitioning to RMS in the near future for them to look at your policies and see if they suggest any changes. We will bring back the termination and suspension at a future meeting so you can adopt that by rule and to the extent you want to look at other policies at that time it may be prudent to do so.

The next item taken out of order.

**SEVENTH ORDER OF BUSINESS****Consideration of Agreement with Riverside Management Services, Inc. for Amenity Management Services**

Mr. DelBene stated we had a meeting and we agreed on \$220,614 for years one and two that was deductions of \$2,530 from facility attendants, \$5,554 deducted from facility monitors and a deduction of \$2,215 from lifeguards. Then I got an email from Ernesto today saying that Rich does not agree to those terms even though we agreed at that meeting and now the figures went up.

Mr. Soriano stated no, during that meeting we didn't agree to some of that drop, the board had asked if we would take down the attendants and monitors and we agreed to that. We talked about the lifeguards and took the lifeguards down to \$15. You created a percentage based on that \$16 for attendants and monitors then applied the percentage to every single line in that contract. We weren't looking to drop every single line in that contract. When you got to lifeguards your percentage actually brought it down, originally it was \$13.62 and you looked for something in the middle \$14.90 but we stuck to \$15. That was the lowest we wanted to go with our lifeguards, \$15.00. The other thing we asked at that meeting was if we agreed and everybody was okay with us taking our pricing down is that we could come up each year. We still want to be able to increase and pay staff properly. I didn't hear an objection, it didn't happen in year two of the contract but it did happen in year 3.

Mr. Clabots stated are the numbers they presented lower than their original bid?

Mr. Torres responded yes.

Mr. Clabots asked are you satisfied with the numbers going up, did they help us balance the budget?

Mr. Torres stated yes, we started with a budget line of \$228,000 that was their proposal for year 1 and it is now \$222,534 for management and staff only and then if you consider the rest there is a savings. The lifeguards were originally at \$32,807 it is now at \$31,245. There is a reduction from the proposal that was approved to the agreement that is in front of you.

Mr. Wing stated you asked was it within the budget but do we have good quality as well? I would hate to sacrifice something over a couple thousand dollars.

Mr. Soriano stated that was my concern with going too low. We would be cutting our hands off before we know what kind of lifting we are doing. There are a lot of other line items we are worried about. The lifeguards at 2,083 hours is not a lot. I have been told they are pretty well

paid here compared to other places. We are going in after transition and many of them are going to be looking for more money the next year. I didn't want to go down too far.

Mr. Wing stated I want to make sure we have good quality.

Mr. Soriano stated I have concerns when we go too low and that is the lowest I felt comfortable and it will still be our job to make sure that quality is always there.

Mr. Clabots moved to approve the agreement with Riverside Management Services, Inc. and Mr. Wing seconded the motion.

Mr. DelBene asked what was the total amount of the hourly of the lifeguards?

Mr. Soriano responded \$15 on the lifeguards.

Mr. DelBene stated so again Exhibit C reflects that.

Mr. Torres stated it does.

On voice vote with four in favor and Mr. Simmons opposed the motion passed.

## **SIXTH ORDER OF BUSINESS**

### **Discussion of RMS Transition Plan**

Mr. Torres stated I provided the board with a handout and Daniele is here to represent RMS to discuss the transition plan. This is a broad outline of the first month.

Ms. Simpson reviewed the timeline of the transition as outlined in the memorandum distributed to the board.

## **EIGHTH ORDER OF BUSINESS**

### **Discussion of Amenity Management Performance Evaluation**

Mr. Torres stated the board wanted to introduce some sort of evaluation to the contractor and that is in your agenda packet. At this point we are looking for some guidance, if you have reviewed it, if you want to see some changes, or if you want to accept it.

Mr. Labanowski stated I would like to see it reviewed every six months.

Mr. DelBene stated we should have a form for residents to fill out at the clubhouse so we can see how the community feels about their performance.

Ms. Kilinski stated I don't know that you want to use this form for the public, but we can definitely generate some sort or comment forms for general feedback. We can have a form that

requires a name and address. We have had instances of someone who is disgruntled or angry and submits 100 comments and it can be a tool, but I caution you that it is not always accurate. Any feedback you have on the evaluation tool in the agenda package would be helpful.

The board established performance evaluation to be done in February and July of each year.

**NINTH ORDER OF BUSINESS**

**Ratification of Agreement with Life Fitness,  
LLC Regarding the Provision and Installation  
of Fitness Equipment**

Mr. Simmons stated I would like to take the time to say thank you to some of the people here who made this gym go smooth.

On MOTION by Mr. Wing seconded by Mr. Clabots with all in favor the agreement with Life Fitness, LLC was ratified.
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**TENTH ORDER OF BUSINESS**

**Discussion of Fiscal Year 2020 Approved  
Budget and Discussion of Capital Reserves**

Mr. Torres stated as discussed in May we approved a budget that anticipated some areas that could be decreased and the carry forward surplus is now at \$49,926 and the budget lines were also adjusted to reflect the changes in the contract for amenity management services and we were able to keep the assessments the same as last year and we will continue with \$207,000 in capital reserves contribution. At this time we don't anticipate an increase in assessments. We will have the public hearing but there will be no mailed notices.

Mr. Torres will look into the repairs and replacement line item and if possible he will lower the proposed amount and put the difference in the special events line item.

**ELEVENTH ORDER OF BUSINESS**

**Discussion of Pond Aerators**

This item taken earlier in the meeting.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports (Part 2)**

**A. Attorney (Presenter: Jennifer Kilinski)**

There being none, the next item followed.



**B. Manager – (Presenter: Ernesto Torres)**

There being none, the next item followed.

**C. Operations Manager (ASG) (Presenter: Lourens Erasmus)**

**1. Report**

A copy of the report was included in the agenda package.

**2. Night Swim Quote and Spec Sheets**

A copy of the proposal was included in the agenda package for informational purposes.

**D. Amenity Center Update (Presenter: Mark Insel)**

**1. Report**

Mr. Insel gave an overview of the amenity center update and the board discussed possible solutions to the parking issues, related to swim meets, being volunteers, off duty police officers, possibly parking at Flagler for overflow parking.

**THIRTEENTH ORDER OF BUSINESS      Approval of Consent Agenda (Presenter: Ernesto Torres)**

- A. Approval of Minutes of the May 14, 2019 Meeting**
- B. Balance Sheet as of April 30, 2019 and Statement of Revenues & Expenditures for the Period Ending April 30, 2019; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the consent agenda items were approved.
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**FOURTEENTH ORDER OF BUSINESS      Supervisor's Requests and Audience Comments**

Mr. DelBene requested that the fiscal year 2020 capital reserves be placed on the next agenda for board discussion.

Mr. Labanowski stated I think the reserve study needs to be updated since the gym equipment has been taken care of and there are things that should be moved up.

Mr. Clabots asked what does our reserve study say about a free update?

Mr. Torres stated I will read the agreement and get back to you.

Mr. DelBene asked is there an update on the streetlighting project with FP&L?

Mr. Labanowski stated no, they are trying to get the contract straightened out on the three light poles we have not been charged for since 2005.

A resident stated we are still working on the crosswalk and there will be a handicap ramp at the crosswalk. I will be talking to Commissioner Smith about this at the next commission meeting.

A resident stated I did not know the Turtles were going to be discussed and if there was anything discussed I would like that placed on the next agenda so I can be present and clarify volunteer forms, parking rules, etc.

Mr. Clabots stated we did discuss parking.

Mr. DelBene stated with the upcoming holiday I assume our facilities are going to be used more that weekend. Can anything be done differently in regard to parking? I understand there is always going to be issues.

A resident stated I am open to suggestions, I will be glad to meet with any of you to try to figure it out.

**FIFTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – August 13, 2019 at 6:00 p.m.**

The meeting adjourned at 8:27 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman