

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, June 16, 2020 at 6:38 p.m. via Zoom.

Present and constituting a quorum were:

Wil Simmons	Chairman
Chris DelBene	Vice Chairman
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor
Diana Jordan-Burks	Supervisor

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel
Mike Yuro	District Engineer
Jerry Lambert	Operations Manager
Erick Hutchinson	Amenity Manager
Michael Johnson	Duval Landscape Maintenance

The following is a summary of the actions taken at the June 16, 2020 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Torres called the meeting to order at 6:38 p.m.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Ms. Shaver stated I think you have done a great job with phasing in the amenities. World Golf Village zip code 32092 had 30 cases on Thursday, on Friday 40 cases and today 45. Our numbers are going up. We just follow what you have been doing and follow what our county is doing, I think you are doing a great job.

**THIRD ORDER OF BUSINESS**

**Staff Reports**

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

**1. Duval Audits**

Mr. Johnson reviewed what the crews have accomplished since the last meeting.

The board members expressed their appreciation for a much-improved area and Mr. Wing commended Diana and Jerry for doing the audits and inspections.

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

**1. Update on Mail Kiosk Station Drainage**

Mr. Torres stated I did share the email from the resident on Garibaldi with the board and staff and that item is closed and it was a total success.

**2. 2020 Consulting Engineer's Report**

Mr. Yuro stated you have the yearly engineer's report required as part of the master trust indenture, which is an inspection of the main infrastructure, amenity items, recreation items, mail kiosks and things like that to make sure they are all in good working order. Some of them were closed due to the Corona virus but all appeared to be in good working order. The one item I did note in the report, which we have talked about for a long time are the pond banks mostly because the big pond in the middle of the community has severe erosion. This is a formality that gets filed each year.

Mr. Yuro stated I have been working with Ernesto and Jerry on issues associated with the traffic signal. We have been coordinating with the county.

The next item taken out of order.

**FIFTH ORDER OF BUSINESS**

**Update on Findings Related to Traffic Signal  
(Presenter: Ernesto Torres)**

Mr. Torres stated during the May meeting you asked staff to reach out to county personnel regarding the traffic signal installed at the intersection near Pacetti Road and the entrance of Turnbull Creek. Mike Yuro, Lauren Gentry and I had a telephone conference with county staff and in fact the light was placed on CDD property and I asked for the opportunity to bring this back to the board for further direction. Beside the drainage issues, Jerry is working with the county on the same thing. There has been some pump of the drain line and they found some concrete and Mike recommended the line be TV'd. I'm not sure they are going to do that.

Mr. Lambert stated the county contacted the contractor, they have realized there is an issue because there is a big chunk of cement and they are waiting for a time when the contractor can get out there.

Mr. Torres stated I also requested landscaping and that the galvanized pole be painted based on the request of the board.

Ms. Kilinski outlined the pros and cons of both options available to the board, which included either a fee simple deed for portion of Tract A to the county or an easement and after discussion the board directed district counsel to prepare a letter of agreement to include: fee simple to the county rather than an easement, the district's improvements restored, concrete spill cleaned up, certification from the engineer whether it is to replace that section of pipe or whatever the correction is that has blocked drainage and prior to execution of the deed, and the county to pay all legal costs, surveying costs and cost of any repairs.

#### **FOURTH ORDER OF BUSINESS**

#### **Discussion of Phase 2 Reopening Standards**

Mr. Hutchinson stated Phase 1 we had a lot of limited services, we used mymurabella.com to register on that website and depending on whether you wanted the gym or the pool you would choose a session. It went pretty smoothly. I had originally six people per session for the gym and 50 people per session for the pool. Once everything was in place and working smoothly we started bringing out the chairs. I heard from several people they would like to open things up and I am comfortable opening it up as much as the board wants me to. If you want to open it and go back to how it was pre-covid I will make it happen. If you want it a little more structured, I can do that as well. We have opened the gym as of a couple days ago, it has gone quite well, we do routine sanitation and at the very end, we do a deeper cleaning. Same thing for the pool. I can break it down from several sessions a day to maybe two sessions and increase the time period to 10 – 1:30 then 30-45 minutes for sanitation and personnel adjustments then from 2 to 7 or we can completely open the pool. I will work with whatever you decide. We opened the playground and the basketball courts. People have been playing tennis since we opened up in Phase 1. Do you want to keep it structured through mymurabella.com or dissolve it and move forward as it was pre-covid?

Ms. Kilinski stated there are some general guidelines the insurance company wants to see followed and there remains some Executive Order requirements in place. The legal requirements

set forth in the Phase 2 executive order are much less egregious and I can work with Erick, but they are not nearly as heavy as they were before and generally the guidelines include signage, sanitation practices the district is already undertaking, and setting capacity limits to provide for social distancing, along with discouraging groups of 50 people or more when social distancing is not possible. There may be a point where Erick looks around at the pool deck and says we have reached a point where there is no way we can ensure folks are able to still be 6-feet apart and in those cases we need the flexibility to limit capacity. It is not going to be a stringent number but more of an eyesight test when you see people congregate, I anticipate we will be in Phase 3 or have more direction in the weeks ahead – and depending on numbers, we may find ourselves loosening regulations and then tightening them back up but the Board has given staff the flexibility to make those decisions as necessary.

After board discussion staff was directed to continue to march forward with opening amenities, following insurance and governmental regulations.

#### **SIXTH ORDER OF BUSINESS**

#### **Consideration of Contract Deficiency Evaluation Tools (Presenter: Ernesto Torres)**

Mr. Torres stated I brought this to the board several months ago, this is the same performance evaluation we used for the amenity management company when they came on board. The board appointed the chair to do that evaluation. I have made some minor adjustments, but it is included under item six of the agenda package. If you want to change anything or do something different then we can discuss it and see where it goes from here. If you want to adopt this form to evaluate all services that are contracted by the district, we can do that.

Mr. Simmons stated this is a good time to interject in terms of the RFP for the engineer job we currently have given to Mike Yuro.

Mr. Torres stated I assume we are in concurrence with the evaluation tool and you would like to discuss the engineer service RFQ.

Mr. Simmons stated yes, also we need to take into consideration that it has been four or five years since we have looked at this area.

Mr. Torres stated I will get with Jennifer and we will put something together.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposals for Fiscal Year 2020 Audit Services (Presenter: Ernesto Torres)**

Mr. Torres stated next is consideration of fiscal year 2020 audit services. The audit committee is recommending Berger Toombs Elam Gaines & Frank for a five year commitment at a price of \$19,165.

On MOTION by Mr. DelBene seconded by Mr. Simmons with all in favor the recommendation of the audit committee of Berger Toombs Elam Gaines & Frank as no. 1 was approved and staff was authorized to enter into an agreement for audit services.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Fiscal Year 2021 Budget (Presenter: Ernesto Torres)**

Mr. Torres stated I'm going to make a slight adjustment to the budget based on the new price we received for the audit and I believe we can make that up with the carry forward surplus. Are there any other changes to the budget?

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Consideration of License Agreement for Dance Classes with Gift of Dance (Presenter: Erick Hutchinson)**

**TENTH ORDER OF BUSINESS**

**Consideration of License Agreement with Launch Performing Arts Academy Regarding the Use of Certain District Facilities (Presenter: Erick Hutchinson)**

**ELEVENTH ORDER OF BUSINESS**

**Discussion of Fighting Turtles Swim Season (Presenter: Erick Hutchinson)**

Mr. Hutchinson I talked to each person in charge as far as programs and they each had similar things, some wanted summer camp, some saying it will only last a week, some left it open ended but they all stated they wanted to do something in July. I can go either way, if the board says that sounds great I'm fine with it and if you decide that is not what you want to go forward with at this point I'm okay with that as well. Gift of Dance said they want to start in July and they have up to eight students. All of them said they would sign a covid waiver so Murabella isn't liable.

Launch wants one week in July for a summer camp, Ms. Hoffman from the Fighting Turtles sent an email that I will summarize for you. Aside from signing covid waivers since they are going to be using the pool for the Fighting Turtles if I start the pool at 10 a.m. for the community I would like them to be out by 10 a.m., that way there is no interruption and she agreed. There will be four kids per lane, two would be staggered on each side to maintain social distancing, no parents on deck, they would create a parent pickup and drop off service so it would not clog the parking lot. Covid screening questions for all swimmers and the swimmers would come dressed and ready to go. No outside vendors and no Saturday meets. The team would provide the typical insurance.

Everything in place before such as the 10% revenue share would still be standard across the board for everybody.

Ms. Hoffman stated we did not have a revenue share, that was the Porpoises. Our registration would go from \$185 down to \$85 per swimmer. Coaches will be on deck, everyone will get background screened and I talked to Ernesto about a parent to volunteer to monitor social distancing along with a swim team board member.

Ms. Kilinski stated we have a covid waiver we produced for all of our license agreements at other districts, we have also floated that through your insurance carrier to make sure that it meets their concerns. If we approve these license agreements I would make it contingent on them executing those covid waivers, which is a release acknowledging that we can't ensure that covid isn't present at our facilities and that by entering they assume the risk of the virus potentially being there and also being around other people.

Mr. Torres stated we can approve the agreements in substantial form and Jennifer will add the waiver and the cleaning fee so we can allow Erick to continue to make plans.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the license agreement with Gift of Dance, Launch Performing Arts Academy and the Fighting Turtles were approved in substantial form; district counsel will add the waiver and cleaning fee.
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**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)**

**1. Discussion Regarding Envera**

**2. Discussion of UF Presentation on Pond Bank Erosion**

Mr. Torres stated I did a drop box with the information from the University of Florida regarding the pond bank erosion.

**C. Operation Manager – (Presenter: Jerry Lambert)**

**1. Report**

Mr. Lambert gave an overview of the monthly operations report.

**2. Discussion of Removing Trash Containers from Mail Kiosk**

Mr. Lambert stated the residents fill the trash containers then leave stuff on the ground and it is an eyesore. Let me know if it is okay to remove them or leave them there. I would say that 75% of the trash is food related items.

It was the consensus of the board that it was a good idea, but residents are using it for cleaning out their cars, etc. and staff was directed to have them removed and utilize them in another location.

**Marquee**

Mr. Lambert stated Erick has been promoting to have an electronic board, which is a great idea and because of the price the thought was to put one at the front entrance on Positano where you turn into the amenity center where most people would see it and just do one for now. You can always expand to another entrance if you need to. I will get hard numbers for the sign and electrical for the next meeting so you have a complete package.

Mr. Hutchinson stated I have a couple quotes and it is roughly \$15,000 for a board.

Mr. Torres asked is there a contribution from the HOA?

Mr. Labanowski stated we were waiting to hear what the board was going to do, then the HOA can decide what they are going to do. Do we have funds available if the HOA doesn't do anything?

Mr. Torres stated it would have to come from your capital reserves.

Mr. Wing asked why don't we do the one electronic board at the entrance at Positano and just keep up the other two sign boards?

Mr. Lambert stated they are in bad shape and it is just a matter of the next windstorm and they will come down.

Mr. Wing stated use them until they are gone.

On MOTION by Mr. Wing seconded by Ms. Burks with four in favor and Mr. DelBene opposed staff was directed to move forward with one electronic board and approach the HOA to see if there is a cost share possibility.

Mr. Torres stated I will work with Jerry on the price then ask the HOA for half.

### **Algae**

Mr. Labanowski stated the algae is getting worse on the smaller ponds.

Mr. Lambert stated I have done some research in the last couple of weeks and the three options, one is skimming it and that only works for about three or four days and it comes right back, it is a temporary fix and very expensive. The second option is chemicals. They keep putting chemicals in every time it happens and that works for about two weeks on average then it comes back. The best option is what they did over in San Marino in the pond where they put an aerator in and that fixed it over there. The problem with that fix is pond no. 2 the quote was almost \$14,000 and the electrical was estimated at \$5,500. That is just for one.

Mr. DelBene asked why don't we ask the HOA to pay the full price of the sign and take the \$10,000 in capital reserves for that sign and put it towards the aerator? The HOA is sitting on \$200,000 and we are doing something to benefit the community for all the houses on that pond. That way we can use our money for an actual capital project that will clean up that pond for good.

Mr. Wing stated the HOA has gotten over \$10,000 from the beginning of the year from every resale and that is supposedly for an improvement fund.

Mr. Torres stated we have a motion that was passed for the electronic board and ask the HOA for half of the cost. Now there is a suggestion to reach out to the HOA for the full price of the billboard while the CDD pursues the aerator. Is that what you are asking?



Mr. Simmons stated yes, I want to find out what the supervisor's positions are on that. Let's make a decision.

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor the previous motion was amended such that staff would ask the HOA for the full price of the electronic board.

**3. Consideration of Proposals for Tennis Court Resurfacing**

Mr. Lambert stated we have three quotes for resurfacing the tennis courts and a quote for a new fence around the tennis courts. You will see on the summary sheet the quote from Pro Sealed Asphalt is \$12,500, from Sport Surfaces \$12,50 and from Court Surfaces \$10,900. The fence quotes came in at \$1,400, \$1,532 and \$2,719.32. I also have a quote to paint pickleball lines that I thought would be a great addition for the community. In addition to the resurfacing or should you not go with resurfacing and just have pickleball lines on, I have those prices and the cheapest one is \$1,000, one was \$650 and the last one was \$1,600.

Mr. Simmons stated it is not that much just to paint the pickleball lines why are we entertaining resurfacing the courts?

Mr. Wing stated it wasn't that long ago that we resurfaced. They are a little bit of discoloration, but it is not like there are cracks or anything else. Pickleball lines makes sense. Let's just do the stripes and wait on resurfacing.'

Mr. Lambert stated the reason to resurface is to keep it in a condition that does not deteriorate and get cracks later that pulls the divots out. It is more of a maintenance program. I don't know what the normal is if it goes 10 years before you resurface. You said they did it recently so maybe it is okay.

Mr. Simmons moved to approve the proposal for the pickleball lines and Mr. Wing seconded the motion.

Mr. Labanowski stated we took the money that was originally set up to resurface e the tennis court and redid the basketball court. The tennis court has never been resurfaced. I don't know how bad it is but when it starts to go it goes fast and starts separating.

Mr. Simmons stated I don't know when you looked at the tennis court but I looked at it recently and if they just power wash it I don't know if it is justifiable to pay \$12,000 to resurface it when we can have a multi-use court for \$1,000. I think the community would be better served by a multi-use court.

Mr. Lambert stated I will keep an eye on it and keep up the maintenance.

On MOTION by Mr. Simmons seconded by Mr. Wing with four in favor and Mr. Labanowski opposed the proposal to have the pickleball lines painted on the existing tennis courts was approved.

**4. Consideration of Proposals for Fence Replacement**

**5. Summary of Costs**

**6. Activities Sheet**

**D. Amenity Center Update (Presenter: Erick Hutchinson)**

**1. Report**

Mr. Hutchinson stated I'm not quite certain what the board approved as far as the opening. If I could get an email with a little more clarity that would be good.

Mr. Torres stated we can talk offline.

**2. Discussion of Share Revenue Report**

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

- A. Approval of Minutes of the May 12, 2020 Meeting**
- B. Balance Sheet as of April 30, 2020 and Statement of Revenues & Expenditures for the Period Ending April 30, 2020; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

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

**FOURTEENTH ORDER OF BUSINESS      Acceptance of the Minutes of the May 12, 2020 Audit Committee Meeting**

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the minutes of the May 12, 2020 audit committee meeting were accepted.

**FIFTEENTH ORDER OF BUSINESS      Supervisor’s Requests and Audience Comments**

Mr. Jacobs stated apparently there was a second note taken out after they did pond repairs a few years ago and we now have an additional CDD fee to pay and instead of us finishing our CDD note at the end of 30 years it is now an extended time. Is that correct?

Mr. Torres stated the district does have two bonds. We have one in 2015 and one in 2016.

Mr. Jacobs asked what was the purpose of those?

Ms. Kilinski stated the 2015 bond was a refinance of the 2005 bonds, which paid for the amenity center, pools, that sort of thing.

Mr. Jacobs stated now the bonds will be up in 2037.

Mr. Torres stated one of them, the other is 2045.

Mr. Jacobs stated when you discussed the sign earlier in the meeting, the HOA last year had agreed to come up with \$10,000 towards the sign, that was last year and the last HOA board. Nothing was done going forward and there was a lot of discussion about it and we were more than willing to help with this, but nobody is going forward with it at this point. I know you have been in touch with Kathy.

Mr. Torres stated I did receive an email from Kathy and I will forward it to you; basically putting me on hold until the board voted on it.

Mr. Jacobs stated at our meeting last night we were waiting for somebody to give us a figure. If you get in touch with Kathy, give her a figure so we can discuss and vote on it.

Mr. Torres stated that is what the CDD board asked me to do today.

Mr. Labanowski stated the drainage in front of the community, we need to keep the county’s feet to the fire on that. We are getting into hurricane season so don’t let them push back from this.

Mr. DeIBene stated best of luck with the county commissioner race.

Mr. Wing stated good luck, I think you will do great. Has there been any updates on the tabby stones?

Mr. Torres stated I did have a discussion with Chuck and also confirmed with Jerry and we have not received any of the stones returned, is that correct Jerry?

Mr. Lambert stated that is correct.

Mr. Wing asked are they ever going to be returned?

Mr. Labanowski stated Brian, just for you I'm going to return them to your driveway and you can handle it from there.

Mr. Wing stated no, you should return them to the District where you took them from.

Mr. Labanowski stated no, I'll put them in the dumpster where they were going to begin with.

Mr. Wing stated this needs to resolve at some point.

Mr. Simmons stated let's all be healthy and safe and I want to bring up the RFP for Mike Yuro. I don't think anyone is exempt from review and we need to look at it objectively and think if this is what we need to continue to do. That is our due diligence and look at it; it doesn't mean that we get rid of Mike, but I think we have to look at it.

Mr. Torres stated we will work with staff to get the RFQ out.

**SIXTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – August 11, 2020 at 6:30 p.m.**

Mr. Torres stated we will meet again on August 11, 2020 at 6:30 p.m. and that meeting will be in person. We will do our best to keep the social distancing in the room that we have. There may be a period during these times that we continue with the call-in information in case members of the public who don't feel comfortable attending in person can join in by conference call. I will work with Wil on that. You can get in touch with me throughout the month.

Ms. Slavin stated I want to know about the checklist that Diana has been working on with Jerry. Is that available for public viewing?

Mr. Torres stated it is in the agenda package and you can see it on the website.

Ms. Slavin asked who is going to reinforce that is taking place?

Mr. Torres stated Jerry provides it to the board of supervisors at every meeting.

Ms. Slavin asked are there sprinklers in the San Marino area where you are talking about grading and putting down the seed?

Mr. Lambert stated yes there are sprinklers.

Ms. Slavin asked when they put pine straw on the berms are they going to get rid of the brambles that is there first and spray the weeds?

Mr. Lambert stated they do major cleanup in there.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the meeting adjourned at 8:38 p.m.



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Secretary/Assistant Secretary



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Chairman/Vice Chairman