

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, September 10, 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
Mike Yuro	District Engineer
Mike Krabill	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Michael Johnson	Duval Landscape Maintenance
Daniele Simpson	Riverside Management
Brian Stephens	Riverside Management
Jerry Lambert	Riverside Management
Andy Jimenez	Egis Insurance

The following is a summary of the actions taken at the September 10, 2019 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 6:00 p.m. and called the roll.

Mr. Clabots stated I would like to thank Lourens and Matt for their service to this board and the community.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Garzia stated my pond bank was done three times last year and I have pictures of how it looks now. Spend the money wisely, don't throw away good money.

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Mr. Clabots stated that will be discussed under the engineer's report.

Mr. Quinto stated I want to thank the board and staff for the good job with the aerators.

Ms. Rice stated I want to know about fishing in our backyard and how we deal with approaching people when we have issues.

Mr. Clabots stated we will keep that until the end. Right now it is on agenda items.

THIRD ORDER OF BUSINESS

Staff Reports (Part 1)

A. Landscape Manager (Presenter: Duval Landscape)

Mr. Johnson gave an overview of the landscape maintenance work that has taken place since the last meeting.

B. Engineer (Presenter: Mike Yuro)

1. Update on 3531 Garribaldi Court

Mr. Yuro stated at the last meeting we talked about getting a topographic survey and I reached out to several surveyors and received two proposals, one for \$4,400 and one for \$2,700. Once we get the topo I can provide possible options on how to address the drainage behind the lots. Even the as-built information doesn't give us what we need to have.

On MOTION by Mr. Clabots seconded by Mr. Simmons with all in favor the proposal for a topographic survey with Bennett Surveying in the amount of \$2,700 was approved.
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2. County Proposed Sidewalk Crossing

Mr. Yuro stated at the meeting there was discussion of making the crosswalk similar to the others where it would go through that little island and landscaping. The county is proposing doing a crosswalk just to the west of the landscaping other than the turf grass to minimize costs. They have contractors on continuing contract, but they don't do landscaping. They wanted me to present this to the board to see if there were any objections.

Mr. Clabots stated we can ask them to make it consistent with the rest of the circle and if they do that then fine but in the end it is the county's call, it is their property.

Mr. Yuro stated I can bring that back to them, but I would expect the county to say the cost of the landscape will be on the community.

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3. Estimate for Necessary Pond Bank Repairs

Mr. Yuro stated in June 2018 we walked the banks and developed the priority list. Between then and now some things have shifted, some have gotten bigger, probably new areas have cropped up that might need to be addressed. As a starting point I wanted to bring the cost estimate and those numbers were based on the two types of repairs that Aquagenix did for us during the last repair. We prepared this exhibit with the high priority areas and the number corresponds to the number on the priority list cost estimate and then the lower priority list.

The board discussed the priority list, protective vegetation on the bank and slopes and requested the engineer bring back a quote for rip rap to the next meeting.

C. Future Horizons (Chris Ralling)

Mr. Erasmus stated Future Horizons came today and sprayed. It seems like the shoreline spraying is working. Once you put more nutrients back in the water you are going to have algae problems. They can spray one topical application at a time, they cannot treat shoreline and algae at the same time because the chemicals work against each other.

FOURTH ORDER OF BUSINESS

Insurance Policy Review from Egis Insurance

Mr. Jimenez gave an overview of coverage and suggested a site visit by a loss control specialist to walk the property and break out items rather than having them lumped together.

FIFTH ORDER OF BUSINESS

Discussion of Alcohol Policy

Mr. Torres stated this item was put on the agenda at the request of a supervisor to reconsider the rules under the facility rental policy where there is a paragraph on the alcohol policy and the requirements of the renter having the right insurance and licensed bartender.

Mr. Simmons stated other subdivisions have parties, weddings, receptions even though there is no hard alcohol. I think it is an opportunity in renting out our place a licensed bartender is fine but for beer and wine I don't see why it is so strict in that regard.

Mr. Wing stated I agree and I think it is something we ought to change whether someone is having a party and they are supplying it or if it is community event and everybody brings their own beer or wine.

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Ms. Kilinski stated we have a number of communities that have a BYOB policy and we can bring back a couple forms of draft policies at the next meeting.

SIXTH ORDER OF BUSINESS

Discussion of Amenities League

Ms. Simpson stated I spoke with Dan Fagen earlier this afternoon and we are going to continue with them and have them and with what they have set up currently. There seems to be a favorable attitude towards them so I don't know why we would come in and boot out a vendor if residents are happy with them. We are more than happy to continue working with them as we are managing the schedule if you would like a contract with them, we can oversee that and get that set up.

Ms. Kilinski stated since you don't have a formal proposal in front of you and because the contract starts October 1st I think we are looking for authority to model the program after the Ancient City contract with the understanding based on those representations that the profit sharing would be 10% gross revenue to the district but everything else would be similar to the terms and conditions as the Ancient City contract.

On MOTION by Mr. Simmons seconded by Mr. Labanowski with all in favor staff was authorized to bring back a contract with Vesta for a sports program modeled after the Ancient City contract with 10% gross revenue to the district.

SEVENTH ORDER OF BUSINESS

Riverside Staffing Level and Update

Mr. Clabots stated at the last meeting I was not overly comfortable with what was outlined. I was hoping at this meeting we would get a better sense of the staffing levels

Ms. Simpson stated we have between 2 and 5 staff members we are looking at. Keep in mind that is from fulltime amenity manager to operations, maintenance and an assistant or that fill-in individual to complement the hours outlined in that RFP. We did five interviews on Monday and we are hoping to make a decision Thursday or Friday.

Mr. Stephens stated I am senior operations manager with Riverside and I have been with them for eight years. I want to introduce Jerry Lambert, he is going to be operations manager onsite fulltime. He will be here and I will be here to assist during the transition while he

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familiarizes himself with the facility and at all times available for any questions from the board, staff and residents.

Mr. Lambert stated I have been involved in the building trades, engineering for 26 years and consider myself to be user friendly. I have been with Riverside since January and look forward to being part of the team. I have worked with Brian for about five months on different properties.

EIGHTH ORDER OF BUSINESS

Capital Budget Items

- A. Signage Estimates**
- B. Necessary Pond Bank Repairs (per Engineer discussion)**
- C. Planned 2020 Projects per the Capital Reserve Study**
- D. Pool Lighting for Extension of Hours of Operation**
- E. Additional Lighting Needs e.g. San Marino & Pescara Tracks**
- F. 125 Foot Fence Along Pacetti Road**
- G. Landscaping Improvements**
- H. Update – Capital Reserve Study**
- I. Other**

Mr. Clabots stated we have a number of items if you go through the reserve study and look at page 27 and 28 there are suggested items that we will be dealing with in 2019/2020 and 2021. I wanted some input from the updated reserve study. We have had a number of things that were presented to us that will be new in the capital budget items that are outside the capital reserve study. We have a limited amount of money and we should look at what priorities as a board we felt that we want to do this year as well as 2020 and 2021.

Mr. Torres stated I have had discussions with several board members about this very same subject after our last meeting in preparation for this meeting. A fence along Pacetti Road and the lighting project for the swimming pool are not part of our capital reserve because they are not existing now and are new projects. Based on that I had the accountant reformat our FY20 budget and put a line for capital projects right below capital reserves. The goal is to identify which capital project is not currently in the capital reserve study, which ones the board chooses to prioritize and if there is anything new we can discuss that. Once you finalize the list of capital projects, then prioritize it and find a source of funding for it. We have already done some of those things in prior years and we have taken care of some of those things that are in future years. 2019/2020 which is year three in your capital reserve study is very light. You have the a/c and Lourens has said it is

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in good condition and you have fitness equipment that we have already taken care of. The big ticket items for 2019/2020 is landscaping allowance of \$53,000. A few months ago we had some residents bring to our attention the conditions of the roundabouts and Mike from Duval has said that with the life expectancy on some of these plants, sometimes you just have to replace them. We also have some allowance for pond repairs. The goal is to determine which capital projects you wish to continue to pursue and give me a priority of projects and recommend a funding source. It could also mean the delay of funding for FY21 and add a line to the budget to fund that item.

Additional items the board would like to see are: playground equipment for children who are 6-10 years old, a suggestion of relocating the volleyball court by the tennis courts to accommodate play equipment, outdoor fitness equipment, ping pong tables on pool deck, emergency exit from children's play area, an open air building like a cabana,

Ernesto to come back with the list of proposed improvements, estimated cost and possible source of funding, will put a list of items at the amenity center and ask amenity center staff to send out an e-blast to residents for input.

NINTH 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)

Mr. Torres stated the mailbox that was approved was discontinued and I will work with Lourens and perhaps RMS to replace that mailbox.

D. Amenity Center Update (Presenter: Matthew Krabill)

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

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TENTH ORDER OF BUSINESS

Approval of Consent Agenda (Presenter: Ernesto Torres)

- A. Approval of Minutes of the August 13, 2019 Meeting**
- B. Balance Sheet as of July 31, 2019 and Statement of Revenues & Expenditures for the Period Ending July 31, 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 to include amendments to the minutes.

ELEVENTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

The board and residents discussed the fishing policy, enforcement of that policy and that fishing is allowed in two lakes at this time, but the policy can be amended.

Ms. Kilinski stated the enforcement of the policies will generally come with your amenity management company, when it comes to use of these facilities, the fields, that sort of thing. They are absolutely authorized to say no horseplay in the pool, those kinds of amenity policies. When it comes to fishing it is much more difficult to enforce. Usually it is resident to resident so if I have a house on a pond and someone is back there fishing I may call the police because it is trespass. We would never from a district’s perspective recommend to any of you to be enforcing rules for all kinds of reasons, and because it is not good practice. I always recommend you as board members and you as residents if you see somebody violating it, call the amenity management company, call the police but never take it into your own hands, ever, because things could quickly escalate and you just don’t know who you are dealing with.

Right now because you say no fishing on every pond except for those two if we were to call the police and say this is trespassing this is either district easement they are abusing or private property the police have the right to enter that property and remove that person. We can bring back policies for discussion that says if it is your own lot you can fish in front of it, it is just going to be more difficult to enforce.

A resident asked can we come to a procedure if we see a stranger fishing on a pond, do we call the police or amenity center?

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Amy:

...question two, I guess it's kind of a difficult question. From the start, I know that there's been in June of 2018, it was brought up, new fishing rules. We live on the lake and I have young children who like to fish in the backyard and have been having fun with it because we have been fishing, because there's no signage that said no fishing. And I didn't necessarily understand that we couldn't fish in our own backyard. I did read all the rules. I did do all of my research on that. I read that you can't, however, I'd like to bring that back up, to see if we can fish in our own backyard. It's been a great way to get our kids home with technology and a great way to kind of build a new skillset- patience is a good one for that. And then secondly, when we don't follow the rules that we don't know, how is it best that it is approached? What is the policy?

Supervisor Clabotts:

I guess I would start with a little bit of background and then I'm going to comment on this side, okay?. The issue of how many ponds you could fish in came up the board one time and some of us believe you should fish on any pond you want, I mean.. Why not? But other people since it's off your backyard, some people said, "Well, I don't want people standing in my backyard, which is at the top of the pond bank fishing. I like the privacy of my own yard." So the board limited the number of ponds that you could.

Supervisor Clabotts:

As far as editing, it's probably well worth visiting again, particularly if it's your backyard. The, as to who enforces that policy, I can tell you from my general point of view, and you have kids, the only person who really can enforce that is you with your kids, that you can fish here, but you can't fish there because there's, I don't know how else she really kind of can enforce that, somebody could say, well, you shouldn't fish on that pond. But... I'm saying, I don't know how you would enforce it, except the parents say, by the way, Johnny, you can fish here, but you can't fish there.

Amy:

Okay.

Supervisor Clabotts:

I know that's not a good answer.

Amy:

No, it's a good enough answer, and especially in this instance, we had a gentleman approach my children, as a complete stranger, approach my children in my own backyard. And they don't know who that person is. Once approached-

Supervisor Wing:

Walk in the backyard?

Amy:

Yes, sir. I have a fence, two of my neighbors-

Supervisor Labanowski:

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I'd like stop her right now for a second. Nowhere along the line did I enter her backyard. I was outside the fence. That was the second time around. Okay. [crosstalk 00:03:01].

Supervisor Labanowski:

Wait a minute- [crosstalk 00:02:59]

Amy:

I would like to finish my comment- [crosstalk 00:03:09].

Supervisor Labanowski:

I want to interrupt because you're not telling the truth, okay?

Supervisor Clabotts:

Well she didn't say that she

Supervisor Labanowski:

I don't care, she's not telling the truth, that the individual entered the backyard.

Amy:

So the individual did not enter my backyard, and I was stating this, I'm fenced and both of my neighbors are fenced. The individual had to come through a different yard to get to me, which was trespassing. There's no easement there, I've researched that as well. The second time he approached my children that day, I happened to be out there. I was standing there and he took a photo of my children without my permission. When I asked him why he took a photo and that he didn't have permission to take the photo, he told me he could do whatever he wanted. And I said, as a stranger, if you approach my children ever again, I will call the police.

Amy:

At that moment, I was told to call the police, which I did. So the police show up and during that time the conversation was escalated. You can tell I'm emotional now because it is my children and a stranger approached my children. And I don't appreciate that. I don't appreciate that he took a picture of them. They weren't doing anything wrong in the picture. To be honest, they were sitting on the bank at that point, no fishing poles in hand or anything, while I stood back there. When the police officer arrived, the gentleman and the police officer had a conversation. And when the police officer came back to me, they said, "Don't worry. You're not the first one. This person is a repeat offender. We get multiple calls about this person.

Amy:

And during that time, I had left because I was very upset. I had left the backyard where one person was outside the fence, I was inside the fence and some of my neighbors came over to support me because they heard the argument. And once back there, they were pointed in the face and said, "Why don't you throw the first punch?" And my neighbor said, "I'm not going to do that." I don't know what happened. I wasn't back there, but my neighbor is present. If they would like to talk, they can.

Amy:

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And then after that, after speaking to the police officer, he told me to show up here. He told me to do my homework, find out if I can fish on the pond, what the rules were, if he did trespass on an easement or not. And so I did. And throughout that process, during the time the person also told the police, he did not take a picture of my children, which he did. And if that is the case, go through your deleted photos, through your photos and show it to me that you didn't take a picture of my children. But I don't appreciate my children being approached by complete a stranger. Whether I know you, I don't know you, whatever it might be, I don't think it's appropriate. I made that statement to the person and said, as a father, as a grandfather, if your children were approached, you would feel the same way.

Jennifer Martin:

So my name is Jennifer Martin, 39-36 [inaudible 00:06:03]. I'm Amy's neighbor. And so Supervisor Labanowski. did walk along my fence line and walk straight to the back of the pond and come across the easement to where the boys were fishing. So again, as Amy stated, I do have the plat. He indicated that he was walking on CDD property because there was an easement there. According to the plat, there is no easement. There's only easement that exists on the opposite side of the property. So for him to say, I also will back up, Amy, and say that he did take a picture, whether he didn't physically take the picture, he held up his phone with no words and pointed his phone at the children that were sitting on the pond. So whether he took the picture or not, the indication was there, that he did.

Jennifer Martin:

I was also there witnessing the altercation between another resident and Supervisor Labanowskywhere words were exchanged and it got a little heated and it was kind of questionable at times. But again, the other thing to mention is that Supervisor Labanowski indicated that he received several calls from different people and the boys were doing the same activity that they were doing at that very moment they'd been doing it all weekend. And nobody until that time had come to us and they were behind my yard, they were behind Amy's yard. Nobody had come to us and said, "You cannot fish here." There are signs throughout the neighborhood that said no fishing on recreational lakes. And according to what I was told, well, it's in the declarations and the covenants that everybody's supposed to know that there's no fishing in the ponds except for two.

Jennifer Martin:

And my comment was, I don't see anything wrong with a simple sign that says fishing is allowed or fishing is not allowed. I have a situation, to exemplify this, I had a situation at Disney, where I had a security issue. And all I said to [inaudible 00:08:20] Disney was all it takes is a stuck, little four by eight sign. That's it, nothing else.

Jennifer Martin:

But in regard to this whole situation, my son was also part of the boys that were involved in the situation. And Supervisor Labanowski indicated, said, well, my son should know who he is. My son comes to the HOA meetings, as a board member, sits in the back quietly. He doesn't look up and see whose faces are sitting on the board. He would never know him if he passed him on the street, or if he's sitting in the same room in a meeting with him. My son is nine years old, that's not his responsibility to know who is who, he's a child. And I just think that again, backing up, I was there when the officer arrived. The officer stated this is not the first complaint that we received in relation to a situation like this, where Supervisor Labanowski, has come and has been somewhat bullying to residents that there

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isn't a need for it. He's been made to seem that he is and I quote from the officer "That he's the sheriff of MuraBella." He is not a confirmed law enforcement officer.

Supervisor Clabotts:

I appreciate the concerns. Okay. I had hoped that it would not get personal. And so why we'll set aside the personal names and whatever. Okay. I will simply say to this point that you made a good point, maybe the ponds should be more appropriately marked and that will alert. Okay. There probably should be some kind of blast that goes out to the residents that says, "Here are the ponds you can't fish on in orange, you should not fish on it." And the board can revisit that whole policy in the future, if the board would so choose to do that.

Supervisor Clabotts:

I don't mean to diminish your concern. I heard about this concern. I got an email from somebody about concern as every board member get that same email. As that person told me, they sent it to all of us. I just hope we don't make it personal. I don't think it's meant to be personal. I don't think it's meant to be vicious. I don't think it's meant to be harassing. And I'll just kind of like leave it at that. I appreciate you bringing that concern and you can do something to help you figure out where they can put their fishing pole in the water. And where they can't?

Amy:

I figured that out, I know where to go. As a resident I chose a pond because yes, I wanted it to be a different view than another house right behind me. But I also grew up on a pond and fished my entire life. And there was never really been that big of an issue. I've lived here for 10 years and not one person's ever been in my backyard to fish, stranger wise or any other resident, really, to be honest with you. Have I seen other people fishing behind their homes? And yes, absolutely.

Amy:

I totally understand that if my kids are jumping people's fences and putting holes in people's in yards or something like that. Totally inappropriate. My job is as a mother, as you said, it's to tell them you can't do that. That's my job. And I'd like to keep that as my job. And whatever the policy is I'm happy to follow the rule, I'm not one to sit there and not follow a rule. I would like to bring up the fact that if we could fish in our own - I'll even put little tags on my bed so my kids can see them. It'll pass the test. But-

Supervisor Clabotts:

I don't think we have passing tags.

Amy:

I know, I'm just saying.

Supervisor Clabotts:

We just put that policy on the- On the agenda- the agenda for November and we'll revisit it. Fishing at ponds, Brian?

Supervisor Wing:

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I guess the question that raises in my mind is the authority to enforce the rules. My sense has always been that we can do things as a board, but we cannot do things as individuals.

Jennifer Kilinski:

Sure. Yeah, you're right. The enforcement of the policies will generally come with your amenity management company when it comes to use of these facilities, the fields, that sort of thing, they absolutely are authorized to say no horseplay in the pool, those kinds of amenity policies. When it comes to fishing, it is much more difficult to enforce. I mean, usually it's resident to resident.

Jennifer Kilinski:

So if I have a house on the pond and somebody is back there, fishing, I may call the police because it's trespass, but we would never, from a district perspective, recommend to any of you to be enforcing the rules for all kinds of reasons. Not only because it's not good practice, but also there's plenty of situations you read about in the news all the time, where you go and you say, "Hey, get out of here", and somebody gets very aggressive with the board member as well. So I would always recommend you as board members and really you as residents, if you see somebody violating it, call the amenity management company called the police, but never taken into your own hands ever because things can quickly escalate. You just don't know who you're dealing with.

Male Speaker 2:

I don't want to get involved on this at all, but I did want to say that I have had issues with my pond, the pond that I have a home on, for instance, when they were building the whole YMCAs Flagler that those fellows over there would come over during their lunch break and hang out quite a bit and left a lot of crap around where I live. So, I had to go out and I'm not one to kind of sit back and hope that it changes and would address the issue and it did not go well. So, I chose to not engage with them but continued to go out and tell them that they can't here because there is a sign that says no fishing.

Male Speaker 2:

And again, if we do need to have rules and we will need to follow them whatever they are, as long as it's clearly more, that's fine. So just a little alternative of what I've seen here in my many years at MuraBella, it does happen, and usually it'd be nice to have some back up by that the community to be able to go out and have someone above and beyond the homeowner to have it go ugly. So just an alternative.

Jennifer Kilinski:

Well, and when the board discussed his policies, back in June, you recall this was part of the discussion. For the discussion was how do you enforce it? And if you say fishing, then that means fishing. Cause we're a public body. Right now, the way that your policy is set up and we've had this happen at other districts, because you say no fishing on every pond, except for those two, if we were to call the police and say, this is trespassing, this is either a district easement they're abusing where its private property. The police have the right to enter that property, remove that person because we have a policy that says new fishing is allowe it's not a, recreational pond, it's not used for fishing. If we have, you can fish, then nobody's trespassing because they're not going to say, are you a resident or not? They're not going to ask for that kind of verification. So-

Supervisor Clabotts:

Plus, the only place they would actually be is on pond land.

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Jennifer Kilinski:

Correct, correct. Right, right. So those are kind of the balances. And you could have a policy, however, and this is something we can bring back for you for discussion that says, if it's your own lot, you can fish in front of it. It's just going to be more difficult [crosstalk 00:16:22] to enforce.

Supervisor Labanowski:

Let's put that on November's agenda. That's what I've tried to do the last time we brought up some board members want to open up to all ponds open for fishing and [inaudible 00:16:34] lives in the community.

Kathy Venesia:

What's our liability if we have a child who decides to go into the pond and guess what, a alligator has shown up. We have had alligators in our pond. I have a great picture of one. So, what is our liability if that ever...

Jennifer Kilinski:

Do you want me to answer that?

Supervisor Clabotts:

Do you have an answer? Because I don't have an answer.

Jennifer Kilinski:

It's like anything, you own ponds, there's liability owning ponds. You have sovereign immunity as a unit of government, so that's a good protection. That's why most development want the ponds that are probably the highest liability you carry in the name of a CDD, because you do have sovereign immunity limits at \$250,000 or \$350,000. You just hear today, you're covered by property, you're covered by general liability. We've had people drive into ponds and drown. We've had alligators, we've had all kinds of things happen. That's why you have insurance coverage, but we can't foresee everything that's going to happen. And so we do our best to have the coverage in place.

Female Speaker 4:

You were talking about signs. I have a question about the signs, I was told no soliciting means no soliciting from the amenity center it does not mean no soliciting for the community. Is that correct?

Jennifer Kilinski:

That's not a really a CDD so much a CDD issue. It should be. I know, just from general talking outside of the CDD hat, when you have that, it's supposed to be no soliciting to individual homeowners properties.

Supervisor Labanowski:

That's what's supposed to be, the county sheriff says we can't control people driving the [inaudible 00:18:25] roads.

Jennifer Kilinski:

Right.

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Supervisor Clabotts:

If somebody comes to your door trying to sell you AT&T, just tell them there's no soliciting, goodbye, and close the door. You would be perfectly in your right to do that. Any other comments or questions. Steve?

Steve:

So can we come to a procedure that if we see a stranger fishing on the pond, do we call the police or do we call the amenities center?

Supervisor Clabotts:

If they're on your property, if it were me, I'd call the police. Otherwise, I would call the amenity center [crosstalk 00:18:57] and see if somebody can go out.

Steve:

On the bank, that's part of CDD-

Supervisor Clabotts:

That's part of the CDD process.

Steve:

So we call the amenities center?

Supervisor Clabotts:

Yes, that's what I would do.

Steve:

During amenity center hours, if they're not there, then-

Supervisor Wing:

Tell them the next day then.

Jennifer Kilinski:

If there's somebody in the dark on your property [crosstalk 00:19:17].

Supervisor DelBene:

Is there a consensus about who is enforcing rules in the community? [inaudible 00:19:23]

Supervisor DelBene:

Because Jennifer says it's best practice to call the amenity. Like, are we in agreement that individual board members should not be seeking to enforce rules because I don't want us to do it without judging the situation. I don't want another situation at the pool. Like, as I was admonished for asking to see a rule, I don't want a situation like this to happen, regardless of the situation where we don't go through the company that we're paying to enforce the rules.

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Supervisor DelBene:

Like that's the whole point of them being here.

Male Speaker 7:

We should all be enforcing the rules.

Male Speaker 6:

But we need to know the rules, right? So we need to make sure that we all in this community know the rules and we all enforce them, right?.

Supervisor DelBene:

No, my issue is that me as a homeowner, I'm making sure someone doesn't walk on my property for something that will [inaudible 00:20:20]. What I'm saying is as a board member that can be sued as a board member, I want to make sure that we're following a set guideline saying if we see something, whether it be at the pool or the volleyball or tennis courts, we go to our management company who is supposed to be there to both in terms of the rules and enforce them as we've given them that authority to do and they go out there and if they come up to the person and they're wearing their shirt, that identifies them as our management company versus a person in regular street clothes and they address it accordingly. I don't want a plain clothed person to walk up on children, even though it was in your backyard and presumably on the Lake. That's why we hired them. So as a board member, I would think that we should have a consensus that it's our job to contact them a management company who then handles the situation. I didn't think I was calling the cops after they assessed the situation they call the cops. I'm not telling you as a homeowner, can't call the cops or call the amenities center. I'm saying as board members, if it's not on our property, we need to look to our management company to resolve the situation. That's the action that a board member needs to take.

Supervisor Clabotts:

I think that's what Jennifer advisors.

Jennifer Kilinski:

Correct.

Supervisor DelBene:

But do we have consensus among the board that says that's how we're acting in the future?

Supervisor Simmons:

I always believed that our job was just to make policy and change policy.

Supervisor DelBene:

I agree.

Supervisor Simmons:

Our job isn't to enforce policy. We establish policy, so that means if we see somebody doing something that they might not know the policy then like anything else, this is how we do things.

September 10, 2019

Turnbull Creek CDD

Supervisor Clabotts:

I think we have a consensus unless somebody disagrees, anyone agreeing to disagree?

Supervisor Labanowski:

Yes. One thing I want to say is this thing would not have gotten out of hand whatsoever if the first time I went over there, very politely and very nicely and I talked to one individual, Jennifer Martin, I talked to her and explained to her that there is no fishing on the pond, please. Yes. For some of that, the second time, the funny part is I had no sooner gotten home that the individual who reported the first time, because this is more than one time it's been reported before the first time called me, almost as soon as I walked back in the door. So I went back over there and there were some games that were played, which I did not appreciate whatsoever. Okay. Because when I went over there driving down the road, you see the kids out there fishing with their fishing poles. When I went up there, the fishing poles were thrown over the fence and the kids were sitting on the pond bank. That's what I don't like is someone who knows the rules or should know the rules is not explaining to their neighbor that they shouldn't be doing it. I'm done.

Supervisor Clabotts:

Any other comments? All right. The meeting adjourned. Our next meeting will be November 12th at-

Male Speaker 8:

6:30

Supervisor Clabotts:

It will be at 6:30pm.

TWLEFTH ORDER OF BUSINESS

**Next Scheduled Meeting – November 12, 2019
at 6:30 p.m.**

Mr. Clabots stated our next meeting will be November 12, 2019 at 6:30 p.m.

The meeting adjourned at 8:02 p.m.

DocuSigned by:

Ernesto Torres

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Secretary/Assistant Secretary

DocuSigned by:

Chris DeBene

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Chairman/Vice Chairman