

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, November 10, 2020 at 6:34 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Wil Simmons	Chairman (by telephone)
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 (by telephone)
Jerry Lambert	Operations Manager (by telephone)
Erick Hutchinson	Amenity Manager (by telephone)
Jason Evert	JMT
Robert Dvorak	JMT

The following is a summary of the actions taken at the November 10, 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 6:34 p.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Ms. Slevin stated I sent Ernesto an on the landscape maintenance service agreement evaluation. I was hoping everyone had a chance to review that.

Mr. Torres stated if you have a comment about your email you can do that.

Ms. Slevin stated just an appreciation for the increase in documentation that Jerry and I have been speaking of and improvements and if you still intend to edge, mulch and grass, bushes

and trees and we need to be aggressively planning and executing the fall fertilizer at this time. There are a number of outstanding items in the email.

Ms. Randall stated there is an item on the agenda concerning asking the CDD to sponsor the first holiday house decorating contest. The committee is asking for \$150 for prizes to give to the residents so we don't have to ask for a \$5 entry fee. We did it for the first Halloween decorating contest. It is a family fun event for the month of December. We are asking the board to vote in favor of the special event.

Mr. Abush asked can you give an update on the information sign at the mail kiosk?

Mr. Lambert stated they have been shipped and are on the way.

Mr. Simmons joined the meeting by telephone during this item.

**THIRD ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Lambert read into the record a report received from the landscape maintenance company, listing the maintenance activities taken place since the last meeting.

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

Mr. Torres stated the traffic light is still a pending issue with the county. There still seems to be blockage in the line and we are not accepting the conditions as it is today. I spoke to Wil since we are changing engineering services to keep Mike on that one project and he seemed okay with that. I want to remind the board that is an expenditure that will be reimbursed when the light issue is resolved.

**FOURTH ORDER OF BUSINESS**

**Consideration of Pool Umbrellas or Shade Structure (Presenter: Jerry Lambert)**

Mr. Hutchinson gave an overview of the proposals received for replacement of five pool umbrellas.

Mr. DelBene stated we talked about not only replacing the broken umbrellas but purchasing additional umbrellas.

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor the purchase of ten pool umbrellas from Tropitone was approved.

**FIFTH ORDER OF BUSINESS**

**Discussion of Bocce Ball Court Proposed Location and Drainage (Presenter: Jerry Lambert)**

This item deferred until after the discussion of the tennis courts.

**SIXTH ORDER OF BUSINESS**

**Consideration of Agreement with JMT for Engineering Services (Presenter: Jennifer Kilinski)**

Ms. Kilinski stated this agreement is substantially similar to the continuing services agreement that you have in place now. It has been negotiated, JMT has signed off on the agreement, the proposed hourly fee schedule is included for your review.

Mr. Wing asked how do the hourly rates compare to Yuro & Associates?

Ms. Kilinski stated Yuro & Associates was charging \$125 per hour.

Mr. Evert stated it is variable depending on the task, you are not going to see just one line item.

Mr. Wing asked what is it for meeting attendance?

Mr. Evert stated \$195.

Mr. Wing asked is that per meeting or per hour?

Mr. Evert responded per hour.

Mr. DelBene asked is there a reason to have a project manager onsite for meetings at \$195 per hour when all we need is a standard engineer?

Mr. Evert stated if you only need us for a portion of the meeting you can cut it off there. As far as a project engineer versus a P.E., a project engineer has about four years of experience. If you want that we can provide it, however, they wouldn't be making final decisions. That has to come from somebody with licensure. We can join by Zoom meetings and you would save drive time, but the rates are what they are.

Mr. Wing stated I suggest we have the engineer on the agenda right after audience comments and if we don't have anything on the agenda that needs the engineer here, we don't need to include them.

Mr. Labanowski stated we have been having the engineer early in the meeting.

Mr. Torres stated we can have him call in. The chair and I can get together between meetings and if there is a need to have the engineer we will invite him to be present if need be, otherwise it will just be a standard call-in for an hour.

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor the agreement with Johnson, Mirmiran & Thompson, Inc. for engineering services was approved.

**SEVENTH ORDER OF BUSINESS**

**Update Regarding St. Johns County Light Installation and Stormwater Drain (Presenter: Jennifer Kilinski)**

This item reported on under the engineer’s report earlier in the meeting.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports (Part 2)**

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

There being none, the next item followed.

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

The board discussed closing the operations for three days as a result of having a staff person testing positive for COVID.

On MOTION by Mr. DeBene seconded by Ms. Burks with all in favor staff was authorized to close the amenity center for 72 hours.

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

**1. Memorandum**

A copy of the monthly memorandum was included in the agenda package.

**2. Field Operations Manager Picture Report**

A copy of the field operations pictorial report was included in the agenda package.

**3. Activities Sheet**

A copy of the property activity sheet was included in the agenda package.

**4. Duval Audit Reports**

A copy of the Duval landscape maintenance checklist was included in the agenda package.

**5. Tennis Court Repairs**

Mr. Lambert presented the proposals for repair and resurfacing of the tennis court and the fencing proposals.

The board discussed the proposals and the amount in the reserve fund for this project.

Mr. Torres stated in 2021 we allocated \$8,200 for it and in the total capital reserve balance we ended with \$190,000 for the year and doesn't include the contribution for this year. We are in good shape to do that project. At the last meeting we tabled this to get us to the next fiscal year.

Mr. Labanowski asked how far does the sinkhole go?

Mr. Lambert stated one of the holes is about a foot deep, they have to cut it out and see how far the hole goes then fill it and resurface it.

On MOTION by Mr. DeIBene seconded by Ms. Burks with all in favor the proposal from PSA in the amount of \$17,312.87 and the proposal from Fenced Up in the amount of \$1,532 were approved.

**6. Tennis Court Lighting**

On MOTION by Mr. Wing seconded by Mr. DeIBene with all in favor staff was authorized to change out the old lights with LED lights in the approximate amount of \$3,840.

**Continuation of Bocce Ball Court Discussion**

Mr. Lambert stated in order to meet ADA requirements we need to ensure there is an accessible route to the court that has a firm, flat surface that someone in a wheelchair can get on the court.

The board and staff discussed location, drainage, access,

Ms. Burks moved to authorize staff to proceed with building a bocce ball court and Mr. Wing seconded the motion.

Mr. Labanowski stated I'm all for it, but we keep adding luxuries and San Marino is still under water, the drainage hasn't been fixed there; we still have the mail kiosk in San Giacomo under water; entry lights are broken; we have a lot of things that are falling apart and we are buying luxuries. Too many things have gone by the wayside not being repaired. San Marino has been talked about since I have been on the board.

Mr. DelBene stated with JMT coming on board we need to have a priority list with them. One of the benefits of their firm was that they could develop an overall plan for our community as far as maintenance projects. We need to establish a maintenance budget list with them in order to budget and allocate for it yearly within a 10-year plan.

Mr. Labanowski stated we spent the money for the study at San Marino to put in the drain system. We paid Yuro to do that and we are throwing money away, if it is not going to get done.

Mr. DelBene asked how much is the drainage system?

Mr. Labanowski stated I don't remember.

Mr. Wing stated he gave us the plans; it is not throwing it away the plans are still there.

Mr. Labanowski stated now we are going to have the new company do it as a priority.

Mr. Wing stated they will use those plans.

Ms. Burks asked wouldn't they use the same study?

Mr. Labanowski stated they should but I'm skeptical of that because the mail kiosk here is still under water and we have a drain in there; I have pictures to send to Ernesto. I want to get things fixed.

Ms. Burks stated I agree that we should be doing that. Don't we have a budget for our maintenance and wouldn't that fall under maintenance?

Mr. DelBene stated yes.

Ms. Burks stated we aren't spending that money on this bocce ball court. That should be a separate line item.

Mr. DelBene stated we are spending money on the bocce ball court that we don't have allocated.

Mr. Torres stated we don't have a budget line for the bocce ball court to be built so we are taking it from capital reserves.

Mr. Wing stated capital reserves gets moved around depending on the priorities.

On voice vote with all in favor the motion passed.

Mr. DelBene asked Jerry will you put together a project list of what is currently broken and needs maintenance or replacement? When RMS was hired, you scoped out the community. We need to make sure that things are not going past their life expectancy that are broken that need to be repaired or replaced. Can you do that over the next several months?

Mr. Lambert stated yes, I can do that.

Mr. Labanowski stated we didn't approve a location for the bocce ball court.

Mr. Torres stated I think we achieved consensus between the tennis courts and the sidewalk.

**7. Pressure Washing of Roof Tiles**

On MOTION by Mr. DelBene seconded by Mr. Labanowski with all in favor the proposal from James Teter My Clean Roof, LLC in the amount of \$2,950 was approved.

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

**1. Consideration of Proposals for a New Shed**

Mr. Lambert outlined the shed proposals and the cost of renting a storage unit and the board took the following action.

On MOTION by Mr. Wing seconded by Mr. DelBene with four in favor and Mr. Labanowski opposed staff was authorized to rent a 5 X 10 storage unit from Cube Smart for \$60 per month for six months.

**2. Consideration of Programs**

**a. Mindfulness Meditation**

On MOTION by Ms. Burks seconded by Mr. DelBene with all in favor the request to have a mindfulness meditation class was approved subject to Ms. Brazier signing an agreement prepared by district counsel and having insurance in place.

**b. Amenity Flag Football**

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor the request for Amenity Flag Football was approved subject to an agreement to be prepared by district counsel.

**c. St. Johns Middle School Athletic Association (Mill Creek Soccer)**

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the request from St. Johns Middle School Athletic Association to use the far field for practice only was approved subject to an agreement to be prepared by district counsel.

**3. Consideration of \$150 Donation for Holiday Decorating Contest**

Mr. Wing stated I think this is a great idea but I believe this is an HOA function not a CDD function. The CDD has nothing to do with individual homeowners or houses.

Mr. DelBene stated I agree, I love the idea I think it is the wrong board.

Mr. Labanowski stated I disagree because all the activities are handled out of here. The HOA has already provided funds and I don't see why we can't fund the \$150 out of that money.

Mr. Simmons stated I don't think there is a reason we can't give the homeowners \$150 one time for the holiday decorations.

On MOTION by Mr. DelBene seconded by Mr. Labanowski with all in favor a \$250 donation for holiday decorating contest was approved.

**NINTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Ms. Slevin stated I sent an email and it was probably too late but I would like it to be on the next agenda. On this agenda you had the evaluation and I would like to continue with this process.

Mr. Torres stated we have done a lot of accommodating when it comes to this landscaping. We had a very detailed checklist that Jerry has prepared with Ms. Burks and refined over and over again. We have dates, we have sections when things are done. I don't know what more



accommodating things we are going to spend staff hours trying to please. If the landscaper is not abiding by the contract and we have consensus among the board we can do something about that. We are spending a lot of energy and time on the staff side micromanaging this contract. If we are to the point that we have to cut our ties and move on, then so be it. But, spending more energy on the staff side to try to accommodate this checklist and now we have another list, it is overwhelming. Our job is to take direction from the board not the residents.

Mr. Wing stated send us the email. I would like to see what the issue is and maybe put it on the agenda for the next meeting.

Mr. Torres stated I will send the email out, it may not be on the agenda.

Mr. DelBene asked can we discuss the things that are missed on a monthly basis? We have the checklist for a reason, but we never hear about it.

Mr. Torres stated it is in the agenda package.

Ms. Burks stated it is in there every month because I helped Jerry put the list together to make sure they are going through and checking off items, so it is in there.

Mr. Torres stated if there is a questionable item you can question it. I always ask if there are questions after that report.

Mr. DelBene stated I think we have a good checklist in place. Whether they honor their contract is a different story.

Ms. Slevin asked will I be on the next agenda?

Mr. DelBene stated we have the official report in front of us that we look at, at each and every meeting and whether an activity occurred or not. The issue isn't whether or not we have the checklist it is whether or not Duval is doing what they are required to do under their contract. That is something we will revisit when the contract expires. It is not about adding your email to the agenda, it is about whether or not Duval is following their contract.

Ms. Slevin stated I spent a lot of time summarizing what is going on and I'm asking that my report be considered.

Mr. DelBene stated Ernesto is going to provide it to all board members and we will have the opportunity to review it at the next meeting.

Mr. Garzia stated he should have communication with the residents on Murabella Facebook or something where he can tell the people exactly what he is doing today, why they couldn't do this today because it is wet, etc.

Mr. DelBene stated I don't know of any community that is going to have a contractor have access to their account.

Ms. Burks stated that is what I do for a living, dealing with contractors and there is no way because most contractors are small and have enough to do what they are doing as far as fulfilling their contract. That extra step unless we are going to pay them some crazy amount of money to make that happen, you will get no contractor to do that. That is what we are supposed to be doing, check and balance based on this sheet and verified by the staff to make sure they are doing what they are supposed to be doing.

Mr. DelBene stated I get dozens of emails a week about the landscaping and I forward them to staff but you have to explain that he almost lost a crew member because he almost fell into the lake because he was mowing when it was too muddy.

Ms. Burks stated I'm a resident here too and I know when it is raining and I know I'm not going to cut my yard when it is raining so why would I expect the landscaper to do it.

Mr. Garzia stated the rumor is that the HOA fee is going to drop from \$80 to \$60 and I would like that \$20 to go to the CDD.

Ms. Burks stated thanks for the flag out there. I am a veteran and a surviving spouse; my husband was killed in the line of duty. I truly appreciate seeing the flag.

**TENTH ORDER OF BUSINESS**

**Approval of Consent Agenda (Presenter: Ernesto Torres)**

- A. Approval of Minutes of the September 8, 2020 Meeting and September 29, 2020 Special Meeting**
- B. Balance Sheet as of September 30, 2020 and Statement of Revenues & Expenditures for the Period Ending September 30, 2020; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

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

**ELEVENTH ORDER OF BUSINESS**

**Adjournment - Next Scheduled Meeting – January 12, 2021 at 6:30 p.m.**

Mr. Torres stated I know the board has elected to alert the community and to close the amenity for 72 hours. I have been communicating with Jennifer and a message has been drafted and we will send that out tonight. I will ask Jerry to post it as well in case residents come by. I was informed that there is a rental in this room for tomorrow for a party. I want to make sure the board understands that we have to call the resident and cancel that.

Mr. Hutchinson stated it is from 3 – 7 in the social room. I don't have a copy in front of me it is in the office.

Mr. Labanowski stated if it is event that can be moved outdoors I don't see why they can't hold it. You will have to notify security that there will be people on the deck.

Mr. DelBene stated notify them that we have to move it outside and why and let them make the decision to hold it or not.

Mr. Torres stated the next scheduled meeting is January 12, 2021 at 6:30 p.m. in the same location.

On MOTION by Mr. Wing seconded by Ms. Burks with all in favor the meeting adjourned at 9:04 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman