

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, January 14, 2020 at 6:30 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

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

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel
Mike Yuro	District Engineer
Jerry Lambert	Operations Manager
Erick Hutchinson	Amenity Manager

The following is a summary of the actions taken at the January 14, 2020 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 6:30 p.m. and Mr. Torres called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Mr. Rodriguez stated I want to complain about Mr. Labanowski. My father-in-law and I were fishing at my house and he approached me on private property. I was catching and releasing and if someone has a complaint, knock on my door and address the issue not approach through a neighbor's property. I don't know who you are. I asked him who he was and he said I'm the guy who gets the phone calls.

Mr. Brown asked how much longer does the CDD have to get paid or I can get it offline from somebody. It is lack of knowledge on my part as to how a CDD works.

Mr. Clabots stated a portion of your fees are operating expense and those will always be there. The rest is for the bond issue.

Mr. Torres stated we have several bonds, but the longest maturity date is 2045. I can get your information and you and I can discuss it.

### **THIRD ORDER OF BUSINESS**

#### **Designation of Officers**

##### **A. Designation of Chairman**

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor on roll call vote Wil Simmons was elected chairman.

Mr. Clabots stated I will chair this meeting and he will chair the next meeting.

##### **B. Designation of Vice Chairman**

Mr. Wing moved to elect Mr. DelBene as vice chair, Mr. Simmons seconded the motion and on roll call vote with three in favor and Mr. Clabots and Mr. Labanowski opposed Mr. DelBene was elected vice chairman.

##### **C. Election of Officers, Resolution 2020-02**

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor Resolution 2020-02 was approved reflecting the following officers: Wil Simmons chairman, Chris DelBene vice chairman, Ernesto Torres secretary and treasurer, Jim Perry and Patti Powers assistant treasurers, James Perry, Daniel Laughlin, James Oliver, Brian Wing, Chuck Labanowski and Lee Clabots assistant secretaries.

### **FOURTH ORDER OF BUSINESS**

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

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

###### **1. Discussion of Landscaping Cost to Maintain Eastern Property Line**

Mr. Lambert gave an overview of the work completed since the last meeting.

Mr. Wing stated Jerry, Mike from Duval and I walked the area where we will be doing the planting on the 25<sup>th</sup>. Duval will take care of the ant hills and where the grasses have grown a little thick. Duval has volunteered to provide all the mulch for 1,000 trees, we found out that we are getting another 900 trees so there will be 1,900 in total and Duval will provide the mulch for the extra 900 trees, which was a very generous offer.

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

**1. Update Regarding Garibaldi Way**

Mr. Yuro discussed a proposal for drain improvements for Garibaldi Way in the amount of \$68,116.65 and discussed the drainage issues at the Positano and San Giacomo mail kiosk then took the following action.

*Special meeting*

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor a ~~workshop~~ will be held Wednesday, February 12, 2020 at 6:30 p.m. for the purpose of addressing the capital budget, prioritize repairs and identify the funds for same.

Mr. Torres stated I will work with Mike to develop the agenda and send it as a draft to the board and respond with your comments directly to me.

**2. Discussion of Drainage Issues at Positano and San Giacomo Mail Kiosk**

This item will be added to the agenda for the February workshop.

**FIFTH ORDER OF BUSINESS**

**Update Regarding Launch Agreement/Proposal (Presenter: Erick Hutchinson)**

Mr. Torres stated Launch has only had one session here so we can't gauge the pulse of the community with this vendor. I recommend we wait until next month and determine if we need an agreement. He has had some participation, but it was only one meeting.

**SIXTH ORDER OF BUSINESS**

**Discussion of Supervisors Attendance at HOA Meetings (Presenter: Jennifer Kilinski)**

Ms. Kilinski discussed attendance at HOA meetings by CDD supervisors and advised that the HOA meetings be advertised as board workshops as part of the notice of the CDD meetings. If two board members do get elected to the HOA board, we may want to advertise that as a meeting rather than a workshop in an abundance of caution.

## **SEVENTH ORDER OF BUSINESS**

### **Consideration of Facility Rental Policy Regarding Serving Alcohol (Presenter: Jennifer Kilinski)**

Ms. Kilinski stated since our last meeting there has been a substantive change in direction from your insurance carrier. You may recall at the last meeting we discussed changing the alcohol policy to have a BYOB measure that will also allow residents to bring guests. What FIA had provided direction to our firm on was in the event that the guest consumed alcohol here and went and did something wrong and sued the district you would be paying out of pocket. That has since changed, that is not the case so as long as there is BYOB events where guests come and there is no charge whatsoever then the general liability policy of the district would cover in the event that guest did something wrong. I suggested to Ernesto that we review our forms to make sure that the clarification would only be that there can't be a charge. If I am a resident and I reserve the facility and have a potluck and charge everybody who comes \$5 and I'm also ~~serving~~ <sup>Serving</sup> alcohol, under the law that is construed as a paid event and your general liability is not going to cover you. So long as it is free on a BYOB basis then our general liability insurance will cover residents and their guests.

Mr. Wing stated it sounds like we are good to go and I suggest an effective date of February 1<sup>st</sup> and that gives you time to prepare forms and put it in the newsletter so people know.

Mr. Wing moved to approve the facility rental policy regarding serving alcohol with an effective date of February 1, 2020 and Mr. Labanowski seconded the motion.

Mr. Clabots stated I'm very conservative and voted against the policy and I will again.

Mr. DelBene stated you might want to restrict glass. We can have paper or plastic but if we glass in the pool we have to empty the pool. We should restrict glass from the patio deck.

Ms. Kilinski stated there shouldn't be any glass on the pool deck at all. That is a given. You can't have food or drink of any kind within six feet too.

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

**EIGHTH ORDER OF BUSINESS****Discussion of Resident Survey Results  
(Presenter: Erick Hutchinson)**

Mr. Hutchinson gave an overview of the survey results and the board felt the results were inconclusive due to the low number of responses, a resident asked that email addresses be checked against street addresses, CDD email addresses are a matter of public record, the board requested that the CDD email list be combined with the HOA email list.

**NINTH ORDER OF BUSINESS****Consideration of Resolution 2020-03  
Adopting Internal Controls Policy (Presenter:  
Jennifer Kilinski)**

Ms. Kilinski stated a new law passed the last legislative session that requires governmental entities to adopt internal control policies. Your district management company already has internal control policies, you have annual audits that sign off on the compliance with such internal control policies but the legislature has required that cities, counties and special districts to formally adopt what we deem to be best practices in internal controls to avoid abuse, waste, that sort of thing.

A couple very minor changes came through, they are not substantive but for purposes of the record, if you look at section 4 under risk assessment, 4.1.3 the word “developing” is being changes to “identifying” and we have crossed out 4.1.4. Otherwise everything is in the same form.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor Resolution 2020-03 was approved to include the change outlined above.

**TENTH ORDER OF BUSINESS****Consideration of Crown Pools Proposal for  
Bulkhead and Pool Deck Repair (Presenter:  
Jerry Lambert)**

Mr. Clabots stated their proposal sounds like a patch job for a problem that has gone on for years and will that resolve it or is there further work that needs to be done on the bulkhead and does this represent a good bid.

Mr. Torres stated both Jerry and I have been communicating with Crown Pools and it is a band-aid. We need to repair the pool deck, but we also need to extend the bulkhead. If you walk

behind the bushes you will see the exposed conduit that used to be under dirt. This will cure that problem for the time being but their recommendation is to extend the current bulkhead and replace some of it and make some of it wider. We do not have an estimate for that work.

Mr. Clabots asked should we table this until we have all of that estimate?

Mr. Torres stated there is an estimate they provided but it is not in writing and it is between \$5,000 and \$7,500 for the extension of the bulkhead. You can designate a supervisor to work with staff for a not to exceed amount similar to how we repaired the sinkhole.

Mr. Simmons asked is the proposal from Crown the only one?

Mr. Torres stated we reached out to Epic and other pool companies and Crown is the only one that responded. Crown is very familiar with our pool, but they are not the ones that will repair the bulkhead, it is a subcontractor of theirs, but they will manage that subcontractor.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor Crown Pools, Inc. was engaged to fix the problem of the pool deck and bulkhead in an amount not to exceed \$15,000 and Mr. Labanowski was appointed to work with staff on this item.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Consideration of Renewal Agreement with Ancient City Soccer (Presenter: Erick Hutchinson)**

Mr. Torres stated exhibit B has an outline of the dates, practices, games and the fields to be used. We will use the same agreement and the revenue share will be the same.

The board discussed parking issues, staffing at all events, staff should be visible to residents and change the agreement from \$10 per child to overall 10%.

On MOTION by Mr. Wing seconded by Mr. Simmons with all in favor the agreement with Ancient City Soccer was renewed with a change in the percentage paid to the district being 10%.

Mr. Clabots stated as we have events or meetings at the amenity center or events on the property we need staffing by RMS to ensure the safety of our property and safety of the participants. Work the schedule because there were numerous times as I looked at the schedule that there might be two or three items that slide through and I'm not sure that is good. We need their coverage.

Mr. DelBene asked do we know how much in revenue we received from Ancient City last year? If we have that number then if additional RMS staff does have to be here and it does have to be in the contract we have a potential source for that money.

Mr. Torres stated I can look into that and email you separately on that. The coverage we are missing may be a few hours on the 9-11 on the weekends but weekdays we should have somebody on staff here. I will make sure RMS understands.

#### **TWELFTH ORDER OF BUSINESS**

##### **Consideration of Proposal of Swim Lessons (Presenter: Erick Hutchinson)**

Mr. Williams outlined a proposal to provide swim lessons to ages 3-5 and 5-12 and Mr. Torres indicated the Ms. Ball wanted to provide survival lessons and after discussion the board took the following action.

On MOTION by Mr. DelBene seconded by Mr. Labanowski with all in favor staff was authorized in conjunction with Mr. Simmons to enter into a license agreement with the YMCA and Aqua Kiddies so long as there is no overlap and to bring back to the board a spreadsheet demonstrating the hours of use that can be provided to the residents.

#### **THIRTEENTH ORDER OF BUSINESS**

##### **Staff Reports (Part 2)**

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

There being none, the next item followed.

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

Mr. Torres stated we will start talking about the FY21 budget in the next few months. If any of the service providers anticipate an increase let me know.

##### **C. Operations Manager (Presenter: Jerry Lambert)**

###### **1. Report**

Mr. Lambert reviewed his report, copy of which was included in the agenda package.

###### **2. Proposal for Fence**



Mr. Lambert stated there is an option with the fence proposal and that is to run a 16 foot white vinyl linear fence off the shed to block that whole area from the field and you couldn't see anything beyond the shed and that was an additional \$516.

Mr. Simmons stated we have some equipment that could be utilized by the homeowners if they had access to it such as a tall ladder. Maybe they could borrow it for the day and we can get a copy of their driver's license or some documentation they sign that they will bring it back the same day.

Mr. Clabots asked can we explore this possibility?

Ms. Kilinski stated yes.

On MOTION by Mr. Wing seconded by Mr. Simmons with all in favor the proposal from Fenced Up to fence the 12 X 12 storage area in the amount of \$1,780 was approved.

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

**1. Report**

Mr. Hutchinson reviewed his report, copy of which was included in the agenda package.

**2. Proposal for Glass Mirror**

Mr. Simmons stated the dumb bells break the mirror so if you put something there to prevent it from hitting the mirror is an option or we don't need a full mirror, maybe do half a mirror.

Mr. Hutchinson stated I talked to two companies that came over and Baker Glass said to replace what is currently there not do anything different. I asked for other options and they didn't have any. The other company was Lee & Gates and they had other options and it is called ultra bond glass, it is made differently. It is supposed to be much stronger than what is currently there. They will also add a liner to the back with labor included and it is slightly more than Baker's quote at \$1,946. Mr. Labanowski suggested that we could add a lip to the weight rack. The problem is the weights are rolling off because there is no lip to stop them. Between having a lip and stronger glass and shifting the weight rack a couple inches I think we could prevent this from happening again.



On MOTION by Mr. Simmons seconded by Mr. Labanowski with four in favor and Mr. Wing opposed the proposal from Lee & Gates in the amount of \$1,946 was approved.

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

- A.    Approval of Minutes of the November 12, 2019 Meeting**
- B.    Balance Sheet as of November 30, 2019 and Statement of Revenues & Expenditures for the Period Ending November 30, 2019; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C.    Approval of Check Register**

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

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

Mr. DelBene asked in addition to the list of capital projects we have in regard to the pond banks, can we have a list of pond banks that were repaired in full and the cost associated with those repairs as well as any expenditures we had on pond bank repair since we refinanced the bonds to finance that work?

Mr. Simmons stated I still have concerns about the monitoring because there is nobody here in the evening or weekends. The person here is not being assertive enough in terms of being out there and I think we need to address that.

Mr. Torres stated after I did talk to Jerry about some of the remarks about the staffing and making sure they are more visible to the guests especially during the weekends when they are in the office.

Mr. Wing stated on the tree planting we now have 1,900 seedlings, about 75 volunteers and I will make a second swing through the merchants at the end of this week to see if we get donations, if not what I would ask of the board is to approve up to \$250 for sandwiches or pizzas for the volunteers after the event. The only two I have nailed down is Dunkin Donuts for coffee and donuts in the morning and Gators for chicken wings. I expect some of the pizza places to donate.

Mr. Torres stated we can find \$250 in the budget for that.

Mr. Wing stated for the second time this evening we heard from a homeowner about a member of the board approaching them on rules and regulations. I thought the last time this came up we decided it is not our role as supervisors.

Mr. Labanowski stated that is correct. I didn't go through his yard I went through someone's yard who said I could go through their yard. I went over there, casual conversation and said I understand there are other areas in this community where you can fish and he is claiming I didn't tell him who I was or anything else and that is wrong. It was a friendly conversation but enough is enough. From now on I'm notifying the sheriff but we have to have something from the CDD board to the sheriff's office allowing the sheriff to come in here and enforce our policies.

Mr. DelBene stated the direction from the board last time was to contact management and if they are not here contact the sheriff.

Mr. Clabots stated our sheriff doesn't enforce certain laws on the books, what makes you think he is going to send a deputy to enforce a fishing policy on our ponds.

Mr. Labanowski stated they could be trespassed. I get phone calls from homeowners who are concerned and why can't we take care of it.

A resident asked is the walking trail in Pescara going to be taken care of? Every time it rains it floods.

Mr. Clabots stated it is in the capital reserve budget to redo that track surface.

A resident stated teenagers are jumping off the bridge.

Mr. Lambert stated I check it every morning.

Mr. Clabots asked is there a lifeguard there all the time that they can address these things?

Mr. Lambert stated it is off season.

A resident stated I am against the swim lessons, we have one pool and now the YMCA is going to bring in kids to swim. I don't like it.

## **SIXTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – March 10, 2020 at 6:30 p.m.**

Mr. Torres stated the next meeting is February 12<sup>th</sup> at 6:30 p.m. A workshop doesn't require a quorum and no decisions can be made. If we advertise it as a special meeting we do have to have a quorum but we can conduct ourselves as we do now. Which do you prefer?

Mr. Simmons stated we don't get paid for the workshop but we do get paid for a special meeting, I would say hold a workshop.

Ms. Kilinski stated it is the same payment provisions for a workshop or meeting. With a workshop you don't have to have a quorum and you can't take action and you don't have to allow public comment. A lot of times when boards do capital planning like workshops because you don't have to have the same formal structure to your agenda. The corollary is if you come up with a decision you can't take action on it. If you do a special meeting you have the most flexibility.

Mr. Clabots stated it is a special meeting but with one topic.

Mr. Torres stated the next meeting will be February 12<sup>th</sup> at 6:30 p.m.

On MOTION by Mr. Wing seconded by Mr. Simmons with all in favor the meeting adjourned at 9:08 p.m.
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Secretary/Assistant Secretary



Chairman/Vice Chairman