

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, January 12, 2021 at 6:30 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Chris DelBene	Chairman
Diana Jordan-Burks	Vice Chairperson
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor
Jeremy Vencil	Supervisor

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel (by telephone)
Jason Evert	District Engineer
Jerry Lambert	Operations Manager
Erick Hutchinson	Amenity Manager
Josh Feagin	Duval Landscape Maintenance

The following is a summary of the actions taken at the January 12, 2021 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 6:30 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Ms. Slevin stated I would like to know if the board feels that the contract provisions have been met by Duval Landscape. If not satisfied, what actions are going to be taken?

THIRD ORDER OF BUSINESS

Dedication of Fitness Room

Mr. Torres read into the record the declaration of dedication of the fitness room recognizing Wil Simmons' contribution as a supervisor and chairman.

On MOTION by Mr. Wing seconded by Ms. Burks with all in favor the declaration of dedication of the fitness room in honor of Wil Simmons was approved.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Landscape Manager (Presenter: Duval Landscape)

1. Duval Irrigation & Stump Removal Proposals

Mr. Feagin gave an overview of the work accomplished since the last meeting.

Mr. Labanowski asked have they met all the requirements of their contract?

Mr. Lambert responded yes. I am satisfied that Duval has met all requirements currently in the contract.

Mr. Feagin outlined proposals to locate and diagnose valves and irrigation service repairs.

Mr. Torres stated you probably need to look at section 4 of the contract before we consider this proposal.

Ms. Kilinski stated in 2019 the district did a request for proposals for irrigation and landscape maintenance services. Part of the irrigation scope included inspection and identification of controllers, irrigation system, valves, etc. and I want to make sure my understanding of the technical requirements and requests that Duval is making in that proposal isn't already addressed in our RFP scope. We had "an all-inclusive" package and it also includes repairs to lateral valve lines, line repairs, valve repairs or replacement, solenoid replacement, wire splices, valve box replacement and the like, which in my view may have driven up the price of your contract. I want to make sure we are not double paying for something that should have been included in your scope.

The irrigation related proposals and the stump grinding proposals were tabled.

B. Engineer (Presenter: JMT)

Mr. Evert stated we were approached by Jerry a few weeks ago to investigate an area that is partly on the soccer field and also on the lawn that is bisected by the paved walkway near the pond, very close to Pacetti Road to try to determine the cause of flooding that has been a chronic issue. You have saturated soils in this area; this is probably one of the lowest parts of the property. It seems that you not only have soils that have been changed over time, but you have historic soils that are wetland soils and even if they were filled to try to create some of the features on the

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property some of that soil has subsided. In certain pockets you can see it is very obvious where there is muck soils and there is no drainage going on in the area. It also appears that there are some locations where there is a small swale that runs along the sidewalk. You are probably receiving some drainage from all the way up the intersection that is coming to the south and then there is a break in the berm where some of that drainage is potentially entering your property further acerbating the problem. It looks like several things are going on. Water usually sits on the soccer field and you don't have the useability of all the lands you want.

I don't want to say for sure what the fixes would be or how much they would cost. There are several possibilities that we could investigate at this point and they may involve either grading, filling, using pipes to move water in a more efficient way, trying to keep the water that is supposed to be on the swale along the sidewalk from entering your property is a possibility as well. These are some of the things that could be done but as an initial step we are going to need a topographic survey done that will show the elevations throughout the area, locations of the berm and that is going to contribute to the engineers being better able to determine the flow pathway of the water through the property then determine what you need to do to get the water off the property or moving more efficiently over to the pond.

Mr. Labanowski asked while they are doing that survey is it that much more expensive to continue onto that whole field that is constantly under water?

Mr. Evert stated we did pull some bids from surveyors to see what the costs were to do a survey like this. Definitely before we turn them loose we would want to know more about the extent of the problem areas. We can work on some drawings and sketch some things so when we give them to the surveyors they are aware of the full extent of the problem.

Mr. Wing stated you will come back with the costs of the survey and some ideas or do you have to wait for the survey to put the ideas together after?

Mr. Evert stated we know we will need the survey regardless. Depending on your timeframe to try to rectify the situation if you want to wait until we get the bids in and discuss them next time that is fine. If it is possible to do a not to exceed amount that you might be able to approve with the understanding that when the bids come in you will have a chance to look at them and as long as it doesn't exceed that will give us permission to go ahead and hire them and get them to do the work. That is up to you.

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Ms. Burks asked before you do that you look at historical surveys and see if there is something there that you can put together a proposal to bring back to us so we can look at it and see what it will cost?

Mr. Wing stated Mike Yuro did some surveying over there.

Mr. Evert stated if there is any product that you have then that would be great.

Mr. Labanowski stated I believe ETM did some surveying over there.

Mr. Wing asked do they keep them or do we have them in our files?

Mr. Torres stated I can check with ETM and Mike. The last survey Mike did was in the area of the gentleman on the cul-de-sac that had a drain issue. I will check.

Mr. Evert stated we need to get the historic information, but we will need a survey regardless. It is up to you if you want us to do historic investigations first and then come back later with a couple proposals for surveyors or if you want to approve some amount of money and I will get the survey started.

Mr. Torres asked even if we have the historical topographic or any other survey of that area would we still require a new survey?

Mr. Evert stated we would like it.

Mr. DelBene asked what is the cost?

Mr. Evert stated if it were very small in that area it is probably \$4,000 to \$5,000, if you are talking about the roadway and sidewalk areas and the entire area of the pond and the majority of the field it would be \$8,000 to \$9,000. It depends on how detailed the survey is. In this regard there are certain areas that do require more detail and there are other areas such as the field where there is much more gentle flow where you probably don't need to have data every five feet or so you can probably have a wider distance of data of every ten feet.

Mr. DelBene stated before we even talk about repairs we could be spending \$10,000.

Mr. Evert stated I would be surprised if the survey would be over \$10,000. I think that would be an expensive survey and we would probably get more bids.

Mr. Torres asked why don't we outline the area and Jason can get an accurate scope for that area and we can get competitive bids.

Mr. Wing stated do a search for historical surveys and that will give you some idea what you are working with and how far the new survey has to go.

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Mr. Evert stated we will try to obtain all the historical information you might have, whether it be surveys or engineering data. We will look at historical aerial photographs, coordinate with Jerry and any of you who want to contribute information. If you want to do the whole field and make that decision now that is an option too. The more data we have the better because you get a good picture of your sources of drainage. The wider survey you have the more thorough and useful the data will be, but there is probably a diminishing return once you get too far away from the area of concern.

FIFTH ORDER OF BUSINESS

Organizational Matters (Presenter: Ernesto Torres)

Ms. Martin, Mr. Vencil and Mr. French gave an overview of their respective backgrounds and their interest in the community and serving on the board.

A. Appointment of Supervisor to Fill Unexpired Term of Office (11/2024)

Mr. Wing moved to appoint Ms. Martin to fill the unexpired term of office and there being no second, the motion died for lack of a second.

On MOTION by Ms. Burks seconded by Mr. DelBene with all in favor on roll call vote Jeremy Vencil was appointed to fill the vacancy in seat no. 2.

B. Oath of Office for Newly Elected and Appointed Supervisor

Mr. Torres being a notary public of the State of Florida administered the oath of office to Mr. Vencil.

Mr. Torres stated there is a packet of information that I will go over with you after the meeting that includes a copy of Chapter 190, guide to the sunshine amendment, code of ethics, I9 form, W4 form and form 1 statement of financial interests.

As everyone knows Diana ran unopposed and I will now administer the oath of office to her.

Mr. Torres being a notary public of the State of Florida administered the oath of office to Ms. Burks.

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Mr. Torres stated I will go over a few things with Jeremy that are in the packet of information. This is a public office you are now holding and are subject to the Florida sunshine law. Communications between your fellow supervisors regarding business that may come before the board can only be done in a public meeting. You can engage in conversations with the other supervisors about anything other than an item that may come before the board. You are also subject to public records requests and we ask that you segregate your district emails from your business and personal emails. If you receive a public records request please notify me or district counsel and we will walk you through that.

C. Election of Officers, Resolution 2021-01

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor Chris DelBene was appointed chairman.

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor Diane Jordan-Burks was appointed vice chair.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor Resolution 2021-01 was approved reflecting the following officers: Chris DelBene chairman, Diana Burks vice chairperson, Ernesto Torres Secretary and Treasurer, James Perry and Patti Powers assistant treasurers, James Perry, James Oliver, Daniel Laughlin, Brian Wing, Chuck Labanowski and Jeremy Vencil assistant secretaries.

SIXTH 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. Operation Manager – (Presenter: Jerry Lambert)

1. Memorandum

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Mr. Lambert gave an overview of the memorandum, which was included in the agenda package then presented the following proposals.

(a) Proposal #2328 pond fountain replacement

On MOTION by Mr. Labanowski seconded by Ms. Burks with all in favor repair of pond aerator was approved in an amount not to exceed of \$5,706.60.

(b) Pond #2 aeration in the amount of \$17,304.44

This item tabled.

(c) Entrances/Bridge light fixture replacement \$7,158

On MOTION by Mr. Labanowski seconded by Ms. Burks with all in favor the proposal from Stewart Lighting and Adelco Electric, Inc. in the amount of \$7,158 was approved.

(d) Grind 15 stumps along berms on walking paths \$1,950

This item tabled earlier in the meeting.

(e) Irrigation repairs and additional heads \$4,750

This item tabled earlier in the meeting.

2. Field Operations Manager Picture Report

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

D. Amenity Center Update (Presenter: Erick Hutchinson)

1. Gift of Dance

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor the request of Gift of Dance to use the social room for classes

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on Thursdays from 4:30 to 5:15 p.m. from January 14th through May 13th with the standard 10% back to the district was approved.

2. Amenity Athletics

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor the request from amenity athletics basketball for a startup basketball league from March 25th through May 13th, 3:30 to 7:00 p.m. with the standard 10% back to the district was approved.

Ms. Kilinski stated I will see what we have in place to see if we can amend the agreement for this program and making it clear it is only district residents, but I will have a license agreement in place with COVID protocols as well as use of additional district amenity facilities.

SEVENTH ORDER OF BUSINESS Supervisor’s Requests and Audience Comments

Mr. French stated I’m concerned about the trees on West Positano, some are in poor condition. I suggest you take soil samples to the agricultural center and have them test the soil. I suggest for the roundabout you put signs up that it is state law that they are not to occupy that roundabout. It is supposed to be graded and invisible by law.

Ms. Burks stated I agree with the suggestion for signage because people walk through there and you can’t see them when you are driving. They shouldn’t be walking in there.

Mr. Labanowski stated it is county property. There are a couple sabal palms as you are going towards the circle where the people walk across and that is definitely a blind spot. We had people get sick in the gym area and I’m concerned because there was no way of tracking who was in that gym at that time. There used to be a sign-in list as well as at the pool and both sign-in lists are gone.

Mr. Hutchinson stated we did away with the sign-in for a couple reasons and I’m happy to do whatever you want me to do. If I have a sign-in sheet everyone is using the same pen and defeats the purpose. What I did find effective was when I had sessions through mymurabella.com and people registered and I was able to adjust and customize it however, we wanted to do it. It is only effective while the office is open because the gym opens at 5 a.m. and stays open until 10 p.m. and we are not here. We would be limiting the gym hours. I can’t come up with something

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that is better than what we had. It has been come in at your own risk. We sanitized daily anything that is touched.

Mr. Labanowski stated cleaning surfaces is fine, but we need to clean the air system as well.

Mr. Hutchinson stated I'm happy to follow the board's lead and whatever legal says as well. Every day I'm in there everything is cleaned even in here, all the seats have been sanitized. I heard from other residents that the reservation system through mymurrabella.com wasn't efficient so we dissolved it.

Ms. Kilinski stated I want to clarify that we don't know that COVID was contracted in the gym; the folks that had COVID are also hanging out in a third scenario. Also, we have calls frequently when there is an issue, we have developed a best practice list based on both the Department of Health, St. Johns County, CDC best practices when these issues have occurred the advantage or disadvantage may be that GMS and our office representing so many districts and working with FIA, your insurer, to make sure we are doing what we need to do is we have a pretty solid protocol list in place that we have had to carry out all across the state. This has happened at various times. We did our best to do contract tracing per the Department of Health and if there are things that you think we have failed to do, let's talk about those offline and we can make improvements to that list. I want to make sure the board is aware we don't take these things lightly and we do have procedures in place well in advance of this happening to make sure we are doing everything we can to keep the community safe.

Ms. Burks asked if someone has caught COVID here, do you send out emails that there has been a case. Are we doing that in cases like that?

Ms. Kilinski stated yes, you should have seen the email because I reviewed the draft and made amendments to it. The district communication went out notifying the district that someone had been in the district's amenities and that there had been a COVID positive case and we were shutting down for a period of time. Any time thus far that the district staff has been made aware that somebody is COVID positive and came to the district's amenities we have made sure that the residents know that had occurred and on top of that if we can identify with any degree of certainty who may have been in the amenity facility at that time based on Erick's logs and the card reader access, we notify those people specifically that they may have been here during these hours when this person was here. It is a double notification process that we have in place.

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Mr. Torres stated I did receive an email from a resident, Kathy Venezia, and she wanted me to express to the board that sometime ago she purchased some landscape lighting for the entrance on 16 and it is residential landscaping solar lighting for about \$49 and they were removed. The district did not ask the resident to purchase these lights, she didn't receive permission to install the lights. These lights were installed in areas that the district maintains, but it is really the county's property. She is asking to be reimbursed because the lights are no longer there, they were removed because they no longer worked. I'm not at liberty to approve such reimbursement, I told her I would bring it to the board.

It was the consensus of the board to not reimburse the cost of the light since it was not approved by the board.

Mr. Wing stated I talked to Jerry and Lou because he will help build the bocce ball court to look at where to put it. I know we talked about putting it out beyond the tennis courts and in looking at that area it is not flat. The other area we looked at is over near the storage shed. We measured and marked it out, it is far enough away from the basketball court, it doesn't get into where the soccer is, it is close to the maintenance shed and there are rakes and a broom to maintain the bocce court. A concern for someone who is handicapped that is a long way to go in a wheelchair. The sidewalk to the basketball court and then the bocce court another 10-15 feet beyond that would be much closer. It is also flatter and drier and I propose that is where we put it in.

Mr. DelBene asked are you going to make sure there is enough room if we have to upgrade the shed?

Mr. Wing stated we will make sure there is enough room. The HOA is scheduled to meet here next Monday evening and the last three meetings they had one member who refused to wear a mask and I would like to know how that gets handled.

Mr. Torres stated that is a timeframe when staff is not here. Jennifer do you have any suggestions?

Ms. Kilinski stated the board of supervisors as the policymakers and business decision entity for the district's amenity facilities is within its rights to adopt a policy that requires masks. If someone wishes to not adhere to that policy you have the right to not allow them entry into the facility. If we know that there are members that are not going to participate and you don't have staff we certainly as staff can make sure that the community generally knows that is the policy that

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they need to adhere to and if we have specific offenders we are concerned about we can make sure we notify them specifically. If offline you want to tell Ernesto or me who that person is we are happy to reach out to them. It is probably a good idea to send an eblast to make sure every resident knows that is the current policy of this board.

Mr. Torres stated I know staff has communicated to the resident several times about wearing masks. In fact, there was an eblast that went out prior to this meeting, there are signs on the door. If it is your pleasure I will be more than happy to make a call or email.

Mr. Wing stated I suggest that as well as a communication to the president of the HOA saying if you can't enforce this you don't have the privilege of using this room.

Mr. Torres stated I will communicate with the president and the person as well.

Mr. DelBene asked will you look at the pricing of fountains, specifically I would like to see one that has a bottle filler and a lower tier for children and higher tier for adults. I'm seeing prices in the range from \$2,500 to \$4,400.

EIGHTH ORDER OF BUSINESS

Approval of Consent Agenda (Presenter: Ernesto Torres)

- A. Approval of Minutes of the November 10, 2020 Meeting**
- B. Balance Sheet as of November 30, 2020 and Statement of Revenues & Expenditures for the Period Ending November 30, 2020; 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.

NINTH ORDER OF BUSINESS

Next Scheduled Meeting – March 9, 2021 at 6:30 p.m.

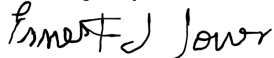
Mr. Torres stated the next meeting is scheduled for March 9, 2021 at 6:30 p.m.

On MOTION by Mr. Wing seconded by Ms. Burks with all in favor the meeting adjourned at 8:41 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman