

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, May 11, 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 (by telephone)
Brian J. Wing	Supervisor
Chuck Labanowski	Supervisor
Jeremy Vencil	Supervisor

Also Present were:

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

The following is a summary of the actions taken at the May 11, 2021 meeting. An audio 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. McManus stated I live on a pond and along with my neighbors and others in the community continue to have problems with people going in the back of our houses. I know there is a policy that people are not supposed to be behind private homes, but none of them know this. There is no posting anywhere that says they cannot go behind private homes. Sometimes when you tell them it goes very well and other times it starts an argument. People can park in Gators parking lot, walk down Murabella Parkway and I have seen them with buckets and poles and go

May 11,2021

Turnbull Creek CDD

behind people's houses and fish because there is no sign anywhere saying they can't. What are you going to do as far as providing safety for the people who live on the pond to prevent strangers from being in the back of our homes? When I call the sheriff I have been told they won't come out for trespassing.

Mr. Vencil stated I have talked to the head of the HOA who is interested in putting up additional signage at their expense if we approve that they are allowed to do so. I don't think there is anything else we can do to address this.

Mr. DelBene stated this item is not on the agenda tonight. I support having private property sign added to the agenda, it is not on the agenda this evening. We have no enforcement authority.

Ms. Kraus stated our kids have been part of the Fighting Turtles for four years, I'm on the board as well and we are here to voice a strong opposition to the dead ends our team is facing with Murabella. We brought a lot of the community together and our community is getting younger and younger, we are not a retirement community, we are a family community and I think we should be supportive of healthy, active sports with our kids. I also think we need to consider the high school swim team. We are going to have our kids going to school there and some of you may have your kids there and it makes sense to support our local high school any way we can because they want someplace they can practice locally. None of the St. Johns County schools have swimming pools, they all use community pools. I don't see why we need to snub our noses to an opportunity to support our younger community.

Mr. Kraus stated my experience over the past four to five years that the swim team has made on the people I have seen in our community. We go these other neighborhoods and from 6 to 11:30, they are selling donuts, coffee and pastry, they have 300-400 people standing around spending \$20 each on a Saturday morning then the food truck shows up. I'm looking at it from the revenue side. I don't know the numbers that the Hammerheads make over here when they do their events. We have not done it here because of the blocks but now they said they would buy the blocks for us and take care of installing them it is just if we let them practice here.

Ms. Kraus stated we would be practicing right now but we have been told by the CDD that we are not allowed to practice anymore because there have been complaints by retirees not being able to swim but we always leave a lane open for whoever wants to swim and we also said if they need an additional lane we can practice that way as well. It is a shame we have 80 kids right now

May 11,2021

Turnbull Creek CDD

that can't enjoy this empty swimming pool because of a few older people who wants to give us a hard time.

Mr. DelBene stated over the past two weeks I have been to the pool six or seven times, three of them coincided with your practices. Every day I was there all the lanes were used.

Ms. Kraus stated one lane is designated for everyone.

Mr. DelBene asked Erick, did we say they couldn't use our swimming facilities?

Mr. Hutchinson stated there might have been some confusion. Because King & Bear is having renovations done, there was a timeline where the Fighting Turtles were going to be here, which hadn't happened in the past because they were in the morning and this was something new where they came during peak hours. After I heard there were some complaints I got word from Jennifer that they were going to be opening back up. Then I got an email a couple days later saying that the health inspector did not actually go over there so they were unable to open the pool. I spoke with Jennifer and I said I believe you were not allowed to come back because I haven't discussed it with the board members and the meeting was coming up and I felt this would be what I was going to talk about. This just happened last week.

Ms. Mandolph stated I'm here to ask the board to think about the infrastructure in the Murabella community, the ponds. The ponds are a high priority in the CDD before they get worse. Forget worse, on 2140 S. Sorrento, the ponds aren't coming in sidewise it is coming in vertically. My daughter now has an 8-foot area coming into her house about 3-feet wide and they call it the end. The CDD property is infringing on her property. This is the third engineer you have had come out and look at it. Some of the ponds were fixed and some were fixed a couple of times and they are still not right. Please work on this ASAP.

Mr. Turnell stated I did comment to you on Facebook about the Fighting Turtles using the pool that day, Thursday from 4 – 7, which I thought was excessive. I think 4 – 6 four days a week, but going until 7 there are people who are no longer coming to the pool because it is so packed and you don't want 6 and 7 people in a lane. I'm not opposed to it being used maybe we could work with a 2-hour block so people could use it from 6 until closing. As to opening it to the high school to me for what I'm paying, this is my primary amenity and it is one thing to use it for our team but now lose the amenity for other kids then I have a real problem with that. The high school should have built their own pool. Our team is one thing but not opening it up to other groups.

May 11,2021

Turnbull Creek CDD

A resident stated I totally agree, we pay our CDD fees for a little privacy, not all of us have schools in our backyards and that pool is my sanctuary. Fighting Turtles are okay but not the high school.

Ms. Slevin stated as the board is aware I have been documenting Duval's lack of contractual landscape throughout Murabella for a few years. This includes numerous emails to Ernesto and Jerry with photos included. Many of these items had been signed off on a weekly checklist by Jerry and Mike from Duval. Numerous items have not been completed. Photos depict the lack of Duval doing their job and per contract. I trust that the board will hold Duval accountable for the lack of completing numerous items over the years and have been fixed before the end of the contract in September.

Ms. Venezia stated on the pond bank repairs, we have a list of those homes that needed repair from the end of 2016 that were scheduled for repair in 2017. All of those have been ignored. I am hoping that the board will start now and review those homes that needed repair from 2016.

Mr. Torres stated we would like to move item six under the engineer's report so that he will be present during this discussion.

### **THIRD ORDER OF BUSINESS**

#### **Staff Reports**

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

##### **1. Discussion of Berm Conditions**

Mr. Johnson stated we have had some issues and we have taken care of the issues. I know Sharon Slevin has a lot of issues she wants us to do, but we have to do a pretty decent job. Instead of reaching out to you and giving you a list of action items we completed, I wanted to see if there is anything that the board or management requests.

Mr. Torres stated I know between meetings we added the pictures of the berm and that is in the agenda books and those pictures were taken approximately April 12th and the chair wanted to have that so you could discuss that.

Mr. Johnson stated I responded that same Saturday. The pine straw guys were coming in and they were in the wrong spot. Instead of being behind my guys they got in front of them, which we did correct then we had them back since then. We removed debris, weeds and they will come back to re-pine straw. If there is anything else the board or homeowners see that needs to be done, then reach out to me.

May 11,2021

Turnbull Creek CDD

Mr. Vencil stated I live near the Pescara entrance and it looks like garbage. Nothing has been touched there, the pine straw hasn't been touched, there is grass growing through the pine straw. Having said you walked the property and it looks fine makes me question how much of the property you have actually looked at.

Mr. Johnson asked have you brought this up to Ernesto or Jerry?

Mr. Vencil stated I have brought it up like the other board members and it is not being taken care of.

Mr. Johnson stated I will be with Jerry tomorrow and I will make sure this gets addressed.

Mr. Labanowski stated I'm concerned if Jerry is going out there with Mike, why isn't he holding them accountable to get these things done. There should be a specific check list of what has to be done. The check list worked for a very short time and has not been correct for a long time. Limbs need to be trimmed and pine straw needs to be laid down. I'm concerned this isn't being managed strong enough on our end. Jerry needs to get on top of this and if the job isn't done right we need to deduct that from them.

Mr. Lambert stated Mike is very reactive when I call him and he is here that day or the next day. If I'm missing something a lot of that isn't his fault and I may be missing it, but we put in five trailer loads of pine straw in the past couple of months.

Mr. Wing stated I don't know when these pictures were taken and some of these berms we don't even own, they are not ours to maintain.

Mr. Lambert stated the ones I took pictures of were taken care of and that is the big long one in the back.

Mr. DelBene stated the undated photos are from me walking the back east side of our property line and that is the entire east berm.

Mr. Lambert stated that is the one I'm talking about.

Mr. Vencil asked why wasn't it done in March when it was due?

Mr. Johnson stated it is very hard to get a lot of the pine straw and mulch in the last six to nine months because of the pandemic. I'm not here to make excuses, but when I can get it I get it and do it.

Mr. DelBene stated in the past we have sent a good faith notice to Duval to get the things in the contract done.

May 11,2021

Turnbull Creek CDD

Mr. Torres stated I did that once with the issue that occurred, it was corrected and then when I brought it to the board for payment there was no fine set. In the contract there are provisions that once we send a notice of any deficiency based on their contract they will be fined.

Mr. DelBene stated the southernmost portion of our neighborhood is horrendous.

Mr. Lambert stated that was all done.

Mr. DelBene stated the problem is as the photos show the pine straw was put over weeds and the weeds have been growing for months if not years and the weeds look like bushes. What we are contracted for that Duval is not being done. We need a list of contractual obligations that are not being performed and a good faith letter for those to be done within the 30-day period or whatever the contract language sets out.

Ms. Kilinski stated right now our contract provides for \$100 per day fines upon notice and failure to comply. There are also damages provisions within the contract so what you are setting out is exactly what I would recommend we do and what we did last time, which is take pictures, have a list of things that need to be remedied, give a certain amount of days. There is no contractual amount of days that are in there, it is something that would be reasonable depending on the deficiency and at the end of 7 or 14 days it is not completed, then you start assessing the \$100 fine.

Mr. DelBene stated it is my recommendation that Jerry put the list together, put into a good faith letter and a fine gets attached from here on out if it can't get done within the time period specified.

Mr. Vencil stated I would like to see the list before it is sent to make sure that there is an opportunity to add any additional trouble spots that may have been missed.

Mr. DelBene stated so long as it is contractually based.

Mr. Torres asked once the deficiencies are identified what is the time period you would like to specify?

Mr. DelBene stated it will be based on what the deficiencies actually are.

Ms. Kilinski asked do you want to delegate a board member to work with staff?

Mr. Labanowski stated I will work with them.

Mr. Wing stated I suggest we leave it to Ernesto, maybe in consultation with Jennifer, here is the list what is a reasonable period of time.

May 11,2021

Turnbull Creek CDD

Mr. DelBene stated if any board members or audience members have an area that you personally identified, we have a lot of land in the community, send an email to Ernesto, Jerry or any board member.

Mr. Torres stated now that we have designated Supervisor Labanowski, we can't communicate with Jeremy we will communicate with Chuck.

Ms. Kilinski stated if you send it all to us we can compile it into one but Chuck will ultimately be the one to bless the final letter given the Board's direction.

## **B. Engineer (Presenter: JMT)**

### **1. Update on Topographic Survey**

Mr. Torres stated at the March meeting the board approved a topographic survey and Steve is here to talk about that and also the scope for the pond bank repairs that JMT has provided for the board to review.

Mr. Collin stated the survey we obtained was of the flooding areas around the soccer field and the pedestrian path surrounding stormwater pond and on the opposite side of the berm from that. We plan to review that and provide recommendations of what will likely be the solution. The surveyor found a lot of debris in the existing storm drains. I was surprised to see that you already had storm drainage and catch basins, yard inlets in the areas where most of the flooding is observed. The fact that the surveyors found a lot of debris in there I'm wondering if you ever hired somebody to clean out the storm drains.

Mr. Lambert stated we have not, we have talked about that.

Mr. Collin stated the first thing we recommend is to find somebody to clean those out. The grades where the catch basins are set should be sending a lot of that ponded water to the pond right now. There was also some ponding observed on the other side of the berm, on the north side of the berm, from the pedestrian path and there I want to take more time to review the survey and we will probably recommend an extension of the catch basin to go to the other side of the berm and connect into the existing system to then be able to drain that into the pond as well. I was surprised that you already had a drainage system exactly where you were experiencing flooding.

Mr. Lambert stated I had one quote to regrade that area and put in an additional drain to move more water and that was \$6,200. I will get them cleaned out.

May 11,2021

Turnbull Creek CDD

Mr. Torres asked do you want staff to put the energy behind cleaning out the storm drains and catch basins or wait until we get additional information from the survey?

Mr. Wing stated I suggest Jerry go ahead and have it cleaned because until we clean it out they aren't going to be able to do anything more. So, up to \$6,000 because that was what the whole thing was for grading and everything. Cleaning it out will be a lot less.

On MOTION by Mr. Labanowski seconded by Mr. Vencil with all in favor staff was authorized to have the inlets and catch basins by the soccer field cleaned in an amount up to \$1,000.
---

Mr. Collin stated we will also proceed with developing a recommendation for an additional catch basin or if there is anything we observe once we have a chance to review the survey in more detail.

## **2. Consideration of Scope for Pond Bank Repairs**

Mr. Collin stated I put together a memo with the various options that we use on various CDDs to stabilize pond banks. The cheapest solution is filling in the erosion and resodding and that tends to be about \$40-\$50 per linear foot. You can put in a littoral shelf with cattails on the bottom and if you get part of the erosion it is because of changing water levels you can start to get that kind of vertical bank on the bottom a littoral shelf will be really good to solve that. Some people like the look of stone and riprap and that is the hardest solution you can do. What we recommend since this seems to be a recurring issue is the geoweb containment system, which is a web of plastic you put down first and you fill over top of that then seed over the top of that, the worst that will happen in the future if there is erosion is the sod will wash away and we have to put sod back on it. You won't have this massive erosion that you seem to be having. We also noticed that all the addresses that were identified by Jerry and Brian are very close to each other and we saw where the previous person had done something and erosion was now occurring immediately adjacent to what they did. We see that a lot and we recommend you hire someone to stabilize the entire length of the pond bank where we are having these problems. It is a total of about 2,800 feet if you use the geoweb that tends to be about \$65-\$75 per linear foot excluding the cost of any imported fill they have to bring in.



May 11,2021

Turnbull Creek CDD

I was asked to get board direction on which solution they want us to get plans together for and get a bid for it. I need to put together a plan and scope so I can get a consistent bid from various vendors who can do this work.

Mr. Wing stated 2,800 linear foot at \$65-\$75 is roughly \$200,000. How much do we have in the budget, \$15,000?

Mr. Torres stated your capital reserve is \$159,000.

Mr. Wing stated we can't use all the capital reserves.

Mr. Collin stated we don't recommend spot treatment of stabilizing the locations that are eroding. We could put together plans and get an estimate to do that.

Mr. Labanowski stated we have to do something and not keep putting this off.

Mr. DelBene asked how is the bond market?

Ms. Kilinski stated it is very favorable, but you will not want to issue less than \$1.5 million because of the cost of issuance. We just got a 3% to 3.5% in two closings within the last two weeks.

Mr. Vencil stated if we are going to issue bonds to do additional improvements to the neighborhood I'm not in favor if it doesn't address things besides the pond banks. I want to see more improvements to the amenities.

Ms. Kilinski stated I don't think your bonds are callable until 2025 but I can talk to the underwriter and be prepared to talk about potential options for refinancing or additional bonds. If you want to do additional bonds, then you need to get your wish list as you have been discussing as to other improvements you may have been delayed in making. I have been here long enough to hear several things that you have contemplated but put off. A lot of that has been in the capital reserve list. Those are the things you may want to contemplate and do a supplemental engineer's report as you did with your pond banks for all those improvements you want to finance then we would have to look at your validation to see if you need to go back and validate or not. It is not going to cost you anything to consider those potential options with the underwriter.

Mr. Torres stated the \$212,000 contribution for FY 21 has not transferred from general fund to the capital reserve and that will bring it up to \$371,000. The other point I would like to make is last year this board approved the contribution in your capital reserve study to put \$70,000 in lake bank stabilization and another \$71,000 this year. The reason why your capital reserve

May 11,2021

Turnbull Creek CDD

contribution is \$200,00+ a year was to justify for the pond bank stabilization expense, knowing we were probably not going to do one until we had a sufficient amount.

Mr. DelBene stated let's look at the bonds to see if we could do that, it may not be necessary according to Ernesto's calculation of the contributions.

Mr. Collin stated it seemed like a couple locations where a homeowner may have installed a drain or some sort of ditch, the CDD can only put dirt within your easement, but if that causing part of the problem then it would be my recommendation that you contact the homeowner and tell them to make the repairs on their own property.

The next item taken out or order.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Easement Improvements Policy (Presenter: Jennifer Kilinski)**

Mr. Torres stated if you will recall at the last meeting a gentleman who spoke towards the end of the meeting, made a plea for the board to approve an encroachment into the easement. The letter is in your agenda book and I also emailed it to you. Also in the agenda book is a proposed policy.

Ms. Kilinski stated there is a cover letter that discussed some options as it relates to impediments in CDD easements. I talked to JMT a few times about this issue and I think from a staff perspective and let me know if you disagree, Steve, one of the things we discussed is easement encroachments that are impervious in nature versus things that may be capable of being removed. We talked about this at the last meeting and it was staff's recommendation that you don't allow any easement encroachments of hardscape, pools, or other impervious improvements that can't easily be taken out. If you adopted this policy, this policy would be only for non-impervious types of encroachments. That doesn't mean if you want a fence that it automatically gets granted, there may be situations where it doesn't make sense because it is the only access to a pond we are doing restoration work on or other factors. If you wanted to have a policy in place as we have noted in some of the aerials that have been provided to us and as JMT has gotten more involved here there are currently a number of potential encroachments in CDD easements that we don't necessarily have to require be removed, they are not causing issues today but there may be some that we want to get a policy in place for future homeowners who may want to install a fence or landscaping and we would have a process that you didn't have to consider every time somebody said I want a fence there. It would be here is the policy, you pay a small amount of application fee for the engineer to go out to review it, you have a variance and it goes in the public records and now we know they

May 11,2021

Turnbull Creek CDD

have been approved by the district rather than they do it and ask for forgiveness later or that we are having to go and notice everybody after the fact. That is what it is designed for, but I wanted to clarify because it is not real clear in the memo that after some discussion with staff because of the way our drainage easements work, it is not our recommendation that you approve any encroachment that would be of a non-movable nature.

Mr. DelBene asked in the event that the object has to be removed and we approved it, who pays for removing that object?

Ms. Kilinski stated it says in the policy and is also contained in the variance agreement that gets recorded for future property owners that any encroachment is always subject to removal if it needed for purposes of the integrity of the stormwater system and such removal and risk is at the residents expense. Essentially the District may grant the right of encroachment but you, homeowner, recognize that if we need to come in for an emergency situation it is going to be removed by us and you are going to have to pay to put it back if you desire it and if we need it removed for an express reason then it is going to be at the resident's expense and may not be able to be put back.

Mr. Labanowski stated this is what we do on the HOA side on architectural review. As far as fences are concerned there is a statement on the letter that you are allowed to go to your property line and if for any reason it has to have access, it is your responsibility to remove it at your cost. We are not allowing a pond to be totally enclosed by fences. We have to leave at least one access point open.

Ms. Kilinski stated that is helpful because that is the case in most communities that the HOA is approving the aesthetics. The issue we sometimes face is that the HOA is blessing fences because that is an architectural control and residents have taken that as carte blanche that the person can put his fence in without regard to easement encroachments. The HOA doesn't always know where that easement line is. Having the synergy between the district and HOA to say you have to get your fence blessed by the HOA but make sure if you are in an easement that you are also going to the district for their application process.

Mr. Wing asked does the HOA tell the homeowner they have to go to the CDD if they are in an easement?

Mr. Labanowski stated no, not for fences, anything else, yes. If you want to take the pool deck into the easement area we don't allow that.

May 11,2021

Turnbull Creek CDD

Mr. Wing asked if the HOA approves the fence into the easement they are notified that the if the CDD says remove it, you have to remove it.

Mr. Labanowski stated it is your responsibility, the same with people who put in landscaping, if they put it in the easement area it is their responsibility at that point. We look at the plats and as-builts.

Mr. Collin stated I reviewed the language and it seemed like there were two different options you were proposing. The main comment I have is if we recommend it not be approved, in this language it is automatically not approved.

Ms. Kilinski stated what would happen is there is always a due process next step, but the resident would get a letter just like the last gentleman got the letter that says, we reviewed it, denied, and he can come to the board and appeal to the board.

Mr. Collin stated in the other CDDs we work with it is always the CDD's decision on these types of issues.

Ms. Kilinski stated you are an arm of the CDD - we typically try not to have the Board approve every single variance request. It may not be as problematic here, but we have some districts where we are getting several requests between board meetings and administratively it is incredibly burdensome. Ultimately, they are going to rely on your professional opinion more often than not. There may be some exceptions to that, but if you say this is a bad idea, it is a drainage easement and it is going to impact it, then most folks are going to say I defer to your judgement.

We always send a denial letter if it is denied and I can add that to the memo so that they know they will get an approval or denial.

Mr. Vencil stated we also need to cover JMT's costs.

Ms. Kilinski stated we can work with JMT to determine what that amount is. Historically it has been between \$350 and \$500. We have the homeowner provide all the information to us, an exact schematic of what you are putting in, where you are putting it in and where your lot is so the job of JMT would be to just go look at the actual drainage easement and the improvement that is being put in and then we have this form of variance already that the homeowner can fill out and we would just review it for final sign-off, so it should be fairly minimal.

Mr. Vencil stated it seems highly unlikely that very many of these are going to get approved and I want to make sure the homeowners understand that when they do this it is almost always going to be a long shot before they start having work done.

May 11,2021

Turnbull Creek CDD

Mr. DelBene asked what is the purpose of this? We are not going to allow any pools or structures? Anyone putting in a fence and encroaches in the easement, they are not putting it in the water.

Mr. Labanowski stated they are putting it on their property line and in some cases there is as much as 20-feet of easement into their yard. On the HOA side we are not trying to take away from the property use of the homeowner, we tell them that if it has to be moved, they have to move it.

Mr. DelBene stated JMT told us at a prior meeting that certain of the properties that put in fences are creating an additional burden on the ponds because of how the water goes into the pond.

Mr. Torres stated the CDD to this point has not reviewed any easement encroachments for fences or not, minus this last one. If the HOA is the one letting homeowners impede in the easement it hasn't been brought forward to the CDD.

Mr. Wing stated that is what they have been doing since day one.

On MOTION by Mr. Wing seconded by Mr. Vencil with four in favor and Mr. Labanowski opposed the proposed easement encroachment policy, Option B was approved.
--

Ms. Kilinski stated I will update the memo to reflect what is definitely not going to be approved and what is likely to be considered but may not be approved as well.

Mr. Wing stated if we repair some of the pond banks, you are going to be out there again and if you see issues dealing with fences we need to know because we may need to to say you can't put the fence there. We saw when we were walking around that the problem is where two fence posts come together and the runoff goes right there.

Ms. Burks stated if there is already a list of things that we know that we are not going to approve wouldn't it be more beneficial if she put that in place that we don't want to cost the homeowners money if we already know it is not going to be approved. Why not prepare a list of things that they should not even try to apply for. Have the HOA and CDD come to an agreement and speak the same language.

Mr. Collin stated it will take about 20 hours to put together plans and get bids for the pond bank repair.

Mr. DelBene stated let's figure funding first before we spend \$3,500 in planning.

May 11,2021

Turnbull Creek CDD

Mr. Collin stated the permit the development got from the St. Johns River Water Management District also says you have to maintain your easement around your ponds, around all stormwater structures. This is an attorney question. I'm not certain that you would be able to give up any portion of your easement should that be desirable.

Ms. Kilinski stated we are not doing that.

Mr. Collin left the meeting at this time.

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

#### **Consideration of Resolution 2021-02 Approving the Proposed Budget and Setting a Public Hearing Date for Adoption**

Mr. Torres stated item four is consideration of Resolution 2021-02 approving the proposed budget for fiscal year 2022 and setting the public hearing for adoption. The public hearing will be August 10, 2021 at 6:30 p.m. At this point the FY22 budget does not require an increase in assessments. There was a minimum increase in district management, facility management per agreement so you will see some adjustments. If the board wants to keep the landscaping budget the same that means you would only consider those contractors that propose under the budgeted amount of \$308,000. We had three landscape providers bid: Brightview, Trimac and Duval. Any consideration above that scope we would have to increase that budget line, which could possibly mean that would trigger a mailed notice to all the homeowners of a proposed increase in assessments. We will approve the budget at a higher rate and may adopt it at a lower rate.

Mr. DelBene asked what was the highest proposal?

Mr. Torres stated Yellowstone failed to appear at the mandatory meeting and they were at \$354,000 for the first year and an increase thereafter. The second highest was Down to Earth was \$329,000 for every year with no increase and Laura from Down to Earth is here today. Brightview was \$294,000 with increases after that. Trimac was \$281,000 for the first year and some increases and Duval was \$266,000.

Mr. DelBene asked do you want to approve taking Yellowstone's bid?

It was the consensus of the board to not accept the bid from Yellowstone.

Ms. Kilinski stated we probably want to do that separately. I think it is okay to get consensus around that for budget purposes, but in terms of rejecting them we will do that separately.

May 11,2021

Turnbull Creek CDD

Mr. DelBene stated we would have to change the budget to go up to \$329,946 for Down to Earth, which is about \$21,000 budget increase.

Mr. Torres stated I'm trying to avoid a potential mailed notice that not only cost the district \$3,000 to do but it will create a lot of activity. You could consider a reduction in the capital reserve to make up the difference; I don't think you have enough carry forward to cover that gap.

Mr. DelBene stated I know what you are saying but if we end up choosing Down to Earth and we did it in a roundabout way where we didn't notify people that we were increasing the budget I don't want to do it that way.

Ms. Kilinski stated you have to provide notice by law notice when you raise assessments over previously noticed amounts. You do have a meeting in June.

Mr. Torres stated that is correct if the budget stayed the same by moving from capital reserves to finance the landscaping line you would avoid a public notice and the budget stays the same. If that is an option you don't want to exercise then we will fund it fully at \$329,947 and notice it that way. We can delay the public notice until after the June meeting.

Mr. Wing stated I don't want to take it out of capital reserve contribution and we are talking about taking a big chunk for pond bank repairs and unless we have a bond issue which some are against, I'm not looking for an increase but I would rather kick it up now, notice people and if we find ways to bring it down then bring it down.

Mr. Torres asked are there any other changes you would like to make to the budget before we approve it tonight, understanding that it is just an approval that we will adjust?

Mr. Wing stated once we propose the budget tonight we can't go up, we can go down, but we cannot go up.

Mr. Torres stated that is correct.

Mr. Vencil stated I would like to make sure we cover the cost of the landscaping and the capital contribution. The other thing I want to address is that all the other CDDs our size and near us geographically meet monthly in order to address community concerns in a more timely manner. We have had things out there that have frustrated people in the neighborhood for six and seven weeks. Things get kicked down the road simply because we don't get together enough to decide what we want to do. I would like to change that.

Ms. Burks stated I receive things outside of our meetings of concerns that have been brought up and sent to you of things that you ask us to review and see if we have any concerns or

May 11,2021

Turnbull Creek CDD

questions. I don't know that it is necessarily the time that we meet as being able to make sure we narrow things down in these meetings that we can actually get to the issues that are at hand.

Mr. Vencil stated some of the issues we are going to talk about today that everybody needs to make a decision on have been floating around out there for six or seven weeks. We have to vote on it, we can't make a decision without a board vote and it has to wait until we get together. I don't see why people in our neighborhood couldn't have their concerns addressed in a timely manner. I'm bringing it up because this is the budget and we would have to budget for monthly meetings.

Mr. Torres stated we would have to adjust several line items, attorney fees, management fees, engineering fees, supervisors fees, legal noticing and I can ballpark it and adjust those line items so we at least put those things in the budget if the board wants to consider that. Now is the time to talk about it.

We would factor in under the administrative fee that is now \$160,000 there will be an increase in the ballpark to \$175,000, but it may be a little more.

Mr. DelBene asked are we going to include Down to Earth, keep capital reserves, and the additional admin fees for 12 meetings and that way we have to send a notice to all the residents.

Mr. Torres stated from what I'm hearing we are going to increase the landscaping contract from \$308,000 to \$329,000, I will estimate high on the administrative fee. Is there a change in capital reserves?

Mr. Wing stated if you add \$20,000 for landscaping, \$20,000 for extra meetings and at \$48,000 you raise the assessment by \$50. Put in the \$48,000 in the budget and we will figure out where it comes out from later as long as we know we can't go any higher.

Mr. Labanowski stated that holds our feet to the fire as far as any pond bank repairs.

Mr. Wing stated you can put in another \$15,000 or \$20,000 now.

Mr. Labanowski stated with the repairs that have to be done, that is a drop in the bucket.

Mr. Wing stated then you are talking about taking the assessments up \$100 or \$150.

Mr. Labanowski stated I would like to see an increase in capital reserves of \$200,000 if possible.

Mr. DelBene asked does anyone else want to have a proposed \$200,000 increase in the budget for discussion at the next meeting?

Mr. Vencil stated we can discuss it, I don't necessarily want to vote for it.



May 11,2021

Turnbull Creek CDD

Mr. DelBene stated I can't justify a \$200,000 even as a discussion point, that is three noes and two yeses and that is not going to be put in the budget. Any other increases?

Mr. Wing stated I propose \$48,000, round it to \$50,000 if you want. Did we already go over that?

Mr. Torres stated yes, with the landscaping alone and the admin we are looking at another \$75,000 and that brings you from \$1.126 million to \$1.201 million.

Mr. DelBene stated I propose a one-time \$100,000 increase to be put in capital reserves be for the pond bank restoration so we can meet the \$200,000 threshold for that project.

Mr. Torres stated it will go from \$1.126 million to \$1,277,149, an increase of \$151,000 and that is the worst-case scenario.

On MOTION by Mr. DelBene seconded by Ms. Burks with all in favor resolution 2021-02 approving the proposed budget as amended and setting a public hearing on the budget and assessments for August 10, 2021 was approved.

**FIFTH ORDER OF BUSINESS**

**Update Regarding Proposals for Landscape and Irrigation Maintenance**

Mr. Torres stated the intent of tonight's meeting is to let you know we received the proposals, you received them electronically and you also have hard copies. At the next meeting we will add to the agenda consideration of the proposals. I wanted to delay the selection to July's meeting, because of the heavy cut season that we are in right now. When you notify a vendor that they are not going to be here next year, services go down. I will leave that decision to the board. You can select a new company in June, but there is some risk involved in that.

Mr. DelBene stated I'm fine with looking at the proposals in July.

**SIXTH ORDER OF BUSINESS**

**Consideration of Easement Improvements Policy (Presenter: Jennifer Kilinski)**

This item taken earlier in the meeting.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Agreement with the Fighting Turtle Swim Team (Presenter: Jennifer Kilinski)**

Mr. Torres stated the agreement is in draft form with some deletions and comments from Jennifer's office.

May 11,2021

Turnbull Creek CDD

Ms. Kilinski stated with reference to the resident comments at the beginning of the meeting; I was unaware that there was any dispute regarding ongoing use of the pool. Erick can talk a little bit about what those issues are and maybe give board direction on what you want to do for the interim.

This is your form agreement that you have approved previously. Last year was a little different because we had COVID protocols that USA Swimming had put out. Those have been removed. The comments you see in redline, there are a few things we were waiting on clarification from the swim team or wanted to get your direct approval on because they are a little bit different than what you have had in previous agreements.

The swim team specifically asked for the virtual meets, that wasn't something that our office required. They wanted a cap increase from 60 to 90 swimmers and I wanted to bring that to your attention and make sure you had confirmed that was good. The swim team offered the two swim lanes be kept open at all times during team practices. Previously, we had one lane and if there was an abundance of residents using the pool they would go to a second, now they are offering two swim lanes from the start. The final comment I wanted to make was on page 5, they had requested to remove this 10% revenue share that we have in all of our license agreements. My review of previous agreements is we had that 10% in there as we have had with all our vendors. I know this is a mostly a resident team so I wanted to bring that for your review because previously you had directed staff to keep this 10% revenue to the district on all of our agreements. Otherwise, it is substantially the same form you have seen it for the last four or five years.

Mr. DelBene stated I listened to what they did at other meets. Are they allowed to bring and sell food and beverages as they do in other communities?

Ms. Kilinski stated right now we haven't specified whether they can or can't run concessions. Different teams have requested different things. Those are outside vendors and right now we have no outside vendors so you wouldn't be able to bring in a food truck.

Mr. DelBene stated something like donuts like he suggested.

Ms. Kilinski stated there is nothing in the agreement that prevents that at this point. If there are things that we can do to make this agreement more clear I am happy to do it.

Mr. DelBene stated I want to make sure they have the same opportunities as other teams and if it is not in the agreement, let's make it clear to them that they are allowed to do that so long as it is not a third-party vendor.

May 11,2021

Turnbull Creek CDD

Mr. Vencil stated would the 10% be a part of this as well?

Mr. DelBene stated I voted against releasing the 10% on one other organization and I'm going to remain consistent. Every organization that comes in here pays the same fee, we have one fee agreement and it is the same. Let them bring in concessions and raise money in other ways, but I'm going to remain consistent and say that all organizations that use our facilities pay a user fee of that 10%.

Mr. Vencil stated that is for all revenue.

Mr. Wing stated just for what they charge the swimmers.

Ms. Kilinski stated that is what we have done.

Mr. Vencil stated that needs to be 10% of all revenue.

Ms. Hoffman stated we have never paid the 10%, we are a non-profit and I have my EIN number. We have never paid that before, we do not run concessions at the practices, we do at the meets, but we yield maybe \$80. We are having virtual meets at this point and virtual meets mean that it is just our team so we are not doing concessions this year.

Mr. Wing stated in other words the 10% has been in the agreement, but it has never been paid.

Ms. Hoffman stated I sent back messages to Ernesto and Sarah for the last three years, This is not something we have done, this is something that was in the proposal. There is an agreement that came back for me to sign two weeks ago.

Ms. Kilinski stated last year I think we did away with all gross revenue requirements for pretty much all our vendors because they were on limited space availability, but in previous years the board requested that we treat all of our licensees the same. There are a lot of non-profit organizations, I'm not saying you have to charge them at all, I'm just saying that was the reason it was added to the agreement or it has been in the agreement historically because that was the direction from the board. I can't attest as to whether we collected or not and would add that the change to add 10% revenue share to all of our agreements was made in 2019, it may have been after this agreement was executed.

Ms. Hoffman stated we charge \$180 for 17 weeks and part of that money goes to paying the insurance policy and league fees. If we are doing the 10% I really need to increase the registration because I would be in a deficit at that point.

May 11,2021

Turnbull Creek CDD

Mr. Labanowski stated we are not talking about a lot of money and most of it is community anyway. It was a different story if it were a business operating out of here to make money. They are not trying to make money, they are trying to run an organization of kids in our community. As far as I'm concerned you can do away with that 10%.

Mr. DelBene asked which vendor did this board voted to waive the 10% on?

Mr. Torres stated it may have been the swim team.

Mr. Hutchinson stated there is one, but I don't remember.

Ms. Burks stated then the swim team is the only one that doesn't pay.

Mr. Vencil stated it isn't fair to collect from one sport and not the others. We need to be consistent.

Mr. Wing asked have you already charged your registration fees for the year?

Ms. Hoffman responded yes.

Mr. Vencil moved to approve the agreement with the Fighting Turtles to include the 10% to be paid to the district.

Mr. Wing said the hours are in the schedule, 7:00 a.m. to 10:00 a.m. Tuesday through Friday from June to July 31.

Ms. Hoffman stated the afternoon hours were on the bottom of the proposal as a special consideration and when we talked in March you were at the end of your meeting and said everything was approved. I emailed Ernesto and said what was approved because we had also asked for afternoon practices while King & Bear was going to get fixed. Everything was in the proposal. That is how we have been operating because of what was in the proposal at the last meeting.

Mr. DelBene stated I don't mind them using the facility while King & Bear is down, so long as they leave two lanes open and that is only for the next 11 days. I don't think Erick intended to shut them down.

Ms. Burks seconded the motion and on voice vote with four in favor and Mr. Labanowski opposed the motion passed.

May 11,2021

Turnbull Creek CDD

**EIGHTH ORDER OF BUSINESS****Discussion of Traffic Calming Study  
(Presenter: Ernesto Torres)**

Mr. Torres stated the county said the study consisted of traffic volumes and speed in several locations evaluating both travel directions to determine if traffic calming devices are warranted at any of the individual locations. Upon review none of the locations have met the warrant for traffic calming devices and the county has determined not to move forward with any traffic calming at any of these locations. The roads are not owned by the CDD, the are owned by the county, otherwise you would be maintaining those roads.

Mr. Vencil stated the HOA decided at the last meeting to form a committee and one of the things they wanted to do was continue working with JSO to make sure that enforcement of traffic rules is being maintained, particularly in a couple of the spots there they conducted the study. A lot of people asked for more stop signs but that is not on the table. People in the neighborhood like to park on the street and the county views that as a positive and they feel that is a traffic calming measure that is going to assist in keeping speeds down in the neighborhood.

**NINTH ORDER OF BUSINESS****Discussion of Staff Interaction to Resident  
Complaints (Presenter: Ernesto Torres)**

Mr. Torres stated throughout the month and between meetings staff does its best to take residents input when it comes to issues related to our contractors in addressing those issues. We try to do that in a timely fashion. You are fortunate to have an onsite operations management and onsite amenity manager, some communities don't have that. I don't think that courtesy we extend to the residents should be abused, to the degree that we are taken away from someone's performance or duties, daily tasks to answer resident's emails, to the tune of over 100 emails in this short period of time. I didn't put the emails in your agenda book to make them a public record, but they are there. I'm bringing this to your attention to (a) make you aware and (b) to have some discussion as to what direction you would like to give staff when an incident like this occurs. It has become ineffective to answer an email over and over and over.

Mr. Wing asked are most of these on landscaping type issues?

Mr. Torres responded yes.

Mr. Wing asked from a small group of people?

Mr. Torres stated a household.

May 11,2021

Turnbull Creek CDD

Mr. Vencil stated it is hard to stop someone from trying to communicate who wants to tell you something, however, we can set more reasonable expectations as far as responding to those incoming communications. If someone is emailing multiple times a day, every day, it would be more reasonable that the person may not expect to get multiple emails back every day, even getting one email back every day. It may be more reasonable to expect staff to communicate with the resident once or twice a week. I don't want to create a situation where people feel like they can't give their feedback but I don't feel like you should be spending four hours a day doing emails.

Mr. Torres stated that is where we are at. They are spending a considerable amount of time answering emails.

Mr. Vencil stated responding to each email is not reasonable. Responding to people once or twice a week should be okay. I don't know the level of detail and frequency of response is necessarily required even if someone decides they want to email you every hour.

Mr. DelBene stated I think we should have a policy in place for this. If it borders harassment they have to abide by the same treatment of staff as anyone else. Send them a notice pursuant to our policy regarding the treatment of staff and notify them that you consider the emails harassment. That is their warning and after that it is going to be suspension of amenity privileges. We are asking that you treat staff as professionals. If a staff member gets harassed every single day on something they have already provided a response for that is an issue of harassment.

## **TENTH ORDER OF BUSINESS**

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

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

Ms. Kilinski stated you should have been receiving the Capital Conversations updates. The session has ended, a few noteworthy bills passed, the first one being the COVID liability bill that includes protections for special districts, which essentially says that if a would be plaintiff wanted to file a lawsuit against religious organizations, businesses, units of government, universities, pretty much everybody under the sun, then there has to be proof that unit of government or business was failing to substantially comply with any federal, state or local guidelines in place at the time the suit gave rise and also you have to have an attestation from a doctor that said that they definitely contracted it in that place. It insulates most businesses from lawsuits, with a high bar for would be plaintiffs. There were also a couple other bills, a fiscal transparency bill that will require some additional reporting, which really is going to impact more district management and auditors than

May 11,2021

Turnbull Creek CDD

anything you will see before you except you will see more categories in your audits than you did previously. There have been a couple new construction provisions that we will be adding to our construction RFPs as it relates to foreign countries of concern. Otherwise, nothing too significant to report on. The session starts again, hearings will start in late September and we know that amendment 12 is coming, which will definitely have some interesting special district repercussions because it is all about public officials.

**B. Manager – Report on Number of Registered Voters 2,181 (Presenter: Ernesto Torres)**

A copy of the letter from the supervisor of elections indicating that there are 2,181 registered voters residing within the district was included in the agenda package.

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

**1. Memorandum**

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

**2. Field Operations Manager Picture Report**

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

**3. Duval Audit Reports**

A copy of the Duval audit reports was included in the agenda package.

**4. Consideration of Playground Mulch**

On MOTION by Mr. DelBene seconded by Mr. Wing with all in favor the proposal from First Coast Mulch in the amount of \$4,905.00 was approved.
---

**5. Tennis Court Fence Proposal**

May 11,2021

Turnbull Creek CDD

On MOTION by Mr. Wing seconded by Ms. Burks with three in favor and Mr. Vencil and Mr. Labanowski opposed the proposals from Fenced Up in the amount of \$7,258 and \$1,540 were approved.

**6. Consideration of Playground Drinking Fountain**

This item tabled.

**7. Hoover Pump Rain Gage Proposal**

This item tabled.

**8. Consideration of Grass Seeding**

This item tabled.

**9. Dog Station Locations**

A map of indicating the locations of the dog stations was included in the agenda package.

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

Mr. Hutchinson stated the kids triathlon with Joe Fertsch will be August 1, 2021 starting at 9:00 a.m. at the pool, run across the amenity field to the jogging trail, on their bikes with helmets and shoes in place and cut back through the amenity field. There will be three age groups, 6-8, 9-11, 12-14 and last time he charged \$35 per participant, the district will receive \$5 per participate and he donates the rest to a charity.

On MOTION by Mr. DelBene seconded by Mr. Wing with all in favor the kid's triathlon on August 1, 2021 was approved.

Mr. Hutchinson stated I'm requesting you to extend the agreement for my storage unit with Cube Smart. When we spoke in November you said it would be for six months and we would revisit whether or not we wanted to move forward with a shed or potentially extend it for another six months at a cost of \$81.16 per month.



May 11,2021

Turnbull Creek CDD

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor staff was authorized to extend the lease of the storage unit another six months.

Mr. Hutchinson stated someone approached me about donating money to this community and wanted to remain anonymous. It would be specifically to heat the pool. They would pay the initial cost of installation. I reached out to several companies and am having a problem getting someone to give me a quote, but I'm working on that.

Mr. Wing asked would this person be interested in light it?

Mr. Hutchinson stated their agenda was focused because of the swim team and they thought the swim team would benefit from this. I don't have any more specifics, but I wanted to keep you in the loop and I wanted to see if that was even something you may be okay with.

Mr. Wing stated the only thing I would ask is maybe you or Ernesto or Jennifer find out the annual cost of heating the pool at King & Bear so we have an idea of the ongoing cost.

Mr. Torres stated Rivertown also has that and we will find out the cost.

Mr. Hutchinson stated the gate by the playground area is constantly left open. We can keep it demagnetized whether we remove it or just contact the security company and demagnetize it, but we would put a latch on that gate. People are leaving it open because all the sports groups go in and out, potentially people who are non-residents and residents that just forget their access cards and you have to use your card to go back out so they leave it propped open. We have incurred some costs to fix the gate from time to time and I'm proposing that we keep it demagnetized or remove it, put in a latch and hopefully, the gate will stay closed. I think we can do that for about \$40 versus putting a button on the other side like the pool.

On MOTION by Mr. DelBene seconded by Mr. Vencil with all in favor staff was authorized to have the gate demagnetized and to install a latch system.

Mr. Hutchinson stated I'm neutral and don't care how you vote, but I feel that I have to present everything that is brought to me and let you decide. The high school team, the school being built is not getting a pool and I spoke with Jeff, who is with the high school, and he would love to be able to use Murabella's pool. They are requesting access to our pool before the pool is open to the residents, early in the morning from August 2, to sometime in October. I mentioned

May 11,2021

Turnbull Creek CDD

to him because of what we had with the Fighting Turtles due to what happened at King & Bear and I don't want to run into that same scenario. I have one side that want to access the pool, but they can't and on the other side it is beneficial for the kids.

Mr. Wing asked who opens at half hour before sunrise?

Mr. Hutchinson stated the summer hours we are talking 9 a.m. during winter hours 10 a.m.

Mr. Wing stated half an hour before sunrise and they want to do this in August and they want to do this before residents, so they can't do it. I'm trying to figure out how this works.

Mr. Labanowski stated it is not lighted.

Mr. DelBene stated right now it is not an option since our pool is not lighted.

### **ELEVENTH ORDER OF BUSINESS                      Supervisor's Requests and Audience Comments**

A resident stated on the pool hours the way it reads it is almost 10 a.m. to 10 p.m. Pool cleaning used to be Monday so it opened at 1 p.m. on Monday and other days at 10 a.m. If it is open 30 minutes after sunrise to 30 minutes before sunset it is not stated clearly up there. The way it reads now it is almost 10 a.m. to 10 p.m., which is not true. Make it more clear because I didn't know what the hours were.

Mr. DelBene stated look into a sign.

Mr. Hutchinson stated I will.

A resident stated there has been a lot of communication between quite a few people about how they have reached out to the CDD about strangers being in back of their house, no signage posted that says you are not supposed go behind private homes, there is nothing posted anywhere. People have been asking for the CDD to put up signs at the beginning where the homes start, saying no trespassing behind private homes and the area that is CDD property, that is where they can fish from. Emails were sent a year ago and nothing has happened. Since you created this policy you have left it to the homeowners to deal with the people behind their house.

Ms. Kilinski stated just to remind the board, the policy you passed was not to allow people to go behind private property. The district does not have police powers, we don't have the authority to arrest people or trespass people on our own – we can suspend privileges if we know they are residents. This is an issue at every community that has ponds. You are well within your rights to put up signage and we can think about that and find locations where that is appropriate where the district actually owns property. Usually our issue is easement rights for maintenance

May 11,2021

Turnbull Creek CDD

versus putting a sign on private property. We can look for those opportunities if that is something you want to explore. The other part is a robust interaction with the St. Johns County Sheriff's Office and I know people don't like to hear that but you are not going to put Jerry or a member of staff up here at midnight with the same situation that is happening with homeowners will happen with staff. The right option is to use St. Johns County Sheriff's Office if residents are afraid or see strangers in their backyards. If you are having St. Johns County Sheriff's Office coming to the HOA to talk about ways for safety and speed, that is probably a great opportunity to engage them on these other issues.

A resident stated we have brought it up in our HOA meeting, in order to get the signage approved we will ask the CDD to reimburse us so we could purchase the signs outright instead of waiting for the 60 days for the CDD to actually purchase and make a decision on the signage. The signage needs to be in place otherwise it is fair game for anyone to go anywhere they please. Action is needed immediately and we don't want to have to go to the next meeting. As the HOA board president I request that you grant us the \$800 to purchase the signs and get them installed on CDD property or are we going to have to find other means to get signage posted.

Mr. DelBene asked can you please forward to me any email directly to the CDD where you specifically request the signage? We are unaware of any such email being sent to us.

A resident stated I can provide emails to Ernesto and to Erick.

Ms. Burks asked what is the problem with us voting to put a sign these areas?

Mr. Torres stated if I as staff get an email during the month asking for signage we are not going to act on it. We work for the board and at the board's direction.

Ms. Burks asked what is the process?

Mr. Torres stated we have to pay for the signs and designate the areas as Jennifer pointed out that belong to the CDD.

Mr. DelBene asked how many signs are on the quote we haven't seen?

A resident stated 10 signs with 10 galvanized posts and the hardware to mount them. That doesn't include the physical post digging and pouring concrete, but it is \$800 for the custom signage that says no trespassing, no fishing, residents only past this point. This would be mounted in pond area facing the entrance point.

Mr. DelBene asked will you email that quote to Ernesto so we can have this on the June meeting agenda?

May 11,2021

Turnbull Creek CDD

A resident stated yes, I will do that.

Mr. Vencil stated some people are going to ignore the signs and the residents are going to have to call the sheriff's office.

A resident stated we have invited the sheriff's office to come to the next HOA meeting and go over that kind of safety protocol, when is the appropriate time to call, and have that sheriff be a part of our community in that regard. Without that signage there before our meeting on the 19<sup>th</sup> it is going to be very difficult for them to say, we will enforce it and make sure you feel very safe in your backyard.

Mr. DelBene stated I don't hear any opposition on the signage, but we need it on our agenda to approve the expenditure and the line item.

Ms. Kilinski stated I will also say that we work with the St. Johns County Sheriff's Office without having signage posted, where they come out and trespass people based on policies. If we need help getting in touch with somebody at the sheriff's office in St. Johns County we as staff can coordinate. The signage is great we can get the signage that will make really clear to folks that are going back there, but there should be no reason that the signage is the precursor to having a conversation with the sheriff's office to get some of this stuff handled on private property.

Ms. Venezia stated thank you very much for not choosing the rubber mulch; after being in the sun for a week it becomes extremely toxic. You mentioned people not power washing the white fence in San Marino, I feel if residents have to power wash the sidewalk they should be able to power wash the back of the white fence. Are you aware that we have residents who are kayaking in the pond? That needs to be addressed. We need to get a newsletter to the residents so they are aware of what they should and should not be doing in the ponds. Where do you have a policy that indicates that a CDD board member should not harass or criticize a resident on social media? I would like to see you have a policy in that regard. We have been talking about pond banks for years, unfortunately, many people don't understand that the pond banks are infrastructure that is critical to the community, that helps maintain our home values because that is where everyone's water goes if you live on a pond or not. If we had listened to the University of Florida five years ago we may not be having this issue at this time because they would have been working with us partially compensating for the fee and they would have their own people working on ponds and the board has continued to ignore that situation and within five years we could have had all the ponds done.

May 11,2021

Turnbull Creek CDD

Mr. Sleven stated I want to thank the board for taking the action with the landscaping in the community. Thank you for listening to the residents and expecting residents to give feedback. We all know the last four months of a contract is potentially the worst and this board has to try to make the last four months of this contract the best and I think it is in your power to do so.

Mr. Labanowski stated is the Pescara fence completed?

Mr. Lambert stated I'm not calling the company, I will have it done.

Mr. Labanowski asked can we get the street lights clear of all the tree branches?

Mr. Lambert stated sure.

Mr. Torres asked is that trimming the canopy? We will need a quote for that.

Ms. Burks stated we talked about the situation and again, I reiterate about how they cut the yards back there because it effects a lot of houses back there. Talk to them, they can't cut the yards and not clear up the debris.

Mr. DelBene stated I would like to look at putting the bench back under the canopy, pavilion on South Bellagio. I know we took it out two or three years ago because of the condition of the bench. Those grass areas over there are also atrocious. Is there a drain in that area? Essentially, the developer put in a large flat grass area that tilts towards the center of the grass where I think a drain should be but it doesn't look like there is a drain in that area and it puddles. We need to correct that.

Mr. Labanowski stated there is a drain in that area, it may be blocked.

Mr. Lambert stated if the drain isn't blocked there is another engineering study we are going to have because the pathway behind South Bellagio is deep in water every time it sprinkles.

## **TWELFTH ORDER OF BUSINESS**

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

- A. Approval of Minutes of the March 9, 2021 Meeting**
- B. Balance Sheet as of April 30, 2021 and Statement of Revenues & Expenditures for the Period Ending April 30, 2021; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**
- D. Ratification of Agreement with Clarson & Associates for Professional Topographical Surveying services**
- E. Ratification of Agreement with The Joy of Tennis Academy**

May 11,2021

Turnbull Creek CDD

**F. Ratification of Memorandum of Understanding with St. Johns County Property Appraiser**

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

**THIRTEENTH ORDER OF BUSINESS      Next Scheduled Meeting – June 8, 2021 at 6:30 p.m.**

On MOTION by Ms. Burks seconded by Mr. DelBene with all in favor the meeting adjourned at 10:17 p.m.

DocuSigned by:



Secretary/Assistant Secretary

DocuSigned by:



Chairman/Vice Chairman