

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, September 14, 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
Chuck Labanowski	Supervisor
Jeremy Vencil	Supervisor

Also Present were:

Ernesto Torres	District Manager
Jennifer Kilinski	District Counsel
Steve Collins	District Engineer
Jim Schieszer	Riverside Management
Erick Hutchinson	Amenity Manager

The following is a summary of the actions taken at the September 14, 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

Public Comments

Mr. Slevin stated we are at the end of the contract and I want to take stock of what has happened. Sharon followed up with you a lot in 2019, you turned it over to Jerry and she contacted him 20-30 times about different things and we find out there is no Exhibit E, which is in the contract. There is supposed to be Exhibit E, documented daily performance for Duval and it doesn't exist. We started to put together a checklist. Diana said she also put together a checklist to hold people accountable. The checklists are worthless, they are all checked off. Where I put the blame on this one is this board. I believe this board has not followed-up, hasn't done due diligence and has let this get out of hand. We are at the end of the contract, the performance

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appraisal as far as I can see is 40 dead trees and bushes in the community, berms are a disgrace and two meetings ago there was a significant discussion and I thought there was a lot of good input, Chuck took the follow-up items and all three of you voted to follow-up and get something done. I think we missed the mark, 6-years of this and I think that this board let down the community.

THIRD ORDER OF BUSINESS

Staff Reports

A. Landscape Manager (Presenter: Duval Landscape)

Mr. Schieszer stated Duval is not here today. As everyone knows they are not going to be here after the first of the month. Right now they are keeping up with the grass being cut and that is just about it. We had a lot of rain days and the problems around the ponds are probably the biggest problem we have is trying to keep that cut without putting ruts around the ponds.

I have already met with the new company and meet with them again next week and they are going to try to get things under control in 30-days and I will work with them the best I can to get that done. I welcome your input and I will give that information directly to them.

Mr. DelBene stated they have a community-wide complaint system that we need to have in place before October 1st. I don't see that in the contract.

Mr. Torres stated we can discuss that and make sure that is in the agreement. Jim, did you have any discussions with them about that?

Mr. Schieszer stated we did and I don't believe that is directed towards this community. I was a little concerned about it.

Mr. Labanowski stated it is available and it was recommended that it be available for Jim or anybody on staff because he has no way of following up. If a complaint comes from a homeowner how is Jim going to know there is a complaint unless the complaint goes directly to Jim and Jim logs it in?

Mr. Vencil asked are the tickets that are submitted to you, visible to everybody so ten people don't send the same email?

Mr. DelBene stated that is not how it was pitched to us. It was pitched as a community-wide system of reporting and that is what it should remain as. If that is not what they are going to live up to then we have to have a different conversation.

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Mr. Labanowski stated Duval still owes us a number of days because of bad weather. Can we recoup that?

Ms. Kilinski stated I recall we talked about that at the last meeting. In an ideal world what would happen is there would be a handoff between the companies – we would notice Duval of the deficiencies before the contract expiration and the District would withhold the last payment so that we have leverage to get the contractor to address the deficiencies and also provide services the last month of their contract. It would also require the new contractor to acknowledge the condition of the landscaping and that their contract contemplated the condition when they bid. It is a problem every time you switch landscapers. You do have some authority under your contract to do that, particularly if they are not performing the scope of services.

Mr. Torres stated Jim, I need you to ensure that you note anything not performed and you need to put a price to it so we can withhold the payment.

Mr. Schieszer stated I would hold the last check and put together whatever backup we need.

B. Engineer (Presenter: JMT)

1. 2021 Engineer's Report Notes

Mr. Collins stated we sent you photos we took after a rain. One I want to bring to your attention is the broken pipe near Verona Way, north of the pond and east of Verona Way there is a cul-de-sac on a trail with a drain in the middle and it looks like what happens when a pipe beaks or splits you start getting a lot of seepage and it creates a little sinkhole.

Mr. Schieszer stated I will take a look at that. You said there was a sinkhole last time and there was one over by the drain and we filled it in. We did not dig it up, but I will check it.

2. Jogging Trail Assessment Report

Mr. Collins stated I had a question about the soccer field where you are getting flooding. Does that happen right after a storm that there is standing water in that field or is it just that it is really spongy all the time?

Mr. Vencil stated if it rains every two or three days, that standing water does not go away. It takes 3-4 days.

Mr. Collins stated that is what I thought and that is when I told you that the design for that pond is higher than the elevation of your soccer field. I shared with you the estimate we put

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together to try to drain some of that water out and raise the low portion of the jogging trail so folks could use it. When we brought that to you before you were upset about the price. I didn't know if it is something we can talk about later or just ignore.

Mr. Vencil stated it is something we are going to have to talk about later. One thing I didn't see on your report is the bocce ball court is damaged and floods as well.

Mr. Collins asked is it damaged because of flooding?

Mr. Vencil stated no, it looks like Duval ran into it. One of the brackets is bent off and a hazard. Maybe Jim can take a look at that.

Mr. Schieszer stated I will take a look at it. There has been standing water there since I have been here.

Mr. Collins stated we can design and install an underdrain system to alleviate the standing water.

The only other item that I had was the pond bank repair contract and I talked to Boudreaux and they are ready to roll as soon as you are.

Mr. DelBene asked wasn't that the contract with the \$5,000 permit fee associated with it?

Mr. Collins stated they said they were not going to be doing the permitting. The fee is \$250 top get our ----- with DEP and we drafted that application because the limit of the disturbance is greater than an acre so you need to get an ----- with DEP indicating that you are going to be performing a construction activities larger than an acre. Once they review that we will have permission to move forward with the construction.

Mr. Torres asked do you want to consider that agreement because I know it hasn't been signed.

The next item taken out of order.

FIFTH ORDER OF BUSINESS

Consideration of Agreement with Boudreaux's Pro Grade for Pond Bank Maintenance

Mr. DelBene stated it is \$126,234.20. Is there any contingency built into that price?

Mr. Torres stated there is a 10% withhold. They say payment upon completion, there are no draws.

Mr. Collins stated we also have written into the contract that they were going to have a kickoff meeting with a member of the community or your board to communicate things that would

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be important to them, such as where they will be able to stockpile materials. You don't want to leave it up to the contractor to decide that.

Mr. DelBene asked shouldn't that be a member of the staff, not a member of the board?

Mr. Collins stated whoever is going to be overseeing the project.

Mr. DelBene stated I'm going to defer that to our management company.

A resident asked what assurance do you have that this repair will do what you expect it to do?

Mr. Collins stated it has been our experience that most of these ponds have steep slopes and have sod up to the edge of the water. They do tend to fail over time, the wave action of the water tends to erode the banks and they get steeper. This community is 15 years old and they are starting to see some problems. If you were to simply regrade and resod it would have a life expectancy of maybe 10-15 years, but we proposed here to put down a plastic geoweb underneath the sod, which should allow it to withstand that wave action and last much longer. We are proposing something that will hopefully will be a much longer term solution. In terms of your question, you can't warrant erosion.

A resident stated I know you can't, I meant that it was done right, that there not be defects when all was said and done.

Mr. DelBene stated there is a one-year workmanship and materials warranty built into the contract. If we have a bad storm and it wipes everything out, we have to start over. As you heard him say earlier our soccer field is below the drainage level, everything that has to do with the drains and how water runs in here just chalk it up to the developer. This is the most cost-effective option we had presented. They are not getting started until December or January I think we are okay with the contract and we may need to amend the type of grass that is in the contract. Ask the contractor which grass will do better in drought conditions and we may have to amend the contract to go with that.

On MOTION by Mr. DelBene seconded by Mr. Vencil with all in favor the agreement with Boudreaux's Pro Grade for pond bank maintenance was approved subject to amending the type of grass.
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FOURTH ORDER OF BUSINESS

Consideration of Landscape Maintenance Agreement with Trimac (Presenter: Ernesto Torres)

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Mr. Torres stated I will take comments and Jennifer and I can go back and make those changes before sending it for signature. Paragraph 2 lists the exhibits, Exhibit A is scope of services, Exhibit B is the actual bid, Exhibit C is the maps and plans. You will see the scheduling has been pointed out in the agreement, the contractor is scheduled to be onsite a minimum of five-days per week, Monday through Friday. We will have to update the reporting services with the designee to be Jim rather Jerry as listed. We do have the deficiencies and penalties that we can add the language for the app. Under the same paragraph HII, you will see the fine to the contractor if they do not comply with the agreement and actual contract. Exhibit A points out the height of the cuts. Exhibit B is the pricing and it is \$281,428 for the contract.

Mr. DelBene asked do they have the areas established for mowing?

Mr. Torres stated I know Jerry had something like that with Duval, I think it would be easy to duplicate.

Mr. Schieszer stated I sent it to them, that starts here on Monday and ends on the perimeter on Friday.

Mr. DelBene stated let them establish their own schedule, but we want that schedule. Is one of their crew going to swing by the clubhouse daily?

Mr. Schieszer stated yes, I want to see them and know they are here and I want to know where they are going to be working. I'm going to have a daily checklist that will be a backup for the weeklies.

Mr. DelBene stated let us know how this goes and if it gets too burdensome, we need to know.

Ms. Kilinski stated I don't know if they enter the same information on the app it may be easier for Jim to compile and keep track of rather than a hard copy. We will talk to them and see if that might be feasible.

On MOTION by Mr. DelBene seconded by Ms. Burks with all in favor the landscape maintenance agreement with Trimac was approved.
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SIXTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney - (Presenter: Jennifer Kilinski)

Resolution on Meeting Notice

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Ms. Kilinski stated your rules of procedure are the rules that govern general operations of the district from a legal and statutory perspective. Within those Rules, Rule 1.3, the District is required to notice all of its meetings in a newspaper seven-days in advance of regular meetings. This resolution will change that requirement and allow you to public and rely on your annual meeting notice, which you publish pursuant to Florida law, and then continue to advertise your meetings the ways you have typically been doing it, via website, and through the HOA, you send out email blasts and you also put up a bulletin board. People have plenty of opportunities for notice. There is not a statutory requirement that you notice those regular meetings 7-days in advance. It will be a cost savings to the District. However, if you have a public hearing for your budget or a special meeting, or other meetings that differ from your annual meeting schedule that was published, than you will still need to do a separate ad, but otherwise you can rely on your annual meeting publishing and continue to advertise as you normally do on your website. This is a waiver of that rule of procedure. The reason I didn't bring back rules of procedure is because you have to do rulemaking and rule development, which is pretty expensive to do and I suggest you wait to do that until there are significant statutory changes that will result in significant changes to those rules and for now rely on the resolution that would waive that rule requirement.

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor Resolution 2021-09 was approved.
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B. Manager - (Presenter: Ernesto Torres)

There being none, the next item followed.

C. Operation Manager – (Presenter: James Schieszer)

Mr. Schieszer stated we have been dealing with ongoing issues with Duval and that has taken up a lot of our time. I met with Trimac and will meet with them again on the 22nd.

We are working on getting a swing set replaced in Pescara. I ordered it about 6-weeks ago and it will be delivered at the end of December. The drinking fountain came earlier than I thought it would and it has been installed. There is a ripped sunscreen over here and it will be about \$1,989 to replace. I didn't know if you wanted to do that right away or not. It is not ripping any more.

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On MOTION by Mr. Labanowski seconded by Mr. DelBene with three in favor and Mr. Vencil opposed staff was authorized to replace the sunscreen behind the baseball field in the amount of \$1,989.

D. Amenity Center Update (Presenter: Erick Hutchinson)

1. Memorandum

Mr. Hutchinson stated you wanted me to follow-up on donations for the pool heater and at this time it is tabled until maybe next year. I was also to follow-up with amenity soccer because Ancient City Soccer said they would provide \$4,000 to repair the soccer field and the answer is Vesta will not match.

Mr. Torres stated I had a discussion with Andy and he would like to provide longer term maintenance to that field, more than we are getting now. I expressed we had a contract with Trimac and are limited to that, but I think they are looking at additional maintenance. I told him we will engage with the board when the time comes. Is this specific to the drain?

Mr. Hutchinson stated I think they just want better grass.

Mr. Schieszer stated to aerate it and such and I have requested that from Trimac and put them in touch with Andy.

2. Tree Removal

Mr. Hutchinson stated this item was tabled to give me an opportunity to talk to the county and in order to replace the River Birches we have a couple choices. Whatever we replace it with has to be some kind of canopy tree, it doesn't need to be in that exact location or we could replace it with another tree in the same location. Any canopy tree is going to give us the same problems. There is a loophole, a palm tree and if you clump them in a group of three are considered to be canopy and they have to be a minimum of 4" caliper and I have a quote for three of the cheapest palms that would fit that criteria. Three queen palms would be under \$1,400 for all three, to do six it would be \$2,800. If we replace the other River Birch with a canopy, we will push it back so we don't have the issues of the leaves going in the pool.

On MOTION by Mr. DelBene seconded by Mr. Vencil with three in favor and Mr. Labanowski opposed staff was authorized to purchase and install six queen palm trees to replace the two River Birches by the pool in the amount of \$2,800.

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3. Stair Climber Proposal

This item tabled.

SEVENTH ORDER OF BUSINESS Supervisor’s Requests and Public Comments

Ms. Randolph asked if someone in a community has a piece of gym equipment that is in excellent condition, can they donate it to the gym?

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

- A. Approval of Minutes of the August 2, 2021 Special Meeting and August 10, 2021 Meeting**
- B. Balance Sheet as of August 31, 2021 and Statement of Revenues & Expenditures for the Period Ending August 31, 2021; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

On MOTION by Mr. DelBene seconded by Mr. Vencil with all in favor the consent agenda items were approved to include amendments to the minutes.

NINTH ORDER OF BUSINESS Next Scheduled Meeting – November 9, 2021 at 6:30 p.m.

Mr. Torres stated the next meeting will be November 9, 2021 at 6:30 p.m.

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor the meeting adjourned at 8:04 p.m.

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 Secretary/Assistant Secretary

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 Chairman/Vice Chairman