

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, November 9, 2021 at 6:31 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
Steve Collins	District Engineer
Jim Schieszer	Riverside Management
Erick Hutchinson	Amenity Manager
Todd Murphy	Trimac

The following is a summary of the actions taken at the November 9, 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 6:31 p.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Mr. James stated I'm here to address item five, the request to repaint the second tennis court with pickleball lines. Thank you for resurfacing the courts, we use them a lot. There is a group of about ten that play four to five days a week. There are other people playing too. We are requesting that you paint the other side of the court so we can play more games.

A resident stated at the last CDD meeting you mentioned starting on the large pond. Do you have a timeline on that?

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Mr. Torres stated we will take that later in the agenda.

### **THIRD ORDER OF BUSINESS**

### **Staff Reports**

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

##### **1. Inspection Checklist**

Mr. Schieszer stated we have had Trimac for over 30-days now and we are catching up on everything. They had a 30-day list where they went through the entire property and for the most part everybody is quite pleased with it at this point. The berms are getting cleaned up, all the grasses are in order now and they have the flowers planted at the entrances, a few died due to irrigation issues but that was fixed today.

Mr. Wing stated I have heard lots of positive comments, but one resident thought they were cutting the pond banks too short.

Mr. Murphy stated the Bahia should be around 3-3 ½” and St. Augustine should be 4-4 ½”. Usually in the winter St. Augustine will go down to about 4” but the Bermuda is the same way, you want to keep it low. They are not scalping it but when it was cut in the summer, they let it grow too high.

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

Mr. Collins stated the contractor signed the agreement for the pond bank issue and they are ready to go. We are waiting on the NOI with Department of Environmental Protection, it is in their court and when we get that from DEP they will be ready to start.

Mr. Torres stated I would like to move up item 10A, before Steve leaves.

#### **Needs Analysis that Districts Providing Wastewater or Stormwater Management Services Must Complete by June 30, 2022**

Ms. Kilinski stated I provided a supplemental memo regarding the changes to the law that requires special districts, counties and cities to provide a stormwater needs assessment every five years. We were waiting on the office of economic research and development to provide some guidelines and we were hoping they would provide specific parameters. We recommend that your engineer provide a work authorization to start doing that work.

Mr. Collins stated I sent a proposal for us to do that. We have to do this for all the districts and we put together a proposal to do the least amount of effort to get this report done. The scope

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we included is a stormwater inventory and cost estimate and filling in the remainder of this report. The report provides a 20-year expenditure plan for all your stormwater infrastructure, which is all the pipes, inlets and ponds and the cost to replace them and the like if that falls within the next 20-years. There could be a benefit to you of having this report to be able to plan ahead in terms of expenditures. Our estimate to produce that report for you is \$5,890. We are not doing a pipe inspection, we are going to look at all the plans, permits and what other information you have to develop an inventory. This is just stormwater structures, not sewer and look at the age of everything and when things have to be replaced. The form asked if you have a dedicated funding source for that or would it be a non-dedicated funding source.

On MOTION by Mr. Wing seconded by Ms. Burks with all in favor the proposal from JMT to prepare the stormwater needs analysis in the amount of \$5,890 was approved.

The next two items taken out of order.

**SIXTH ORDER OF BUSINESS**

**Consideration of Landscape Enhancement**

Mr. DelBene asked what besides the cedar trees was Duval supposed to do?

Mr. Schieszer stated in my opinion that is it.

Mr. Wing stated the cedar and the mulch.

On MOTION by Mr. DelBene seconded by Mr. Vencil with all in favor the proposal for landscape enhancement for the amenity area in the amount of \$3,810 was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Entry Monuments  
Landscape Enhancement**

Mr. Murphy stated we were asked to give two options for the soccer field, one to seed and because it is full of weeds, we have to spray to kill the weeds, then aerate, fertilize and seed it and that is option 1 at \$4,890. The other option is to resod and you would be able to use it in about a month and the first option would be an entire season, you would not be able to use the field for 6-8 months. We couldn't seed it until spring so you would lose the whole summer until the next season.

Mr. Wing stated I prefer to wait a year and fix this field right.

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Mr. Vencil asked in two years would we see a better long term outcome from seeding or sodding?

Mr. Murphy stated seeding takes longer and you have to water it more while it germinates and once it gets into the hot season the first layer of soil gets hot and dries out very quick. You want to promote that root growth and water it throughout the day. It does fill in and wears better and you have more of an even surface when you let it root in. Long term that is the best way to do it. Since this is an actual soccer field kids are going to tear it up so you have to come back and maintain it.

Mr. Labanowski asked why don't we hold off on this because the county has the new park out for bid and it will give the kids a place to go to when the park opens.

Mr. DelBene asked if we vote on this in January, can you get started in March?

Mr. Murphy responded yes.

This item tabled until the January meeting.

### **Landscape Enhancements for Entry and Center Island**

Mr. Wing stated currently in the contract is swapping out the flowers three or four times a year.

Mr. Murphy stated the annual flowers are in the contract, it is the plants other than the flowers. We are replacing all the plants. The entranceway calls for flowers, everything else is plant material. We are not adding flowers.

Mr. Wing stated I suggest we table this until we get a little further into the fiscal year.

M. Vencil this is the entry to our neighborhood, and I would like to enhance it.

Mr. Labanowski stated if we did the SR 16 entrance and West Positano entrance it is about \$16,000 and we can address the rest of it down the road.

Mr. Murphy stated I don't like to put in plantings the last two weeks of January and the first two weeks of February because that is when we get the hardest freezes. I typically hold off on that, but it depends on the weather.

Mr. Vencil stated we are doing the front of the entry and behind the gates it will be hedges. We just want a facelift from the monument walls out.

Ms. Burks stated you will do the front of the wall on both sides and the front part of the middle and not the whole island.

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Ms. Kilinski stated we need clarification of exactly what you want done.

Mr. Vencil stated we are going to do the center monument sign at \$5,0047 the incoming side, the \$7,219 and incoming side at \$4,447 for a total of \$16,713. What is the long term plan to get all three done?

Mr. DelBene stated do one at a time in full.

Mr. Labanowski stated wait on the 16 entrance, because they are doing work in that area.

Mr. DelBene moved to approve the proposal from Trimac for the Pacetti entrance in the amount of \$31,327 to be taken out of landscape contingency with the work to commence in March and Mr. Labanowski seconded the motion.

Mr. Wing stated I am perfectly comfortable doing this, but not at this time, we are one month into the new fiscal year, we already spent \$6,000 that was not budgeted and we are not going to plant it until February anyway. I don't see the rush.

Mr. Labanowski stated we have \$51,000 in contingency from last year that we didn't spend.

Mr. Torres stated yes.

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

Mr. Murphy stated we are going to do the entrance and not the mulch, just clean it up.

**FOURTH ORDER OF BUSINESS**

**Consideration of Duval Landscape Final Invoice (Presenter: Ernesto Torres)**

Mr. DelBene stated I think we all agreed to take off the \$550 from the invoice we approved before. Is there anything else they did not do that they were contractually obligated to do?

Mr. Schieszer stated they did very poor work, but I don't see us fighting about that.

Mr. DelBene asked Jennifer, do you see a problem with us removing the \$550? Do you think Duval is going to fight over it?

Ms. Kilinski stated I don't think so, I think they are expecting something more significant with the back and forth we have had on some of the deficiencies.

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Mr. Murphy stated that is why I said earlier we cannot be responsible for your turf because you have weeds. With our weekly reports and ride throughs with Jim things will not fall through the cracks.

On MOTION by Mr. DelBene seconded by Ms. Burks with three in favor and Mr. Wing and Mr. Labanowski opposed the final payment to Duval will be \$24,789.
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Mr. Labanowski asked what is the mulching schedule?

Mr. Murphy stated mulch is extra and is not part of your contract. Whenever you want it, we will propose it and get it done.

Mr. Labanowski stated the labor you provide we just pay for the mulch.

Mr. Murphy stated no, we get it blown in, we don't do the labor. Pine straw is put out by hand. We also have contractors who do that, all they do is pine straw. The hard mulch gets blown. We can do that any time you would like.

Mr. Wing asked is it less expensive to you to use blowers on the mulch opposed to doing it by hand?

Mr. Murphy stated absolutely, you couldn't afford it if we had to do everything by hand with mulch. It would cost about \$85 or \$90 a yard.

Mr. Wing stated in your proposal you have \$8 for a bag of mulch and it is \$2.50 at Ace Hardware.

Mr. Murphy stated it depends on the size of the bag, and you have to look at the labor of putting it out and we still have to make a profit.

**FIFTH ORDER OF BUSINESS**

**Consideration of Request to Repaint 2<sup>nd</sup> Tennis Court with Pickleball Lines**

Mr. Wing stated we did have some complaints from tennis players, but I haven't hear any complaints in 6-months. It gets used more with the pickleball lines.

Mr. Schieszer stated one of the tennis players that complained about it now plays pickleball.

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On MOTION by Mr. Wing seconded by Ms. Burks with all in favor the proposal from PSA to paint pickleball lines on the second tennis court in the amount of \$1,000 was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Landscape Enhancement**

This item taken earlier in the meeting.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Entry Monuments  
Landscape Enhancement**

This item taken earlier in the meeting.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01  
Designating Registered Agent and Registered  
Office**

Mr. Torres stated the registered agent will be me and my office address.

On MOTION by Mr. DelBene seconded by Mr. Labanowski with all in favor Resolution 2022-01 was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-02  
Amending the Fiscal Year 2021 Budget**

Mr. Torres stated \$28,331 was overspent and those funds came out of your unassigned, and we have to amend the budget in order to make it balance.

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor Resolution 2022-02 was approved.

**TENTH ORDER OF BUSINESS**

**Staff Reports (Part 2)**

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

**1. Needs Analysis that Districts Providing Wastewater or Stormwater  
Management Services Must Complete by June 30, 2022**

This item taken earlier in the meeting.

**2. Prompt Payment Requirements**

Ms. Kilinski stated you have adopted prompt payment policies, we will update those and bring them back. The biggest change is starting in October 1, 2021 all your construction contracts

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will have a statutory rate increase of 1% to 2%. There are other contract provisions that we will update that are one-offs. For example, you can't do business with certain foreign states and you can't accept gifts from foreign states. There are some things we are going to have to add to our construction contracts.

**3. Public Records Exemptions for Addresses and Other Information Associated with Certain Officers, Judges, etc.**

Ms. Kilinski stated there is a public records exemption change. Historically, we have in all of our documents including when you get your amenity card, you sign a document and there is a piece on that form that says, are you exempt from public records. Judges, certain kinds of attorneys, police are exempt and we do have in this district and others folks that have claimed that exemption. They have made a recent legislative change that makes that person who is claiming the exemption submit a written and notarized request to maintain that exemption and they have to provide an oath associated with that. We will make sure those changes are incorporated in your forms.

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

There being none, the next item followed.

**C. Operation Manager – (Presenter: James Schieszer)**

**1. Memorandum**

Mr. Schieszer gave an overview of the monthly memorandum, copy of which was included in the agenda package.

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

Mr. Hutchinson asked would you be okay with trading food truck Friday for food truck Tuesday? I have been brainstorming with a couple vendors and we don't always get the best food trucks because they are going to go where they make the most money. Most places do food truck Fridays and if were to switch it to a Tuesday we are going to get more of a variety of trucks and you will attract more people on a Tuesday.

Mr. Wing stated let's give it a try.

Mr. Vencil stated people don't show up because they don't know what food trucks will be there.



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Mr. Hutchinson stated this is a new vendor and it will be better and it will start in January.

Mr. Wing stated thanks to Erick for a wonderful Halloween event.

**ELEVENTH ORDER OF BUSINESS                      Supervisor’s Requests and Public Comments**

A resident stated the carpet needs to be cut and replaced. The binding is coming off.

Mr. Hutchinson stated I can replace it if the board is okay with that.

It was the consensus of the board to have Mr. Hutchinson remove the carpet tomorrow and to replace it with an equivalent carpet.

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

- A. Approval of Minutes of the September 14, 2021 Meeting**
- B. Balance Sheet as of October 31, 2021 and Statement of Revenues & Expenditures for the Period Ending October 31, 2021; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**
- D. Ratification of Audit Engagement Letter with Berger Toombs**
- E. Ratification of Hold Harmless and License Agreement**


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

**THIRTEENTH ORDER OF BUSINESS                      Next Scheduled Meeting – January 11, 2022 at 6:30 p.m.**

Mr. Torres stated the next meeting will be held January 11, 2022, with a closed session starting at 5:30 p.m. with the regular business meeting to start at 6:30 p.m.

On MOTION by Mr. Wing seconded by Ms. Burks with all in favor the meeting adjourned at 8:15 p.m.

DocuSigned by:  
  
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 Secretary/Assistant Secretary

DocuSigned by:  
  
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 Chairman/Vice Chairman