

TURNBULL CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Turnbull Creek Community Development District met Tuesday, January 11, 2022 at 5:30 p.m. (closed session) 6:30 p.m. regular business meeting 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 Outdoor
Ezekiel Perez	Trimac Outdoor
Brian Jones	Alpha Dog
J.R Finnigan	Alpha Dog

The following is a summary of the actions taken at the January 11, 2022 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**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Staff Reports**

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

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## **1. Inspection Check List**

Mr. Murphy gave an overview of the landscape report, copy of which was included in the agenda package.

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

Mr. Collins stated the contractor for the pond reconstruction has started, we gave them approval to stockpile soil in the cul-de-sac on Amalfi and they use a super truck daily to clean up after themselves. They plan to work on South Sorrento Hills first then Amalfi and then South Cappero. We are getting a survey in one area because there is a patio and pool that is encroaching into the easement. Tuesday, January 25<sup>th</sup> they are going to have a survey conducted at 1888 South Cappero and 1893 South Cappero to determine how far they are encroaching into the easement. We have talked about how we can work with the resident at 1888 South Cappero because they have a patio on the backside of their pool and I asked the contractor how much it would cost to remove that patio and restore the pond bank to the original grade and it would be \$1,700.

Mr. Wing asked that wouldn't be a CDD responsibility since they built into the easement?

Ms. Kilinski stated that is what we are trying to discover with the survey, exactly where that impairment may be so we can make an informed decision.

Mr. DelBene asked how much is the survey?

Mr. Torres stated \$1,500.

Mr. Collins stated I recommend extending the pond work three lots to the east on South Sorrento Hills because a gully seems to be forming there. The rough estimate they gave me is about \$8,400 to extend it three lots to the east. The rest of the pond is starting to show signs of erosion and our recommendation is to wait and monitor those locations, the estimate to do those is \$82,800 and the contractor said that price would only increase.

Since we talked about the properties that seem to have encroachments into the easement, we looked at the plats at Ernesto's request to see if there may be other properties throughout Turnbull that also encroach into the maintenance easements, and we found eight properties that appear to be encroaching.

Ms. Kilinski stated let us gather the information on the encroachments and we will provide a short memo to you on what we found, the options, cost and you can discuss that at the next meeting.

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On MOTION by Mr. Vencil seconded by Mr. DelBene with all in favor a proposal from Boudreaux in an amount not to exceed \$10,000 to extend the pond bank work area was approved.

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

#### **Consideration of Resolution 2022-03 Adopting Amended Prompt Payment Policies**

Ms. Kilinski stated you may recall that we gave a brief legislative summary of the 2021 legislative session changes, some included construction services changes. Particularly, the interest rate associated with a late payment went from 1% to 2% along with other ministerial changes. This resolution incorporates those changes and ongoing every legislative session where we have construction changes we can bring back these prompt payment policies on a yearly basis that incorporates those changes. We have in the resolution and within the prompt payment policies that this is forever more going to incorporate any legislative changes because they are policies they can change month to month, year to year as you see fit. We can make those changes and you can ratify them once a year.

On MOTION by Mr. Wing seconded by Mr. DelBene with all in favor Resolution 2022-03 was approved.

#### **FIFTH ORDER OF BUSINESS**

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

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

Ms. Kilinski stated you should have gotten the legislative memo that we put out in a newsletter format and we will probably do that every couple weeks as things change. The session started yesterday, committees are just starting to meet and I anticipate that next Monday we will have some movement.

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

There being none, the next item followed.

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

###### **1. Memorandum**

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Mr. Schieszer gave an overview of the operations memorandum that was included in the agenda package.

**2. Proposal from Roberts Tree Service for Removal of Dead Pine Trees**

On MOTION by Ms. Burks seconded by Mr. Wing with all in favor the proposal from Trimac to remove the dead pine trees in the amount of \$2,590 was approved.

**3. Proposal from Court Surfaces for Pickleball Lines**

Mr. Schieszer stated the pickleball court was done today by the contractor that gave us the original proposal.

**4. Proposal from Trimac Outdoor for Mulch**

Mr. Schieszer stated each year we put mulch in the budget and you have the prices for the mulch and the pine straw.

Ms. Kilinski stated this is something you heavily discussed during the RFP process. The mulch is not a standard part of your contract, it is an option. My recollection is that it was a little more than Duval but the ongoing services were significantly less or the same. We anticipated it in the budget because we talked about increasing that line item when we got the proposals.

On MOTION by Mr. DeIBene seconded by Mr. Labanowski with all in favor the proposal for mulch in the amount of \$41,110 was approved.

**5. Proposal from Trimac Outdoor for Sod Replacement**

This item tabled.

**6. Lake Maintenance Report**

A copy of the lake maintenance report was included in the agenda package.

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

**1. Gift of Dance**

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This item tabled.

**2. Amenity Athletics**

This item tabled.

**3. Amenity Basketball**

This item tabled.

**SIXTH ORDER OF BUSINESS**

**Supervisor’s Requests and Public Comments**

A resident stated in reference to the lake restorations I have only been here a year and a half and have spent \$3,500 to try to improve the drainage on my property. Water has to go somewhere and if what they do starts pushing water back onto my property and creates additional problems what happens? We probably have some of the worst backyards on Amalfi Court from erosion.

Mr. Collins stated in some cases the lawns have sagged over time and even though our original recommendation was that the banks should be restored up to a level 3, we have since agreed that they will simply be restoring the bank up to the existing grade of the backyard so it will not be impounding any water into anyone’s backyards. They are laying a geogrid down and putting soil and sod on top of that so the geogrid should keep it from eroding again. The CDD easement is not causing that problem and if the board wants us to we can look at simple general solutions that we could provide to the homeowner.

Mr. Hall asked are there plans to pressure wash the entrances before we start the site improvements?

Mr. Schieszer stated I talked to Todd today about it and I suggested we do it before he does the work and he suggested we do it after he did the work. We are going to do the monument, the bridge and the curbs around here and the mail kiosks. Those will all be done this spring.

Mr. Jeffries stated my pool is the one in question. If the HOA approved it, the CDD approved it and the city approved it why am I responsible for any funding. I didn’t build it, the builder built it wrong, the city approved it. Why am I possibly going to get stuck with a bill?

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Mr. DelBene stated we are going to hold off commenting until we get a survey to see if it encroaches or not. Jennifer's office or Ernesto's office will reach out and it will also be an agenda item.

Mr. Martin stated I am a neighbor of Steve. The grading is going to be helpful and will address the portion next to the water, but the water starts at the property not the lake and we are all going to have to address it. I thought the engineer was going to be here so we could have a dialog to help understand a little bit. If the lake is getting fixed then inside the fence we are going to have to do something as well and I don't know if there is a way to do it as a group from a pricing standpoint rather than getting individual bids.

Mr. Collins stated that is a discussion we can have later because of the way that the development was designed it was supposed to sheet flow from the middle of your house back to the pond slopes. There are not supposed to be swales or trenches and the residents shouldn't be providing any sort of drainage infrastructure that would extend into the CDD easement. If there is a problem and the CDD wants to help the residents I think we can look into it and see if we can develop a solution.

Mr. Martin stated I'm not suggesting that the CDD pay for it. The problem starts on individual properties.

Mr. Wing stated I suggest that you bring that up to the HOA because that is more of their responsibility and they may help you facilitate getting a group bid or something along those lines. The CDD has nothing to do with private property.

Mr. DelBene asked are you wanting an engineer to go out and identify the problem?

Mr. Martin stated that was my original thought. You can't separate outside the fence from inside the fence. I understand you can't address private property, but it has to be addressed from an engineering standpoint of how we stop it.

Ms. Kilinski stated we can take that discussion offline maybe in conjunction with the memo we are talking about with the survey. My preference would be once we get the survey let's put together a holistic look at the issues and be able to present that to you rather than talk about what ifs or hypotheticals tonight.

A resident stated I'm new and would like to know if you offer soccer?

Mr. Hutchinson stated we offer two different programs, amenity soccer run by Vesta and Ancient City Soccer which is more or an independent league. They are the ones we are currently

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working within the community. If you want information in regard to either one then I will be happy to send you that information.

Mr. Wing stated in the past and it may be this year also, there is a neighborhood swim group.

Mr. Vencil shared some feedback from the community on proposed events that he will share with Mr. Hutchinson to follow-up on.

Ms. Burks stated I have gotten a letter from the HOA about weeds from the field that are impacting my property and we aren't handling that now, but it needs to be addressed.

**SEVENTH ORDER OF BUSINESS**

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

- A. Approval of Minutes of the November 9, 2021 Meeting**
- B. Balance Sheet as of November 30, 2021 and Statement of Revenues & Expenditures for the Period Ending November 30, 2021; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

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

**EIGHTH ORDER OF BUSINESS**

**Next Scheduled Meeting – March 8, 2022 at 6:30 p.m.**

Mr. Torres stated the next meeting is scheduled for March 8, 2022 at 6:30 p.m.

On MOTION by Mr. DelBene seconded by Mr. Wing with all in favor the meeting adjourned at 7:33 p.m.

DocuSigned by:  
*James Oliver*  
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Secretary/Assistant Secretary

DocuSigned by:  
*Ernesto Torres*  
DCB68C5199784EA

Chairman/Vice Chairman