

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT**

The **regular meeting** of the Board of Supervisors of Turnbull Creek Community Development District was held on **September 13, 2022, at 6:30 p.m.** at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida 32092.

Present and constituting a quorum:

Chris DelBene	Board Supervisor, Chairperson
Chuck Labanowski	Board Supervisor, Assistant Secretary
Jeremy Vencil	Board Supervisor, Assistant Secretary
Brian Wing	Board Supervisor, Assistant Secretary

Also present were:

Carol Brown	District Manager, Rizzetta & Co., Inc.
Jennifer Kilinski	District Counsel, KE Law
Erick Hutchinson	Amenity Manager, RMS
Jim Schieszer	Field Operations Manager, RMS
Milo Williams	Trimac Outdoors
Robert Jones	Trimac Outdoors

Present Via Speakerphone:

Diana Jordan-Baldwin	Board Supervisor, Vice Chairperson
Steven Collins	District Engineer, JMT Engineering

Members of the public present.

FIRST ORDER OF BUSINESS

Call to Order / Roll Call

Ms. Brown called the meeting to order at 6:32 p.m.

SECOND ORDER OF BUSINESS

**Audience Comments on
Agenda Items**

Representatives from St. Johns Middle School Athletic Association requested field use for their soccer program. Mr. Jeffreys of 1893 South Cappero Drive presented the Board with sod replacement proposals for the easement of his property that was impacted by the pond bank repair project. (Exhibit A)

THIRD ORDER OF BUSINESS

Staff Reports

A. District Counsel

No report and available to take questions from the Board.

B. District Engineer

No report or additional update outside of the pond bank repair.

1.) Update on Pond Bank Project Status

Board moved to Agenda item 4A and the above update on Pond Bank Project Status became part of this item.

FOURTH ORDER OF BUSINESS

**Consideration of JMT
Invoices, Deficiency Report
and Pond Bank Repair
Proposal(s)**

1.) KE Law Letter to JMT Regarding Disputed Charges

Ms. Kilinski presented the Board with a draft letter to JMT's Counsel identifying disputed charges on invoices 5-191797 and 2-196087. The board approved letter, amending it to dispute the charges on invoice 5-191797 reducing it from \$20,095.00 to \$12,395.00.

Mr. DelBene asked Ms. Kilinski if the District can reduce payments to JMT for the additional District Counsel legal fees. Ms. Kilinski stated the District can explore requesting a discount or reimbursement on future invoices. Discussion ensued.

<p>On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board approved payment of the undisputed JMT invoice 2-196087, for Turnbull Creek Community Development District.</p>

2.) JMT Deficiency Report, dated August 12, 2022

JMT Deficiency Report was reviewed by the Board. Ms. Brown informed the Board that she, Ms. Kilinski, Mr. Colins and Mr. Nieves, with Boudreaux's Pro Grade, have had several phone conferences to discuss the Deficiency Report and next steps to finish the pond bank repair. Mr. Vencil participated in the first phone conference. She also stated that Mr. Nieves would be revisiting the District by the end of this week and putting together a plan to address these deficiency items, however, would need to present a proposal for deficiencies identified outside of the contractor's scope of the agreement. Discussion ensued.

Mr. DelBene asked what the contractor plans were for the dead sod in the easement of 1893 South Cappero Dr. He also asked how the contractor is in compliance with the agreement. Ms. Kilinski stated that the contractor is not in compliance with their agreement, however, the contractor did agree to fix the gullies and the dead sod. The contractor is asking what the District is doing to have the homeowners remediate their properties that the contractor alleges are causing pond bank issues. Board continued discussions on how to get the contractor to complete the pond bank repair. Ms. Kilinski

advised the Board they could hold the contractor accountable by adding a 10 Day legal recourse with a liquated damages clause. Discussion ensued.

Board was presented with an irrigation invoice, in the amount of \$285.00, from the owner of 1880 South Cappero Drive. Staff confirmed the irrigation line was in the easement of the homeowner's property and damaged during the pond bank repair.

On a motion by Mr. DelBene, seconded by Mr. Vencil, with all unanimously in favor, the Board approved to reimburse the owner of 1880 South Cappero Drive for the irrigation repair, in the amount of \$285.00, with reimbursement amount to be deducted from Boudreaux Pro Grade's final payment, for Turnbull Creek Community Development District.

3.) JMT Recommended Repairs to Homeowners

Board discussed what options the District has for the homeowner's property's impacting CDD property. Ms. Kilinski reviewed the District's ability to access easements in order to maintain the pond banks. JMT is recommending several homeowners to install infiltration systems, French drains or other options to prevent the downflow impact. Discussions ensued.

On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board approved staff to draft an addendum to the Boudreaux Pro Grade's Agreement, in which a Final Completion date set for October 13, 2022, and if Boudreaux Pro Grade fails to complete the project by this date, Boudreaux Prograde will pay the District \$1,000.00 per day for liquidated damages, for Turnbull Creek Community Development District.

Board directed Staff to obtain pond bank repair proposals to tear out entire pond bank project and start fresh.

4.) Sod Replacement Proposal

Board discussed the sod replacement proposals for 1889 & 1893 South Cappero Drive, found under Tab 3 and Exhibit A.

On a motion by Mr. Wing, seconded by Mr. DelBene, with Ms. Jordan-Baldwin in favor and Mr. Vencil opposed, in the event Bourdreaux Pro Grade fails to replace sod prior to October 15, 2022, the Board approved the Grassy Gator sod replacement proposal, in the amount of \$3,150.00, and if they don't hold their price it goes to Trimac Outdoor, for Turnbull Creek Community Development District.

Board reviewed Pond Bank 7 sod replacement proposals found under Tab 3 and Exhibit B.

On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board approved the Trimac Outdoor proposal, in the amount of \$1,785.00, for Turnbull Creek Community Development District.

On a motion by Mr. DelBene, seconded by Mr. Labanowski, with all unanimously in favor, the Board ratified the Universal Engineering Sciences Proposal, in the amount of \$2,200.00, for Turnbull Creek Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Easement
Variance Policy and
Application**

Board reviewed the Easement Variance Policy Application. Ms. Brown did remind the Board that should they approve this policy, the District would need to hold a Public Hearing for levying fees. Ms. Kilinski suggested the Board could adopt an interim fee and later hold a Public Hearing. This would allow the Board time to decide the fees and what way they want to go. She then went on to remind the Board of the purpose of this policy and provides a means for the District to work with homeowners who want to install solutions to the drainage issues. The application would allow the District Engineer to review applications and how it would impact the pond bank and erosion issues, and District Engineer would provide a final inspection to confirm the installation was done per the application. Ms. DelBene asked for the policy to include verbiage that this is the cost of the District Engineering Services and estimated costs can be provided. Mr. Wing requested a recording fee to be included in the fees and for future applications, outside of the current pond bank repair applications, come before the Board also for approval. Mr. Vencil requested acknowledgement that the homeowner can provide proof of significant burden to modify property, or all other options have been exhausted. Mr. DelBene directed Staff to amend the policy and application to include the acknowledgment, legal fees, district engineer fees, filing fees and next 30 days can be reviewed and approved without the Board's approval.

On a motion by Mr. DelBene, seconded by Mr. Vencil, with all unanimously in favor, the Board approved the Easement Variance Policy and Application, as amended, for Turnbull Creek Community Development District.

Board excused Mr. Colins at 7:59 PM.

Board moved to Agenda Item 3C.

Staff Reports

C. Landscape Manager

Mr. Jones updated the Board on the wet conditions of the sod, recent fertilizing applications, pruning of grasses and that they are working with the soccer leagues have adjusted their mowing schedules. Board addressed the vendor's reporting tools and Trimac will be reviewing their system.

Mr. Labanowski brought to Staff's attention of a hole that needs immediate repair.

Mr. Schieszer informed the Board that red flags have been placed to identify irrigation issues throughout the District.

Board moved to Agenda Item 4D.

SEVENTH ORDER OF BUSINESS

**Consideration of Landscape
Proposal(s)**

1.) Trimac Outdoor Mail Kiosk Proposal

On a motion by Mr. Labanowski, seconded by Mr. DelBene, with all unanimously in favor, the Board approved the Trimac Outdoor Mail Kiosk Proposal, in the amount of \$1,796.00, for Turnbull Creek Community Development District.

Board directed Staff to grade away from the homes.

2.) Baseball Field Proposal(s)

On a motion by Mr. Vencil, seconded by Ms. Jordan-Baldwin, with Mr. DelBene in favor and Mr. Labanowski and Mr. Wing opposed, the motion passed, and the Board approved the Trimac Outdoor Baseball Field Proposal, in the amount of \$14,426.00, with authorizing Mr. Labanowski to monitor project, for Turnbull Creek Community Development District.

3.) Trimac Outdoor Valve Location and Diagnosis Proposal

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board approved the Trimac Outdoor Valve Location and Diagnosis Proposal, with a not-to-exceed amount of \$3,000.00, for Turnbull Creek Community Development District.

Board excused Trimac Outdoor Staff at 8:26 PM.

Board moved to Agenda Item 3D.

Staff Reports

D. Amenity and Field Operation Managers

1.) Amenity and Field Operation Manager's Report, dated September 2022

Mr. Schieszer presented the report, found under Tab 2 and answered questions from the Board.

2.) Discussion of Parking Lot Expansion and Review of PSA Proposal

Board directed Staff to obtain updated parking lot expansion proposals. Parking lot to hold 40 spaces, with laid crushed stone and fence posts.

Ms. Brown informed the Board that the District Engineer would need to review and provide assistance to the District with obtaining the necessary permits and reviewing location.

E. District Manager

Ms. Brown presented and reviewed the District Manager's Report.
(Exhibit B)

The Board informed Staff that Lifestyles is the new HOA management company within the District.

Board moved to Agenda Item 4N.

EIGHTH ORDER OF BUSINESS

**Consideration of SJMSAA Use
of Soccer Facilities**

On a motion by Mr. Vencil, seconded by Mr. DelBene, with Ms. Jordan-Baldwin in favor and Mr. Labanowski and Mr. Wing opposed, the motion passed and the Board approved SJMSAA Use of Soccer Facilities, with revenue of \$15.00 per player to District, for Turnbull Creek Community Development District.

Board moved to Agenda Item 4E.

NINETH ORDER OF BUSINESS

**Consideration of Resolution
2022-17, Designating Date,
Time and Location of Regular
Fiscal Year 2022-2023 Meetings**

On a motion by Mr. Wing, seconded by Mr. DelBene, with Ms. Jordan-Baldwin and Mr. Labanowski in favor and Mr. Vencil opposed, the motion passed and the Board adopted Resolution 2022-17, Designating Date, Time and Location of Regular Fiscal Year 2022-2023 Meetings, for Turnbull Creek Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Fiscal Year
2022-2023 District Insurance
Renewal Policy**

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board ratified the approval of the Fiscal Year 2022-2023 District Insurance Renewal Policy, in the annual amount of \$26,088.00, for Turnbull Creek Community Development District.

Board directed Staff to obtain additional information on the policy's definition of named and non-named storms and to clarify what deductible amount is applied.

ELEVENTH ORDER OF BUSINESS

**Ratification of GMS Website
Agreement**

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board ratified the approval of the GMS Website Agreement, in the annual amount of \$1200.00, for Turnbull Creek Community Development District.

TWELFTH ORDER OF BUSINESS

**Consideration of Amendment
to RMS Renewal Agreement**

Board directed Staff to explore outside vendors for Lifeguard Services in the upcoming months.

On a motion by Mr. DelBene, seconded by Mr. Vencil, with all unanimously in favor, the Board approved the Amendment to RMS Renewal Agreement, in the annual amount of \$305,178.00, for Turnbull Creek Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Consideration of Poolsure
Renewal Agreement**

On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board approved the Poolsure Renewal Agreement, in the annual amount of \$19,076.16, for Turnbull Creek Community Development District.

SIXTEENTH ORDER OF BUSINESS

**Consideration of
Preventative Maintenance
Fitness Equipment Proposal(s)**

On a motion by Mr. DelBene, seconded by Mr. Labanowski, and Ms. Jordan-Baldwin and Mr. Wing in favor and Mr. Vencil opposed, motion passed, and the Board approved the Fitness Pro Quarterly Agreement, in the annual amount of \$848.00, for Turnbull Creek Community Development District.

SEVENTEENTH ORDER OF BUSINESS

**Consideration of Janitorial
Proposal(s)**

On a motion by Mr. DelBene, seconded by Mr. Vencil, with all unanimously in favor, the Board approved the Jani-King proposal, as amended, with a not-to-exceed annual amount of \$9,644.00, should vendor not agree to this amendment, the Board then approved the SCSJ proposal, for Turnbull Creek Community Development District.

EIGHTEENTH ORDER OF BUSINESS

**Consideration of Door
Replacement Proposal(s)**

On a motion by Mr. DelBene, seconded by Mr. Labanowski, with all unanimously in favor, the Board approved the Right Angle Home Innovations proposal, in the amount of \$8,850.00, for Turnbull Creek Community Development District.

NINETEENTH ORDER OF BUSINESS

**Ratification of Ancient City
Soccer Club Agreement**

On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board ratified the approval of the Ancient City Soccer Club Agreement, for Turnbull Creek Community Development District.

Board moved to Agenda Item 5A.

TWENTIETH ORDER OF BUSINESS

Approval of Consent Agenda

- 1.) **Consideration of Minutes of the Board of Supervisors' Regular Meeting held August 9, 2022**

- 2.) **Ratification of the Operation and Maintenance Expenditures for May 2022, June 2022 & July 2022**

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board approved the Minutes of the Board of Supervisors' Regular Meeting held, August 9, 2022 and Ratified the Operation and Maintenance Expenditures for May 2022, June 2022 & July 2022, for Turnbull Creek Community Development District.

TWENTY FIRST ORDER OF BUSINESS

**Audience Comments and
Supervisor Requests**

Supervisor Requests:

Mr. Wing requested Rizzetta & Company provide Board Supervisors with W2's. Ms. Kilinski informed the Board that she has seen District Management companies provide either 1099's or W2's and that this is a gray area. Ms. Brown recommended that should Rizzetta & Company change practices it would be strongly recommended for the District to have a Workman's Comprehensive policy in place.

Board directed Staff to provide W2's for future supervisor's pay.

Audience Comments:

No audience comments.

Board moved to Agenda item 40

Audience members were excused from the meeting for Board to discuss security proposals.

TWENTY SECOND ORDER OF BUSINESS

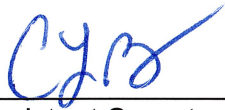
**Consideration of Security
Camera Proposal(s)**

On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board approved the Vector Security proposal, with access control, in the amount of \$4,435.00 with monthly monitoring fee of \$24.95 and CCTV, in the amount of \$10,214.00 with monthly monitoring fee of \$29.95, for Turnbull Creek Community Development District.

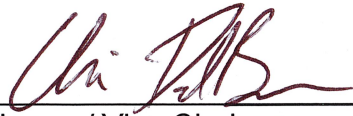
TWENTY THIRD ORDER OF BUSINESS

Adjournment

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board adjourned the Board of Supervisors' Meeting at 10:28 PM, for Turnbull Creek Community Development District.



Secretary /Assistant Secretary



Chairman / Vice Chairman

Exhibit A

**1893 South Cappero Dr
Sod Install**

Paul Jefferys – 8078099
1893 S Cappero Dr - Sod Install
1893 S Cappero Dr St Aug, FL 32092

Est ID: EST3450908
Date: Sep-13-2022

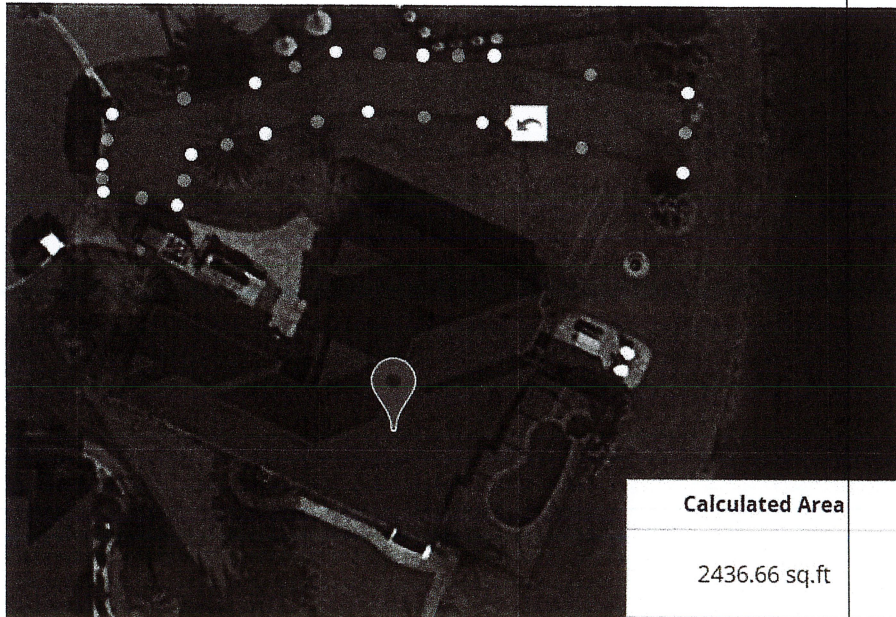
Thank you for allowing The Grounds Guys of St. Johns FL the opportunity to design and/or quote your landscape project. We look forward to working with you to create an outdoor environment that will provide you a lifetime of enjoyment in the comfort of your own home and newly created surroundings.

Sod Install **\$5,416.96**

This estimate has been prepared to complete a landscape project at 1893 South Cappero Drive. The project includes:

- Removing approximately 2,437 sqft of damaged sod, to include labor for transfer and proper disposal
- Grading and leveling the 2,437 sqft area to ensure level with existing lawn and proper drainage
- We will install 6 pallets of St Augustine Floratam to cover approximately 2,437 sqft
- Installation will be guarantee for 30 days, proper irrigation instructions must be followed
- Will clean the work site and immediate area
- The irrigation system will be tested for functionality and efficiency
- Any ruptures to the irrigation lines or irrigation heads will be repaired by The Grounds Guys of St. Johns FL

Subtotal	\$5,416.96
Taxes	\$0.00
Estimate Total	\$5,416.96



Calculated Area
2436.66 sq.ft

SOD REPAIR
1893 Sth Cappero Dr, St Augustine, FL 32092

Christopher Rice, INC.
(904) 487-7680

Website link: Jacksonvillelandscaping.net

- * Cutting out all applicable lawn down to soil & hauling it away.
- * Installing top soil 1 - dump truck load. To correct grading issues.
- * Installing St. Augustine sod full sun floritan. Staggard set, & perfectly matched to the existing surroundings (lawn, driveway & street)

Labor \$4,000.00

Sod \$1,800.00

Soil \$600.00

Equipment \$1,100.00

Debris \$600.00

Delivery \$160.00

Total: \$8,260.00

Greenway Lawn and Landscape
4930 Spring Park Rd
Jacksonville, FL 32207 US
jdgreenwaylawns@gmail.com



Estimate

ADDRESS

Turnbull Creek
101 W Positano
St. Augustine, Florida 32092

ESTIMATE # 6229

DATE 09/13/2022

ACTIVITY	QTY	RATE	AMOUNT
Landscape 2	1	4,600.00	4,600.00
Pond 11			
Sod replacement between residents			
1889-1893 South Cappero			
Remove existing declining turf			
Remove all debris generated			
Install 2-18 yard loads of dirt to level area correctly			
Install approximately 3,200 SQFT of St Augustine Floratam sod			
Make sure sod is installed level to match existing turf			
Not responsible for existing irrigation system			
TOTAL			\$4,600.00

Accepted By

Accepted Date

Exhibit B

PO Box 8699
Fleming Island, FL 32006 US
(904) 505-4694
jillf@trimacoutdoor.com
www.trimacoutdoor.com



ADDRESS

Murabella-Turnbull Creek
101 E Positano Ave
St Augustine, FL 32092

Estimate 1082

DATE 08/24/2022

ESTIMATOR

Todd Murphy

ACTIVITY	QTY	RATE	AMOUNT
Pond 7: Repair wash outs and grade areas			
EN - Todd Murphy Install 3 cy Fill dirt	3	95.00	285.00
EN - Todd Murphy Install 3 pallets Bahia Sod	3	450.00	1,350.00
EN - Todd Murphy Dispatch and Delivery of materials	1	150.00	150.00

S Trapanie

TOTAL \$1,785.00

Accepted By

Accepted Date

Greenway Lawn and Landscape
4930 Spring Park Rd
Jacksonville, FL 32207 US
jdgreenwaylawns@gmail.com



Estimate

ADDRESS

Turnbull Creek
101 W Positano
St. Augustine, Florida 32092

ESTIMATE # 6228
DATE 09/13/2022

ACTIVITY	QTY	RATE	AMOUNT
Landscape 2 Small pond #7 Trapani 3935 Area behind residence along edge of fence line both sides of yard Remove existing declining turf in washed out locations Install 7 yards of hard pan fill dirt Install 4 pallets of Bahia sod	1	1,800.00	1,800.00
TOTAL			\$1,800.00

Accepted By

Accepted Date

Exhibit C

Greenway Lawn and Landscape
4930 Spring Park Rd
Jacksonville, FL 32207 US
jdgreenwaylawns@gmail.com



Estimate

ADDRESS

Turnbull Creek
101 W Positano
St. Augustine, Florida 32092

ESTIMATE # 6227
DATE 09/13/2022

ACTIVITY	QTY	RATE	AMOUNT
Landscape 2 Remove existing declining turf approximately 5,625 SQFT Install red baseball clay to cover baseball field a depth of 3"	1	30,456.00	30,456.00
TOTAL			\$30,456.00

Accepted By

Accepted Date

Exhibit D



UPCOMING DATES TO REMEMBER

- **Next Meeting:** November 8, 2022 at 6:30 PM
- **FY 2022-2023 Audit Completion Deadline:** June 30, 2023
- **General Election (Seats 1, 3 & 5):** November 8, 2022
(Seats currently held by Brian Wing, Chris DelBene, & Chuck Labanowski)
- **Series 2015A Bond Maturity Date:** May 1, 2035
- **Series 2015B Bond Maturity Date:** May 1, 2045
- **Series 2016 Bond Maturity Date:** May 1, 2037

District
Manager's
Report

September 13

2022

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FINANCIAL SUMMARY

07/31/22

General Fund Cash & Investment Balance:

\$544,999

Reserve Fund Cash & Investment Balance:

\$472,519

Total Fund Balance YTD Actual:

\$1,017,518

Total Expenditure YTD Variance:

**\$42,478
Under Budget**

*****Line Items with Significant YTD Variance Over Budget:**

District Engineer (\$5,039); District Counsel (\$6,534);
Repair & Maintenance (7,010) & Pool Maintenance (\$10,322)

District is in the process of receiving updated receipts to prepare an invoice to the HOA for reimbursement for Special Events.



Updates:

FY 22/23 Adopted Budget and Assessment Chart has been mailed to the County and posted on the District Website.

On September 9, 2022 met with on-site staff to review Agenda items and District matters.

Have had several conference calls with the District Engineer, District Counsel, Boudreaux's Pro Grade regarding the pond bank repair project.

Have requested pond bank repair proposals from 7 vendors. As of today, the District has had one vendor express interest in providing a proposal.

Requested staff to review the District's Waste Management invoice to confirm services being received. Staff identified additional billing for recycling bins, not in use on District property. Staff has advised that Waste Management will be removing this from future invoices and is crediting the District \$650 from additional charges over the past 10 months.

Staff is in the process of obtaining waste proposals from Waste Management, Republic Services and Waste Pro.

Meskel & Associates Engineering has submitted an invoice in the amount of \$831.25 to the District. District Counsel had contacted them to explore possibly providing service to the District, however, never authorized or instructed them to perform any work. District Counsel has advised not to pay invoice.

The District has received a request from Joe Sexsion of 1880 South Cappero Drive for reimbursement of irrigation repair in the amount of \$285.00.