

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 **November 8, 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
Diana Jordan-Burks	Board Supervisor, Vice 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 <i>(via speakerphone)</i>
Steve Collins	District Engineer, JMT Engineering <i>(via speakerphone)</i>
Erick Hutchinson	Amenity Manager, RMS
Jim Schieszer	Field Operations Manager, RMS
Todd Murphy	Trimac Outdoors
Robert Jones	Trimac Outdoors

Members of the public present.

FIRST ORDER OF BUSINESS

Call to Order / Roll Call

Ms. Brown called the meeting to order at 6:30 p.m.

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

Mr. Yuro, with Yuro & Associates introduced himself and his firm to the Board. Audience members commented on pond bank concerns, repairs, mowing of newly laid sod and Notices received from the District Manager.

THIRD ORDER OF BUSINESS

Staff Reports

A. District Counsel

Ms. Kilinski was present with no report and stated all items were on the Agenda.

The Board moved to Agenda item 3C.

FOURTH ORDER OF BUSINESS

Staff Reports

C. Landscape Manager

1.) Irrigation Report, Dated September 19, 2022

Mr. Jones reviewed his report found under Tab 1. He also informed the Board of two recent main line irrigation breaks. Trimac had recently replaced an irrigation clock, fertilized and installed annuals. Trimac is in the process of locating irrigation valves for the District. Mr. DelBene expressed concerns with increase in fire ants.

The Board directed Staff to submit a fire ant treatment proposal.

The Board moved to Agenda item 4F.

FIFTH ORDER OF BUSINESS

**Ratification of Trimac Outdoor
Hurricane Response Proposal**

Ms. Kilinski advised the Board that the District could add a FEMA Addendum to the Landscape Agreement to provide financial reimbursement from the Federal Government to the District.

On a motion by Mr. Wing, seconded by Ms. Jordan-Burks, with all unanimously in favor, the Board ratified the Trimac Outdoor Hurricane Response Proposal, for Turnbull Creek Community Development District.

SIXTH ORDER OF BUSINESS

**Ratification of Trimac Outdoor
Main Line Irrigation Proposal**

On a motion by Mr. Wing, seconded by Mr. Labanowski, with all unanimously in favor, the Board ratified the Trimac Outdoor Main Line Irrigation Proposals, invoice in the amount of \$5,422.00 and invoice in the amount of \$2,015.00, for Turnbull Creek Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Trimac
Outdoor Tree Removal Invoice**

On a motion by Mr. Wing, seconded by Ms. Jordan-Burks, with all unanimously in favor, the Board approved the Trimac outdoor tree removal invoice, in the amount of \$13,300.00, for Turnbull Creek Community Development District.

The Board requested to review a field maintenance plan.

EIGHTH ORDER OF BUSINESS

**Consideration of Revised
Trimac Outdoor Baseball Field
Proposal**

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board approved the revised Trimac Outdoor Baseball Field Proposal, in the amount of \$16,276.00, for Turnbull Creek Community Development District.

The Board directed Staff to provide a maintenance plan of amenity fields and courts.

NINTH ORDER OF BUSINESS

**Consideration of Trimac
Outdoor Pine Straw and Mulch
Proposal**

Tabled by the Board.

The Board directed Staff to obtain additional proposals.

Trimac Outdoors Staff were excused from the meeting at 7:21 p.m.

The Board moved to Agenda item 3B.

TENTH ORDER OF BUSINESS

Staff Reports

B. District Engineer

1.) Update on Pond Bank Project Status

Mr. Collins informed the Board that a final inspection of the pond bank was performed. The contractor installed silt fencing at 4 locations as a temporary measure where swales were previously washed out. He noted contractor did not install JMT's recommended preferable fencing and would have preferred it to be installed at all 9 locations with washouts.

Mr. DelBene questioned why the contractor did not use the preferable silt fencing and how did District receive the Final Certification without it. Mr. Collins stated this was not necessary for District to receive Final Certification and that the fencing was a temporary measure to give sod a chance to grow but that the contractor has a one year warranty on sod so if it does not take, they will be responsible for replacing it. Discussion ensued.

Mr. DelBene noted that Mr. Jeffrey's property was not properly restored.

Ms. Kilinski advised the Board that they did not need to accept the Final Certification if questions remain regarding completion; however, with a certificate from the engineer, if there are outstanding questions, the Board members as the District should compile a list of concerns and transmit them to JMT and Boudreaux's.

Mr. DelBene directed Staff to gather documentation and to put contractor on Notice that District is pursuing 3rd party contractor to repair Mr. Jeffrey's yard.

On a motion by Mr. DelBene, seconded by Mr. Labanowski, with all unanimously in favor, the Board approved pursuing 3rd party contractor to repair Mr. Jeffrey's yard, for Turnbull Creek Community Development District.

The Board moved to Agenda item 4A.

ELEVENTH ORDER OF BUSINESS

**Ratification of JMT Work
Authorization No. 3 for
Engineer's Certificate**

Mr. Vencil expressed disappointment and in reviewing photographs, the work looked incomplete. Mr. DelBene expressed concerns on how JMT could issue the Final Completion Certificate without physically inspecting the pond bank and discussed rejecting the notice. Discussion ensued.

Ms. Kilinski reviewed recourse options with the Board and recommended an independent evaluation if there were continuing identified concerns. The Board directed Staff to obtain a 2nd opinion of Final Certificate of Completion by another engineer and to bring back at next meeting.

TWELFTH ORDER OF BUSINESS

**Consideration of Acceptance of
JMT Notice of Termination
Effective November 11, 2022**

On a motion by Mr. Labanowski, seconded by Mr. DelBene, with all unanimously in favor, the Board accepted JMT's Notice of Termination effective November 11, 2022, for Turnbull Creek Community Development District.

Mr. Collins was excused at 7:53 p.m.

THIRTEENTH ORDER OF BUSINESS

**Ratification of Authorization of
RFQ for District Engineering
Services**

On a motion by Mr. Wing, seconded by Mr. Labanowski, with all unanimously in favor, the Board ratified authorization of RFQ for District Engineering Services, for Turnbull Creek Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Ranking
and Review of District
Engineering Services
Proposal(s)**

Mr. Yuro, President of Yuro & Associates, was present and spoke to the Board.

On a motion by Mr. Labanowski, seconded by Mr. DelBene, with all unanimously in favor, the Board ranked Yuro & Associates as #1 and Matthews Design Group as #2 for District Engineering Services. Matthews Design Group is to be engaged for special projects, for Turnbull Creek Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Ratification of Changes to
Easement Variance Policy**

On a motion by Mr. DelBene, seconded by Mr. Wing, with all unanimously in favor, the Board ratified changes to the Easement Variance Policy, for Turnbull Creek Community Development District.

Mr. Yuro was excused from the meeting at 8:14 p.m.

The Board moved to Agenda item 3D.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

D. Amenity and Field Operation Managers

- 1.) Monthly Murabella Operations Report, Dated November 8, 2022**
- 2.) Update on Parking Lot Expansion and Proposal(s)**

Mr. Schieszer reviewed report found under Tab 2.

The Board directed Staff to provide District Engineer with parking lot expansion proposal, review for next meeting and authorized Mr. Wing to work with Staff in re-purposing soil.

On a motion by Mr. Vencil, seconded by Mr. Wing, with all unanimously in favor, the Board agreed to send a warning to Ancient City Soccer to comply with the terms of the agreement, for Turnbull Creek Community Development District.

E. District Manager

Ms. Brown reviewed the District Manager Report, (Exhibit A), and noted that Supervisor Labanowski submitted form 8B to the District, (Exhibit B).

The Board moved to Agenda item 4K.

SEVENTEENTH ORDER OF BUSINESS

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

On a motion by Mr. DelBene, seconded by Mr. Labanowski, with all unanimously in favor, the Board approved the Southern Recreation proposal, in the amount of \$5,800.00, for Turnbull Creek Community Development District.

EIGHTEENTH ORDER OF BUSINESS

**Consideration of Joy of Tennis
Agreement**

On a motion by Mr. Wing, seconded by Mr. DelBene, with all unanimously in favor, the Board approved the Joy of Tennis Agreement, for Turnbull Creek Community Development District.

NINETEENTH ORDER OF BUSINESS

Ratification of Future Horizon Agreement

On a motion by Mr. DelBene, seconded by Ms. Jordan-Burks, with all unanimously in favor, the Board ratified the Future Horizon Agreement, in the amount of \$16,500.00, for Turnbull Creek Community Development District.

TWENTIETH ORDER OF BUSINESS

Consideration of Waste Service Proposal(s)

On a motion by Mr. Wing, seconded by Mr. Vencil, with all unanimously in favor, the Board approved the Republic Services proposal with weekly service base rate of \$113.25 per month, for Turnbull Creek Community Development District.

TWENTY-FIRST ORDER OF BUSINESS

Consideration of Turner Pest Control Renewal Agreement

Tabled by the Board. The Board directed Staff to obtain additional proposals.

The Board directed Staff to obtain service logs from vendor and confirm monthly services.

The Board directed Staff to review services with Trimac Landscape for treatment of fire ants on pool deck and if not provided, to add to pest control proposals.

TWENTY-SECOND ORDER OF BUSINESS

Consideration of Workers Compensation Insurance Policy

Tabled by the Board. The Board directed Staff to obtain clarification on agent versus volunteer under CDD insurance policies.

The Board moved to Agenda item 5A.

TWENTY-THIRD ORDER OF BUSINESS

Approval of Consent Agenda

- 1.) **Consideration of Minutes of the Board of Supervisors' Regular Meeting held September 13, 2022**
- 2.) **Ratification of the Operation and Maintenance Expenditures for August 2022**

On a motion by Mr. Wing, seconded by Ms. Jordan-Burks, with all unanimously in favor, the Board approved the Minutes of the Board of Supervisors' Regular Meeting held September 13, 2022 and ratified the Operation and Maintenance Expenditures for August 2022, in the amount of \$60,634.90, for Turnbull Creek Community Development District.

TWENTY-FOURTH ORDER OF BUSINESS

**Supervisor Requests and
Audience Comments**

Both, Mr. Vencil & Mr. DelBene thanked Mr. Labanowski for his service on the Board.

Mr. DelBene directed Staff to obtain all District records from JMT.

Audience members expressed concerns with Notice for pond bank repairs, Ancient City Soccer, tree roots impacting irrigation, pine straw and mulch installation, ants/pests and parking lot. Board directed Staff to put Ancient City Soccer on Notice for not following terms of agreement.

The Board moved to Agenda item 4Q.

TWENTY-FIFTH ORDER OF BUSINESS

**Ratification of Vector Security
Agreement**

Ms. Brown provided status update to the Board.

TWENTY-SIXTH ORDER OF BUSINESS

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

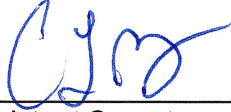
On a motion by Mr. DelBene, seconded by Ms. Jordan-Burks, with all unanimously in favor, the Board approved the Vector Pool Camera Security proposal in the amount of \$11,500 and with monthly fee of \$510.00, for Turnbull Creek Community Development District.

The Board directed Staff to submit lightning strike claim to the insurance company.

TWENTY-SEVENTH 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 10:27 PM, for Turnbull Creek Community Development District.



Secretary /Assistant Secretary



Chairman / Vice Chairman

Exhibit A



Rizzetta & Company

UPCOMING DATES TO REMEMBER

- **Next Meeting:** January 10, 2023 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

November 8

2022

Updates:

Hurricane Ian – Staff worked together in preparing the District for the storm. Both Trimac Outdoors and Riverside Management Services returned to the District, immediately post storm, to inspect. It was reported that two playground sunshades were damaged.

Rizzetta & Company has a new accounting software, called Intacct. We have been transitioning all of our accounting information over to this new software and are now at the point where we are able to publish the O&M Board Packages for September. These are currently being disseminated internally for purposes of placing on the next meeting agendas for each district. Additionally, we will begin the release of the August financial statements in the very near future. The final steps for their creation are in process and once complete, then we will begin the internal statement and review process prior to the external release of the statements. We continue to appreciate everyone's patience and understanding during this transition.

EGIS Insurance Advisors has provided the District with the FY 22-23 binder for the insurance policy.

T
U
R
N
B
U
L
L

C
R
E
E
K

C
D
D



On-going meetings have occurred since the last Board meeting with the Chairman, Counsel, Engineer, Contractor and Staff regarding the pond bank repair project. In the August JMT inspection report, ten properties were identified that were potentially causing a negative impact on the pond bank and Notices were mailed to these property owners. One property owner contacted the District and requested the Variance Application for Installation of Drainage Improvements. Additionally, the District received several letters from property owners. These letters and a summary were provided to the Board of Supervisors for review.

As directed by the Board of Supervisors, Rizzetta & Company is now processing supervisor's pay as employees of the District. The District's insurance company was provided this information and they have advised that based on their experience, they do believe there is Worker Comp exposures. To mitigate the additional exposure, the District has obtained a Worker's Comp proposal for the Board to consider later on the Agenda.

Supervisor Charles Labanowski submitted Form 8B - Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers for his request to the Board to place campaign signs on District property.

Today is also Supervisor Labanowski's last meeting as a supervisor.

The District received photos and videos of a resident feeding the ducks on the pond bank of S. Trapani Dr. (Pond 7) The owner has been sent a Cease and Desist Notice and the Board needs to provide Staff with direction for next steps.

The District has submitted an invoice in the amount of \$1,894.07 to the new HOA management company for FY 21-22 Special Events reimbursement.

The District was notified that on October 6, 2022 a \$500.00 check was sent to the District from SJMSAA.

The District was issued a check in the amount of \$48.30 from the Gift of Dance.

Jani King Agreement has been sent to the vendor for review and signatures.

Vector Security Agreement and Addendum is currently under review with their legal team.

Poolsure Agreement is in process, however, additional information needs to be discussed by the Board of Supervisors.

Exhibit B

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Labanowski Charles</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Turnbull Creek CDD</i>	
MAILING ADDRESS <i>1748 N Cappero Dr</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>St Augustine</i>	COUNTY <i>St Johns</i>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>August 9, 2022</i>		NAME OF POLITICAL SUBDIVISION: <i>Turnbull Creek CDD</i>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Charles Labanowski, hereby disclose that on August 9, 2022:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Request for political signs on the community perimeter.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

9/18/22

Signature

Charles Labanowski

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.