

## 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 Board of Supervisors for the Turnbull Creek Community Development District held a **regular meeting** and an **attorney-client shade session** to discuss matters relating to pending litigation on **June 11, 2024, at 6:00 p.m.** at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida 32092. The regular meeting commenced following the conclusion of the closed session.

#### **Present and constituting a quorum:**

Brian Wing	Board Supervisor, Chairman
Jeremy Vencil	Board Supervisor, Vice Chairman
Chris DelBene	Board Supervisor, Assistant Secretary
Raymond Ames	Board Supervisor, Assistant Secretary
Diana Jordan-Baldwin	Board Supervisor, Assistant Secretary ( <i>speakerphone</i> )

#### **Also present were:**

Melissa Dobbins	District Manager, Rizzetta & Co., Inc.
Mary Grace Henley	District Counsel, Kilinski/Van Wyk
Mike Yuro	District Engineer, Yuro & Associates
Erick Hutchinson	Amenity Manager, RMS
Jim Schieszer	Operations Manager, RMS

Audience members present.

Audience present on speakerphone.

#### **FIRST ORDER OF BUSINESS**

#### **Call to Order / Roll Call**

Mr. Wing called the meeting to order at 6:02 p.m.

#### **SECOND ORDER OF BUSINESS**

#### **Audience Comments on Pending Litigation/Shade Session**

No audience present to provide comments on the pending litigation or shade session.

Attendees were only the ones noted in the advertisement plus a court reporter.

**THIRD ORDER OF BUSINESS**

**Attorney-Client Shade Session**

Ms. Henley informed those in attendance the parameters of the shade session and its purpose. She noted the individuals included in the meeting and estimated the time (30 minutes) before the regular meeting would resume. It was noted that a transcript of the shade session will become public at the end of litigation should the Board decide to proceed.

**FOURTH ORDER OF BUSINESS**

**Resume Public Meeting**

*The regular Board of Supervisors Meeting reconvened at 6:41 p.m.*

**FIFTH ORDER OF BUSINESS**

**Shade Session – Motions  
Related to Litigation  
Expenditures or Settlement  
Negotiations**

On a motion by Mr. Wing, seconded by Mr. DelBene, with all in favor, the Board of Supervisors approved Mr. Vencil to attend mediation that is scheduled for July 17, 2024, for Turnbull Creek Community Development District.

On a motion by Mr. DelBene, seconded by Mr. Vencil, with all in favor, the Board of Supervisors approved a negotiating threshold amount to try settle the Litigation within, for Turnbull Creek Community Development District.

On a motion by Mr. Wing, seconded by Mr. Vencil, with all in favor, the Board of Supervisors directed the staff to advertise a third shade session to be held August 13<sup>th</sup> at 6:00 p.m., for Turnbull Creek Community Development District.

**SIXTH ORDER OF BUSINESS**

**Audience Comments on  
Agenda Items**

Resident at 1875 S. Cappero Dr. confirmed he has now installed a French drain on his property to help with the pond bank issues behind his lot.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports - Part A**

**A. District Engineer**  
**1.) Update on Pond Repair**

Mr. Yuro updated the Board that he met with Aquagenix to further review their completion status of their agreement since the Board approved a partial payment of 39%. Mr. Yuro

stated that after further consideration Aquagenix requested 60% before they started any additional work required to the amount of repairs needed due to animal damage. After further discussion, Mr. Yuro recommended the 60% and thought it was a fair amount. Mr. Yuro confirmed the Chairman approved and Aquagenix received a revised partial payment amount of \$51,728.17.

## **2.) Update on Walking Trail Improvement**

Mr. Yuro confirmed that Aquagenix did hold their price for their walking trail drainage proposal which was contracted for \$39,476.25. He stated they will need to do the work first before Duval.

Mr. Yuro also presented his 2024 Annual District Engineer Report (Exhibit A).

On a motion by Mr. Wing, seconded by Ms. Jordan-Baldwin, with all in favor, the Board of Supervisors accepted 2024 Annual District Engineer's Report and directed staff to submit the report to the Trustee, for Turnbull Creek Community Development District.

## **B. Landscaper**

### **1.) Yardnique Landscape Reports**

Mr. Schieszer gave an update on Mr. Steven's behalf. He also noted that the HOA sent out notices to homeowner's regarding watering and maintenance of their new sod along the pond banks that are being repaired.

## **EIGHTH ORDER OF BUSINESS**

## **Consideration of Minutes of the Board of Supervisors' Special Meeting held May 14, 2024**

On a motion by Mr. Wing, seconded by Ms. Jordan-Baldwin, with all in favor, the Board of Supervisors approved the minutes of the special meeting held May 14, 2024, for Turnbull Creek Community Development District.

## **NINTH ORDER OF BUSINESS**

## **Staff Reports – Part B**

### **A. District Counsel**

Ms. Henley updated the Board that agreements for the Pickleball Conversion and Cost Share with the POA have been circulated for review.

### **B. Amenity and Field Operation Managers**

#### **1.) Field Operations & Amenity Management Report**

## 2.) Future Horizon Report

Mr. Hutchinson noted that pavers were stolen at the pool. Mr. DelBene stated that these incidences need to be reported to the sheriff. Mr. Hutchinson provided updates regarding the amenity upgrades and reviewed concerns regarding the staffing at the pool.

### C. District Manager

Ms. Dobbins reminded the Board that the budget Public Hearing is set for August 13<sup>th</sup>. The board discussed moving the location of this meeting due to the number of residents that attended last year's budget meeting.

On a motion by Mr. DelBene, seconded by Mr. Ames, with all in favor, the Board of Supervisors directed the District Manager to relocate the budget meeting to be held at the Villages Church at 4229 Pacetti Road, St. Augustine, Florida 32092, for Turnbull Creek Community Development District.

## TENTH ORDER OF BUSINESS

### Supervisor Requests & Audience Comments

#### Supervisor Requests

Mr. Wing informed the Board that he is going to resign after the August meeting and suggest an e-blast go out for candidates to be reviewed at the September meeting.

Mr. DelBene requested Mr. Schieszer to post or create signage to state no hanging off bridge. Mr. DelBene also requested that lifeguard hours get adjusted from (11:00 a.m. to 6:00 p.m.) to (12:00 p.m. to 7:00 p.m.). Mr. Hutchinson stated he will review this change further with the staff. Mr. DelBene also requested Mr. Hutchinson to review and explain the difference in staffing positions of a Facility Attendant and Pool Monitor.

#### Audience Comments

Concerns were reviewed regarding garbage not being picked up around ponds, request were made for pool umbrellas and issues noted with the landscape maintenance portal.

## ELEVENTH ORDER OF BUSINESS

### Adjournment

On motion by Mr. Wing, seconded by Mr. Vencil, with all in favor, the Board of Supervisors adjourned the meeting at 8:05 p.m., for Turnbull Creek Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman

# **Exhibit A**



- Civil Engineering
- Land Surveying & Mapping
- Permitting
- ADA Consulting

June 11, 2024

Melissa Dobbins – *District Manager*  
Turnbull Creek Community Development District  
c/o Rizzetta & Company, Inc.  
3434 Colwell Avenue, Suite 200  
Tampa, FL 33614

**Reference: 2024 Consulting Engineering Report  
Section 9.21 of Master Trust Indenture  
Turnbull Creek Community Development District  
Special Assessment Bond Series 2005  
Special Assessment Bond Series 2006  
Special Assessment Bond Series 2015A  
Special Assessment Bond Series 2015B  
Special Assessment Bond Series 2016**

Melissa,

In accordance with Section 9.21 of the Master Trust Indenture, we have completed the annual review of the portion of the project within the Turnbull Creek Community Development District constructed to date. This report is not intended to be exhaustive or comprehensive, rather it is based on only a limited field review only to review District owned and operated facilities & verify if these facilities are being maintained in good condition. We hereby offer the following consulting engineers report.

Amenity Center



We have inspected the recreational facilities which include the Amenity Center, pool area, ball fields, basketball court and the two multipurpose fields with paved walking paths and have found them to be in generally good condition and working order. These facilities are currently open for use and appear to be regularly maintained by the District. We are aware of a recently approved project to re-surface the walking tracks & make some drainage improvements. These improvements are considered “routine maintenance” and both tracks will remain open and usable until the project is completed. Additionally, there is an area outside of the pool that is scheduled to have a small retaining wall installed to eliminate erosion concerns. Again, we consider this part of routine maintenance that is not impacting the use of the pool or amenity area.



- Civil Engineering
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**2024 Engineers Report**  
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Playground Areas



There are three playground areas located throughout the property, one at the Amenity Center, one off of Toscana Lane and one off of E. Franchetta Lane. All playgrounds appear to be in good working order and are open for use. We did not observe any civil engineering related items that would require repair work at this time.

Entry Features



We have inspected the entry features and found them to be in generally good condition and working order. It appears that these features receive regular maintenance by District. We did not observe any apparent civil engineering related items that would require maintenance or repair at this time.





- Civil Engineering
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**2024 Engineers Report**  
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Berms and Landscaping



We inspected the berms and landscaping within the common areas and have found them in generally good condition. While there are some areas that might require routine maintenance, we did not observe any civil engineering related items that raise a concern at this time.

Mail Kiosks



There are three mail kiosks located throughout the property, one near the Amenity Center off of E. Positano Ave, one off of Toscana Lane and one off of E. Franchetta Lane. All three mail kiosk locations appear to be in good condition and working order. These facilities are open for use and appear to be regularly maintained by the District. We did not observe any civil engineering related items that would require repair work at this time, however, we would recommend that the CDD start planning for re-paving and installing new striping in the near future to ensure continued uninterrupted use of these facilities.



- Civil Engineering
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**2024 Engineers Report**  
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Stormwater Facilities

The stormwater ponds were inspected where access was available and were found to be generally in good condition and functioning as designed. A major pond bank repair project was completed in 2022 to correct pond bank erosion issues. An additional project on these same pond banks was started in



January 2024 to correct the pond slope in two (2) separate areas and address minor erosion and other areas of restoration from the 2022 project that needed additional attention. This latest effort is expected to be certified complete in early to mid summer 2024.

Finally, in accordance with Section 9.14 of the Master Trust Indenture, we are not qualified to provide specific insurance recommendations and recommend that the insurance coverage amounts be reviewed but the District Manager and Insurance Provider annually to confirm that the current replacement costs are appropriate.

If you have any questions or require any additional information, please do not hesitate to call.

Sincerely,

Michael J. Yuro, P.E.  
*President*  
*P.E. License No. 65247*



**THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY:**

**Michael J Yuro**  
**2024.06.11 14:08:54 -04'00'**

**ON THE DATE ADJACENT TO THE SEAL**

**PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.**