

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, March 6, 2018 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

Brian J. Wing	Chairman
Lee Clabots	Vice Chairman
Chuck Labanowski	Supervisor
Aage G. Schroder, III	Supervisor
Wil Simmons	Supervisor

Also Present were:

Dave deNagy	District Manager
Jennifer Kilinski	District Counsel
Mike Yuro	District Engineer
Mark Insel	Vesta/Amenity Services Group
Lourens Erasmus	Vesta/Amenity Services Group
Ernesto Torres	GMS, LLC
Michael Johnson	Duval Landscape Maintenance
Brad Correia	Crown Pools
Nine residents	

The following is a summary of the actions taken at the March 6, 2018 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. deNagy called the meeting to order at 6:00 p.m. and stated we are going to table item 9A the FP&L street lighting issue as we did not get information from FP&L to address that tonight and we will bring it to a future meeting. Also, you should have handouts that were emailed last night for Crown Pools, an outline of the fence proposal, a proposal from Duval Asphalt for drainage repairs and a proposal from Aquagenix for pond bank repairs. We will talk about those items but given the time you have had to review them there will likely be no action by the Board, unless you want to.

Mr. deNagy called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. deNagy stated I have a couple of notes received via Facebook, the first is from Tina Beasley, why is the pond behind the mid 300 section of Porta Rosa cloudy and green looking? Is anything being done to clean up that pond? It looks like a green oil slick. From Chris DelBene, with the pool now open and inspected was a determination made that we had sufficient lighting for night time hours? A note from Lisa Chernitsky, the pool lights look really nice. Jeremy Stein, any word if they will add some additional umbrellas? Tom Kane, that's a good one, I wish, but since they spent \$100,000+ we will just have to bake in the hot sun again.

Mr. deNagy stated we would like to move one item out of order and have Michael Johnson of Duval Landscape go first tonight.

Landscape Manager (Presenter: Duval Landscape)

Mr. Johnson gave an overview of the work accomplished during the past month and work planned for the coming month.

THIRD ORDER OF BUSINESS

Discussion of Completion of the Pool Resurfacing Project (Presenter: Brad Correia-Crown Pools)

Mr. deNagy stated your chairman, district engineer, Lourens and myself met with Brad Correia March 1st, discussed completion of the pool, there were some punch list items that were being cleaned up and I think everything got completed and the pool was open on Friday.

Mr. Correia stated we ran into a couple of unforeseen issues and we went over our schedule that we asked for with the extension of the structural repair. Quite a few other items came up as we got into it. I should have asked for a little more time at that time but I did not so I apologize for the duration of this but I documented everything so we would have it on record of what was done on the pool. As of now we are happy with everything, hopefully you are as well.

Mr. Wing stated on Thursday you still had a little work to do. Did that get completed?

Mr. Correia responded that is not, we will be out Monday to take care of the piece that needs to be replaced, while the pool is closed.

Mr. Wing asked can you go over the items on your list that were fairly expensive and not called for in the original contract?

Mr. Correia reviewed in detail the work done on the coping, back splash tile, pavers, rails and anchors.

Mr. deNagy stated there is an issue with liquidated damages in the agreement. I think February 9th was the expected completion date and there is \$9,500 of liquidated damages but with the invoice that you have for \$13,000+ I think if the board chooses not to assess the liquidated damages then that invoice will be offset as well.

Mr. Correia stated that is correct. That was work that was outside our original scope and revised scope that took place to get the pool up and operating.

Mr. Wing asked who approved those work changes?

Mr. Correia stated those were not approved, they are not approved change orders, but they are change orders that we encountered finishing up the pool.

Mr. Wing stated if no one approved them I assume we are really not liable for it.

Ms. Kilinski stated the issue before you is really whether you want to enforce the liquidated damages. From a contract perspective there was a very clear provision in there regarding any change orders or change directives. I have worked with Brad a number of times, they do great work; having said that from a legal perspective those weren't approved by the district, they weren't signed off on, I think the reason they are being documented now is because we are also talking about liquidated damages. You have the right to enforce it by contract there is also the other side of the story. You saw the letter I sent, we did not want to waive our rights to enforce liquidated damages without bringing that to your attention tonight and that is really what is before the board at this juncture.

After further discussion of the individual items, timing, items that needed repair that were unforeseen, the board took the following action.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor completion of the pool was ratified and the offset of liquidated damages with the additional work was approved.

FOURTH ORDER OF BUSINESS

Staff Reports (Part 1)

A. Landscape Manager (Presenter: Duval Landscape)

This item taken earlier in the meeting.

B. Engineer (Presenter: Mike Yuro)

1. Pond Banks

This item tabled to the next meeting in order to receive more bids for the ponds and Pescara and San Marino track repairs.

2. Report

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

FIFTH ORDER OF BUSINESS

Proposals

A. Consideration of Proposal from Fighting Turtles Swim Team (Presenter: Jennifer Hoffman/Teresa Patch)

Ms. Patch gave an overview of the proposal from the Fighting Turtles Swim Team for 2018, copy of which was provided in the agenda package.

On MOTION by Mr. Wing seconded by Mr. Clabots with all in favor the proposal from the Fighting Turtles for the 2018 swim season was approved and staff was authorized to prepare the agreement.

SIXTH ORDER OF BUSINESS

Ratification of Amenity Center Policies (Presenter: David deNagy)

Mr. deNagy stated this was the addition of the appendices in the back of the policies, the rental policy, social hall policy and alcohol request form and corresponding language in reference to the appendices and amenity policies.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the amenity center policies were ratified.

SEVENTH ORDER OF BUSINESS

Consideration of April 7, 2018 Jogging Event and License Agreement (Presenter: David deNagy)

Mr. deNagy stated the jogging event will start and end at the amenity center, there is a waiver and release and license agreement, and JTF Racing has the insurance they had previously.

Mr. Labanowski stated the route is shown to start and end at his house. If this is for outsiders, where are they going to park?

Mr. Wing stated it is basically for Murabella.

Mr. Clabots stated it would be interesting to find out where it starts and ends but it is a county road.

Mr. deNagy stated I was under the understanding that it was to start and end here. I asked Mark to confirm if that was okay.

Mr. Insel stated he told me that but it has changed a couple times since then.

Ms. Kilinski stated when we drafted this we were under the impression that it was the old course and none of that was an issue, seeing the course now we would want to beef that up. We have license agreements that require that you get the requisite permit from the county, make sure signage is posted, if there is damage done to anybody's grass including ours you are reimbursing us, those kinds of things we need to add based on this route.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the license agreement for the jogging event to take place April 7, 2018 was approved contingent upon the start and finish being at the amenity center.

EIGHTH ORDER OF BUSINESS

Ratification of St. Johns County Sheriff's Office Trespass Authority (Presenter: David deNagy)

Mr. deNagy stated you have the original trespass authorization from 2007. This year we received a letter from the sheriff's office updating that enforcement authorization. The filled out form has all the parcels that belong to the district, I talked to the sheriff's office and they have accepted the authorization.

Mr. Labanowski moved to ratify the St. Johns County Sheriff's trespass authority and Mr. Wing seconded the motion.

Mr. Schroder asked are we going to have a new letter?

Mr. deNagy responded no, just use the form. I have signed it on behalf of the district.

On voice vote with all in favor the motion passed.

NINTH ORDER OF BUSINESS

Discussion Items

A. Discussion of Adding FPL Street Lighting (Presenter: Chuck Labanowski)

This item tabled.

B. Landscape RFP Process, Resolution 2018-01 (Presenter David deNagy)

Mr. deNagy stated Resolution 2018-01 is the landscape RFP and this resolution will authorize staff to issue the landscape RFP. This has been circulated to the board for the past couple of months, I have received comments back and those are incorporated into the RFP. The package will be ready starting next Monday, March 12th, that will give us time to get the package cleaned up and advertised. We have a mandatory pre-proposal meeting on April 2nd, anyone who picks up a package has a fee of \$100 they need to pay that will come to the district.

Mr. Wing asked is that new?

Mr. deNagy stated yes, we tried that at Durbin Crossing and it was successful and paid for some of the miscellaneous expenses around the landscape RFP. We talked about renting a van to take contractors that bid on this project around the property to show them exactly what we are talking about and that fee would offset some of that expense.

Ms. Kilinski stated typically with landscape contracts we require two different bonds at the outset, one is a bid bond and that requires them to hold the pricing for 120 days so they don't bid low then see others with higher prices and they say I want to pull that bid so it is a \$5,000 bid bond. They are very used to doing that. The second is if there is any protest related to the RFP they are required to submit a \$10,000 bid protest bond. That means they have money in the game and if they lose that protest \$10,000 comes to the district no questions asked. We find that typically makes landscapers really think hard before they just get angry and start filing protests against landscape RFPs.

Mr. Wing asked have you experienced many bid protests?

Ms. Kilinski stated not in the last few years. When I first started with the firm we had a number of them.

Mr. deNagy stated back to the timing on April 2nd would be our mandatory pre-proposal meeting for all the contractors to go over the scope. The bids would be due by April 18th, that is

to get everything in order in time for our meeting on May 8th. The proposers have until April 10th to get questions to us and answers so they have roughly a week to get their package together after asking any questions.

Mr. Schroder asked did we get bids on alternate 2?

Mr. deNagy stated we did the last time. That was maintenance of just the district pond banks and not the pond banks that abut private property.

Mr. Schroder stated the only reason I can see why we would do that again is so we have an idea of what it would cost if we get the question again to maintain or not maintain. If we leave it in there I'm concerned about page 59, 1.1.B that second sentence that says, landscape maintenance shall only occur on pond bank areas abutting district assets. There may be places where it abuts district assets or county roads or right of way. Possibly public properties, there are private home properties. I just wonder if we need to make that more inclusive.

Mr. deNagy stated we could say just on pond bank areas not abutting private property or something to that affect so it would leave it open for any other property.

Ms. Kilinski stated contractually obligated ponds you have covered it.

Mr. deNagy stated we will clarify that section.

Mr. Labanowski asked on 1.1.B, why are we asking the contractors to go through this again? It is extra work for them to go back there when at last year's meeting it was determined at that time that was the responsibility of the district.

Mr. Wing stated I requested it because I think it is important to see what the cost difference is, I'm not saying we would exercise it or not but it would be good to see what the cost difference is and this will be a three year contract and next January it will be election for three board members so a different board can make a different decision and that would be their information to use.

Mr. Labanowski stated I don't know if they can make a decision on that without changing the contract with stormwater management. The permit that is out there now the CDD is responsible for the pond banks. Why are we trying to go through an extra step when we have already done it once, getting a separate price for that item and taking it out. It doesn't make any sense that we are asking them to do this again.

Mr. Wing stated I'm not sure there is that much time difference for the bidder. It doesn't cost us any more to have that information added.

Mr. Labanowski stated we already know the difference, we know the ratio of the difference. It doesn't make sense that we are asking people to do something that we are not going to use. We aren't going to use it because of the permits that are out there.

Mr. Labanowski moved to remove section 1.1.B of the landscape RFP and Mr. Schroder seconded the motion.

Mr. Schroder stated it does add a lot of work for them because unless we can give them a package that shows the area or linear feet of pond bank that exists behind residential lots. That will take a lot of work to gather that information unless we can hand it to them.

Mr. deNagy stated there are maps at the back that show district parcels.

Mr. Schroder stated yes but someone would have to take the perimeter or something to measure the length and all that stuff. We may have that number, I don't know.

On voice vote two in favor and three opposed the motion failed.

On MOTION by Mr. Clabots seconded by Mr. Wing with four in favor and Mr. Labanowski opposed Resolution 2018-01 was approved.

C. Discussion of the Use of Social Media for CDD Business (Presenter: Jennifer Kilinski)

Mr. deNagy stated this is in reference to at the beginning of the meeting I had homeowner comments that were received via Facebook.

Ms. Kilinski stated I spoke to a couple of you and this is a very common question and I was asked whether it is best practice, what the legal parameters are around social media and what kinds of things you as board of supervisors may want to think about. Social media is becoming a very easy and routine way to discuss items with constituents and get the pulse of the community. The downsides are that using social media for public purposes, public business, makes that piece of information a public record. One of the things we have done in other districts is created either a district sponsored Facebook page that we then have software on the Facebook page that can take snapshots, it is called freeze frame, and it will continue to take snapshots and will record those records and the medidata associated with those on behalf of the district. We have also in a couple

districts now it has been a moving issue the last six months created individual Facebook pages for our supervisors and they are very active, very large communities and they thought that was the best way to communicate with their constituents where it would be a public Facebook and you have a private Facebook page and you do all your public business on the public Facebook page and the district then incurs the costs associated with the software necessary to make sure those public records are maintained. I typically have told boards the best practice is don't use social media. It is way safer and you don't have to worry about public records, you don't have to worry about possible sunshine law infractions when you are posting something and another supervisor accidentally posts underneath you about that same issue but we are also recognizing the last year or two that it is going to happen, that social media is here to stay and what can we do from a best practices standpoint to make sure we are doing all we can to maintain public records and maintain transparency in the sunshine.

After further discussion the board directed staff to come back with more information about the social media aspect and a proposal for email retention services.

TENTH ORDER OF BUSINESS

Staff Reports (Part 2)

A. Attorney (Presenter: Jennifer Kilinski)

Mr. Wing asked have we heard anything from the sheriff's department about the damage to the fields?

Mr. deNagy stated I have not heard from the sheriff's department nor have I heard from the state's attorney.

Mr. Wing asked is it appropriate to make an inquiry?

Ms. Kilinski stated yes, we will call.

B. Manager – Resolution 2018-03 (Presenter: David deNagy)

Mr. deNagy stated Resolution 2018-03 recognizes the Reverb Church for their volunteer services to the district.

On MOTION by Mr. Wing seconded by Mr. Clabots with all in favor Resolution 2018-03 was approved.

Mr. Labanowski stated we put in for storm damage from Hurricane Matthew. Have we seen anything yet?

Mr. deNagy stated it is unlikely we are going to get it. We were asked recently to provide more information specifically FEMA wanted longitude and latitude where all the refuse was taken. Our contractor does not have that information and we cannot provide it to FEMA.

Mr. Erasmus stated we were given coordinates by the contractor in the beginning and we gave those to FEMA and they came back and said that is not an approved site, can you go back to the contractor where the final disposing happened.

Mr. Wing asked how much money are we talking about?

Mr. deNagy stated it was maybe \$11,000 and we would get 80% of that and a percent comes from the state and we the District absorbs the difference. I'm still working on it but am very discouraged. This happened in September 2016.

Mr. Wing stated I'm not sure that Jacksonville or St. Augustine has gotten any money.

Mr. Erasmus stated the contractors were dumping the debris wherever they could and now it needs to be a FEMA specific dumping site. It sounds like a ploy of them to not pay.

C. Operations Manager (ASG) (Presenter: Lourens Erasmus)

A copy of the operations manager's report was included in the agenda package.

D. Amenity Center Update (Presenter: Mark Insel)

A copy of the amenity center management report was included in the agenda package.

ELEVENTH ORDER OF BUSINESS

Approval of Consent Agenda (Presenter: David deNagy)

- A. Approval of Minutes of the January 9, 2018 Meeting**
- B. Balance Sheet as of January 31, 2017 and Statement of Revenues & Expenditures for the Period Ending January 31, 2017; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of check Register**

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

TWELFTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

THIRTEENH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Labanowski asked is there a way to set up motion sensors on some of the switches in the facility? If you come in late at night the whole gym is lit, all the TVs are on, the bathroom lights were on.

Mr. deNagy stated that is a good idea; staff will look at that.

A resident stated the daddy/daughter dance was wonderful.

Mr. DelBene asked what is the process of approving evening swimming? When was the last time we were rejected by the county for evening swimming?

Ms. Kilinski stated you have to have a lighting engineer do a study and give you the lumens that are required in order to meet county code and department of health code. Once the engineer does the study there is an application you submit to the county, the Florida department of health, they review that and they can issue a permit for night swimming. It is a permitting process. It is pretty expensive, not just the study but the lighting that has to be put in.

Mr. Wing asked is the lighting in the pool or above?

Ms. Kilinski stated above. That has been the biggest challenge in some of our communities. You have homes by the pool and it is lit up.

Mr. Wing asked what do you mean by expensive?

Ms. Kilinski responded it depends on the pool size but the last time we did one it was in the neighborhood of \$100,000 with the lighting that was required. I'm not saying that is the pricing here that was a fairly large pool.

Mr. deNagy stated we did it recently in Durbin Crossing, the lighting alone was \$50,000. I don't recall what the study cost.

Mr. Erasmus stated the first study is \$1,000, then you have to pay \$9,000 to sign off and approve it when it is done and the lighting. Durbin Crossing is probably similar to us and it was \$50,000 just for the lights being installed. Then you add all the other things that come with it.

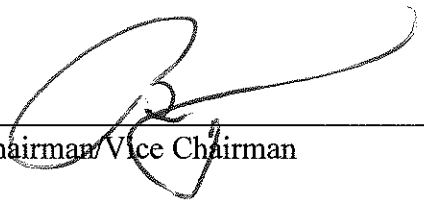
Mr. DelBene asked has this community ever gone through that process or review of that?

Mr. deNagy stated there has been discussion and we talked about doing that along with the resurfacing with the cost involved and the cost of resurfacing it was shelved for the time being.

FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – May 8, 2018 at 6:00 p.m.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the meeting adjourned at 7:45 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman