

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Turnbull Creek Community Development District was held Tuesday, August 13, 2019 at 6:00 p.m. at the Murabella Amenity Center, 101 Positano Avenue, St. Augustine, Florida.

Present and constituting a quorum were:

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| Lee Clabots | Chairman |
| Wil Simmons | Vice Chairman (by telephone) |
| Brian J. Wing | Supervisor |
| Chuck Labanowski | Supervisor |
| Chris DelBene | Supervisor |

Also Present were:

| | |
|-----------------|-------------------------------|
| Ernesto Torres | District Manager |
| Mike Eckert | District Counsel |
| Mike Yuro | District Engineer |
| Mark Insel | Vesta/Amenity Services Group |
| Lourens Erasmus | Vesta/Amenity Services Group |
| Daniele Simpson | Riverside Management |
| John Barton | St. Johns County Public Works |
| Gregg Dunn | Florida Forest Service |
| Michael Johnson | Duval Landscape |
| 13 Residents | |

The following is a summary of the actions taken at the August 13, 2019 meeting. A 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 and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Schroder stated I want to know the status of the pond bank repairs. There are a few areas that still need to be addressed and I wanted to know if that was in the budget or if it is going to be addressed somewhere else.

Mr. Erasmus stated we will address that under Mike Yuro's report.

THIRD ORDER OF BUSINESS

Affidavit of Publication

A copy of the affidavit of publication of the public hearing was included in the agenda package.

Mr. Torres stated we are going to take a couple of items out of order, John Barton from St. Johns County public works will speak about the roundabouts and the ADA compliance of those.

EIGHTH ORDER OF BUSINESS

Discussion of Round About ADA

Mr. Barton of St. Johns County Public Works updated the board on the cross walk by the roundabout that will commence after October 1st and they plan to pull out existing landscape material in that area. The District may replace it with sod or landscaping using county contractor, but at the district’s expense and will provide that information to Ernesto.

FIFTH ORDER OF BUSINESS

Presentation from Gregg Dunn, Florida Forest Service

Mr. Dunn of the Florida Forest Service reported that the state will provide funding to replace the pine trees with possibly cedar seedlings and mulch to keep the landscaper from running over them. This will be at no cost to the district with a target date of Arbor Day, January 2020. There will be a community event so that residents will be able to participate.

FOURTH ORDER OF BUSINESS

Staff Reports (Part 1)

A. Landscape Manager (Presenter: Duval Landscape)

Mr. Johnson gave an overview of the work accomplished by the landscape crew during the past meeting.

Mr. Clabots asked about the pond banks, how frequently they are being mowed and in general.

Mr. Johnson responded Lourens and I work hand in hand on the pond banks. We got a little behind because we volunteered to trim a lot of the larger weeds that were growing out of the water throughout the community. We trimmed five or six ponds and that took time and got a little behind on the pond banks. We don’t put machines on there when they are wet and we try to mow

the tops of the pond areas and come down a couple feet past the crest so it looks better from the road. After this week we will have a pretty good handle on all the pond banks.

B. Engineer (Presenter: Mike Yuro)

1. Public Facilities Report

2. 2019 Consulting Engineer’s Report

Mr. Yuro stated I completed two reports that are required, the engineer’s report associated with the bonds and the other is the facilities report that is due to the county every seven years.

Mr. Torres reported on a meeting with a resident on Murabella Way who brought an issue to the board about the common area behind his house holding water. The drainage was designed to flow from the back of the lot to the front. After discussion Mr. Yuro was directed to get a cost and timing of a topographic survey and to bring back to the September meeting some concept of possible solutions.

Mr. Yuro stated to answer Aage’s question I had developed a priority list at the time of where we were and the repair costs but it stayed there because there was no money in the budget to do any further work. My recommendation would be if there is money to go further the list probably needs to be revisited and updated because things change and prioritize the issues for whatever money the board may have allocated.

Mr. Clabots stated I trust we would put the pond bank repairs in the reserve study.

Mr. Torres stated we can and we will develop an annual contribution to go to the priority list we establish.

Other issues discussed were: drainage by mail kiosk area by amenity center and mail kiosk on San Giacomo, pond bank behind Aage’s house and ADA access to mail kiosks.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the public facilities report and the 2019 Consulting Engineer’s report were approved.

C. Future Horizons

Ms. Erasmus stated the installation of the aerators in San Marino was completed. The algae in the two ponds is almost gone.

Mr. Yuro left the meeting at this time.

SIXTH ORDER OF BUSINESS

Presentation from Alysha Stanton, Flock Safety User Portal Video

Mr. Clabots stated the president of the HOA attended a conference and he looked at various systems that people have and Flock Safety is solar operated cameras that monitor traffic going into a community. I attended a presentation and I wanted to see it if this board had any interest in doing this. Without the presentation it is not fair to ask the board to consider it. If she would like to make a presentation in September she is free to do so.

SEVENTH ORDER OF BUSINESS

Consideration of Reserve Study

Mr. Torres stated we have been discussing this over the last meeting and there was some thought in April 2017 when you first engaged Dreux Isaac that the district was going to receive a free update. I went back to the proposal they originally submitted in March 2017 and that is not the case. There is a discounted fee of \$1,100 for an update and if the board chooses to engage with Dreux Isaac for the update I would ask for a motion to approve the proposal.

Mr. Labanowski moved to approve an update to the reserve study in the amount of \$1,100 and Mr. Clabots seconded the motion.

Mr. DelBene asked what is the typical time period for a reserve study to exist?

Mr. Torres stated it depends on the tempo of what the district accomplishes in between and in this case we have done a lot and this district follows the capital reserve study to make decisions on the repair and replacements. There is a lot on the list that we have complete and there are items mentioned tonight that are not in the reserve study such as the contribution for the pond bank repair. I would like it to be in there so we have a set amount of funds set each year to do that. Right now we are kind of picking and choosing.

Mr. DelBene asked it is normal to update the reserve study after two years when we haven't added any infrastructure to the property?

Mr. Clabots stated I think it is appropriate to update it because we have had requests for capital investments in this community and they are not factored into the study.

On voice vote with all in favor the motion passed.

EIGHTH ORDER OF BUSINESS

Discussion of Round About ADA

This item taken earlier in the meeting.

NINTH ORDER OF BUSINESS

**Public Hearing Adopting the Budget for
Fiscal Year 2020 (Presenter: Ernesto Torres)**

Mr. Torres gave an overview of the budget process and the proposed budget that resulted in the same per unit assessment as the current year.

Mr. Clabots gave an overview of the carry forward surplus and how it has been used.

Mr. Labanowski stated I would like to see some of the funds moved around in the budget and be added to the capital reserve.

Staff to keep a close eye on line items during the year.

On MOTION by Mr. Clabots seconded by Mr. Labanowski with all in favor the public hearing was opened.

Ms. Venezia asked does the CDD have the right insurance considering the low reserve funds in the event there is a major weather event?

Mr. Eckert stated I don't know what the district has in terms of insurance but I have dealt with FEMA after hurricanes and things like that and the landscaping is something you are unable to insure but you can submit a claim but there are very specific procedures you have to follow after a hurricane to be able to get reimbursement. We have been successful after a year or two.

Ms. Venezia asked are we covered for this building and everything that is in it?

Mr. Torres stated I will research our policy, I'm not sure we have a flood insurance requirement.

Mr. Erasmus stated damage from a hurricane will fall under the deductible. The percentage is on the value of this building, there is over \$1 million worth of property and the deductible is large. Last time we filed a claim but couldn't get close to the deductible.

A resident stated under waste collection, this year it is zero and next year it is \$18,200. Can you explain that?

Mr. Torres stated that is the waste pickup. Last year it was combined in one account under field operations and this year we created a new line.

A resident asked is this to clear the new waste cans in the mail kiosks and common areas, \$18,000 a year?

Mr. Torres responded that is my understanding, along the trails, common areas and the mail kiosks.

Ms. Venezia stated the dog waste stations are included in that.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the public hearing was closed.

A. Consideration of Resolution 2019-07 Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2020

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor Resolution 2019-07 was approved.

B. Consideration of Resolution 2019-08 Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2020

On MOTION by Mr. Wing seconded by Mr. Labanowski with all in favor Resolution 2019-08 was approved.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2019-09 Ratifying Adoption of Interim Amenity Policies (suspension rules)

Mr. Torres stated as you will recall Jennifer drafted a suspension change to our policies and there were no comments by the board and this is to ratify that action.

Mr. Labanowski moved to approve Resolution 2019-09 and Mr. Wing seconded the motion.

Mr. DelBene stated the first strike in our policy allows a verbal warning and suspension for up to a week. Is that what the board really wants for a first offense, a suspension?

Mr. Wing stated depending on the severity and that language is in there.

Mr. Torres stated it does say discretion.

Mr. Clabots stated it depends on how severe the offense is. That is something the board is going to have to pay attention to if a verbal becomes a suspension for a period of time.

Mr. DelBene stated my only issue is that the second offense is reviewable by the board so is the third but a first offense if we decided that suspension wasn't warranted because they abused their discretion there is nothing we can do about it. We just suspended someone's privileges with no review at someone else's discretion.

Mr. Torres stated the first suspension is only a week whereas the second offense escalates from there to 30 days and the third offense is a year.

Mr. DelBene stated my issue is there is no review except by staff.

On voice vote with four in favor and Mr. DelBene opposed the motion passed.

ELEVENTH ORDER OF BUSINESS

**Consideration of Updated Amenity Policies
(lease terms & definition of patron)**

Mr. Torres stated it redefines the patron.

Mr. Eckert stated you have defined patrons that they have to be a lease for six months or greater and in the user fee section no. 3 a guest is anyone who is not a patron.

Mr. DelBene stated I'm happy on patron change, apparently it is now defined as a six-month term for any rental so they wouldn't have access to amenities without having proof of a written lease for at least six months.

On MOTION by Mr. Labanowski seconded by Mr. Clabots with all in favor the updated amenity policies were approved.

Mr. DelBene stated user fee structure no. 1 is \$2,500 for use of our facilities. Do we have anyone currently paying that?

Mr. Torres stated every now and then we get inquiries. At the present time we have no one paying that fee.

Mr. DelBene asked where did the \$2,500 fee come from? Was there a calculation of the wear and tear that a normal single-family residence would use?

Mr. Eckert stated typically the way these fees are structured is we look at what a resident pays to live in the CDD. You look not only at their debt assessment they pay as well as the O&M

assessment and typically there is a little bit of enhancement factor that you apply to that total to account for the fact that folks from the outside are not going to take as good of care of your weights, pool and things like that because they are not invested in the community.

Mr. Clabots stated I would like to know what other communities around us charge for that.

Mr. Torres stated I have communities much larger than this and I think you are below the threshold of those.

TWELFTH ORDER OF BUSINESS Staff Reports (Part 2)

A. Attorney (Presenter: Mike Eckert)

Mr. Eckert stated thank you for letting me attend your meeting again, it has been a while. Our office just finalized our amended and restated rules of procedure that take into account the statutory changes the Florida Legislature made last session and you will be seeing those most likely at your September meeting to consider. There is a notice period and then you will adopt them 30 to 60 days after that date. We reviewed the revised Florida Administrative Code Rules for the auditors and that is the direction from the state to the auditors who audit your books every year and one of the things that jumped out is that the auditors are proposed to be charged with making sure your website has everything that is supposed to be on there per Florida Statute including your budget being on there in a timely manner. We are reminding districts that now you are going to have another set of eyes looking at that and making sure you are compliant with Florida Statutes and what is on your website is going to be even more important because you don't want to be reported to have a very clean fiscal audit but you get a finding that goes to the state because, for example, you didn't have the public facilities report on your website. The big thing that is unknown right now is the state is now requiring all special districts to develop policies to prevent fraud, waste and abuse. We have to work with the district's manager and auditor to figure out what those policies need to be because we don't want either the manager or our office to go out on our own and come up with policies and then have the auditor say they are insufficient. That is a collective effort that we will undergo in the next six months.

B. Manager (Presenter: Ernesto Torres)

Discussion of Meeting Schedule for Fiscal Year 2020

Mr. Torres stated I have the proposed fiscal year 2020 meeting schedule and if you are okay with that I will need a motion to approve so that we can publish those dates.

On MOTION by Mr. DelBene seconded by Mr. Wing with four in favor and Mr. Labanowski opposed the notice of proposed meetings for fiscal year 2020 was approved as amended with meetings to start at 6:30 p.m.

Mr. Torres stated Danielle will talk about the transition.

Ms. Simpson stated we have started our staffing efforts as far as contacting candidates, we collected resumes and have had five interviews to date, we have a good pool already that we feel would fit in well here. We are going to start our transition in September as we stated two meetings ago. Otherwise, we are on track.

Mr. Clabots asked how many people are you looking to hire?

Ms. Simpson stated you have it defined as deck monitors/attendants and we are looking at someone at least two full time people for facility management, also do attendant hours and responsibilities there as well, in addition to the operational side.

Mr. Clabots asked the total number of people you are going to hire.

Ms. Simpson stated it depends on how many part time and attendants, some people work one day, some work three or four days, it depends on availability.

Mr. Wing stated I recall you made the offer to let us sit in on the interviews and I said I would like to but I have not heard from you.

Ms. Simpson stated Wil said the same thing and once we get the top three to five candidates we would ask you to participate in the interviews, ask questions and you will have separate times due to the sunshine law restrictions.

Mr. Wing asked when will that start?

Ms. Simpson stated that will also be in September. Our transition process will involve myself and current Riverside staff is going to come in and work with Vesta, it is not going to be the staff we hire to come in and work with Vesta. We will be here to work with Vesta and transition our staff over in October. We will be here at our cost for September. We will make every possible aspect as smooth as it can be.

Mr. Clabots asked how many board members can be present when interviewing candidates?

Mr. Eckert responded it should only be one. It is problematic to have a conversation between the candidate and the other board members and yourself.

Ms. Simpson stated we would like to present the top five that we feel would fit best here and we can set up dates Brian is available and the same for Wil on a separate date and time.

Mr. Wing stated Vesta has signs out for soccer league, etc. for fall that goes beyond the turnover date. You have your own amenity type stuff so how are you working this out?

Ms. Simpson stated if it is something Vesta wants to retain and keep as far as the amenity side that means a separate contract to set up with Riverside or the board and whatever percentage they are currently paying or whatever. We are not opposed to working with other vendors especially if it is highly attended.

Mr. Wing stated I think the issue is Vesta has been running this as part of their contract here, their contract ends so they really have no right to use the fields or anything else. How are you going to work that through?

Mr. Insel stated we don't use your fields, it is your residents. This is all resident driven. They have the field and the games at Bartram or Heritage Landing. Here the only thing we had been doing is promoting. Going forward if we need to look into keeping that going and working like Ancient City is doing now.

Mr. Wing stated you have practices here, you have coaches here.

Mr. Insel stated these are all residents. That is the beauty of our league, it is a neighborhood team that is why we wanted all of our games and practices here. How they initially started the league was you can walk to your field or ride your bike to your field.

Mr. Wing stated I hope you work something out but I assume that you would be running your group and Vesta will be running the athletic side of things.

Mr. Eckert stated I think that is a very good question and do you mind if I follow-up with Jennifer offline and make sure staff is on the same page in how that works.

Mr. Clabots stated beyond that there will be people who want to plan events and how does Vesta say you can have this room if it is after they are out and you are in. Things like that need to be coordinated and the residents need to know how that is going to happen.

Ms. Simpson stated we will work with it and if events are planned we will come in and roll with that but also notify that our transition period starts October 1st, in September we will go over all that information.

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

1. Report

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

2. Mailbox Quotes

Mr. Erasmus stated I had a gentleman from the post office here and we looked at adding parcel block lockers in the back end of this mail kiosk for right now in order to accommodate packages. As long as it is far enough away from the walls so it will accommodate a wheelchair and be able to use the mail facility he was okay with that. He said they would put the postal locks in for free. I went online and Walmart had the cheapest option per box per unit and they have free delivery. We would take care of the installation.

On MOTION by Mr. Labanowski seconded by Mr. DelBene with all in favor staff was authorized to proceed with the purchase of the mail boxes for parcels from Walmart in an amount not to exceed \$3,500.

Mr. Erasmus stated at the last meeting we discussed night swim lights and I provided an estimate of \$48,888. When we go with Smith Electric that provided the quote they will also do the photometric plan, and include the cost in the number. If we decide to get more bids and we want to compare apples to apples we need to purchase this plan from them for \$1,500 then it is ours. Then we can call any other electrical company and ask for a quote on this plan. Do you want to discuss, is this something you want to do?

Mr. Wing stated I assumed this would be in an item in the capital budget.

Mr. Torres stated it wouldn't be in the capital reserves because we don't have it currently. It won't be something that we replace or repair.

Mr. DelBene asked if we don't do this right away will the light survey still be good?

Mr. Erasmus stated I will follow-up with Smith Electric to make sure before we purchase that to see how long that would be valid.

Mr. Clabots stated find out and we will take some action in September.

Mr. Erasmus stated you have to discuss the total package that becomes involved with that. I didn't do any homework on that, just the light package.

Mr. Erasmus and the board discussed the pump having to be manually started and took the following action.

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor staff was authorized to repair the pump for \$1,100 and if the money is not available in operations then to take it out of the capital reserves.

**D. Amenity Center Update (Presenter: Mark Insel)
Report**

Mr. Insel gave an overview of the amenity center update.

THIRTEENTH ORDER OF BUSINESS Approval of Consent Agenda (Presenter: Ernesto Torres)

- A. Approval of Minutes of the June 11, 2019 Meeting**
- B. Balance Sheet as of June 30, 2019 and Statement of Revenues & Expenditures for the Period Ending June 30, 2019; Month-to-Month Income Statement; Assessment Receipt Schedule**
- C. Approval of Check Register**

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

FOURTEENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Wing stated several residents have asked about using the room to have a ping pong tournament, they would bring their own tables. I will get more information about the timing of it but it would be a nice event.

Ms. Venezia stated listening to the woman from RMS I would like to know how the board hired a company that doesn't even have staffing for what we need and you have no idea what she has and is going to have by that time.

Mr. Wing stated they have staff for the contracts they currently have, during the transition they are borrowing a couple of them and bringing in some others and they will transition and need to hire staff for a new contract, which is not unusual.

Mr. Clabots stated at some point in time I want to see a hard copy of what their staff is comprised of. I would like to see more detail. The transition happens in September and I expect to see a full staff.

Mr. Labanowski stated I met with FP&L today and all we have to do now is get some paperwork from them give it to Ernesto and we have to fill it out and send it back to FP&L and they will process it and send an invoice and when they get paid then it will be installed in a three month period. There will be a total of nine poles.

A resident asked is there any discussion about a traffic light at the intersection of 16th and San Giacomo? That is dangerous.

Mr. Labanowski stated there won't be anything done there until they widen 16.

Mr. DelBene stated they probably won't put one there, it will be at 2209 and 16.

FIFTEENTH ORDER OF BUSINESS

**Next Scheduled Meeting – September 10, 2019
at 6:00 p.m.**

Mr. Clabots stated we talked about the meetings starting at 6:30 in November but our next meeting is September 10th at 6:00 p.m

On MOTION by Mr. Labanowski seconded by Mr. Wing with all in favor the meeting adjourned at 7:58 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman