

Minutes of Meeting
Durbin Crossing
Community Development District

The regular meeting of the Board of Supervisors of the Durbin Crossing Community Development District was held Monday, January 18, 2016 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida.

Present and constituting a quorum were:

Peter E. Pollicino	Chairman
Tim Brownlee	Vice Chairman (by telephone)
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
Leonard Rucker	Supervisor

Also present were:

Dave deNagy	District Manager
Mike Eckert	District Counsel
Dan Fagen	Vesta/Amenity Services Group
Stephen Howell	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Bill Kinsey	Down to Earth
Anthony Sharp	D.R. Horton

The following is a summary of the actions taken at the January 18, 2016 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. deNagy led the Pledge of Allegiance.

Mr. Fagan stated Jimmy Edmonds who has been working here four or five months as the field operations manager tragically died in November. We want to acknowledge his hard work; he has been with the company over eight years and has done an excellent job. He was at Heritage Landing the majority of those years and made a lot of great relationships with the board and residents. We think very highly of him. He left behind two sons one of whom works for us.

A lot of the staff members have helped out financially and we appreciate that. I wanted to recognize him with a moment of silence.

SECOND ORDER OF BUSINESS **Roll Call**

Mr. deNagy called the meeting to order at 6:00 p.m. and called the roll.

Mr. deNagy stated we would like to move a couple of agenda items out of order. We added one item related to court use by the Patriot Oaks tennis team. I would like to move the boardwalk issue first then if the Lathams are here we can talk about the property damage then go into the tennis court use by Patriot Oaks tennis team.

THIRD ORDER OF BUSINESS **Audience Comments**

Mr. Jurkow stated I would like to address item 13, which is Len Rucker's board agenda protocol. I think what Len is proposing is a great idea because it gives the people in the audience an overview of what is going on. I would highlight what Len wrote that if it is expected to result in board action then audience participation should be allowed at that point in time.

SEVENTH ORDER OF BUSINESS **Discussion of Proposed Boardwalk to the Durbin North Amenity Center**

Mr. Sharp stated we currently have a townhome development on St. Johns Parkway. I provided an artist's rendering of something that we would like to install to provide access to the new residents to the northern amenity center. The HOA would be responsible for 100% of the maintenance, the new residents will pay CDD assessments. It is my understanding that I need your approval to do that.

Mr. Rucker stated that field is wet. How do you get from the boardwalk to the amenity center?

Mr. Sharp stated we are going to install a sidewalk or whatever pleases you, something that would be low maintenance.

Mr. Rucker stated there appears to be a parking lot on the townhome side of the property dedicated to use of people going to the amenity center.

Mr. Sharp stated it is just additional parking. We have found in the past the more additional parking outside of what you have for the residents the better off you are. It is just an additional parking lot.

Mr. Pollicino stated my concern is around the issue of flow and safety. Having a boardwalk through the preserve, which is an area historically riddled with problems and issues with children. I think it also creates additional traffic that may come into the amenity center that wasn't included in the master plan.

Mr. Harrah stated this has come up in the past. I know residents in Tollerton and other places that aren't directly connected to the pool and are not within walking distance brought up similar issues and those have been turned down in the past due to the wetland buffers and trying to get through. Do you have badge access, what is to stop people from parking there and walking across at nighttime? How do you protect nighttime security? How do you stop kids from walking across there with pop cans and bottles? Who is responsible for picking all that stuff up? Is it a bike path and walking path? Conceptually it looks okay but the devil is in the details.

Ms. Hall stated I think it is awesome we should have more of them. Nocatee has several.

Mr. Brownlee stated I agree with Jason, I think we need to look into this more carefully. I believe there could be a security issue where someone could park over in the townhomes and walk across and help themselves to something that is there and escape quickly and how would we secure two areas that are totally accessed from different roads?

Mr. Sharp stated that is certainly something we can look into. This is the first time bringing it up and they are all valid points that we have not looked into ourselves. The operation and maintenance would be 100% the responsibility of the townhome HOA.

ELEVENTH ORDER OF BUSINESS

Consideration of Remunerating a Resident for a Tree that Damaged their Property

Mr. Latham stated in July of last year a tree fell from 15 to 20 feet back in the preserve towards the south corner of the property, hit the lanai and caused \$630 of damage and I had it fixed. Shortly after that I had another dead tree and I called Jimmy Edmonds and he came out and said that they would take the other tree that hadn't fallen. He said in Heritage Landing it was policy that the association would take care of things and he thought I had a strong case. I'm looking for clarification and standardization of how this could be taken care of.

Mr. deNagy stated I spoke with Lou Cowling who got the call back in July 2015 and it was my understanding in talking with Lou the district wasn't notified that the tree was a danger to the property until after the damage was done.

Mr. Latham stated that is true.

Mr. Pollicino stated it sounds like what happened in your situation was kind of an act of God situation where a tree fell and damaged your lanai. I assume you have homeowners insurance and your deductible is an issue but the CDD can't be in the business of reimbursing homeowner deductibles or we would be paying deductibles every meeting. It is unfortunate and I'm sorry it happened but trees fall everywhere and if it were a situation we were aware of and failed to act on it I could see where we may be legally obligated to reimburse you but in this situation I'm not sure we would be liable.

Mr. Rucker asked what is generally Florida Law when trees from someone else's property falls across a different property?

Mr. Eckert stated if you know or should have known that it was a defective tree and it causes damage then the courts generally will ask you to pay for that. In this particular case I'm not sure that we were ever put on notice that it was a defective tree or that our protocol was deficient in some way. I know that over the last three or four meetings we talked about inspecting trees throughout the community and taking out the ones that we can determine are a problem but that is what the standard is under Florida Law.

Mr. Latham asked the bottom line is if it is a tree I have given you notice of then it you are put on notice and it is covered?

Mr. Pollicino stated within reason. You can't send us a letter saying you have 50 trees in your backyard that may fall the next day. If you see something in there that is dangerous let us know and we will take care of it.

Mr. Latham stated if a neighbor's tree falls on your property the neighbor that would be responsible and that is what I was looking for.

Mr. Eckert stated if they have notice that it is a defective tree, or that they should have known it was a defective tree, is what the standard is.

Consideration of Tennis Court Use by Patriot Oaks Tennis Team

A representative of Patriot Oaks tennis team stated we would like to ask again for usage of the courts. They have the tryouts on the 27th and 28th of this month and they start practice February 15th the first two weeks is just practice on Tuesdays and Thursdays 3:30 p.m. to 5:30 p.m. and then they start the matches right after. We ask for the courts to practice on Tuesdays

3:30 to 5:30 p.m. and the matches are played on Thursdays. Normally they start at 4:00 p.m. and finish at 6:00, 6:30 or before and those are the dates for the matches. Some are away and some are home, we don't have the schedule yet.

Mr. Harrah stated it seems like it was the same last year about two weeks before you were bringing this to us. You need to bring it to the November board meeting so we have time for Margaret to work out the times and present something to the board that is more solid instead of two weeks before.

Ms. Alfano stated they reached out to me at the end of December beginning of January and as she receives the information she is passing it to us.

Mr. Pollicino asked are you signing off on this?

Ms. Alfano responded I have looked at it in comparison to what was done last year and it is very similar.

Ms. Hall stated this is just a repeat of last year, I don't think we had any complaints so I don't see a problem.

Mr. Eckert stated I suggest you approve an agreement in substantially the same form that you approved last year and plug in the new dates and times and we can bring it back to the board for ratification at your February meeting but we will work with Margaret to get that incorporated into the agreement provided that is what the board wants to do.

Mr. Harrah stated then they can go ahead on January 27th and 28th.

Mr. Eckert stated as long as they provide the District with all the information the agreement required last year by that time and date.

On MOTION by Mr. Pollicino seconded by Ms. Hall with all in favor an agreement with the Patriot Oaks Tennis Team was approved in substantially the same form approved last year incorporating the new dates and times and upon all the information in the agreement being provided to district counsel prior to beginning use of the courts.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the November 23, 2015 Meeting**
- B. Balance Sheet as of November 30, 2015 and Statement of Revenues and Expenses for the Period Ending November 30, 2015**
- C. Assessment Receipt Schedule**

D. Impact Fee Summary Report

E. Check Register

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

FIFTH ORDER OF BUSINESS

Discussion/Consideration of District Storage Facility

Mr. Rucker stated this started as a Gator storage issue and it became obvious there is a need for storage and a maintenance facility. Staff has looked at the options and are prepared to ask the board to consider a more expanded scope. My recommendation is to take the sand volley ball court move it and in its place put the maintenance facility with access to the parking lot and completely hide it from view with mature landscaping.

Mr. Harrah stated my only concern with that is I think we are going to get to a point where we are going to need more parking especially with all the townhouses and people coming to the community center. That seems to be an ideal place to expand the parking area if we needed to for an extra 15 or 20 spots whatever we do. If you put the storage facility there it would eliminate the possibility of expanding the parking lot.

Mr. Pollicino asked what was the problem with the original location by the tennis courts?

Mr. Rucker responded the problem was trying to get the building in there, the setbacks and slope of the land. It is not that it is not solvable but if you put it on the far end there is an issue of the Gator and other equipment making ruts. If you put it on the other side towards the volleyball you can make it out of there you just have to make some adjustments. Those ideas aren't dead.

Mr. Pollicino asked what about the area on this side behind the volleyball court?

Mr. Rucker stated that is a possibility.

Ms. Alfano stated the spot behind the tennis courts, the original proposed location was frowned upon by the HOA so we tried to come up with something a little bit better so we went further behind the tennis courts. You would access it from the sand volleyball court, the terrain is uneven there so there will be more of a cost because there would have to be a retaining wall or something installed to secure that. That was one avenue where you wouldn't be able to see it from any location but there are concerns to get around in there and things of that nature and may

not be the best idea. Then the sand volleyball court came up, put the landscaping behind it with access to it so you don't see it from any side and it would be an extension behind the dumpster. There is no easy answer.

Ms. Hall stated I don't think we should move the volleyball court; it is not just sand, there is drainage underneath.

Mr. Rucker stated we are currently looking at a metal shed that is hidden from view.

Mr. Pollicino stated I think we make it look nice and hidden but I don't think we need matching gutters and tile roof. It is a storage shed and is what it is and from a practical perspective as long as it serves the purpose and it looks nice I think we can do it in a way that it is done in a tasteful manner that looks nice and is not going to offend anybody. Come back with something more firm in that location pricewise with options of aesthetics, something really nice, something in the middle and just a basic shed. You can reach out to the engineer to see what the setbacks are so you know how much we can go out.

Mr. Eckert stated it talks about a sub-committee but technically I don't think the board appointed a sub-committee, it was just Mr. Rucker working with staff and I wanted to clarify that it wasn't an official sub-committee.

Mr. Harrah stated bring it back in February, have options and let's get this done and get it over with.

Mr. deNagy stated I think the amount allocated to acquiring a storage shed was not to exceed \$8,000.

SIXTH ORDER OF BUSINESS

Update on Builder Sign and Builder Electric Box Removal

Ms. Alfano stated this is still a work in progress. Mike has been provided very recently a list of all the sign locations and he is going to follow-up and see if we actually own them or not. We are working to maintain them. We did a cleanup on two of them because they were in need of being cleaned. As far as the builder electric box Stephen has located the remaining boxes that are left. There are two that are not currently in use for construction and we reported those to JEA to have those removed.

Mr. Harrah stated the signs are on Durbin CDD property.

Mr. Eckert stated there are numerous bills of sale when property was platted and things were turned over to the district that include those sign marquees. What I had asked for, which

Margaret has provided is the location of those signs because we don't have bills of sale necessarily for all of them in the newer neighborhoods. A lot of times that is a cleanup issue at the end of the day. We have an acquisition agreement that requires them to be dedicated to the district but the timing of that sometimes can lag a little bit. I want to compare the locations with the bills of sale that we have in our records then I will be able to identify which ones we don't have to ask anybody for permission to deal with.

EIGHTH ORDER OF BUSINESS

Consideration of the 2016 Durbin Crossing Dolphins Swim Team

Mr. Davis stated we looked at last year and the prior year, which was our first year and that first year we received our fair share of complaints from residents. We made some adjustments and to my knowledge I don't think we received any complaints last year. We rolled out the same schedule that we had last year with one minor change. There are two practice schedules, one while the kids are in school then switch to a different schedule when the kids are on summer break. During school practice last year we went from 3:15 until 5:00 p.m. that was really condensed and we are asking for 45 minutes more on those two days and we are only using three lanes and if we get complaints we can go back to 5:00 p.m.

Ms. Hall asked if he ends up with a wait list can he come back with another proposal?

Mr. Harrah stated yes, I would like to get this done and get him going then we can address that if they have more kids.

Mr. Davis stated 150 is a very manageable number and we could go to 175. If we get above the 150 cap I can come back with some options.

Ms. Hall stated that is if you have a wait list. I know we sold out very quickly last year.

Mr. Eckert stated we have worked out a form of agreement with the swim team in the past and we will incorporate this year's program into that contract if the board so authorizes by motion.

Mr. Davis stated we would like to have our banquet on the Monday night following our last weekend meet. It was recommended that I ask to have that put in the proposal.

Mr. Pollicino asked why don't you just rent out the hall as a resident and have a party?

Ms. Alfano stated the difference here is they are asking for pool use as well on an evening when this facility is closed.

Mr. Pollicino stated let's approve what you submitted and you can come back next month with the extra day.

On MOTION by Mr. Pollicino seconded by Ms. Hall with all in favor the agreement for the 2016 Durbin Crossing Dolphins Swim Team insubstantially the same form as last year with the noted schedule changes was approved.

NINTH ORDER OF BUSINESS

Consideration of Unicorn Web Development Agreement

Ms. Alfano stated as the board is aware we ran into a problem, our first website vendor had a few disagreements with the agreement prepared by district counsel. We are moving to our second web provider, a quality choice, an agreement with the new web provider has been executed and I will see a first draft of the website at the end of this week. I'm more concerned with having a quality site for the community than I am about meeting the original deadline at the end of this month. Certainly by the next meeting we will have this done and taken care of. I wanted to report that change in vendor.

On MOTION by Mr. Harrah seconded by Mr. Rucker with all in favor the agreement with Unicorn Web Development was ratified.

TENTH ORDER OF BUSINESS

Consideration of Tri-Party Termination Agreement

Mr. Eckert stated when the GMAC parcel went through the foreclosure and bankruptcy proceedings it was acquired by a special-purpose entity that was set up by the district's bond trustee to hold and remarket that property. The closing on that property to D.R. Horton occurred sometime in December and the agreement we had with that special-purpose entity is no longer in force and effect because they sold the property. That was always anticipated. It is just a housekeeping matter that trustee's counsel has asked us to sign off and say the agreement is terminated.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the tri-party termination agreement was approved.

TWELFTH ORDER OF BUSINESS

Discussion of Board Agenda Protocol

Mr. Rucker stated I put together a proposed approach that staff would follow so when something came to the board we would have an idea of what was expected of us. This is a standardization so the board knows what's coming and staff knows how to prepare it.

Mr. Pollicino asked who owns this process?

Mr. Rucker stated it would be a process that the board would ask the staff to use.

Mr. Pollicino stated I understand the spirit of the request and am all for improving the process but if we are asking district counsel or Dave to prepare this ahead of time there are costs associated for the extra time involved for doing that. If the issue is understanding or more audience comments I think we can fix that easily by engaging the audience more frequently but my fear is creating a process that could hamper the meetings. Being on the board for a number of years I will be blunt I'm not in favor of solving problems that don't exist. I don't know if this is going to add value. It would be more work for staff but in the past I believe you have presented the motions pretty clearly.

Mr. Harrah stated it is essentially an executive summary done for any major item such as pool lighting or stuff like that.

Mr. Pollicino stated if you are looking for more standardization of what Vesta presents they can do that.

Mr. Harrah stated you say comments from general counsel what usually winds up happening is you will ask for two or three sentences and next thing you know you have a 16 page dissertation for that issue. Nobody wants to sit and read that. Some of it is hard to do, the lighting is hard to bring to us in two or three sentences.

Mr. Rucker stated it brings clarity of thought if the person who is presenting it if they are required to go into some sort of a reasoning, I don't mean it as an absolute template to be used in all circumstances.

Mr. Harrah asked do you use something like this anywhere else?

Mr. Eckert responded no, I have seen cities and counties that do it but we have not used it in any districts before. What we have seen before is when the agenda is put together sometimes there are paragraphs that companies tack on the end saying the third item of business is something that was brought up by so and so it is the same as last year. But usually that is just a couple paragraphs at the end of the agenda. I haven't seen anything this formal. I think the

intent is a good intent; the more information the better. But as an attorney who has done litigation, I think sometimes less information is better.

Mr. deNagy stated one thing I have seen at district's is the person who owns the agenda item is listed on the agenda items, so you know who is going to be talking about the item. The board would then know to refer questions to that person.

Mr. Pollicino stated I think we have done that in the past where we identified that. If your root concern is audience participation and understanding, that issue comes up a lot and you get both sides of the discussions and people hate three hour meetings and some people prefer to just listen to what is going on and speak at the end. I think the board has been pretty dynamic in adapting to certain things that come up and we will call for audience comments if it is a somewhat contentious issue but we don't do it on everything. We stopped doing that because the meetings were going on for four hours but I think we always allow plenty of time for audience comments on any issue.

Ms. Hall asked why don't we just make it optional guidelines?

Mr. Pollicino stated I don't want to make a process for the sake of process.

Mr. Harrah asked who would actually prepare that executive summary every time? Is it Vesta? Is Margaret supposed to sit down and prepare an executive summary for 20 agenda items that require motions?

Mr. Pollicino stated Margaret has a lot on her plate and I don't want her to do work for the sake of work. Use that as a guide and use your judgment and if you think it is going to add value to what you do and you manage a lot of communities. If we identify deficiencies in your presentation we let you know.

Mr. Rucker asked what exactly is it that we decided to do?

Mr. Pollicino stated on a case by case basis if they need rigor around some of the presentations they will use their judgment on whether or not it is needed. To make a motion to do it on every request might be a bit of overkill and create extra work.

THIRTEENTH ORDER OF BUSINESS Staff Reports

A. Attorney

Mr. Eckert stated we have been working on some pond access issues and trying to get those resolved.

A new bill governing special district websites is being proposed in the legislature and it is kind of an interactive budgeting tool website requirement. It wouldn't replace what the social website is that we have been talking about but it would affect the district management website. Our concerns is are whether or not there is more than one entity that can provide it as well as the fact that it would be a significant cost to the district. We are monitoring that one but I may come back to you at some point asking the board if they would want to adopt a resolution either in favor or against that proposed law for me to provide to the legislature. I will have more information on that in February. There is also legislation proposed to allow for the merger of some community development districts in a little bit different fashion and also to change some of the boundary amendment thresholds. We will let you know if those make any progress.

B. Engineer

There being none, the next item followed.

C. Manager

Mr. deNagy stated there was a publication in today's paper for a public hearing that I will send to the board tomorrow morning for the Dream Finders access for February 2nd at the county.

Mr. Eckert stated the district by virtue of the contract you have has been in support of that application.

Mr. Harrah asked do we require Down to Earth to show up at every meeting?

Mr. deNagy stated I don't think it is mandatory.

Mr. Harrah stated if you could coordinate with them and give Vesta a write-up or just a couple paragraphs of what you have done during the month.

Mr. Kinsey stated we do, I came for another reason tonight.

Mr. Harrah stated unless we have an issue and ask you to come to the next meeting you don't need to attend.

Mr. Kinsey stated I will get with staff and work that out.

Mr. deNagy asked do you want me to add an item under staff reports for landscape manager?

Ms. Alfano stated that will be included moving forward.

D. General Manager

Mr. Fagan stated I want to introduce you to Steve Howell. It was tragic losing Jimmy, operationally it could have been devastating but I'm real pleased to work with a great group of professionals and we circled around Margaret and the Durbin operation from multiple properties. Margaret worked OT and did a great job of organizing everyone and I'm proud to say that I don't think we missed a beat here. Welcome to Steve Howell. We had an exhaustive search and he was recommended to us by a fellow employee and comes to us with a great deal of experience with CDDs, etc. He lives in the CDD as well, which I think is important because he comes from your perspective as well. He knows what paying dues looks like, what you want to get for your money, etc.

Ms. Alfano reviewed the manager's report, copy of which was included in the agenda package.

Mr. Kinsey reported on a disease affecting certain palm trees and reported that an arborist will do an inspection and he will report back to the board on his recommendation.

FOURTEENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Glynn stated I know you are doing research on pool lights and I want to know if there has been any consideration for lighting the basketball courts. If that is something you can piggyback on for not a lot of money it might be a good project to consider.

Mr. Pollicino stated it has come up many times before and the opinion of the board and the advice of the amenity services manager is that lights at the basketball courts always generate problems with noise and non-resident use.

Ms. Alfano stated I never like to say no but there are a lot of hurdles we would have to overcome in order to make that happen. It is a true statement that lighting basketball courts is a magnet for problems. There are ways to address that and some come with costs and some not.

Ms. Hall stated I have been involved with two communities that encountered serious problems with their basketball courts. One had to remove their basketball courts and put in

pickle ball courts and the other had to staff it the whole time it was open because there were problems that came up.

Ms. Vernon stated my house is at the dead end of a cul-de-sac and I see quite often people driving through with a lost look and there is a sign at the intersection of Willow Winds and Islesbrook that still says model homes and there are no more model homes down that way. Is it feasible to put up a dead end sign or a no outlet sign at that intersection to cut down people driving down there for no reason?

Mr. Eckert stated it is a county roadway and I think Margaret is going to reach out to the county and see if that makes sense to the county as well.

Mr. Jurkow stated regarding the boardwalk to the north amenity center doesn't look like it is ADA accessible to me, it looks like it has steps on either end of it. They say they are building it but in the end I'm sure we will have some responsibility for it as well. The other issue of the signage on Tollerton Trace or whatever you may want to call it, is a much bigger issue than just one location. There are a lot of places that don't have any signs. When you open the door to one location you have opened the door to the whole community and you better be ready to put signs everywhere because when someone says they want a sign at the village center you can't say no, we did it here but we don't want to do it again. Think of the big picture when you go down that path.

Mr. Pollicino stated there are a couple pods off North Durbin that do have signs.

Mr. Harrah stated I can't think of anyone who doesn't have it other than Tollerton and the Villages.

SIXTEENTH ORDER OF BUSINESS

**Next Scheduled Meeting – February 22, 2016
@ 6:00 p.m. at the Durbin South Amenity
Center**

Mr. deNagy stated the next meeting is February 22, 2016 at 6:00 p.m. at the same location.

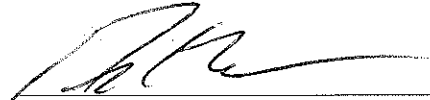
January 18, 2016

Durbin Crossing CDD

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the meeting adjourned at 7:55 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman