

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, April 4, 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
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
Leonard Rucker	Supervisor

Also present were:

Dave deNagy	District Manager
Mike Eckert	District Counsel
Stephen Howell	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Roy Deary	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Anthony Sharp	D.R. Horton

The following is a summary of the discussions and actions taken at the April 4, 2016 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. deNagy called the meeting to order at 6:00 p.m. and led the pledge of allegiance

SECOND ORDER OF BUSINESS

Roll Call

Mr. deNagy called the roll.

THIRD ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the February 22, 2015 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses for the Period Ending February 29, 2015**
- C. Assessment Receipt Schedule**
- D. Impact Fee Summery Report**
- E. Check Register**

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

FIFTH ORDER OF BUSINESS

Update of D.R. Horton Boardwalk Project

Mr. Sharp stated I did some research and provided you with information on playground equipment that has industrial swing sets, picnic tables, shade structures, that type of thing. We would prefer to give you a check for \$7,500 and let you decide what you want to do with it, expand the footprint for the swing sets and update some of your play structures. A big point for everyone was to make sure the boardwalk was gated and the second page is what we proposed to use as a gate. We would have to have your company put your system on it. Also our attorneys discussed the structure and what kind of documents would be used for maintenance. I would like to at least get a vote on the concept and then I could go ahead with plans and put it out to bid and get an actual cost for construction.

Mr. Brownlee asked would you have a gate on each end of the boardwalk?

Mr. Sharp responded yes.

Mr. Rucker stated I understand your desire is to give a check and we take care of the details. I don't have a problem with the concept, however, I don't know the details and before we would know if that number is appropriate or not we would have to know the ancillary costs for instance the expansion of the area. You are talking about putting a gate in that will be attached to our card system, which means running electrical. That could be a substantial cost and I don't think the intent of the board has been to generate large costs for ourselves.

Mr. Eckert stated let's clarify. I think the \$7,500 is for improvements to the district's playground structure. As we have contemplated this all along the gates, the security, the costs of

building the boardwalk, all of that would be borne by the developer who is developing that project. I want to make sure that they are very separate issues and we are not going to be involved in the construction other than making sure it is compatible with our security system and making sure it is built to whatever the specs are going to be. I want to divorce the \$7,500 issue from everything else. There is one conceptual issue that I need to talk to you about but now is a good time for you to ask whatever questions you have before we get to that.

Mr. Pollicino stated I appreciate the \$7,500 offer but I think that falls short significantly of the vision the board has. Adding this boardwalk to the premises was not part of the original master design. If you looked at the concept before people in your development area would have to drive all the way down and around to come to the park. If the boardwalk is there I think it becomes a much more frequent occurrence for people in the community, it is a two-way walk over a boardwalk. I don't think we can come even close to anticipating the additional volume coming into the area by the people in your community. I personally think that boardwalk adds significant value to the sale of the condominiums in the area so I would hope next time we meet you come with a much more fair offer of what we can design something of substance that is going to anticipate flow. I can't speak for the board but the \$7,500 isn't even close to what we anticipate. It is going to be a substantial influx of residents from the community that wasn't anticipated in the original design. The design was built for a reason and not that the original design is going to discourage residents from coming around but the reality is it would. With the boardwalk there we are going to need something that is going to anticipate the flow and from a business perspective think about what is added value to your sales and just be fair.

Mr. Harrah stated we have discussed this several times and conceptually I don't have an issue with what is being proposed but before I give a thumbs up I would like to at least see a 20% to 30% rendering exactly what the walkway is going to go through, this is where the gates are going to be, this is projected where the lighting will be if there is going to be lights. I just need to see how those neighbors that are behind the area are impacted, how close are they going to be to the lights. I'm not asking for a full detailed set of plans and specs but something at the 30% level. As far as the playground equipment I was thinking of something similar to Veteran's Park or something in the neighborhood of \$25,000 to \$30,000 with a tent structure.

Mr. Brownlee stated I think the board could ask people who are experts in this to come up with some ideas and general costs of what it would be to double the size and put in swing sets.

Mr. Pollicino stated what you are going to gain from it is substantial, you are asking a lot from the board. We are essentially changing our original design plan to accommodate you so you have more profitable property. Help us help you.

Mr. Sharp stated I can probably get you a layout in the next couple of weeks and email it to you and you can comment before the next meeting.

Mr. Eckert stated we do have one other conceptual issue that their legal counsel contacted me about and we have been talking all along about their HOA paying for the maintenance of it and paying for the replacement of it when it needed to be replaced. What was proposed by their counsel was that instead of doing that have the district set up a special assessment area that would only assess those townhome owners for the cost of maintenance and replacement of the boardwalk so it would go on the tax bill rather than be collected pursuant to an HOA monthly fee invoice. You can legally do that if that property gets a special benefit that is different in kind and nature than the rest of the community and this appears it may fit that definition. The advantage to the district of doing that is that we have a very secure method of collecting our assessments, we are almost always 100% collected when we are on the tax roll, which is what we would be over there. Whereas with HOAs, you can have not as good of collections, which would then put the district in a position of not having the funds it needs to maintain or replace it in a timely manner. I wanted to talk to the board about that concept to see if you had any questions about that because I think D.R. Horton really needed to know whether the board wanted to do that before we start drafting whatever agreements need to be drafted.

Mr. Brownlee stated we are saying setting up a fund separate from their HOA fee they will be paying a small fee for O&M of that walkway that goes to the board in a line item that we would sub to Down to Earth or whoever to make sure so the district has more power to ensure maintenance is being done on that walkway.

Mr. Eckert stated that is correct and you would be the one collecting those maintenance fees not the HOA and you would do it at the same time you levy your budget every year and know that those units would get that little extra bit versus what they would normally get.

Mr. Rucker stated if we did that we would have to adjust our capital reserve.

Mr. Eckert stated you would and you would have to look at how much you put in the capital reserve and you probably would be going ahead and putting that also on those 300 units, part of the fee they pay every year is that deposit into the capital reserve. We would also have an agreement in place that in the event the district decided at some point in the future it no longer wanted to have that special assessment area or could not have that special assessment area that the HOA would agree to take that responsibility over and then fund the maintenance of it. I thought it was a good thought in terms of making sure that you have the money on a timely basis to repair and replace but it is really up to you.

Mr. Harrah asked who develops what the projected O&M and capital needs?

Mr. Eckert stated I think that is something that once you get it built and show your capital reserve study person that you use, say how much extra do we need to be putting in each year. It may be the kind of thing that we don't get this done before this budget year and we may have to work out an agreement with D.R. Horton that they take care of the first year of maintenance and we roll it out in 2017. If the board is okay with that you don't need to vote on it there is a whole public hearing process you have to go through to actually levy those assessments but I can give the feedback to their attorney to start drafting the documents in that manner because there is still going to have to be an agreement for them to come on our land and install it according to whatever specifications we agree to. In terms of approving something here tonight you don't really have a proposal and I don't want the board to make a motion to do anything but if any of the board members are concerned and don't want to go through with this concept if it meets all the requirements that you have spelled out then now is the time to speak up and if you are okay with that then DR Horton can proceed with getting the drawings based on the fact that the board is not saying we object.

Mr. Harrah asked let's assume we come back in May you bring the drawing you have a different cost figure and everything gets approved when do you project you want to have it completed?

Mr. Sharp responded we would go ahead and build it pretty much immediately.

Mr. Harrah asked are there no environmental approvals or anything?

Mr. Sharp responded yes it has to get permitted through the district.

Mr. Harrah asked what would you say ballpark timeline having it ready?

Mr. Sharp stated from the next meeting I would say probably four months.

Mr. Brownlee asked what you are proposing is this assessment would include any increased costs to us for Down to Earth, it wouldn't just be maintenance of the boardwalk it would include O&M items that are within their particular property?

Mr. Eckert stated not for landscaping on HOA property, that is not going to be our issue that is going to be the HOA's issue to take care of the landscaping but if it has to do with the boardwalk and it is a maintenance expense for the boardwalk like picking up the trash that people throw off the side of the boardwalk that is a legitimate thing that you could include. If it is mowing the grass over at the townhome area somewhere far away from the boardwalk then no that is not covered.

Ms. Hall joined the meeting during this discussion.

SIXTH ORDER OF BUSINESS

Discussion of Amenity Holiday Schedule

Mr. deNagy stated a question came up over Easter about whether we want to keep the amenity center open or closed during the holidays. You can see in the amenity policy we have the amenity center will be closed on Christmas Day, Thanksgiving Day, New Years Day and Easter. The question is whether or not we want to open the amenity center for those four holidays.

Mr. Pollicino asked what is consistent for the communities you manage?

Mr. Deary stated the first three I would say universally they are closed especially in the winter even though it is Florida, other than people using the gym on their own there is no need for the clubhouse to be open or staffed. Easter I think lately more and more places are closing but that is kind of a gray area because the weather is warming up and the pool could be open.

Mr. Harrah asked what is bringing this up? Do we have a lot of complaints?

Mr. deNagy stated this came up a year ago and there were some residents who wanted the amenity center open on Easter. We did work it out with Vesta where it was open but the question came up again this year just because it came up last year.

Mr. Pollicino asked if it is a late Easter year could we get together the meeting before and make a decision? If it is a March Easter then it is cold I don't know that it has to be open.

Mr. Rucker stated last year we adjusted the hours. How many people actually showed up?

Ms. Alfano stated from what I understand four families.

Mr. Rucker stated I understand the flexibility of adjusting it on when Easter occurs but as a practical matter staff would probably like to know what days they actually have off. It seems like Easter shouldn't be treated any different than the other holidays.

Mr. Harrah stated our staff works extremely hard and I think four days out of 365 days a year I agree. I would rather take the heat from the four families out of 2,000 or whatever who live here than to exclude our staff from having the extra day off.

Mr. Brownlee stated allow them to spend it with their families. Leave it alone is my opinion.

Mr. Rucker asked if a motion is not made everything stays the way it is.

Mr. Eckert responded that is correct with the exception that I think that even though this is in the contract it is debated each year in terms of whether or not there is a community demand justifying for it to be open on that day. Vesta could say we will not be here Easter because our contract says we are not going to be here on Easter in accordance with the policies. I don't think they have done that. I think they tried to be accommodating to whatever is in the best interests of the community.

Mr. Rucker stated right now I don't think we should be open.

Mr. Pollicino moved to have the pool and gym open from 1 – 5 if Easter falls in April and if attendance is low it will be revisited the next year and Ms. Hall seconded the motion. The motion failed for lack of approval.

Mr. Rucker stated last year the discussion was raised, the board made adjustments and no one showed up.

Mr. Harrah stated I agree with the argument but you just kind of offered to work on Easter. If I hear staff say they are willing to come from 1 – 5 or 1 – 7 who am I to argue with that?

Ms. Alfano stated there was zero work, if it is a rainy day it is a waste of time and waste of money.

Mr. Pollicino stated if you publicize it enough ahead of time the last time it was a last minute decision and people didn't know.

Mr. Brownlee asked how many complaints did we have this year?

Ms. Alfano responded I received none but I have not asked staff.

Mr. Brownlee stated I don't think we should be in the business of being weather people and determine whether the pool is going to be open or closed based on the weather. I think we should give these people the day off. Two people would have to come in for four hours and not be at home with their families on Easter. I think it should remain closed.

On voice vote with two in favor and Mr. Brownlee, Mr. Harrah and Mr. Rucker voting no, the motion failed.

SEVENTH ORDER OF BUSINESS

**Consideration of Conveyance of Certain
Parcels from Durbin Crossing North LLC**

Mr. Eckert stated in front of you are some plat maps that are highlighted. I know the amount of yellow on those is a little bit intimidating but I wanted the board to be aware that most of what is in yellow the district already owns but there was a need to go ahead and clean up some of the legal descriptions from prior deeds so we can reference platted tracts. This is a cleanup matter and the district is already maintaining nearly all these tracts. It is one of those real estate cleanup items that we are going to keep bringing to you as we close out the project.

Mr. Brownlee asked what are we actually cleaning up?

Mr. Eckert stated what happens is sometimes you have a deed that is given to the district and it is based on a metes and bounds description and it is done prior to platting and then oftentimes after a tract is platted it will be given a tract designation and that tract designation may not exactly match the metes and bounds description and so it creates a little discrepancy and typically you will clean it up with a quit claim deed once it is actually platted into tracts and that is most of what we have here. I would have to go back to each individual one to tell you which tract is a cleanup and which tract is a new tract.

Mr. Rucker asked is there anything more substantive than the legal cleanup?

Mr. Eckert responded not really these are the tracts that the district was designed to own in terms of landscape tracts, signage tracts, things of that nature. These are common area cleanup tracts that the district is maintaining or should be maintaining.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the deed from Durbin Crossing North LLC was accepted.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2016-05
Confirming the District’s Use of the St. Johns
County Supervisor of Elections to Conduct
the District’s Election of Supervisors in
Conjunction with the General Election**

Mr. deNagy stated Resolution 2016-05 is in your agenda package and you will note in Section 2 at the bottom, Seat 2 and Seat 4, that is Ms. Hall and Mr. Rucker’s terms expire in November of this year so those seats will be open for anyone who is interested in serving on the Board as part of the general election. For your reference anyone who is interested in serving on the board can go to the Supervisor of Elections website in St. Johns County and you will find that qualifying papers will be accepted at the Supervisor of Elections beginning June 6th, that open enrollment for the general election runs from noon June 20 to noon June 24, 2016 and there is a \$25 filing fee.

Mr. Eckert stated if you don’t want to pay the \$25 there is also a petition process you can go through to get signatures to be placed on the ballot as well.

On MOTION by Ms. Hall seconded by Mr. Harrah with all in favor Resolution 2016-05 was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

1. Discussion of Pond 24 Access

Mr. Eckert stated the first item is discussion of Pond 24 access, this is the issue related to 403 Willow Winds Parkway. My understanding is the drainage easement that we want to use between those two lots that Dreamfinders has agreed that they would pay for a gate to be installed across the front of that to remedy the one resident’s concern that people would be walking back and forth to the ponds freely. I talked to that resident and she is asking for there to also be a back gate put in and then for the district to consider releasing the back drainage easement like we did for the person who had the pool request based on the fact that she thinks her yard will be diminished to such an extent that it will have an adverse affect on them. Dreamfinders has only agreed to put the gate across the front, which will prevent pedestrian access back and forth but I’m bringing this matter before the board to find out what you would like me to do in relation to this issue. I don’t think you have an obligation to pay for the gate in

the back. You also have a situation where her neighbor has already moved their fence over closer to their lot so if you put a gate across the front and a gate at the back you have basically captured part of the neighbor's yard for this person. I will be happy to do whatever you want. We also have a drainage easement to that pond that is specifically dedicated on a plat. This one is a drainage easement that is contained within the HOA covenants and I think that has been the issue of concern from her perspective as it wasn't a platted drainage easement, it was one created by those covenants.

Ms. Hall stated this is the one where they put the fence in wrong and we couldn't access the lake.

Mr. Harrah stated there is an easement down the middle.

Mr. Eckert stated there is an easement down the middle and there was a fence down the middle of the easement. Dave advised them that they needed to move the fence so we could access the pond and use the easement. The neighbor moved their fence over closer to their house. There is a little bit of a gap but her front fence is still all the way to the center of the easement and it is open. We have been saying she needs to move her fence over to allow us that access and if she wants to install a side fence, that is fine, but we need to get in the front and get in the back to be able to get to the pond. In terms of trying to alleviate her concern that people would walk from the street to the pond back and forth by the back of her house, Dreamfinders agreed to put in a gate in the front to eliminate people having the ability to do that, which was a nice gesture on their part. She now has said she also wants one on the back, which I'm not sure how she thinks people are going to walk from the pond to there. She also wants the District to release the back drainage easement so that she has more usable yard she can plant things in. I will do whatever you want me to do. Your legal rights are that you can use the other easement that goes to that pond and make those people move the landscaping, you also have to move a cable box that sits in the middle of the easement; or you can make her move her fence.

If you put in a gate it would partially be on the property of the people who moved their fence and partially on her land. I'm sure it is not going to make her neighbor very happy that they moved their fence over and it is going to create more yard for her. The neighbor did what they should have done without incident.

Mr. Pollicino stated I think this is the third meeting we talked about this issue. We made as many accommodations as we can and I think Dreamfinders is more than generous by offering

to pay for the gate, we have been more than flexible by giving her plenty of time to correct the issue. I don't know how much else we can do. We need the easement.

Mr. Harrah asked where do we go from here? Dreamfinders wants to put the gate in. Do we contact Dreamfinders?

Mr. Eckert stated we have already talked to Dreamfinders. My suggestion is that I need to go to her and say you move the fence and we can either get a gate across the front or we can not get a gate across the front but you need to move the fence and that's it that is all we are doing. We are not releasing easements; we are not going to fence the back part of it if that is what the will of the board is. I'm going to say the board's position is you have to move your fence because it is interfering with our easement rights. If you are concerned about people accessing from the front to the back then Dreamfinders is willing to put in a gate that can be opened 15 feet wide for us to get the boat back there when we need to. Is that something you are interested in doing, and if not then we are going to proceed forward.

Mr. Rucker stated I'm uncomfortable putting a gate in.

Mr. Harrah stated because it opens up Pandora's box all these people with easements start putting gates in and next thing you know the landscape guy shows up and can't get in.

Mr. Pollicino stated my opinion is we go back to her and say we need the easement it has been communicated clearly and you need to move the fence.

Mr. Eckert stated I can suggest to her that if Dreamfinders was willing to put in a gate she might want to talk to them about if they are willing to contribute to the side yard fence.

2. Update on 8th Supplemental Trust Indenture

Mr. Eckert stated I got word back from trustee's counsel that both the trustee and bondholders were agreeable to increasing their reserve requirement, which is what we wanted them to do. Unfortunately, trustee's counsel left his firm and started his own firm and I'm trying to figure out where that was left within his firm. There are other people there but I'm waiting to hear back from them in terms of where we go from there.

3. Corrective Deed

Mr. Eckert stated I sent you an email on Friday and also in front of you is a corrective deed conveyance regarding the cell tower. A bunch of properties including some conservation

land and a pond that surround the cell tower off of Willow Winds Parkway was deeded to the district. Those legal descriptions were prepared by the surveyor the developer had retained and provided to us and they said we want you to acquire this. We never intended to acquire the cell tower site, we haven't acted like the cell tower site has been ours and we haven't intended to acquire the access road that goes to the cell tower site. It was found that in fact the deed actually included the cell tower site in the legal description. At this point in time the developer is requesting that we issue a corrective deed conveying the cell tower site and the access road back to them. We still would retain tract X, which I think is a platted lot that the access road goes over. I provided the board with a color map.

Mr. Harrah stated apparently they owe us \$723.68 for property taxes and that will be paid prior to us doing the deed transfer.

Mr. Eckert stated that is correct.

Mr. Rucker expressed his general concerns over approving the corrective deed.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with three in favor and Mr. Rucker and Ms. Hall voting no the chairman was authorized to execute the corrective deed for the cell tower site subject to the repayment of the real estate taxes.

3. Dreamfinders Request

Mr. Eckert stated Dreamfinders is closing on the two main parcels of property on April 13th, which is a lot quicker than they anticipated doing. They made a request for us to also close on April 13th and change review of the landscape plan and review of the lighting plan to be post closing items. I do not recommend that. I think you should tell them to the extent we can work with you to help facilitate an earlier closing while still complying with all of the terms of the contract, the board will try to do that. But we are not changing the things we negotiated and worked with residents on to work through some of their concerns so that they can have the efficiency of closing at the same time they close on their other properties.

Mr. Harrah stated we have that description in the tentative agreement saying we need to see the landscape plan. We have to see that, we made a lot of commitments to residents in that area.

Mr. Eckert stated we have a contract that has contractual provisions in it. All we are saying is we are not going to amend the contract to help facilitate you getting an earlier closing and us having less time to review. I don't think the lighting plan has been prepared yet and any landscape plan is pretty preliminary and I don't think they have all of their approvals like concurrency and things like that because I'm reviewing those applications they sent me and the contract says we don't have to close until they have all of their government approvals.

Mr. Harrah stated make sure they understand don't send us something on Friday expecting Monday we are going to email you and say it is great. Don't try to rush it through.

Mr. Eckert stated my approach would be to say let's talk about what there is left to be done and start preparing that. It is not on us to prepare it, it is on them to prepare it and submit it and we will bring it to the board at the appropriate time.

B. Engineer

There being none, the next item followed.

C. Manager

There being none, the next item followed.

D. General Manager - Report

Ms. Alfano reviewed her report, copy of which was included in the agenda package. On the purchase and installation of palms the board decided to wait and see what other problems may arise with palm disease before making a determination. Staff was authorized to work with Ms. Hall on the replacement of cardio machines, optimization of the current space and to come back with options at the May meeting.

E. Operation Manager – Report

Mr. Howell gave an overview of the field operation manager's report, copy of which was included in the agenda package.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Brownlee stated next week the HOA will be replacing the developer representatives with residents and it will be a full resident board. I'm concerned that residents are not showing enough interest to take that over.

Ms. Hall asked is the outdoor furniture in North getting close to replacement time?

Mr. Howell stated I checked and it has no serious wear and tear.

Ms. Alfano stated we will take another look at it.

Mr. Harrah stated as we get more residents, the safety tips you put in the newsletter are great, one thing I noticed when school lets out all the kids ride their bikes in the roadway they are not used to sidewalks. I have seen so many near misses of contractors and maybe you can put something in the newsletter about that. Spring season for soccer practice is kicking off and kids are in the mud up to their knees. It is like a swamp back there it never had good drainage for some reason.

Ms. Hall asked do we need to get signs closing the fields when they are muddy so kids don't practice on them when they are muddy?

Mr. Howell stated if they are staying muddy when there is no rain there is a reason behind it but I don't know what it is yet.

Mr. Mullen asked how far is it through the proposed boardwalk from the townhomes to the North Amenity Center?

Mr. Eckert stated the boardwalk was between 90 and 120 feet plus the sidewalk from where it ends through the grassy area. We proposed to them in this meeting and to their counsel that it would be a really good idea if there was any room on your property to build some playground amenities and things like that as well so that the boardwalk wouldn't have to be used if somebody just wanted to take their kid out to swing for a little bit. I think it is a very tight piece of property on that development plan in terms of I think they may have to give up units to be able to put some play structures in and they may or may not be willing to do that but I conveyed that to them that it would be something the board would really like to see.

Ms. Hall asked couldn't we have someone come out and look at it and price out something that you want and tell them what we want?

Ms. Alfano stated I can do that.

TWELFTH ORDER OF BUSINESS

**Next Scheduled Meeting – April 25, 2016 @
6:00 p.m. at the Durbin South Amenity
Center**

Mr. Pollicino stated I think we can skip the next meeting.

Mr. Harrah stated if something significant comes up we can call the meeting and if not then we can cancel it.

Mr. deNagy stated then the next meeting will be May 23rd unless something significant comes up.

On MOTION by Ms. Hall seconded by Mr. Brownlee with all in favor the meeting adjourned at 7:57 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman