

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, September 24, 2018 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

Also present were:

Daniel Laughlin	District Manager
Dave deNagy	District Manager
Michelle Rigoni	District Counsel
Stephen Howell	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group

The following is a summary of the minutes and actions taken at the September 24, 2018 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Pledge of Allegiance**

Mr. Laughlin called the meeting to order and led the pledge of allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the roll.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Discussion of Matters Related to U.S. Bank  
Litigation**

Mr. Pollicino stated my understanding is the check was received and deposited into our capital reserve account.

**FIFTH ORDER OF BUSINESS**

**Consideration of Easement Encroachment – 224  
Willow Winds Parkway**

Mr. Howell stated at the last meeting you discussed the request for a fence in the easement area and I went to look at the area and the drawings we were looking at during the last meeting were not accurate. The access point for the contractor is outside the area proposed to be fenced. The proposed fence will not obstruct the contractor's access to the pond.

The homeowners presented a rough sketch and explained that the diagram needs to be adjusted to reflect correct placement. He further stated the District's access will not be obstructed by the proposed fence.

Ms. Rigoni stated there is a drainage easement in favor of the district and our understanding is that is the only one we use for that pond. I need to know exactly how many feet you are going to go into the drainage easement and we can draft an easement agreement to say that you are not going to impede further than that. It looks like he is encroaching roughly 10 feet into the easement.

Ms. Hall stated the neighbor to the right have a nice fenced in outdoor area. Are they going to be surprised when they lose part of that easement that they look upon to a fence and how are they going to feel about that? What happens when the neighbors want to encroach on the easement?

Ms. Hall requested that the homeowners let their neighbor know of their proposed fence out of courtesy.

Ms. Rigoni stated we definitely need a better drawing than this because this doesn't depict the actual placement of the fence.

Mr. Harrah stated I believe when we have done this in the past whatever the fee is to draft the easement agreement was covered by the homeowner.

Ms. Rigoni stated I will check with Mike, and further stated to the homeowners, realize that the legal costs to prepare the easement may or may not be shifted to you.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the request for the easement encroachment for the construction of a fence at 224 Willow Winds Parkway was approved and district counsel was authorized to draft an easement agreement.

**SIXTH ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. **Approval of Minutes of the August 27, 2018 Meeting**
- B. **Balance Sheet and Statement of Revenues and Expenses**
- C. **Assessment Receipt Schedule**
- D. **Impact Fee Summery Report**
- E. **Check Register**

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

**SEVENTH ORDER OF BUSINESS**

**Consideration of Renewal of Agreement with Vesta Property Services**

Ms. Alfano stated we presented all of our numbers in the budget process, but we do have an agreement for you today. The biggest change that I want to point out is we have broken things down into three categories instead of each individual position. We have increased the level of services as far as facility attendants, monitors and lifeguards. If the board decides to go with the geothermal this year or next year, I do think that is something we can initially handle within our contracted services. If we run into any trouble, we may be back but initially we can take that under our current contract.

Ms. Rigoni stated what the board is approving is the agreement in substantial form to be finalized by our office.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the agreement with Vesta Property Services for services through 2021 was approved in substantial form to be finalized by district counsel.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Investment Alternatives and Capital Outlay Projections**

Mr. deNagy stated in your agenda package is an information sheet that first identifies the rates we are getting on earnings and options. When the district was formed there was a resolution passed and there are certain investment alternatives that CDDs are allowed to do and they are typically very low risk, very low return and that is required by the master trust indenture and the resolution outlined the investments applicable to Durbin Crossing and other CDDs. U.S. Bank is where the money goes right before we get ready to pay all the bills. The State Board of Administration is typically where we hold the money and then we have CDs that are possible if you want to structure your returns. The State Board is in the highest range and CDs restrict the use of your money for the term of the CD and there is not as much liquidity as there is with the State Board of Administration. As of August 31 we have \$1,627,092 in our capital account and I have budgeted what deposits are going to be made based on the capital reserve study. The next couple of pages is capital outlay for the flow of money. I took the capital items that were in the FY19 budget and identified them at \$325,000 and subtracted that from the \$1,627,982 and that is the number off to the side. I went through each year in the reserve study, identified the capital items that are recommended in the reserve study and took the remaining balance, plus the money we are going to deposit as part of our budget less the expenses that are projected and we come up with \$1,423,630. I did that for five years and if we follow the capital reserve study, invest in those items that were mentioned in FY19 budget we still have \$1.5 million.

We recently received the funds from the settlement agreement, there was a concern about how much the district could earn. We are restricted in investment alternatives and our recommendation would be to stay with the State Board of Administration, you have liquidity and your return is essentially the same as a CD without restricting your money.

Mr. Pollicino stated I suggest we leave it up to Dave and have him deposit the money as he deems necessary with the bulk of it in the State Board of Administration.

Mr. deNagy stated the money is at the State Board of Administration and I will get more information on CDs and bring that to the next meeting.

#### **NINTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2018-06, Designating Officers**

Mr. Laughlin stated we want to add Ariel Lovera as an assistant treasurer to be able to sign documents.

On MOTION by Ms. Hall seconded by Mr. Harrah with all in favor Resolution 2018-06 designating Ariel Lovera as an assistant treasurer was approved.

**TENTH ORDER OF BUSINESS**

**Consideration of Proposal from VGlobalTech for ADA Website Accessibility**

Mr. Laughlin stated next is a proposal from VGlobalTech for ADA website accessibility. Some South Florida districts have had lawsuits because the websites have to be ADA accessible. PDF documents have to be converted to be able to be read by a text reader. We obtained multiple bids for this service and this is the best proposal we received. It is a one-time fee of \$2,250 to get the website into compliance and after that there is a \$1,350 per year fee to monitor it and make sure we stay in compliance. We also have an employee being trained with this company to be able to keep it compliant.

Ms. Rigoni stated Jennifer Kilinski of my office has seen this same proposal in another district and she has been working with the district managers on a form of agreement that will be standard across the board for this particular vendor. What you are approving is a not to exceed amount that is provided in this proposal and we will prepare an agreement that we are going to propose to VGlobalTech. There are some things I need to clarify with the vendor because it is not clear what type of initial audit and on-going maintenance will be performed and those details will be worked out in our form of agreement.

Mr. Pollicino stated my concern is we are paying them to be in compliance and if we get notification from the ADA that we are not and get a fine or something else, that they hold us harmless or we hold them accountable.

Ms. Rigoni stated we will include an indemnification provision in our agreement.

Ms. Hall stated this did not go out an RFP and my neighbor does this and he lives in the community. Can we let him propose and get in on the bid? He might be able to give us better rates.

Ms. Rigoni stated because of the amount we don't have to bid it out.

Mr. Laughlin stated we can table this until next month. I will give you my card and you can have him send it to me.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of the 2018 Surface Water Quality Report**

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the 2018 surface water quality report was accepted.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

There being none, the next item followed.

**B. District Engineer**

Mr. deNagy stated I think I sent everyone an update from George on the parking lot and we will have more information at the next meeting.

**C. District 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.

**E. Operations Manager - Report**

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

Discussion ensued regarding potential a project regarding geothermal heaters for amenity center pools and the Board requested that staff bring back additional proposals for the Board's consideration.

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Supervisor Pollicino requested that district counsel draft a demand letter to Gym Source regarding continuously malfunctioning treadmills.

September 24, 2018

Durbin Crossing CDD

**FIFTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – October 22, 2018  
@ 6:00 p.m. at the Durbin South Amenity  
Center**

Mr. Laughlin stated the next meeting is scheduled for October 22, 2018 at 6:00 p.m. in the same location.

On MOTION by Mr. Brownlee seconded by Mr. Pollicino with all in favor the meeting adjourned at 7:40 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman