

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, November 26, 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
Debbie Driscoll	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
George Katsaras	District Engineer
Stephen Howell	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Dave deNagy	GMS

The following is a summary of the discussions and actions taken at the November 26, 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 at 6:00 p.m. 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

Organizational Matters

A. Oath of Office for Newly Elected Supervisors

Mr. Laughlin being a notary public of the State of Florida administered the oath of office to Mr. Harrah, Mr. Pollicino and Mr. Brownlee.

B. Consideration of Resolution 2019-02 Designating Officers

Mr. Laughlin stated you can nominate individuals or you can keep the same slate of officers.

On MOTION by Mr. Brownlee seconded by Ms. Driscoll with all in favor Resolution 2019-02 was approved reflecting the same slate of officers as currently exists.

FIFTH ORDER OF BUSINESS

Approval of Consent Agenda

A. Approval of Minutes of the October 22, 2018 Meeting

B. Balance Sheet and Statement of Revenues and Expenses

C. Assessment Receipt Schedule

D. Impact Fee Summery Report

E. Check Register

Mr. Brownlee stated there were irrigation repairs due to construction on Longleaf and I would like Steve to get back to us at our next meeting and let us know how much that came to.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the consent agenda items were approved with an amendment to the minutes that will be reflected in the final document.

SIXTH ORDER OF BUSINESS

Consideration of Proposals for ADA Website Accessibility

Mr. Laughlin stated at the last meeting I was asked to get a proposal to have the Durbin Living website converted as well. We received an email back from them and they said since we are an existing customer and we are doing a lot of business with them, they are going to give us a discounted rate of \$1,750. This will include rebuilding the ADA compliance for Durbin Living

site including events calendar, photo gallery, etc. They will ensure all content is transferred and documents converted for ADA. However, Durbin Living has a link to the HOA website and that will not be included in the conversion. The HOA website is all HOA management functions.

If they are both approved you would have one for Durbin Crossing CDD, which is \$2,250 and the Durbin Crossing Living, which would be \$1,750.

Mr. Pollicino asked where does the scope of the ADA compliance end because we have links to other things that are embedded?

Mr. Eckert stated that is interesting because the federal government just abandoned their whole approach to give us guidance so it is being left up to whatever court you file your case in for them to say what is going to meet the accessibility requirements. What I suggest, and what we have been suggesting to our other clients, is make sure that the content you have on your website is ADA compliant and if you have user interfaces, that somebody with a disability can navigate through those interfaces. If you are just talking about a link to a completely different website that the CDD doesn't own, operate or maintain, make sure that the person can access the link and click on the link and beyond that you are not doing anything. I think that is a fairly defensible position but again we don't have definitive guidance from the government, but I feel very comfortable with us taking that approach.

The price they have in there to convert everything to be in a format that is readable is very inexpensive compared to what I have seen before. I have been seeing \$2.50 and \$3.00 a page versus what is in there. I'm hoping that holds up and the other thing to keep in mind is when we have a 200 page agenda package, how are we going to deal with that and it is something over the next year you probably need to have some patience with your staff and trying to make sure that what is being uploaded is going to be compliant because you have the maintenance contract here but you don't want to just have it done once a year you want it periodically checked.

Mr. Laughlin stated they are training the IT person at GMS to do that. After they convert it anything that is put on there, they are going to work to keep it compliant.

<p>On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the proposal from VGlobalTech in the amount of \$2,250 for the CDD website and the proposal for Durbin Crossing Living in the amount of \$1,750 were approved.</p>
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SEVENTH ORDER OF BUSINESS

Discussion of Investment Alternatives

Mr. Laughlin stated in front of you is a list of rates from the list of approved depositories that CDDs can use. At the bottom are the SBA account rates for the past two months; it fluctuates every month. The SBA account is 100% liquid and money can be moved in and out at any time as opposed to CDs we would have to wait the entire term; there is no liquidity with a CD.

Mr. Pollicino stated the schedule in the reserve study is far enough out that we could allocate certain amounts to be invested for a period of time with minimal risk. I lean more towards just doing the SBA account.

Mr. Brownlee stated we could put a third of our reserves in a CD for 18 months without endangering our cash flow.

Mr. Pollicino stated in the future it would be helpful if you gave us a report on the interest rate quarterly.

Mr. Brownlee stated if it drops below 1.5% let's put some of it in a CD.

On MOTION by Mr. Pollicino seconded by Ms. Driscoll with all in favor excess funds will be invested in the SBA account.

EIGHTH ORDER OF BUSINESS

Discussion of TV for Pool Area

Mr. Harrah stated this item is a result of a discussion some neighbors had on ways to improve the community and enhance the reason we live here and enhancing property values and keeping competitive with new construction. It is all about small changes. We talked about doing something called Durbin Vision where we have a really big TV and this is the same company that has the Jaguars LED TV and they quoted three versions. It is something that can be turned on when everybody is in the pool they can watch certain shows or a Jaguar game and ultimately it will have surround sound speakers and it is weather proof. The prices are between \$150,000 to \$200,000 to have it installed. It is up for discussion.

Ms. Hall asked would they be swimming in a heated pool because this is pretty much the same price as heating the pool?

Mr. Harrah stated it is almost like building blocks. Do we heat the pool and then consider something like this second or consider it at all? It is all about ideas to enhance the community and no increase in the CDD fees.

Mr. Pollicino stated I would say it is not in lieu of heating the pool, this is in addition to heating the pool.

Ms. Hall stated it is cool, slightly hideous and very expensive at the same time.

Mr. Pollicino stated this came up a year ago, we were all excited about it then tabled it for a reason then we talked about Plan B, getting more but smaller TVs around the pool. Does anyone remember where we went with Plan B?

Ms. Hall stated I have one here a 75" signature black series indoor/outdoor for \$10,000, the shaded one is \$5,000 but that is a small chunk of change compared to \$150,000.

Ms. Driscoll stated I think we have other items that we really should try to bring to the residents before we go down this road.

Mr. Brownlee stated there are more important things like maybe doing the north pool next, doing the air-conditioning. Have we considered getting five of the large TVs at \$10,000 and that is \$50,000? The cheapest one here is \$150,000. Putting those TVs up here look horrible.

Mr. Harrah stated we have discussed it many times. I just wanted to bring it up for discussion and put it to bed so we can focus on other things.

Ms. Alfano stated they did sharpen their pencil from a year ago.

Ms. Hall stated I think it would be smart to go ahead and purchase a cinema package with the blowup screen so we don't have to keep paying someone to come out. They sell packages and \$10,000 was the high end. I did it back in the day with the \$250 screen and a speaker. You can get packages for \$10,000 with a big blowup movie screen and speakers and it is very easy to set up.

Mr. Laughlin stated we had a proposal for another district a week or so ago and they have come down in price and they are about \$5,000 for a good set up.

Ms. Hall stated I think we should definitely do something like that so we don't have to keep paying companies to come out. It would be nice to have the TVs at the north facility.

Staff will bring back to a future meeting options for outdoor large screen TVs for both north and south.

NINTH ORDER OF BUSINESS

Other Business

Mr. Eckert stated we have been working with Steve and the engineer on getting the contract done for the north and south parking lots. We went back and looked through the minutes and you approved the north lot, but it was a slightly lower price than we have been talking about lately. We couldn't find where you had a motion and approved the construction for the south parking lot. We talked about it and everybody has been operating that way. I want to make sure that I address everything because I have heard about six different issues.

The price for the north lot was the \$96,869.40 and the south lot is \$130,489.10. That is in the contract with the paving company to do the work that they have to do. There is going to be some extra with landscaping and some lighting that will come up at some point but in terms of getting them under contract I think we have everything we need. I would like you to authorize both the north and the south projects at those amounts and we will get that contract signed.

Mr. Brownlee asked do we need to approve a little bit more than the exact amount?

Mr. Eckert stated we can do that if you want but the contract is not going to change from those numbers, what would happen is we would have a change order because they needed more asphalt than they originally thought or they discovered something in the subsoil conditions that we had to remediate and we would bring that kind of change order back to the board.

Mr. Harrah asked has the county approved the plans and specs?

Mr. Eckert stated the county has approved with the exception of they want a full lighting plan. We have written the contract to say if there are additional conditions that have to occur because of something the county did in their approval then we will work together to figure out how to do a change order to deal with it.

Mr. Harrah stated then the county approval said go ahead and do this part of it, but you have to come back to us.

Mr. Laughlin stated according to George he said the county will require a photometric plan of the parking lot lighting before the as-builts can be approved. The as-builts will need to be approved before the project is used for intended purposes. He had proposed we have the electrical contractor doing the relocation of the light poles and installation of the new light poles to be responsible to provide this plan.

Mr. Harrah stated it sounds like we can proceed with awarding construction pending approval of the light plan before we complete it.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the north parking lot expansion in the amount of \$96,869.40 and the south parking lot expansion in the amount of \$130,489.10 for a total cost of \$227,358.50 were approved and the chairman was authorized to execute the contract.

Ms. Alfano asked is there anything we can do to authorize the chairman to approve a change order if it is necessary so that it doesn't slow down the project?

Mr. Eckert stated the board can adopt a motion to give the chairman the authority to approve change orders up to \$25,000 until you have your next meeting.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the chairman was authorized to approve change orders for the parking lot project in an amount up to \$25,000.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Eckert stated we are still working with the owners of 224 Willow Winds Parkway in regard to the issue where they wanted to put some stuff in the easement. We asked that they provide a survey and we are waiting on that.

On the Gym Source we haven't been asked to do anything so we haven't done anything in relation to that.

B. District Engineer

Mr. Laughlin stated I received an email from George that I will read into the record. The plans have been fully permitted, we received the St. Johns River permit and all the comments have been signed off in the county. There is a \$676 fee required from the county for the construction inspection fees before the stamped approved plan can be picked up. To help expedite we have cut the check and will include as a reimbursable expense. I should have the stamped approved plans from the county sometime this week. Once we receive the approved

plans the contractor can set up a preconstruction meeting and then install their erosion and sediment control and begin the work. Please note the county will require a photometric plan of the parking lot lighting before the as-builts can be approved. The as-builts will need to be approved before the project is used for its intended purpose. I propose we have the electrical contractor doing the relocation of the light poles and the installation of the new light poles be responsible for providing this photometric plan. Our previous work authorization was for preparing the plans and permitting the project but excluded construction administration since we were unsure if the projects would move forward at that time. I can send you a work authorization to include limited construction administration services later this week. I would estimate approximately \$8,500 for this work.

Closing

Mr. Eckert stated I just asked for confirmation from the attorney handling the closing on the corner lot conveyance and he asked for confirmation from the closing agent that we were closed this morning and did not receive a response. At this point he is saying no but he is still investigating it.

C. District Manager

Mr. Pollicino stated at the last meeting we discussed the relationship with Dave's last day and his involvement going forward. Can you give us an update?

Mr. Laughlin stated I am going to be the main district manager but Dave is still going to be working on this and one other district. He is still going to be a resource, he won't be coming to all the meetings.

Mr. deNagy stated Jim Perry, our managing director, will come to the next meeting and I will be working with Daniel and still involved with Durbin Crossing very much. I will have one other district that I will handle in Clay County and I will serve as back-up in case you need any help.

D. General Manager - Report

Ms. Alfano reviewed her report, copy of which was included in the agenda package.

Ms. Alfano stated today we had a lady and a gentleman who were both using the gym and one person was still using a machine the other person went to change weights and it resulted in an altercation. A husband was called to help out and the police needed to be called. Staff needed to separate the husband from the resident, etc. My initial reaction coming into this meeting was we need to start the suspension process for approximately 60 days whatever we need to do because this behavior is unacceptable and cannot be tolerated. However, I have spoken to both individuals that were involved, they have spoken offsite and mended the fence so to speak, which I'm glad they tried to get along and act as adults. However, the level it raised to this morning I'm bringing this to the board for your discussion but I'm hoping we can send some sort of letter to the residents to let them know this behavior is not tolerated and I will take any support and help from Mike.

Mr. Harrah asked how many people were in the gym?

Ms. Alfano stated seven.

Ms. Hall asked was it a situation from what I read on nextdoor that the guy had an area set up, doing stations and he didn't want people to touch his stations?

Ms. Alfano stated I think it is just that they had friction before and it escalated to the point where it needs board attention.

Mr. Harrah stated there was a lot of screaming, a lot of embarrassing discussion back and forth between two grown adults with other residents in the room to the point where the police had to be called and the woman called her husband. My opinion is I agree with your approach of a suspension. We have to set an example. I don't know if it should be 60 days but it has to be something that says we are not going to tolerate this type of behavior. We wouldn't let kids do that nor will we allow adults to do that.

Ms. Hall asked is there an incident report we can read before we make a decision?

Mr. Brownlee asked does this guy come in every day and set up his territory as someone mentioned on nextdoor?

Mr. Harrah stated regardless of the situation of how it got to that level, we have two adults screaming and cussing at each other to the point of having the police called.

Mr. Eckert stated what Margaret is suggesting is to make sure and I'm in support of this if the board is, I can defend it legally, normally she would be looking at a suspension; the only mitigating circumstances is that she had confirmation from both of them that they

did meet, talk and according to them worked out their differences and would like to move on and coexist. It is not a lasting thing is what we have been informed of and whether or not that convinces the board that you should do something less than a suspension, but you can write a letter that says normally we would do this however, based on this we are going to mitigate it this time; however, if this happens again we are going to jump up to 6 months suspension or something like that. The board could try to walk that line in the middle if they wanted to, but it is totally discretionary within the board.

Mr. Pollicino stated I like that approach.

Mr. Harrah asked have we had a situation like this in the past? I remember one issue.

Mr. Eckert stated we had somebody we suspended until the board meeting and then he came to the board meeting and we had discussions with him prior to the board meeting and it got worked out and we never had another issue from that person to the best of my knowledge. It was a short suspension until we could get to the board.

Mr. Pollicino stated you can draft a letter saying you worked it out on your own, you would have been suspended and if it happens again this will move to a full-blown suspension.

Mr. Brownlee stated we have to make it clear that it will not be tolerated.

Mr. Harrah stated we had staff taken away from their time to deal with two grown adults and had to call the sheriff's office about a disagreement in a fitness center. I will go along with what Margaret wants to do and if she wants to suspend them I will fully support that too. Is your final recommendation to send a letter?

Ms. Alfano stated that is for board discussion. It cannot go unaddressed.

Mr. Eckert stated she had made a recommendation it is up to the board to decide if you want to suspend them until they can come before the board, that is really your option and that would be the next meeting or send them a letter. You are looking at potential suspension of both parties.

Mr. Pollicino stated if they had not worked it out on their own I would be in a different spot.

Mr. Eckert stated my intent with helping Margaret with the letter would be the level of this conduct is here, which warrants a suspension; however, we have heard this, if there

is any inkling that there is still a problem and something comes up we are going to max out the suspension that we can. That would be the working of the letter and we will copy the board.

It was the consensus of the board to have Margaret work with Mr. Eckert on the phrasing of the letter to both parties.

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.

ELEVENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS Supervisor’s Requests and Audience Comments

Mr. Pollicino asked can we cancel the December meeting?

Mr. Laughlin stated it is probably going to be a very light agenda, there is usually not much going on in December.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the December meeting was canceled.

THIRTEENTH ORDER OF BUSINESS Next Scheduled Meeting – December 17, 2018 @ 6:00 p.m. at the Durbin South Amenity Center

Mr. Laughlin stated we canceled the December meeting.

Ms. Alfano presented a card and gift and expressed best wishes to Dave deNagy upon his retirement.

Mr. deNagy stated this was one of my first districts and I have seen a lot of changes and it was a privilege to work with the board and staff.

On MOTION by Mr. Brownlee seconded by Ms. Driscoll with all in favor the meeting adjourned at 7:35.

November 26, 2018

Durbin Crossing CDD


Secretary/Assistant Secretary


Chairman/Vice Chairman