

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, October 28, 2019 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
Debbie Driscoll	Supervisor

Also present were:

Daniel Laughlin	District Manager
Dave deNagy	GMS
Mike Eckert	District Counsel
Stephen Howell	Vesta/Amenity Services Group
Roy Deary	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Danelle DeMarco	Vesta/Amenity Services Group
Jay King	Vesta/Amenity Services Group
Todd Myhill	Vesta/Amenity Services Group
Kathy Sargent	Vesta/Amenity Services Group
Ross Ruben	Vesta/Amenity Services Group

The following is a summary of the discussions and actions taken at the October 28, 2019 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

Affidavits of Publication

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

FIFTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the September 23, 2019 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses**
- C. Assessment Receipt Schedule**
- D. Check Register**

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

Update from Vesta

Mr. Deary read into the record a statement to the board about Margaret Alfano leaving Durbin Crossing for an opportunity in the Tampa area and reiterated his commitment to Durbin Crossing and introduced Todd Myhill as the new general manager. A copy of the letter is attached as an exhibit to the minutes.

Mr. Myhill stated I'm originally from California and I have lived in Florida for almost 20 years. It is my great pleasure to be part of this company for almost 12 years; most of that time I spent at Heritage Landing, a community of 650 homes and I was part of that community and watched it build out to its full extent of 1,154 homes. The greatest part of that experience was to get to know all the original residents and to meet the new ones coming in and to know that community from top to bottom. Part of the great service that we provide is not just defining a service and presenting it, it is knowing the residents, making them welcome at their facility, creating an environment that helps everyone enjoy their facilities to the maximum. I love working with my colleagues, it is always a fun adventure trying to devise and present new programs and

events. I know everyone here; we have all worked together at different venues and it will be a great pleasure to work with Danelle and Steve going forward.

Mr. Harrah stated it sounds like the official turnover date will be January 1, 2020.

Mr. Deary stated the only reason I left a little vagueness around that date is there are elements of our contract that has not been clarified or defined yet, but I doubt it will be before the holidays and could be a few days after January 1st but January 1st is a good date to target.

Mr. Harrah stated something to consider will be, Margaret speaks for herself and has been a tremendous asset to this community. We tried to fill that niche for a couple years and she came in and knocked it out of the park. She has a lot of respect from the staff, which speaks volumes, you will be sorely missed. I applaud you for making that decision, it hurts us but what is best for you is the best for your family. You will be sorely missed. I think it would be a good idea to schedule an event for Mr. Myhill to meet and greet the community because you were such an integral part of this community, the families and kids knew you so well we need to find a way to bring him into that community. We welcome you with open arms.

Mr. Brownlee stated needless to say all the board members are sad that you are going to leave. Margaret has been an integral part of our community and amenity center from the heart as well as from the standpoint of having a tremendous responsibility. I'm sure Margaret is looking forward to a new challenge and I wish her well as I'm sure the other board members do. The turnover is going to be very important for Mr. Myhill to learn our culture.

SIXTH ORDER OF BUSINESS

Acceptance of the Engagement Letter with McDirmit Davis for Preparation of the Fiscal Year 2019 Audit Report

Mr. Eckert stated this is the last year of this agreement and you have to go out for new proposals. We haven't adopted the new rules yet, we will adopt the new rules and the next contract will be for one year with up to four renewals.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the engagement letter with McDirmit Davis to perform the fiscal year 2019 audit was approved.

SEVENTH ORDER OF BUSINESS

Public Hearing for the Purpose of Adopting Amended and Restated Rules of Procedure, Consideration of Resolution 2020-01

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the public hearing was opened.

Mr. Eckert stated every two or three years or so we come back to you with updates to our rules of procedure to propose changes due to changes in the law and to provide more flexibility for you when the law allows. What is in front of you today is the same as the revised rules that we provided at a previous meeting in redline format showing the changes as well as the memorandum explaining the changes. I haven't received any comments or questions from board members. We are not dramatically changing the way we do business, but we are dealing with some things that should help the district be more efficient for using the resident's resources as well as make sure we are in compliance with the law. Staff is recommending that you approve the rules of procedure after you take public comment.

There being no comment from the public the board took the following action.

On MOTION by Mr. Harrah seconded by Ms. Driscoll with all in favor the public hearing was closed.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor Resolution 2020-01 was approved.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2020-02
Amending the FY19 General Fund and
Capital Reserve Fund Budgets**

Mr. Laughlin stated these are the typical budget amendments we do at the end of the fiscal year to balance the line items.

On MOTION by Mr. Pollicino seconded by Ms. Driscoll with all in favor Resolution 2020-02 was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Down to Earth

There being none, the next item followed.

B. District Counsel

Mr. Eckert stated we have been working with Steve on the irrigation system damage and issued four letters. We received one response that we are working with in terms of obtaining reimbursement to the district and on the others we haven't heard back. We are working through those issues. If we get no response or get a response that they are not going to reimburse us for the damage there will be a second letter and we would contemplate going to small claims court to recover those funds if we can do so in an efficient way. I will talk to the board before we commit to doing that. If there are two or three then it may make economic sense for you to do that.

I think I have to talked to the board before about Amendment 12 and the implementation of that and we have been following that through the Commission on Ethics. Amendment 12 was the new constitutional amendment that says a public officer or employee cannot abuse their office to provide a disproportionate benefit for themselves or a family member. We have been working with the Commission on Ethics as well as monitoring the legislative process because there are some things the legislature has to do in relation to Amendment 12. The Commission on Ethics has said in very general terms as long as you are compliant with the existing law in terms of declaring conflicts and you are in a one-acre one-vote seat it can't be an abuse under the constitution.

C. District Engineer

Mr. Harrah stated as we move forward with the stoplight to protect the district's interests it would be good if George could keep us apprised of the situation with the county and if there are plan sheets he can review, as our engineer make sure it is all copacetic with the community.

Mr. Howell stated they did get the vegetation in the parking lot completed and we got confirmation from the county that it passed.

D. District Manager

There being none, the next item followed.

E. General Manager - Report

Ms. Sargent and Mr. Ruben gave an overview of the functions of the Durbin Crossing app developed by Vesta and Margaret went over the initial cost of \$3,175 and yearly maintenance of

\$2,500 and indicated that it would be available to the board for an initial period of time to use and provide feedback so that edits can be made.

Mr. Eckert stated this would be an addendum to the Vesta contract and asked who owns the app.

Ms. Alfano stated that would be Vesta.

Mr. Harrah moved to approve the initial cost of \$3,175 for the app with a roll out date of December 1, 2019 and the annual cost of \$2,500 subject to district counsel preparing an addendum to the Vesta agreement.

Ms. Driscoll stated I have a concern if we no longer have Vesta for amenity services that we will lose the app.

Mr. Fagen stated if for some reason Vesta was out the door, I'm sure we would work with the incoming company to some degree, but it is Vesta property.

Mr. Eckert stated you can go ahead and make the motion and I can talk with them about how we would be able to potentially transition it. The concern is you are going to create this expectation in the community and if circumstances change that expectation isn't going to be there anymore. I think they understand that would put you in a bind and I think they will work with us on that and if I can't get it worked out where we have assurances then I will come back to you.

Mr. Deary stated it is always in everybody's best interest to make those transitions as smooth as possible. I'm confident we could work that out and staff could put some language in the agreement.

Ms. Driscoll seconded the motion and on voice vote with all in favor the motion passed.

Ms. Alfano reviewed the upgrades made over time to the holiday decorations and presented a proposal for upgrades for this year for an additional \$1,200 for a total cost of \$7,733.67.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the holiday lighting agreement in the amount of \$7,733.67 was approved.

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

Mr. Pollicino stated thank you on behalf of the board and I'm glad that Todd is here to see the board's expectations. You have big shoes to fill, it is not only the quality of events, the presentation, it is attention to detail that will be missed with Margaret.

F. Operations Manager - Report

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

TENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Ms. Hall asked where do we stand with getting quotes for heating the pool?

Mr. Howell stated I have all the original stuff they sent; I just wanted to make sure that his prices were still good or if they are going to increase a little bit. I have reached out three times but have not received a response. What I have found is most of the contractors doing the work are using the exact same equipment.

Ms. Hall asked how can I help?

Mr. Howell stated I just need him to respond.

Ms. Alfano stated those are the amenity enhancements we are waiting to group, to present to you pending the landscape RFP.

Ms. Hall stated but they are not responding. Email me their information and I will get them to respond.

Mr. Laughlin stated there is a resident who wants to talk about a fence being installed. He lives against the CDD-owned brick wall.

Mr. Durmic stated we want to put a fence around the backyard. I would like to put it about 2' from the wall. I understand if you need to do some work, I will have to remove panels and allow access, but I thought aesthetically it would look better and prevent children from climbing the walls.

Mr. Pollicino asked Steve have you looked into it and inspected it?

Mr. Howell stated yes, we went down this road a couple years ago when another resident asked about that. They can't attach it to the wall, but they can go up next to it. We have a two to three-foot buffer off each wall on both sides that we are responsible for and for access. In the event there is something wrong with the brick we can get in there to fix it.

Mr. Pollicino asked we didn't do anything in the past with easements or anything, right?

Mr. Eckert stated we went down this road and then I thought the Board decided you weren't doing anything at that point in relation to that. I will go back and look at it, but I remember being involved in that process because the concerns were how do we get in and maintain our wall if we have to and getting easement rights from different homeowners and how are they disclosing it to the people they are selling to. I'm not saying it can't be done, I'm thinking we ran this down before. We may be bringing equipment into people's yards and things like that, which may or may not be okay, it is up to you it, is a business decision. I recommend if you are going to do that, do a license agreement and allow them to be on your property but you have to have some sort of reciprocal rights to be able to go on their property to get access to your fence to maintain it.

Mr. Harrah stated it sounds like we need to have some sort of agreement in place.

Mr. Eckert stated yes and from a policy standpoint you need to understand how many families are in a similar circumstance. I prefer that we do what we did two years ago. I don't want to recreate the wheel. I know one of the other issues we dealt with before were people saying we should be pressure washing that wall and then how do we get access to pressure wash. I'm not saying it can't be done but there are policy considerations that we dealt with two years ago we ought to think about again before you do anything.

Mr. Harrah asked can you wait until the next meeting on November 18th?

Mr. Durmic stated I have a fence company coming on the 12th.

Mr. Harrah asked can we leave it up to the chairman to do this before the next meeting if it gets worked out?

Mr. Pollicino stated if Mike comes up with a solution, I can execute it and move forward. The board was in consensus with that action.

Ms. Alfano stated its funny how things have progressed since I started here. I remember coming to the CDD meeting with Roy and at the time I was still employed with another company so I said I can't talk or say anything. Your board meetings from the get go were impressive and well run and I thought I don't know if I will ever be able to speak "Margaret", I don't know if

these people will get it, but I would like to thank so many people for making my time here so wonderful. It starts with the residents; they welcomed me with open arms, my coworkers who may not have gotten me in the beginning but now we are all on the same page, the board was intimidating, so sharp, educated, intelligent and I wasn't sure you were going to be able to get me but you did. To district managers and counsel, we all make up the team here and I loved it. I worked hard with my team to make memories and improve our amenities and community and try to take ownership in Durbin and we worked hard on inviting others to come in and also be part of Durbin. I'm truly proud of working with such wonderful people. Hopefully, I will be able to share that and help grow this side of the business for our company. When you truly love where you are it is hard to understand why you leave but I am trying to spread my wings a bit. Thank you.

Mr. Pollicino stated thank you for everything you have done, the residents, the board and this community would not be what it is today without you.

Mr. Harrah stated you set the bar and Vesta has seen that and you made the best decision for your family. We will miss you, but you have good folks to lead the effort.

A resident stated I am disappointed that Margaret is leaving, she does listen to the community and it is going to be awkward coming here and not seeing her. We will welcome the new face and I'm glad they are transitioning in. I really like the idea of the app and I think it is going to be really helpful. Did you ever get an update on the traffic lights that were discussed in July?

Mr. Howell stated they know what they are going to do but they haven't approved it, they did not build it into the budget for fiscal year 2020 but they approved it to be in the fiscal year 2021 budget. After October 1, is when they will start planning construction, and have it put in during the fall a year from now.

Mr. Harrah stated it is in the 2020 budget for the design phase, but construction is in the 2021 budget. We will invite a representative from the county to attend our November or December meeting to update the residents on the status of that project.

ELEVENTH ORDER OF BUSINESS

**Next Scheduled Meeting – November 18, 2019
@ 6:00 p.m. at the Durbin South Amenity
Center**

Mr. Laughlin stated our next meeting is November 18, 2019 at 6:00 p.m. here at the Durbin South Amenity Center.

On MOTION by Ms. Driscoll seconded by Mr. Pollicino with all in favor the meeting adjourned at 7:27 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman