

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, May 18, 2020 at 6:10 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida with additional participation through Zoom communications media technology pursuant to Executive Orders 20-52, 20-69 and 20-123 issued by Governor DeSantis pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum were:

Peter E. Pollicino	Chairman
Tim Brownlee	Vice Chairman
Sarah Gabel Hall	Supervisor via Zoom
Jason Harrah	Supervisor
Debbie Driscoll	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel via Zoom
George Katsaras	District Engineer via Zoom
Stephen Howell	Vesta/Amenity Services Group
Jay King	Vesta/Amenity Services Group
Danelle DeMarco	Vesta/Amenity Services Group
Shane Blair	VerdeGo

The following is a summary of the discussions and actions taken at the May 18, 2020 meeting. An audio 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 6:10 p.m. and led the pledge of allegiance.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the roll.

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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 April 27, 2020 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses**
- C. Assessment Receipt Schedule**
- D. Check Register**

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

FIFTH ORDER OF BUSINESS

Acceptance of the Audit Committee's Recommendation

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the recommendation of the audit committee of Berger Toombs being ranked no. 1, McDirmit Davis no. 2 and Grau & Associates no. 3 was accepted and staff authorized to negotiate an engagement letter with the auditing firm.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2020-05 Approving the Proposed Budget for Fiscal Year 2021 and Setting a Public Hearing Date for Adoption

Mr. Laughlin stated there is no proposed increase in the operations and maintenance assessments in this budget. There is a little increase in landscape and some increases in the Vesta agreement. To make up the difference and not raise assessments we took some money from the capital reserve and a little bit out of capital outlay. As of now we have \$1.4 million in capital reserves and the reserve study says that we should have a balance of \$600,000 right now. Normally we have \$200,000 capital outlay for projects for the past year or two and to keep from raising assessments it is \$143,000. Whatever amount we approve we cannot go above that number; we can move money around within the budget, we just can't exceed the approved amount.

Mr. Brownlee stated I'm very comfortable with the numbers and we are able to go another year without raising assessments. We talked on several occasions about some projects that would

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require a significant amount of money; geothermal pool heating, moving the playground and build up the north amenity center to have cardio equipment there.

Mr. Laughlin stated we still have \$143,000 in capital outlay.

Mr. Brownlee stated that money doesn't have to come out of this budget; we can take that out of our capital reserve.

Mr. Harrah stated the price for the geothermal was in the \$220,000 range.

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with all in favor Resolution 2020-05 approving the proposed budget and setting the public hearing for August 24, 2020 was approved.

SEVENTH ORDER OF BUSINESS

Ratification of Jonihakis Partial Release of Easement and Indemnification Agreement

Mr. Laughlin stated we approved this a few meetings back. Everything has been completed and they paid the legal and recording fees.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the Jonihakis partial release of easement and indemnification agreement was ratified.

EIGHTH ORDER OF BUSINESS

Discussion of Amenity Suspension

- A. Minor #1**
- B. Minor #2**
- C. Minor #3**
- D. Minor #4**
- E. Minor #5**

Mr. Eckert stated we have five suspensions and my first question is, are there any parents of the five minors attending virtually or in person today, and if so if they could identify themselves. No parents or minors indicated they were in attendance for the meeting. Assuming no one is present, we did receive notification that three of the four families would not be attending and were not opposing the suspension. One parent was going to perhaps attend for information purposes and was very pleasant when I talked to that parent. I will run through some facts for the board underlying the suspensions. The incident occurred on March 16, 2020, the temporary suspension

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letters went out March 26, 2020, we had a hearing on April 27, 2020 that was continued to today. The board has previously been provided with a summary of events, via Todd Myhill with weekly updates to the board. The board has also received copies of the suspension letters as well as the policies that were violated by the conduct at issue. The minors' parents have also been provided with the letters of suspension and follow-up letters and phone calls on how to participate in the District's April and May meetings. We provided the Board with the policies that were violated, but certainly, we have an issue. There was a fire set on District property. The fire was very close to an FPL transformer as well as a wooded area and part of the preserve, and fortunately didn't spread to either one of those places, which would have been very damaging and dangerous. We do have policies in our general provisions about fireworks of any kind, we also have rules against loss or destruction of property. Obviously, fire destroys property. We also have in the suspension and termination of privileges a prohibition against if anybody exhibits unsatisfactory behavior, fails to abide by the rules and policies or engages in conduct that is improper or likely to endanger the welfare, safety or reputation of amenity center. That one is the one that is the most on point for what we are dealing with here today. The amenity center staff suspended the privileges in consultation with us until we could have a hearing before the board. Because the April meeting was somewhat rushed and electronic, we asked the Board to continue the suspensions as well as the hearing until today's date.

I'm going to read through a little bit of what has been reported, and I would ask Danelle after I'm done to confirm if that is correct based on her understanding as well as her witnessing of the latter part of this incident. There was a fire set on the south amenity center property near an FPL electric transformer and wooded area which is part of the preserve. Staff did not actually witness the boys setting the fire. Rather, staff found the fire in progress with the boys in the area and leaving the area. Amenity staff received reports from resident witnesses that the boys set the fire. The parents of the boys told Todd Myhill that their children confessed to setting the fire. One of the boys was attempting to put the fire out with his feet and stayed around to help amenity staff put out the fire. This was witnessed by Todd Myhill, who couldn't be with us tonight. The extent of the damage was not major as we are talking about burned debris, but it was in a very precarious area and when staff approached the boys, they scattered except for the one boy who stayed around and helped put out the fire and clean up the area. Danelle, is what I just stated accurate based on what was relayed to you by Todd and what you actually witnessed?

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Ms. DeMarco stated yes, that is accurate.

Mr. Eckert stated at this point I would ask that the policies, the suspension letters and correspondence to the parents and the minutes of this meeting be entered into the record of these proceedings. Amenity staff is recommending a six-month suspension from March 16, 2020, which would end on September 15, 2020, for four of the boys and for the boy who stayed behind to help clean up and was trying to put the fire out, amenity staff is recommending a three-month suspension. Amenity staff knows which boy is the one that stayed around. We have no parents here today and we would be happy to answer any questions or comments by the board if any, but at this point in time it is up to the board to decide for how much longer, if any, it wishes to continue the suspensions for this activity.

Mr. Harrah stated I concur with the recommendation and we should proceed adopt it.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the four boys who did not stick around and help cleanup will receive six-month suspensions from March 16, 2020 to September 15, 2020 and the one boy who did stay around and helped put out the fire and cleanup will receive a three-month suspension starting March 16, 2020.

NINTH ORDER OF BUSINESS

Discussion on Decorative Columns Along North Durbin Parkway

Mr. Laughlin stated there is a memorandum prepared by district counsel that was included in the agenda package.

Mr. Howell stated I took pictures and called Mike Eckert about what our options might be. After having a contractor come out and alleviate the immediate issue with having large chunks of brick columns that are involved, the contractor reported back to me that these are not structurally necessary for the integrity of the wall. He said they look like they are going to fall apart if people continued to climb on them, and it was better to demo. After talking to Mike and looking at the number of columns, that is a lot of extra money. We discussed removing all the columns, reaching out to the residents to remove their fences from district property or send a notice to all the homeowners basically telling them to stay off the wall because the wall is being damaged as a result of their activity. On the north end closest to Veterans I have had zero issues with this problem. It is one section of wall is where we have had all the issues and most of it is from climbing on the walls.

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Mr. Brownlee stated option 3 passes the responsibility on to the homeowners and saying we are not going to be responsible if anybody gets hurt and if they report some of the columns are falling apart then we will have to do something at that point.

Mr. Howell stated we can continue to repair it, the biggest thing is taking the liability off us if someone gets hurt because they are not going to fall themselves, they are falling because kids are climbing on them and making them fall.

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with all in favor staff was directed to proceed with Option 3 as outlined in the memorandum from Hopping Green & Sams.

Mr. Eckert stated I suggest you send a letter to each homeowner by certified mail and regular mail.

TENTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Report

Mr. Blair gave an overview of the problems he is experiencing with dirt spots throughout the Bermuda and suggested aeration for those areas.

The board and staff discussed the landscaping issues and requested that he come back to the next meeting with proposals for long term benefit of the landscape and that will make the property look good year-round.

Mr. Blair stated that he will run it up the chain, but if approved he would aerate one area at his expense so that the board would be able to see the results of aeration.

B. District Counsel

Mr. Eckert stated the governor extended our ability to have virtual meetings until approximately July 7th and staff should advertise participation in either fashion like we did for this particular meeting.

C. District Engineer

Mr. Harrah asked will you reach out to the county and get an update on the stoplight? I know they are down for COVID, but they are still working.

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Mr. Katsaras stated I will do that.

D. District Manager

Mr. Laughlin stated the qualifying period is coming up next month from noon June 8th to noon June 12th. Seat 2, currently held by Supervisor Hall and Seat 4, currently held by Supervisor Driscoll are up for election.

E. General Manager

Mr. King gave an overview of the amenities that are opened and stated tennis is going well. Signup for basketball courts has gone well but how you play the game doesn't lend itself to social distancing and recommended shutting down the basketball court because we can't do the social distancing.

After discussion by the board and staff, the basketball courts will remain open and staff will change the verbiage on the signups for basketball to be per household and communicate that to the residents.

Ms. DeMarco stated we have not seen large groups at the playgrounds, and they have been social distancing. It is usually the parents and small children.

Mr. King stated the process we put in place for the pool was signup genius for one hour initially, the concept was that we didn't want a bunch of people surge the pool. That also requires us to keep an ongoing head count as people come and go. If anyone wanted to stay for an additional hour, generally there was capacity and we were able to accommodate that. There are a few hours where we reach the max. Across all of our properties the 25% capacity seems to be about where you want to be and maintain social distance.

Ms. Hall stated I have been an aquatic professional for 30 years and I am concerned that the lifeguards are checking people in and doing cleaning, but they are not lifeguarding. Why can't we put the lifeguards back on the stands?

Mr. King stated it is currently swim at your own risk with pool monitors. The focus of the pool monitor is on social distancing. Do you have the number of lifeguards you need to staff as lifeguards?

Ms. DeMarco stated no, I use the guards as the signups and as pool monitors. I didn't know how the first week was going to go so I had some dress in their regular clothes and some in their

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lifeguard uniforms because I thought they could be on the stands, two guards, while I have no people with signups. Starting tomorrow they are either going to all be Vesta clothes and be pool monitors or strictly the lifeguards. I can't mix the two.

Mr. King asked at this time and to keep it budget neutral we need to stay the course with pool monitors realizing that we have more robust pool monitoring capability. People acknowledge it is swim at your own risk and if there is a medical emergency they are trained and will react to it.

After further discussion the chair was authorized in consultation with staff to move forward with any changes that need to be made and in Phase 2, staff to confer with the chair for small groups but no rentals, no card games, start with existing group that can social distance

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.

Staff was authorized to move forward with the VerdeGo proposal for the Tollerton Entrance in the amount of \$13,353.00 minus the \$2,400 saved from the mowing. Cost to be taken out of landscape contingency.

ELEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Brownlee stated at the last meeting we had someone running for congress hijack our meeting. It didn't specifically state that they wanted us to vote for them, but this isn't really the forum for an introduction of a political campaign. I would like to see that we add a political campaign policy to our policies that would prohibit that and also prohibit putting signs on our property without our permission. We will bring that policy up at the next meeting.

Mr. Laughlin stated we will look into that.

Mr. Aguilar stated I am running for congress and I want to wish everyone well and all the teachers and parents.

TWELFTH ORDER OF BUSINESS

Next Scheduled Meeting – June 22, 2020 @ 6:00 p.m. at the Durbin South Amenity Center

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Mr. Laughlin stated the next scheduled meeting is June 22, 2020 at 6:00 p.m. depending on the situation it will be noticed appropriately either way.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the meeting adjourned at 7:58 p.m.

DocuSigned by:
Daniel Laughlin
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Secretary/Assistant Secretary

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Chairman/Vice Chairman