

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, July 27, 2020 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida with additional participation via Zoom.

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
Mike Eckert	District Counsel
Stephen Howell	Vesta/Amenity Services Group
Todd Myhill	Vesta/Amenity Services Group
Shane Blair	VerdoGo

The following is a summary of the discussions and actions taken at the July 27, 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 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.

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FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the June 22, 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 Mr. Harrah with all in favor the consent agenda items were approved.

FIFTH ORDER OF BUSINESS

Acceptance of Engagement Letter from Berger Toombs Elam Gaines & Frank for Fiscal Years 2020-2024 Audit Services

Mr. Laughlin stated this is the firm that was selected to perform the audit and we are asking the board to approve the engagement letter. District counsel has a few changes they would like to make, and I would ask for approval in substantial form.

On MOTION by Mr. Harrah seconded by Mr. Brownlee with all in favor the engagement letter with Berger Toombs was approved in substantial form.

SIXTH ORDER OF BUSINESS

Discussion of the Fiscal Year 2021 Budget

Mr. Laughlin stated this is a placeholder in the event there is any discussion or questions on the budget. There is no increase in assessments from last year.

SEVENTH ORDER OF BUSINESS

Consideration of St. Johns County Property Appraiser Indemnification Agreement

Mr. Eckert stated there was a new law put in place not too long ago by the Florida Legislature that tightened up the process for protecting confidential information that the local governments possess. The property appraisers and the counties have taken the position from time to time that the information is not going to be disclosed to community development districts but community development districts need that information in order to send out our assessment notices and certify that property for collection on the tax roll. This memorandum of understanding addresses the property appraiser’s concerns and basically reinforces to the property appraiser that the district is going to keep that information confidential even after we access it from the property

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appraiser. It is something that was negotiated to deal with all the districts that we work with in St. Johns County. There are a couple other counties that have taken similar positions, but this is the way we worked through that issue to make sure they are not violating the law and that they have assurances that we are also not violating the law in terms of confidentiality. We recommend approval so we can get the information we need for our tax roll this year.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the Memorandum of Understanding with the St. Johns County Property Appraiser was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Report

Mr. Blair gave an overview of the landscape maintenance activities completed since the last meeting.

Ms. Hall stated at the end of Abbeyhill Lane it has some sawgrass or fountain grass, but it desperately needs to be weeded; it needs a little attention and you may not even know it is part of the property but it is at the end of Abbeyhill in the cul-de-sac. Steve Howell indicated this area and other similar areas have been brought to the attention of the landscape maintenance company.

B. District Counsel

Mr. Eckert stated the only thing I have to report is an issue I believe the District Manager is going to bring up in terms of a resident building on some district land.

C. District Engineer

There being none, the next item followed.

D. District Manager - Report

Mr. Laughlin stated we received a request to install a pergola in the 10-foot easement, which George was not comfortable with and it was brought to our attention that the paver patio is already installed in our easement.

Mr. Eckert stated I didn't have any record of the board approving this encroachment into the easement or releasing the easement; this is a permanent structure and more concerning is this

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is the first instance I have seen where somebody has actually gone out and built hardscaping on district-owned property. When I see this, it is a concern on two levels, (1) it is a trespass on our property, and (2) it is an encroachment into the easement that hasn't gone through the process that we use to determine whether or not it negatively impacts our ability to use that easement. I wanted to bring this to the board's attention and get direction on what you would like to do. I have a recommendation but will hold that until we have board discussion.

Mr. Pollicino asked is the resident on the phone or did he reach out to us?

Mr. Laughlin responded I only received that in the mail last week.

Mr. Harrah asked they sent it to us asking permission to do it?

Mr. Laughlin responded for the pergola only. The patio is already installed.

Mr. Eckert stated to be clear my understanding is the patio and hardscape is already completed and they want to put a pergola on it. It came to our attention during the request for the pergola, but the more serious issue is that somebody building on the district's property as well as not going through the process to get an encroachment agreement or easement release because this is hardscaping, taking up the entire width of the easement, which is not the common request that we get. I don't think it is clear that they are requesting permission after the fact; they could revert to that, but I think the request was just about the pergola and the other work is already done.

Mr. Harrah stated I'm trying to understand. You said George had concerns about it from a structural or engineering standpoint?

Mr. Eckert stated he had concerns about taking up the entire easement and I have concerns about it being on our property and not going through the proper process to find out if it would be a problem from an engineering perspective.

Mr. Pollicino asked had the homeowner gone through the proper channels to get this approved, is this something we would have approved or is it something we would have rejected based on the district engineer's recommendation?

Mr. Eckert stated first of all, the engineer and your legal counsel would have said don't give permission for anybody to build anything on your property. Second, from an engineering perspective I understood that George had a concern of it taking up the entire easement. I don't want to speak for George, and it is something we can bring back to the board at the next meeting. I don't think you are in a position to approve the request for a pergola because, again, this is

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somewhat of a gray area situation, someone who has gone ahead and constructed hardscape without going through the proper process.

Mr. Pollicino stated I agree, I think we have to table approval of the pergola. We have to find out if there are any issues or violations with what they have done already.

Mr. Harrah stated at the next meeting we will need to have a clear understanding from George is he concerned about them building on our easement or is he concerned about a bank failure or potentials like that. From Steve, is it going to mess with landscaping or anything like that? Have both those answers and from Mike what our options are. Approve it, make them tear it out, they get a fine? We need to know the various courses of action.

Mr. Pollicino stated also request the resident to be at the next meeting and address any issues we may have.

Mr. Harrah stated we don't want to set a precedent and let people think they will just get a slap on the wrist and it is okay when everybody else is following protocol.

Mr. Laughlin stated I will reach out to the resident and see if they can attend the next meeting.

Mr. Eckert stated based on what you have asked for, I will give you your options and we will try to get a short memo in the agenda package, so you have it to review in advance of the meeting. I suggest that Daniel engage in discussion with the resident and invite them to the meeting but also give them some advance knowledge of some of the concerns and where we are in this process.

E. General Manager - Report

Mr. Myhill stated I would like to announce a structural change we are making. Steve Howell has been with us for five years providing exemplary services and he is going to be moving up in our company. It has taken a long time to find someone suitable to replace Steve and I think we are incredibly fortunate in finding someone who is extraordinary and has a phenomenal history in maintenance and is a master plumber and electrician among other things.

Mr. Howell stated Vesta is in the process of restructuring their model from a corporate standpoint as it pertains to districts and our relationship between the district services and community management division. It has opened the door for me to take on a different role for company purposes to become the director of field services for Vesta Northeast Region. As I

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committed to you from day one, I was never going to leave this place unless there was somebody else better than myself and we were fortunate enough to have someone move into Durbin, his wife is in the Navy, active right now. They have lived in the community for two years; he has two children at Creekside and he just wants the perfect job and the perfect job is here. He tried to apply two years ago, and it wasn't an option, but he went on with Vesta in Julington Creek and learn our process. He has been in communication as to the process and he is anxious to have just this property to focus on and from an operational and maintenance standpoint as well as having a resident here who loves the community he is going to be a big benefit to the community and is the right person for this job. I will support from a regional standpoint as well as direct support. I will still be involved in a lot of stuff we are working towards as far as capital improvement projects to make sure that nothing is missed.

Mr. Brownlee asked when will this changeover take place?

Mr. Howell stated we have his replacement and he will be working alongside Justin for the next couple of weeks and then Justin will work alongside me for a couple weeks. I anticipate by the end of August he will officially take the role even he will be here two to three weeks prior to that time. He will be at the next meeting.

Mr. Pollicino stated congratulations Steve, good luck in your new role.

Mr. Myhill reviewed the general manager's report, copy of which was provided in the agenda package.

F. Operations Manager - Report

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

G. Amenity Manager – Report

Mr. Myhill stated we are unable to have large events, but we have been focusing on outdoor programs and our outdoor boot camp has been extremely successful and we have extended that to the end of August.

NINTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

There being none, the next item followed.

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TENTH ORDER OF BUSINESS

**Next Scheduled Meeting – August 24, 2020 @
6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated our next scheduled meeting is August 24, 2020 at 6:00 p.m. at the Durbin South Amenity Center. We will let the board know if the executive order has been extended or not.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the meeting adjourned at 7:04 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman