

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 28, 2020 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida and via Zoom.

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
George Katsaras	District Engineer via Zoom
Justin Blackenbaker	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Todd Myhill	Vesta/Amenity Services Group
Steve Howell	Vesta/Amenity Services Group via Zoom
Roy Deary	Vesta/Amenity Services Group via Zoom
Shane Blair	VerdeGo

The following is a summary of the discussions and actions taken at the September 28, 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 6:00 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**

A resident stated I spent 25 years in the Marine Corp active duty and retired here. I come as a concerned parent, as a concerned father. I love to ride bikes with my son and every day we ride to school and there are so many hazards. One is the speed limit is too high. If you tell me the speed limit is 30 in my mind, I'm thinking 40 mph and that is what we have. There are no speed bumps and you see families putting up signs that say, slow children at play at their mailboxes. People are speeding and people park their vehicles on the road, not on their driveways or in their garages. You have kids going to school, cars are blocking the sidewalk and they have to go into the road to bypass the car on the sidewalk. I wrote this letter and spoke to the county public works folks and they said it is not happening automatically when you put in a request, but you at least have to put in the request. I went to Lowes and priced speed bumps and it is not very expensive; it is from \$36 to \$136 each, if you price it in the middle at \$83 then it would be \$8,300 for 100 of them then the cost to place those speed bumps in the roads. There is an opportunity for us to use some of the money you have to address some great safety concerns.

Mr. Pollicino stated thanks for bringing that to our attention. That has come up before, unfortunately we don't control the streets or sidewalks and parking, they are county roads. You did the right thing.

The resident stated I spoke to them and they said bring it up at this meeting and that is where it comes from; it can't from an individual it has to come from you.

Mr. Harrah asked if we wanted to reach out to the county, would they have to initiate a traffic study in the community to consider lowering the speed limits? As the board we don't want to say we want it at 20 or 25, that would be a county study I presume.

Mr. Katsaras stated yes, that is correct; the county would need to initiate a traffic study.

Mr. Harrah asked would we initiate that by a letter to the public works director?

Mr. Katsaras stated that could help start it. I don't think it needs to come from the CDD, it could be residents but the CDD probably has more power and it might go further than if a resident made the request.

Mr. Harrah stated if the chairman thinks it is a good idea, we can draft a letter. The board of county commissioners is about to change, Commissioner Johns is about to change over and there are two people running in November. That is your pipeline as a resident to reach out to that

local commissioner and say, this is what I want done. I would do a dual approach I would continue pushing on your side and we will look at it on our side.

**FOURTH ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of Minutes of the August 24, 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. Pollicino the consent agenda items were approved. Motion passed 4-0 with Supervisor Hall not registering a vote due to technology issues.

**FIFTH ORDER OF BUSINESS**

**Discussion of Preserve Area Behind Pineta Way Home**

Mr. Laughlin stated we didn't have any phone contact information for the owner and a letter was sent, but I haven't heard back. We have had this problem before, we sent previous letters, he has been notified that this is a home that has a preserve behind them, and they have been cutting into the preserve. They have now sodded and irrigated it and they have done some planting. We reached out to them a couple times, we sent letters. I did speak with them, the last time we sent a letter he acknowledged it and said he would remove whatever was done but apparently, they are continuing to do work in that area.

Mr. Pollicino asked since you spoke to him did they do more, or did he stop?

Mr. Laughlin stated they did more.

Mr. Eckert stated essentially, it is the district's permit and responsibility that the area be preserved and when a resident goes back there and clears that, it creates a problem for the district and liability for the district in terms of dealing with compliance with our permits and it is up to the district to take some affirmative action to make sure that gets restored.

Mr. Harrah asked did we send him a cease and desist?

Mr. Eckert stated yes, we sent a letter from my office in February and what Daniel is saying is that it has not gotten better. I'm always going to advise you that you should be in compliance with your permit and if it is our responsibility then we may have to take some legal action against this person to recover the cost that the district is going to incur that all the other residents are going

to incur because this resident has gone into the conservation easement. That is the concern we have, and this is a pretty common thing that the water management districts see and deal with, but it is our permit and our responsibility.

Mr. Katsaras stated I talked to the compliance staff member at the water management district just theoretically, I didn't talk any particulars or specifics. I said I'm the district engineer for a CDD and we don't have a survey, but we have a resident that appears to have cleared an area behind their house into the conservation area and sodded and irrigated. I asked how does the water management district look at that and she said in the past on other situations like that if the water management district got involved they would come back to the CDD to make it right, basically restore the conservation area and then it would be up to the CDD to go after the resident. As far as the water management district, the permit is in the CDDs name and that is who they would look to, to make it correct.

Mr. Eckert stated in terms of next steps from the district's perspective that I would recommend is (1) get a survey to clearly mark where the boundaries of the property and the conservation easement are and (2) get a quote for restoring it back to where it needs to be and (3) go to the resident and say you are going to be paying this money to us or we are going to restore it and come after you and recoup the cost. The District been more than patient.

It was the consensus of the board to move forward, initiate the survey, stake it out and work with staff to restore the area.

Mr. Pollicino asked if he refuses to reimburse us, do we put a lien on the property?

Mr. Eckert responded no; it would be a legal action because it wouldn't be a special assessment lien, it would be a case we would have to initiate for interfering with the conservation easement requirements.

Ms. Driscoll asked do we know that the homeowner is doing this or is it a renter?

Mr. Eckert stated I haven't confirmed that, I think it was the homeowner because we got the original name from the property records.

Mr. Eckert confirmed staff has direction from the board on what to do, the cost of the survey is not going to be a dramatic cost. I can put together a letter as a follow-up and say the board met and here is our course of action and if you want to participate in this process without a judge involved, now is the time.

Mr. Harrah started we need to make sure it is the homeowner and not a renter.

**SIXTH ORDER OF BUSINESS****Staff Reports****A. Landscape Maintenance Report**

Mr. Blair stated this last month has been challenging for landscaping and working outside. We had a tremendous amount of rain. We got some Bermuda down, selective herbicides out to help with some of the weed growth coming up through the plant material, we are on track with trimming, we are caught up with all the lake mowing. October is our transition month and is when we go into the bi-weekly mowing, basically one side one week the other side the next. Jamie Consensio is going to be your new account manager, he has been working with me on the property with Justin for the last several weeks, learning the property, learning how to do things around here and he is going to be taking over for me as more of the day to day contact.

**B. District Counsel – Status Update on Easement Agreement**

Mr. Eckert stated our ability to hold meetings virtually currently is set to expire on September 30<sup>th</sup> and given the governor's announcement that we are moving into Phase 3, we don't anticipate he is going to extend that in the next couple of days. The board is going to have to decide whether or not you are going to keep the option of virtual meetings for other people to participate, but board members will go back to our physical quorum requirement of having at least three people in the room. You have been meeting and not having an issue with that. I wanted you to be aware that option will be off the table we anticipate in the next two days.

We provided a memorandum interpreting the governor's executive order moving to Phase 3 and what we think that means in terms of what options district management has. We have provided that to Vesta, they will digest that, and we ran it by the insurance companies, and everybody seems to be pretty comfortable with that. I think what we will end up with is unless the board feels otherwise there is going to be a lot of the District encouraging best practices but in terms of specific decisions those are going to be made by your district manager. If we do have a situation where somebody is violating whatever rules that we have I ask that somebody contact me to interpret the penalty language that is in the executive order so we can make sure we address that based on the latest information we have because the executive order is a little bit ambiguous in terms of what a "collection of a penalty" means if someone has lost their right to be at the

amenity center. Hopefully, we will get more clarification in the next few days. I'm sure that Vesta will be working to make the amenities available as much as they can in a way that is responsible.

**C. District Engineer**

Mr. Katsaras stated the traffic signal at Longleaf Pine and Durbin Parkway; there was a preconstruction meeting held in late August and it is my understanding that utility locates are being done and shop drawings of the mast arms are under review. Approximately 6-8 weeks after those mast arm shop drawings are approved the work should begin on drilling the shafts for the foundations. We should be seeing some active work going on in the next couple of months. I will try to get an update from the county as to when the work is anticipated to be completed, we are estimating the beginning of the year, but they may push it back and it may not be done until the summer. I will get that information from the county and report back.

**D. District Manager - Report**

There being none, the next item followed.

**E. General Manager - Report**

Mr. Myhill reported that there was a 40% response to the survey, which was a very good response with 933 out of 2,300 homes responded, 28 responses couldn't be used because people didn't write their addresses on them and every item was voted down.

There was a lightning strike to the north amenity center and the treadmill is being replaced, and there is an enormous amount of dust cycling through both facilities.

Mr. Pollicino moved to authorize staff to have the vents cleaned in the north and south amenity centers in an amount not to exceed \$4,000 and Ms. Driscoll seconded the motion. Motion passed 4-0 with Supervisor Hall not registering a vote due to technology issues.

Staff will review the new executive order and come back to the October meeting with suggestions for what things they can relax and feel comfortable relaxing and what other things they would want to bring back. This includes facility rentals.

**F. Operations Manager - Report**

Mr. Howell gave an overview of the operations manager’s report, which was distributed at the meeting.

**G. Amenity Manager – Report**

Mr. Myhill reviewed the amenity center report that was included in the agenda package.

**SEVENTH ORDER OF BUSINESS**

**Supervisor’s Requests and Audience Comments**

A resident stated you have all these common area sidewalks. Who is responsible for power washing them?

Mr. Brownlee stated it the county’s responsibility, but if a resident wants to power wash the ones in front of their house they can.

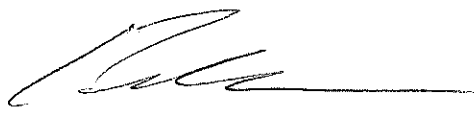
**EIGHTH ORDER OF BUSINESS**

**Next Scheduled Meeting – October 26, 2020 @ 6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated our next scheduled meeting is October 26, 2020 at 6:00 p.m. at the Durbin South Amenity Center.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the meeting adjourned at 7:01 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman