

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 26, 2020 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida and also via Zoom.

Present and constituting a quorum were:

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

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel via Zoom
George Katsaras	District Engineer via Zoom
Justin Blankenbaker	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group via Zoom
Danelle DeMarco	Vesta/Amenity Services Group
Todd Myhill	Vesta/Amenity Services Group
Jaime Constancio	VerdeGo
William Clark	Resident

The following is a summary of the discussions and actions taken at the October 26, 2020 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

Approval of Consent Agenda

- A. Approval of Minutes of the September 28, 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

Consideration of Agreement for Deposit Relating to Costs of Encroachment Agreement or Release of Easement Preparation

Mr. Eckert stated as the board is aware, we get requests from time to time to either release portions of our drainage easements or to allow encroachments into drainage easements. In the past in this district we only had one time where we did substantial work and the resident decided not to follow through and the district ended paying for the legal work and any engineering work that was associated with that. But we are seeing kind of a trend through some of our communities where residents are making these requests and then when they see the forms of the documents they are deciding to walk away, that it isn't worth it to the resident. We are now proposing that any time a resident comes in and asks you to expend district funds to prepare a release of easement or an encroachment agreement for the resident's convenience that the resident be required to post a deposit with the district of \$1,500 and in the event that the costs for preparing those documents, negotiating them, recording them is less than \$1,500 the resident would get a refund. In the event the cost was more than that the resident would be required to pay the overage. This is purely a business decision for the board, but it is something we are proposing to a few of our districts to protect the district against the situation where the resident decides to abandon the process.

Mr. Harrah asked if a resident deposited the \$1,500 and you found that the costs would be significantly more would you let the resident know right away?

Mr. Eckert stated if it looked like it was going to be significantly over the \$1,500, I would probably stretch it out to the next board meeting and come back and get the board's consent to keep moving forward or the board's consent to get an additional deposit. I think the \$1,500 covers

you and I will use my discretion to make sure that the district isn't overextended and if I forget to use my discretion then I'm sure that I will make it right for the district so that we don't end up paying for it if I haven't negotiated effectively with the resident. This would not apply to any request the district has received to date; it only applies to future requests.

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with all in favor the form of the agreement for deposit relating to costs of encroachment agreement or release of easement preparation was approved and staff was authorized to use it on a moving forward basis.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Report

Mr. Constancio gave an overview of the landscape maintenance and improvements made since the last meeting.

B. District Counsel

Mr. Eckert stated as of today the governor's order that allows us to meet virtually is set to expire November 1. If you will recall last month it was extended for a month on the last day of the month about 4:50 p.m. We don't anticipate it will be extended again based on what we are hearing but I wouldn't be surprised if it does get extended. We will let the board know if we can continue to meet virtually, but otherwise everybody should assume after November 1st that the board will be required to have a physical quorum present in the room.

In relation to Mr. Brown, whom we have been working with for the pavers that are located in the drainage easement as well as on the district's property, I provided him with both an easement agreement and an encroachment agreement. He did not want to enter into the easement agreement for the pavers to be located on the district owned pond bank so he has represented that he is going to remove that four-feet of pavers that are on the district's property, then enter into the encroachment agreement that will allow the pavers to exist in the district's drainage easement. I don't need a motion on that, it is consistent with the direction you gave us before, but I wanted the board to be aware of that development, which I think is a good development for the district.

Mr. Brown asked did he drop the proposal to put up the pergola?

Mr. Eckert stated he has not expressly said that. But that is not included within the encroachment agreement in terms of what the permitted infrastructure is. I will clarify that with him to make sure we are both on the same page and I will come back to the board if we don't agree on that.

Mr. Pollicino asked was there any progress on the gentleman taking down trees in the preserve?

Mr. Eckert stated we were supposed to be talking about that tonight and he said he was going to be calling into the meeting. We got the survey done and we received a quotation from ESI that was around \$2,000 for the plantings that were necessary, and we were going to discuss that with the board but the resident has not called in.

Mr. Pollicino stated he is not physically here and not on Zoom.

Mr. Eckert stated we talked to the resident and he asked that we not do this work until we had this board meeting so he could talk to the board about it. He was not happy about the \$750 for the survey but we sent that to him and we said we would hold off on getting the replanting done until such time as he had an opportunity to speak to the board at this meeting and I provided him with the information to be able to call in.

Mr. Pollicino stated we will give him one more opportunity to come to the next meeting and see if he shows.

Mr. Eckert stated we will take care of that and let him know. Please send me the revised proposal and I will send it to the resident and give him a final chance to plead his case with the board before we move forward with the restoration efforts.

C. District Engineer

There being none, the next item followed.

D. District Manager

There being none, the next item followed.

E. General Manager - Report

Mr. Myhill stated UPS would like to enter into an agreement with the district as they did last year. District counsel provided an updated agreement that I have sent to UPS. I hope to have

that tomorrow and will send it to Michael for his approval. It is the same terms as last year, same size storage and fee paid to the district, \$1,500.

Continuation of District Counsel's Report

Mr. Eckert stated Mr. Pavlicek has joined the meeting. Mr. Eckert informed Mr. Pavlicek that the board has been updated on the costs to plant the property back to where it needs to be restored. They have been presented with that proposal. We were holding off hoping that you would join the call, which you have now. The district has already incurred the cost of the survey and the restoration costs are approximately \$2,500 based on the proposal we got from ESI. I think we provided sufficient information for you to be able to speak to the board about why you think you shouldn't be required to pay for the restoration for the damage caused to the conservation area.

Mr. Pavlicek stated before the last year we cleared out the property behind our house. We were not aware that this would be a touchy issue because when we moved from Wisconsin we were supposed to be required to clean up behind our houses. We cleared it out and in February I talked with some lady from Tallahassee, she said we were not supposed to do that and we stopped doing that and I did mow the grass a little bit further than the property line, which I wasn't aware of where my property line ends. Since I talked to Mike two weeks ago, he said I'm not supposed to do that as well, which I stopped. On the other hand, I think \$2,500 is kind of expensive for us especially when my wife lost her job and we have saved one dog at a shelter because they wanted to put him down so we saved him and I paid money there. I don't know what you want to do but it is probably going to be up to you. I will not cross that line again and we will keep it the way it is right now.

Mr. Pollicino stated I appreciate you calling in and I'm sorry about any confusion of where your property ends. Mike reached out to you a number of times and got no response so we got an estimate of what it would cost us to restore the land to its preexisting condition. If you think that is high and you can do it yourself cheaper we are willing to entertain any other offers you have; if you have a landscaper or you are inclined yourself to restore the area you sodded over I'm sure the board would find that acceptable. You don't have to accept our estimate you are welcome to come back to the board next month with your proposal and how you plan to restore it back to its preexisting condition, but either way it has to be done.

Mr. Katsaras stated let me clarify that. You can't just plant a couple trees and a couple shrubs and call it a day. There is a certain standard when this type of clearing occurs that it needs to be planted back to. The proposal that ESI provided was getting it back to that standard. I'm not saying you have to use ESI, but it can't just be the homeowner going, okay I think I'm going to plant a Crape Myrtle or whatever it may be and call it a day. There are so many trees, so many shrubs, grasses that have to go in per acre. A professional environmental consultant probably needs to be involved to make certain that it is getting put back to that standard. They may be able to contact the water management district; no one has contacted them yet but if they get involved then they are going to come to the CDD and the CDD is going to have to go and get reimbursed by the homeowner. We are trying to be on the up and up and not get the water management district involved, but if they do get involved, they are going to look for it to be put back to that particular standard.

Mr. Pollicino asked so you understand what needs to be done by the CDD or on your own accord?

Mr. Pavlicek stated the last person who spoke was very perfect. What I heard to restore it back I'm not sure how I should do it because I think on top of the dead leaves and basically everything that fell down from the trees, which I don't know if I should put dead leaves back in that area. We are really talking about a couple of trees and I just am not sure how I can restore it or if you want me to get some palm trees from Home Depot and put in there, which I never removed any palm trees or any trees, which would be taller than maybe 4 or 5 feet and they weren't even trees. I picked up the rotten wood that was laying on the ground and I cleared it out because there was a lot of ants and everything. If anybody has some sort of idea or want to meet me on a specific day at the end of the week because I'm a truck driver. Maybe someone can come over and we can talk about it and find a solution just let me know.

Mr. Pollicino stated this proposal for \$2,500 if you want us to do the work it has the breakdown of how many trees and shrubs required to restore it. I can have it sent to you and once you receive it you can reach out if you have any questions and if you find another contractor who can do the same scope of work for a cheaper price you are welcome to do that as long as it is in compliance.

Mr. Eckert stated it is fine with me. I will send it to Mr. Pavlicek and he can take a look at it. It is a pretty detailed proposal and then if for some reason we don't have a resolution in place we can bring it before the board at the next meeting.

Continuation of General Manager's Report

Mr. Myhill gave an overview of his report, copy of which was included in the agenda package then presented the following proposal:

In-Duct Air Purifiers

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with all in favor the proposal from Weather Engineers to install three Reme-Halo in-duct air purifiers in each of three air handler units in the amount of \$2,850 was approved.

Mr. Myhill stated as to rentals, staff will follow CDC guidelines, reassure residents that it can be managed, one rental per day in a well-controlled situation.

F. Operations Manager

1. Report

Mr. Blankenbaker gave an overview of the operations report was included in the agenda package.

2. Holiday Lighting Quote

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the proposal from M&G Lighting in the amount of \$6,423 was approved and district counsel was directed to incorporate a performance standard in the agreement.

3. Painting Quotes

This item tabled.

4. Lighting Quote

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with all in favor a not to exceed amount of \$10,000 was approved for Lamp Sales Unlimited to change the light fixtures throughout the community with the work to start once the holiday decorations are taken down.

5. Shade Structure Quote

This item tabled.

6. Flooring Quotes

This item was approved previously.

G. Amenity Manager – Report

Ms. DeMarco reviewed the amenity manager report, copy of which was included in the agenda package.

SEVENTH ORDER OF BUSINESS Supervisor’s Requests and Audience Comments

Mr. Pollicino stated 2020 has been an unprecedented year due to the COVID pandemic and Durbin Crossing has been in the forefront of communicating to residents and Todd and Danelle have been instrumental in getting this done and managing it. I recommend the board approve a \$1,000 bonus for Danelle and Todd and an additional \$500 you can distribute to any other people on your team who went above and beyond this year.

Mr. Eckert stated the board can vote on that and it would be subject to staff figuring out how that could be accomplished. It is a new issue to me and certainly I think staff has done a wonderful job from my perspective as well. We just need to make sure it is structured correctly.

Mr. Fagen stated we have done this with one other district and what we typically do is invoice the district for whatever amount has been approved and we process it through Vesta and those who have been designated those amounts will be paid that exact amount. As to the additional \$500 if you want to give the latitude to Todd or Danelle we can issue gift cards for the remaining \$500. Vesta can process all that and all the money will go to the recipients.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor a one-time payment of \$2,500 to Vestawas approved..

EIGHTH ORDER OF BUSINESS

**Next Scheduled Meeting – November 16, 2020
@ 6:00 p.m. at the Durbin South Amenity
Center**

Mr. Laughlin stated the next scheduled meeting is November 16, 2020 at 6:00 p.m. in the same location.

Mr. Clark asked am I on the board next month or the following month?

Mr. Laughlin stated it has to be two weeks after the election and the November meeting was moved up a week because of Thanksgiving so you will be sworn in at the December meeting.

Mr. Clark asked I managed to get the results of the survey and kudos to you for doing your best to get participation. What was the outcome decision for what capital improvement will be done?

Mr. Pollicino stated we discussed that at length the last meeting.

Mr. Laughlin stated I can send you the minutes of that meeting.

Mr. Pollicino stated no improvements have been approved at this time and we tabled it for another time and advised Vesta to look at the community and come back to us with various other improvements that we discussed.

Mr. Clark asked did you put a date on another time?

Mr. Pollicino stated probably the next budget cycle.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the meeting adjourned at 7:43 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman