

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, March 22, 2021 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
Sarah Gabel Hall	Supervisor
William Clarke	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
George Katsaras	District Engineer by telephone
Justin Blankenbaker	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Danelle DeMarco	Vesta/Amenity Services Group
Todd Myhill	Vesta/Amenity Services Group
Jaime Constancio	VerdeGo

The following is a summary of the discussions and actions taken at the March 22, 2021 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

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the February 22, 2021 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 with all in favor the consent agenda items were approved to include an amendment to the minutes.
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FIFTH ORDER OF BUSINESS

Consideration of Easement Encroachment Request

342 Cloisterbane Drive

Mr. Laughlin stated this request is to install pavers in the district's easement. I sent this to George for review.

Mr. Katsaras stated I didn't have any major issues with it other than the district would need to maintain access across the pavers and that would need to be in the form of a license agreement and also, they would be responsible because they are adding more impervious to their lot if there happens to be any erosion from the pavers draining directly onto the adjacent on slope that the resident be responsible for any erosion that may occur on those slopes adjacent to their pavers.

Mr. Eckert stated if you approve this it would be in the form of a license agreement that would require them to repair all those damages. The license agreement would require if we ever needed to do work or reconstruct the pond bank, they are going to remove the pavers within a very short period of time or we are going to run our equipment all over their pavers, which will destroy all of them. This is not something where you are giving up an easement right. I write the agreement to say we have the right to destroy it, remove it, do whatever we want with it if you are going to put the pavers in.

The owner stated I'm okay with the language.

Mr. Pollicino moved to approve the request for the installation of pavers in the 5-foot drainage easement at #342 Cloisterbane Drive pursuant to a license agreement to be drafted by the attorney, subject to engineering review that it won't interfere with the district's use of the remaining pond bank and subject to entering into the deposit agreement to cover engineering, legal and recording costs.

Mr. Brownlee stated I'm concerned that we are setting a precedent with the other people who have pools along the bank there. Are we going to have to approve those as well? Then are we going to compromise the bank?

Mr. Pollicino stated those might have separate issues, you can't address those, just the one in front of us.

Mr. Brownlee asked are we setting a precedent?

Mr. Eckert stated I'm not going to speak to the legal precedent issue but from a political precedent you should expect that somebody who sees somebody else got permission to come and ask the board to do that. The other alternative is you could approve it pursuant to the motion, you can deny it, or you can defer it until George goes out and looks at it and bring it back at the next meeting. Those are your three options.

Mr. Pollicino stated if George says it is okay then Mike can prepare the agreement rather than waiting 30 days. If you want to wait to hear from George personally next month, we can do that.

Mr. Brownlee stated I would like to wait.

Mr. Katsaras stated I don't necessarily have a problem with the pavers as long as they are level with the land and we had to drive equipment on it and if they hold up or they crack, but if they crack, it is on the resident to repair them, not the CDD if equipment ever needs to be run across them.

Ms. Hall asked is his fence already encroaching on the easement and now the pavers are going in to encroach on the easement? Is that what is happening?

Mr. Eckert stated I don't know where the fence is. We own the property around the pond. Then the fence is in our drainage easement that we have behind there. A fence is something a lot of communities have within the drainage easements because they are easily removed if you need to get back there with heavy equipment. Once you start talking about something that is a permanent structure that is a very different thing and if you are talking about something that is a

bulkhead where it is concrete or whatever and stuff built on top of it that is a very different thing for you to run a bulldozer over. It is up to the board, it is a business decision, it is your property right, but it sounds like some board members may want to have George look at it and we also need to understand the design a little bit better because that kind of a bulkhead structure may affect the drainage and how well the bank will do back there.

Mr. Brownlee stated typically when you put in paver bricks the outside course is cemented in, so it doesn't spread out. The outside area is probably going to be pretty well fixed. The inside might be floating. We don't know the slope; we don't know if there are possible ramifications of water coming off that slope. I think we need more information particularly from George after an onsite visit.

Mr. Eckert stated to the resident the steps would be you need to provide to Daniel, and he can provide it to George the construction drawings of what they are going to do back there, and George needs to take those and go out to the site and look at it.

Mr. Pollicino withdrew the motion.

335 Willow Winds Parkway

Mr. Laughlin stated essentially, the resident had a pool installed, the initial plans had it going into the easement, the HOA denied that, and they had the pool redesigned to fit within their property line and not go into the easement. After the pool was installed, the owner discovered that the old plan was used so it is actually going into the easement. This has been sent to George for review.

Mr. Eckert stated I think that the homeowner and the pool company is here, and I suggest the Board hear from them at some point. I have not seen an updated survey that shows how much the encroachment is and I don't know the elevation of the encroachment. Maybe we should get more information from them right now.

The pool contractor and the owner indicated the wrong plans were used and that the pool itself did not encroach into the easement, but a corner of the deck did encroach into the District's easement.

Mr. Eckert stated you really need a survey showing the area that is encroached because you are going to need that metes and bounds, even if you were in a position where you felt comfortable releasing it at some point in the future, you are still going to need that survey work.

Mr. Katsaras stated I agree with Mike. I think what we need is an accurate survey that shows the lot line, the drainage easement and the improvement primarily that is within the easement and I would extend it a little bit toward their house to show how they tie into together. We are going to need that anyway to attach as an exhibit. We need to see that in order to know what we are talking about.

Mr. Eckert stated you have to see a survey, how much is it actually encroaching, what is the elevation of what is encroaching, is it above the ground or is it at ground level and then George would have to look at that and we would have to tell you that it is something George would suggest you approve and it is something from a legal aspect we can protect the district but what we can't do is if we have to release the easement we can't really protect against you having to go back and pay for that property later if you need it.

The pool contractor will get a survey and provide it to the engineer for review prior to the next meeting.

220 Huntston Playground Equipment

Mr. Laughlin stated the next request is from a homeowner who wants to put a playset on the easement. It is a removeable structure.

Mr. Eckert stated you can do a license agreement or ask the HOA to put something in their approval that says it is only approved to the extent the CDD doesn't need to get to its easement. That is not the best way to do it, but this is the first playground request that I received, which is a little bit different than a fence.

On MOTION by Ms. Hall seconded by Mr. Pollicino with all in favor district counsel was authorized to prepare a license agreement for the playset structure at 220 Huntston as indicated on the diagram.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Team - Report

Mr. Constancio stated we finished the planting out front and the mulch. We have the adjusted some drains that we located during the process and we are mulching that. We located some drains that had been buried for years and that will help eliminate ponding and staining the deck.

B. District Counsel – Consideration of HGS Rate Letter for FY22

Mr. Eckert stated the sovereign immunity bill is still moving through at \$500,000/\$1 million compared to your current limits of \$200,000/\$300,000. Basically, if the district were to be subject to a lawsuit for tort liability due to negligence, then we have limits on our liability of \$200,000 and \$300,000 the legislature is proposing to raise those to \$500,000 and \$1 million. About 10% of the bills actually get passed at the end of the day but this one seems to have momentum. That matters to the district not only if you are in a lawsuit, but your insurance rates are somewhat tied to the fact that you have that immunity. To the extent that the legislature authorizes that, that can affect your insurance rates moving forward and I would expect an increase.

There is another bill to require you to have four-hours of ethics training each year. I'm not sure where that is going to go and also there are a lot of bills dealing with a lot of different notices for taxes and special assessments and things like that and those are the same ones kicked around last year but they didn't pass last year but we will keep an eye on that.

Our firm hasn't raised our rates since 2019 and I put in the agenda package a rate adjustment letter that I ask the Board to consider approving. We are asking for an increase from \$135 to \$150 for the paralegal rate, \$315 to \$335 for my hourly rate and \$265 to \$285 hourly rate range for associates. These would not go into effect until October 1, but we try to provide these to the boards well in advance of your budget season. I don't think you will need to adjust your budget based on this for the upcoming fiscal year, but I did want to bring this before the Board and ask for your consideration.

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with all in favor the rate increase for legal services was approved.
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C. District Engineer

Mr. Katsaras stated I have an update on the traffic signals. They resolved the county conflict that I mentioned at the last meeting and they should have that last foundation installed by

the end of next week at which time they said it will be about 45 days from that point to when the signals should be in flash mode and that would put it around the end of May to mid-June.

There was a question on whether the signals were going to be galvanized or painted and I checked with the engineer and they said they were galvanized and that it is a county requirement. I think it has something to do with maintenance on the poles and they are trying to get all their poles to be galvanized now.

D. District Manager

Mr. Laughlin stated I will have proposals for a reserve study at the next meeting.

E. General Manager - Report

Mr. Fagen stated we have a couple of personnel changes. June 1st we are going to lose Justin Blankenbaker he is moving to Oklahoma. We will miss Justin, he has done a great job and it will be tough to replace him, but Steve Howell, who is the past field operations manager here is our regional field operations manager and he has a couple people he is reaching out to personally. We will work to make sure he has a similar skill set that Justin has as far as being able to manage projects, manage vendors and at the same time get his hands dirty and get the job done.

I would like to share with the board our interest in your opportunity to bring back Margaret Alfano. She left about 16 months ago, went to Mira Bay in Apollo Beach and did an excellent job and she has shown an interest to return to Jacksonville and in working with the chair we discussed the potential of bringing her back to Durbin Crossing. We would like to open that up for discussion. In the past we subsidized Margaret's compensation corporately in addition to Durbin Crossing so we would like to level set that if we were to bring her back for the remainder of this year that would be \$17,010 to do so. That is something we can continue to discuss through the budget cycle, but that is something I wanted to bring to your attention. If you choose to pursue that then we have a timeline in place in which we will do that.

Mr. Brownlee stated my concern would be the budget this year. If we have sufficient space as far as unallocated funds, then it wouldn't be a real problem. If it comes down to us having to change one project in order to pay for this one, then I might have an issue with that. When we do the budget for next year, we have to take into consideration the ultimate increase and what we are going to need to cover that for the next year and on an ongoing basis.

Mr. Pollicino stated I think we have sufficient funds in the capital reserve to cover this issue.

Mr. Laughlin stated we are still putting a good amount into the capital reserve each year so it could come from that.

Mr. Pollicino stated that will cover the \$17,000 and moving forward we have to look long term and how it impacts our budget moving forward.

Mr. Brownlee asked what is Todd's situation? He has done a heck of a job for us and we hope Vesta does well by Todd.

Mr. Fagen stated he has, and he will. He is going to work alongside me and work on some corporate initiatives and Todd has done an excellent job and there hasn't been a decrease in the level of service. We are happy to be able to retain Todd, so he is taken care of.

Mr. Pollicino stated it was supposed to be a one-year stint then come back. Todd has done excellent work. Having been here the value of a good GM onsite is immeasurable. I know paying \$17,000 seems like a lot but in the grand scheme of things you can blow that on one bad contract one bad decision. Margaret knows the community very well and has done an excellent job.

Ms. Hall asked can we have a contract?

Mr. Eckert stated we have a contract with Vesta, and we have a termination provision without cause so if you are not happy with their services, which could include happy with the people they are supplying then you have the ability to rebid or terminate that contract if you want to. The only thing I will say is because I am familiar with where Margaret went and that is a very different experience than what you offer here. Margaret is one of the best in the state I have ever worked with. Todd and I have worked together at two districts and he has done a phenomenal job too. I want you to understand Margaret is not in a situation that is remotely similar to what you have here in terms of the community and the dynamics in that community.

On MOTION by Mr. Clarke seconded by Mr. Brownlee with all in favor a change order in the amount of \$17,000 for the remainder of this fiscal year to the Vesta contract was approved.

Mr. Myhill asked is the board were ready to move forward with ICG agreement to do an audit of the utility bills since JEA is not willing to do anything for us?

Mr. Brownlee asked Mike, did you review this?

Mr. Eckert stated I looked at the first one they sent before and there was no obligation on behalf of the district to pay anything. I thought you were going to send them one bill. I don't have a problem with this. I did say I wanted to make sure that deposits were not a part of that, and Todd checked and said there were no deposits and I still want that language in there that if they find a deposit somewhere they don't get to keep it.

It was the consensus of the board to enter into the agreement with ICG for the utility audit.

Mr. Myhill stated the next item is the installation of a security microphone at the South amenity office.

Mr. Eckert stated in Florida there are different standards that apply to whether or not you are going to record video or record audio. Basically, there is a lot more protections that people have when you are going to be recording audio. There is going to have to be signage that puts people on notice that there are audio recordings being made of their interactions with staff in different amenity facilities.

Mr. Clarke asked the purpose of the microphone is to protect us from what?

Mr. Pollicino responded there was an incident a couple weeks ago where a resident got loud and obscene and we want to make sure that Vesta staff has the ability to play it back.

Mr. Eckert stated the other thing you are going to need to do is if you have it recording inside the office, Vesta is going to have some employee notifications that they are being recorded.

F. Operations Manager - Report

Mr. Blankenbaker reviewed the field manager's report, copy of which was included in the agenda package.

G. Amenity Manager – Report

Ms. DeMarco presented a slide show of recent events then gave an overview of the amenity manager's report, copy of which was included in the agenda package.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Ms. Hall stated I talked to Justin when I was in the field and we all know there is a drainage issue at North behind the basketball courts, from the basketball courts playground to the preserve. The one thing we don't have that most communities have is a dog park. I talked to him briefly

about maybe we could fix the drainage issue and put some sort of dog park out there for our residents.

Mr. Laughlin stated we can add that to our list of improvements when we get back into that.

Mr. Brownlee asked would there be liability with a dog park?

Mr. Eckert stated we have lots of CDDs with dog parks and it hasn't been an issue. Basically, you want to have a sign that says, use at your own risk and that kind of thing. We have not had incidents.

Mr. Brownlee asked is it fenced in?

Mr. Eckert responded yes and sometimes there is a separate area for big dogs versus small dogs. Sometimes there is a seating area inside sometimes it is outside and some places you use an access card to get in and some places you don't. There is a cleaning aspect to it as well.

Ms. Hall stated I happen to work with the turf provider and if we could map out the appropriate size that we want for a dog park she could get us a quote to put the turf down. That is the key, it is a little more expensive if you put the turf down but a lot of times the dogs will just run the Bermuda ragged, and the turf holds up real well.

Ms. DeMarco stated as things continue to grow in North, I had a resident say yesterday that a lot of people from Aberdeen are coming to North to use our playgrounds and basketball courts and she went to use the pavilion and found out they were from Aberdeen and she asked if they could please move because she is a Durbin resident and they said no. It is hard for us to judge who is the resident and who is not. With the dog park I think it is a great idea but having access cards would be a good idea.

Mr. Constancio stated just from landscape experience, I have done tons of dog parks and they get muddy, we have drainage, the dogs go in they tear it up really easy and what we have done in the past and is much easier to replenish is mulch. Turf is always the problem it is not green, or you get all the dogs running and playing and they are going to tear it up, it is just natural, just like at home.

Ms. Hall stated I was referring to artificial turf, but mulch is cheap.

Mr. Constancio stated mulch always works and it is much easier to replenish.

Mr. Clarke stated I would like the Board's permission to work with Vesta and some other maintenance organizations to put together a proposal package to add to the capital improvements for heating the pools. I would like to propose that for consideration for the budget.

Ms. Hall stated we voted for propane; we didn't vote for geothermal.

Mr. Laughlin stated I think the geothermal cost and benefits were too much.

Mr. Eckert stated I'm trying to understand what I think I'm hearing. There are certain times that the board will look at capital projects and want to consider those and you may consider it and say we are not going to do this based on X, Y or Z. There has to be a time in the future where you consider different ideas from supervisors from time to time. I think that is all Bill is asking for is to bring it up when we talk about capital improvements for the next budget year. You have to approve a budget by June 15th then you typically are approving a high-water mark on what you are going to spend unless you are pulling it out of capital reserves. It is an appropriate time for the board to discuss that over the next couple of months but again, you are right to remind everyone here are what the survey results were and here is why a Board member may not support it but just because we did a survey at one point in time, I don't want to get in the habit of saying we will never consider anything again.

Mr. Clarke stated my ask was I wanted to make sure you knew I was going to do that before we gather a lot of data.

Mr. Pollicino stated you don't need our permission you can speak with Vesta one on one at any time.

Mr. Clarke stated I want to come back with a fairly elaborate presentation and data.

Ms. Hall stated if he wants to update us on it, that has to happen in this meeting.

Mr. Myhill stated as a reminder we had 40% responded just shy of 10% and the pool heating was 527 no to 367 yes.

The Board invited audience comments.

A resident stated my daughter was part of a dispute and she wrote an apology letter to the board.

The grass that was put in an area across from my house. I was wondering about by-laws because do you have to take a vote for all of us to agree on putting the tall ugly grass that is there now? I know our kids have torn up the grass and a bunch of us wanted to see if there was a way that we could as homeowners sod the grass every two months or something when kids are beating

the grass up. There are six families, and my husband is deployed and the kids play out front, they play football and we have a couple neighbors that just tear them apart, every single time.

Mr. Laughlin stated I think this is when that resident came in and said kids are playing in that area and the sod was getting messed up.

Mr. Myhill stated there was damage to the grass and he asked us to replace it all and the board decided it is not a recreational area, they just wanted to install the grass.

A resident stated they play in the greenbelt area and the sidewalk and I was told to send them to the amenity center, and I have also been told that you find paraphernalia in the woods and I'm not going to send my kids up here unsupervised while I'm trying to cook dinner. They should be allowed to play in their own front yard. There are six or seven of us that would love the opportunity to pay for the grass.

Mr. Pollicino stated I hear you, the challenge we have is there is designated areas that are parks in the community and designated areas that are considered amenity property meant for aesthetics to be pleasing to potential buyers. I believe the area you are mentioning is not zoned for a park so we can't just go around and say now this is going to be a park. I understand what you are saying about you maintaining it but unfortunately it is hard for us as a board and a landscaper to say it is time to be resodded again, you have to chip in. It is not practical.

Mr. Myhill stated this became an issue and a homeowner said it was getting torn up by kids. You approved it before and the last time he came and complained they had killed the median and our next fix was to push the grass.

Mr. Pollicino stated he purchased that land, and he implied the value of his property was affected.

A resident stated that is not the one who complained. His kid is one of them that plays outside in the field. Is there a way we can draw something up legally saying we will purchase sod as long as our kids are going to use it?

Ms. Hall asked is there a sturdier grass that can go out there such as zoysia?

Mr. Constancio stated St. Augustine is about the sturdiest as far as being used for playing kickball or whatever. St. Augustine is very durable, it is just like the dog conversation, you get wear patterns.

Mr. Pollicino stated can we make a determination that it is maintained as greenspace or petition the residents to see if they want to permanently turn it into a park and it becomes part of

the CDD designated parks. The hybrid approach you are suggesting is too hard to hold you responsible. You sell your house, or you can't afford it one month, etc. We plant to deter, or we fully convert it to a park and acknowledge it as such and maintain it. You have six families out of 21 and they may like the quiet. We don't have an answer for you right now. We will figure something out.

Mr. Eckert stated I think you can do a survey of the neighborhood in terms of do you have objection to the district allowing this space to be used for passive recreation such as kids playing and that kind of stuff. Ultimately that is going to impact your decision. I will say that I think this area is part of the preserve, it doesn't look very preserved, but I think it is part of that same conservation and easement area. It is worth a question to George saying if we are going to promote recreation in this area is that going to be a problem under our permit. The only reason I say it might be is because it is part of the tract of land that I know is preserve.

A resident stated I have a question about the bushes, in Texas you are not allowed to impede the sidewalk. Is that the same rule here, you are supposed to be able to see the sidewalk?

Mr. Eckert stated certainly we care about it from a danger standpoint but it is a county owned sidewalk it is not a CDD owned sidewalk. We should keep it trimmed so that it is a safe ingress and egress place.

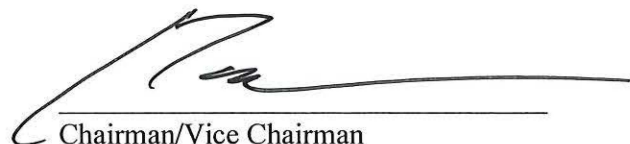
EIGHTH ORDER OF BUSINESS

**Next Scheduled Meeting – April 26, 2021 @
6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next meeting is scheduled for April 26, 2021 at 6:00 p.m. in the same location.

On MOTION by Mr. Brownlee seconded by Mr. Clarke with all in favor the meeting adjourned at 8:08 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman