

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, April 26, 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
Jason Harrah	Supervisor
William Clarke	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel by telephone
George Katsaras	District Engineer by telephone
Justin Blankenbaker	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Danelle DeMarco	Vesta/Amenity Services Group
Nick Brenneman	Reserve Advisors by telephone

The following is a summary of the discussions and actions taken at the April 26, 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 March 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. Harrah with all in favor the consent agenda items were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposals for an Update of the Reserve Study**

- A. Community Advisors \$1,400**
- B. Dreux Isaac & Associates \$3,600**
- C. Reserve Advisors \$6,600 for new study**

This item was tabled until the May meeting to give an opportunity to all firms to make a brief presentation to the board.

**SIXTH ORDER OF BUSINESS**

**Discussion on the Fiscal Year 2022 Budget**

Mr. Laughlin stated I added this to the agenda to start the process and these are not the final numbers. The Board engaged in discussions regarding the proposed budget.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

- A. Landscape Maintenance Team**

Mr. Blankenbaker stated things are progressing, they are keeping up with the palms, roadways. The landscaping at the south amenity center has been completely redone. The north has been ripped out and new landscaping will be going in this week. Flower rotation is this week as well.

- B. District Counsel – Legislative Update**

Mr. Eckert stated we are in the last week of the legislative session. There will probably be a special session in May to deal with gambling, but that won't affect the district. There are some things that do affect the district, there is an ethics bill that would prohibit continuing conflicts of interest. I'm not aware of any on this board but it is something to keep in mind. It will also require special district board members to have ethics training, and specifies the type or training and timeline for completing the training. I'm not sure whether that is going to pass or not, it passed the house but that is up in the air. There is also a bill that creates fiduciary duty standards for public officials, that also has not passed yet, but we will find out this week. There is also a bill we have seen every year that would allow you to publish your notices on websites rather than through a newspaper that is printed, however, that never makes it across the finish line and one of the versions of the bill requires you to publish it on the newspaper's website rather than the district's own website. Probably the most important thing to come out of the session so far is the COVID tort bill. I wouldn't say it is total immunity, however, there is a one-year statute of limitations, a retroactivity provision, and the burden of proof for proving a company or local government such as Durbin Crossing CDD is liable to somebody who is claiming that the district was negligent and as a result they were exposed to COVID, is very high. That bill does protect local governments, it protects you to a very large extent. That has been signed by the governor and we have already heard rumblings about legal challenges and going to court to say that is not constitutional.

I don't know if you want me to address the Willow Winds issue.

Mr. Pollicino stated you can sum up the conversation we had.

Mr. Eckert stated at the last board meeting we had a presentation from a pool company as well as a resident stating that they had already built within the district's easement and were asking for permission to be able to do that. We are promised a survey and we got it yesterday or today and that survey shows the pool deck in the easement area, both the side easement as well as the back easement, it also shows pool pumps and air-conditioners in the side drainage easement and furthermore shows part of their house in the side drainage easement. There are a few more issues than what we were aware of before we got the survey and I suggest if the board chairman and I can try to talk to the pool company and the resident about some sort of an equitable resolution that accounts for the fact that we may have issues to deal with in the future if we need to use these easements. Again, they are not gigantic encroachments, but they are issues that the district is losing some of its rights if we allow it to persist.

Mr. Pollicino stated Mike and I discussed this earlier and with the board's permission Mike and I can enter into discussions with the pool company to see what type of resolution or settlement outcome can be reached and I can bring that back to the board at the next meeting.

Mr. Clarke asked what about the house in the easement?

Mr. Eckert stated of the surveys I have reviewed, and I have reviewed quite a few when we get these types of requests for fences or pools or playgrounds in the easements, I have not seen one yet where the house was built into the side easement. That is a new one for me. The concern that the homeowner may have is how they are able to sell a home with their house in an easement. That is not necessarily the CDD's concern in terms of the marketability of the property, but it is our concern to the extent that there is an encroachment into our easement.

Mr. Clarke asked is a drainage easement wider than a normal easement? The picture gives that opinion.

Mr. Eckert stated I think the 20-foot drainage easement between certain lots is standard, but George can comment on that, he is more familiar.

Mr. Katsaras stated the side easements are based on the depth of the drainage pipe. There is a pipe that runs from the road to the pond and they are sized based on the depth of that pipe. We can go back and look at the plans and see maybe that easement is a little wider than what it needed to be and you could potentially release some of it, but I don't know without looking at that. I would say some of the AC units those are things that could be removed, the house is more concerning to me. The original issue of the pool deck being in the rear easement that goes around the pond is a very minor issue, it is something like 1.6 feet and it is a little sliver, a little corner of the pool deck. The other things that Mike mentioned are more concerning to me.

Mr. Laughlin stated I did speak with her today and she mentioned that the original survey when she bought the house did not show that. She is supposed to be sending that to me so I can send it to you and Mike.

Mr. Brownlee stated it might be easy to move some of that stuff, but pool pumps require quite a bit to move because they have a lot of piping underground.

Mr. Laughlin stated she was going to come tonight but I told her we still had a lot of things to look into. She will be here at the next meeting along with the pool builder.

It was the consensus of the board to have the chairman work with the attorney, engineer, and the homeowner for some resolution of the issue.

**C. District Engineer**

There being none, the next item followed.

**D. District Manager**

There being none, the next item followed.

**E. General Manager - Report**

Ms. Alfano gave an overview of the general Manager's report and read into the record a word of thanks from Todd Myhill to the board. A copy of the report was included in the agenda package and will be made a part of the record.

**F. Operations Manager - Report**

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

**G. Amenity Manager – Report**

Ms. DeMarco gave an overview of the amenity manager's report, copy of which was included in the agenda package.

**EIGHTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

A resident stated I'm in favor of heating the pool. There are 5 – 6 months that we can't swim and if it were heated, I think we would get a huge amount of additional use of the pool.

**NINTH ORDER OF BUSINESS**

**Next Scheduled Meeting – May 24, 2021 @ 6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next scheduled meeting is May 24, 2021 at 6:00 p.m. in the same location.

On MOTION by Ms. Hall seconded by Mr. Brownlee with all in favor the meeting adjourned at 7:29 p.m.

April 26, 2021

Durbin Crossing CDD



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Secretary/Assistant Secretary



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Chairman/Vice Chairman