

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, June 28, 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
Jason Harrah	Supervisor
William Clarke	Supervisor
Sarah Hall	Supervisor by telephone

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
George Katsaras	District Engineer by telephone
Dan Fagen	Vesta
Margaret Alfano	General Manager - Vesta
Danelle DeMarco	Amenity Manager - Vesta
Zach Davidson	Operations Manager - Vesta
Shane Blair	VerdeGo
Jaime Constancio	VerdeGo
Mike Veazy	ICI Homes

The following is a summary of the discussions and actions taken at the June 28, 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 May 24, 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 four in favor the consent agenda items were approved.

FIFTH ORDER OF BUSINESS

Discussion of Mattamy Land Conveyance

Mr. Eckert stated I reached out to the attorney for Mattamy and requested that they provide us with a title report so that I could review that and make sure that if you did accept this conveyance that you wouldn't be taking something that was subject to a mortgage, judgments or anything like that. It is the typical HOA documents and covenants and restrictions and stormwater permits and things like that. It looks like this is a leftover parcel that is adjacent to some of your other parcels. George has reviewed it and he didn't have any objections to it, he said it is within the district's boundaries but barely, but within our geographic boundaries. Based on what I reviewed from the title opinion I recommend the board accept the conveyance if you think it is in the district's best interests to do so. What can happen if you don't do it is it can be an abandoned parcel that nobody really takes care of. Typically, these types of parcels especially when they are adjacent to a CDD parcel or HOA owned parcel either the CDD or HOA would take it. It is a quit claim deed, not a special warranty deed but it is not like we are paying value for it and I wanted to make sure we weren't taking a liability other than the liabilities associated with simple land ownership of land that is not going to be developable.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with four in favor the chairman was authorized to accept the quit claim deed from Mattamy for the parcel with the tax ID 02400-0110.

SIXTH ORDER OF BUSINESS

Discussion of ICI Turn Lane Project

Mr. Eckert stated so that the board is aware since the last meeting I did prepare the temporary construction and access easement agreement that is in your agenda package and I also prepared a permanent slope easement, which is what I anticipated the county would want ultimately because part of our land supports the roadway structure as slope. That is not an agreement with ICI but is something I thought would be asked for by the county and it made sense to do it now.

The temporary construction easement that I drafted has two exhibits, one is an area where they can conduct the construction, that is Exhibit A and the other is Exhibit B which is identification of enhanced landscaping and irrigation. I don't have that exhibit and I'm not qualified to prepare that exhibit. That is why I asked the rest of staff and Sarah and ICI to work together to prepare whatever that exhibit is because my understanding was part of what Sarah talked to ICI about was some enhanced landscaping to protect the one resident who is on that corner from having the traffic being a little bit closer to their property. That has been the extent of my involvement. I think ICI doesn't feel like they need to slope easement at this point in time to be approved by the board, but they do need the temporary construction access and easement agreement.

Mr. Harrah asked is it your opinion that both should be approved, we don't want to approve one and not the other?

Mr. Eckert stated I prefer that you approve the slope easement at the same time or at least not let that drop off the radar because my concern is that we may have a situation where the county comes in and says we are not going to accept the roadway improvement unless we have this slope easement for maintenance. At the end of the day the county may say we don't need it but to me it is all part of the same project and customary with what I have seen be required by the county before. The construction easement is with ICI the slope easement is with the county.

Mr. Harrah asked did ICI agree to do enhanced vegetation improvements?

Mr. Eckert responded they did and ICI is here tonight.

Mr. Harrah asked how close are you going to get to that house with the angled slope?

Mr. Veazy stated the easement is larger than that, the easement goes from the monument sign. We did agree with Sarah Hall to do landscaping and have irrigation adjustments. We didn't talk specifics but I would think you would want something that is evergreen year around. Sarah

mentioned she was going to get with us, however, I don't know that she has. We would be cutting the overgrown vegetation and a magnolia needs to go because the turn lane starts right there. One lane shifts 10-feet and the improvements, the sidewalk, the turn lane and everything are in the right of way. We found out that the slope going outside the right of way into the tract that the CDD has.

Mr. Pollicino asked what options do we have legally?

Mr. Eckert stated you don't have a legal obligation to grant the temporary construction easement. The county could come in and try to take a temporary construction easement if they wanted to over the district land. The other thing is they can do a different construction technique without getting any input from the district and just putting it in the right of way and keeping all their activities within the right of way and not use any of the district land. You lose a little bit of control in terms of what happens from that point if you are going to force them to stay within the right of way and not come on the district's land. You have to weigh what makes the most sense.

Mr. Harrah asked where are we in the county approval process?

Mr. Veazy stated not for this temporary construction easement. We have permitted plans for the turn lane.

Mr. Harrah stated they have approved the slopes, what you are going to do for drainage, there are no issues that they see.

Mr. Veazy stated the way it went in was there was a slope there and it does go outside, if we need to we can put a wall there and we will probably have to put a rail up further down on Longleaf there are a couple sections where the drop off is pretty severe next to the sidewalk. I think we can get a wall in there, the sidewalk butting up to it and we would have to do some kind of rail because of the drop off.

Mr. Harrah stated you have a set of plans that have been approved by the county assume that our right of way approval was granted.

Mr. Veazy stated no, the county did not see that the slope was going into this property. I have an approved set of plans that show working just in the right of way. We don't have a wall permit. When we found this out when we staked this, some of that slope is just the bottom of it, it already goes into your property now.

Mr. Harrah asked if we approve this are you giving the county a new set of plans with modifications for the next review?

Mr. Veazy stated no, I don't think we need to because we have approved plans that show the slope. They didn't catch that this was outside the right of way.

Mr. Katsaras stated from my perspective, I went out there and met with Mike and Sarah. It is feasible that they could do all the work in the right of way, however, there is a 3-4 foot drop and as Mike mentioned they would have to build a wall along the right of way line, with the sidewalk against the wall with a handrail. It is bad on both parties in that it is an expense to ICI part of it and a safety, you can have a wall with a handrail for kids walking along the sidewalk and a mother pushing a stroller. I wouldn't recommend that but you have that right.

Mr. Harrah asked if we approve the right of way access, which allows a more gradual slope not requiring a wall what recommendations do you suggest for the aesthetics of the area? Are you suggesting that trees are good or should we consider more of a noise barrier for that one home extending that monument to match the existing another 5 or 10 feet, just a straight line or something?

Mr. Katsaras stated there will be some existing vegetation that will have to get cleared. Most of the additional clearing would occur back where there is a magnolia that is just to the east of the entry to Tollerton. It is a little bit directly in line with that residence but it would open up some noise and potential headlights coming through there. I believe Mike had offered beefing up the landscaping along that edge to help remedy that situation.

Mr. Harrah asked but you haven't seen an aerial or drawing showing if this is approved, this is what we propose to do and George accepts that on behalf of the community.

Mr. Katsaras stated no, I haven't seen to that extent. I have seen a one or two sheet engineering drawings that showed a cross section.

Mr. Harrah stated I haven't seen anything that shows us what we get if we approve this, with the angle, trees, etc.

Mr. Veazy stated I added Exhibit B and it is hand drawn, because I didn't talk to Sarah after we met with the homeowner, best case scenario is if we can get board approval to work with the chair to finalize the landscaping if you are willing to do that. I can call the homeowner and discuss landscaping. We are willing to do a buffer from the end of the monument down with landscaping.

Mr. Harrah stated if ICI presents a plan overview sheet that is found to be acceptable to George that he doesn't think will create a drainage issue on the area with whatever significant

improvements to that wedge is needed and that approval is agreed to by George, Sarah and Peter, I don't have an issue with approving it conceptually.

Mr. Eckert stated you have to pick Sarah or Peter.

Mr. Harrah stated then Peter as chair and George.

Mr. Pollicino asked is it possible for ICI to put money aside to account for future traffic signals?

Mr. Katsaras stated the county is going to review and determine whether there is a light warranted. A study would need to be done to see how many trips are coming out sitting here today there are probably not enough trips being generated out of Tollerton to warrant a signal there.

Mr. Pollicino asked would ICI be willing to do some type of controlled crosswalk?

Mr. Katsaras stated you would have to talk to the county, but they typically don't want you doing a midblock crosswalk, they want you to cross either at a signal or down by the high school where they have access to cross. That would have probably come up during the review.

Mr. Harrah stated if the board agrees I will be the board member who will work with the applicant, Mike and Vesta and the homeowner to come to resolution as quick as we can. You need to get your designer to give us a very simple plat sheet of the intersection, where the lane is going to be, the plot of the house, with recommended landscape improvements. Give that to Margaret and Margaret can set up a meeting with the homeowner and we will meet with them, get their blessing and Zach's blessing and when we get that, you will have my and George's approval.

Mr. Eckert asked was there a landscape box you need to talk to ICI about.

Mr. Zach Davidson stated there were a couple irrigation valve boxes that we are concerned about.

Mr. Harrah stated when you get that engineering drawing, George will review it and give it his blessing, we will meet with the homeowner get their blessing, Zach will be out there to show them exactly what lines you are talking about, it will get written up by Mike in an agreement and get executed as expeditiously as possible.

Mr. Eckert stated the cost typically on this kind of thing is borne by the person asking the district to do that. That should be part of the motion.

On MOTION by Mr. Pollicino seconded by Mr. Brownlee with four in favor the request of ICI regarding the turn lane project was approved subject to receipt of engineering drawings to be reviewed and approved by the district engineer, Supervisor Harrah and district staff; meet with the homeowner to review and approve landscape buffer; agreement to be prepared by district counsel with all costs being borne by ICI.

SEVENTH ORDER OF BUSINESS

Discussion of Patriot Oaks Football Team Practicing on District Fields

Ms. Alfano stated Danelle and I met with a representative of the Patriot Oaks Football Team with regard to the north field and said I would bring it up on our staff call, which we did and that led to the agenda item and guidance from district counsel as to how we can move forward safely and effectively.

Mr. Eckert stated we run across this issue all the time in terms of either schools, community organizations or even private entities that want to use the fields for recreation. We have had agreements with the swim team and other groups and my advice is any time you have an outside group using your facilities or property they should be doing that through an agreement that they have with Vesta or through an agreement they have with you. Compensation is a totally different issue. It is just a question of making sure that you have responsibility for your property, but you are not taking responsibility for the program and what happens in the program and making that very clear. That is why I recommend an agreement any time you have any kind of organized group whether it is from the school or anybody using your property. What goes in that agreement is something we can talk about and usually with schools we have been pretty good about working with them and not having unnecessary costs or anything like that, but at the same time still protecting the district.

Ms. Alfano stated I hope the area is maintained and restored to the original condition and if there were costs affiliated with damage or abuse of that area associated with their use of it, I think we should have language to address that.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with four in favor district counsel was authorized to prepare a license agreement with the Patriot Oaks School for use of the north field for football and to include language to address damage to the field.

EIGHTH ORDER OF BUSINESS Discussion on the Fiscal Year 2022 Budget

Mr. Laughlin stated this is a placeholder in the event there was any discussion on the proposed budget and it will stay there until August when we have the public hearing.

NINTH ORDER OF BUSINESS Staff Reports

A. Landscape Maintenance Team - Report

Ms. Alfano stated we all want to be on the same page with the same expectations on the landscape maintenance as well as other contracts.

Ms. Alfano gave a PowerPoint presentation on areas of concern and emphasized the importance of communication and teamwork.

District counsel will write a letter to VerdeGo to make significant improvement in maintenance services within 60 days, staff will provide a list of items to be cured now and the board will review the results at the August meeting.

B. District Counsel

There being none, the next item followed.

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 reviewed the general Manager's report and requested an upgrade to the four corners area landscaping and lighting as outlined in the report to be funded from the impact fee account for the main roadways.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with four in favor an amount not to exceed \$5,000 was approved to have a landscape architect provide rendering for potential landscape enhancements throughout the community but mainly in the four corners area.

On MOTION by Mr. Brownlee seconded by Mr. Clarke with four in favor staff was authorized to purchase gym equipment for the south amenity center in an amount not to exceed \$18,900 to restore gym to same number of pieces of equipment before items were moved to the north amenity center.

F. Operations Manager - Report

Mr. Davidson reviewed 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 is included in the agenda package.

TENTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

Ms. Stevens stated the meetings have always been posted at the bulletin board and there was no posting of tonight’s meeting.

Ms. DeMarco stated I take responsibility for that, I’m usually on top of that.

Mr. Laughlin stated it is on the website.

Ms. Stevens asked does that satisfy the requirement?

Mr. Eckert stated the law is that we have to publish it in the newspaper and everything else is extra beyond that.

Mr. Laughlin stated the website also has a listing of the meeting dates for the year.

ELEVENTH ORDER OF BUSINESS

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

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

On MOTION by Mr. Brownlee seconded by Mr. Harrah with four in favor the meeting adjourned at 7:56 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman