

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, February 28, 2022 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

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
George Katsaras	District Engineer by telephone
Dan Fagen	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group
Zach Davidson	Vesta/Amenity Services Group
Shane Blair	VerdeGo
Billy Genovese	VerdeGo
Bruno Perez	VerdeGo
David Landschoot	VerdeGo
Stephanie Solace	Resident

The following is a summary of the discussions and actions taken at the February 28, 2022 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.

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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 January 24, 2022 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.

FIFTH ORDER OF BUSINESS

Consideration of Amenity Facility Management and Maintenance Services Agreement with Vesta Property Services

Mr. Laughlin stated this is a bookkeeping item, we had prices that we have for the new budget season, we just needed an actual agreement. This has all the numbers that were discussed and approved.

Mr. Eckert stated it is the same form as utilized before, the only difference is the price if you approved a different price in your budget.

On MOTION by Mr. Harrah seconded by Mr. Clarke with all in favor the amenity facility management and maintenance services agreement with Vesta Property Services was approved.

SIXTH ORDER OF BUSINESS

Discussion on Widening of Veterans Parkway

Mr. Eckert stated I did draft a temporary construction easement. The issues of replacing the trees and how we make sure we haven't taken on any more maintenance obligations I have turned those over to Zach and he had some recommendations after meeting with folks in the field. I have not heard back that they have agreed to the form of the temporary construction easement, but it is the same form we use all over. I imagine they will get back to us soon on that.

Mr. Davidson stated I met with the gentlemen, and they want to push 10-feet into the preserve with a slope. I suggested doing Bahia, low maintenance, requires no irrigation. I met

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with George over there today and looked at the area regarding tree concern and George can touch on that as well.

Mr. Katsaras stated I don't think we need to do anything there, just sod it with Bahia. The trees that were there were scrubby vegetation and there are no houses, no district residents in that area. My recommendation is Bahia sod.

Mr. Pollicino asked can we get them to put in some trees, so it looks nice opposed to sod?

Mr. Katsaras stated you can. There are still going to be trees there, they are just taking the limit out a little bit further, they are pushing the tree line back. I don't think you are going to be able to tell the difference if you put trees there or not.

Mr. Eckert stated the board already authorized it; we are just giving you an update on that issue.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-03
Instructing the St. Johns County Supervisor
of Elections to Conduct the District's 2022
General Election**

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor Resolution 2022-03 was approved.

EIGHTH ORDER OF BUSINESS

**Consideration of Draft Capital Reserve Study
Report**

Mr. Laughlin stated we did receive it and before they finalize it, I let them know that we have our board meeting so the board can comment on anything or if you have changes. I did compare it with the old reserve study and the prices seem more realistic.

Mr. Brownlee asked would it be possible to do a one- or two-page spreadsheet for the next five years that shows all the items? You have to go page by page to actually see what is going on. They are suggesting that we increase our capital reserve, which makes sense. We have money in the reserve to cover this right now, but at some point in the future we may not. The numbers are there, they are not easy to pull out.

Mr. Laughlin stated I will reach out to them to see if they have an Excel form.

Mr. Brownlee asked can we post this for the public to see once we get the final?

Mr. Laughlin stated once we get the final, we can put it on the website.

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NINTH ORDER OF BUSINESS**Staff Reports****A. Landscape Maintenance Team - Report**

Ms. Alfano stated we want to talk about the sod transition project. Zach and I worked really hard to come up with a plan to replace the Bermuda in stages over the next years. However, due to changes on their end we recommend that we wait until next fiscal year to execute that and start that project.

Mr. Harrah stated I agree we need to put this off until we get some other things worked out.

Mr. Genovese stated we completely understand putting it off. We were sad to lose Jaime and we are confident in the team we put together to take over that we are not going to miss a beat from where we have gotten to. We brought in David Landschoot, your new account manager. He has been with VergeGo for several years. He has an eye for the fine details and that is what has moved him up so quickly in our company.

B. District Counsel

Mr. Eckert stated there is not much time left in the legislative session so we will know soon what has been passed. Relative to you and your operations we are looking at the change in sovereign immunity limits that would affect your insurance rates. The word I'm getting from the insurance companies is if it gets raised five-fold it will be a significant increase. I don't know if it is going to get across the finish line or not and I don't know if there will be last minute compromise, but we will wait and see.

The second issue is the bill requiring special district board members to have four hours of ethics training. This is the third year in a row that it has come back. It may or may not make it across the finish line but if it does, I know city and county board members already have to do a training and they do online training, or we can look at how can we build that into our attorney report so it is not four hours at a time and maybe 20 minutes here or there.

The third item I have is something you approved at your last meeting and that is the assignment of easements that were in the HOA declarations. That is the document I handed out to your earlier. I have been working with Jeri Poller, developer's counsel, and I drafted the initial assignment and sent it back to her, but my language had warranties that you actually have these rights to give us and they took that out. Because they don't want to make a representation or

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warranty for no compensation at all. They have come back with, we will give you whatever declarant rights we have in relation to these easements, we will give them to you, but we are not going to say that we actually have them. I was a little concerned about that because originally the declarant was Brickell Manor LLC, it was not Durbin Crossing LLC, but I was able to find the assignment from Brickell to Durbin Crossing, which I felt good about. Then I found other assignments from Durbin Crossing to Durbin Crossing North, LLC and a couple other ones. I was concerned about that because do we really have what we need then I was able to find another definition of declarant, which basically said that if the declarant, Durbin Crossing, LLC makes an assignment of only part of its rights then they are only assigning the right to exercise those rights, they are not assigning their declarant status. They remained the declarant when they partially assign rights to Durbin Crossing North to develop the 800+ units that are up there. At this point in time, I feel pretty good that even though we are not getting a warranty from them, it looks like they are likely the declarant at this point in time.

The document you have in front of you I have provided to Jeri Poller to look at and it has the changes that she wanted. I don't anticipate there will be much more, you have already authorized it so as soon as we get it done then we will get it signed and provide it to the board, which then raises the next issue of the requests that we have gotten and will get in the future to release some of those easements. There are a couple things you will have to decide, one, is we can take the same approach that the developer took, which is we will release the easement in the back of the property to the extent that we have that ability. We are not getting a warranty from the person we are getting it from.

The second option is to try to get some sort of a binding legal opinion as much as anything can be binding from an HOA real estate attorney expert that says, yes, these rights exist and yes, you have the right to convey them and then you could convey them with more assurances.

The third step is, in each particular situation that you are confronted with does it make sense for us to release this easement or grant an encroachment into that easement, the difference being if you release the easement you no longer have the right to use that property. An encroachment agreement is an agreement between you and the homeowner that says you can put stuff in our easement that may or may not interfere with it but if it does interfere with it then you have to remove it, so you still always have that easement.

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Based on my experience in other communities there are going to be situations where we can release the easement and not be too worried about it and there may be situations where an encroachment agreement is more appropriate, for instance when you need it to access a pond or something like that.

I think we will get through step one pretty quick now that we are able to track down the assignments.

There is a member of the public here who has been diligently coming to the meetings because he would like this easement released off his property and we can queue that up for the next meeting provided I get this document signed off on by the developer.

The process needs to be that you need engineering input for each one of these because you want your engineer to make sure that they are looking to see if there is an engineering reason why we shouldn't give up this easement right. The way we have handled it before is that we had a document that people would sign that they would give a deposit to cover the professional fees associated with analyzing the request for release from the easement and then to the extent that the full amount wasn't spent then we would refund the money. We have templates of the documents; it is really just more along the lines of negotiating the final form if someone brings in an attorney and we have to do that or the engineering review to make sure the resolution is not going to interfere with your maintenance obligations for your infrastructure.

If it is okay with the board, I will queue up the request that you have for the next agenda.

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 presented a request from the Patriot Oaks Tennis Team.

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On MOTION by Mr. Harrah seconded by Mr. Clarke with all in favor the request to use the tennis courts at the south amenity center by Patriot Oaks Tennis Team was approved pending preparation of the agreement.

F. Operations Manager - Report

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

G. Amenity Manager – Report

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

TENTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

Mr. Genovese stated Jaime wanted me to tell you that he enjoyed working with you.


Mr. Harrah stated he will be missed.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – March 28, 2022 @ 6:00 p.m. at the Durbin South Amenity Center

Mr. Laughlin stated the next meeting is scheduled for March 28, 2022 at 6:00 p.m. at the same location.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the meeting adjourned at 6:55 p.m.

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Secretary/Assistant Secretary

DocuSigned by:

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Chairman/Vice Chairman