

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 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
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
William Clarke	Supervisor (by telephone)

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
Danelle DeMarco	Vesta/Amenity Services Group
Shane Blair	VerdeGo
Billy Genovese	VerdeGo
Bruno Perez	VerdeGo

The following is a summary of the discussions and actions taken at the March 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 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 February 28, 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 Ms. Hall with all in favor the consent agenda items were approved.

FIFTH ORDER OF BUSINESS

Consideration of Memorandum on Standard for Review for Requests of Easement and Encroachment Agreements

Mr. Eckert stated included in your agenda packet is a lot of different information regarding easement releases and encroachment agreements and related requests this board gets from time to time. I was asked by one of the supervisors at the last meeting about the standard that the district has historically used to decide whether to grant a release of easement or encroachment agreement. Historically, whether the proposed encroachment would impair the district’s ability to operate, maintain, repair or replace district owned infrastructure is kind of the guidepost that the District has used. I would not suggest that the board adopt a formal standard of review simply because you are being asked to release a property right. That is not something you are ever required to do; nobody can compel you to do that and because it is not something you are required to do, I don’t think adopting a standard is in your best interest.

SIXTH ORDER OF BUSINESS

Consideration of Process for Review of Requests for Release of Easement and Encroachment Agreement

Mr. Eckert stated the second item is a process that I’m proposing that the board adopt for dealing with the requests for releases of easements and encroachment agreements. This is consistent with what you have done in the past but has not been written down in a specific process. Also, I have three or four districts I have been working on this process so all the costs were shared in developing this process, which I think will help the district on the financial part of it. Essentially,

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we would be looking for somebody to come to the board, we have a deposit agreement that you approved in the past that requires somebody to post a deposit of \$1,500. If the board says to staff, we are okay with this provided the engineering and legal looks okay for us to release part of this easement or adopt an encroachment agreement, district staff would work on it and the engineering and legal fees that the district incurs, and the recording fees would come out of that deposit and the remainder of the deposit would be refunded to the resident. The policy decision, which this board has made in the past which makes a lot of sense is if somebody wants to come in and get an encroachment agreement or a release of their easement to improve the utility or value of their specific property, other people in the community shouldn't pay for it through their special assessments.

SEVENTH ORDER OF BUSINESS

Consideration of Updated Deposit Agreement for Easement Release

EIGHTH ORDER OF BUSINESS

Consideration of Form of Agreement for Release of Easement

NINTH ORDER OF BUSINESS

Consideration of Form of Encroachment Agreement

Mr. Eckert stated also included in the agenda are forms of the encroachment agreement, the deposit agreement, and forms of release of easement agreement. If the board was so inclined you could adopt the procedure set forth in the memo, which adopts those forms that are included, the deposit agreement, the release or easement form and encroachment agreement form.

Mr. Brownlee stated the HOA had approved fences that are on the property lines, which are in the 10-foot easement. Are those grandfathered?

Mr. Eckert stated nothing is grandfathered if it interferes with our ability to use our easement. Are we going to go back and tell everybody that they have to tear those out at this point in time? I don't know that is what the district is going to do, but certainly if we needed to use the easement, we would be going to the homeowner saying you put a fence across this easement, it interferes with our real property rights, you have to remove the fence then the district would decide is that temporary or permanent.

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Mr. Harrah stated this is something we keep internal, and they come to us and we have this process in place when we receive these requests. It would be good to give people a timeline, every situation is different, but our goal is to complete this process is 120 days or whatever it is because people are going to ask.

Mr. Eckert stated that is a good point.

Mr. Laughlin stated we can do it in 30 days depending on when we get the request and if there is time to get it on the agenda, if the agenda has already been posted it will be the next month.

Mr. Harrah stated assuming we adopt this it would be a good idea to be transparent with the HOA to say this is our adopted process and Daniel or somebody needs to send that to them.

Mr. Clarke joined the meeting by telephone at this time.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the procedures set forth in the memo, the form of the deposit agreement, form of agreement for release of easement and form of encroachment agreement were adopted.

TENTH ORDER OF BUSINESS

**Consideration of Easement Release Request
for 272 Ellsworth Circle**

Mr. Eckert stated the first encroachment that we have was in the amended agenda package. It is my understanding it is a request for a pool.

A resident stated it is a pool with screen enclosure and pavers.

Mr. Eckert stated what we have done historically is we have never just vacated a whole easement or released a whole easement. We have only released that portion that was absolutely necessary. In this case we would be looking at vacating a portion of the easement in red, which still leaves five-feet behind. You would want your engineer to look at that and George is on the phone and may have looked at this already. The big thing we would want the homeowner to do is get a surveyor to do a metes and bounds description of the area that is going to be released so that we could attach that to the actual release of easement.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor a release of easement agreement for the release of a portion the rear easement at 272 Ellsworth Circle shown in the plans submitted to the Board was approved, subject to preparation and submission by the resident of a survey including a metes and bounds legal

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description of the released area being prepared, and subject to final review and approval by the Chair and District Counsel.

ELEVENTH ORDER OF BUSINESS Staff Reports

A. Landscape Maintenance Team - Report

Mr. Blair stated last month we focused on wrapping up any winter events that needed to happen any cutbacks, this month we are focused on staffing back up and getting into the more weekly routine so we can stay on top of the spring weeds that are popping up already and with the elevated temperatures everything is growing.

Mr. Genovese stated we are prepared to do the spring yard event as we did last year, bringing out different types of mulch and sod, and we are looking at April 23rd from 8 a.m. to 12 p.m. and we discussed doing it at the north amenity and we are going to set up a car line on one side like a drive through service and we throw it in the car and keep the line moving. We are going to do preregistration so that we have everything there and we will order extra items.

B. District Counsel

There being none, the next item followed.

C. District Engineer

There being none, the next item followed.

D. District Manager

Mr. Laughlin stated it took a while to get the raw data from the reserve study company. I have the set up so that you can break it down by year, the annual contribution and I will send this out to everybody and if there is anything you want me to add, just let me know.

E. General Manager

1. Report

Ms. Alfano reviewed the general Manager's report, copy of which was included in the agenda package.

2. Discussion of Amenity Policies

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Ms. Alfano stated the amenity policies haven't been looked at in a while and we have some proposed changes we would like the board to consider, and we can discuss this at the next meeting.

Mr. Eckert stated the redline in your agenda package does two things, one is you approved this chart as a process a long time back, but it was never really tied to our policies, and it incorporates that as one of the alternatives for providing programming. The other thing it does is on page 5 it provides some measure of enforcement for the CDD that says that no patron, which is anybody who has the right to use the facilities, either a resident or an annual fee payer, can conduct private classes or lessons or activities in exchange for compensation or any other organized group or class even if it is not for compensation on the district grounds without having an agreement with the district and going through the proper process. That provides a little bit of enforcement for your staff that if you have somebody doing that you can take away their amenity privileges and go through a suspension hearing like you would for any other violation of the rules. It is a policy decision for you. Right now, there is not a lot you can do to encourage adherence to the chart without having this in your rules and this doesn't apply to somebody who is outside and not a member of Durbin Crossing.

Mr. Harrah stated something we have to look at from now on is to make sure the swim team, tennis, Patriot Oaks Football are residents, and a lot of kids are coming from Aberdeen to Patriot Oaks so when we approve something that says all the kids from patriot Oaks live here, they may not live here. It hasn't been to the board yet for approval, but it will. Before I'm pretty sure every kid at Patriot Oaks was from Durbin Crossing and now some of the kids are from Aberdeen. Are we throwing it out there to the residents that we have tennis, soccer then this problem may go away?

Ms. Hall stated your proposal is a great thing, have them go through you, give them a card that says they are approved, but you also have to take into consideration the mom who legitimately is offering free basketball because her son likes to play basketball. I have a friend who gives lessons up there for free because she likes her kid playing basketball and she wants him to have basketball friends.

Mr. Harrah stated we need to get signage up because some people may think it is a county field.

Mr. Eckert stated Margaret and I can work on the application and bring this back to the next board meeting with the policy to make sure the policy would tie into an application. I don't

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think we need any action tonight, let us work on it a little bit more now that we have input from the board.

F. Operations Manager - Report

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

Ms. Alfano gave an overview of the events planned for Easter.

TWELFTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Ms. Hall stated I like the new iPads. I was reviewing the invoices and there are two invoices back-to-back one from Vesta and one from A&G for pressure washing and they are the same invoice with two different invoice numbers.

Mr. Laughlin stated it was paid to Vesta, the A&G invoice was the backup.

Mr. Evans asked what do I need to look for in order to get my easement released also?

Mr. Eckert stated the first thing is to submit to Daniel your lot and a sketch and survey of your lot, legal description, which you already have and roughly outlined what you are looking at in terms of the district releasing and from there we can put it before the board before you spend money on a metes and bounds description until the board has had a chance to look at it.

Mr. Evans stated we have discussed the JEA easement in the past, it has encroached onto my property. What can I do that does not encroach on JEA's usage of it? Can I put dirt back there? Can I flatten it, so it is not mucky mess?

Mr. Eckert stated it is our land, JEA has an easement. We have tried to go through their legal department, and we are not getting a response. It is CDD owned land so the board can do whatever you want with your land provided it doesn't interfere with JEA's use of the easement. The law in Florida is you are entitled to cut the vegetation off at your property line, you are not entitled to go on somebody else's property to mow down the vegetation.

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Mr. Evans stated that’s not what I’m talking about. Imagine you have a property next to this that is flooded all the time it will eventually encroach on my property, which it has and my property gets extremely soggy.

Mr. Harrah stated we need to have Zach go back there and give us an idea of what to do. We can get VerdeGo to give us an estimate to brush hog it; bringing in fill dirt is a whole different ball of wax.

Mr. Evans stated I’m willing to do that at my expense. If I can get approval since it is your property, it won’t impose of JEA’s function. They did it down the road and it is fine.

Mr. Harrah stated it may not be as simple as dumping dirt. I don’t know if that is a wetland. We have to make sure we know what we are doing. Let’s bring it up at the next meeting.

Ms. Alfano stated I will have Zach get with George.

Mr. Evans stated they can’t get equipment in there and this growing season it will be 15 feet tall.

Mr. Eckert stated there is an easement for JEA and an obligation on behalf of JEA to maintain a 25-foot vegetative buffer.

THIRTEENTH ORDER OF BUSINESS **Next Scheduled Meeting – April 25, 2022 @ 6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next scheduled meeting is April 25, 2022 at 6:00 p.m. in the same location.

On MOTION by Mr. Brownlee seconded by Mr. Harrah with all in favor the meeting adjourned at 7:16 p.m.

DocuSigned by:
Daniel Laughlin
B48FC211DC1144D...
Secretary/Assistant Secretary

DocuSigned by:
[Signature]
DE5FE8AA9DF041B...
Chairman/Vice Chairman