

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, October 24, 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

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
Zach Davidson	Vesta/Amenity Services Group
William Dean	Yellowstone
Blake Dougherty	Yellowstone
Will Hinton	Solitude

The following is a summary of the discussions and actions taken at the October 24, 2022 meeting.

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.

October 24, 2022

Durbin Crossing CDD

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 September 26, 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. Harrah with all in favor the consent agenda items were approved.
--

FIFTH ORDER OF BUSINESS

Staff Reports

Ms. Alfano stated the board asked that we have a representative of Solitude here tonight. As far as Solitude goes everything is under control, we know we are looking at the 487 carp being installed when available.

Mr. Hinton stated you have an active permit for the carp with the State of Florida and last year we stocked November 9th in ponds that were the most problematic. We are restocking some of those ponds as well as other issue ponds to keep the aquatics under control. We frequently inspect the ponds and make sure everything is being kept as best as possible. We are going into the cool season, which is nice for growth, you won't see any algae blooms or as many invasive aquatic vegetation or grasses intruding into your water bodies. Winter months is the best time to stock carp but getting the carp here is a problem. We used to have fisheries in North Florida that we used but they went out of business. We are now getting carp from Georgia, and it is a little pricier and they are not as consistent with their delivery times.

Mr. Harrah stated let's plan to have Solitude attend our meeting once a quarter.

Mr. Eckert stated we do need to do an updated agreement and you will see that probably in November or December.

A. Landscape Maintenance Team - Report

Ms. Alfano stated I appreciate all your efforts and we hope to continue to move forward. They have a few things to present to us this evening. Do you want to talk about the ballfields first?

October 24, 2022

Durbin Crossing CDD

Mr. Dean stated yes, we got the answer that does include all three, there is a difference at each one.

Ms. Alfano stated the proposal you have now is the estimate to make that cutoff with the reclaimed system. They were able to add the meter, Daniel and Zach have been very instrumental in taking care of that process. The number is to bore under, run the new lines and do everything to get the irrigation that we need to still maintain our areas. We are seeking approval from the board for that number to complete that process. We have already been separated from that scenario. No irrigation is going on as we speak.

Mr. Dean stated this is running new lines and we have to run about three different bores to make sure we are getting to those areas that are no longer tied into the ballfield.

Mr. Eckert stated anyone who submits a proposal if you can, make it in the form of a work authorization under our actual contract and reference it. That way we don't have to worry about negotiating different terms. I will forward the form of work authorization to them.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the work authorization from Yellowstone in the amount of \$15,798 was approved.

Ms. Alfano stated next is regarding cutting back those wood lines.

Mr. Clarke joined the meeting during this item.

Mr. Harrah stated I don't have an issue with the price, but I would like to see it broken out with equipment, materials, labor and then the total.

Mr. Pollicino stated I want to clarify that this will not be every year that should have been in the RFP but wasn't.

Mr. Dean stated no, once it is cut back, we will do ongoing maintenance at no additional cost.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the work authorization for Yellowstone to cut back the wood lines in the amount of \$22,500 was approved subject to receipt of a revised work authorization with the equipment, labor, materials broken out separately.

October 24, 2022

Durbin Crossing CDD

Ms. Alfano stated the next one is sod conversion.

Mr. Dean stated you have the map that has the sod replacement laid out. When we drove the property and looked at maybe not doing the exact plan that was previously determined, I wanted to make sure that we are hitting the high impact areas first. Where the oak trees are located along the road it does not make sense to put sod on the other side under the oaks. We recommend putting in plant material at some point. We would plant the sod from the road to the sidewalk and from the sidewalk to the preserve where the oaks are we would spray that, kill it and at some point, we could talk about putting more plant material in those areas if you want. This is after the Sanctuary sidewalk, and it goes from the roundabout to the next neighborhood. There is a spot where it goes from Bermuda to Bahia and that is probably where we will stop. Once you travel north, we are going to create an end point on the west side of the road and put in an ornamental grass bed so we are not transitioning into the old Bermuda. We can keep those heights higher than the Bermuda.

Ms. Hall stated I have a big concern for Durbin North from the amenity center all the way to Cloisterbane. There is no parking at North so every day after school when there is practice at the field everybody parks on both sides of the parkway. They just pull their cars right up. Why put sod there because they are just going to ruin it. Can we put in bushes or fountain grass? If we put in a gate with a reader, then the problem is solved.

Mr. Dean stated we are also going to have to figure in quite a bit of irrigation. With reclaimed we can't go over a sidewalk so the coverage from the curb to the sidewalk isn't the best.

Mr. Pollicino stated let's be sure we are 100% confident that St. Augustine is going to grow.

Ms. Hall asked can we do a section of this first and make sure it works? This is \$180,000, what if it doesn't work? I feel we need a decent size test section to see if it works.

Mr. Harrah stated I have to go with the expert's opinion they have equal risk in this. Would you rather do this in the spring or in the fall?

Mr. Dougherty stated as soon as we can do it the better.

<p>On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the work authorization for sod replacement in the amount of \$180,068,02 was approved to be paid from the impact fee account and subject to the results of the soil test.</p>
--

October 24, 2022

Durbin Crossing CDD

Ms. Alfano stated we received from Yellowstone today, so many renderings of different areas of beautification. We will come back to the next meeting with any line-of-sight issues.

Ms. Hall stated in front of Cloisterbane on the south side all those kids stand in that area for the bus.

B. District Counsel

Mr. Eckert stated after the last board meeting, I received a request from a resident to buy certain property. I sent a detailed email to the board of all the different considerations. I don't need to go through that unless the board is inclined for me to do so or is inclined to pursue it further.

Mr. Harrah stated we just need to respond that we are not interested in selling it. We are committed to the upkeep and Yellowstone is on it and they will continue to be on it.

Mr. Eckert stated in terms of the board asking me to look at the pool resurfacing contract, there is a warranty. You can litigate over the terms of warranties and things like that, but you are within your five years. The board asked me to try to locate a consulting expert to get someone independent to look at it. That took a while and the first two were deceased and I have another one I will contact. My goal is to do a consulting contract under my contract or the next person I am going to mention because there are some advantages to the district should you end up in litigation of having that contract be between the consultant and the attorney versus the consultant and the board.

Mr. Pollicino stated I told Margaret after this meeting now that it is public record that the board is considering experts and potential litigation to engage in settlement discussions with the vendor and see if they are willing to revise their offer to us. If it is okay with the board the timing is of the essence of this. I have had separate discussions with Mike, and we need to make a decision on whether we want to retain separate counsel to represent us.

Mr. Eckert stated first thing is I want you to understand that based on your authorization at the last meeting that either I or the construction litigation attorney I'm going to recommend for you would try to retain this expert consultant under their contract and if not then it would be under a board contract. They are at \$350 per hour for the principal of that firm to do that work and they are ready to come out and do an inspection and provide that information to the board.

October 24, 2022

Durbin Crossing CDD

Mr. Harrah asked do we send a letter and say this is where we are, this is our next steps and give them one more chance to show cause like you want to do something or just move into this?

Mr. Eckert stated I think that is a conversation that Margaret is going to have after the board takes some of these actions.

The second thing is I'm going to recommend since this is a construction defect type case there are people who only do this type of litigation. Matt Davis with Mills, Paskert has worked with the expert we have been talking to. I worked with him on multiple CDD construction litigation issues. Their firm is out of Tampa, but they do litigation in Jacksonville and St. Johns County and having somebody outside might be a little bit better given that we are dealing with a local pool company. I would ask the board for a motion to authorize your chair to enter into a retainer agreement with Mills Paskert with Matt Davis and their rates are \$350 per hour for a partner and \$275 for a senior associate to get some advice in the initial stages and represent the district. I can do this type of litigation, but I don't do it every day and won't do it as well or as efficiently as Matt would do.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the chair was authorized to enter into a contact with Mills Paskert to represent the district on this issue.

Mr. Eckert stated I will go ahead and make sure the expert gets retained by the appropriate person and it may end up being Mr. Davis' firm. That person will coordinate with Margaret to do an inspection. I have looked at some of the material sheets for the surfacing that was put down and certainly there are potential issues that cause this type of problem by not prepping the surface appropriately and other things like that, not cleaning it appropriately that even the manufacturer says will cause delaminating if you don't do this.

Now that you have taken that action Margaret will have one more conversation with them understanding we are on a very tight timeline to figure something out so we can get the work done before swim season next year.

C. District Engineer

October 24, 2022

Durbin Crossing CDD

Mr. Katsaras stated I have been working with Zach on getting the water service over by the Durbin Park off Islesbrook Parkway. We were able to locate an as-built plan from when the original roads were built that showed a 2” service for the south side of Islesbrook Parkway and we are working with JEA to get that located and then do a flow test on it to make sure that it is connected properly and that it has sufficient waterflow. Once we get that information, I will share that with Zach, and we can proceed with getting an estimate from JEA to get a new meter put in so you can continue to irrigate the right of way area in front of the parks.

Mr. Harrah stated I think they are getting closer on the entrance by St. Andrews, and you may want to ride out there to make sure they are putting landscape back, any connecting sidewalks because they are getting closer and they are getting a lot of pressure so they are in a hurry to get it done.

D. District Manager

There being none, the next item followed.

E. General Manager - Report

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

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. DeMarco reviewed the field operations report, copy of which was included in the agenda package.

Ms. Hall left the meeting at this time.

SIXTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

Ms. Estes asked did that proposal include them doing any scraping?

Mr. Harrah stated we can look into it. It depends on the soil.

October 24, 2022

Durbin Crossing CDD

Ms. Estes asked did they provide an MOT because there are kids that walk through that area?

Mr. Pollicino stated I don't know that we have that but when the time comes, we will make sure we have that.

Ms. Alfano stated they are not allowed to work during school hours on those main thoroughfares.

SEVENTH ORDER OF BUSINESS

**Next Scheduled Meeting – November 21, 2022
@ 6:00 p.m. at the Durbin South Amenity
Center**

Mr. Laughlin stated the next meeting is scheduled for November 21, 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 7:17 p.m.

DocuSigned by:

B48EC211DC1144D...
Secretary/Assistant Secretary

DocuSigned by:

DE5FE8AA9DF041D...
Chairman/Vice Chairman