

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, January 23, 2023 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
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
Shalene B. Estes	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

The following is a summary of the discussions and actions taken at the January 23, 2023 meeting.

**FIRST ORDER OF BUSINESS**

**Pledge of Allegiance**

Mr. Laughlin called the meeting to order at 6:00 p.m.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the roll.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

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**FOURTH ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of Minutes of the December 19, 2022 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses**
- C. Assessment Receipt Schedule**
- D. Check Register**

On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor the consent agenda items were approved.

**FIFTH ORDER OF BUSINESS**

**Public Hearing for the Purpose of Adopting Revised Suspension and Termination Rules, Consideration of Resolution 2023-04**

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the public hearing was opened.

Mr. Brownlee asked what policy are we terminating?

Mr. Eckert stated we are replacing our suspension policy with something that provides for administrative reimbursement, property damage reimbursement and it also provides that in the event those amounts are not paid the suspension can continue until such time those amounts are paid. Basically, the residents who are following the rules are not paying for the damage caused by people who are not following the rules.

There being no further comments, the following motion was made.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the public hearing was closed.

Mr. Harrah stated I know this will be on our official website. Do you recommend putting it out on social media as a new policy or just put it on the website and be done with it?

Mr. Eckert stated I would put it on the website and be done with it.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor Resolution 2023-04 was approved.

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**SIXTH ORDER OF BUSINESS**

**Ratification of Agreement for Amenity Management Services with Vesta for FY23**

Mr. Eckert stated the delay on this is that we were negotiating a couple indemnification provisions with Vesta and their corporate counsel. You have seen this document before other than just a couple little changes they asked for that we didn't have a concern with.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the agreement with Vesta for FY23 amenity management services was ratified.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposals for Pool Repairs**

This item was tabled.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Borland Grover Site Plan and Effects on District**

This item was tabled.

**NINTH ORDER OF BUSINESS**

**Discussion of Athletic Field Usage**

Ms. Alfano stated as you know we approved an application for folks who wanted to use sport fields for their organized sporting event. An example amenity athletics has done this just to have some sort of awareness of who is using the fields. We did have a resident who has filled out the application on behalf of himself, he did not want to have the organization he was involved with, involved in this. I explained that is the nature of this application for bulk sporting events. If soccer season is coming up our soccer registration fliers go out that amenity athletics gives us a practice schedule, so we know exactly who is on what field. It is very difficult for us, and it will be increasingly so, it is very hard to see a Thursday night and people are parked down North Durbin Parkway and we don't have any amenity athletics practices scheduled for that day. That is a lot of organizations using that field for their practices or Patriot Oaks practice scheduled for that evening. It puts us in a position of perusing the fields and asking them if they are in an organized event and it gets a little uncomfortable when residents aren't truthful back, no this is just a play date. We have to have some sort of policy and that is where we came up with the application and in this case there might be some misuse where you are just trying to reserve the fields for your eight children

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and reserving the field isn't an option in the policy and procedures because everything is first come first served basis. I just don't want anyone to lose sight, I am on board to make every resident that I possibly can happy, but at the same time it is very hard to manage this.

Mr. Harrah stated I am almost to the point of just stopping all leagues, including amenity athletics and everything and just say this is for mom and pop to come out with a football. We do not do organized sports on our fields anymore because we cannot figure out a way to police them.

Ms. Alfano stated that was my point, let's not lose sight that the amenities were intended for you to play basketball with your son your daughter, they are amenities for the residents. As the community grows, develops, changes, sporting events come out, tennis teams, things of that nature, football teams, soccer teams, all these are a product of growth. I'm not opposed to them but in the situation it puts us in it is difficult.

Ms. Hall stated amenity leagues are going to need a place to play, but they also wear amenity uniforms. Why don't we let amenity practice at those fields, and they have to wear a uniform to practice, that way you know who is out there.

Ms. Alfano stated amenity does have IDs that the coaches wear. It is a lot to have a volunteer dad make sure your field tee shirt is clean every Thursday when you come up here at 7. It is just getting a little challenging.

Ms. Estes stated what Sarah is saying is what the Florida League requires them to have practice uniforms and game uniforms, it is just part of the overall sport if you want to play in a Florida league. That should tell you who should be on the field and who should not be on that field. We are not policing it; we are saying this is the policy and it is up to you to police this and the minute you don't then you are voiding your agreement with us.

Ms. Alfano stated that is an easy fix for amenity, it is not an easy fix on another side. That is why I want us to have that application.

Mr. Harrah stated you have all these groups based out of Julington Creek and they basically say we have 40, 50 things, here is what we think you can practice at JCP fields but what happens is they are all full. What these dads do to have their own teams, so they come to Durbin fields.

Mr. Eckert stated in this circumstance I advised her not to process the application or approve it. It was presented as a pickup game, if it is a pickup game you don't get to reserve the field, you just show up and everybody plays. The other thing is dealing with insurance and indemnification issues for an individual versus a sophisticated entity who is going to check

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backgrounds and things like that. The other fact is that you go down this road and there is really no control, and the final thing is it is really a back doorway to rent district property and we don't have those fields available for rental. We have this building and a couple other places, but you have never gone through ratemaking, and you never said we want to rent the fields. There are a lot of reasons why this particular one when you ask if it is a one off, I just said, I'm not comfortable we can talk to the board about it. All the suggestions and comments you have made we have seen in other districts too. You try to be accommodating to some extent then you get steamrolled.

Mr. Harrah stated I don't know a good practical way. Many athletics you have to wear a jersey, but you shouldn't have to police it.

Ms. Hall stated if it is mandatory in amenity athletics that you have to wear a jersey to practice, six out of eight kids are going to have a jersey on.

Mr. Harrah stated that is amenity athletics and they are Durbin only.

Ms. Alfano stated correct.

Ms. Hall stated I would like to see it be amenity and if there is any space left over Patriot Oaks because that is our home school, they don't have good space. I think those two should take priority, those are our kids. When we overload North people park on the road and we are going to spend hundreds of thousands of dollars to replace the grass. We need to limit who is out there.

Ms. Alfano stated 50% of the people out there are not residents. We did receive an application for a field reservation, and I want to make sure we are on the same page.

Mr. Pollicino stated if you have an application, you can say it is capped at whatever number and you go to the coach and say you can't park on the street and maybe we control it that way.

Mr. Harrah stated you have to police it. You go out and if they don't have a reservation they have to leave.

Ms. Alfano stated I want to find the answer and I want it to be okay with everyone but that changes our scope of services. I have not come to the board to recommend the tennis court reservation system because I can't figure out how to police it. If you are 15 minutes late for your reservation and there is no one there. Usually if you have reservations there is some sort of pro shop or access point to get to those courts. I'm not comfortable with tennis reserving the field, who is it, what do you need to go on the app and say I want to use the field.

Mr. Harrah asked is there a way to fence the field?

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Mr. Davidson stated I had a vendor come out and we walked the field and into the woods and that was roughly \$21,000 that includes a double gate.

Ms. Alfano stated at the front of the amenity center there would be a check-in office and restrooms and it would be in the north field. All the amenities would be fenced in and puts everything behind this gate. This would give us the ability to do many things. Currently there is only one basketball court but have two basketball courts and it doesn't have to be done at once. It could be done in phases, eight pickleball courts, four tennis courts instead of two, AstroTurf for fields has come a long way and I would like to see that done so the residents can have an area to play and do things. Maybe a few new playground features. You can start with the fence.

The board discussed possible fencing options with access code entry.

Mr. Eckert stated I had a client that just spent \$160,000 on a decorative 8-foot-tall fence. They did it for this exact same reason, to control access so there is one access point in and out and they can check identification. You are not alone in dealing with this issue. It has caused some inconvenience for residents who used to walk through but they have not had any complaints.

The direction of the board was to get pricing for an 8-foot decorative fence.

Ms. Alfano stated staffing is going to come with a cost.

Mr. Laughlin stated we will have this on the agenda for the next meeting.

**TENTH ORDER OF BUSINESS**

**Consideration of Swim Team Agreement**

Ms. Alfano stated the swim team agreement for next year is a carbon copy of last year with the same timeframe and schedules. There will be three meets, but the time hasn't been determined.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the swim team agreement was approved.

**ELEVENTH ORDER OF BUSINESS**

**Discussion of Patriot Oaks Tennis Team Court Usage**

Ms. Alfano stated we were approached by the Patriot Oaks tennis team for use of our courts for their practices and matches. Mike's office has prepared an agreement similar to one in the past. The only question is that the waiver is similar to the swim team and that I have the correct one. I did speak to Justin who works at St. Johns Middle School Athletic Association with whom we worked closely with for the football team to come up with that fee for usage, etc. He has come

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back with a \$20 per player fee, there are 25 players on the tennis team, and he would like to come tomorrow pending approval of the agreement and our waiver and issue a check for \$500 for that usage.

Concerns raised included Patriot Oaks has students not residing within Durbin Crossing, amount of usage of the tennis courts, and whether the \$20 per player a fair price.

Mr. Pollicino stated before we vote on this motion, we have to amend this contract to ensure the cost you feel is adequate to cover expenses, maintenance, parking, cleaning, toilet paper and if \$20 isn't enough you can bring it back. Before the next season we need a member of the school board to address this board, we need to know how many are Durbin residents, how many kids and we come up with a price and say this is what it is going to cost you. We have financial responsibilities to the residents, we can't subsidize this.

Mr. Eckert stated on the waiver issue, I would like that to mirror the other one we did. As to the insurance we could bump up the liability to \$2 million if you wanted to. Most of the time it is \$1 million policy. This is their insurance we require them to cover. If they get sued that insurance kicks in. We also say we have to be listed as an additional insured so their insurance would be providing a defense for us. For us, if we got sued directly our limits of liability are \$200,000 per person and \$300,000 per incident.

Mr. Pollicino asked Margaret, is that sufficient for your costs all in?

Ms. Alfano stated if we are going to go to that point, yes. There is going to need to use the restrooms. I have one FA working and he has to buzz them into the bathrooms and there are different things. I just tried to mirror what was approved for football.

Mr. Pollicino stated you need to evaluate all these contracts as they come up and say it is becoming a liability and expense to the CDD that we can no longer do this; it has to be break even.

Ms. Alfano stated I'm comfortable with the \$500 for tennis; I'm not too comfortable with the \$600 for football.

<p>On MOTION by Ms. Hall seconded by Ms. Estes with three in favor and Mr. Harrah opposed the agreement with the Patriot Oaks tennis team for court usage was approved.</p>
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Ms. Estes stated I think it is a good idea to revisit these agreements.

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Mr. Eckert stated if the intent is to not do it moving forward you should bring it up as soon as you can and say nothing happens next year.

Mr. Pollicino stated also express the board's discontent that they moved forward without approval.

## **TWELFTH ORDER OF BUSINESS**

### **Discussion of Aquatic Maintenance Services Agreement with Solitude Land Management, LLC**

Ms. Alfano stated when Aquatic Systems was purchased by Solitude there were some changes to our agreement. Mike prepared the agreement in Solitude's name and when we start the budget process this will be a budget increase for the next fiscal year. We have been operating fine under the current agreement.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the agreement with Solitude Land Management LLC was approved.

## **THIRTEENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Landscape Maintenance Team - Report**

Mr. Dean gave an overview of the landscape update, copy of which was included in the agenda package.

#### **B. District Counsel**

Mr. Eckert stated the board asked me to look at the community park sign. I still can't give you an answer on that. We made a public records request to St. Johns County for the documents we needed to review on December 22, 2022, we still have not received any response. Once we get those documents we will get back with the board.

#### **C. District Engineer**

Mr. Katsaras stated Zach and I are continuing to work with the county on the park irrigation on Islesbrook. I think they are running it up the ladder to see if we can use the same address for the meter and if they would be agreeable to us transferring the capacity fees that they had already paid for the existing meter.



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Mr. Harrah stated I know they aren't going to repave the road right away, but it would be nice if they came up North and South Durbin Parkway and sprayed all the white and yellow lines.

Mr. Katsaras stated I will try.

#### **D. District Manager**

Mr. Laughlin stated hopefully I had the last call with FEMA today. We should have an update on what the payout will be. They don't pay for tree replacement just hauling away debris.

#### **E. General Manager Report**

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

Mr. Harrah asked staff to look into a maintenance package on the HVAC system.

Ms. Alfano stated pool furniture re-strapping is a must before this coming swim season. The last time we had this done was in 2017 for roughly \$16,200. We have one bid that is the only one I received back from four companies and that is \$17,600. I would like to bump that up \$1,000 just for the freight. It may take two trips instead of one and that is \$900.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the proposal to re-strap the pool furniture in an amount not to exceed \$18,600 was approved.
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#### **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.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the proposal from Safe Slide to paint the slide in the amount of \$6,800 was approved.
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#### **G. Amenity Manager – Report**

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

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**FOURTEENTH ORDER OF BUSINESS      Supervisor’s      Requests      and      Audience  
Comments**

Ms. Estes stated I would like to add something to next month’s agenda and that is the pond behind the houses they turned it over to their POA and the builder left all the silt fencing and the barriers. All that construction debris is still out there.

Mr. Laughlin stated I will reach out, we might be able to do that outside of a meeting, it may not need to be a meeting item.

Mr. Harrah stated just put it as an action item and bring it up.

Mr. Gruber stated I live on the cul-de-sac behind the north amenity center. You mentioned court reservations system and that is something you should look into at least on the north courts. Since there are pickleball courts there, people try to meet up and there often people are on the courts. I think you are going to run into problems if you don’t get a reservation system so that people can plan their day around their reserved time. I used to serve on an HOA board, and this is a thankless job and I appreciate your doing this. I’m a realtor and I don’t think Julington Lakes is zoned for Patriot Oaks but Middleborn is. Maybe the district needs to come up with a comprehensive plan on how they handle these schools and work with the CDDs on using facilities. You are doing a great job.

Mr. Brownlee stated I came tonight to thank everyone on the board and the engineers. Durbin Crossing is not the newest, not the largest community but we are the best because of these people sitting here. A fine example is the Christmas party for the kids. I cannot believe the amount of work they put into that. I enjoyed my eight years on the board, the board is very conscientious and make prudent decisions for the community as whole.

Mr. Pollicino stated thank you for your service on the board.

**FIFTEENTH ORDER OF BUSINESS      Next Scheduled Meeting – February 27, 2023  
@ 6:00 p.m. at the Durbin South Amenity  
Center**

Mr. Laughlin stated the next scheduled meeting will be held February 27, 2023 at 6:00 p.m. in the same location.

On MOTION by Ms. Estes seconded by Ms. Hall with all in favor  
the meeting adjourned at 7:38 p.m.

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DocuSigned by:  
*Daniel Laughlin*  
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Secretary/Assistant Secretary

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Chairman/Vice Chairman