

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, December 19, 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
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
William Clarke	Supervisor by telephone
Shalene B. Estes	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
George Katsaras	District Engineer by telephone
Margaret Alfano	Vesta/Amenity Services Group
Zach Davidson	Vesta/Amenity Services Group

The following is a summary of the discussions and actions taken at the December 19, 2022 meeting.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. Laughlin called the meeting to order.

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 November 28, 2022 Meeting**
- B. Balance Sheet and Statement of Revenues and Expenses**
- C. Assessment Receipt Schedule**
- D. Check Register**

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

FIFTH ORDER OF BUSINESS**Discussion of Pool Surface Delamination**

Mr. Eckert stated the construction litigation counsel you hired did serve Epic with a 558 notice, which is a construction defect notice, that is a precursor to any kind of legal action that the board would file against the pool contractor. They have the ability to make offers to restore and things of that nature that are outlined in the actual letter. At this point in time there is nothing else we are asking you to do in relation to that letter, however the actual reconstruction of the pool shell we do need to talk about. I looked at our competitive thresholds, I believe the complete removal and replacement of the entire pool shell would constitute “reconstruction” and not “maintenance” or “repair” under the definitions provided in 255.20 and Chapter 287. Therefore, the applicable bidding threshold for that project would be \$461,674.40 and that means if the anticipated cost is under that number, we don’t have to advertise and get competitive bids. However, in the event this were to end up in litigation someday it is to our advantage to at least undergo some sort of competitive process. We are looking for the board to adopt a motion to authorize staff to solicit proposals for that work in the manner that staff deems appropriate based on the guidance from your construction attorney.

Mr. Harrah stated we will get three quotes.

Mr. Eckert stated we plan to request three to four quotes, whether we get them or not is a different issue and we will get them to Margaret and Daniel, and they will come before this board for you to vote on whether or not you want to hire a company to do that reconstruction project in the event that nothing is resolved with Epic.

Mr. Harrah asked if they don’t cure and we do it, then we would track all costs and that would be part of the litigation?

Mr. Eckert stated that is correct.

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Ms. Hall asked is it possible that Epic is going to come back and repair it?

Mr. Eckert stated it is possible that they may offer to do that under the 558 notice. It would be best to look at the 558 letter and reach out to Matt Davis directly with any follow-up questions.

Mr. Pollicino asked in the event that Epic does come back with some type of settlement offer between now and the next meeting, are you going to authorize me to make that decision?

Mr. Eckert stated we could do that or have a special meeting with 10-12 days' notice.

On MOTION by Mr. Pollicino seconded by Ms. Estes with all in favor staff was authorized to get proposals to reconstruct the pool shell and other needed repairs.

Mr. Harrah stated I feel like we need a meeting with that attorney.

Mr. Eckert stated you can have a shade session but only after litigation is filed and there has not been any litigation filed yet.

Mr. Harrah stated my concern is if they reply and say we will fix it, is there proof that something is going to be done differently?

Mr. Eckert stated they are supposed to provide a proposal pursuant to this letter and how that actually works out, a lot of times there will be a settlement agreement that includes the different terms and specifications. I would follow-up with Matt Davis on the specifics because he is the expert in this area.

Mr. Harrah asked is it your advice to delegate that to the chairman or hold a special meeting?

Mr. Eckert stated either one the board is comfortable with. It is about 12 days' notice if we need to have another meeting. There are a wide range of things that could come out of this letter, I just don't know what they would be.

Mr. Laughlin stated maybe we can have a motion to authorize the chair and if we get more information, we can call a special meeting.

Mr. Eckert stated by the time we get their response it may be time for our next meeting.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the chair was authorized to move forward with Epic Pools repair decision but in the event it is more complex, a special meeting will be called.

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Mr. Eckert stated we will keep the board updated along the way.

SIXTH ORDER OF BUSINESS

Discussion of Borland Grover Site Plan and Effects on District

Mr. Laughlin stated a copy of the site plan was included in the agenda package.

Ms. Estes stated I confirmed with the county where they were with their two applications, they do have construction plans in for review and they still have open comments.

Mr. Laughlin stated last week someone reached out to me about the assessments and have they been paid and how they will be paid going forward.

Ms. Estes stated I would like to get George to help us find out if they were asked to do a signalization warrant study and/or if it is proper placement. I know there is a 660-foot requirement for them to be able to put another signal. But if a warrant study is being asked to do done that would dictate what happens there.

Mr. Harrah stated I think for due diligence we should put it in writing. Should we not express our concerns to the county?

Ms. Estes stated I believe we should.

Mr. Harrah asked is that something you feel comfortable putting together and give to George?

Mr. Laughlin stated I can do that.

Mr. Harrah stated we need to put it on record and copy the county engineer, public works direction and Commissioner Whitehurst.

Mr. Eckert stated all we can do to be clear is raise the concerns and it is up to them. What I'm hearing is that Ms. Estes will work with Daniel and George to address the questions and concerns and put it in writing and send it out.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-03 Setting a Public Hearing for the Purpose of Adopting Revised Suspension and Termination Rules

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor Resolution 2023-03 setting a public hearing for January 23, 2023 at 6:00 p.m. was approved.

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EIGHTH ORDER OF BUSINESS**Staff Reports****A. District Counsel**

Mr. Eckert stated at the last meeting you asked me to review the DRI order to see if that community park sign on the column that is damaged could be removed. I looked at the DRI order there is nothing in there about signage, however, it does state that the DRI and the land shall be developed in accordance with the application that was submitted with the DRI, the ADA first sufficiency response, the ADA second sufficiency response and the letter from Canin & Associates. I have asked somebody to pull those documents and I will look at them, but there was nothing in the DRI order that specifically addressed the signage. The application a lot of times will have styles and things like that, and I want to make sure it is not required and if it is not required it will come back to this board and you will decide what to do with it.

B. District Engineer

Mr. Katsaras stated we have been working with JEA, Zach and the county on the capacity fee that we discussed at the last meeting for the irrigation meter at the park. We talked to JEA about transferring the capacity fees as long as the meter has the same address as it has now. It has to run up the chain at the county, but Zach has been coordinating with the county to see if they would be agreeable to the meter using the same address. Then we are going to have make sure with the county because I think the county paid for that 4" meter and we need to see if they are in agreement since they are not using the capacity fee or address and see if we can take a transfer and let the CDD use that. We are still working through that, but we made a little bit of progress.

Mr. Clarke joined the meeting by telephone.

C. District Manager

Mr. Laughlin stated I have been working with FEMA and started the process of submitting all the documents, it is about \$13,000.

NINTH ORDER OF BUSINESS**Supervisor's Requests and Audience Comments**

There being none, the next item followed.

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TENTH ORDER OF BUSINESS

**Next Scheduled Meeting – January 23, 2023 @
6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next meeting will be January 23, 2023 at 6:00 p.m. in the same location.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the meeting adjourned at 6:24 p.m.

DocuSigned by:
Daniel Laughlin
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Secretary/Assistant Secretary

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Chairman/Vice Chairman