

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, June 26, 2023 at 6:29 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida.

Present and constituting a quorum were:

Jason Harrah	Supervisor
William Clarke	Supervisor
Shalene B. Estes	Supervisor
Sarah Hall	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
Margaret Alfano	Vesta/Amenity Services Group
Danelle DeMarco	Vesta/Amenity Services Group
Zach Davidson	Vesta/Amenity Services Group

Ove 90 residents originally then about 40 residents stayed for the meeting

The following is a summary of the discussions and actions taken at the June 26, 2023 meeting.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. Laughlin called the meeting to order at 6:29 p.m. and led the pledge of allegiance.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the roll.

THIRD ORDER OF BUSINESS

Audience Comments

Ms. Vecchiola stated I have read the minutes and I think we should all understand what you are talking about with Epic Pools because that is relevant to all of us.

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Mr. Eckert stated the district has initiated a lawsuit against Epic Pools for what the District believes is a faulty resurfacing project that they did about four years ago. The district has hired special legal counsel, not my firm, to prosecute that because they are a construction law firm. I can't talk about the merits of the case because it is in active litigation right now. All I can tell you is that we are pursuing Epic Pools for the full cost of the resurfacing that we are going to undertake in the fall and winter for both the south pools and the north pools. That approximate cost is just under \$500,000 that we are pursuing. Our contract with Epic Pools also has an attorney fee shifting provision.

Mr. Hickman asked what is it going to cost for the new vendor?

Mr. Harrah stated the \$500,000 is for both north and south that will come out our capital reserve and if the litigation is successful, it will be replaced.

Mr. Gill stated it seems like the public areas coming down on the north has been taken up to resod and the resodding seems to be very slow.

Mr. Harrah stated St. Augustine was put in the south and I think it is Bermuda in the north and it has been a battle with every lawn care vendor we have had. We have started a process to replace it with St. Augustine sod.

Mr. Davidson stated we have done from Sanctuary roundabout to the north amenity center.

Mr. Harrah stated it was \$180,000 for that section. To do all of north was over a million dollars so we are doing it in sections. One of the items in the proposed budget is \$180,000 to do sod replacement for the next phase, from the entrance of North Durbin starting at Longleaf to the Sanctuary roundabout.

Mr. Davidson stated also they are going to do flowers and plants underneath the oak trees.

Mr. Gill stated in North Durbin from the roundabout to Longleaf, I can't drive an RV down there to get into the lot without the trees knocking off my air vents. The canopy is low.

Mr. Harrah stated we can talk to Yellowstone about that.

Mr. Beck stated there are not enough dog disposal bags. They are very far apart.

Mr. Harrah stated you can contact Zach on issues like that.

Mr. Clarke stated you can report an issue to staff on the app.

Ms. Wagner asked who takes care of the brick wall?

Mr. Harrah stated we have pressure washed it and if there are issues with the brick, we need to know about it.

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Ms. Johns stated we have a JEA easement that is not the CDD easement for mowing the lake bank behind us. They continue to go through the middle of our property. I have told them they need to go around, and they continue to go through.

Mr. Harrah stated we will address it with Yellowstone.

The next item was taken out of order.

NINTH ORDER OF BUSINESS

Discussion of Use of District Property for Resident Pool Installation

Mr. Laughlin stated they are requesting access through the district property in order to install a pool.

Mr. Eckert stated sometimes we are okay with it and sometimes we are not. This particular vendor is the one that built the pool on our easement, and we had to spend months chasing the vendor to get the payment and to come up with an encroachment agreement. I want the board to know that you may choose to have an agreement with this company that wants to be able to use it to build the pool but the last time we dealt with them, you spent a lot of money chasing them down to do what they were supposed to do in the beginning.

On MOTION by Mr. Harrah seconded by Mr. Clarke with all in favor use of the district property for a residential pool installation at 39 Eagles Nest Lane was approved subject to an agreement to be prepared by district counsel and a \$2,500 deposit.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the May 22, 2023 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 OR BUSINESS

Discussion of the Fiscal Year 2024 Budget

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Mr. Laughlin gave an overview of the budget adoption process and stated since there is a proposed increase a mailed notice will go out to all the property owners of the proposed increase and time and place of the public hearing.

Mr. Harrah gave an overview of the budget, the revenues, administrative expenses, amenity center admin, utilities, amenity center management contracts and grounds maintenance.

SIXTH ORDER OF BUSINESS

Update on Claims Against Epic Pools

There being no update, the next item followed.

SEVENTH ORDER OF BUSINESS

Consideration of Amenity Center Fencing Proposal

Over 90 people showed up for this item, but due to fire code capacity limits not everyone was able to stay, and this item was tabled until the July meeting that will be held in a location to accommodate the number of interested residents.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-06 Approving the Florida Statewide Mutual Aid Agreement

Mr. Eckert stated we went back to see if the district had ever approved a mutual aid agreement and couldn't find where we had. This is an agreement among various local governments that in the event of an emergency we can call on those other local governments to provide equipment or assistance or personnel to help us in the event for example our roads were blocked from a hurricane and our private vendor couldn't get out to deal with that issue for some reason, we would be able to call on the county or city to ask for a crew to come out and help. We would have to pay for it, but we would have that extra resource available to us. There is not a downside for the district, you only have to pay for those services when you request them so you can make the decision to request them or not. It is an additional layer of protection for the residents in the event there is an emergency we can call on everybody who is a party to this agreement, which is most of the local governments in the State of Florida.

On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor Resolution 2023-06 was approved.

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NINTH ORDER OF BUSINESS

Discussion of Use of District Property for Resident Pool Installation

This item was taken earlier in the meeting.

TENTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Team - Report

Mr. Davidson gave an overview of the landscape update for June and stated the hollies are starting to thin out and Yellowstone had their tree experts come out and concluded some of the hollies are dying and they want to do a four-point root injection on all 87 hollies and remove any dead growth. 14 of the hollies have a disease that will require an additional treatment of \$2,380. My suggestion is to do the first treatment for \$6,125 to see how it goes and if we have to come back for the 14 hollies, we would treat those if we didn't see any improvement.

On MOTION by Mr. Clarke seconded by Mr. Harrah with all in favor the proposal from Yellowstone for root injection of 87 holly trees in the amount of \$6,125 was approved.

B. District Counsel

Mr. Eckert stated at the board's request we did prepare the letter to the county commission and county administrator about our situation with the water meter. I have not received a response from anyone at the county.

Mr. Laughlin stated I received a response at the end of last week from Commissioner Whitehurst that said he is in receipt and will look into it.

Mr. Harrah stated give him a week then follow-up and copy the chairman.

C. District Engineer

There being none, the next item followed.

D. District Manager

Mr. Clarke asked can someone look into doing a zoom meeting with audio and/or video for the July meeting.

E. General Manager - Report

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Ms. Alfano gave an update on the pool speaker system.

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 gave an overview of the amenity report, copy of which was included in the agenda package.

ELEVENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Gill stated during the budget review you talked a lot about sidewalk repair. There are quite a few sidewalks within 5-6 houses from me that are elevated and cracked. What is the process for checking those?

Mr. Harrah stated St. Johns County is responsible for all the sidewalks throughout our community.

Mr. Davidson stated I have previously marked them with red, yellow or orange paint to make a caution of them. I take pictures and contact the county and I have to follow-up with them. They never tell me when they schedule to come out and repair them.

Mr. Gill asked would it help if I reported it?

Mr. Davidson responded yes. You can go on the website for St. Johns County for public works and put a ticket in for that. Margaret will put the information in the newsletter as well.

Ms. Berden stated when you talked about the budget and the new pool company, how many quotes did you get?

Mr. Harrah stated we did get three quotes; I think they were in the middle but their resume was stellar.

Mr. Eckert stated there is a public construction bond that is required for any contract over \$200,000 and that is in the contract. The \$500,000 we are paying for the resurfacing is not reflected in that budget because it is being taken from the capital reserve fund.

Ms. Berden asked how long will the pool repair last?

Mr. Laughlin stated 15 years.

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Ms. Berden asked will there be a budget to start saving for that?

Mr. Harrah stated we continue to put money away every year.

Ms. Berden asked what are the legal fees to go after Epic?

Mr. Eckert stated he gave a number around \$125,000 but they are insured so they will be hiring insurance defense counsel to defend the case and it could settle in a month and it could go to full trial and appeal. We don't know at this point.

Mr. Lovings asked is gating the community an option?

Mr. Harrah stated I have been on the board for 9 years and we tossed around the idea, the issue is our community is so robust with so many thoroughfares that you don't want to leave all those open or put gates on all of them. You really want one or two points of ingress/egress for north and south. You can imagine a line of cars lined up and the expense to have them monitored. Then the county will want you to repair the roads.

Mr. Eckert stated there are two other issues. One is the roads were paid for with public bonds, which means you can't gate them with a hard gate until your bonds are paid off that is 2037. Number two is some of these major roads the county has counted on them being thoroughfares so they likely wouldn't consent to giving you the roads anyway. Nobody should have the expectation that once the bonds are paid off all of a sudden you can do what you want with the roads because I don't think the county is going to agree to give up that free flow of traffic.

Ms. Dashieill stated perhaps you can tell us the magnitude of the problem that you are trying to solve so when we come to the July meeting, we will have a better sense of where you are coming from.

A resident stated I appreciate communication and would appreciate better communication.

Ms. Berden stated you mentioned refinancing the bonds.

Mr. Laughlin stated when they are ten years old is when they are eligible for refinancing, but you really want good rates so if we were to do it now it would go up.

Mr. Eckert stated we can't refinance now; we refinanced in 2017 and I think the reference of refinancing was about how we were able to keep assessments low because we were previously able to refinance the bonds. The reference was historical. The first time we will look at refinancing the bonds would be 2026, 2027 and the underwriters are very good about if there is any opportunity to refinance the bonds, they contact the district and make a presentation.

Ms. Berden asked does that extend the term of the bond or just lower the rate?

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Mr. Eckert stated it lowers the rate; it does not extend the term of the bond.

TWELFTH ORDER OF BUSINESS

**Next Scheduled Meeting – July 24, 2023 @
6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next meeting is scheduled for July 24, 2023 at 6:00 p.m. and the location will be determined. We will put that on the website as well as an eblast.

On MOTION by Ms. Estes seconded by Mr. Harrah with all in favor the meeting adjourned at 7:56 p.m.

DocuSigned by:
Daniel Laughlin
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Secretary/Assistant Secretary

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Chairman/Vice Chairman