

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 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
Margaret Alfano	Vesta/Amenity Services Group
Zach Davidson	Vesta/Amenity Services Group
Blake Dougherty	Yellowstone
Kyle Sanders	Yellowstone
Several Residents	

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

THIRD ORDER OF BUSINESS

Audience Comments

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Ms. MacLeod stated we used to have a crosswalk that went from Castlegate to the development across the street and I noticed on Veterans there are no crosswalks. Are they going to put crosswalks back in where they were?

Mr. Laughlin stated it is not a district project, that is a county project.

Mr. Eckert stated give your information to Daniel and he can follow-up on that.

Mr. Berden stated I am a high school student, and I would like to be able to use the gym as a way to get better in sports. I would love to be able to work out and I will respect the gym equipment.

Mr. Baker stated thank you for giving me the time to speak on behalf of the high schoolers in the Durbin community. I think it is a good idea that high schoolers present their digital school photos along with their amenity key card at the gate when attending the gym to ensure that hardworking high schoolers like myself and Myles and many other student athletes like us have the opportunity to work out without parental supervision. This makes it so that we can work out and build muscle while our parents are busy or at work.

Ms. Hall stated it is very brave of you to stand up and state that you would like to use the gym.

Ms. Berden stated I am one of the parents who had supervised these boys at that gym; they are very responsible and respectful of the equipment and everyone else in the gym.

Ms. Carr stated I'm very involved in middle school sports and I recently met with the president of the middle school sports association and went over budgeting with him and there is a certain amount of money that the association gives to Durbin Crossing to use the facilities for our sports, which surprised me because we have been told many times that can't happen here; there is nothing we can give you and the sports association does not provide anything so internally we are taking money out of own pockets to rent gyms, sports studios, etc. Is that true, do you actually receive money and if so, why are we not able to use the facilities for those things?

Mr. Laughlin stated we do receive money and some of the school sports through that organization, they have gotten approval from the board. There is an agreement and form filled out between the district and that sports organization and there are times there is compensation.

Ms. Carr asked in this specific instance the dance team part of the fees we are paying is compensating Durbin Crossing. We have been told that the facilities are not useable inside/outside anything.

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Mr. Laughlin stated I don't know about the dance team; this is the first I'm hearing about that.

Ms. Hall stated I think we can touch on the tennis team, paid some money to use the tennis courts. Are there any other middle school teams that are paying?

Ms. Alfano stated there are only two, the football team Patriot Oaks and Patriot Oaks tennis.

Ms. Hall asked were you looking at the budget as a conglomerate or are you just looking at the dance team budget?

Ms. Carr stated I was looking at the dance team budget and we are not unwilling to pay money to use the facilities. To use what is here would be amazing rather than driving 25 minutes to drop our kids off, but that was never presented as an option to me.

Ms. Hall asked what facility are you interested in using?

Ms. Carr stated indoor would be best. Obviously, there is a lot going on, the community is full and there are not a lot of options. I was surprised to see that in the budget, and I would like you to look into it.

Ms. Hall stated talk to Margaret about the logistics and see if it is possible or not.

Ms. Alfano stated the association does not pay anything to the district for dance team it is only for the two sports that have gone through that process. If you saw something in the dance team budget for Durbin, none of those funds come to the district.

A resident stated also there was an issue with insurance, if we use the space, we need insurance.

Mr. Eckert stated anybody who comes on the district facilities we usually require an indemnification agreement if someone gets hurt or something happens as a result of the activity that is going on that the district is indemnified. We also typically require that there be insurance so if there is an issue that comes up and someone goes get hurt, we have an insurance company deal with that not the district board, which only has funding from residents' money. There are other legal protections we have built into that as well. There is also a waiver that we require. It has to be an organization it can't just be someone who wants to teach basketball as an example.

Mr. Anturez stated I am a coach and have been coaching flag football for nine years, I have a roster of 30 kids who are residents and if they want to go to the park and learn I will teach. I have been warned that I can't do that. I'm trying to find options.

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Mr. Eckert stated it is part of what is on the agenda in terms of dealing with sports team usage of open green space. The comment is on point it is an agenda item. We have gone through this before and the problem when you do not have an association for us to contract with is when somebody gets hurt, when a kid goes missing. Those things do happen at other districts we have worked with. If you don't have insurance, indemnification waivers signed by the parents, it put the rest of the residents in a very awkward position if we end up in that kind of litigation. That is why it is important for me to have that agreement. We are going to talk about that more later in the agenda.

Ms. Baker stated I want to bring to your attention that I have also been coming to the gym. The boys want to come to the gym, but I have dinner to make and things. For mental health purposes it helps them to get out and get fit. We are hoping you can consider letting the freshmen use the gym.

FOURTH ORDER OF BUSINESS**Approval of Consent Agenda**

- A. Approval of Minutes of the September 25, 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. Hall with all in favor the consent agenda items were approved.
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FIFTH ORDER OF BUSINESS**Discussion of Borland Groover Construction Impact on Landscape & Irrigation**

Mr. Laughlin stated we had a meeting last week with Borland Groover, Allwhite, the irrigation team and staff and Supervisor Estes. They seemed agreeable to working with us. The plans we originally received were changed from the most current ones and they are drafting a plan that will show the work they have planned so we can look at that and see how that affects our irrigation. The team was onsite and pointed out a lot of the issues we have.

Mr. Harrah stated they want our contractor to make the repairs and they are going to pay for it.

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Ms. Alfano stated they have not paid for it yet. We have incurred approximately \$4,000 in repairs due to their destruction of that area. That main line is currently capped and everything we have is being watered. Moving forward to the turn lanes and different access points to their facility as well as the common ground landscape county easement that we maintain, we are looking at \$53,000 for that irrigation work. They seemed agreeable to those costs, but we have nothing in writing, and we are waiting for that official site plan to make sure we are all working off the same document.

Mr. Harrah asked should we put those costs in writing and send it to them?

Mr. Eckert stated I think it should come from Daniel's office first working with Vesta and I would only get involved in the event there was pushback that we didn't think was reasonable.

Ms. Alfano stated since the site plan has changed, we are waiting to make sure the estimate is off the final document.

SIXTH ORDER OF BUSINESS

Discussion of Sports Team Usage of Open Green Space

Mr. Eckert stated we have been struggling with a couple different issues: using lands for activities it was not designed for and we have four passive park areas, on Lorrison, Fenton, between 106 Telford Drive and Wellwood Avenue and another on Longwood Street. These are passive parks that were designed as such; there is no buffer between them and the houses, there is no parking, it was never designed for organized sports activities where people come and have organized practices and things like that. We also have recreation fields at Durbin Crossing North and Durbin Crossing South that were designed for that. They have parking lots and restroom facilities. The parking lots provide a measure of safety when people are parking and walking between cars. Rather than trying to deal with everything at once I was going to suggest to the board that we focus on the passive parks first and figure out what your policy is going to be, and we will move on to the recreation centers in a couple months after we get through this. My recommendation as stated in the email is basically because there are no buffers, they weren't designed for parking, there are no restroom facilities, organized athletic facilities could damage the turf, the irrigation and curbing as well as interferes with the enjoyment of the property by the residents who live immediately adjacent to and don't have any buffers. My recommendation was for these parks to not permit organized athletic activities; sports teams to set up practices, these areas were not designed for it. I'm recommending that the board consider not giving staff

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discretion just saying these are passive parks, they are not for organized sports leagues to come and just use because they are not designed for it. It is a policy decision for the board, but from a legal standpoint I have some concerns when you are using something which really isn't its intended purpose when it wasn't designed to be used for that purpose.

Mr. Harrah stated the passive parks are typically neighborhood parks. It is for the people who live there to enjoy that park. The issue we are having is groups like flag football, I-9, whoever it is they have games at the schools but they need somewhere to practice, and they are not getting the schools for the practices so the parents say there is a park by my house just come here and we will have our practices two days a week. It wouldn't be noticeable with six or seven kids out there, but they have all the parents lined up in their cars in the grass waiting for an hour for that practice to happen. They make it so obvious that staff are getting phone calls about it.

Mr. Pollicino stated this is really sad because I get it, kids want to play and practice, and it is sad that parents are so desperate for green space in St. Johns County that they resort to using these little parks and parking on the sidewalk. The bigger message is you need to contact your county commissioners and demand that we need more green space in this county because parents are desperate to use these parks, parking on curbs and no bathrooms. It is unacceptable. The board is in a position based on advice of counsel that we just can't have these kids playing in these parks, no sidewalks, no curbs, no restrooms and houses around those parks are calling us about it.

Mr. Eckert stated we have always treated all recreation areas the same even though they were not designed the same and we have said any organized sport that wants to use our facilities has to fill out the application, go through an agreement process but people have been using these other areas for something they were not designed for. My recommendation is let's stick with how things were designed by the architect of the community. Let's deal with these four areas first and in a couple months let's see what improvements we can make to our policies and procedures dealing with the north amenity center and the south amenity center to address all the different concerns that we have had in terms of wanting more use and also making sure that people who are paying Durbin CDD fees aren't shut out using their facilities because it is being used by people who just come in and not played by the rules and not entered into agreements.

Mr. Harrah stated it doesn't mean that kids from the neighborhood can't ride their bikes to the park and play ball, it is just organized teams we can't have.

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Mr. Eckert stated I recommend that we work with Margaret's staff. The main thing I'm looking for from the board is if you agree with the recommendation, which is no organized athletic activities in those four neighborhood parks, then we will work with a board member or Margaret to come up with some appropriate signage, have that out there, then we are going to have to enforce it too. At the end of the day if we have a resident who is running an I-9 sports team and refuses to acknowledge the fact that those areas aren't supposed to be used for that then we have some choices to make in terms of suspending that person's amenity privileges because they are not paying attention to the rules. If it is someone who is not a resident, we are going to call the sheriff to say this person is trespassing, they don't have the right to use this facility for this purpose. I'm hopeful that there will be an education part of this that staff works to let the community know that this is what they are designed for, so we don't have to go down that road with some people, but we have to be prepared to do that; if we have a policy we ought to enforce it.

Ms. Hall asked can we also draft a letter to organizations that we know are violating?

Mr. Eckert stated yes, that is one of the things that is suggested. That is part of the education program, it is for both residents and organizations.

A resident asked what is the main issue? Are cars the main issue? Can kids just ride their bikes?

Mr. Pollicino stated it is not just the cars, it is the organized sports on these parks that poses a liability.

Mr. Harrah stated no one is going to say anything about ten kids who happened to be out there playing flag football, throwing the football. Dad doesn't have a red coaches shirt on, it is just a flag football game.

Mr. Anturez stated the parents ask me to be out there. They ride their bikes, I think we have had two cars out there, but one of them is literally three doors down so I just park at his house because I was told don't block the roadway. They ride their bikes and I bring flags and stuff.

Ms. Estes asked are you being paid for that?

Mr. Anturez stated no. I'm friends with all the parents and all the kids I have coached at one point or another.

Mr. Harrah stated I don't have a problem with a dad that lives in the community that has 10 kids come out and set up end zones and plays flag football. If there is a group like I-9 or whoever charging each parent \$200 or whatever and they don't have any place to practice so they use our

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parks until they get run off. There are cars parked all over the road waiting on their kids to finish practice.

Mr. Hablas stated I agree with everything that has been suggested and the policy to be adopted to restrict the use to residents for non-organized, non-paid activities. We live very close to south, and our kids are up here all the time. They ride their bikes and play soccer and do all these types of things. That is in line with what you are discussing, and I want to voice my support of that.

A resident stated I live near one of the neighborhood parks and there are consistently more than one or two cars. I have taken pictures of them. My mother who lives in this community has almost gotten run off the road because of people speeding around the corners when there are all these cars parked. It is more about the liability associated with these things than just the kids being able to play in the field. There are at least eight cars parked on the field. I'm supportive of the restrictions the lawyer laid out.

Mr. Harrah stated if we adopt this policy, we are adopting these covenants for the neighborhood passive parks. This is giving Margaret the authority that if she goes out there and sees I-9 shirts and a coach she can say you can't do this, we have a policy. We are going to have a sign with a QR code that they can see the policies. If it gets controversial then they can call the non-emergency number for St. Johns County Sheriff and ask them to be trespassed from the site.

Mr. Eckert stated the only exception would be if the person identifies themselves as a resident and they are the ones running the organized activity for I-9 Margaret has the alternative to take the person's name and bring that back to the board rather than calling the police and the board can decide whether to suspend the amenity privileges of that individual who refused to leave as well as his household.

Ms. Alfano stated certainly this topic is multifaceted and affects different people in different ways. As board members you represent families that have young children and families who don't. The families who have amenity cards and the families who don't. It goes deeper than eight or ten children on a team. I would hope that education and getting the word out about this would be achieved through the newsletter and app and all the communication tools that we have. It is a little disheartening for me to sit here when these areas are being taken advantage of and working on the calls of people being upset that these things are taking place, there are tents, benches, every Monday every Wednesday, etc. that affect the residents who live in the non-

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buffered, no parking, etc. It is hard to plan a Halloween event we have coming up on Friday and then go to the park and say I have to call the police on you because you are operating outside the policy. It is a double-edged sword, I just want to say that I hope our education process and the board's wishes will be adhered to by the residents. I have talked to some I-9 dads, but they say, do you want to play with eight of your friends, it has nothing to do with I-9. It goes on and on. I hope that it can be met with the intent that is there.

Mr. Harrah stated if you see that there are six or seven kids and a man in a white tee-shirt and they have flags and cones set up, I don't think we want to pull drivers' license and check that. Common sense has to prevail so if you see that, and they don't have a coach shirt on and there are no cars parked and no benches or pavilions set up then we have to let it be. If they are organized and the parents are all sitting out in chairs, they are making it abundantly clear and we have no choice but to call the police.

Ms. Estes stated I think over time they will become aware of what we are trying to do.

Mr. Pollicino stated the key is not if the coach is getting paid because some coaches are volunteers. The question is, is this part of a paid organized league. If they answer is yes, then that falls into organized sports.

Mr. Harrah stated if a dad is out there with six or seven kids and they are throwing the ball with no resemblance of an organized sport I don't think it is Vesta's responsibility, I don't want them policing that.

Mr. Pollicino stated if there are no cars, if it is kids and a couple of bikes in the park that is what is there for. If it is cars and benches and whistles and flags that is something different.

Ms. Alfano stated a community is built for this but as it grows there are new demands on it.

A resident asked just to clarify, does this policy encompass the school teams as well that might need some practice space?

Mr. Harrah stated we are talking about neighborhood parks beside someone's house not the north and south amenity fields. If six kids from Patriot Oaks want to practice, I don't think Margaret is going to police that but if they are there in Patriot Oaks gear and the parents are set up in chairs all around with a canopy to get out of the sun, that is a problem.

Ms. Hall stated I don't know the size of these parks but if they are really small shouldn't there be a number? Organized sports look like six or more kids with parents and cars. This is how

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we deem organized sports. Could there a max capacity for these parks because that might just put an end to it?

Mr. Harrah stated our green space fields, you can be 8 years old, not accompanied by an adult and you can have five guests.

Ms. Estes stated I'm happy to work on signage.

On MOTION by Mr. Pollicino seconded by Ms. Hall with all in favor a policy that no organized sports will be allowed in the four specific neighborhood parks was adopted and Supervisor Estes was authorized to work with staff on signage.

Ms. Hall stated we need to pressure the school to open up their amenities to the residents. There are teams that dominate Veterans and maybe there needs to be open fields available and that is something the community needs to address because they are leasing their fields to one organization and then there is no place to play.

SEVENTH ORDER OF BUSINESS

Discussion of Patriot Oaks Tennis Team Court Usage

Mr. Laughlin stated we have the request to use the tennis courts; they have used it in the past. I believe they agreed to a \$500 payment.

Ms. Alfano stated they are requesting to use it again January through April. If the board approves, we will ask counsel to draw up the agreement with waivers and insurance. The same as we have done in the past.

Mr. Harrah stated it is not peak hours for typical tennis usage.

Ms. Alfano stated as we do with the swim team, we make sure there is some residential use available. They have requested last year and this year again just for their match times that they use all four courts, but for practices they use three courts.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the request of Patriot Oaks Tennis Team to utilize the tennis courts was approved.

EIGHTH ORDER OF BUSINESS

Discussion of Patriot Oaks Crosswalk

This item was tabled.

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NINTH ORDER OF BUSINESS

Discussion of Age Restriction for Amenities

This item was tabled.

TENTH ORDER OF BUSINESS

Consideration of Easement Encroachment Request – 352 Welbeck Place

This item was tabled.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-01 Amending the Fiscal Year 2023 General Fund and Capital Reserve Fund Budgets

Mr. Laughlin stated we do this at the end of each fiscal year to amend the budget line items for increases and decreases.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor Resolution 2024-01 was approved.

TWELFTH ORDER OF BUSINESS

Authorization to Issue RFQ for Engineering Services

Mr. Laughlin stated we have a copy of the RFQ and scoring criteria in the agenda package.

Mr. Harrah stated I work with all these firms and will abstain from discussion and voting on this matter.

Ms. Estes stated I have to do the same.

Mr. Eckert stated this is an administrative exercise to approve the RFP and the criteria. We are not voting to give a competitive advantage or disadvantage to any one particular firm. I believe you can vote on this but recuse yourself from the discussion and voting on the ranking of the firms that submit and the negotiations for contracts with them. There is no conflict for either of you to vote on this today.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor staff was authorized to notice an RFQ for engineering services.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance Team - Report

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Mr. Dougherty gave an overview of the landscape maintenance team report, copy of which was included in the agenda package.

B. District Counsel

Mr. Eckert stated in regard to the interlocal agreement and easement for the water meter, we are still waiting to hear back from the county attorney. We provided that to them along with the sketch and legal and we are waiting to hear back. I will follow-up with them this week.

When we have supervisors request I think it would be helpful to staff if the board expresses a consensus at the board meeting where the request is made when you are going to tell staff to spend 10 to 20 hours on something, making sure it is how the board wants staff to spend that time, just simply that is hours not spent on doing other things, in the future when we have those types of things just make sure the whole board wants to do it before that the time is expended. You are making a decision as a board as to how you want staff to spend their time.

C. District Engineer

There being none, the next item followed.

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.

On MOTION by Mr. Harrah seconded by Ms. Hall with all in favor the proposal for holiday lighting from M&G in the amount of \$11,500 was approved subject to district counsel preparing the agreement.

F. Operations Manager - Report

Mr. Davidson reviewed the field operation manager's report, copy of which was included in the agenda package.

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G. Amenity Manager – Report

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

FOURTEENTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Ms. Hall stated a resident who lives at 101 Chatsworth mentioned when you pulled the hollies out there is a lot of road noise from Durbin South Parkway.

Ms. Alfano stated we left doorhangers on all five houses that were directly adjacent, and I didn't hear from anyone. I can follow-up with them. Due to the curb to sidewalk area, there wasn't another vegetation that went from ground up, magnolias did but they would be too big for that space. Ligustrum is another tree I thought would be great there but then you have the trunk then the vegetation. We are hoping the grasses will help.

A resident stated a suggestion on the gym, Ms. Hall had a great idea of 14-year-olds getting out of middle school, bring the paperwork up and sign a waiver. You have a lot going on with Borland Groover but make sure they replace the tree berm.

Ms. Estes stated they have a landscape plan and there is an undisturbed setback that is required. At that point it is private property. Anything we put in the right of way is at our own risk.

Ms. Alfano stated I want to apologize to the dance team; they did reach out to me and we were never able to pull it together.

FIFTEENTH ORDER OF BUSINESS**Next Scheduled Meeting – November 13, 2023
@ 6:00 p.m. at the Durbin South Amenity
Center**

Mr. Laughlin stated the next meeting will be held November 13, 2023 at 6:00 p.m. at the same location.

On MOTION by Ms. Estes seconded by Ms. Hall with all in favor the meeting adjourned at 8:24 p.m.

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DocuSigned by:
Daniel Laughlin
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Secretary/Assistant Secretary

DocuSigned by:
Peter Pollicino
654632A5651D43E...
Chairman/Vice Chairman