

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, April 28, 2025 at 6:03 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, St. Johns, Florida.

Present and constituting a quorum were:

Peter E. Pollicino	Chairman
Shalene B. Estes	Vice Chair
Sarah Gabel Hall	Supervisor
Jason Harrah	Supervisor
Shawna Berden	Supervisor

Also present were:

Marilee Giles	District Manager
Mike Eckert	District Counsel
Mike Yuro	District Engineer
Matt Davis	Litigation Attorney by telephone
Sue O'Lear	Vesta/Amenity Services Group
Kristen "Kiki" Jimenez	Vesta/Amenity Services Group
Zach Davidson	Vesta/Amenity Services Group
Jason Davidson	Vesta/Amenity Services Group
Jack Thompson	Yellowstone
Richard Craig	Yellowstone

The following is a summary of the discussions and actions taken at the April 28, 2025 meeting.

**FIRST ORDER OF BUSINESS**

**Pledge of Allegiance**

Ms. Giles called the meeting to order and led the pledge of allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Ms. Giles called the roll.

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**THIRD ORDER OF BUSINESS****Audience Comments**

A resident stated there have been issues with the irrigation system for over a year and there is a lot of grass at the main entrance that is dying.

Ms. Berden joined the meeting at this time.

The next item was taken out of order.

**NINTH ORDER OF BUSINESS****Consideration of Agreement with Durbin Crossing Dolphins Swim Team**

A representative of the swim team stated we are starting practice tonight and working with Mike Eckert we signed the agreement, understanding that we still needed to discuss and resolve the issue of whether lifeguards must be present at the swim meets.

Mr. Eckert stated the understanding I walked away from the last board meeting with was that the swim team was going to talk to their members about whether they wanted to either use the district's lifeguards or as I understood it, they were going to provide lifeguards. The response after that was no, we don't want to use the Vesta lifeguards, and we don't want to have the requirement of lifeguards at all. The agreement is signed with lifeguards for the meets, which is consistent with how it was signed before. Because we were going to meet today, we said let's put the requirement in there for lifeguards for meets and you can come to this meeting and if the board agrees that you are not required at all we can amend the agreement to take that requirement out.

A representative of the swim team stated I thought when we were here last time, we were saying no lifeguards at all and I think the confusion was when you sent me that agreement it was Vesta lifeguards. I thought we were on the same page of saying no lifeguards, all together, Vesta or anybody else.

Mr. Harrah stated we can look at the minutes of that meeting, but I thought lifeguards were required for liability purposes for the district. We thought it was a small additional charge \$5 per kid to add lifeguards. I understand now that you have not had lifeguards and have been doing this for years but for the one instance that something happens the district gets litigated against, it would be a level of security for us to have.

Mr. Pollicino stated the other out was if you didn't want to use our lifeguards, you would provide lifeguards on your own.

Mr. Eckert stated every contract that left my office had lifeguards in it. I am told staff at some point agreed with the swim team to not have lifeguards.

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Mr. Harrah stated the board was unanimous about expecting lifeguards. I can't speak to what staff said but every agreement that has been signed since I have been on the board for nine years has had the requirement of lifeguards. We are only talking about \$4 or \$5 per kid extra, we are not talking thousands of dollars.

Mr. Eckert stated I can rewrite the agreement to say you will hire Vesta lifeguards.

On MOTION by Ms. Estes seconded by Mr. Harrah with all in favor the agreement with Durbin Crossing Dolphins Swim Team was approved in substantial form with the change to require the team to hire Vesta lifeguards.

Ms. Hall joined the meeting during this item.

#### **TENTH ORDER OF BUSINESS**

#### **Consideration of Request for Pool Usage from Creekside High School**

A representative of the Creekside High School Swim team stated we are requesting to have two meets this year. We will do tryouts Tuesday and Thursday August 12 and 14<sup>th</sup> in the morning. The following Monday evening, the 18<sup>th</sup>, we have a time trial to see who makes the team. Then we go into our practice. We have two meets but don't yet have dates for them. The only change from last year is one extra meet.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the request for pool usage for swim practice by Creekside High School Swim Team and two meets was approved.

The next item taken out of order.

#### **Attorney – Discussion of Epic litigation**

Mr. Eckert stated before you vote on this item, I suggest you take audience comments because we didn't know how to describe this item on the agenda at the time the agenda needed to be published.

There were no comments from the public.

Mr. Davis stated Peter and I attended mediation on Tuesday, we did reach a tentative agreement with them resulting in payment to Durbin of \$300,000 total. It is still subject to your

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approval. At the end of the day, it is a little bit lower than I would like but they say that mediation is where everybody walks away a little unhappy. This is something I recommend, it gets the district its money back from Epic in full. The district paid \$210,000 to Epic, we don't feel like they did a good job, but it gets us that back plus whether you want to term it interest, attorney's fees, expert fees, whatever it costs to get them to give us our money back, we got that in full if we accept this deal. The deal on the table is \$300,000 in exchange we dismiss the lawsuit, and we don't incur any more costs.

Mr. Pollicino stated Matt was very good at the mediation, the settlement is tough, but it is a good settlement. It is my recommendation that we accept the offer that was presented.

On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the offer of \$300,000 to settle the lawsuit against Epic was approved.

Mr. Davis left the telephone conference at this time.

#### **FOURTH ORDER OF BUSINESS**

#### **Review of Action Items**

Ms. Giles gave an overview of the open items on the action items list, which was included in the agenda package.

#### **FIFTH ORDER OF BUSINESS**

#### **Approval of Consent Agenda**

- A. Minutes of the March 24, 2025 Meeting**
- B. Financial Statements**
- 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.

#### **SIXTH ORDER OF BUSINESS**

#### **Staff Reports**

- A. Landscape Maintenance Team - Report**

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Mr. Craig gave an overview of the April landscape update, copy of which was provided in the agenda package.

After discussion of the issues with the irrigation system on Long Leaf Pine Parkway the board took the following action.

On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor the proposals from Yellowstone to put in new wiring and accessory items on Long Leaf Pine Parkway was approved in an amount not to exceed \$250,000.

Various other landscaping and irrigation topics were discussed. The next two items taken out of order.

#### **EIGHTH ORDER OF BUSINESS**

#### **Discussion of Phase IV Sod Replacement**

This item deferred to the May meeting at which time staff will bring it back as part of the budget process.

#### **TWELFTH ORDER OF BUSINESS**

#### **Discussion of FY26 Budget and Wish List Items**

The board and staff discussed the upgrade to the balance of the irrigation system for the rest of the community for budgeting purposes.

#### **SIXTH ORDER OF BUSINESS – Continued**

##### **B. District Counsel – Discussion of Epic Litigation**

The Epic Litigation issue was taken earlier in the meeting.

Mr. Eckert stated the significant pieces of legislation that could affect the district kind of withered and we will update the board on any changes at the next meeting.

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

There being none, the next item followed.

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

Ms. Giles stated there is a letter in the agenda package from the supervisor of elections reporting that there are 4,765 registered voters residing within Durbin Crossing CDD.

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Just a reminder to complete your form 1 no later than July 1<sup>st</sup>. I will send an email tomorrow with links to the ethics training and the form 1 filing. There is a small box that says, bring in my data from last year and that makes it a lot easier.

You will approve your budget May 19<sup>th</sup> and adopt it at your August meeting.

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

Ms. O'Lear stated I highlighted several things that ended up being action items you already discussed, the conversations with the Dolphins and Creekside. We are down two ellipticals in south and the other two are hanging on by a thread and I have pricing from two companies for three ellipticals. In the survey a lot of people have asked for a seated leg press machine rather than an elliptical and I have pricing from two vendors for that. We did not get a significant number of responses to the survey from the last meeting and this meeting. We haven't made it to 300. The upside of the survey is that we are able to act on the smaller suggestions. Upgrading the gyms was the second most popular suggestion.

Bring back to the May meeting lease versus purchase options for the gym equipment.

#### **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. Jimenez gave an overview of the amenity manager's report, copy of which was included in the agenda package.

On MOTION by Ms. Hall seconded by Mr. Estes with all in favor staff was authorized to reallocate \$5,000 from the holiday décor budget to the special events budget.
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On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor the agreement for vending machine services at north and south amenity centers was approved.
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**SEVENTH ORDER OF BUSINESS**

**Acceptance of the Audit Committee's  
Recommended Criteria and Authorizing Staff  
to Issue Request for Proposals**

On MOTION by Mr. Harrah seconded by Ms. Estes with four in favor the audit committee's recommendation was accepted and staff was authorized to issue an RFQ for audit services.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Phase IV Sod Replacement**

This item taken earlier in the meeting.

**NINTH ORDER OF BUSINESS**

**Consideration of Agreement with Durbin  
Crossing Dolphins Swim Team**

This item taken earlier in the meeting.

**TENTH ORDER OF BUSINESS**

**Consideration of Request for Pool Usage from  
Creekside High School**

This item taken earlier in the meeting.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Agreement for Vending  
Machine Services at North and South  
Amenity Centers**

This item taken earlier in the meeting.

**TWELFTH ORDER OF BUSINESS**

**Discussion of FY 26 Budget and Wish List  
Items**

The irrigation portion of this item was taken earlier in the meeting.

Ms. O'Lear stated I have direction on how to research gym improvements. The pool pump was approved at the last meeting.

The board discussed commercial doors, and the balance of the wish list items.

**THIRTEENTH ORDER OF BUSINESS**

**Discussion of Security Matters (Closed to the  
Public)**

The board and staff went into a closed session to discuss the District's security system and security plan after which the public portion of the meeting was reconvened, and the board took the following action.

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On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor Dynamic Security was selected as the security provider in an amount not to exceed \$70,000 and staff was authorized to enter into a contract subject to confirming there is no termination prohibition in any current agreement and further discussion of a separate maintenance agreement to extend beyond the warranty period.

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

Ms. Hall stated I want to make sure that the lap pool always has a lifeguard. If there is a guard at the slide and a guard at the lap pool, there should never be a situation where the lap pool does not have a guard if there are guards on duty.

Ms. Estes stated I want to make sure the board is aware of the cell tower proposed for Durbin.


**FIFTEENTH ORDER OF BUSINESS      Review of Action Items**

A copy of the action items was included in the agenda package. The new items that were discussed during the meeting will be added to the list.

**SIXTEENTH ORDER OF BUSINESS      Next Scheduled Meeting – May 19, 2025 at  
6:00 p.m. at the Durbin South Amenity Center**

Ms. Giles stated the next meeting will be held May 19, 2025 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 8:45 p.m.

Signed by:  
  
0A980FE07A6A46D...  
Secretary/Assistant Secretary

Signed by:  
  
654632A6664D43E...  
Chairman/Vice Chairman