

MINUTES OF MEETING
MIDDLE VILLAGE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Middle Village Community Development District was held on Monday, March 11, 2019 at 6:00 p.m. at the Plantation Oaks Amenity Center, 845 Oakleaf Plantation Parkway, Orange Park, Florida 32065.

Present and constituting a quorum were:

Rocky Morris	Chairman
Michael Steiner	Supervisor
Rod Swartz	Supervisor
Mike Reynolds	Supervisor

Also present were:

Jim Perry	District Manager
Jason Walters	District Counsel
Jay Soriano	Operations Manager
Bruno Perez	VerdeGo Landscape

FIRST ORDER OF BUSINESS

Call to Order

Mr. Perry called the meeting to order.

SECOND ORDER OF BUSINESS

Audience Comments

Ms. Amanda Shedd, 3632 Oakworth Court, stated I'm here on behalf of several of my neighbors. We're curious as to why we don't have a playground on our court.

Mr. Soriano stated that is in Double Branch so that's another District. These were designed long before any of the houses were put up. There are 13 playgrounds in that district and they haven't really looked at adding anymore but that could be something you could talk to that Board about. It would be a little tough there because those playgrounds are very expensive. You actually have your own green space park there for that little row of homes where those playgrounds and parks are usually shared in between a couple of neighborhoods but that is a separate district. Double Branch's meeting was held earlier today at 4:00.

Ms. Shedd stated oh okay I assumed it was all at 6:00.

Mr. Soriano stated you can always email me and I will pass along your concern, but like I said, it doesn't mean we are going to be able to provide a playground for one neighborhood.

Ms. Shedd stated even a swing set would be fabulous. A swing set is not \$10,000 it's \$1,000.

Mr. Soriano stated commercial swing sets are a lot more than \$1,000 but like I said, we have to appease the masses. There are a lot more homes for us to say we're going to take care of these 10 or 12 homes when we have 3,000 other homes.

Ms. Shedd stated we've got a huge forest between us and everyone else so it's kind of awkward and the amenity center is just over a mile walking from my house. I'll go to the next meeting. They're always at 4:00?

Mr. Soriano stated we do have a couple of nighttime meetings. There's a schedule if you want to go to oakleafresidents.com or the District website, which is doublebranchcdd.com.

Ms. Rachel Margrille stated I have a question/concern about litter from the middle and elementary schools. Specifically if we could get a trash can outside of Plantation Oaks Elementary, Discovery Oaks Elementary, Oakleaf Junior High and the High School.

Mr. Soriano stated I can't put them directly out in front of the schools because we don't own the right-of-ways in front of the schools. I can talk to the schools about it and it would be great if they were helpful.

Ms. Margrille stated right in front of the Whitfield easement if we could get one there that we could use for our students who are walking to school and littering our neighborhood.

Mr. Soriano stated that would be one for you guys. We have talked about that before. Trash cans are an expense but it is something people have asked for in the past whether it's Hamilton Glen or Deerview. Deerview is a very long road and I had brought up years ago the cost of installing one trash can every 900 yards along one of the major roads and it still added up to a few thousand bucks. The residents would always say it would help because it would cut down on litter. It may make it better for my maintenance guy if we had helpful residents that would go around and pick up the trash and put it in, then he could go just to the trash cans instead of stopping and he might be able to make it to more locations. It is a hefty cost. The trashcans that we put out here are about \$1,000 a piece and we still have to install them. The

cheaper ones I started buying for Double Branch are not as heavy coated and they cost maybe \$300-\$500.

Ms. Margrille stated I've tried to organize a few neighborhood cleanups. I personally go one Saturday a month and clean up the trail behind Whitfield and we have a real big problem on Leatherwood so if we could get one trashcan back there. I would happily take the bag out and replace it to help the maintenance guys, just having a trashcan there would be super helpful because right now I'm carrying a very large bag.

Mr. Morris stated I live on Leatherwood. I don't even think the challenge is the expense of it. I've done the same thing taking a bag out there and collecting trash. You can put a dozen cans out there and you'll still be picking up items. We will have to maintain the empty cans thinking that we put trashcans out there people will put trash in the trashcans. Some will, most won't. Most of the people who put trash on the ground will continue to put trash on the ground. I wish that weren't the challenge.

Ms. Margrille stated just a perspective from somebody who's willing to pick it up, if there was a receptacle there because that one specific area seems to be the biggest issue it would help me.

Mr. Swartz stated her argument makes sense. I see what you're both saying.

Mr. Soriano stated it does and like I said, we've addressed it before. I've been to HOA meetings where they've asked for the same thing but then again it's actually proven out here. We spend about an hour every morning just cleaning up. I have about 24 cans just on this property and the trash doesn't make it in. Eventually I think we will end up getting to that, kind of like a regular municipality public works type thing. I don't know that we can at the moment. You argue that it's your worst and I promise Deerview is just as bad now that we have a school between there and Creekview. An hour after school is out it's littered and that's just that walkway over there. That's not the junior high or high school so then we get to the point we have to address every location.

Ms. Margrille stated that's why I said Discovery Oaks. At my last HOA meeting for the Plantation Oaks West they had an issue.

Mr. Soriano stated it adds up and it's a bigger plan than just a trashcan or two. If it's something we want to look at we can make a larger plan, maybe longer-term type thing.

Mr. Swartz stated like I said, both sides make sense and doing it full throttle in the entire community would obviously be a major expense but identifying maybe three to five of the worst areas to put cans in place and see if it actually helps. You're right; a trashcan in and of itself will not attract trash to itself. I've lived in two cities that made major literal efforts to clean themselves up; Cleveland and Cincinnati. Both of them put a lot of trashcans in but they also put marketing pieces together so there's some marketing that needs to go on there as well. If kids are throwing things on the ground, maybe a little sign on the trashcan would help.

Ms. Margrille stated as I was driving through with my son he said if we get some trashcans, could we get some benches too.

Mr. Soriano stated realistically that's what it leads to. We have very expensive playgrounds that are nearing the end of their life and we have to take care of those so there are things we have to look at.

Mr. Reynolds stated I've walked a dog back on the path at the end of Leatherwood that she was talking about and yeah, it gets pretty scruffy sometimes and a bench would be a very nice thing.

Mr. Swartz stated I'd be more than happy to contact the boy scouts for you.

Mr. Morris stated Jay could you maybe put a proposal for key areas around phase two, perhaps somewhere near the schools and then down the street here. Come up with a plan and proposal and let's look at it and see what we could do.

Ms. Margrille stated there are two other things I wanted to mention. I looked in the greater Orange Park area and didn't find anything by way of a dog park or community garden. I know they're big concepts.

Mr. Swartz stated a dog park exists just south of Ridgeview High School off of Blanding.

Ms. Margrille asked and it's an open public dog park?

Mr. Swartz stated I believe it's a membership kind of thing but it's a very nice park and a lot of people in the area like it. Jay, you've talked about how we don't have the real estate to put our own in.

Mr. Soriano stated yeah we don't really here but Double Branch has talked about it before and they're still trying to come up with spots. A bigger part would be control. I've gotten here many times and many of the people out here using our facilities are not supposed to

be here. They're not residents and they don't pay for any of this and that becomes the problem with a dog park unless we could do it at the amenity center. Double Branch has looked at some playgrounds outward but then they're going to invite people to drive and pull into the grass because there's no parking spots in those areas so unless we have some kind of controlled access.

Mr. Swartz stated that's a county question honestly. The county has this park space over here and there's some really nice dog parks in St. Johns County and Duval but they're all on county park land. That way if residents want to go to it there's parking and all of the things Jay is talking about. Call Wayne Bolla, he's our County Commissioner and put him to work because that's his job.

Ms. Margrille asked do you guys work with the county?

Mr. Soriano stated I do a little bit but it's not required. I do because it helps when we need things from the county to deal with the commissioners and public works department.

Ms. Margrille stated I looked up the regulations for getting parking changed and it says you have to circulate a petition.

Mr. Soriano stated it's outrageous. I've not seen it happen and a neighborhood this large is outrageous.

Mr. Swartz stated I've actually spoken to Wayne about that. You're talking about parking on the streets?

Ms. Margrille stated yes.

Mr. Soriano stated and the biggest problem here with doing that is getting those owners involved. We have a lot of homes that the owners aren't actually there.

Mr. Swartz stated the County Commissioner has said he's not going to do anything unless he gets it directed by the property owners associations. I've talked to the property owners associations; they bickered back and forth about it and decided it's not something they want to deal with so nothing is going to happen.

Ms. Margrille stated my biggest issue is they're parking in a way that blocks the sidewalk and then they're being told by the HOAs that they own the whole driveway, including the part the sidewalk runs through so they're being told they can park six cars, which isn't true.

Mr. Soriano stated that's a little outside what we're able to address but you can deal with code enforcement on that. They cannot block the sidewalks. That's actually ADA law. If

you go to code enforcement with somebody who is constantly doing that they will come out and ticket because of ADA issues. If somebody comes through in a wheelchair they're going to get on them real quick. When it comes to other things like parking in the road a lot of times they will say unless we really have problems getting an ambulance through we don't see it as a problem. I've seen people park pretty tight. Hamilton Glen's owner's association has tried. 180 homes is a lot easier than getting 2,000 homes for the rest of this district but they were still unable to get it done with the county so it's a tough fight.

Ms. Margrille stated I just don't want to be the one calling on my neighbors.

Mr. Soriano stated an officer or code enforcement should not share with them who calls, but I would call code enforcement. It's a separate department in the county and you can go on the county website. If code enforcement wants them to get involved then they will contact the sheriff's office and tell them they have an issue.

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

- A. Approval of the Minutes of the February 11, 2019 Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**
- D. Check Register**

On MOTION by Mr. Morris seconded by Mr. Swartz with all in favor the consent agenda was approved.

FOURTH ORDER OF BUSINESS **Discussion of Amenity Policies – Rentals for Non-District Sponsored Events and Businesses**

Mr. Perry stated I believe Jay handed out some documents related to this consistent with what we had discussed at the last meeting.

Mr. Soriano stated this is two additional policies, which we would put into our written policies as they are now. They are similar to what you saw last month, except on the bottom I added a line that say, 'approvals for special events may be considered for outdoor events'. You guys requested that we not include this room. Double Branch doesn't do anything inside so I did leave that open that 'special events may be considered for outdoor venues, however these may require additional items to include, but not limited to business license, certificate of insurance and/or health license'. I added that section to direct those people if we are going to end up doing something in the parking lots or extra field space behind the softball fields but

we've asked all of our other areas be limited to those private events and parties. As long as we feel comfortable adding these in, this will go into our online policies.

Mr. Morris stated that's good.

Mr. Swartz asked Jason, you're happy with that?

Mr. Walters stated I am. I think it's the most practical approach we can have.

On MOTION by Mr. Swartz seconded by Mr. Morris with all in favor the revisions to the amenity policies were approved.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2019-04,
Authorizing Trespass Enforcement**

Mr. Reynolds asked is there something I don't know? Are we having issues with trespassers?

Mr. Walters stated no this is more of an administrative matter. We've operated for over a decade now with the assumption that our onsite staff can handle those types of issues. For instance, if someone was in the pool at 3:00 in the morning you have to get them out of there and if they're causing damage you trespass them. Many counties around the state have gotten more formal with that. They require a letter or some action by the Board on file. Clay County isn't necessarily that formal yet but trespass is a property right. You have the right to trespass someone on your property. With the District the question is who's property is this and who gets to make that decision so oftentimes when Jay is dealing with trespass issues you want to be able to have some enforcement. We will send this letter after the resolution is approved, assuming it is, to Clay County Sheriff's Department, they will have this on file and they will know that Jay has the authority to trespass someone if they're violating our policies and things like that so it's more of a belt and suspenders type of thing. Jim and I discussed at the last meeting maybe adding a sentence in the letter making it clear that the authorized persons are Jay Soriano and James Perry so if they do get a call they have a representative of the property owner, which is the District. This isn't in response to any major outbreak of issues, it's more of let's make sure we're all buttoned up on these policies and procedures.

Mr. Morris stated let's say one of our employees here is having an issue with someone and wants them trespassed. They will contact Jay and/or Jim who would trigger this?

Mr. Walters stated correct. We've had various incidences over the past during working hours where someone has done something here for which we need them to leave, and we're

allowed to do that if they're violating our policies and they refuse to leave or they get combative with staff. If it brings us to the level of wanting to trespass someone because that's a two-year prohibition from the property, yes they would contact Jay, whether that's through staff or whoever else, but he would be the authorized person to make that decision to trespass.

Mr. Morris stated I know we've had an issue before a couple of times after hours where a deputy had refused to trespass people. Would this address that?

Mr. Walters stated it would. Of course, they still have to use their discretion in terms of whether they feel it's warranted from a law enforcement perspective. You can't just generally trespass someone for no reason but we're talking about the more serious incidents. We're talking about destruction of property type issues or abuse of staff type issues.

On MOTION by Mr. Morris seconded by Mr. Steiner with all in favor Resolution 2019-04 was approved.

SIXTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Walters stated as of last Tuesday session is in session. As we've done in the past we will continue to monitor bills that could affect District operations, financing, funding and all those things. We've already started compiling a watch list so as I've done in the past I will circulate that legislative update. It's still early so it's hard to tell what's going to make it to the end or come up at some point in the near future here but as always if you see something you have a question about feel free to contact me or I can always email you a copy of the changes and amendments and legislative history on that.

B. District Engineer

There being none, the next item followed.

C. District Manager

There being none, the next item followed.

D. Operations Manager – Report

Mr. Soriano stated I dropped off a couple of papers for you. Last month I spoke about changing the calendar a bit and sending out an events calendar for the entire year. I sent out an email last week prepping everybody for the expo last weekend and the event at Plantation Oaks

Elementary so there were a couple large events on Saturday. I also had one food truck trying to take advantage by the roundabout that day so there was a lot of commotion and I sent out an email to prepare everybody for that and just the March items were included on that. If nobody has any objections I would like to send this annual calendar out and put it on the website. Most of these items we do every year anyway. A lot of the summer programs are ours now since we handle the staff so you will see dive-ins on there. There will be an asterisk at the bottom when dates are tentative but that's what we're looking at right now. Almost every other week during each month there is something going on, except for January and July. There's already so much going on we don't need extra commotion. We have spring break starting this Friday, they're off the following week and then they also have the following Monday off so we will have guards out here starting on Friday. Both pools will be open full blast like it's summer and then we close back down. You will see the schedule, which is the same schedule we've had for quite a few years. In April we open up for weekends and then we go to that alternating schedule where each district opens up one day during the week alternating and then both districts open up Fridays, Saturdays and Sundays. By the time we get to May kids are out of school and everything is full blast. I think this schedule has worked out well. I've put it on the website already to prep people for the spring break schedule coming up. With the good weather I'm thinking this may be our last month with the heater and with April 1st those heaters will turn off. I will be able to report to you next month where we come out with our heating bills, which is much lower than last year.

We're still staying pretty busy with rentals and usage and we will see that number tick up greatly with spring break. Everybody waits until the last minute to get their cards so we will see those numbers much higher next month.

On the operations side I had one item for you guys to review. Double Branch asked for a little more detailed breakdown so you'll see this print out in front of you. What I did was go through the R&D contract and broke out those things that I felt 100% that we would have paid for and are owed to us per that contract. Many things I have spelled how many times they were supposed to have done it. Some things we talked about like our weeding and fertilizing, our subcontractor told us that they were cut in September yet we're paying for those line items in October, November and December. Some things it was just the one rotation for flowers or something like that. For those items I feel pretty confident about there's about \$35,170 that I

would argue that by contract we should not be responsible for. We've offered to pay VerdeGo to get everything working correctly. So far we're not at a loss because we haven't paid our last bill to R&D. Our last bill for December was \$34,000. We could very easily say we are going to keep it all. They haven't communicated with me at all. I've sent them emails for three months now. They haven't sent me one not very professional response to one email. There are a lot more items that I didn't include on there that I felt would be a petty argument. We have line items in there for trash picking. It's not just my guy that goes up and down on the golf cart, the landscapers are supposed to help pick up trash as they're doing their cutting rounds. There's a charge for that and it's part of their contract so I could argue with them they're not out there getting enough cuts so they didn't do trash pick up either. Some of those I kept off and just included the ones I felt confident on. Until they address this and communicate with me I won't pay that last bill. My next step is I'm going to try and contact their parent company. They're owned by a bigger company out of Ohio. That company may not know what they're doing. They deal with a lot of other companies for various services. I would like to deal with as much as possible personally before we start getting into those legal letters. Eventually we may have to get to that and Jason can let you know what we can do from there.

Mr. Walters stated the ideal way to go about this is to have a dialogue, discuss the items that are on there and at the end of the day it's a little different on this one because the outstanding number is a little bigger than what we're holding. Let's say we said the difference between the two numbers \$2,000, here's a check for \$2,000 with a counter signed letter saying 'you accept this as full and final payment' so you have that closed loop. That's what we've generally been able to do on other projects like this. This one has a been a little more frustrating for Jay because they're not starting that dialogue but yes, to the extent they just don't respond they will have to get a detailed outlined letter pursuant to these provisions of the agreement here's your final check, no check or whatever that is, if you disagree please let us know. The good thing is, we're in a good position and we have the money. We try to avoid going back after the money so we're in a good position holding that check and if they'd like it they need to talk to us.

Mr. Swartz asked what timeframe do you think is appropriate? Obviously he's going to try to talk to the parent company.

Mr. Walters stated yes there was a lot of background work and research that Jay had to do to put this all together and as he said, there are things that aren't even on here so there was a lot of work done with VerdeGo to break that down. I think we're probably now to the point where if we don't hear from them in the next few weeks and they don't at least start that dialogue we need to send them correspondence because we have contractual obligations as well that we don't want to violate. I think we're probably at that point now, especially now that we have that breakdown that we can show them where we're coming from and it's not just a vague number.

Mr. Soriano stated right now I'm trying to get everything together for spring break. If the weather is good this place will be busy next week and then we will be able to shut back down and anything that I can't get completed before Friday we will complete at the end of March to get ready for that opening but everything is on track right now. We've gotten our landscaping out by the pools and we've started some of those improvements.

Mr. Reynolds asked how is the slide going?

Mr. Soriano stated we haven't started the slide yet. We started on the spray ground. Each year I re-coat the spray ground with the epoxy paint on everything so that is actually filling back up with water today. The slide will probably be something I start after spring break. It's in good enough shape to use but it's something we want to get done. We have a couple of areas we got our new deck furniture so that will look a lot nicer and we will continue to improve that all the way through the May pool opening date.

Mr. Reynolds stated I want to go back to something from last month. Is the VerdeGo storage container taken care of?

Mr. Soriano stated the storage containers are out there. We haven't started putting up the fence but the two containers are out there.

Mr. Steiner asked where do we stand on the promenade?

Mr. Soriano stated we haven't gotten together yet for any kind of final numbers. We are still finishing up some of those other projects but I walked through with Bruno. If you guys remember you gave me an extra \$10,000 padding so there are lots I can do out there but I haven't gotten a detailed proposal yet so we may have that next month.

Mr. Reynolds asked any idea when those improvements will start?

Mr. Perez stated we did the pool areas and I'm hoping to have all of the rest of the ones that Jay has assigned ready to go by the end of the month. For the promenade I have designers coming out next week and we will go out and take some pictures and see what's really going to work for that stretch of area.

Mr. Soriano stated besides the pools there were the entries to Whitfield, Deerview and Hamilton Glen that we took care of. I did talk to the HOAs and they were looking at getting more dollars approved for us so hopefully that will help offset. They want those improvements too. We will get those started and have a proposal for you to look at next month. The money has already been approved so we don't have to worry about that part.

Mr. Steiner stated is there anything in our policies about radio-controlled vessels on the lakes?

Mr. Soriano stated no we don't have anything as specific as that.

Mr. Steiner stated the reason I'm raising this is there is some gentleman who is running one out of the lake out here and while in itself it's not a problem, but he uses it to target the wildlife and chase down the ducks.

Mr. Soriano stated I could threaten with reporting him to FWC. Fish and Wildlife will come out and ticket him. If your dog is running after birds out here you can get a ticket. You're not supposed to directly harass birds.

Mr. Steiner stated I figured that but I was also curious as to whether we had anything in our policies about that. If it's not there, I don't want to put it there but if it was I wanted to be aware of it.

EIGHTH ORDER OF BUSINESS **Audience Comments / Supervisors' Requests**

There being none, the next item followed.

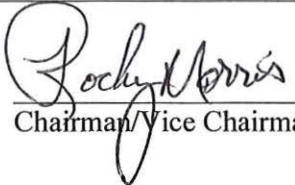
NINTH ORDER OF BUSINESS **Next Scheduled Meeting – April 8, 2019 at 2:00 p.m. at the Plantation Oaks Amenity Center**

Mr. Perry stated our next regular meeting is going to be April 8th at 2:00.

TENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Swartz seconded by Mr. Morris with all in favor the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman