

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, June 8, 2020 at 2:00 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	Vice Chairman
Rod Swartz	Supervisor (by phone)
Mike Reynolds	Supervisor
Tim Hartigan	Supervisor

Also present were:

Jim Perry	District Manager
Jason Walters	District Counsel (by phone)
Jay Soriano	Operations Manager
Chalon Suchsland	VerdeGo Landscape
Wanda McReynolds	Venue Coordinator

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Perry called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of the Minutes of the May 11, 2020 Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**
- D. Check Register**

There being no comments on the consent agenda items, the following motion was made.

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

**FOURTH ORDER OF BUSINESS**

**Acceptance of the Draft Fiscal Year 2019  
Audit Report**

Mr. Perry stated on pages one and two is the opinion of the auditor and it is a clean opinion. For 15 years this district has always received a clean opinion, which basically states that what has been presented to the Board is in accordance with generally accepted accounting principles and the auditing standards, and there are no material misstatements that they were aware of. Under page 25 is the report on internal controls and again, if you'll remember we passed a policy on internal controls. The report on internal controls is basically a clean opinion again. On pages 27, 28 and part of page 29 is the report on the compliance with the rules of the Auditor General of the State of Florida and again, we're in compliance with those and there were no issues noted. Finally, on page 29 is the management report regarding any action items and again, there are no issues there.

On MOTION by Mr. Morris seconded by Mr. Reynolds with all in favor the Fiscal Year 2019 draft audit report was accepted.

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposed Rule Change for  
Rental of Facilities Allowing Operations  
Manager to Set Temporary Rates Based on  
Economic/Environmental Changes**

Mr. Soriano stated I am looking for what we did at our last rate hearing. We haven't changed our rates in a couple years so I'll have to go back through the minutes, but right now my concern is how we can operate in the next three months. We've had quite a few months where we've gotten zero dollars. Revenue is not a huge part of our operating budget, but it is offsetting, and we've not only gotten no dollars, but we've had to refund thousands of dollars. My concern is when we're able to get back into renting out these rooms in phases two and three we can get something, but we may be limited as far as capacity. For here the concern was the higher dollar amounts if they're renting it out for \$1,500 or \$2,000 and they can't have 150 people, are we able to offer a discount or anything like that to try to keep these rooms filled. We do have people asking to see the rooms. Whether they want to rent yet or not, I don't know, but we haven't started booking yet and we can't give them a solid date when we're going to be able to rent yet. In fact, we've sent out notices to refund anything up through July, so anybody that has been on the books since sometime last year through August, we're telling them to hold off. If they were planning for 150 people in this room and they're told they can

only have 75, that creates a problem for those that have already paid, but also for those that are looking. We don't have wording specifically for this, but there is wording that says the manager can offer discounts based on off-peak times. Right now, I would consider everything off-peak and as long as everybody feels comfortable, I think we would be covered under that for this situation. However, if we don't feel comfortable then I think we would need to go through a rate hearing and vote on that added wording. There may be thoughts from you guys that there's no need to offer discounts. I did do a lot of research and there's even some places that are increasing rates. There are lots of things going on out there that might be contrary to us giving out discounts.

Mr. Morris stated obviously these are extenuating circumstances and let's say July opens up and we're allowed to have functions, but we are mandated at limited capacities, I would say we should perhaps provide some type of discount at your discretion, but at least on a temporary basis. I don't know if that can be done contractually or not.

Mr. Soriano stated I guess we would have to decide when that could end, or it may just be our month to month meetings. Once we get back to that 100% this isn't an issue, but we don't know when that may be.

Mr. Hartigan stated if phase two allows 75%, then why not allow a 25% discount in correlation with the capacity?

Mr. Steiner asked are your off-peak times defined?

Mr. Soriano stated no, we did discuss that as weekdays before, but it wasn't something we put in there.

Mr. Steiner stated that would be my only concern is if we defined it and now, we're giving a discount or giving you authority outside that area.

Mr. Soriano stated we discussed it as we were talking about rates, but we didn't define off-peak. Right now, we have a discount rate for those weekdays.

Mr. Steiner stated then it shouldn't be a conflict. It's what we as the Board would define off-peak and that would be anytime we're under reduced capacity by the State or County.

Mr. Morris stated so you're saying basically we're covered.

Mr. Steiner stated I don't have a legal background, but what I'm saying is we've given Jay the authority to do it as an off-peak and we as a Board haven't defined off-peak to the letter, so right now because of the closure it's an off-peak time.

Mr. Perry stated what we really would like is for the Board to consider for the next two months giving him leeway to set discounted rates and then bring it back. If we have to do a public hearing, it's additional cost and advertisement.

Mr. Steiner stated what I was getting at is right now we can give that authority because it's not defined.

Mr. Walters stated I think at the end of the day there is a rash of ways to interpret our rate settings to say that is the cap or the maximum. There was some indication to provide some flexibility, so if the Board is amenable to Jay offering reduced rates for a limited period based off the capacity limits, I think we are probably fine on that in terms of a public hearing and at the end of the day, no one is going to complain about a lower rate. The only thing we have to make sure we're keying in on is that we're consistent, meaning if it's a 25% rate that we're applying that across the board so someone can't come back and say Jay, the Board or the District or whatever was picking and choosing these rates willy nilly, but if the Board is looking for a way to provide some of that flexibility I think it was a good suggestion to set it by capacity and as Jim said, coming back in a short period and reevaluating.

On MOTION by Mr. Morris seconded by Mr. Steiner with all in favor authorizing staff the authority and discretion to reduce rates based on capacity and government mandates for the next 60 days was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-06,  
Approving a Proposed Budget for Fiscal  
Year 2021 and Setting a Public Hearing  
Date for Adoption**

Mr. Perry stated just a few things in regard to the budget. The copy that was in your agenda package was an earlier version and you have the current one in front of you. The most significant change on the current version is on page 19. We've adjusted the unit counts for single family and high density multifamily to what is actually available out there. If you will recall, there was a change in the single family with the addition of about 55 lots I believe, and then there is a reduction in the high density multifamily. As a result of that, the budget you

originally received, the schedule didn't change, and it should have, and it showed a substantial increase on the assessments for high density multi family. We've adjusted it to the actual numbers of units that are out there and kept all the assessments at the same level. We are not proposing any type of assessment increase. In the general fund you will see the proposed budget is the same as the adopted budget this year. There are a few little tweaks that will happen between now and August and we will flow those through, but we don't see any material changes in regard to the proposed budget for next year. It's the same in regard to the recreation fund. You will see some slight changes in some of the numbers, but for the most part they do remain the same. We've taken into consideration some additional costs for janitorial. You will see the debt service funds in the budget, and probably one of the more important things on page 20 is the capital reserve fund and on page 21 you will see a working capital surplus allocation. What is going to happen is at the end of this fiscal year there will be about \$755,000 in the capital reserve fund. We are expecting a working capital surplus of about \$1,145,000, so at the end of the year, what we're going to do is transfer over enough dollars to fully fund that capital reserve fund, which is about \$1.6 million. When we make that transfer, we will still have in excess of \$300,000 of funds that are not ear-marked for anything so your reserve funds will be fully funded, you've got plenty of cash for your three months of working capital, plus an additional \$300,000. Your sister district is in the same position. We've been fortunate enough that costs have been maintained, especially by Jay in getting the work done out here compared to budget. There are some line items in the utilities that are going down. Overall, both districts are in great financial shape without having to do anything on assessments and it's been several years since we've had any increases.

Mr. Steiner stated on the recreation fund on page 6 there were a couple things I was going to ask you to look at and consider. Pool maintenance and chemicals we kept at \$87,000 and it looks like it's only going to be \$45,000. What I was going to suggest is take \$15,000 from there, put \$10,000 on the facility maintenance to cover the increases in cleaning supplies and what have you, and put the additional \$5,000 down on the tennis court, which appears to be fairly close in what was spent this year, versus what we've got scheduled. We've got an excess of \$42,000 in that other line and this spreads it out and the maintenance costs are going to be going up because of additional cleaning and I figure that additional \$10,000 would fit there. It can go down a bit more, but I thought a \$15,000 adjustment would be enough there.

Mr. Perry stated we did have a slight increase in janitorial up above, which does cover some of that.

Mr. Steiner stated right, but that's the contracted part of it, not the supplies.

Mr. Morris stated I know we talked about Riverside earlier. Is that line item in the recreational fund?

Mr. Soriano stated it's broken up between a few line items. You'll see common area maintenance and we also have lighting repairs, for instance.

Mr. Morris stated which does not typically affect the budget.

Mr. Soriano stated correct; the RMS work authorization that Rocky is speaking about is the hourly maintenance guys and that was one that I had talked to him about. They're rather cheap and they're working pretty hard. I think them increasing their rates is not a thing to scoff at, even though they're not worried right now about getting extra money. We have talked in depth whether they want a certain increase. We haven't really done a lot of increases for them, but they're done hourly, so it really depends on how much we're working. We're almost always working throughout the year. We throw a lot of projects at them. Even if they have that increase, right now it is a \$32 an hour work authorization, so even if they went up \$2 or \$3 it's still based on those hours and falls under those lines and we've always been under those lines. For instance, the gazebo project out there is going to be very expensive and that's where I tell you guys as we're voting on it that this might be over our limit. That one is a capital project though so it's usually not a concern and that will be the only one that is not going to affect this budget. Unless they come back and tell me some outrageous amount, like I said, they're not really worried about that increase at the moment, but it is something they've talked about and something I've talked about with them and agree.

Mr. Perry stated and again, remember this is the start of the budget process. Next month if there are additional changes we want to make, then when we do the adoption in August we can flow through those changes also.

On MOTION by Mr. Steiner seconded by Mr. Morris with all in favor the budget was approved as revised with the pool maintenance line reduced by \$15,000 and general facility maintenance and tennis court maintenance lines increased.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Walters stated we're continuing to monitor all of the directives that come out, the most recent being the Executive Order for the beginning of phase two. Jay has done a wonderful job of keeping track of those as well and making adjustments to his operations of all facilities throughout both districts, so we will continue to work with staff and make sure we're adhering to regulations that are still out there and maintaining and operating in the most efficient and safe way possible.

**B. District Engineer**

There being none, the next item followed.

**C. District Manager**

Mr. Perry stated I think we've mentioned this before, but seat number 2 is up for election this year, that is Mr. Steiner's seat; and Rocky's seat, seat number 4 is also up for election. Qualifying with the Supervisor of Elections starts today through the 12<sup>th</sup> at noon. If you're going to run, you will need to submit your paperwork to them.

**D. Operations Manager – Memorandum**

Mr. Soriano stated we are still updating through resident emails on what is going on with facility events as part of that phase two. We have opened up a little bit more and we've opened our fitness centers. We are still operating at the limited capacity downstairs in your fitness center and have not followed along with the increase yet. We are allowed to increase to 100%. I'm holding off on that a little bit because I'd rather be behind and make sure everybody is comfortable with it and everything is moving good, and also that we don't get any calls from the County that we're doing something they don't like because sometimes the County may not be in agreement with the Governor's office. Just like the pools, we did not get any kind of mad rush and we haven't had an issue where people have had to wait outside, even with the pools we've had some nice 90 degree days before Memorial Day and the busiest it got in one of those segments was close to 40 people. We had set it up to use that back pool so we could have up to 135 people. If you go out and look at it even now there might be one or two families, which has been typical over the last few weeks so it hasn't been an issue but I do see that it is slowly going to start to increase and people are going to feel more comfortable. City pools are going to open starting today so the more you hear about those things people will slowly venture out. The water parks are supposed to be closed, however down in Orange County they have the amusement

parks open. They are big dollar businesses so a little different than us, but I'm not sure if we're going to have local counties asking us to submit any kind of plan or anything like that. I think we will continue to work on what we're doing right now and I'm hoping maybe by the end of this month we will be able to turn on those slides and spray grounds, but right now those items were not included until phase three, which could very well be the end of summer; we don't know. If it is okay with them, then I will work on plans to open it up, whether it's the end of this month or beginning of next month. We do have a small group for tennis camp, which started today. If you guys remember, in summers past there has been a high number group and last year there were almost 100 kids and it's nowhere near that now. Andy did go through setting up his volunteers so there are small groups individually and they are not using the pool right now because they didn't want to take away from any capacities, although I don't see that being a problem. That may be something I let him add in during the next couple weeks. We are also planning a swim team program. That one will be a little tough and I've asked the coach to hold off as long as possible to make sure there are no issues. We've been going through the USA Swimming recommendations so even though the Governor says sports can just go and they didn't really give any extra guidelines other than social distancing, the sports organizations did have their own plans. They have it set up with one kid a lane or they have one kid on each side so they only cross, they never sit in the lanes next to each other. If all eight lanes were being used it would limit us to 16 kids, so for a swim team that had 100-150 kids in years past, that is not much of a program but they really do want something so I told them I would mention it to you guys. We are working on finalizing the rules so that we stay within those guidelines and I would like to open up something, even if it's just a short training camp.

We had about 246 cards printed this last month. Typically, at these times we're printing off close to 500, but that's actually pretty good for the fact that we're not seeing a lot of people at the pools. We did have a good amount of families making appointments over at your sister district, so we do have people coming in. As I mentioned, we are sending out emails to cancel and get a refund all the way out through July. We have told them they can hold on and wait, but it's offered that they can get out and get their money if they want. If we're able to open up in July, and they want to hold their event they're welcome to, it's just the understanding that we're going to have limited capacities and now that I have the ability to offer discount some may be happy and some may just say they're going to just get their refund.

Moving on to the maintenance side, we have gotten quite a bit of work done. I did want to update you guys on a couple items. The gazebo we are almost finished going through that walkway. A lot of railings are up and a lot of composite decking is there. We have a short section left to go. I'm dedicating one person here and there as we are doing the rest of our work around the neighborhood. We had the work at the pools completed this last week and they're going to come in and do a little bit of painting tomorrow to try to kind of blend in the marsh site. They haven't finalized everything, but Temple will be forgoing a charge to Crown. I don't know if Crown is going to give me a charge for their labor time, but the warranty items for the marcite are taken care of. I did have them do some special work around the spray features to seal the marcite better. We have a flexible caulk that goes in between the marcite and fiberglass structures and if that was done originally, I don't think it would have had these problems, but it wasn't, so I kind of laid it on them to take care of everything. I'll have pictures for you guys next time. They found some holes here and there that were hollow that would have bubbled up and cracked so they did take care of everything. They're going to come out and paint and make it look a little better because you can see some patches here and there, but other than that it should be done and if we are able to open up the slides and spray ground at the end of this month we will be ready to go. I'm still waiting on a portion of the slide, but we have been charged for the slide, it's just the shipping is an issue so hopefully we will get that in soon.

Mr. Steiner asked when you said slide, you're talking about the one in spray ground?

Mr. Soriano stated yes, the little kiddie slide, not the large slide. That was the one I told you guys we had the crack in.

I do have a couple of issues for you. We have had small leaks before, and we had one that I did a temporary fix inside and I explained where the water was coming in next to that dormer. We do have a couple of other leaks; one that popped up in the bathroom, so I did climb up there and look. We have quite a few small leaks along seams of the plywood and we got a good amount of rain over this last week. However, it's been leaking like that for a while and there was a little bit of mold building up on the wood. Right now, in our capital assessment, we are set for a new roof four years from now, which would be your 20-year mark. I am going to look at it and get some bids for patching everything because I have to go up and constantly repair these little places when we're doing temporary fixes. I even have a couple of drain pans up there to catch when it does leak. If you go in the lady's bathroom right now, there is a patch of drywall where it was

leaking down the wall and peeled all the paint off so I do want to get some quotes for patches, but if we have a lot of patches and high number of quotes it may be something to consider whether we want to do some roofing early. It wouldn't affect our budget; it would be part of our capital.

Mr. Hartigan asked we only have 16 current swim team members?

Mr. Soriano stated no, last year there was 135 or 145, something like that. That doesn't mean that's how many would sign up this year and there's no way we would be able to do that introductory portion of the swim team. A lot of times we get little kids that come in and they take a lot of direct contact. We wouldn't be able to do that because we wouldn't be able to have the coaches in the water with them showing them how to move their arms and things like that. It would really be cut down to probably half of that and then whoever wants to pay for a program it would be shortened weeks and no competitions, it's more just training.

Mr. Hartigan stated you said we have 40 in the pool at a time.

Mr. Soriano stated no, it would be 16. There are eight lanes.

Mr. Hartigan stated I mean currently.

Mr. Soriano stated on the deck and in the pool the highest we've had so far is about 40 people.

Mr. Hartigan asked so the swim team could, if it's possible, say Monday through Friday between 8:00 and 10:00?

Mr. Soriano stated right now we open up at 10:00 and we are looking to do earlier hours, like 8:00-9:00 or 10:00 based on how many sign up, so that way we don't affect that capacity, even though right now we probably still wouldn't affect that capacity. We have the ability now to go to a lot more people on that pool deck but there are a couple of problems with that. One, I wanted to make sure it was okay and everybody feels comfortable with it, but two, we also said once we get to that point where we start opening up that capacity to 75-100% we would switch that adult pool back. This would just be for the swim team program and the families and kids would no longer be allowed back there and we would go to opening up the other pools for slides and spray grounds.

On MOTION by Mr. Hartigan seconded by Mr. Steiner with all in favor allowing the swim team to use the pool from 8:00 a.m. to 10:00 a.m. was approved
--

Mr. Soriano stated we had an issue with a resident. It was a first offense for this person, but was a pretty serious offense, urinating on the pool deck. The rules are set up right that I can take away her privileges temporarily. The girl that is a supervisor, she actually has a personal issue with her to where I've even heard this lady has come to her house and involved police officers and things that had to do with her children at school so I've asked her to step away from it completely and not to mess with the lady. I didn't take her privileges yet. I was going to bring this to you guys because it is a first offense. I do have multiple witness statements. There's an area you have to walk through to get to the lifeguard area and you have to walk around to get to the bathrooms. She walked up there and decided she couldn't get out and get to the bathrooms, so she just squatted there. She did send me an email later complaining that there were no proper signs up on how to get to the bathroom, but she didn't say that's what she did. To me, this is a serious problem. I would typically take her privileges and have her come in front of the Board. The way we have it set up is if it's a first offense you guys can take her privileges. I can only take it temporarily and bring it to you guys. After that, we go onto the second and third offense that is spelled out in our policies. There was no apology or anything, and like I said, this may hinge a little bit on her personal problems with the staff person too, which I also see creating an issue the rest of the time that she's here.

Mr. Hartigan stated that doesn't give her the right to do it, not to mention the fact that we've got to clean the mess up and sanitize the area. This is a little more than an oops I didn't understand, or oops I had an emergency, I apologize, how can I clean it up. This is something that goes beyond, so based on this and based on what I'm reading, knowing that we have small kids around that area, we definitely can't have this happen again. I would say at least a minimum of a 30-day suspension of privileges.

Mr. Soriano stated whatever we do the way it works, similar to when we have families or kids that fight on the pool decks or people that cuss out staff at the basketball courts, even to make a decision we have to notify them, so I send them a letter saying we're taking those privileges and they have to show up and plead their case to you guys, so we give them a disciplinary hearing basically, if they want to show up.

Mr. Morris stated I'm assuming it's a misdemeanor offense, public urination. What all is involved when someone calls a police officer to the scene on something like that?

Mr. Walters stated in terms of criminal statutes, I don't know how that specifically plays out. I know there are various jurisdictions and different charges that could apply to something like that depending on the circumstance. It's one thing if you were urinating in public off by yourself, I think there's a different set of circumstances if there are people around, so I think they would probably depend on witness statements and all of the factors to make their determination. From this board's perspective, we're not tied to those type of things. Oftentimes I will say you have those type of charges at property owned by another individual and they may go to that property owner and say do you want this person trespassed and it's a simple property right, but they can issue a trespass warning, which comes with a prohibition. I think we are well within our rights to come up with a reasonable suspension based on those activities.

Mr. Soriano stated I did speak to our off-duty officer and that was really his suggestion, so for the public urination crime they would have to catch it or be witness to the issue.

Mr. Morris asked the officer himself would?

Mr. Soriano stated yes. They weren't here at that time, so they couldn't do that, but he did suggest we trespass. I have an issue with trespassing after the fact because it's already hard enough sometimes for me to get people trespassed here on our property and sometimes that does become an issue with Clay County Sheriff's Office when it's after the fact, but that was his suggestion is deal with it based on our policies, or request to have them trespassed. Trespass is a two-year issue if we wanted to do that. That is a little more in depth.

Mr. Morris stated so we're looking at 14-days from the event, so I would probably say some type of suspension is in line, whether it's 30 or 60. I think it's something we need to take seriously, particularly in light of the fact that it was in front of families. If this observation is accurate and witnessed by two of our staff members, I would suspect that it was done intentionally. It doesn't appear that she asked anybody where it was. Her friend even said why don't you use these.

Mr. Soriano stated yes, they were on the adult pool deck there under that gazebo, so she was trying to walk to that one. If they're families, they don't always know the bathrooms are right there next to them. That's about her only excuse is she's not used to it because they were on that deck.

Mr. Hartigan stated she could have asked.

Mr. Soriano stated yes, I'm in no way defending someone that urinates on the pool deck.

Mr. Morris stated I would suspect that we ought to send some type of correspondence to her and suspend her privileges.

Mr. Steiner stated the only thing I would be concerned with is the fact that this is an adult and not a minor or child. It isn't an accident, it is one thing if it was an accident, but to go through the motions that she did it seemed to be willful. I'm not sure 30 days is any more than just a slap on the hand.

Mr. Hartigan stated I was just saying that as a starting point. I happen to agree with you.

Mr. Soriano stated this was actually the first offense. She has actually had a second offense since then. I asked the supervisor to try to step away from it and just fill out the violation, because like I said, she did have a personal issue with the lady, who has been to her house and threatened her there. She came in a few days later to use the pool and brought in a cooler and the pool monitors told her she's not allowed to have a cooler and it caused a scene. She did call me multiple times. I didn't answer the first one because I was working on the pool leak over at Double Branch, but I spoke to her and her argument was there is nobody at the pool so she should be allowed and I explained it's the rules and it's actually not even our rule. Right now, there can't be any food or anything like that and we've even had to shut down the water fountains. She was going to try to find a way around it and asked me if she could take the liner out of the cooler and I finally cut her off and said I'm not going to give you an okay or a way around those rules. You're supposed to listen to the lifeguards. She felt that I was being disrespectful to her and that I wasn't being fair and wasn't listening to her so she did send me a lengthy email and that's the email in which she talks about the bathrooms not being labeled properly, but they did write up a violation for that too because she yelled and cussed. That was about a week later. I don't see it going really well.

Mr. Morris stated I would agree with Mike.

Mr. Hartigan asked did you say something about she should have to appear for some type of a hearing?

Mr. Soriano stated we have to go through a process and have certain steps laid out in our policies so we would give her a chance to defend herself and ask for an appeal or ask you guys to change your decision if you decide to do longer.

Mr. Reynolds asked if we issued a suspension today, does that go into effect immediately to where she cannot use her card?

Mr. Soriano stated I turn off the card. Right now, we don't have them scanning cards because we didn't want that building up lines so they're just coming through showing their cards and signing a waiver and moving along. She was mad saying they're not doing what they're supposed to be doing anyway and they didn't check my card really well. She went through in the phone call and email all these things she could point out, but yes that card in the system would go off. We're starting to use the computers up front now because we opened up the fitness centers and we need it at the fitness centers. There will be lots of people trying to get in that don't live here.

Mr. Morris asked so 90-days?

Mr. Perry stated keep in mind whatever you decide on you will send a baseline, even though we don't have a lot of these, so just consider that.

Mr. Morris stated it's my sincere hope that we wouldn't have to address an adult public urination event in the future, so I think that's a bit of an extenuating circumstance with this individual and I think while it sets precedent, we have two consecutive violations with this person, I think 90 days is fair. I think it would be generous and perhaps it helps her feel some consequences.

Mr. Perry stated and remember Jay said she has the option of coming in and appealing to the Board. Not necessarily that she will come to a meeting, but she has that opportunity.

Mr. Reynolds stated you were going to say indefinitely, and you want 90?

Mr. Steiner stated I would say no less than 90. That would take it pretty close during the pool opening period.

Mr. Swartz stated I think the end of the pool season would be appropriate.

Mr. Reynolds stated one of my biggest concerns, and you made a valid point, is that we're going to set a precedence for the future.

Mr. Soriano stated we have set some of those already. The trespassing is two year and we have in the past taken whether they're younger kids or adult privileges and it's usually done for the year and then they get it back the next year. I keep everything on record.

Mr. Morris stated what we have here according to the staff is not just this one event it is public urination, public nudity. We know she was yelling and cussing at the staff. Maybe it's a precedent. I hope it's not.

Mr. Hartigan stated we're in June. Just to make sure I'd like to suspend all privileges to the end of the calendar year.

Mr. Steiner stated I would not object. She has the right to come in and appeal and to change our mind if we do say that.

Mr. Morris asked any guidance Jim or Jason?

Mr. Perry stated these are always difficult.

Mr. Hartigan stated to me it's flat out vandalism. It costs money to take care of these pools, and now we have to waste money cleaning up because you have a bad temper.

Mr. Swartz stated my two cents is she should not have the use of the pool for the remainder of the year and if she causes problems in other parts of the community then we take those away as well.

Mr. Soriano stated we would be able to because then she would still be on the third or fourth violation, so eventually if she causes more problems even after your 90 days or end of the year, whatever you guys decide, she would get to that point where you've caused too many problems and we can take a year or two years or whatever you want after that and at the fourth I can revoke her privileges right there and tell her you have to go before the Board for any type of appeal.

Mr. Morris stated let's do until the end of the year and she can come in and argue her case.

On MOTION by Mr. Hartigan seconded by Mr. Reynolds with all in favor suspending the resident in question for the calendar year was approved.

Mr. Reynolds asked and that was on all privileges?

Mr. Soriano stated right; when we take privileges, they can't use the fitness center or tennis courts or anything like that.

Mr. Soriano continued; the last two issues go together. They are on special events and food truck issues. I have one food truck that was not following the rules. If you remember, a few years ago we decided we would allow food trucks for those special events here and we would have a resident coordinator to help keep them following the rules and would get their paperwork such as COIs. The original coordinator has handed that off to another person, her name is Tiffany. She's had a big problem with one of the food trucks, Chinchilla, to where they show up on our

property at times where they're not supposed to be. She's told them multiple times they can't be here. They're also harassing some of the other trucks. She has tried to involve the Sheriff's office, but they've stepped back and said it's an event, and we're going to leave it to whoever's property they are on. Sometimes it's our property and sometimes it's the church property up here at the clock tower, although they have been over at your sister district at the Village Center at times. If it's okay I'm going to send a letter to them to let them know they're not welcome on our property right now until further notice from the food truck coordinator, that way we kind of cut that issue out. If one truck starts to run all over her, none of them are going to listen to her and she is who we put in charge of that. It wasn't something we wanted to lay on staff.

The other issue is one you all received an email on from Mr. Hart. It is a new sports organization, so this is not one of our approved sports organizations that have been here in the past. Oakleaf Sports Association, I-9 and Elite are the three organizations we actually have usage agreements with to use any of our property and even then, when they do special events or anything, they talk to me about what they want to do. We have rules against bounce houses because there are large liability concerns when it comes to bounce houses. This was something that he had set up back in April to do a special event at the clock tower. We try to step away from the church area. The green grass area is really their property. The District does own the slip lanes, however normally we don't bother anybody on that corner. It's the other areas around there that we do maintain, and we still have a bit of responsibility for. On Thursday and Friday I started getting calls and emails from vendors kind of upset at why we were allowing this gentleman to have his event this past weekend when I've sent out multiple emails not just to residents, but to vendors specifically letting them know we were closed and are not doing any special events. Some of them were a little upset that they weren't being allowed to do their events when we're allowing him. When I was first told about this, I mentioned we didn't approve it, but the area I knew he was going to be on was the church property. At the time I didn't know anything about him planning for other areas. He says just overflow, but from those vendors it was a car show, lots of bounce houses and food trucks. I told them he doesn't have approval on our property. One of them shared emails with me so I do have multiple emails now from multiple vendors where he states that he received permission from the CDD. He even states it in one of the emails that he copied you guys on this weekend that he spoke to the CDD. I talked to him

this weekend and let him know he didn't speak to me and he never came to this meeting. I have a little bit of concern with that and I did tell him that he can't do anything on our property. I wasn't going to go out there this weekend and stand in the parking lot and shut anybody down or anything like that. I mentioned that in an email to you guys.

Mr. Reynolds stated there was something going on there this weekend.

Mr. Soriano stated they did do their event. He sent me an email Saturday morning after I sent you guys that email and sent something to him that he was going to go on with it anyway and he looked at it as he didn't get communication from his original communication back in April so he went two months without hearing anything, which isn't quite true. I have emails that I sent to all vendors, including him, that say we're not doing anything and like I said, it's posted all over our website and we have it posted on all the buildings that everything is closed. I also have statements from the food truck coordinator that she asked him specifically about it and said I have emails saying we're not allowed to do anything on District property, how did you get approval and he said he spoke to us and got approval. The food trucks were planning on going. I told them I wasn't going to cancel anything and that it wasn't something we were going to go out and shut down but I did let them know that we did not give any approval so I guess some of the food trucks decided not to show up, which is their choice. I told them we wouldn't look down upon them if they decided to go. They were given communication that said we approved it. That was him being a little less than honest.

Mr. Reynolds stated doesn't this sort of thing open us to all kinds of liabilities?

Mr. Soriano stated it does. In the email that I copied you guys on, there is an executive order right now and that does open it up a lot, however part of that executive order does say there shouldn't be gatherings of larger than 50. In his email he can argue the beach is open and that's more than 50 people. I get that. We still have rules that we have to follow. Jason thinks even if we might be following the orders, we will get questions from other people whether it's insurance, other lawyers or the county of why we decide to do something, so we're just not going it right now. I let him know when I talked to him Saturday morning on the phone that I couldn't give him permission even for just overflow parking. I asked him to make sure there were no food trucks, vendors, tents and things like that on our property. I told him I can't say anything about the church because that is their property, but on our property, there shouldn't be anything and

that's where I left it. He did say he was going to be here at this meeting but maybe he will show up at Double Branch.

Mr. Reynolds stated he's trying to do a fundraiser here in Oakleaf , he's not part of the association which has his exact same programs, why he picked that corner I don't know when there are two other more suitable places he could have done it without any problems.

Mr. Swartz stated that probably tells you there were problems with other venues if they fell back to that one.

Mr. Soriano stated yeah, they weren't going to be able to do this on the County park property. That is run by OSA as they see fit so this is another organization coming in and trying to compete with them so they found one that they could get some permission from. I did speak to the church and the church did give them permission to be on their property, but I've also heard from the church a couple times now that they're clear when they tell the vendors and people planning programs that the asphalt portion is not theirs. We've never said anything about those parking spots. We look at that quadrant as the church's property. They do stuff out there every couple of weeks and the food trucks do follow the rules. Tiffany works with me and my assistant Lisa to make sure she has all of the paperwork for the food trucks that are out there or on your sister district's property, but as far as the other three quadrants, we maintain that for the owner. There is a private owner, Don Hinson. I did contact him Friday. He stated no one in his office gave them any permission and were never contacted. Really, it's more the concern of his communication to the vendors that they had approval when they had no approval whatsoever. The best thing he could argue is that there was an absence of disapproval. I didn't directly respond to him at all, even though I did respond, and emails went out to the food trucks and the Oakleafsportsoutlook.com email address. I think I copied you guys. That would have been April 27<sup>th</sup>.

Mr. Hartigan asked were they operating here prior to the lockdown?

Mr. Soriano stated no, this is a completely new organization trying to building something.

Mr. Hartigan stated so we have an organization that has doesn't have any type of permissions within either Middle Village or Double Branch.

Mr. Soriano stated right.

Mr. Hartigan asked can we issue a cease and desist order to this gentleman?

Mr. Soriano stated I think this was more to make sure you guys were aware. Jason, if you want to chime in if there's anything you need to do right now or concerns for the future.

Mr. Walters stated we can put him on notice that if it's not permitted and it's on our property we can send some sort of correspondence that we will consider future action which could include having the Sheriffs involved or calling a tow company or something to that effect to try and deter activity.

Mr. Morris stated just to be the nice guys here, if we just perhaps provide him correspondence that includes language that instructs him here is how you do this. It could be very basic, and let him know the only approval comes from you, Jay, in writing; not by any supervisor or by a phone call or anything but writing from you that would give approval for any use of property or facilities in the future so that there's no misunderstanding.

Mr. Soriano stated Jason, I forwarded it to you a little while ago. His last email to us was a little threatening. I wasn't going to really respond to that.

Mr. Morris stated this wasn't the one we got about the injunction?

Mr. Soriano stated that was last time and I didn't respond to that at all. He told me he would be at this meeting so I was hoping he would, but I can respond to that and even point to our website. The website actually has wording specifically to that: "All events taking place on District property must be approved by the Board(s) and agreed to by contract in writing through the onsite district management office. No one may host an event on property not designated as a rental venue without first contacting the onsite manager and appearing before the Board to ask for approval and present their plan for operation." If you remember in years past, we have even had people setting up tents. It was a rental area, but we did have issues with that so we kind of separated it out and created a rate for that in the future if somebody wanted to use that for a special event, but we did point that out. The last one we've had was the lady that basically took over the expo and she did come back and want to work with me and follow our requests and rules. She was one that was really upset that we were approving this gentleman. He did send it out multiple times on email and on Facebook that he had approval from the CDD. This was really to make you guys aware that sooner or later he may show up.

Mr. Hartigan asked so we're going to send a letter to him?

Mr. Morris stated or he can reply to him.

