

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, April 11, 2022 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:

Michael Steiner	Chairman
Tim Hartigan	Vice Chairman
Jason Mifsud	Supervisor

Also present were:

Marilee Giles	District Manager
Mike Eckert	District Counsel
Jay Soriano	Operations Manager
Chalon Suchsland	VerdeGo Landscape
Crys LaFata	S3 Security
Marla Dietrich	S3 Security

FIRST ORDER OF BUSINESS

Call to Order

Ms. Giles called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Randolph, 333 Chestnut Ridge Way, stated I am President of the Chestnut Ridge HOA. I had a question about the Dollar General next to Publix. The area in front of Dollar General is a mess. There's trash out in front of it, it's not trimmed, and the flowers are not being replaced. I had a conversation with this gentleman downstairs and he's saying there's basically nothing we can require them to do about the property, but we would be willing to take over that whole strip from the road to our front gate and clean it up and make sure it's suitable. Right now, it's not. So, everything from the sidewalk in front of the Dollar General, the sidewalk on the side of Ladybird, and the area that you all take care of right now.

Mr. Soriano stated there are a couple of different areas right there and that's going to be the problem. We don't own anything right there. Years ago, that road coming into Chestnut Ridge was owned by Chestnut Ridge. Part of the new developer stepping in is he took just from

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the gates inside and deeded that road back to the County. So, the County owns that road and we do not own anything out there like we do in other areas when it comes to the right of way. The right-hand side also belongs to a commercial HOA run by Sembler for Publix. The left-hand side would have their own areas. I can find out if Dollar General falls under Sembler's management or not. That would make sense to me. The sides we do not have any control over. The middle area, we decided years ago we were going to take over some of that. Those first two islands we cut, we put flowers in the very front, and we do pay for the water going all the way up to their gate, even though we don't own any of that. We had a couple of long discussions about that because we were basically given this by default. The County is never going to go out there and cut those islands. They don't have a requirement or anything like that. They have offered to take care of that, but we can't say anything about the right of way. The middle islands are really up to you guys. We may have to put some kind of agreement in place. It's owned by the County, we're just maintaining it right now.

Mr. Eckert asked do you know if we're maintaining it pursuant to an agreement with the County?

Mr. Soriano responded no. Because originally, that developer maintained everything. We only took care of the front with the flowers and the sign.

Mr. Eckert stated if you are looking for the District to give you authority to do something, we don't have the authority from the County. It may just be something that you need to talk to the County directly about such as an enhanced right of way maintenance agreement. That is something we do from time to time because if it's not a CDD road and we've not been delegated that authority by the County to maintain that, then I don't know what authority we could give you here today based on what you're asking.

Mr. Randolph asked what would be the penalty if we cut in front of Dollar General?

Mr. Eckert responded I have no idea.

Mr. Randolph stated it's a mess and I have residents that want to volunteer to pick up the trash from the sidewalk to the road because it's an eyesore right now.

Mr. Soriano stated if you send me an email, I will try to find out if they have a commercial HOA for that or Ladybird. There are two other properties there that eventually will get developed, but I would think those have some kind of commercial HOA there too. Whenever we

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have problems with Publix, such as broken irrigation or something that is not ours, we would go to Sembler. I don't know about the other side.

Chairman Steiner asked wasn't that area next to Ladybird, Daily's?

Mr. Soriano responded the corner was supposed to be Daily's, so I don't know what is going on.

Chairman Steiner stated the last thing I heard was something about expanding that to make it a parking lot, but both of those cases were out of our hands. I don't know whether the plans for that lot have changed now that they have that other service station going in.

Mr. Randolph asked if I allocate my landscapers to cut that area and clean it up, would I be infringing on anything?

Mr. Soriano responded we can't give you permission for something that we don't own.

Chairman Steiner stated I think we can go ahead and say we won't come after you, because we don't have any control over it. The actual person that has control over it could come after you.

Mr. Soriano stated you have a pond back in Oak Point stretching between Oak Point and Chestnut Ridge. There is a gentleman that moved in last year that likes to walk around the pond. He called the HOA two weeks ago and asked about cutting that pond so there's a nice walkway back there. So, the HOA told him that it's not theirs, the people that take care of it don't cut back there on the preserve side and he asked about cleaning it up, so their answer to him was, we're not going to say anything to you if it's not ours. So, he took that as, I'm going to go ahead and clean it. The neighbors called me and said he's got a big clearing machine out there, and sure enough, he's half a mile down that pond towards Chestnut Ridge and he's got trees and everything on this big 48" zero turn and swiping out everything and really thought that he was okay. I'm going to have a discussion with the HOA about that. The communication was not the best, but they did the same thing. They said, we're not telling you that you can or can't, it's not ours. So, just a warning, we can't give you any type of permission here because it's not our property. My suggestion would be to go talk to Dollar General and find out if they have some kind of HOA, and then we can talk to the County. There are rules and regulations from code enforcement that say businesses have to have a certain standard. The County may say that it's fine enough for them, but we most certainly can't give you any kind of okay to go ahead and clean up that area.

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Mr. Randolph stated I'm sure they won't mind us picking up trash.

Mr. Soriano stated I can't imagine them getting mad, but once again, it's not our property.

Mr. Randolph stated like I said earlier, we were willing to take over that whole area there.

Mr. Soriano stated where the medians are, we do take care of that right now just cutting the grass. It's a County median, but the County won't cut those either so I don't know if we want to hand that over to you guys. A lot of the multi-family communities do their own flowers in the front and things like that. We've just always done it because back when it was owned by Chestnut Ridge, that developer wasn't really doing it. It is our water that goes up and down to their gates.

Mr. Randolph asked so who has control of that?

Mr. Soriano responded we do. It would be thousands of dollars to get another meter put in, so I wouldn't suggest that. If you guys really wanted to make it your own, that is a costly way to do it.

Mr. Randolph stated I would say we would be willing to take that over. I would have to get board approval to make sure before I say anything final on that, but we also need information from you guys. My CAM said that she's trying to send fees to you guys, and they always come back.

Mr. Soriano stated the CDD fees are paid through the property taxes, so your CAM doesn't do that. She may be talking about your master association. That is not us. I can get you the contact information for them though.

THIRD ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the March 14, 2022 Board of Supervisors and Audit Committee Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**
- D. Check Register**

Ms. Giles stated included in your package are the minutes of the Board of Supervisors and Audit Committee meetings, the financial statements as of February 28th, your assessment receipts schedule showing you are 97% collected, and the check register totaling \$356,103.32.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor the consent agenda was approved.

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FOURTH ORDER OF BUSINESS**Discussion of Options for Use of Savings
from Bond Financing**

Ms. Giles stated the memorandum is in the packet for you if you want to look over the options. This is just a continued discussion from last month before we look to the Board for guidance for the budget.

Chairman Steiner asked do we need a motion?

Ms. Giles responded no, it's just an opportunity to have a continued discussion.

Chairman Steiner stated I know we were waiting on our reserve study, and I think Jay has some information on that he may be able to provide. If a decision isn't needed at this meeting, we can at least correct that information.

Mr. Soriano stated I don't have any numbers for you because he's not done with the report. We just did our walk-through about a week ago, so he does have a lot of information to collect and put into his database. He was quite happy with the condition of everything. There's quite a bit of stuff that we have made last longer than what he planned for. We do sit pretty well as far as our funding right now. We were only expected to be at 47% and we're closer to 89%. The two things that are going to affect that ending number for him are the costs of goods and inflation. Over the last two years it's been way beyond anything he expected seven years ago, so he's going to adjust for that. The second thing is adding a lot of the amenity items that we've added. We've added a small building and we're adding a huge fence. Even if we were as high as 80% funded once all is said and done, that's great, but that still means we don't have unlimited funds. We have a lot of plans and things we would like to do. Add that to one other thing. I have one supervisor on the other board that asked me about staffing. Staffing is our biggest expense. About ten years ago we went through the practice of possibly raising assessments. This is the only time I've seen more than five or ten people in here. We sent out letters saying we were in the red by about \$250,000. We operated like that for a couple of years and our first fix was to get rid of the aquatics crew. The biggest problem with that is when you get rid of the lifeguards, you can no longer operate the slides. The aquatics is as high as landscaping. When we decided to take over all of the staffing, we were able to save thousands. The first year I think we were somewhere between \$30,000 to \$40,000 off the contract rate that we were paying. We did this at both districts, so we saved a lot of money. The problem with that is the plans that we made, we wanted to pay better to keep good staff year after year. The first year, our starting rate was

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\$10. The minimum wage was around \$8.35. Our big problem with this five-year plan is it's an automatic \$1 increase every year, so if we want to keep this same plan of paying 15% to 18% more than the average for those positions, then you get up to the higher paid people such as the managers. When we get to that fifth year, you'll see people making \$18 an hour. That takes our staffing budget that sits at about \$170,000 a year right now, to \$240,000, so that is a big increase year over year. This is still going to be cheaper than going out to another company to do it for us because we pay a contract fee with somebody else taking on all of the liability, but it does add up. That is the biggest cost I'm looking at starting next year. You'll see this year we are about \$0.50 higher for lifeguards than surrounding pools. We add that to things like the capital reserve study, and that's where I worry about making sure we have enough in the budget. It's hard for me to pull \$20,000 more from another line without feeling like we're cutting that line too short. Every vendor has started hitting us with letters for increases. Lake Doctors for instance is going to be about \$1,000. That's not that much, but when I go to add \$1,000 on every line, or some lines like our Sheriff's Office, which is a 28% increase, that is going to add up to a big hit on that budget line.

Chairman Steiner asked is that plan working for us as far as are you retaining employees?

Mr. Soriano responded up until about a year ago I would say yes. In the last year or year and a half where we had everything shut down and open back up, as far as staffing and saying things like paying people a little more to retain them, staffing is just all over the place right now so I can't say it's helping us at this point. This year I have a lot of second year guards, which is good. We had a huge group of new guards last year. With the shutdown it seemed like everybody looked for a way to make more money. Some just never came back. I'm hoping to keep a lot of the guards into their third or fourth year, but things are different so it's not easy to say if we pay more, we don't have to worry about them going to Publix or Eagle Landing. We don't have to pay 15% to 20% more than minimum wage, that was just the plan we made five years ago.

Mr. Mifsud asked are there any concessions or anything like that? I don't think concessions ever picked up.

Mr. Soriano responded they didn't. We did that a couple of different ways. We've had two different companies come in and try to run it, one was the company that owned the aquatics since they were already out here, they thought that would work best. They couldn't make it work, so they asked not to continue on after that year. The last thing I tried, is quite a few years ago I

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offered up a plan for our local charities and groups like the Boy Scouts to sign up for a weekend of running the concession stand. That became hard because they would struggle to get volunteers to run a full day and they might come out making \$50, so we didn't continue that the next year. I'd say the biggest reason concession have never been big is our policies. We allow people to bring in their own food and drink. Last year we limited the size of coolers, however we don't say they can't bring in a bunch of little ones. That takes away from a company trying to run a concession stand. When you look at places like Eagle Harbor, you can't bring anything more than a water bottle. They want you to buy your food and drink from them.

Just to remind you, I've only gotten two sets of wish lists. I still need ideas from supervisors to add into that capital study also.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-10, Confirming the District's Use of the Clay County Supervisor of Elections to Conduct the District's Election of Supervisors in Conjunction with the General Election

Ms. Giles stated this is in compliance with Chapter 190 of the Florida Statutes and instructs the Supervisor of Elections office to run our election. The term of office for the individuals to be elected to the Board in the November election is for four years and those board members shall assume office the second Tuesday following the election. The seats up for election are Seat 1, Jeremy Spellman's seat, Seat 3, Tim Hartigan's seat, and Seat 5, Jonel Hicks's seat.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor Resolution 2022-10, confirming the District's use of the Clay County Supervisor of Elections to conduct the District's election of supervisors was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel – Memo re: Best Practices for Public Records Requests

Mr. Eckert stated we're starting to see a lot more potential public records cases and actual public records cases. There have been some developments up in Nassau County dealing with the County Attorney up there, so since we're subject to that law, I wanted to provide a reminder to the Board and management what the best practices are for when you get a public records request. The most important thing for the Board to remember is, if you receive a public records request, send it to Marilee and don't worry about it again until she contacts you. That is the way we can

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have some consistency in how things are handled and also protect the District and make sure if it is a burdensome request, that we collect the fees that we are statutorily entitled to.

The Florida legislature passed a bill dealing with publication of meeting notices and that being allowed to be done on a County website. That bill would not go into effect until January of 2023, so it's not something we can really factor into our budget as a savings for our next fiscal year. If it all works out the way that it is designed, maybe we will save on our publication expense. We will keep you posted on what Clay County is going to do in relation to implementing that law providing that the Governor signs it.

B. District Engineer

Ms. Giles stated I will follow up with the District Engineer on the status of the stormwater needs analysis.

C. District Manager

Ms. Giles stated over the next couple of months, Jay and I will be looking for Board guidance regarding preparation of the Fiscal Year 2022/2023 budget. We will approve the budget on June 13th, and then we will adopt the budget on September 12th.

D. Operations Manager – Memorandum

Mr. Soriano stated we've had a lot of community-wide events since I saw you last. We finished out Spring Break. Everything worked out smoothly. We didn't have the greatest weather, but we did have a couple of days near the end that were warmer, and we had families come out and enjoy it. We use that time of year to make sure we educate families on the checking in process, rules, and things like that. Some families are new to the neighborhood and a lot of times they don't know the rules so at the beginning of the year we're a little more lenient and as time goes on, by the time we get to that Memorial Day weekend, some of those rules are expected to be fully enforced. So, right now if somebody were to come to the pool with basketball shorts on, we would explain why we have that rule in place and what we expect in the future. The heater is off on this pool. In May we start the alternating schedule back and forth with each set of pools and then we're open all weekend. Beginning Memorial Day weekend, we're open full blast. Our usage has evened out a little bit and is on the higher end. We're not seeing as much use out of

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the fitness center because we have a commercial fitness center in Oakleaf now. Everything else is staying busy.

February is a little short, so once we get into March, we're busy. We do a lot on the pool deck and we're still finishing up projects with new projects starting, so that's where you'll see a couple of pages worth of maintenance items. Starting with the open items, as you were walking in you probably saw a fence going up. We are hoping this will be a week to two week project. I think they're a little hopeful in that, but they're flying. They started this morning around 9:30, I went through some staging items with them such as where supplies are going so it's protected and out of the way as they put things up and they've already quite a few panels out down there and I think it looks good. It's catching a lot of people's attention and they're asking questions. In the next few weeks, we will send out an email to the residents with notices of how this is going to work. For probably two months we will keep the gates open to get people used to the fact that it's there and what the rules are going to be. It's going to be a learning process for them, but also, it sounds like the fence company is going to be a lot faster than I am so getting some of the maglocks and things like that installed will take longer than two weeks.

There's one issue I wanted to relay to you guys on the food trucks. For the newer board members, for the longest time we kept food trucks out because it creates some issues. There was a group that came to your sister district that decided they really wanted food trucks and they proposed to control them for us, and we allowed it and gave them authority to control it. We told them what we expected in terms of health licenses, business licenses and certificates of insurance to make sure they can operate safely and insured to be on our property. It's the ones that don't like to listen to that group and show up on their own that are the problem. You'll see this whether they're sitting on the side of the road, or the parking lot by the clock tower. We've had more issues with that lately. You guys may see emails from me to some of these so you can see, but they are popping up everywhere on their own and fighting with the girl that is in charge. The letter tells all the trucks that they have to go through her for coordination. There's one night we do food trucks over here and one on the other side. She keeps track of everything, and she also helps to make sure their information is gathered and brought to the office so my office gets a copy, and we know which trucks are covered. We don't pay her, and she doesn't pay us. The biggest issue tends to be when the truck owners are Oakleaf residents and they think they can do whatever they want because they live here, so they won't listen to her. Unless anything has

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changed on our end, that direction was still the same that we didn't want to get involved in picking the food trucks and setting up food truck nights, or anything like that. Some districts go that route where they handle everything, and some will actually make money off of it. We decided we just didn't want to be a part of that, and we allowed somebody else to handle it. The biggest thing was everything has to be safe and done properly, and they have to clean up. Most of those that don't like to follow those other rules, also don't like to clean up.

Unless there are any questions, that is it for my report. The updated packet included items behind my report that are reports that I get together every month from our other vendors. I wanted you guys to see a couple, such as the one from Lake Doctors for lake maintenance, and irrigation reports. They've always done these reports, you'll just see a bullet on my report saying March irrigation report is kept on file and lake report kept on file. I didn't want to load down your agenda package with all of the vendors, which ends up being another 100 pages onto my report, but I would like you guys to see it. It's nice because it's helps with issues such as when somebody tells me a lake hasn't been inspected and they have algae. I can go back to the report and see which day they were here. It doesn't mean they can spray more. You'll see on theirs noted when they can't spray because they have to wait 120 days or 60 days to spray again. I've also used this when I found out a pond wasn't being treated and didn't get treated for three months in a row, so I started pulling these reports and found out the only access we had, the neighbor had a trailer on there and he marked it down on the report that the easement was blocked. So, while one neighbor down at the other end of the pond is complaining of algae, they don't realize it's one of their own neighbors stopping them from getting in and doing their job. I keep these reports on record and they are public information. It's easy enough if you want me to put these in my report. With the agenda done this way we don't have to print off an extra 100 pages, but it's really up to you.

Chairman Steiner stated I would say the only time it needs to be in there would be if you're having an issue like what you were just talking about to back up what happened.

Mr. Soriano stated that was the plan. Unless you guys really want them in there, I'm going to keep them on file.

Mr. Mifsud asked the ones that are listed with VerdeGo, those are sprinkler zones?

Mr. Soriano responded yes. It has not just the zones, because there are multiple zones within one clock, but it goes through the roads at certain clocks, and then it will go through all

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the zones, and it will mark out notes of things they've repaired and things like that. That's also helpful with those that seem to break all of the time.

Mr. Mifsud stated that's what I was going to ask. With the ones that are bad, is it just people messing with them?

Mr. Soriano responded sometimes it is. We have our areas where we know if they're up and they didn't go down properly, kids are going to walk by and kick them. There are certain areas that get high use such as Plantation Oaks right in front of the school, and the corner over here by this school. When we see certain areas, we can tell that it always has problems with sand so we will get sticking valves and things like that. It helps when I get residents complaining the landscapers aren't here and irrigation has been running and they don't ever come and check this, I can go back and check and say some of this stuff is brand new, but we will get to it. I can't go out every day and see the whole property.

SEVENTH ORDER OF BUSINESS Audience Comments / Supervisors' Requests

There being none, the next item followed.

Vice Chairman Hartigan asked what are the hours of operations for S3 Security at the basketball court? I was at the basketball courts before the meeting and there was no security, and the gate was wide open.

Mr. Soriano stated we can talk after the meeting, and I can explain when they're here or not. I can't do that as part of a public meeting.

EIGHTH ORDER OF BUSINESS Next Scheduled Meetings

Ms. Giles stated our next meetings are an Audit Committee Meeting and a regularly scheduled meeting on May 9th at 2:00 p.m. here at the Plantation Oaks Amenity Center.

Chairman Steiner asked is the Audit Committee meeting to evaluate proposals?

Ms. Giles responded we will rank the proposals.

Mr. Eckert stated you've already approved the criteria as the Audit Committee. They would have advertised so next we will receive proposals and evaluate.

NINTH ORDER OF BUSINESS Adjournment

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On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor the meeting was adjourned.

DocuSigned by:
Marlee Giles
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Secretary/Assistant Secretary

DocuSigned by:
Michael Steiner
835D57052CED44D...
Chairman/Vice Chairman