

**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, October 10, 2022 at 4:00 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
Jeremy Spellman	Supervisor
Jonel Hicks	Supervisor
Jason Mifsud	Supervisor

Also present were:

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

FIRST ORDER OF BUSINESS

Call to Order

Ms. Giles called the meeting to order and called the roll at approximately 4:00 p.m.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Conkey stated I am with the water management district and a governmental coordinator and I'm here to help with any issues. Compliance questions come up quite a bit, or if you have conservation properties, anything water related or permit related. This physical complex is under a permit, and you are the permit holder most likely, so you would be the one responsible for any of those compliance issues if anything like that came up. For example, the tree in Forest Hammock that we're dealing with.

THIRD ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the September 12, 2022 Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**

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D. Check Register

Ms. Giles stated included in your package are the minutes of the last meeting, the financial statements as of August 31st, your assessment receipts schedule showing you are 100% collected, and the check register totaling \$195,185.47.

On MOTION by Vice Chairman Hartigan seconded by Mr. Mifsud with all in favor the minutes of the September 12, 2022 meeting were approved.

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

FOURTH ORDER OF BUSINESS

Other Business

Mr. Soriano stated last month we had our work authorizations approved. If you remember, for the budget we asked for an increase for those management positions for all the staff that works here at 8% and the work authorization that we presented to you last month included the numbers from FY22, so to do everything correctly and to match the budget, the amounts have been revised. I'm not asking for anything extra. The first work authorization is for the two districts combined. That is for five roles; me, Wanda McReynolds, Susan Raab who is your aquatics director, Christina who does your access system, and Lisa Carter who is the office assistant. Over here you have a separate work authorization that covers the tennis pro, and the tennis pro was also an 8% increase. When you add the tennis pro amount and this amount here, you get the \$317,000 that is in your budget for staffing, so it works out to be at budget. I wanted to bring it back forward so your Chair could finalize the work authorizations, so we will move forward as a ratification for the work authorizations.

On MOTION by Vice Chairman Hartigan seconded by Mr. Hicks with all in favor work authorizations #1 and #3 for GMS, LLC were ratified.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Eckert stated we have two seats that are up for election in November. Nobody qualified for those two seats with the Clay County Supervisor of Elections so there is a process

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set forth in Chapter 190. Basically, we will bring a resolution to the Board in November that will declare those seats vacant two weeks after the general election. This Board will then appoint people to those seats to fill out the next four-year term. We won't meet again in November after that resolution is adopted, so at your December meeting you all will be able to appoint people to those vacancies. The statute also says the existing board members stay in their seat until such time as their successor is chosen and seated. I would ask that everybody that is on the board now attend the December meeting if you can because you're still a board member until somebody is appointed to that replacement. We will follow the statute and what it requires. The requirements for that seat are you must be 18 years of age; you must be registered to vote in the State of Florida with your address being in the Middle Village Community Development District and be a registered elector.

Mr. Hicks asked how do you qualify with the County?

Mr. Eckert responded in June of this year there was a qualification period of about four days where you must turn in your paperwork and usually there is a small fee or you are required to get a certain number of signatures, and then you would be placed on the ballot. Nobody qualified in that four-day period for the 2022 election, so that's why we will have the two vacancies. In 2024 we will have three vacancies, so in June of 2024, three seats will be up for that qualification process.

Ms. Giles asked if a board member wanted to nominate one of those vacant seats with the same supervisor, could they do that?

Mr. Eckert responded yes, we would do that at your December meeting and if an existing board member wanted to continue to serve and the remainder of the Board wanted that board member to continue to serve, certainly somebody who is on the Board now could be appointed to fill that vacancy for the next four years.

B. District Engineer

There being nothing to report, the next item followed.

C. District Manager

There being nothing to report, the next item followed.

D. Operations Manager – Memorandum

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Mr. Soriano stated I want to go through a couple of community events coming up. This week on Friday we have a movie on the green at your sister district with food trucks. Next weekend on October 22nd we have Pumpkin Plunge, which is one of the favorites. Then the following week on October 28th we have our Spooktacular, and this is an event we have not had in five or six years. We usually get 500 or 600 people out there on the tennis and basketball courts of Phase 1 and we have a DJ playing all night and we do food. There will be scare trails and trick-or-treating for the kids. People generally start lining up in the parking lots to get in right after school, so it is a big event.

Vice Chairman Hartigan asked what is the movie?

Mr. Soriano responded I believe it's The Munsters, but I'll double check.

Mr. Soriano continued with his report. I wanted to update you on a couple of the projects. We had to hold off on the cap stones. My guys were pouring about sixteen or seventeen of the big cap stones and they started to get in a rush and didn't do the greatest job pouring. With the open form that I've built them they didn't realize you can make it bigger, so as they went to lay them down, they realized they had a made a whole bunch of different heights. They are now repouring. The good news is they took the 30 that they poured and put them on the walls, so the open spots on the promenade have all been taken care of, but we have to get back to the gazebo.

Chairman Steiner stated hopefully they glued them down well.

Mr. Soriano responded they used masonry glue. I'm not a big fan, but that's the way they were originally installed and it's also why after a good amount of rain they started to come up. I think they should have been anchored in better, but that's the design so we can't really mortar them in when the ones next to them aren't mortared.

Mr. Hicks asked they're significantly heavier now though, right?

Mr. Soriano responded yes. It's the equivalent of about four of them. You could still pick them up, but it's a lot different than what they did before. Even the ones before they would get them up and it took a bit to throw them out into the pond. That's the reason they didn't make it too far and we would go in about waist-height to fish them out. While we're waiting on the re-pouring, I've moved the guys to other projects such as the boardwalk. There's a good amount of work there.

Chairman Steiner stated you mentioned at the last meeting that you were looking at anchoring the slabs.

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Mr. Soriano stated yes. With the form I want to be able to put a bolt that goes through so we can tighten it into the pavers.

Chairman Steiner stated the lip is chest-height so if one of those kids grab it and it's not put down good that's hefty.

Mr. Soriano stated right now they're just put on with the masonry version of liquid nails. The plan is to anchor them to stop them from pulling them up. That's kind of the way we do a cinderblock wall. You'll see they drive rebar through the hole on the inside and that locks them altogether. That's what I want to do. It does add a little cost to each block. Concrete is not expensive to pour. The forming is the labor work, but all the extra rebar and things like anchors drive up the cost.

Mr. Hicks asked you said you were going to drill into it?

Mr. Soriano responded the new ones when they form will have the bolts going down into the old ones.

Mr. Hicks I was just wondering if they would crack.

Mr. Soriano stated we always have that worry. The ones below them are a little more solid than what was on the top. We haven't had too many issues with those cracking. We do have more of our regular pavers that our everywhere. It's the capstones that we didn't have and have to be custom made.

Mr. Soriano continued. I have a couple things I wanted to bring to you that are not part of the reports. We've had some trespassing issues this last month. Some were issues that I'm not too worried about. Clay County Sheriff's Office caught a couple of kids trying to damage playgrounds and they did a great job of picking them up, calling me and trespassing the kids. I've gone out and looked at them. The playgrounds weren't damaged to the point I couldn't repair them, so that wasn't a concern, but I did want the children trespassed. Some of them were residents and if they want to be back on property their guardians would have to come in and speak to the Board.

Mr. Mifsud asked were the parents there when they were issued the citations by CCSO?

Mr. Soriano responded no. They were able to get a hold of one by phone.

Mr. Mifsud asked so one of the parents might not know.

Mr. Soriano stated right. Once they're done with all their paperwork, we can send a letter saying they're no longer allowed on the property and then they should know.

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Mr. Mifsud stated if they were minors, I would think the parents would have to be notified even if an officer drives over there.

Mr. Soriano stated from what I've seen, that is not always the case. Especially if they're under the care of guardians. One left. He was a habitual offender that we have that lived in your sister district. His guardians were his grandparents, and it was extremely hard to communicate with them. I've tried working with them before and I think they've got to the point they don't care anymore. He's gone through the juvenile process a couple of times.

Mr. Eckert stated from a process standpoint, when the Sheriff issues a trespass warrant that means they're not allowed on property by virtue of the county action. You have taken no action related to amenity facilities at this point yet, unless you've turned off their access cards.

Mr. Soriano stated these didn't have cards. When they moved in, they were younger so their parents couldn't get them cards.

Vice Chairman Hartigan asked do we have the ability to bill them for the repairs?

Mr. Eckert responded we're working on developing a policy to bring back to you in November to deal with the administrative and repair costs. Certainly, I think you do under your existing policies, but we're trying to strengthen that up.

Mr. Soriano stated from this there was no damage. They were lifting all the tops off the playgrounds, so it does take a lot of work to climb those things and the officer made them climb back up there that night and put them back on. All I did was go around and make sure they were secure. If they were cracked, those things can be a couple thousand dollars. At this moment, other than administrative costs, we won't have anything from this.

Mr. Eckert stated my point in bringing up the process is from a standpoint of the county does their thing, but we haven't done anything yet in terms of suspending privileges or anything like that. Typically, if we're going to do that then we would write a letter saying you have a right to appear at this hearing and provide an explanation to the Board, but until the Board or Jay tells me their amenity privileges are going to be suspended, that is what the trigger is for that letter going out.

Mr. Soriano stated since they're already trespassed, I usually don't approach it unless the parents come back to us and want us to do something and then we go through that whole process. For the other two we are going to have to go through something. The other two are adults. One is straightforward. It's on the other side at your sister district. I haven't looked into where she

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lives. This was during the hurricane. We were closing everything down and sent out the emails to close everything down and I warned the parents to help us out because kids are going to be out of school. That day we started to close a mother wanted to come in and work out at the Double Branch fitness center and brought her 13-year-old child. She's not allowed to be in the fitness facility, so we explained the rules to her. She can be out at the tennis courts, basketball and do that kind of stuff, but she can't be where the weights are. You must be 14 or 15.

Mr. Hicks asked is that for insurance purposes?

Mr. Soriano responded yes. It used to be under 16 and then it was 14 or 15 we allowed with the adults. Then we went a step further a couple years ago that it didn't just have to be mom or dad, it had to be a family member 16 or older that could bring them. This child was 13 so staff went through the rules. She decided it was a stupid rule and she wasn't going to listen to us, so the staff member called a senior staff member. She explained it to her on the phone, and she still didn't want to listen, and she took the child in to work out anyway. After she went in and started working out, the staff member informed her she was going to call the Sheriff's Office and if she didn't leave, they would escort her out and possibly get a trespass citation. She said, fine, do what you want. The Sheriff's Office came and gave her a trespass citation. She hasn't tried to contact me. I have turned off her access and the 13-year-olds, so we will send a letter. She has multiple children in the household, but it does not affect the whole household. If they want a hearing, we can schedule a disciplinary hearing to allow us to decide whether it stands, or if you want me to be lenient.

The one that occurred on your side here wasn't as cut and dry. It was more of an argument between a resident that believes a supervisor doesn't like her and a supervisor that was doing her job. The resident decided to argue with her after she went through a couple of rules with her. This is a normal occurrence with this resident. I started pulling incident reports from this interaction and they've had the same interaction with this person multiple times over the summer and many times over the same issues. One is her choice of swim attire and how she wears it and she gets a little ugly with the staff when they tell her the rules. With this incident, she sat there and berated the staff member at the check-in desk, even to the point where she pulls out her phone to record her reactions with the staff member. The staff member probably could've handled it better, even when she is being yelled at, but eventually she got tired of her and told her to leave her alone and the lady would not leave her alone, to the point where the Sheriff's

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Office was called. I spoke to this lady. She was very calm when I spoke to her, and I asked her if the staff member told her she couldn't come to the pool. She said no, I could go in, just to leave her alone, but I didn't like the way she was talking to me. I explained to her that you could've ended it and just left her alone and came to talk to me, or the Board and explained you don't like one of our staff members and you believe they're unprofessional. But because she decided to stay all the way to the point the Sheriff's Office eventually arrives and talks to everybody involved and then gave her a trespass citation. I went through all the reports I had from different lifeguards and different incidents throughout the summer, and they all look exactly the same. So, I believe the staff was doing what they were supposed to do and more of this I put on her for deciding to stay there and continuing to berate and film the staff member. For me, the trespass would stand until she shows up for one of these meetings if we want to assign a disciplinary hearing so she can explain herself to you guys.

Mr. Hicks asked as far as the disciplinary hearing, is that up to the trespassed party?

Mr. Soriano responded kind of. We can set it up, but they can decide not to show. I talked to her and explained she can come to the Board and say her piece, but I will bring my stuff up and if we have a disciplinary hearing, I will give you guys everything I have as far as all of the copies of the reports going back to earlier this summer. Her kids were there, so she can bring her kids as witnesses. It's almost like a court proceeding. She doesn't have to show and a lot of times they won't.

Mr. Mifsud asked how many incidents were there for this same person?

Mr. Soriano responded three and they're all the same kind of reaction. Very passive aggressive. She just doesn't listen to the lifeguards. Most of the time I get that is because they're younger. This supervisor is a grown adult that lives here in the neighborhood, and she is a teacher at Oakleaf High, so I trust she knows how to deal with people. Like I said, some of her reactions when the lady gets ugly, I could work with her on that, but there was really nothing she did that warranted saying she's wrong and the other girl is completely fine. I think this came from her deciding to stay there and beat the issue down.

Vice Chairman Hartigan asked have we deactivated her card?

Mr. Soriano responded I have. That's why we will have to send her a letter, because I've taken her privileges away. The trespass is from the county though, so like Mike said, that is separate. We can always rescind that later if you decide it's a little extreme and maybe I think

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that is for what happened, but I already told her I think she was wrong and she would still be in trouble from my point of view. If this was the middle of summer it may be something like in our policies where we tell them they can't be here for a short term, but she gets to come back because she's not trespassed. The county code is different. Once she was requested to leave, and she decided not to, that's how she gets the trespass. If we want to deal with her first, we can do a disciplinary hearing. We would send her a letter first and she may decide it's not worth it.

Mr. Mifsud asked did all the incidents stem from her attire?

Mr. Soriano responded not always. There was one time staff suspected she was drinking. It's an energy drink, but it has alcohol. That leads to behavior on the pool deck and some of that has been noted as what they thought was her problem. I tried to get staff to understand that they shouldn't talk like that. They're not running a breathalyzer and they're not a police officer. I don't want them accusing somebody of being drunk. It could be a sugar issue with a diabetic, so they shouldn't speak like that, but they can write in the incident report what they see and their concerns. Her bikini is revealing, and if she wears it correctly it is a regular bikini, but it's the way she tends to wear it. They talk to her constantly and it's the reaction they get when they ask her to change the way she's wearing her bottoms. I think they've talked to her enough and she feels they're attacking her. They feel like she's just not listening. Like I said, since I did turn off her card, I will send her a letter and she can always ask for that disciplinary hearing.

With the other issue you may have seen the Facebook posts from this past weekend. This happens twice a year, generally twice a year, and the biggest issue surrounding this building is when people want to show up to this building and take prom or homecoming pictures. Many times, we have a wedding up here and they pay extra for this. We've gotten yelled at by weddings because people are disturbing their venue that they paid thousands of dollars for. We've asked people not to take pictures, but we know they're going to because it's a beautiful setting, so a lot of times we just ask them to stay off the stairs. Our staff and security guards will talk to the people and ask them to stay clear. They can go out in the property and get the picture with the building in the background, it's just the stairs is the biggest problem. Our second problem is what you see here in the pictures. This is what they do all the time, and this was from this weekend. That is attached to a report a security officer sent and this was before any of the police officers were involved because we did have off-duty police officers at that time, and they came and talked to them too. They fill up this circle and they park right there. They don't go and park in the

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parking lot and walk up here. They park there and then our residents can't get through and it makes it a safety issue. Some people decide to drive over the grass to get to the parking lot because they're not part of this prom or homecoming crowd and then the residents are upset or angry. The off-duty officer and security guard after talking to them called in backup and there ended up being five police officers here to help disburse this crowd because they wouldn't listen to them and leave. With our fencing project, I'm still waiting on gates, but I've told you guys the reason I added gates up here is it will separate and make it a little better. They won't be able to come up the stairs, so at that point we could change how we react in the policy and the rentals get up here, so the weddings shouldn't be upset.

Vice Chairman Hartigan asked was there a wedding up here at the time?

Mr. Soriano responded there was not.

Vice Chairman Hartigan stated we know this happens every year. They come in and take their pictures and then they jet off.

Mr. Soriano stated at least twice a year because of Oakleaf High School prom and homecoming. Usually more than that because we're also a big location for Ridgeview and Middleburg, or they're dating someone over there, so we get the prom and homecoming pictures from each one of those schools, it's just Oakleaf is our largest. So, they will show up all at the same time. This was around 6:30 or 6:45. We did have an accident a couple of years ago if you recall. They come over here and park in the intersection, so they will even park in the median areas and get out and go to the waterfall so they can get a picture there. No one cares about them being on the grass, it's the safety issue of them parking in the roadside that becomes the bigger problem and the Sheriff's Office has tried to address that too.

Mr. Mifsud stated from our past discussions, the policy is pretty much nobody on the stairs regardless of if this is occupied or not.

Mr. Soriano stated we are lenient. I don't make that part of the policy because I can't change the policy like that, but if one family were here, we're not going to get mad at them, it's more of an issue when it occurs like this. Which does it make it hard when someone says, you let them take their pictures last weekend, but it was one family compared to 20 or 30. So, we try to stick to the policy that you should not be out here taking pictures. Plus, you have to remember there is a very big percentage of Oakleaf High School that is not part of our district and that's the first thing people say is it's Oakleaf, so it's all part of the family. It's not. There is Eagle

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Landing, GreyHawk, Forest Hammock, and Arbor Mill. We're going to have another one very shortly at the Double Branch side that is not part of the District. The only entrance and exit are through that district. But we try to be lenient and we will allow them to be in other areas as long as they're not bothering anything.

Mr. Mifsud stated once those gates go up, you're going to have to be a resident to use the grounds.

Mr. Soriano stated right. Same thing if they're residents and they have a card and they walk back out there, as long as they're not bothering anybody. If we have a wedding on that lawn, they can't be out there and they're going to have to understand that somebody is paying for that.

Chairman Steiner asked is the major issue with this the parking?

Mr. Soriano responded no, that's the major safety issue. The major issue is disrupting the venues that are up here that pay money for it.

Chairman Steiner stated but you said there was no venue going on.

Vice Chairman Hartigan stated so we have security taking pictures of cars with no event here.

Mr. Soriano stated out there because they were blocking traffic, so they have to address that.

Chairman Steiner stated that's what I'm saying. This all boils down to the fact that you're not supposed to park out there.

Mr. Soriano stated if they had parked out there it probably would have been less of a big deal. The Sheriff's officer that was out here off duty, when she asks somebody to do something and they don't respond well, she's pretty serious. So, this ended up being a bigger deal than what we typically have. We haven't had an issue because we try to work with them, but the policy is still that you can't get pictures on the stairs.

Chairman Steiner stated but again, even the gates that we put in aren't going to impede that.

Mr. Soriano stated they're separating out the wedding, so the wedding will have less concern that they're coming up here. Most of the time if we have a wedding, if somebody is on those stairs, they're not going to come up and walk around.

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Chairman Steiner stated I just didn't want it to be misunderstood that the gates that we're putting in will eliminate that and if there is an event going on the Grand Lawn, you don't want people back in this area, but we can only do so much. We've got in the policies that the pictures aren't supposed to be taken on the stairs. But, if there is no wedding going on up here or anything else like that, and these people are residents, I really don't see something we can nail down even more than we already have.

Mr. Soriano stated they didn't call to see if there was a wedding or anything like that, so it's not just about whether there was an event here or not.

Vice Chairman Hartigan stated the only way we could have prevented anything like that is having the officer's patrol car in front of the stairs.

Mr. Soriano stated if we know it's homecoming, we could. In the past there were times I've sent emails to the principal at Oakleaf High to help get the word out that they're not supposed to be using the facilities for that, although realistically it's not their job to put out that information on what services are available or not available. They've helped us one time so we could let people know it was sent out.

Mr. Hicks stated it's obviously a problem and putting a Sheriff's officer car out there seems okay, but my solution would be having a picture day for these kids, like setting a specific time to do what they need to do.

Mr. Soriano stated I've had that too. I had a request from a parent to save the date for them and not book a wedding that day. It makes good sense, we even thought about this until I realized that one, it takes revenue away from you guys and two, this homecoming was not supposed to be this past weekend. It was supposed to be two weekends ago. So, what we would have done is lost revenue by blocking out that weekend and you still would have dealt with the problem this last weekend. Because it wasn't about the policy, it was about the fact that they weren't going to listen to anybody. This was just to inform you about what happened last weekend.

Chairman Steiner stated I have a couple of questions for you. Where do we stand with the roof?

Mr. Soriano responded the company I finalized with was just over \$58,000, so well under the not to exceed. There was a company that was a little bit cheaper at right around \$54,000 but the biggest problem was coordinating with our time. Wanda only has two weekends that are not booked up with weddings between now and January and they couldn't work with that, so we

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moved to another vendor. That vendor was the one that offered free sheets of plywood. They know they get from the Monday before after the wedding is done that previous weekend to the next weekend to finish everything up.

Chairman Steiner stated I think based on what happened in the state, getting supplies is going to be a major issue and the longer we wait, the more we damage it.

Mr. Soriano stated I think it's a good idea to clear all that up so we can get this moving.

Vice Chairman Hartigan stated if we only have those dates in the future, can we get the supplies now?

Mr. Soriano stated I don't know. I can ask. We will set up an agreement from our side with that high of a cost.

Mr. Eckert stated we can do a tax-exempt purchase, but there are all kinds of considerations and requirements there. I think what you're suggesting is we would pay the contractor for the supplies now and we would store them.

Vice Chairman Hartigan stated I want to make sure we're able to get the supplies now while we have the chance.

Mr. Soriano stated I hate to say it that way, but that's on them. They gave us the quote for the \$58,000 and they have to figure out a way to get it in a timely fashion. We did it with the fence. We put a three-month time period on it that they had to start. They did a good job, and they started a couple weeks after they signed the contract. We don't have our gates yet, but the fencing was done right away. We can put time limits for that too. We're going to give them a deposit if they need to take care of a supply purchase first.

Mr. Mifsud asked since the vote was done before the hurricane is it feasible to go back to the contractor and confirm they can get everything they need for that November time frame?

Mr. Soriano responded I can. We have a quote that is good for pricing, and I try not to ask if we're still good at that price because it's usually an open door for them to make changes, but it's not something that would be unreasonable if they came back and said they were having trouble. I would hope they wouldn't take the deposit if they couldn't agree to their own contract.

Mr. Eckert stated to answer your question, we would need some kind of an agreement with the supplier, because once we accepted storing that, we've accepted some responsibilities for the destruction or theft of that material.

Mr. Soriano stated I may start off leaving it on them and see if I can get them moving.

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Chairman Steiner stated you mentioned the gates. Have you had any movement on that?

Mr. Soriano responded no. They picked up your three gates in the back to do crash bars, but I haven't received them back and on the other gates, I haven't received a date at all.

Chairman Steiner stated there was an issue with the clock tower lighting with the church and that area and talking about the separating of the meters.

Mr. Soriano stated I need a little help from the county and that's where Mike will help me out too. This was a handshake agreement and conversations with how that area would work. We don't have any ownership of anything outside of that circle. We maintain the right of ways, but it's actually county right of way. Right now, the way it's set up, from the county's point of view and the JIS mapping we have out there, they own all the way up to Hinson's property, which is the pads for the commercial buildings. We don't own anything. The county does not like having asphalt parking lots and things like that, so in talking to the public works guys, they don't know how it happened. The original agreement was that section would be ours, but it's not. Some of the things that are being asked for us to look at and do, I don't think we should be doing unless we have true ownership of that. Some of that is continue paying for the lighting in those areas. We have the accounts for the streetlights on the outside, but inside we do not have those. I would look at the developer making deals with the townhomes that are built. That's their entity, so they should be paying the cost for that. Some of the other items like landscaping inside of there, we shouldn't be doing that. We have enough landscaping. So, unless any of the agreements and the area are cleaned up, we have no ownership there right now so I'm leery of us making statements that we're going to continue to take care of or spend money on areas that are not ours.

Chairman Steiner stated that's my question is are we in a position to where we're not paying?

Mr. Soriano responded no; we're still doing a lot of that work. I want the county to figure out exactly what they want to do there. I can tell you they don't want that asphalt. If they really want it, I think we should be happy to give it to them. There's a lot of liability in an asphalt parking lot and roadways, so if they absorbed it and said they were going to keep it that way, then fine. As far as the lighting, that is something for Hinson to correct. We have a cost share agreement with them right now and they have been good at paying their share of everything, but if it's not ours, then split it with the townhomes and not us. You guys can direct us to go back to Hinson to talk about that cost share agreement.

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Chairman Steiner stated if we're not supposed to be paying for anything that we don't own, we need to get it separated no matter what the agreement was, so where we're not in violation of that position.

Mr. Eckert stated it's not just what we own, it's also that we have an easement over it and it's our infrastructure that is there that we funded with bonds or funded otherwise, so it's not strictly based on ownership, but unless you have some sort of property right to have it there and unless it's actually your property that is there, then I would agree that we should not be involved in paying whatever that maintenance cost is.

Mr. Soriano stated one of the directions in that agreement was the sidewalk continues down this road and cuts through that area. It goes back farther, and it cuts into that property so that was one of the understandings we have to take care of it because of the sidewalk. We're definitely not going to absorb liability for that sidewalk, but the lighting, I get that. The other thought was there were plans for the pocket parks someplace in those quadrants and there was supposed to be one there so that you could access that area from the promenade, there might be a green space or playground area off of the promenade going towards that commercial area. That did not get carved out when they built those townhomes, so we lost it. That was another reason for why we were going to light that area up and the District was going to maintain it. That is no longer there though. I can get where it came from in the beginning and after asking Peter and I think Mike has looked, we don't have anything in writing so there's nothing that says we have an understanding that we would continue to maintain it. So, I guess we're at the point we have to decide what we want to continue to do and what we should continue to do.

Chairman Steiner stated I'm just concerned that we're getting more development up there and that is going to mean more activity through those slip lanes and the next thing you know, we're getting hit with repair for the parking lot because we're lighting it. That whole area has been redesigned. It was never planned for the church to be there or for the townhomes to be there. Those were supposed to be four-high condo buildings and the area that is up there for the business part of it has not developed beyond the doctor's office, so I want to make sure this issue that you brought to the Board doesn't get dropped and all the sudden we're getting impacted through the budget with costs to maintain something we shouldn't be.

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Mr. Soriano stated I don't want anybody to think it could be dropped, but I'm leery because we still deal with these developers. Hinson still owns the rest of the quadrant, so we still work him a bit and I don't want to make it seem like we don't want to work with him at all.

Chairman Steiner stated the clock tower repair got pushed back to us.

Mr. Soriano stated we do own that.

Chairman Steiner stated at one time they used to do the landscaping in that area and now we're taking care of the area around there. I may be coming in on the tail end of this. All those things happened 12 to 16 years ago, so those agreements were made, and you and I have uncovered several like the wall going down all the way through and completing things up on the promenade and the power and all those other issues that were somewhat of a handshake and a wink.

Mr. Soriano stated that still happens. That's development, but what I would say is if you can allow us to work with them. We almost have to get new agreements for the way we want to do the neighborhood now.

Chairman Steiner stated I'm not saying you're letting it slide, what I'm saying is I don't want to see it get buried under all the other stuff you have going on. These were items that were probably before this Board several years ago, but they got lost in the development and we were worried about that property down there not having any developer on it.

Mr. Soriano stated it does open the door for other problems. The church has constantly asked us to handle their lights and the same explanation I gave to them is we don't own the area and they are not streetlights. The streetlights are on the outside and we already pay for those. To me, it's a parking lot and the parking lot is there for the church so it's their responsibility. When the other quadrants get built, I'm sure we will be asked the same question.

Ms. Suchsland asked since we missed it last month, do you want to bring up Ace Hardware?

Mr. Soriano responded that one is a little more straightforward. We definitely don't own that area. As you go up and down the road there are a lot of areas that we do not own that is completely county of right of way and we don't even own the patch where there would typically be a vinyl fence and sidewalk. Even with Publix, we don't own that area. We cut on the sidewalk side and the sidewalk between the road going down the road, however we're not going to go back into the property. I believe more of it has to do with them changing hands. Now they've

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sold it to Ace Hardware. We don't own anything inside of that, so we're not going to travel inside of that. Chalon's group was nice enough to cut back a little bit and deal with the hedge line, but I've instructed her not to go back.

Mr. Mifsud asked have they said they don't want to take any responsibility of it?

Ms. Suchsland responded they mow up to the hedge, so I'm just not sure if they're aware they need to come out to the sidewalk. We cut it before Labor Day weekend so it would look consistent, but it could be a liability as well, so we've not done anything with it.

Mr. Soriano stated they have their own irrigation there so we would become liable for it, so I'd rather not go onto people's property, even though it looks like it's an area we should be maintaining.

Vice Chairman Hartigan asked are we going to take a look at the kid's playground and the benches?

Mr. Soriano stated I just told them to start ripping them out if they're rotten. Between termites and the heat and sun, they're going to rot so I'd probably rather have larger posts on those benches, but that's what they put in.

Vice Chairman Hartigan asked is there a completion date on the fencing contractually?

Mr. Soriano responded yes, we're past that, however the gates were not part of that because they were extra. We had a separate payment section for the gates, so I don't think we have much of a leg to stand on other than just bugging them. We haven't paid for that portion either, but I'd rather not go to another company and start over. They did a good job putting this up, but once they lost their project manager, they forgot about us.

Vice Chairman Hartigan stated not having those gates up is costing us thousands of dollars per month.

Mr. Soriano stated it's not extra, we still put it in the budget, but I'd like to make that savings.

SIXTH ORDER OF BUSINESS

Audience Comments / Supervisors' Requests

There were no audience comments or supervisor requests.

SEVENTH ORDER OF BUSINESS

Next Scheduled Meeting

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Ms. Giles stated our next meeting is scheduled for November 14th at 2:00 p.m. here at the Plantation Oaks Amenity Center.

EIGHTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Marilee Giles
3B3269E1043B434...
Secretary/Assistant Secretary

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