

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, November 14, 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
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

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Giles called the meeting to order and called the roll at approximately 2:00 p.m.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being no audience members present, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of the Minutes of the October 10, 2022 Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**
- D. Check Register**

Ms. Giles stated included in your package are the minutes of the last meeting, the financial statements as of September 30th, your assessment receipts schedule showing you are 100% collected, and the check register totaling \$1,264,292.76.

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

**FOURTH ORDER OF BUSINESS****Review of Suspension of Amenity Privileges**

Mr. Eckert stated before you today you have a suspension hearing for Noel Green. The relevant dates are September 24, 2022, which is the day of the incident, October 25, 2022 was the date the notice of suspension of amenity privileges was mailed, and your hearing date is November 14<sup>th</sup>, which is what we're here for today. The Board has been provided with copies of the suspension letter, witness statements, and some videos that were submitted by Ms. Green, as well as the Middle Village CDD policies, which were last revised in June of 2021. The suspendee has been provided with a copy of the suspension letter via regular and certified mail. At this point in time, your suspension of privileges rule, which is currently in place, says that a person can be subject to suspension or termination by the Board if a person exhibits unsatisfactory behavior, deportment or appearance, fails to abide by the rules, regulations and policies, engages in conduct that is improper, likely to endanger welfare, safety and reputation of the center or its management, or enters the facilities by any unauthorized means or remains in the facilities after being asked to leave by the facility staff. Our goal is to promote a safe and enjoyable environment for all facility users and any inappropriate behavior, any of the above listed actions are never permitted. At this point in time the persons amenity privileges have been suspended until today's meeting. That is something staff is authorized to do. I would ask Jay to provide information on what occurred on the date of the incident.

Mr. Soriano stated this was a resident that was upset at the approach of an employee. The employee is here today if you want to ask any questions. This resident believes the employee personally has it out for her and that all this was caused by her unprofessionalism. These were her videos she was taking. You can hear her trying to argue more with the employee to basically try to get her to do something wrong. I've talked to the resident and explained if she had a problem with the professionalism or the process the employees went through that she should have talked to me. She should've have created more of a problem at the scene. She is an adult and she pointed that out a couple times. She could have talked to us afterwards, whether it was me or she didn't want to agree to me. It's not her job to sit there and try to correct the employees or try to punish them. She goes to the security guard in one video to get the security guard to do something to the supervisor, Emmy. Her statement to me also was that not only is Emmy not

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telling the truth, but any other statements we have would not be the truth either because she's never had a single problem here. Although, I have other statements from other dates, which she tells me are all false. There are four or five other employees that gave statements. I did not bring them in today. They are minors. Mike explained that can create a bit of a problem, however I don't want to bring in minors every time a resident wants to argue and tell us the lifeguards are lying about them or anything like that. I'll never be able to keep staff if we're constantly doing stuff like that. I do take their statements and I do explain to them that it is public knowledge for something like this, so when they give a statement, it has to be honest and factual because it can be questioned in the future, especially by the resident. I do believe a lot of the reactions were more personal on her side. She was very upset and almost insulted by the supervisor. I don't think that something as extreme as a trespass would normally be the route we would want to go, especially with something dealing with attire. We're not trespassing because of attire, but we tell them the rules and hope that they listen to the rules. This has been an ongoing problem, it's just one more example of them not caring to listen to staff, which creates a different problem. I talked to the resident, I thought she was going to be here today. She told me she would be here to argue her side, but I do believe more of this is an argument with staff. One of her first statements when I told her we were going to bring her in for this hearing was, "Well, what is going to happen to the staff member, is she going to get fired over this?" That's really what she wants and to me leads to what I believe her attitude is about the situation.

Mr. Eckert stated my understanding is that at some point she was told just go on in?

Mr. Soriano responded correct. She admitted that much to me that she was told she could just go in the pool, it was more, just going forward leave me alone type thing. Ms. Green's statement was that she couldn't go in because she hadn't finished signing her children in, so that's why she stayed, and they didn't give her the clipboard, which I have multiple statements from other guards that she was given the clipboard. That is what she is hinging that on is that's the reason I didn't go in. It might have been a policy violation and I might have had to call and talk to her, but she wouldn't have been trespassed. The trespass is a county codes violation, and that was explained to her by the officers and that was going a little too far. She wanted to sit there and berate the staff, video tape them, and get another staff member to try to prove she was wrong. She was going beyond that and sitting there when she was told she could just go.

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Mr. Eckert stated and after she was told she could go in, she didn't go in, and then at some point was she told she should leave the facility?

Mr. Soriano responded yes.

Mr. Eckert stated and then after that was when the police were called. Can you briefly say what the police did?

Mr. Soriano responded the police were called. In that time when they were called, she left to go get the security guard, so she wasn't down here waiting for the police. She was going to get the security guard so she could come back and address the supervisor with the security guard there. When she got back here is when CCSO arrived. At first, they did talk to her. They contacted me and let me know through a message, I didn't talk to the officer directly, that while her bikini might have been revealing, it was not a thong and it was not any worse than we've seen at these pools before, which I get, but that's not a part of the rules. They explained they went through everything with her and that she was going to be trespassed. If she wasn't there, it wouldn't have been a problem, but because she stayed, they were trespassing her after talking to the supervisor.

Vice Chairman Hartigan asked so CCSO gave her every opportunity to leave the premises prior to?

Mr. Soriano responded not quite. I do have a concern with that, but I can't tell CCSO they did something wrong. His statement to her when he first showed up, was, let me go talk to them. I don't think it'll be that big of a problem and you can just go about your business. Then he goes and talks to Emmy and when he came back, he gave her the trespass. He explained what a trespass was, but if he hadn't of made that statement, I think she would've taken it a little more seriously. The way she explained it to me is he was siding with her and she's going to hinge on that too, that she believes the officer saw it wasn't that big of a problem and it was all coming from the staff member.

Vice Chairman Hartigan asked Ms. Emmy, how long have you been a supervisor of the District?

Ms. Emmy responded this summer is my first year.

Vice Chairman Hartigan stated it's challenging at times I can imagine.

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Ms. Emmy responded it is, but for the most part it's enjoyable. I hope I can come back next year. I really enjoy it. For the most part, the residents here are amazing. I try to make it very welcoming for everyone to come in. I've never had any issues with anybody else but her.

Vice Chairman Hartigan stated according to Clay County's report, it says she refused to sign the document.

Mr. Soriano stated they can, but they still have to leave. They don't have to agree with it. It's the same as a citation for speeding. She didn't believe that she was doing anything wrong, and she still does not believe that from when I last talked to her. She's received the trespass and she knows she's been trespassed. She's also gotten the information from us.

Vice Chairman Hartigan asked so had she wore shorts for example, this probably would've never come up.

Mr. Soriano stated that wasn't the original problem. That was a problem and she's had multiple problems here, but this stemmed from the interaction of her with Emmy at the desk, not about her attire. Her attire was one of the things that came up later. You constantly have a problem here with the bottoms and you see other guards have given statements that she does do that a lot and constantly picking them out. That discussion was part of that after she got into an argument with her just because of her attitude. She says that Emmy is always rude to her at the front when she comes in, so that's why she decided to be rude to her when she came in that time. So, she was preemptively striking at Emmy walking through the door and being rude to her and that's when this whole interaction started.

Vice Chairman Hartigan asked Ms. Emmy, you've never denied anybody whether you like them or not?

Ms. Emmy responded never. As a matter of fact, I'm extremely polite to her intentionally because every time I say hello to her, she ignores me. The first time I ever met her I said hello as I greet everyone and she ignored me, grabbed the board and started writing her children's names. I turned around and looked because I was flustered as to why she didn't respond. Her demeanor was very aggressive, and the lifeguards said she's always like that. Watching her attire, she wears bikinis like thongs, which is clearly inappropriate for a family. I've had other guests ask if she should be wearing that, so our lifeguards have addressed her, but she continues to ignore it, continues to stay there and doesn't cover up.

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Mr. Mifsud stated I understand the bikini was not the original issue that started this, but it was later in the conversation. With her longevity and history, has that been addressed with her specifically?

Mr. Soriano responded yes, that's been talked about and that's why I got statements from the other guards to ask them about that. Our policy says thongs and G-strings. There are some very revealing cuts and we're not going to go out there with a ruler and measure anything, but a lot of it is if another resident comes to us and complains about that, we do have to address it. We go talk to them and let them know. We even have a printed picture. It's on the front of our website when you go to the pool section. They have it printed up at the desk down there to show people what is acceptable and what is not. We show it to them so they can understand they're not supposed to wear it out here whether they agree that it's appropriate or not. There are lots of people here from other areas where it's not looked at like much of a concern, but it is one of our rules. We did address that with her, and it's been multiple times. Like I said, it's not a thong, it's just what happens a lot of times with her, and it happens normally, but we're going to continue to ask them to wear it more appropriately or ask them to cover up. A lot of women will come in with smaller suits and will wear a sarong or cover up type thing so when they're up and walking, they're not offending anybody.

Vice Chairman Hartigan stated she's currently under a CCSO trespass for the next two years?

Mr. Eckert responded if they issued a trespass warrant, then that would be two years by Clay County. The Board has the option I think to ask the Sheriff to shorten that or withdraw it after a certain period of time. Her privileges have been suspended until today's hearing, so really all we can do is deal with how much longer the Board wants the suspension to be, if at all. Either today or at some point in the future if there was a board member that wanted the Sheriff to reduce the trespass warrant to less than the two years, then that's something the Board could consider as well. You have the authority to do both those things, but you can't tell the Sheriff what to do. You can just say given what happened, we'd like it to coincide with our suspension. Jay, is it fair to say this is the first time we've had a suspension of this resident?

Mr. Soriano responded correct. Even the cases where she's had issues before, they were all minor issues. This to me would have been a minor issue had she just gone in and left the staff alone, but because it went to the point of a trespass. The one thing I have staff do here is document

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everything, so even if it's not a major policy violation, if somebody comes up and is yelling at them for no reason, they don't cuss or threatening to where somebody feels unsafe, it's not against our policies, but it's not something we want to see here, so they note everything. They take reports and submit that to Susie so we can keep it on file and pull from it. We can go back through all the pictures and check-ins and know John Smith had a problem this day and started yelling at the lifeguards. That way, when they have their first big issue usually I can go to them and explain, I've seen this issue before and I'll be able to pull the reports and I can give the Board all of that information if it comes to a trespass. I think this one is a little extreme for the case, but she made it a problem.

Vice Chairman Hartigan stated the pattern remains consistent over time.

Mr. Soriano stated like I said, she will still argue that the lifeguards are spreading falsehoods.

Mr. Hicks stated she's not here today.

Mr. Soriano stated you never know, she may show up or she may say she had a different understanding of the date. She was given a letter. She received it and she contacted both me and Marilee. When I get statements from four or five different staff members and they all coincide, I have to believe they were doing everything right. I talked to Ms. Noel about this and asked do you think there could have been a problem coming from your side at all? The whole time it was no, this is all them, they're lying. I don't know that her thoughts would change on any of it.

Mr. Eckert stated if we can go through each board member if you have any questions, we can go through them one by one and there's a couple things we need to say, and then we will get a recommendation from staff.

Chairman Steiner stated the only question I have, and I believe it's the one you're going to ask, is what Jay's recommendation is based on the level of severity and the fact that I'm not sure that the full two years meets the issue. That's not diminishing your staff at all. It's just the fact that it is the first time. The problem is that it's the first time only in the fact that it has gone to this level. There has been a history, therefore I feel there should be some retribution, but I'm not sure it should be the full two year that is in the trespass. Jay has provided enough information, so this isn't he said/she said. There is some collaboration there that supports the complaint.

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Vice Chairman Hartigan stated there's clearly a pattern in the past. I would have no hesitation to run the suspension concurrent with CCSO's order, with Ms. Green having the right to appeal the Board at any given time to have it reduced.

Mr. Mifsud stated I just want to clarify and make sure I understand what you said before. The Sheriff's citation is for two years, correct?

Mr. Eckert responded that is my understanding. I'm not sure if it's this district or another district, but we did one that was a year suspension for some pretty egregious behavior and then I think the Board asked the Sheriff to shorten the warrant to a year instead of the full two years as part of our one-year suspension.

Mr. Mifsud stated so if the Board does reduce or go to full reinstatement of her privileges, if the Sheriff's office doesn't want to reduce that warrant, she still will not be allowed on the premises?

Mr. Eckert responded that is correct, under that warrant and the premises that it relates to.

Mr. Spellman asked what about the alcohol situation?

Mr. Soriano responded unless we can prove it's them, we don't do much. I had to talk to Emmy because she did let Ms. Green get under her skin a little bit and she came back at her with an accusation. The problem is, you don't want to accuse unless you have that proof. There have been multiple cases that they reported she would be there with a group of people and getting a little out of control sometimes and when they left, they would find cans in the trash can. Unless we see them drinking it, I can't really do anything. She was not drinking at this point, she had just come in. This was from earlier issues that they had noted with her. The staff does know if they start to become belligerent or seem like they're drunk, they can ask them to leave. I've also had to warn them about that because there are times that people will seem like they're drunk, but it's a health situation. They're trained in that too, so hopefully they can see that. Even then, it starts off with asking them to leave. We don't call Clay County right away.

Mr. Hicks stated I really wish she was here to defend herself, but her absence speaks a lot to her and her patterns. It's almost like she doesn't care or is admitting everything that has happened. She got the letter so she was notified and if everything that Jay was saying, like how she said that everything the employees said was false, I personally feel like she should be here to solidify that. I would stick with the two years or however it's supposed to play out.



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Vice Chairman Hartigan asked did S3 ever file a report?

Mr. Soriano responded no. They sent me a report that night saying there was an issue with the pool and the staff handled it and Clay County was involved. They weren't really involved that much. I do have concern with the one video that you see where she's talking to the security guard and the security guard sides with her before he ever goes and talks to our staff first. Security should be trained better in that aspect to find out what's going on before they make any comments.

Chairman Steiner stated the suspension of privileges, is that her entire household?

Mr. Soriano responded no. We only deal with the person that was problematic and that was at fault. Those cards are individual.

Chairman Steiner stated from a legal standpoint, if she was to be brought in by a guest, she would still fall under the trespass.

Mr. Soriano stated right. The trespass goes a little farther, so if we were to rescind the trespass, yes she could get away from our rules by coming in as a guest, because the guests just get punched in. There's no scanning. If I don't have Emmy here, they may not know who Ms. Green is. It's the card that is turned off and there's a note in there that they are no longer allowed to be in the facilities. With the trespass, if she's caught here, she could be arrested.

Mr. Spellman asked and she's aware of that?

Mr. Soriano responded yes.

Mr. Eckert stated if there are no other questions, I'd ask that the relevant portions of the Middle Village CDD amenity policies be entered into the record along with the letter of suspension and the witness statements that have been provided, along with the minutes of this meeting. At this point in time, I ask staff for their disciplinary recommendation in terms of either terminating the suspension, or lengthening the suspension. It would be up to the Board to provide that. I've alluded to this incident earlier, and I try to make sure that the Board is fairly consistent with what we've done on property before. The last time we had somebody that didn't leave and was issued a trespass warrant, I believe they received a one-year suspension. I would say that situation was a little more egregious than this particular situation so I would recommend you not look to go beyond a year in terms of your suspension. What the Sheriff does is a whole different discussion that you can have today or later. She has the opportunity to appeal what decision you make today at a future meeting and hopefully she would be there to talk to the Board to express

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her position, as well as if there were things she wouldn't do in the future that may have happened before. I would just caution against anything that is dramatically different than what we've done before.

Mr. Soriano stated I agree with that. Not only that, but I always look at the districts as year by year, especially since everybody's usage of the place is paid by their tax dollars for that year. Like I said earlier, I think the trespass is a little extreme, however because of issues like that and people finding ways to get around our rules, either way she is not allowed here, so I would be comfortable even if that was left in place as backup. She can come in any time and ask the Board for a change. She is still allowed in meetings, so she can say her peace, and if the Board changes after six months that would be one thing, but I would leave that in place and I would make a recommendation for a year. I have spoken to Emmy because Emmy doesn't take this personally. You can ask her about it, and she agrees that the trespass seems extreme. That day, she felt threatened and nobody else is here to help her at that time and security wasn't right there, they went to get here, so she didn't find anybody. She is the only adult here, so a lot of times that is their only outlet is to call Clay County. This is before our off-duty officer was here, but the outcome of having her trespassed and possibly arrested, I don't think she felt like that was needed at this point for two years later, but if you want, you can ask her. I feel comfortable shortening it to a year or making it to where we review it in a year. If she wants to come in at the beginning of the summer and say her piece, or even apologize, that's what I recommend that we review it at that time.

Chairman Steiner stated I feel the two years is extreme, but again that is out of our control. Likewise, six months really isn't going to be much impact because we're coming up on winter and the primary usage is probably the pool. I'm leaning more to one year from the incident. That would take us into September of next year. If she wishes to come in prior to the closing of the pool, she can come to the Board at that time to see if there is any indication or showing of remorse for her behavior and the Board could shorten it at that time. Again, it's all contingent whether the Sheriff agrees with us. If they don't reduce the trespass we can restore the privileges, but she still can't come on property. The bigger issue is to give some sign of punitive for what occurred. I believe if she would have come in with a year, the Sheriff's department may align with us.

Vice Chairman Hartigan stated so you're saying to review the suspension at twelve months?

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Chairman Steiner stated a year suspension, an appeal to the Sheriff and she has the ability to come in next season to discuss it to see if we're willing to make it shorter.

Mr. Mifsud stated I agree. I think this is a pool issue, so if you reinstate the privileges now, she's not here to say if she uses any other amenities, so I definitely think it should be into next summer.

Mr. Hicks stated I would stick with two and at a year, give her a chance to come in and say her piece and try to show some type of acknowledgement or remorse for what happened and if it doesn't, just let it continue. She's an adult. We're not talking about a minor or somebody that doesn't understand basic rules. This is something that happens over and over again with her.

Vice Chairman Hartigan stated we're never taking away her right to appeal.

Mr. Hicks stated right. She's not here to defend herself. In any other court, when you're summoned, you have to show up and if you don't, they just issue a judgment.

Vice Chairman Hartigan stated to Mr. Eckert's point, we've had cases in the past to where the term has been shortened. I don't want to set a precedent for it.

Mr. Eckert stated my suggestion is let's look at these as two different issues. You have the Sheriff that does their own thing. All you can do is ask the Sheriff at some point in time to shorten it, and if you don't the Sheriff is just going to do what they're going to do. So, today, you should focus on what is the appropriate amount of suspension from the amenity privileges if it's going to go beyond today for how long you're going to do that. I wouldn't automatically tie it to what the Sheriff does, because you're looking at your rules and he's dealing with the State statute in terms of how they deal with things. I would suggest focusing on what the suspension from the amenities would be today based on the behavior, the conduct as well as trying to be consistent with what you've done before. She could come and appeal next month and you all may decide that you've heard the other side of the story and you now want to shorten it, or you say we don't want to shorten it at all. Then just leave the issue with the Sheriff alone and you may want to revisit that next month, or a year from now.

Vice Chairman Hartigan I would much rather have the year suspension effective from today's meeting with Ms. Green to have the right to come in at any time to appeal her case. In my opinion, she had time to come in and present herself. She verified with Jay that she received the notice, so therefore it should be effective from today.

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On MOTION by Vice Chairman Hartigan seconded by Chairman Steiner with all in favor suspending the amenity privileges of Ms. Green effective one year from November 14, 2022 was approved.

**FIFTH ORDER OF BUSINESS****Consideration of Suspension and Termination of Access Rule**

Mr. Eckert stated as the Board is aware, we have been working on a revised disciplinary and suspension rule. That will not apply to what you just dealt with in any way, so if she appeals, it will still be under the old rules because the incident happened when the old rules were in place. Essentially, this rule is designed to provide a lot more protection for the District and for the District's residents in terms of District assets. We had a situation where some minors set fire to a playground slide. It was about \$6,000 as a result of that, and the District has not had a meaningful recovery from that. I think we've had one family who was going to be paying on a monthly basis and the other two we have not been able to get a hold of. So, what that means is the rest of the residents are bearing the brunt of that cost through their assessments and that's not fair because the other residents didn't do anything wrong. So, what we tried to do is build in a little bit more enforcement into this that provides that when you suspend somebody's amenities for damage to District property, you may say it's going to be 90 days and then we're going to ask you to pay the administrative cost, as well as the cost of replacing the property, so even if you get a 90-day suspension, if you haven't paid the administrative costs, or for the damage, your suspension will continue until you do so. The other thing it provides is that in the event the damage is not paid for and those administrative costs aren't reimbursed, that the Board would have the ability to suspend the remaining members of the household in case you have a situation where it's a minor and the parents are just not going to pay any attention to that, then you would be able to suspend the privileges of everyone in the household until the amounts are paid. I'm not asking anybody to adopt this rule today. What I'd like to do, if I have a consensus from the Board, is to authorize rulemaking proceedings at your December meeting and then we will probably have a hearing on this at your January or February meeting depending on how the timing works out, so you probably have 60 to 90 days to review this and propose any changes you want to make, but I wanted to get a consensus that you want me to bring back this document to start the process in December.

Chairman Steiner stated I'm in favor.

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Vice Chairman Hartigan stated I'm in favor, but I have a question. If we administratively have a \$500 fine and the playground was \$6,000 and the homeowner agrees to pay then decides to move out of the District, how are we protecting ourselves? Are we able to once administrative and fines are established, to file a lien against the real property?

Mr. Eckert responded no. You're not able to lien that amount in Florida as a local government. You'd have to pursue them in County court. I wish you could because people have suggested making it a part of their assessment bill next time and put it on their tax bill. You can't do that. Cities and counties have been wanting to do that for a really long time and they can't do it.

Vice Chairman Hartigan stated if we did sue them, they would incur the whole cost and at that point once a judgment is received, we can then put it to secure the property.

Mr. Eckert stated yes, if you get a court judgment, you could file a certificate of judgment against the property and that would operate as a lien, but you would have had to go through the expense of getting a court judgment. Unfortunately, you may or may not be able to recover your attorney's fees going through that process. In the United States, unless there is an exception, it's each party pays their own attorney's fees. There are some exceptions that we would certainly try to invoke, but you can't count on it. We will bring it back in December and we can start that process. If anybody has any thoughts on it, please get it to me, because we can make this work product better, I think.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Resolution 2023-01, Declaring Vacancies in Seats 1 and 5 as of November 22, 2022**

Mr. Eckert stated we had two seats that were up for qualified electors through the Supervisor of Elections election in November. Those two seats, seats one and five, nobody qualified for those seats, so by adopting this resolution you would be declaring those seats vacant as of November 22<sup>nd</sup>, which means you can't appoint them today, but you can declare them vacant as of November 22<sup>nd</sup>, and then we will deal with the vacancies after November 22<sup>nd</sup>.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor Resolution 2023-01, declaring vacancies in Seats 1 and 5 as of November 22, 2022 was approved.

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**SEVENTH ORDER OF BUSINESS****Consideration of Resolution 2023-02,  
Adopting Amendments to the District's  
Record Retention Policy**

Mr. Eckert stated a long time ago this Board adopted a records retention schedule, which basically said, we're going to just keep everything. In looking back at that, at the time it made a lot of sense, but there are two things we'd like to address now. One is to say, even though we say we're going to keep everything, we don't have to keep transitory messages. Transitory messages are messages that don't have a lot of substance to them. Like, a voicemail that says the meeting is going to be at 6:00 tonight. Text messages that are like that too. They aren't really conducting business. We want to make sure nobody has to keep those. The second thing it does is it designates the electronic copy of the record as the official record. That helps move us into more of an electronic age, so we can start getting rid of some of the boxes of paper that we have once those documents are scanned in and that becomes the official record. There are certain documents we won't get rid of, like an original deed, or an original easement. We will keep those documents. They're already on the county's website, but we like to have the original in case there is ever a question there. It would allow us to start working with your District Manager over the next several years in getting rid of a lot of that paper that is just built up over the years that the District has been storing

On MOTION by Chairman Steiner seconded by Mr. Mifsud with all in favor Resolution 2023-02, adopting amendments to the District's Record Retention Policy was approved.

**EIGHTH ORDER OF BUSINESS****Consideration of Resolution 2023-03,  
Amending the Capital Reserve Fund Budget  
for Fiscal Year 2022**

Ms. Giles stated you'll see we budgeted \$125,000 for expenditures from the Capital Reserve Fund for Fiscal Year 2022, but we actually spent \$342,656. We still have funds available in this Capital Reserve Fund, but for audit purposes, it's a requirement to amend the budget to show the actual amounts spent.

Chairman Steiner stated if I understand correctly, this is due to some of the major projects that we as a Board approved.

Mr. Soriano stated the total is not just from those major projects. The major projects are what take us over by that much. We've never really spent this much in capital. This was one of

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the first years we've rebuilt that capital. We've been saving up until this point and just spending a few thousand bucks here and there. The Capital Reserve Fund budget is two lines combined. One is our normal everyday repairs. So, if I buy lightbulbs for \$3, it goes to the same code that the \$13,000 air conditioning unit went to. However, we just haven't done a lot of \$13,000 projects until this point. I think we've only done an amendment one other time in the past and it's just to make sure our auditors are happy, and the numbers match up. We weren't planning on spending that, so if we amend this now, the auditors won't give us a negative mark on our audit at the end of the year. The District has more than enough money. A lot of those items are planned in there, and yes, the Board approves them all the time beforehand. Anything over \$2,500 I don't typically do without bringing it to you and when we do have something, I have to bring it to the Board to ratify it. Just to forewarn you, I didn't look at that number for this next year either. We've never really spent that much capital, so even in this next budget we didn't plan on some high expense.

Mr. Mifsud asked was any part of the fence included in that?

Mr. Soriano responded yes, that is in there. Right now, the fence work is under the not to exceed the Board gave me. We're right at \$153,000, so \$153,000 of that amount is just one project. I'm looking at a spreadsheet right now of everything I've spent this year and the next biggest thing was a \$13,000 heat pump. One other big purchase was a \$7,000 slide, which was our brand-new pool slide for the spray ground. All those things add up and on the capital side, we spent \$150,000 more than we've ever spent.

Vice Chairman Hartigan stated not including the roof we're about to get.

Mr. Soriano stated yes, that's not on there because they haven't started. That is going to come out of this year's budget, so we already know that this year I have one \$53,000 project that is coming out.

On MOTION by Mr. Spellman seconded by Mr. Hicks with all in favor Resolution 2023-03, amending the Capital Reserve Fund Budget for Fiscal Year 2022 was approved.

*The following item was taken out of order of the agenda.*

## **TENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. District Counsel – Memorandum Regarding Surplus Property Resolution**

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Mr. Eckert stated in your agenda package is a memorandum on the different options that the Board has when we have surplus property. Surplus property is property we don't need anymore. There is a distinction between if it's property that's valued over \$5,000 or under \$5,000 and then also you have two different options on where you can transfer that property or dispose of it. We don't need to go into detail on it now, I just provided it for the Board. Once we have surplus property, I'll work with Jay and Marilee to determine which two resolutions you can choose from based on whether it's under or over \$5,000. We will put both those resolutions in the agenda package and then the Board will choose one of the two in terms of do you want to give it to a local government, a nonprofit, or are you going to be auctioning it off. I wanted you to be aware of what our options are under the current statutes when we have surplus property, which we will have from time to time. There will be a couple of slight tweaks to the first resolution that will give you an option to give it to the County or another local government within the County. The language in the statute is very strange and it says you can give it to any local government that is within the District. No government is entirely within the District, but the County is certainly within the District, just not entirely. So, we're just going to broaden that up a little bit, which we have the right to do. There's nothing that you have to take any action on today, just wanted you to be aware because we are looking at this for several other districts and we felt like it was appropriate to update the Board on this.

**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**

Mr. Soriano stated we have been loaded with special events this last month. I mentioned in our last meeting that we had something going on every week. It stretches our staff a little thin, but this is the time of year where there are a lot of events out there and residents enjoy that. We had an October movie and food truck night. The following night we had the Pumpkin Plunge and we had quite a turnout for that. The nice part is we're usually left with a bunch of rotting pumpkins because I always buy a little extra in case some people show up that didn't sign up. Those got used at the next event the following Friday, which was the Spooktacular. I was a little



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worried. If you remember seeing emails that night that yes, we're still having this event. We pay thousands for that event and it's one of the biggest that we do. We ended up having a small pre-registration, but that night there was a lot of people showing up at the door when the rain cleared. We had one family that gave out \$110 to get the whole family and guests in. We had a little over 300 people there. It's still one of our smallest Spooktacular events, but it's a big event for us. Everybody had a lot of fun. We had our yard sale and the last movie in the park this past Friday. After the storm went through, I sent out an email saying we were doing the movie and it ended up being great weather. We showed up Halloween shorts, Thanksgiving, and even broke into Christmas at the end. We do have a couple of events coming up. The Turkey Shoot, which is our virtual event for Thanksgiving, and then we will get back to Cocoa with Claus this year. It's been missed for a couple of years, but Santa Claus feels comfortable coming out and being here with everybody.

Moving on to aquatics, our pools are closed except for your lap pool, so that is when it turns into an adult only pool. We turned our heaters on and tested them out last week. Everything is good except one heater I have a sensor issue that I'm going to have to get checked out. The best part about it is we're going on our fourth year, so have been taken care of for three years as part of a contract under warranty. This will be the first time we have to pay for it. Even if we have to replace a whole unit, it still comes out to be a lot more cost effective than what we were doing before. My biggest issue now is we were a little low on gas and it got cold yesterday so that thing has been running. We will start using the covers after Thanksgiving break so from then until December, we will shorten our operating hours. Once it gets dark, we pull those covers to save some of that cost of heating the pools. We did agree last year that for January and February we would cut the usage of that pool, so the pool is not a 12-month, year-round pool. We have so few people that it's not worth it to spend thousands for the months of January and February on gas for a hand full of people. We will make sure everybody understands that. In March to get ready for spring break we will turn the heaters back on for a couple of weeks to finish out the heated season in the lap pool and in March the kids can be in the other pool for Spring Break.

You'll see our usage is staying up pretty well for this time of year. We are increasing our numbers for rentals in this room again. In fact, it got a little sketchy trying to schedule the roof work. We have signed a contract with the roofers. I mentioned before it ended up being about \$53,000, which is under that not to exceed the Board gave me. They are doing the gutter work,

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which is important, because they're going to tear those up. The hard part was Wanda kept all of the weddings and large parties away for me on weekends, but we just had so many events. The HOAs are doing their annual meetings right now and we have district meetings in here, so I've worked with the roofing company to try to squeeze in a week here in November. If they can't get supplies in time there is one week in December but they have until the end of the year to finish up per the contract.

I wanted to go over one issue I've had this last month that is not in the report, and it deals with the fitness equipment downstairs. I have two pieces that are getting old and hard to deal with, so we end up sinking more money into them. They're the bikes; one incumbent bike and one upright bike. It was about 12 years ago now that Double Branch built their new fitness center. They had just gotten newer equipment over there, so they brought that over here because with construction of that big building, they bought brand new stuff. We had already replaced the treadmills I believe six or seven years ago, but those bikes are the original bikes from back then. They are really well used, and it seems like they break down every other week right now. I just got a report that one of the consoles we have to replace. That console costs about \$1,000, so almost a third of what we could buy something else with. I have a couple of suggestions for you to purchase an incumbent bike and an upright bike to make the residents happy. I'm not looking to change the treadmills. They've been asking for that too, but I think it's a little too early. This District makes repairs on that from time to time, but up until this year, we have not paid for that because it's been covered under warranty. Now, we're paying for those treadmills, and they are starting to get up there in age, but I would try to push them until the nine- or ten-year mark and then we can look at replacing them. Treadmills can be anywhere from \$5,000 to \$11,000 depending on what brand we're getting. The bikes are not as bad. We did get new free weight plate loaded style machines over at Double Branch. The company I'm working with gave us a great deal. We have five machines coming in and they're just starting to get delivered. Because I'm already working with this company for thousands of dollars I was hoping they could do a little better than this, but this is the cost for a remanufactured brand, the same as what we have downstairs. Life Fitness is what we used in the past. It was also our treadmills before we changed to the current treadmills. They are a commercial brand. There is a second option, another high-end commercial brand, but these are remanufactured, and they come with a warranty that is almost the same, if not better than what you get when they're new and this company has been

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good to work with, so I don't have a problem recommending this, especially since it comes out to being anywhere from \$1,000 to \$2,000 cheaper than a brand new one. Right now we're waiting on brand new equipment. The reason we're going with this company to provide the plate loading machines over at Double Branch is that originally, I went with Hammer Strength brand, and right now it is the hardest brand to get. They are two years out from stocking anything unless you have a \$200,000 order with them and even then, it would be a year because after the pandemic everybody wants their own home gym and these are great machines to have, so we ended up having to drop the Hammer Strength order and go to another company. They've been great so far and given us really good deals. As long as they stand behind their warranty, I'll be happy. We're looking at probably \$3,500 once I get everything shipped as a not to exceed for each bike if this is the route we want to go.

Vice Chairman Hartigan asked how old are the treadmills?

Mr. Soriano responded the treadmills are nearing seven years. The biggest problem with the treadmills is we bought those before we changed that into a staffed facility, and I always recommend against doing anything like a 24-hour unstaffed facility for this reason. People just abuse equipment, and when you can't keep eyes on it all the time it makes it hard. With cardio, one thing that happens when people damage it, they turn it off and reset it, but then if they're not telling anybody and there's damage going on it gets to the point we can't fix it. So, two years into purchasing those treadmills we changed that facility downstairs to where it was now staffed. Everything has been so much nicer since then. Because we started addressing those problems, the company gave us an extended three years on the warranty, so that's why we're just running out now.

Mr. Mifsud asked do we need to make a motion?

Mr. Soriano responded if we want to make this purchase, I would say let's do a not to exceed \$7,000. I'm going to try to work with the company to get the best deal I can. I'm hoping they will do a lot better. The TechnoGym one is a really nice brand, the only problem I have is the only option they gave us was one with a TV and we don't want the TV because I can't wire it to the TV. We only have so many boxes for that little facility downstairs anyway. If they can give us a regular console, not only would it make it cheaper, but probably quicker to get a hold of.

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Chairman Steiner stated it's something else to break too. You're looking for a not to exceed \$7,000 for two bikes, and they come with a one-year warranty?

Mr. Soriano responded yes. Anywhere from a one-year to a three-year depending on the brand. These were just the two that I recommend a lot. There's another brand called Cybex and that's the strength machine you have downstairs. Almost all of them give you the same warranty, but there are some brands that are just built better and last longer, so I try to go with them first.

Chairman Steiner asked are they about the same price?

Mr. Soriano responded yes. These would probably be \$2,000 and they are probably a little more expensive, so if I can find a Cybex it would probably be \$100 to \$200 less than the TechnoGym. The other part is, I'd like to get them pretty quickly, so if they tell me they can get me one, but we may be waiting seven months, then I'm automatically going to go to the next brand that I can get sooner.

Chairman Steiner asked and this is an item that fits into our reserve plan?

Mr. Soriano responded yes and no. Your fitness equipment was lumped together, so I have small amounts to make repairs and replacements each year and then it's another six or seven years out to replace everything, so we have quite a while.

Chairman Steiner stated I'm going to make a motion to give Jay a not to exceed \$7,000 to replace the bikes and I'm going to ask that he look at a long-range plan for replacing the treadmills.

<p>On MOTION by Chairman Steiner seconded by Mr. Mifsud all in favor an amount not to exceed \$7,000 for replacement of the exercise bikes was approved.</p>
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Mr. Soriano stated this District had two issues that are not reported on here because I haven't been able to do anything except clean them up. You had two signs taken out and they are going to amount to a lot of money. The day after our last meeting there was a sign taken out here, the main marquee. It was a car accident where the car slid up the median and took out the whole sign. There is one decorative pole that I will have to replace. Oddly enough, after your meeting, the Double Branch board had a discussion about those signs. They don't like them and want to get rid of them. We pushed that off in that meeting so we will talk about it more today, but that leads me to question whether you want me to replace it or not. That sign doesn't serve

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just Oakleaf, everybody drives past that sign. I don't know that we need to replace it. I'm in discussions with their insurance company. Everything was reported to me and I was there after the accident, so we will get costs for replacement, however I don't know that we want to replace that sign.

Chairman Steiner stated that was primarily for posting meetings here and if I remember correctly, it wasn't even lit.

Mr. Soriano stated correct, it's not lit, and we've had the discussion before that we're not able to light it.

Vice Chairman Hartigan stated so for all practical purposes it's obsolete.

Chairman Steiner stated right. I would suggest not replacing it. I don't think it has value. There are other things such as a new type of signage, but at this point in time I see it being low on the priority list.

Mr. Soriano stated I don't think we need to vote on it, it's just direction because I'm not even done dealing with quotes for the insurance company so they can give us a check from the accident. I'll have it in my report next month, but I did want some kind of direction from the Board.

Mr. Mifsud asked there's no issue with notification of meetings since there are other forms?

Mr. Eckert responded right; it's not required to be on a sign. The only requirements are the website and the newspaper in your rules of procedure and the State statute.

Mr. Soriano stated we go well beyond that. We post on our billboards here on the property, we have a website and emails too, so we meet those requirements. Your other sign will be a lot more expensive and that one does have to be replaced. That is the Whitfield sign. This is the third time this has been taken out. You have two that are constantly hit. Hamilton Glen has been hit a couple times too. I don't know if it's the speed turning in, but they always take out the brick platform that the sign sits on and this one took out everything. I was not contacted by CCSO, but our off-duty officers were able to find a report number for me. At the time, the paperwork hadn't been finished, so once I get their insurance information I will proceed. I can see that being about \$10,000. It's hard to get that same brick. The last time we had a major issue getting those bricks was the column on the Phase 1 sign. It does look good, but you can still see the difference between that one column and the other three that are out there. What we did at

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Hamilton Glen was different. I was able to find a veneer. It's a thinner brick and it wasn't the same Boston Clean color. We agreed to reinforce that by sticking the small cinder blocks on the sides, so now if somebody hits that thing nothing will happen to that. I'm going to look to do the same work at Whitfield, but then you also have to have the sign itself replaced, so I have to have multiple people working on that including our masonry team. That is the same gentleman that will be doing sidewalks. He's done a lot of concrete work for us.

Vice Chairman Hartigan asked where are the gates at?

Mr. Soriano responded I sent an email to them last week letting them know they need to get them in by the end of this week, or at least give me visuals of the designs so they can start putting them in, or I'm going to start looking for a refund. The decorative gate downstairs was included in the first \$150,000. We paid for that already. There was a third check for about \$7,000 with which we paid for the gates up here to be done and we haven't seen any of those yet. They did sign a contract on the first one, but not the second one, so we have a little leeway to push them if they can't get this done. I know they were left in a bad spot with the project manager who was handling ours, but by now they should have them together and know what they're doing.

Vice Chairman Hartigan asked what would the next course of action be?

Mr. Eckert responded whenever he says I've done everything I can do, he can turn it over to me and we can make a recommendation. I have to look back at the contract to figure out what they're obligated to do. The contracts that we write have an attorney fee shifting provision in them, so if for some reason they won't give us their money back for services they didn't perform, they should end up paying your attorney fees for pursuing.

Mr. Soriano stated I'm hoping after this email they will understand it's pretty serious and we've been waiting. We need those gates so we can finalize.

Vice Chairman Hartigan asked if they don't, do we have an alternate provider?

Mr. Soriano responded I do. There's a smaller gate company and the reason I didn't go with him is because it's kind of a one-man show. I wanted somebody larger, but he can handle just the gates.

**NINTH ORDER OF BUSINESS**

**Other Business**

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Mr. Eckert stated I understood that there may be one or more supervisors that may desire to resign from the Board, and I thought we ought to have an open discussion about that so we can coordinate so we don't lose quorum either at this meeting or at the December meeting. That may involve a resignation today and then somebody filling the vacancy, so we have three board members who are not holdovers when we get to our December meeting, because again, the vacancies aren't created until November 22<sup>nd</sup> for those elector positions, not counting anybody who wishes to resign today due to whatever changes in circumstances they have. So, maybe we could just talk about that, figure out who needs to resign and then let's talk about the process, so we make sure we don't lose quorum.

Mr. Mifsud stated unfortunately I've had some advances at work so I have new conflicts.

Mr. Spellman stated I'm going to be moving to the Bartram area December 1<sup>st</sup>.

Mr. Eckert stated so we have two board members who I think want to resign today.

Mr. Mifsud stated that was my plan. Does another month help?

Mr. Eckert responded it's not necessary. Let's talk through what the Board could do. You could resign today. Mr. Hicks has indicated a desire to stay on the Board even though his term expires on the 22<sup>nd</sup>. If the Board was amenable and would like Mr. Hicks to stay on the Board you could accept a resignation from Mr. Mifsud, you could accept a resignation from Mr. Hicks, and then you could appoint Mr. Hicks to Mr. Mifsud's seat so when we get to December we would have three board members whose terms would expire in 2024, and then we would have two vacancies that would need to be filled at that point in time. Mr. Spellman could resign at the end of the meeting, because he has to resign by December 1<sup>st</sup> anyway if he is moving out of the neighborhood on that date. The other option is both gentlemen could resign today, you could not appoint anybody to fill those seats, but then when you get to your December meeting, each of the three remaining board members have to be there otherwise you don't have quorum, and then you'll have a holdover who can't vote for filling his vacancy because there's a conflict because he's entitled to compensation. If we did it today like I just proposed, that would alleviate some concerns later on. It's not impossible for us to do it in December, but at least we would have three board members that would then be picking board member numbers four and five or saying here is the process we're going to use for those board members. That also has to be something Mr. Hicks is amenable to if we were to do that.

Vice Chairman Hartigan asked your intent would be to come back for a longer term?

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Mr. Hicks responded absolutely.

Mr. Eckert stated the only effect of that is if you did what I suggested here today that Mr. Hicks would go into a two-year term instead of a four-year term.

Chairman Steiner stated at the end of that two-year you can renew for four years. That term has already started and that's why he has two years left.

Mr. Eckert stated so maybe we can just have a brief discussion among the board members as to what you want to do. If you don't want to go through with two people resigning and Mr. Hicks being appointed, all you need to do is take the two resignations at the end of the meeting.

Vice Chairman Hartigan stated my thoughts are let the two gentlemen resign and Mr. Hicks take over.

Mr. Mifsud stated effective immediately I'd like to provide by resignation to the Middle Village CDD Board of Directors.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor Mr. Mifsud's resignation was accepted.

Chairman Steiner stated I want to thank you for being on the Board. I wish you had stayed longer, but I do understand.

Mr. Mifsud stated I thoroughly enjoyed being on the Board and the board members and staff. I wish I could stay; I really do.

Mr. Eckert asked Supervisor Hicks, do you wish to resign from Seat 5?

Mr. Hicks responded yes. I would like to submit my resignation for Seat 5.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor Mr. Hicks resignation from Seat 5 was accepted. Motion passed 3-0.

Mr. Eckert stated we have two vacancies. Seat 4, which was vacated by Mr. Mifsud, is there a motion to nominate anyone to fill the unexpired term?

On MOTION by Vice Chairman Hartigan seconded by Chairman Steiner with all in favor appointing Mr. Hicks to fill Seat 4 was approved. Motion passed 3-0.



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Ms. Giles being a notary public for the State of Florida administered an oath of office to Mr. Hicks.

Mr. Eckert stated Mr. Spellman, if you wanted to resign at this point in time, we still have quorum of three board members and there a couple of business items we have left.

Mr. Spellman stated effectively immediately I would like to announce my resignation from the Middle Village CDD.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor Mr. Spellman's resignation was accepted. Motion passed 3-0.
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Mr. Eckert stated at this point in time we have three board members, all of which have terms to 2024, and then we have two vacancies. We have no audience here to provide comments, or we would have asked them before we voted on everything for their input. How does the Board wish to proceed with a process to filling the two vacancies?

Vice Chairman Hartigan stated with a notice.

Chairman Steiner stated yes, I think we need to make a notice. From the standpoint of anybody that has recommendations for anybody in their neighborhoods that feel they may be an asset, or would like to undergo joining the Board, please ask them to notify Marilee. If she can get what she has to have from them prior to the December meeting, then we can go ahead.

Mr. Soriano stated so then we will go through that step first of trying to find somebody, getting them to Marilee and after the December meeting I'll send a notice out?

Chairman Steiner stated I would like you to send an email notification as well as whatever else we're going to do, because I don't want to be sitting with only three board members.

Mr. Soriano stated my next email will go out this week because we have the Turkey Shoot, so I have one that is going out next week and I can add that to it if we want to do a public notice for resumes.

Chairman Steiner stated I think it would be beneficial. We've pretty much done it in the past through a recommendation of a seated board, but we really need to make sure we can continue to have quorum for these meetings and that means of the three of us, nobody can be out.

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Mr. Eckert stated so I'm hearing, go ahead and put a notice out right away and if any board members know anybody they think might be interested, provide a resume or letter of interest to Marilee.

Chairman Steiner stated yes.

Mr. Eckert stated I think that takes care of all those items. The two board members, there will be a final financial form you'll have to file with the Supervisor of Elections office and Marilee can get with you on that.

Ms. Giles stated it's the Form 1F and you will have 60 days to file that. You can do it electronically. Courtney will probably send you the email address you can mail it to. If not, you can take it to the administrative building in Green Cove Springs. Can we go back to what you said, Mike? Are we doing it simultaneously where if you know someone, you're going to have them send their resume to me, but also send a notice?

Chairman Steiner responded if we know somebody who is interested, then they will send information to you. Jay is going to send a notice out. The only other thing I would suggest is because we have switched seat numbers, the website needs to be updated for all three seats.

Vice Chairman Hartigan asked will Jo have to refile with the County on the seat?

Mr. Eckert stated he may have to file a Form 1 for that seat, and they will just notify the county that he's in the other seat. They will care about that in 2024.

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

There were no audience members present.

Chairman Steiner stated you're probably already aware of it, but there was some playground equipment that needed attention in one of the play lots.

Mr. Soriano stated that's this one here. We have a wooden lot. There was a lady that got on Facebook, and I have three or four emails that have the same picture. I sent the guys out there to review the wood. I did get requests to start looking at the other playgrounds. They are older. People started looking at Phase 1 because we've replaced a few. They have 11. This District has three, so they are on a bigger plan to replace a couple each year. Those are \$50,000-\$60,000 each just to purchase them. We did this one here on the cheaper end for about \$48,000. We can start looking at that, but that was not something I had planned anytime soon. We are replacing parts and cleaning them up, but they are 17 years old.

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Chairman Steiner stated was the one that they lifted the roof off one of ours?

Mr. Soriano responded that was Double Branch. Like I said, they have a lot more so they did have to have extensive planning because there's no way we can spend \$200,000 in one year to replace playgrounds.

**TWELFTH ORDER OF BUSINESS                      Next Scheduled Meeting**

Ms. Giles stated our next meeting is scheduled for December 12<sup>th</sup> at 2:00 p.m. here at the Plantation Oaks Amenity Center.

**THIRTEENTH ORDER OF BUSINESS                      Adjournment**

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

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

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