

**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, December 12, 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
Jonel Hicks	Supervisor
Julie Arnau	Supervisor
Sherrie Mifsud	Supervisor

Also present were:

Marilee Giles	District Manager
Mike Eckert	District Counsel
Jay Soriano	Field Operations Manager
Marla Dietrich	S3 Security

FIRST ORDER OF BUSINESS

Call to Order

Ms. Giles called the meeting to order and called the roll at approximately 2:11 p.m.

SECOND ORDER OF BUSINESS

Audience Comments

There being no comments, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisor

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

Ms. Giles stated although you've served as a Supervisor, I would like to remind you in this capacity you are subject to comply by the Sunshine Law and if any business is to be discussed about Middle Village CDD, you can talk to anyone, but you may only speak to the other supervisors at a publicly noticed meeting such as this one.

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B. Consideration of Appointing New Supervisors to Fill Seats 1 and 5

Chairman Steiner stated I believe the board members have received both candidate's resumes. Are there any questions for the candidates?

Vice Chairman Hartigan stated not from me. I'd like to nominate Sherrie Mifsud for Seat 1. I've known her for a long time and she's obviously an outstanding character.

On MOTION by Vice Chairman Hartigan seconded by Chairman Steiner with all in favor appointing Sherrie Mifsud to Seat 1 of the Board of Supervisors was approved.

Ms. Giles administered an oath of office to Ms. Mifsud.

Chairman Steiner stated I'd like to nominate Julie Arnau for Seat 5. I have known Julie for quite a few years, and I think she would be a good choice for the Board.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor appointing Julie Arnau to Seat 5 of the Board of Supervisors was approved.

Ms. Giles administered an oath of office to Ms. Arnau.

Mr. Eckert stated for the new board members, welcome and thank you for serving on the Board. A couple things I want to go over with you. As members of the CDD Board of Supervisors it's a little bit different than being on an HOA board. You are a public official and subject to a lot of the same laws as county commissioner or a city councilperson is subject to. A couple of those laws we will talk about briefly. You are subject to the Sunshine Law, which means that any conversation you have with another board member about matters that may come before this Board for action, you must have those conversations in a publicly noticed meeting. If you were to see the Chairman at the grocery store, you can talk about family, sports, gardening, whatever you want to talk about, but you can't talk about not being happy with the CDD landscaper and at the next meeting we should look for proposals. So, if you think it could come before the Board for discussion, I would shy away from those topics. The Sunshine Law applies to all forms of communication, so it applies to emails, text messages, verbal conversations, and competing social media posts. So, if one board member were to post on social media and another board member posted in response to that, it would be a problem. The thing about the Sunshine Law is

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it's kind of like a tennis match. One board member hits the ball over the net, and once you hit the ball over the net talking to another board member, you don't know if they're going to hit it back or not and once they hit it back, both people have a problem. So, I even discourage one-way communications because you can't control whether that becomes a two-way communication. If you have any questions on that, let me know. It does not apply to staff, so you can talk to Jay, Marilee, or myself anytime you want outside of a publicly noticed meeting. The question we normally get is if I want to talk to the other board members, how do I get that on the agenda so we can have that discussion? That is when you contact Marilee and she would make arrangements to make that happen.

The other law you should be aware of is the public records law. In Florida, any document you receive or create in the course of your service as a CDD supervisor is a public record. Any documents you get from my office, or from Jay or from Marilee, we have copies of those, so you don't need to retain those copies. However, once you start marking on them or creating notes, then you've created a new public record and you would be required to retain that. Emails, text messages, all those things are considered public records. I don't suggest you use text messages for conducting District business just because they're hard to reproduce and hard to save, so email is better. When we talk about email, it's best to get an email address that is District/CDD specific, because every email you get can be kept in one place, so if we ever did get a public records request, you or us aren't sorting through your personal or business emails trying to figure out which ones are related to CDD and which ones are not, because you either have a separate email address, which is ideal, or at least a separate mail box within your email address so that you drag all the CDD stuff to it. I recommend also if you get a text message or email on your personal email address and you have a CDD email, just go ahead and email those to that CDD email address so you have it all in one place. Beyond that, we're pretty informal. We don't follow Robert's Rules of Order intentionally, because we're not training anybody on that and it's a little bit more formalistic than Florida Law requires us to be, so when we have an agenda item come up, there will probably be a little bit of discussion, you'll hear somebody make a motion, somebody make a second, there's another opportunity for discussion and then it's a simple majority vote of the Board will prevail in any kind of vote. If it's a tie, that means nothing happens; it's just status quo. One of the other things I'd suggest is maybe we set 15 or 30 minutes later this week or next week where we can talk on the phone and I can get you up to speed on

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some of the issues that have been going on at the District. Jay and Marilee are great resources and do a great job at providing any information the board members need.

D. Consideration of Resolution 2023-04, Designating Officers

Ms. Giles stated this resolution is to add Mr. Hartigan, Ms. Mifsud and Ms. Arnau as officers of the District. The current slate of officers is Mr. Steiner as the Chair, Mr. Hartigan as the Vice Chair, and Mr. Hicks is an Assistant Secretary. Unless we may any changes to that slate of officers, Ms. Arnau and Ms. Mifsud would also be Assistant Secretaries. From the GMS staff, I am your Secretary and Treasurer, Daniel Laughlin, Jim Oliver, Darrin Mossing and a recently hired gentleman Howard McGaffney will serve as Assistant Secretaries and Assistant Treasurers.

On MOTION by Vice Chairman Hartigan seconded by Mr. Hicks with all in favor Resolution 2023-04 was approved with the slate of officers as detailed above.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the November 14, 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 October 31st, your assessment receipts schedule showing the collection process has started for Fiscal Year 2023, and the check register totaling \$72,173.16.

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

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2023-05,
Setting a Public Hearing for the Purpose of
Adopting Revised Suspension and
Termination of Access Rules**

Mr. Eckert stated at your last board meeting we talked about having some revised disciplinary and suspension rules. When people use the amenities, sometimes they do so in a way that causes damage to the amenities, or not following the rules, which is disruptive to the people trying to enjoy the amenities, so we took a stab at rewriting those disciplinary rules and

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we presented them at the last board meeting. All this resolution does is it sets a public hearing for March 13, 2023 on those revised rules of procedure.

Ms. Giles stated that is your first night meeting of the year at 6:00 p.m.

On MOTION by Vice Chairman Hartigan seconded by Mr. Hicks with all in favor Resolution 2023-05, setting a public hearing for March 13, 2023 at 6:00 p.m. for the purpose of adopting revised suspension and termination rules was approved.

SIXTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Eckert stated we sent the one-year suspension letter to resident Green. I haven't heard anything in relation to that.

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 had the virtual Turkey Trot at the end of November. I had about 29 families taking part, so almost 100 people. We did three gift cards as prizes, and everybody had a lot of fun. It's an event we've stuck with since the pandemic when we couldn't get together to do the normal run. It makes it a lot easier because everybody has a week and a half to do this event and send us pictures. We have Cocoa with Claus coming up. This is an event we haven't had since 2019. That will be in this room on Thursday night. Next month I'll have a tentative event calendar with you. The only thing I was going to try to throw back in there that we haven't done in a couple of years is the Camp Out. That is typically done at your sister district, and everybody enjoys it, but it's a little tougher to keep everybody clean so we cut that out a couple of years ago. We also do get togethers with food such as smores, which we weren't going to do back then. I've had a lot of requests for it. I think we will only do it once during that calendar

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year whereas before we did it twice; we had a spring camp out and a fall camp out. Instead of doing those, we've done a lot more movies over the last couple of years. Everybody enjoys them and they run a lot quicker and easier. I don't have to run events all night long into the morning hours and I don't pay extra staff to do everything. So, we will bring it back, but we will just do one. Of course, we do our four dive-ins, two here and two at your sister district in the summer. We do take July off because it's extremely busy during the month of July. Unless there are any requests for different events or any changes, I'll bring that calendar back to you next month and that is what we will put out in January to all of the residents, but we will let them know things could change.

After our last meeting I sent out an email that we were having issues with our heaters. I mentioned we had one, but we had two more that ended up having problems, so we are running with three for the most part. We are waiting on parts for them. We need a new sensor on one and a control board on another. I have a leak in one coil and it's expensive, about \$1,000 by itself. These heaters brand new were only over a little over \$2,000 a piece anyway. I'll work with it and see if it's worth it to change that out. We can run on three heaters. They work pretty much all night long like that. We've been able to keep the pool right at about 76 degrees in our coldest nights, so when we have warm weather, it's been fine. After this week we will get to using the covers. We only have the pool uncovered during daylight hours. If we want to keep the pool closed to keep the heat in, that will be fine too for the three heaters. Right now, we only have two deliveries for this season. If we get the February and March delivery earlier in the year that will go on this one, but it's really stored up for next year. So far this year we're at almost \$8,000 worth of gas.

Chairman Steiner stated you say that three is basically the minimum we can operate on, so I think it's sort of defeating the purpose of going to multiple heaters so that if we lost one we didn't have a major impact.

Mr. Soriano stated that's what we wanted so that when we had this case, we didn't have a problem. The size was originally for about four of these heaters. The original two million BTU was slightly oversized. We have 2,400,000 BTUs out there so we can always handle one less, possibly two; three is a push. If we want to go all winter, they're going to run 24 hours when it's cold and that's going to cost us a lot in gas.

Chairman Steiner stated you were fixing to leave what we have now.

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Mr. Soriano stated no, we ordered parts. We're not leaving it. We're running on them right now, but they're going to get repaired unless you have concerns.

Vice Chairman Hartigan stated the only one I'm worried about is the coil.

Mr. Soriano stated I would prefer to put the coil in at first and if it comes back that there are other parts that are causing problems in this next year, then we will look at that one being the first one to be replaced. We've made it almost four years on these things and they've done a good job. They are a little more expensive as far as efficiency. They're not as efficient as the big broiler we had back there. The biggest problem with that is when it had a problem it took out the whole thing. These burn a little more gas but cost wise on maintenance it wasn't until this last year that we picked up any maintenance costs because we had three years' worth of warranties.

Chairman Steiner stated you said that these units run about \$2,000?

Mr. Soriano responded \$2,400 or \$2,500 I think is what we paid for each one.

Chairman Steiner stated and the coil is about \$1,000. That's your guys putting it in?

Mr. Soriano responded the gas guys do it. We can take it apart, but I can't put it back in, licensed guys have to do it.

Vice Chairman Hartigan asked so we can keep the old one for spare parts?

Mr. Soriano responded we can. One of them just has a faulty control panel and it was \$80 for that panel. They worked out pretty well as far as purchasing this set up instead of doing the one giant heater.

Vice Chairman Hartigan asked so is the one that has a coil leak being repaired? Does it have something else that has to be repaired with it?

Mr. Soriano responded I don't know yet. It won't run like that, so I have to put the coil in first so I can get a new coil and even if it were to last three years, unless the Board just wants to get a new one.

Chairman Steiner stated what I'd like to propose is that you go ahead and order a replacement and keep this one as a spare and if one of the others go out and has a good coil, you can get them to rebuild from that, but it seems foolish to spend almost 50% of what a new one would cost.

Mr. Soriano stated that is the only part of these things that really cost that much and that's why a lot of people will make a decision like that. It's up to the Board. I can use it as a backup.

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We've gotten into keeping backups for impellers, motors and things like that and it's worked out well. If you want me to move forward with buying a new unit, I can do that.

Vice Chairman Hartigan asked what would you need to cap at?

Mr. Soriano responded I would probably ask for an extra thousand because I still have to get it delivered and somebody to install it, so maybe \$3,500. If for some reason it comes out a little bit more, we can come back and ratify it.

Chairman Steiner stated I just think it would be a good idea to go ahead and replace it at this point. It has usage on it. We bought this so we didn't end up to where one unit goes down and shuts us down completely.

Mr. Soriano stated even if there was a change in that, I have a good amount of time because it's only the one unit that is really giving me problems.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan all in favor an amount not to exceed \$3,500 for purchasing a new pool heater was approved.
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Mr. Soriano stated you'll notice the amenity usage portion of the report is blank. After our last meeting we were having issues with our server and Double Branch pointed it out. This outrageously complicated access system that we have was installed years ago. There's only one company that really services it. I'm pretty much the only person that can work on it out here. We repaired the server, which sits in your sister district, but that was a short-lived repair. Whatever was going on with it took out the hard drive of that computer, so I had to replace it. I've loaded that server software onto a new computer since then. The biggest problem though is in the two weeks' time it took to do all that IT work, there were lots of numbers of people that didn't get reported. They scan their card in and it beeps at them, but it's not really reporting anything for us. We can't see their picture pop up and we can't see that they've checked in that day when it's down like that. Once I got the server back up it pulls everything back in, but at that point I didn't have records for slightly more than two weeks. It's back up and operating. I do have some connection issues with some of the doors here, but that is a little easier to deal with the software install company. When I called the install company, which is Atlantic Security, we were six to eight weeks before they could get to us, so that's one of the reasons I've learned to do all the work on it. They allow me to do most of the work, but there are certain things that I can't touch

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because the manufacturer wants to work with the installer. Next month we should be back to being able to see the usage. Also, on the maintenance side you'll see a change in numbers. I heard back from Woolard Fence. Everything was going to powder coat and they promised me they would be here Wednesday to start installing gates.

Vice Chairman Hartigan asked including the decorative one downstairs?

Mr. Soriano responded that was the word. So, once all the gates go in, I have the ability to lock everything down and we will start working on the window downstairs, so that will sit on the outside and we will build a counter just like a check-in. They will scan their card and that lets them into everything in here. If they want to go to the heated pool, they will check in, whereas the heated pool has never really been checked in well. Now, everything will go through the front and everything can be tracked. Tennis is the same way. I do have to work with them because they have multiple teams. Some of those team members are not residents and we've talked about this before. They do pay to come here because of those teams, so I had to have a way for them to check in. If not, we will get lines building up down there with people waiting to get in the gates. I'll come up with ways for them to check in as team players. As a team they can't come over here any time. They come over here for practice times, clinics, special instructions with the pros and things like that. When the gates went up everybody had lots of questions. Some people didn't like it, but more people once they saw them did like them, but not until we really shut it down will we hear from those people.

Chairman Steiner stated but you're still getting reports of non-residents in the area.

Mr. Soriano stated yes, until we lock it down that's going to happen. For 16 years this place has been open so if people wanted to go the playground, they went to the playground, if they wanted to play on the sports field, they went to the sports field. It's the same problem with your sister district. Everybody almost looks at it like a city or county municipal park. We don't have a problem generally unless people are doing something they're not supposed to be doing. We don't have enough staff to go out there and card everybody, but we do have signs up everywhere. This just allows us to lock everything down and check in from the front, so we have more control. Unless there are any questions on the second page of the report, a lot of this month has been spent on Christmas decorations.

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

Vice Chairman Hartigan I went back over the application for renting the ballroom. When we talked about cancellation and cancellation fees, what I read was different from what I thought we were going to be doing in the future. In the cancellation policy it says basically that once you rent the ballroom, you automatically lose 50% of whatever funds that you put down. It says if you cancel 61 days or more, you get 50% back. The question I have is if somebody rents the room or puts a deposit down on the room say six months to a year in advance, if they cancel say between 60 and 90 days before that event, they could cancel without any penalty and still give the association enough time to rent this room.

Mr. Soriano stated that's the way our old policy was. The reason for that change is that weddings book out six months to a year. We could book for a meeting maybe, but our weekends are taken up with weddings, so when somebody books and they wait until those 60 or 90 days down, we're pretty much out for a weekend event and we lose that revenue. Most places have a policy like this that we did a study on years ago when we last increased our rates. Internally we give about a week or so if somebody finds something and they're waiting and they have to meet with different locations and vendors and they're trying to decide but they know they just have to drop their deposit, internally we would give them about a week and we can put that into the policy. There is always going to be a timeline like that where it has to cut off because it does become hard to fill it for a wedding. The weekdays are not as big of a problem, but Friday, Saturday or Sunday with a 60-to-90-day cancellation, we're not going to fill that for a wedding.

Vice Chairman Hartigan stated sure, but we also have somewhat restricted hours as far as couples being able to view the grand ballroom.

Mr. Soriano stated not really. There is one person that has to handle it. Most places are like this. You'll go through with a coordinator for that venue, and you have to meet around their schedule. In fact, usually they give you the appointment, not the other way around. We try to give the residents a chance for an appointment. This is a nice facility, but in comparison, there are facilities out there that are \$5,000 to \$15,000 for a wedding at 150 people. If you look at the hours that they do touring right now, Wanda generally works 40 to 50 hours a week doing administrative and touring for this room and the other rooms. That role is split between the two districts, but we don't rent the little rooms out as much. This one is the biggest. So, to get more hours than that is very tough.

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Vice Chairman Hartigan stated we don't offer anybody an opportunity for even a Saturday to do it.

Mr. Soriano stated because Saturdays are generally booked, so it's hard to do tours when people are in here setting up. No, we don't do a lot of tours on the weekends, it's usually going to be during the week. We have the stuff online, but our coordinator does have to go through a lot of the stuff in person. You can really only pay in person because you have to do it by credit card, and we do not take credit cards over the phone. That's something we've worked out with our bank. We have too many issues with charge backs and things like that and the District has actually lost money on things like that. Somebody will say they didn't get this and go to their credit card company, and we lose out. So, we prefer everything in person with a credit card. You can drop off a check in the mailboxes without us being there. I think there are always ways to make it better. We try to keep it low key, but our highest revenue year was almost \$90,000 in weddings here and that's busy. We haven't made it back to that yet. I know we're going to talk about setting a rate hearing or policy hearing tonight. One thing we should do with that is generally a rate increase hearing. I don't have any suggestions right now for this room rate to increase, just because we're still trying to recover from the pandemic. We're nowhere near renting this place out for that much revenue in one year, so I wouldn't increase the rate yet, but we've always been lower in costs compared to other facilities comparable to this. The District definitely can make more money. We've tried to limit people making money off us. Multiple times we've gotten people that rent multiple times a year. They're party planners and they're renting for somebody else under their name, so we made policies to get rid of that in years past and that has helped because it's \$700 for a resident. This is a very cheap room to get a full-blown wedding at 150 people for \$700. We're still really low, but like I said, since we haven't recovered from the pandemic, I'm not in a hurry to increase this rate. I will talk about the possibility of increasing the rate for your room downstairs. If you guys have been down there since this last summer, when we put the fence, up, we also reused some of the fencing we had in other areas, and I closed off the party area downstairs. Typically, just to rent for birthday parties it's \$150 and you get 35 people in. Those 35 can be guests. Typically, you'd pay \$3 or \$6 for a weekend for guests. So, let's say you have a weekend party at 35 people, it's actually \$180 something worth of guest passes you're getting. That's an amazing value right there and our residents should be eating that up. Right now, it's the same cost here as it is over there, but we've increased the

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size of this where we can hold almost 55 people in this one down here and they have a private concession stand now, whereas with the other one people have to be able to walk by the concession stand, they don't have any gated off area because that's where the ramp is. So, this one is definitely nicer and larger so I would make a recommendation on that, but as far as this room I think we can stay for now. We still keep everything low key whether it's the booking or our cost. I think we're going to get back to where it's busy.

Mr. Hicks asked you said it's \$700 for this room?

Mr. Soriano responded if you're a resident, yes. If you're not a resident, it's double. That's the problem we were seeing is a lot of people rent, but it wasn't all just residents and sometimes the same residents time after time. That's why we have that one policy that talks about the renter. If you're renting it for your family, that's a benefit as a resident, but you have to be there. We want to know that is actually your family. We would get people that would check in with the attendant and then they would disappear, and we wouldn't see them all night long, especially when there was a problem. We'd ask for them to call them and they wouldn't show up until the end to check out, so we were wondering is this really your family or just somebody you know. Those policies we added in make it seem strict, but there are good reasons for why we're doing it the way we are.

Chairman Steiner asked and they pretty much align with other venues?

Mr. Soriano responded many of the other nicer venues are going to be stricter, for good reason. We've also stepped away for that reason. We're almost trying to cut our liability a little bit if we're lower key. We don't do anything like demand a certain caterer. You're just renting this place from us. You have to do everything else such as put up your decorations, your chairs, your tables and we also ask that you take care of them and let us know when something is damaged.

Chairman Steiner stated what I meant by that was the policies having to do with refunds and that kind of thing.

Mr. Soriano stated yes. There's always going to be an issue with time. When we put in a policy that says they pay us, but they have one month to change their mind, if their event is two months from now that cuts down the time for somebody else that could have rented the room two months from now. We want to have as much time as possible to rebook that room.

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Vice Chairman Hartigan stated I like the fact that you put a deposit down and you have 30 days to change your mind and the reason I say that is there are a lot of situations to where people just can't. You may have one party that can get a room, but not the other party and when the party doesn't have the ability to take off and since we don't have openings on the weekends, it's hard for the party to see. We have to have some sort of leeway, at least in the beginning.

Chairman Steiner stated I think the thing you're going to run into is if you have a 30-day return on anything, there has to be an additional pardon if you pick up this room 30 days before you plan to use it.

Vice Chairman Hartigan stated yeah if you're booking at least 90 days out.

Mr. Soriano stated if you want, look at those policies and give me a couple of options. We can do just about anything within there. That's not something we have to do a public hearing for, just when we're doing rates so we can change some wording to give a little more time. Like I said, internally we do, we just don't advertise it. Now, if you booked a year ago and you get to me with six months to go, there were six months we could have been booking that date out. If we want to create a policy or change wording around, we can do that. The idea is to cut our losses too because it really just takes away from the District.

NINTH ORDER OF BUSINESS

Next Scheduled Meeting

Ms. Giles stated our next meeting is scheduled for January 9th at 2:00 p.m. here at the Plantation Oaks Amenity Center.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Chairman Steiner seconded by Mr. Hicks with all in favor the meeting was adjourned.

DocuSigned by:
Marilee Giles
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Secretary/Assistant Secretary

DocuSigned by:
Michael Steiner
835D57052CED44D...

Chairman/Vice Chairman