

MINUTES OF MEETING  
MIDDLE VILLAGE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Middle Village Community Development District was held on Monday, April 10, 2023 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
Timothy 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
Chalon Suchsland	VerdeGo
Zach McGee	S3 Security

**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 none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of the Minutes of the March 13, 2023 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.

On MOTION by Mr. Hartigan seconded by Chairman Steiner with all in favor the minutes of the March 13, 2023 minutes were approved.
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Ms. Giles stated next in your package are the financial statements as of February 28, 2023.

Chairman Steiner stated at the top of page 38 you'll see miscellaneous income. Can you refresh my memory as to what falls in that category?

Mr. Soriano responded the rental line is about our only income here, so let's say we put lifeguard classes on. The kids that are getting certified pay the District. That's what helps pay for the instructors, but then the rest of the money comes back to the District. We don't have a revenue line for that, so it just goes into miscellaneous. If people buy access cards, we don't have a revenue line for access cards so that's miscellaneous. Basically, everything except for rentals.

Chairman Steiner stated on the same page, why the drastic drop in CCSO? We went from \$3,000 down to \$300.

Mr. Soriano stated that's probably just timing of the bill. You're going to be at about \$2,500 to \$3,000 every pay period for what we pay them and then we split that with Double Branch 50/50 because officers go back and forth during the week and on the weekends, you have one officer here and one officer there.

Chairman Steiner asked so there's no change in coverage?

Mr. Soriano responded not yet. That will be happening. As part of our new contract this year we did adjust it.

Ms. Giles stated next is the assessment receipts schedule showing the assessments are 95% collected, followed by the check register totaling \$192,234.39.

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

#### **FOURTH ORDER OF BUSINESS**

#### **Update on Open Items**

##### **A. Gates**

##### **B. Nature Walk Repair**

##### **C. Replacement of Exercise Equipment**

Mr. Soriano stated the only item that is left open is the gazebo. We've changed how we're planning on doing it. I met with your Chairman out there and we talked about doing straight concrete caps that matches the back of the gazebo so that would be quicker. I do have an update on fencing. I forwarded an email to your Chairman that is a long string of angry emails of where

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our gates are. The last time we talked they made the statement that they were going to be here working on it. I don't see them. My concern is this is what we've been getting on a regular basis. We do have our posts, but even then, I think it was just to keep me happy when I was threatening to take more severe steps and they haven't done anything since the posts. If you recall, the custom gates were separate, so we spent money on the fence, they put the fence up. We did have them sign a contract and they met that contract, but as far as the custom gates, we haven't gotten that. I do think we might want to discuss what actions we would take if they continue to do this.

Vice Chairman Hartigan stated I agree 100% because it's gone on entirely too long. This has been going on since last year and I wanted these things done already. We have somebody else that can finish these front gates based on what you said before.

Mr. Soriano stated yes, we have a couple of fence companies that we work with. One that we work with on a regular basis is smaller. The problem with custom is they're still going to have to come in and make our design, so they're going to be starting over from scratch. The other people started from scratch too and I don't know if they've actually started is the problem. Part of their excuses was they didn't get supplies for the fencing, or there were a couple times that people that were dealing with our project are no longer with the company. It's just been a list of excuses one after the other.

Vice Chairman Hartigan asked can we give these people 30 or 60-day notices and be done?

Chairman Steiner stated I would like to have counsel draw up a formal notification to them. At the end of the period of time, we have to take the next step legally because these people have already been paid.

Vice Chairman Hartigan stated we don't even know if they've even begun the gates.

Chairman Steiner stated I understand that. We need to have Mike submit a formal letter demanding either completion or a refund. Up until now it's just been Jay talking back and forth with them. If we start over, we have to come up with another chunk of money to go pay for the next one unless we recover what we've already spent.

Mr. Eckert stated I understand what I need to do.

Mr. Soriano stated we may still have to front some money because even using Mike to go down a legal path, it may still take a while and we want this done, so we may have to pay somebody else for the work starting over while we're fighting with this old vendor.

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Vice Chairman Hartigan asked what are these gates costing us now?

Mr. Soriano responded these two top ones were a little above \$6,000. The one downstairs was part of the original plan, so that was part of that \$150,000.

Vice Chairman Hartigan stated so they haven't fulfilled their contractual obligations.

Mr. Eckert stated it's a letter to them saying you're going to complete this in 30 days, if not, we're going to go to a different vendor and you're not only going to have to discord what we've already paid you, but you're also going to have to pay the increased cost of us going to a different vendor, plus the attorney's fees if I was involved in writing the contract.

Vice Chairman Hartigan stated I think that is the best course of action right now, especially since we are in breach of contract situation.

Ms. Mifsud asked what was the original timeline?

Mr. Soriano responded three months and we're way beyond that. They got the fence up and they did a great job there. They didn't install the back gates originally, but because I was getting on them about installing the custom gates they went ahead and hung those back gates.

On MOTION by Chairman Steiner seconded by Vice Chairman Hartigan with all in favor authorizing District Counsel to send a notice to Bullard Fence regarding the delinquent gate installs was approved.

Ms. Giles asked do you need me to send you the original agreement?

Mr. Eckert responded yes, that would be good.

Mr. Soriano stated we will have two. There will be the contract that includes the custom gate down there, but then also the quote for these two gates up here.

Mr. Eckert stated send me both of those along with the email chain.

Mr. Soriano stated the only other item that is on my report that wasn't under the list of open items was an update on our damaged goods from last month. If you recall, I mentioned that we lost a drive on our motor. We lost a controller out at the tennis courts, which I received an invoice for. We've got everything up and running. We also lost a couple of small items on your access control; one is your server that we seem to lose almost every major lightning storm because it is hooked to all of your gates and controllers everywhere, so whenever this property gets hit, it travels through that system and takes out that server and it stops this side from

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communicating with the other side when you scan your card. I did have to order a \$90 part. It's something I generally keep on hand, but I've gone through them and didn't have one ready to go.

Vice Chairman Hartigan asked is there any way to protect it?

Mr. Soriano responded it's plugged into a surge protector, but it's a low voltage item so pretty much any surge is going to take that out. It's hooked to what is the equivalent of phone lines that run through the ground, so it's small wiring that is not easily protected when you have a strike like that. You are back up and running except for the slide. I've fixed your VFD. You did lose a major control board on that, but we had an old one that was taken off a couple of years ago that had lost just it's fan to keep the internal components cool, so I was able to mix and match parts. Everything has been tested correctly, I just haven't hooked it up to the motor yet, so I got that done last Friday. The Easter weekend was not great, so we didn't have a lot of people looking to go down the slide. That allowed us to save some money rather than purchasing a brand-new drive.

Vice Chairman Hartigan asked didn't we order a new pool heater?

Mr. Soriano responded we did. I don't have those in, but we had set up for repairing and replacing those two units we were dealing with, and my plan was to have that done for this winter because we're done now. Once we opened the pools to the kids, we turned the heat down. These will be running before we get to heating this next season.

Chairman Steiner stated you may need to move the open items list closer to Jay's report since it's going to tie with his report.

Ms. Giles stated I can do that.

## **FIFTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. District Counsel**

Mr. Eckert had nothing further to report.

Vice Chairman Hartigan asked when does our ethics start?

Mr. Eckert responded it has not passed yet.

#### **B. District Engineer**

There being nothing to report, the next item followed.

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### **C. District Manager**

Ms. Giles stated I just wanted to remind the Board that we will approve the budget at the June 12<sup>th</sup> meeting, and we will adopt it at our August 21<sup>st</sup> meeting. Jay and I have started looking at some of the agreements that we have in place and the ones that are going to expire. We will have any changes to the budget submitted to our accountant by May 22<sup>nd</sup>, so anything you would like us to take a look at, please let us know.

### **D. Operations Manager – Memorandum**

Mr. Soriano stated we ended Spring Break well. The weather worked out for a few days, so the kids enjoyed it, but it did give us a chance to break all the new lifeguards in and get everybody back into the swing of things. We are open now for just weekends in April and around the date of our next meeting we will start the alternating schedule where one day you're open and the next day you're closed because the pools at your sister district are open. On the weekends both sides will be open on the weekend. As we get closer to school being out, we ramp it up more. We had our virtual egg hunt. It was just this last week. They run around and find hidden easter eggs and wooden bunny rabbits in the trees, take pictures and send them to us. We only had about five families partaking this last time. If there were more than five, they just didn't send us pictures. So, it was a small event, but it's one I enjoy because it's easy and it gives people a week to take part in it while family is in. We will have a movie on the green this next weekend and we will have our community yard sale this month. Everybody will do their own thing as far as setting up their yard sale at their homes or in their neighborhood and one thing I have to remind everybody on this side is we have a lot of single-family developments and they have to coordinate on their own to make sure gates and things like that are open if they want people coming into their neighborhood.

Unfortunately, because of that damaged server, I can't pull numbers and that makes it hard to report on how many people used the pool. When we put that server back in place and it talks to the one on the other side, we see everything stack back up, so we see everybody's picture from when they scanned in at the pool and things like that and it keeps a report. So, it keeps track of it locally.

Chairman Steiner asked so it's a loss of communications, not a loss of data?

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Mr. Soriano stated correct. It should always work as long as we have some form of power, so even the little control boxes will have 12-volt battery backups so that when the power goes out, they work today because we don't want anybody to get locked in.

Mr. Soriano continued with his report stating, you'll notice our rental numbers have been increasing. We're starting to see more of a revenue and getting closer to our older days. We're not quite at that period in 2018 or 2019, but we are working to get back to that. We've already gone over the open items, so unless there are any questions, that is it for my report. I did want to mention that we had eight companies go through the landscape RFP and our pre-bid meeting. Most are companies that have gone through before. There are two new organizations, but everybody seemed to understand the RFP pretty clearly. We have had two addendums that were sent out. We will get the rest back as far as packets to us on the 25<sup>th</sup>, so they all understood the timeline and knew we were looking to make this quick so we could get you information so you could possibly approve that contract awarding at the May meeting, but it will also help us with the first round of the budget because I'm sure we will see some change in expenses.

Chairman Steiner stated we had talked about the treadmill at the last meeting and how they'll suddenly stop. When we talked to the vendors that it was basically a use at your own risk. Does that extend to us?

Mr. Soriano responded it does, but it's also concern for liability. Whenever it comes to things like safety, we have to make sure we are doing everything we can to keep it safe. Right now, we have a separate company that comes out and repairs, but there is also the issue of emails going back and forth with the manufacturer that I have concerns with it, but this is the design. There are manufacturers that do that, I just don't like it.

Chairman Steiner stated we had talked about replacing some of the equipment and what I'd like to do is add to the requirements of that RFP when we go out that it would be required to have a clutch type of release, so you don't get an abrupt stop. At least get one out and have the other one in there and phase the other one out as we can.

Mr. Soriano stated I always have concerns with doing it that way. If we say we worry that abrupt stop is dangerous and we decide to buy a new one for that reason, but we leave the old ones there, that can be questionable. If you really have concerns with that, you should get rid of both of them to be safe.

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Chairman Steiner stated I think if we just ignore it now that we know that problem exists, we're between a rock and a hard place. I got to thinking about that after the last meeting. If it's abruptly stopping and not because of lack of maintenance, but because somebody bumped a cord, or we lose power in the facility.

Mr. Soriano stated yes, something like that you won't be able to control on many of the manufactured items. We know people walk in front of those things and they shouldn't, but something like that is completely different. It's the faults or the error code. When they're running and that motor has an issue, it will abruptly stop rather than letting the belt come to a slow stop.

Chairman Steiner stated if we're going to procure proposals, I would like to see what that costs.

Mr. Soriano stated I've collected a couple already and I can tell you already the Life Fitness treadmills on the other side don't do the same thing. They come to a slow stop if they shut off in power outages and things like that. They are kind of expensive treadmills. Cybex, which is the strength equipment and bikes you have down there that we just bought, they are nicer quality and more expensive. The True are still commercial, but they were more entry level commercial. When we bought everything that was a little bit of savings. I think they were about \$5,500 a piece where the Cybex and Life Fitness that your sister district purchased are about \$7,000 a piece. If we're going to make that requirement, I would have to look to make sure that is something that happens on each model. I can look for that if that's something we're directing.

Chairman Steiner asked what I'm getting at is why were those chosen over there and we're not going to go with the same thing here?

Mr. Soriano responded we can. My concern was in the statement of getting one, because we're scared of something. If we talk like that, we kind of have to go through the whole practice.

Vice Chairman Hartigan stated the treadmills over there are about \$7,000. We have three treadmills downstairs, so it would cost us \$21,000 to have all three replaced.

Mr. Soriano stated and that's not with a new quote, that's what we paid for them, but I don't know what they are right now.

Chairman Steiner stated before we assign numbers as far as how many, if we can't afford to change all three, then get two. Whatever we can fit into the budget this year.

Vice Chairman Hartigan asked would that include removing all three then?

Chairman Steiner responded yes.

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Mr. Soriano stated we have enough money to do all three. We've spent a lot of money. This past year alone we've spent \$150,000 on a fence, that was one project, and then we had to do that addendum to get everybody to understand that all went to capital. So far this year, we haven't had anything as big as that, so we do have money there. I hate to get rid of good machines, but I'm hoping I can do a trade in. If we're going to buy something like Life Fitness or Cybex, those companies tend to do trade ins. We may not get a lot of money for them, but they do give us money off.

Chairman Steiner stated it's something and to me it would void the question of why the others were put in the sister district and we didn't bother here.

Mr. Soriano stated one reason was a cost issue and you guys also purchased new strength equipment. Your strength equipment is much nicer than theirs.

Chairman Steiner stated do me a favor and get a quote on one that has that criteria in it and let's take a look at whether they have trade-ins and let's do something to remove that. At a minimum two, and we go from three treadmills to two if that is required.

Mr. Soriano stated I'll bring that back and the main focus will be that it has a slow stop.

Chairman Steiner stated the last thing I have for you is in your notes you talk about moving a table from Deerview Park. My question is, looking at the map that is attached to this, how many parks does Middle Village have in these communities? I'm familiar with these out here, but I don't know where they are in the individual areas. Is there a way we can get that shown?

Mr. Soriano responded we can. We have it on the landscape RFP, but not on that map there. You have three big recreational areas; you have the one off Deerview, you have Hamilton Glen and then Whitfield. They have play structures, benches, fence lines and things like that. Your sister district has about 11 of them.

Ms. Misfud asked why was the table removed?

Mr. Soriano responded kids like to vandalize things and all of these are originals, so they are about 20 years old. They are plastic coated, so when they cut into them it opens up the metal and years down the road it rusts. This one had holes in it that I could stick my hand through, and kids could hurt themselves, so we had to remove that. I'll be looking to replace it now. Just like our trash cans. Some of you guys got the email months ago that we finally got some heavy-duty thermos plastic coated trash cans in. They do last longer, but it's commercial so some people don't understand that we have to pay \$600 to \$800 for a trash can. Your original trash cans were

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probably about \$1,500 a piece. I'm not going that heavy duty. The tables are about \$4,000 a piece, but we're going to be replacing with something that is about \$2,000 each, it's just how fast I can get them. I can buy one or two at a time when I have that lower cost.

Ms. Giles announced that Supervisor Hicks joined the meeting.

## **SIXTH ORDER OF BUSINESS**

### **Audience Comments / Supervisors' Requests**

#### **Audience Comments**

There being none, the next item followed.

#### **Supervisor Requests**

Mr. Hicks stated before I get started, I just want to encourage every Supervisor that sits on this Board to actually get out in the community and experience some of these events that you have because if you don't, you're not only doing yourself a disservice, but you're also doing the community a disservice. I'm one of the newer supervisors, so this is a little nerve-wracking for me, because there is an issue that I experienced over the weekend that I wanted to bring to the Board and have a conversation about. I would like to discuss our ban and regulation on cotton swimwear. I understand the District's concern for our community members wearing cotton in the pool and its surrounding area. Surrounding the idea of maintaining pool filters and water quality, I am well aware that cotton releases bacteria, germs and contaminates the pool. However, the same is to be said for sweat, urine and other materials that come into contact with the pool. Upon further investigation, I didn't find any evidence to support the notion that cotton possesses a greater risk of releasing germs and bacteria into the water than any other type of clothing, material or substance. In fact, it's surprising to learn that cotton is used in the majority of swimwear. While it is possible for clothing to harbor bacteria, viruses and other contaminants, most community pools are designed with filtration systems that are capable of removing these contaminants from the water without any issue. This poses the question, are we properly maintaining and caring for our community pools and is this topic worth the confrontation between residents and staff? Furthermore, I believe this regulation is possibly discriminatory. Here are a few reasons why. Our ban and regulation on cotton swimwear could potentially violate the Americans with Disabilities Act, also known as ADA, and the Florida Civil Rights Act as well. Individuals with sensory disorders, among other disorders may require cotton swimwear

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for a variety of reasons and a ban or regulation on cotton swimwear could prevent them from accessing and using the community pool. Similarly, what if an individual suffers from allergic reactions to certain clothing and they're only able to wear cotton materials? This could possibly violate their civil rights and it causes a concern. Moreover, a ban or regulation on cotton swimwear could harm our community by creating a sense of exclusion and division and as a Community Development District, we have a responsibility to create a welcoming community that supports, the health, safety and inclusion of all residents. A ban or regulation on cotton swimwear sends the message that certain individuals are not welcome or valid in our community, which is not the kind of community we should be striving to create. As a board member, I strongly advocate for having clear and concise regulations. I want to propose an opportunity for our team of supervisors to evaluate our current policies and determine whether any revisions are necessary to ensure our legal compliance. Our legal compliance, clarity, precision, and exclusivity for all our residents. I'll start from the beginning. We never got a chance to experience the pool here behind us, so I said let's go experience this, let's take the kids. So, we went to our sister district, and we got our cards. The gentleman at the desk, his name was Luke, he was very nice. He took our information, gave us our cards, and he sent us on our way. The weekend came and it was time to go to the pool. I'm just going to be honest with everyone, we didn't read the rules to go to the pool, we just used common sense. We're not going to be too revealing and things of that nature. We get to the pool and Ms. Emma was very polite and it was crazy because we had floats and all kinds of things. Like I said, we didn't read the rules. She informed us those are a safety hazard because of the shadows it may cast in the water if someone is drowning, and the lifeguards wouldn't be able to see them. Okay, fine, I can agree with that. So, I took my floats back. They did allow me to keep one, which was small for my youngest baby, which was great. Upon entering the pool, I must say it is beautiful. It really is a good experience, and if you haven't been, I highly suggest you go. We had been enjoying ourselves for about an hour. We got here at probably 11:00, so the slide wasn't open just yet, but when it did open, we had a chance to get on that and that was awesome as well. The lifeguards were very polite. As I'm coming down the slide, I splashed down in the pool and I'm getting out and one of the lifeguards pulls me to the side. I forget his name, but he's the main lifeguard. He says to me, you can't have on cotton swimwear in the pool. I had on a tank top. So, mind you, I'm a dad, I've got dad-bod and I don't want to be walking around. I just want to cover up, so I didn't think

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it was a big deal, but when he said that it was a little shocking to me and I noticed he himself had on a cotton shirt, so I said, well if you have to get in the pool to save somebody's life, do you take that cotton shirt off and he said, no we don't. I left it at that, and I went and spoke with Ms. Emma. I wanted some clarity on what the rules and situation was about, and she explained to me that the concern was the fiber in the cotton breaks down so much so that it clogs up the pool filters. So, I was like okay, I can understand that. So, are we having confrontations with our residents for this issue, or is it an actual pool maintenance issue? Because the pools are designed to filter out contaminants. My concern was the risk of having these confrontations with our residents who paid their dues, and I was trying to weigh out if it was worth the confrontation and misunderstanding between the two. I moved on from that, but I have five children, and one of them is autistic. He's 13 years old and he has a sensory disorder, so any material other than cotton freaks him out, and as his caregivers, we have to have on cotton as well because he rubs us. It's a soothing method for him. So, after I had this conversation, my kids were still playing, but I felt excluded. I asked Emma if we should leave and she told me no, but of course the feelings are already there, so I grabbed my family and we proceeded to head out of the pool. It just bothered me, because we were really enjoying ourselves and it was eye opening. We can sit here as supervisors and do our thing, but you really don't get to see what it is like until you're really in the resident's shoes. The rules don't match each other and what I mean by that is, if you go on the website and read the rules you have to abide by, they don't match the rules that are posted when you get there. In particular what I'm talking about is rule number 12. It actually tells you exactly what you cannot wear at the pool.

Ms. Giles stated the Middle Village CDD amenity policy letter says no cotton, denim or denim cutoffs.

Mr. Hicks stated okay so I missed the cotton part, but I did see the denim and street clothes.

Ms. Giles stated no street clothes, including shorts, undergarments, sports bras, tank tops or thong-style swimwear are permitted.

Mr. Hicks stated so the question that I posed to them is how you know what material everybody is wearing. They said we don't, we just take their word for it. Okay, so that means that I can tell you whatever and actually have on cotton. I guess my question would be, has our facility ever closed because of water quality?

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Mr. Soriano stated it's not water quality that is your biggest issue here. Most pools have that rule, especially when you have sand filters. You have a sand filter back there now. You could break your pools out and separate them, but with sand filters, that fiber getting stuck in there will cause a major problem. You can make one explode. We have what is called DE filters on this one in front and when those get caked with fibers, we just have to do extra cleaning, it won't really damage it. However, your sand filters, if you put cotton into that and it explodes, you're talking about a \$50,000 or \$60,000 fiberglass body. That is a big difference from this pool. Then the issue goes from do we allow cotton in this one, but not this pool. You do have six different pools that have slightly different setups. You guys have a general rule for all of your pools. It's been like that for 18 years. Like I said, the typical rule for almost every pool says no cotton, but how much they let it get away is different. The statement about them taking your word from it, that's to get away from that conflict there, because we have had people tell us things like this was made as a swimsuit. Nike makes a whole lot of swimwear that looks like regular streetwear, but it's in their swimwear line. Is it a bathing suit, no, but it was sold as part of their swimwear line. The difference is, it's not straight cotton. It's not a cotton t-shirt and it's not cutoff shorts. Denim is basically straight cotton. That's where the biggest problem comes from are things like shorts. They have a lot of fiber in them, and you'll see it come out. But, on there we can't put every single thing into the rules. We try on the written rules. Even on the website, we have pictures that will show everything and explain each one, what you can wear on the deck, which one you can wear in the water and things like that, because we don't want that conflict. Also, the other thing that happens is by about the middle of summer, you can't get in or swim like that. For the first couple of months, they're supposed to be lenient, so hopefully she was professional with you and there wasn't any going back and forth. They're supposed to be teaching people, especially if they've never been to the pool. They don't ask you to leave or to take it off. They allow everybody to swim, especially for Spring Break and even into May, but by the time we get to summer, we hope most people are following the rules. If you look it up on websites, what is the problem with cotton, if people are wearing regular clothes into the pool whether it's cotton or anything else, they do bring along other things. So, maybe they're out here practicing football and then they just use the same clothes and get in the pool. It does bring a lot more dirt and things like that. Those things we wear as swimsuits are washed and ready to be worn to the pool or beach and that's all we wear it to, so that's how they become part of those

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rules. I can douse that pool with a ton of chlorine, and we can spend more money on pool maintenance services and that is not a concern. We don't have an issue with algae or anything like that there. Here that rule is really is more operation. You will take the pool out of operation and people won't be able to use it if you damage a filter, so that is a bigger issue here than other pools.

Mr. Hicks stated I hear everything you just said, but also, the pools have been operational for 18 years and we haven't had to replace any filters.

Mr. Soriano stated you could argue that's because of the rule.

Chairman Steiner stated the filters have to be backwashed.

Mr. Hicks asked but that is regular maintenance though, right?

Mr. Soriano responded yes, but like I said, you could argue that's because of the rule. If we let people wear cotton in there all the time, you never know.

Mr. Hicks stated what I was just getting at is there is no way for you to tell. We will leave this where it's at. Let's address the special needs part.

Vice Chairman Hartigan stated I have triplets. My son is high functioning autistic. I understand everything that you're saying. We have been in pools, we have been diving together, everything. We do not wear t-shirts. Outside of the water we wear something like this. They have a shorter type and a longer type. For sensory, my son wears that to go in the water. The reason we have had this pool for 18 years is because of the fact that if someone is wearing a t-shirt they say, we're glad you're here, but in the future please don't wear that t-shirt because of the chlorination breaking down the t-shirt. That's the way it has been. I've lived here for 18 years and I know what the rules are and abide by the rules. We have them for a specific reason. I can see both sides with having an autistic son.

Mr. Eckert stated the law talks about providing a reasonable accommodation so that the person can participate in the activity that the government is providing. I've not been asked to look at this before today. It's certainly something I can look at, whether or not that will qualify as a reasonable accommodation.

Vice Chairman Hartigan stated we have taken extraordinary steps to make sure everybody in the community regardless of their disability is taken care of. We have installed stuff at the pool for wheelchairs. To argue a discrimination, or an ADA violation, I would see that being unprecedented.

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Mr. Eckert stated I don't think I heard an argument that it was, what I would like to know is if this comes up again, would that qualify as a reasonable accommodation for an isolated incident and the potential damage to the pool filter. That's something I would have to take a look at and I'm happy to do that. It wouldn't take very long. I don't want to foreclose it, because it is based on an individual basis.

Mr. Hicks asked is this for decorum as well? To keep a unified look? I believe Susie said that.

Mr. Soriano stated a little bit, and they used that probably in the wrong explanation. Let's say you guys allow cotton in this pool because it's easier. Then you do have cotton in the pack You're creating an expectation that we can wear cotton because everybody else wears cotton. Or I can wear a thong because of what this person wears. When we let one, we let others and there are other degrees of it. However, they explained that to you, it's not we don't want the look of cotton. Cotton is normal, and it does say that you can have it on the deck, but getting into the water with it is different and we do have a lot of places that we could say yes, you can get into the water in a t-shirt, but that's not the ability here.

Mr. Hicks what I'm asking for, because there's still a lot of discrepancy is revision, so that it's not subjective. Today I feel like you're wearing a swimsuit, and tomorrow you have to take it off.

Mr. Soriano stated that part is always going to be hard. That's why we put that picture on there. I don't have a way to do every different thing out there and change it. I can only teach these guys so much and I don't want to have problems, so there have been times where they've allowed things in the pool that shouldn't be, but I don't want an argument of discrimination or affecting anybody's religious reasons. So, when it came to things like that, they ended up allowing it, which one, could cause problems with your filtration system, but two it could also be a safety issue if someone doesn't know how to swim with all of that material on. There's no way to approach every single thing out there, we've just tried to be extensive in our written policy. It is a long policy. We've cut down from years that were 18 pages to 13 pages, but then our signs can't hold that much information, so we have signs, we have pictures on the website. We try to do as much as we can to get people to understand some of those rules for various reasons. Shutting down the pools would cause a bigger set of complaints. One thing that is always important to us is the safety of it.

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Mr. Hicks stated again, there is no way to tell if you're wearing cotton or not.

Mr. Soriano stated there are a lot of things like that though that we have rules in there for operations and safety purposes, but there's no way to know if it's actually going to happen, we allow it to happen and then somebody hurts themselves.

Mr. Hicks asked then why have the confrontation with the residents over it if there's no way for you to be able to tell that this is the issue?

Vice Chairman Hartigan stated if you're wearing a t-shirt that is in clear violation and the lifeguards are saying, you can't wear a t-shirt, so next time you come, please don't. Now if he can't tell whether the bottoms are cotton or not, that's a whole different story.

Mr. Hicks stated if the lifeguard is telling this guy to not have on a t-shirt, he shouldn't have a cotton t-shirt on himself. Especially as the one that makes the rules.

Mr. Soriano stated they sit out in the sun all day. You might only be here for an hour. I don't want them complaining of skin cancer. One, they're not jumping into the pool that much, and two, if they do have to jump in the pool, they're only going in for 30 seconds, whereas you were in the pool much longer, so there is a big difference. However, we can also go another route and say if we're concerned about that, we can spend twice as much money and we can get them Dri-Fit shirts. There are some places that have nice lifeguard equipment and they do sell it, it's just not the route we've gone because I don't use that as an argument against the rule that we have in place.

Mr. Hicks stated if you're going to hold the residents to that standard, I believe the pool staff should also be held to that standard, because I don't know if you've ever spilled chlorine on a piece of fabric, but it's instant. It's not 60 seconds or a minute, it dissolves instantly, so when he jumps into that pool, he's contributing to the problem just like everybody else.

Chairman Steiner asked are you allowed to be in a t-shirt on the deck?

Mr. Hicks responded sure, but what I'm saying is, if he's going to jump into the pool to save somebody's life, is he going to take his shirt off before he does that?

Chairman Steiner responded if he does have to jump in, which does not occur every day, he's going to jump in and get out. I've been told when we first started coming up that you can't go in. I wear a t-shirt when I go in. They explained to me what it was. Look at the amount of lint that comes out of that and multiple that by everybody in the pool. It builds up such a clog.

Mr. Hicks stated I'm not asking you to do away with the rule.

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Chairman Steiner asked which way do you want us to do it? Do you want us to spend more money to get the lifeguards Dri-Fit type t-shirts, or do you want us to allow every resident to go in and not be approached about it?

Mr. Hicks responded I want us to make a decision as a Board together about the fairness of the situation between the residents and the staff because these people have to interact with each other. Like I said, if we're going to hold the residents to this standard, then let's spend the money so when a lifeguard is saying something like that, there's nothing they can say. I highly doubt buying Dri-Fit t-shirts for our lifeguards is going to be \$10,000.

Chairman Steiner asked what have you gained for yourself and your family? The issue is you want to wear the t-shirt and you feel with your son you need to have the t-shirt, so the desire is for you to be treated like the lifeguard, not the lifeguard to be in compliance with the rules.

Mr. Hicks stated no, my desire is for everybody to be treated the same and not be scrutinized.

Mr. Soriano stated I don't know that the rule right now is excluding anybody. I know there was a feeling of that. Your fellow supervisor has dealt with this at times. I don't see that here. As far as working with you, we can always do that. We want to make sure that the people that have actual issues and can't do something will, however that doesn't change the fact that there can be somebody else that says I don't want to wear that either and I'm going to say I have this problem. We can't just automatically put it out there and say, if you want to, you can wear a cotton shirt. If you have a real problem, you have to come to us, and I can work with you. I have that ability to put notes in the system. One person is not going to affect that filter, but if I allow everybody to wear it, lots of people will affect the filter and that creates a problem. I get what you're saying. That's not treating everybody exactly the same. You're an exception. There are always going to be those exceptions. We have the ability to make that. You guys don't put limits on me to be able to make those exceptions for those reasons, you usually trust that I have a way to work with them.

Mr. Hicks stated is the cotton didn't exist, I wouldn't need an exception.

Mr. Soriano stated the rule exists for a good reason though.

Mr. Hicks stated the reason why it exists is not an issue at all. That's based on somebody's word. If somebody tells you this is nylon or whatever and it's actually cotton, it's subjective. There's no concrete proof.

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Mr. Soriano stated there's no concrete proof that I'll get into an accident if I drive 100 mph down the highway, but is it more likely to happen, yes. It's one of those things we know the sand filters do have problems with that fiber. It's not an easy cleanout. Like I said, with the DE filters it would be different. We would just clean more. But with the sand filter, the fiber gets stuck to the very bottom and we'd have to empty that whole thing out and change out the sand every year, so that's thousands of dollars. We know that happens. Can I guarantee it would happen here? As many people as we have here, I can guarantee it would happen, but how fast it happens, I don't know. You will have to change your system if you were to allow cotton in the pool.

Mr. Hicks stated let's move away from the cotton. Let's talk about the granite, and the seals, and the chipping paint that also has to go through the filter. Would you weight that the same as the cotton fibers? We have missing tiles as well out here in the pool.

Mr. Soriano stated the springtime is when we spend a lot of time to get ready for the summer, so you'll see painting, we go through the tiles, and we just installed mats. It's something we do every year.

Mr. Hicks asked did we do it this year?

Mr. Soriano responded we're in the middle of that right now. It's springtime right now. We're not in our May operating season yet, so a lot of that stuff is still being done. We have to go through everything to get ready for that summer.

Mr. Hicks asked so you don't do it before an event?

Mr. Soriano responded we do as much as we can, but we can't do everything in the winter. I wish we could. There is going to be times we have to do things in the summer. We try to stay away from that, but it may still happen. There is a lot of work to be done in your pools. Right now, you're saying why don't we do more maintenance. I don't know that that is going to work either.

Mr. Hicks asked why wouldn't it?

Mr. Soriano responded we have to be able to get all of that done. We can more maintenance and plan on buying filters every few years if you want. You just tell me let's get more staff, or more money on better uniforms, things like that.

Mr. Hicks stated the pool is only open for how many months, and out of all of the events we have throughout the year, the pool being open is where you have a lot of traffic versus

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everything else, so we should probably be focusing a lot of our time and attention there versus all of the other events that people probably don't show up to. The money we use for those events we could be using for things like this. Again, it just goes back to the confrontation thing. I know Emma doesn't like to deal with stuff like that.

Mr. Soriano stated none of my staff likes confrontation, but then you're talking about let's just let everybody get away with everything.

Mr. Hicks stated that's not what I'm saying. There are common sense rules like no running around the pool, no alcohol, not being overly revealing and things of that nature. I don't want to take up everybody's time, but I thought this deserves looking at. If we're going to keep these rules, which it seems like it will stay in place, I would suggest we put a provision in place so whenever one of our residents who has special needs or has those sensory issues, that we let them be. I asked Susie what we do about that, and she said I'd have to call Jay and ask him about that.

Mr. Soriano stated you kind of have to go through me. If you contact me, I'm going to walk through because it's not like the normal ADA. ADA law actually talked about access and being able to get in and use the facilities. This is operational, so it's a little different.

Mr. Hicks stated Mike, I would like it if you could look into that.

Mr. Eckert stated I'm going to look at that and I'll report back to the Board at the next meeting on that issue, because I think it's an important issue and it's not the only time we will run across this.

Mr. Hicks stated what I'm saying is, if we have to ask permission for something, it's not a right, it's a privilege.

Mr. Soriano stated these are privileges. The usage is different. It's not a right. We try to stay away from defining it that way. It's the same as you might have rules to follow at county parks, but we all pay for the county parks. There are still rules and expectations. We can get exceptions to a rule if there is a good reason, but we generally have to contact somebody and explain what we need and why. It's not just simple. What you have is a different situation and some people may not be familiar with that whatsoever.

Mr. Hicks stated what I'm asking for is to put something place, so we don't have these situations. If we have a special needs child, call this number to set up something.

Ms. Mifsud stated the children have ID cards, correct?

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Mr. Hicks responded no, not my children, just us.

Mr. Soriano stated I can put it on his.

Ms. Mifsud asked can we put a special background color for the individuals that require that exception?

Mr. Soriano responded we would just put a note that goes in the bottom. It's easier if they have a card. My concern is doing what you're saying is different. There's no way to be prepared for everything. You're familiar with your situation, but I can tell you you're not familiar with his or with mine. Especially when it comes to autism, that's completely different. My son wouldn't have an issue with cotton, so it would be hard to understand that. If I was trying to explain that to these lifeguards because they know my son well, they may say, well this guy doesn't have a problem with it and that wouldn't be fair to you. I understand that's an issue. You're trying to take care of your issue, but there is a ton of other ones that we have to have a different way to go around it. We can't be ready for everything, but that ability to give the exception is still there, you just have to talk to me. I don't allow the lifeguards to say yay or nay.

Mr. Hicks stated what I'm asking is for us to put a procedure in place for situations like these so if you have a special needs child.

Mr. Soriano stated it's not just special needs. We have the same argument with people that want to bring their dogs in. We have therapy cats. It's the same argument because it falls under ADA. I get the same stuff all the time.

Chairman Steiner stated we have the capability right now. We've given Jay license to apply exceptions given the situation. Therefore, if your case, he has instructed you to contact him and he can take care of it. Tim's situation may be different than yours, but he can contact Jay and have a different situation.

Mr. Hicks stated if the procedure is to contact Jay, then that is the procedure. Every situation is going to be different.

Chairman Steiner asked what did the lifeguard supervisor tell you out here? You need to contact Jay and he will take care of it for you.

Mr. Eckert stated I get what you're saying, and I'll talk to Jay about that. It's really just a question of is there anything we can do in our policies right now that would help clarify what the process is and avoid confrontations in the moment. Let Jay and I take this up offline and we can talk to the Board at the next meeting.

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**SEVENTH ORDER OF BUSINESS**

**Next Scheduled Meeting**

Ms. Giles stated our next meeting is scheduled for May 8<sup>th</sup> at 2:00 p.m. here at the Plantation Oaks Amenity Center.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

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

DocuSigned by:  
*Marilee Giles*  
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Secretary/Assistant Secretary

DocuSigned by:  
*Michael Steiner*  
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Chairman/Vice Chairman