

**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 Monday, **November 13, 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
Sherrie Mifsud	Vice Chair
Jonel Hicks	Assistant Secretary
Shawn Bland <i>by phone</i>	Assistant Secretary

Also present were:

Marilee Giles	District Manager
Mike Eckert	District Counsel
Jay Soriano	Field Operations Manager
Chalon Suchsland	VerdeGo

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Audience Comments

There being no audience comments, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

- A. Minutes of the October 9, 2023 Board of Supervisors Meeting**
- B. Financial Statements**
- C. Assessment Receipts Schedule**
- D. Check Register**

Ms. Giles stated included in your agenda package are the minutes of the October 9th meeting.

On MOTION by Vice Chair Mifsud seconded by Chairman Steiner with all in favor the minutes of the October 9, 2023 meeting were approved.

November 13, 2023

Middle Village CDD

Ms. Giles stated next are your financial statements as of September 30, 2023, followed by the assessment receipts schedule showing the District is 100% collected for last year, and a summary of your check register totaling \$172,821.28.

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

Mr. Bland joined the meeting by phone at this time.

FOURTH ORDER OF BUSINESS

Consideration of Conveyance of Plantation Oaks Boulevard to Clay County and Authorization of Agreement Related to Enhanced Maintenance

Mr. Eckert stated several months ago we identified a piece of Plantation Oaks Boulevard that is immediately to the west of the traffic circle that was put in the CDD's name rather than the county's name. The county owns all the other roadways around there. We have been in discussions with the county about them taking over the ownership of that roadway, which of course would include the maintenance and paving. To their credit, they were amenable to doing that. They did want to make sure that they were not undertaking a responsibility for the enhanced landscape maintenance by agreeing to take the roadway and wanted to clarify that even the areas that the CDD maintains along county roads, they didn't want to obligate the CDD to do it, but they wanted it to be clear that in the event the CDD stopped doing that enhanced landscape maintenance, that the county wouldn't be required to do that enhanced landscape maintenance, they would just do what they do with their other county roads, which is now it a whole lot less often than you all would want to protect your property values. That is the intent of the interlocal agreement that is in your agenda package. Jay brought up one issue that I thought was important and the example he gave was fallen trees. We have some language in the interlocal agreement that says the District currently wishes to assume all responsibility and the cost of maintaining the right of way landscaping. I think we need to work on that language a little bit more to make sure that it's clear that by doing that we're not assuming all responsibility for large trees that fall that could hit a car or something like that. We could still say that the county owns it, the county has some responsibility to deal with that, because all we were trying to deal with was the enhanced

November 13, 2023

Middle Village CDD

landscaping, which is more mowing, more flowers, more flowering trees, and things like that. What we would ask for today is authorization to execute a deed conveying that property to the county, as well as approving the interlocal agreement in substantial form subject to final approval by myself, Mr. Soriano, Ms. Giles and the Chair. This is a better result than I had hoped for when we first talked to the county. Usually, they're a little hesitant to take roadways that have been existing for a while.

On MOTION by Chairman Steiner seconded by Vice Chair Mifsud with all in favor the interlocal agreement with Clay County regarding enhanced landscaping was approved in substantial form subject to final approval by District Counsel, Mr. Soriano, Ms. Giles and the Chair and authorization was given to execute a deed to convey the property to the county.

FIFTH ORDER OF BUSINESS

Ratification of the Engagement Letter with Grau & Associates for Fiscal Year 2023

Ms. Giles stated the engagement letter documents and confirms the auditor's objective and scope to audit the financial statements of the District for the year ending September 30, 2023.

On MOTION by Chairman Steiner seconded by Mr. Hicks with all in favor the engagement letter with Grau & Associates for the Fiscal Year 2023 audit was ratified.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being nothing further to report, the next item followed.

B. District Engineer

Ms. Giles stated a resignation letter from ETM was sent by email. The effective date would be 30 days from the next meeting, which is today. At the next meeting we will have in your packet evaluation criteria to review so we can issue a request for qualifications for engineering services. I don't see this as a concern. This district is fully built out and there are very few engineer problems. We have some reports that are due every so often.

November 13, 2023

Middle Village CDD

Chairman Steiner stated I had a couple of questions. Is it by statute that we're required to have an engineer on staff, or can we have one only when we need one?

Mr. Eckert responded you can have one only when you need one. There is no difference in the cost because you're paying by the hour for the engineer when you actually use their services so not having somebody on staff but instead on call doesn't make that big of a difference. In terms of timing, I have a long-standing relationship with ETM and Peter Ma, and if we need something 40 days from now, they will be there for the District. I'm not worried about that. I've had that conversation with them on other districts before. I think this is just a change in their business model. Your options for getting an engineer are, if you have a contract and it's less than \$35,000 for a plan or a study, you don't have to go through the competitive solicitation process, but you just don't know if you're going to go over \$35,000 if for example you have pond bank failures. Those can get expensive when you're dealing with pond bank failures over time or things of that nature, so we always recommend that you have somebody on a continuing contract for your district engineering service and the way you arrange that is you advertise, and you ask for qualifications. You rank them based on your established qualifications and my guess is you will see two or three proposals at the most, then you negotiate with the highest ranked proposal for a contract. The other way you can do it is you can call an engineer just when you have a problem. The problem with that is getting somebody to make the time for you if they don't have any kind of relationship with you. I think what you're seeing with ETM and them resigning from their resident-controlled districts, at least that I work with them on, is they're so busy doing developer work that they don't have time to do this anymore. Those are the same people we're going to be calling on an as-needed basis, so we may not be able to get somebody on board for a while. Our recommendation is to go through the RFQ process, but you don't have to as long as you stay under that \$35,000.

Chairman Steiner asked if there is no requirement from the statute to have somebody on staff, it relieves us a little bit with how fast we have to get somebody.

Mr. Eckert stated correct. There is no requirement for timing of when you have to have a new engineer on board, it's just what we would say is prudent to go ahead and get one, so you have somebody that at least understands the district a little bit and if you call them, they're not starting from square one, but that's up to the board. I don't know of any projects that we have that would exceed that \$35,000 at this point.

November 13, 2023

Middle Village CDD

Mr. Soriano stated that would just be if there was an emergency issue outside of those required reports that are done every so often. They really haven't been here to do much, but the nice part was if an emergency pops up, Peter was here when most of these pipes were going in the ground so I could call him up and I would know exactly how to proceed or who we need to look to for help fixing things, so that would be a little tougher for me with a new engineer.

Chairman Steiner stated on the solicitation, I assume this affects Double Branch?

Mr. Eckert responded yes, Double Branch received the same letter and several of my districts who work with ETM got the same letter.

Chairman Steiner asked would this be something similar to what we did with the landscaping?

Mr. Eckert responded we separated the landscaping, but we were hoping to find somebody who would be able to do both.

Chairman Steiner stated that's what I'm wondering is if we tie these together.

Mr. Eckert stated I don't think you have as much flexibility under the CCNA, which is the Consultants Competitive Negotiation Act for you two to work together on that like you could with the landscape bidding. You may not get any proposals. I've had one recently where we had nobody bid, or you may get one or two. It's possibly you could pick different engineers. I don't think that would happen, but it's possible. Each district board is supposed to rank them in terms of their qualifications. Another board could see the qualifications differently than you do and because you can't deal with price at the stage where you rank them, we couldn't deal with price like we did on the landscaping. That is another reason why we couldn't coordinate as much.

Mr. Soriano stated in the past one year we did a joint meeting for the landscape RFP where two boards sat together. Would that make a difference, or do they still have to be done as two different RFQs?

Mr. Eckert responded my recommendation would be two different RFQs.

Chairman Steiner stated as I see it, the biggest impact of this will be the knowledge that we're losing. I've dealt with Peter for quite a few years, and I think he will be willing to work with us and whoever is chosen to replace them, but that legacy of information is going to be very difficult to maintain over a long period of time.

Mr. Eckert stated getting the documents transferred is not usually a problem, but getting the reason why you have a document, or the reason why there is no document, that is the stuff we

November 13, 2023

Middle Village CDD

lose. Peter has always been a very professional person to deal with and I'm pretty sure if I called him a year from now and said tell me what you know about this, he would tell me.

Chairman Steiner asked do we need to make a motion to start any activity at this point?

Mr. Eckert responded no, accepting the resignation is the first thing and in your agenda package at the next meeting will be the evaluation criteria that we will ask you to approve and authorize the advertisement. Unfortunately, we don't have those ready because this just came about. You can move the evaluation criteria in terms of the number of points you're going to put towards experience, towards personnel, etc. You have to make that decision and you have to make it before the proposals go out for advertisement because otherwise it looks like you're getting proposals in and you're establishing the criteria after you get the proposals, and you don't want to be accused of that. We're okay to wait until December.

Mr. Hicks asked what does RFQ stand for?

Mr. Eckert responded request for qualifications. When we go out for a landscape contract, we call it a request for proposals because we're asking them to give us a proposal based on their qualifications and price. Qualifications is just their qualifications, no mention of price.

On MOTION by Chairman Steiner seconded by Mr. Hicks with all in favor the resignation from England Thims & Miller as District Engineer was accepted.
--

C. District Manager

There being nothing to report, the next item followed.

D. Operations Manager

1. Memorandum

2. Update on Open Items (Gates, Nature Walk & Treadmills)

Mr. Soriano stated we have had a lot of community events this last month and we are coming up on a few more. In November we have a movie on the green at your sister district and then our virtual Turkey Shoot. The Turkey Shoot is a virtual run that lasts about a week. We have turkeys hidden throughout a trail and it's all done at your sister district. People can sign up and they take pictures when they find the turkeys and they email them to us. We have prizes and it's fun because it's easy to run and people can do it at their own pace. It starts the Saturday after the movie and runs through Thanksgiving week and then they have to have the pictures to us by

November 13, 2023

Middle Village CDD

the following Monday and we announce the winners by email. We also do a virtual run like this in the spring. Our next big event on your side is Cocoa with Clause. It will be a little different this year. It's going to be Cocoa with Andy Clause. Andy is our tennis pro, and he has a lot of friends and fans out here. Andy and I worked with the developers across the street, and he did a lot of the lifestyle events and things like that. This is something he volunteered to do, and it will make it a little easier. The last couple of years we've had concerns with making sure our Clause was healthy and there were no last-minute call-outs due to COVID, which did happen a lot. We changed it around, but it should still be a lot of fun for the families. I believe the date is December 14th. We usually hold it the Thursday right before the kids get out of school for Christmas. Our heaters have been turned on and tested and they are currently running. We are not running them full-time yet. We usually start right around Thanksgiving week, but it is warm now. The problem is we are getting some cold days. Once that weather changes too much, not only do we run the heaters, but we start using the covers. Last time we didn't have to do this until later in December. We will see how the weather works with us, but the problem with the covers is it helps our heater a lot and saves us money, but we have to pull them with sunlight, so we cut our operational hours so they can't come at 8:00 and swim anymore, which causes some issues. We only have a handful of swimmers and there are a few that would like to swim all hours of the day, so it creates an issue. I thought we were going to be warmer longer because of the hot summer, but it only took a couple cold days and that will really change the temperature of the water. We close for January and February, but I usually wait until January just to inform you guys that we're shutting the pool down and we turn the heaters way down. Then we leave the covers on until we're ready to open back up in March. I do have a couple of items to update you on. Our sidewalk is done if you've seen it. We do have a good amount of landscaping to do out there, but now we have to cut through. We are planting signs today to help everybody realize they are supposed to be walking around the building to check in and this next month we are going to start locking everything down. I do have a plan with staff to do it off and on so it's not going to be locked down tomorrow where everybody has to check in downstairs and that's it. There are going to be primetime hours where we're shutting down, so everybody starts to get the idea. During the day we may open it to allow people in, so they don't have too much of an inconvenience at first. Our biggest problem is going to be with our basketball players and our tennis players. They're so used to just going in and walking to their facilities. Now they have to

November 13, 2023

Middle Village CDD

go downstairs. Tennis has been warned for this last year, so even though we may get a few complaints, they know it's coming. Basketball, not as much. They've seen it coming, but they're not ones that stay in communication in the same way, so they're going to get a little more upset now that everybody has to come through. What we are going to get is a lot of people will no longer be able to play. We don't have a check-in station out there, so a lot of times what happens is if somebody checks in a guest, they bring their card and show us it's working, we can scan it and theirs beeps right, but they have five guests with them, I have no way of knowing whether they're out of guest passes or not. We do get those reports later, so I know how many people were brought, but if I see Johnny Smith has brought in 50 guests this year, there's no way for us to know it out there. We only know inside when we see that paperwork. This is going to change that so now they're only going to be able to bring so many guests with them throughout the year, or they have to pay more the same way you would when you're at the pools. We have informed tennis and last year before we started talking about putting the fence in place, Andy asked to create rates, which we did, to have guest passes and things like that added on to tennis where we've never had that before. So, they were prepared, and our pools have always done it, but now it's going to fall on the basketball court and that's where we're going to see more of the complaints coming from because that's a big difference out here.

Vice Chair Mifsud asked is that something we need to consider implementing and get in front of it?

Mr. Soriano responded if we see that many complaints if that's something we want to do, it would be a rate hearing. We have to put together some kind of idea like maybe they get cheaper guest passes. Right now, you can buy guest passes when you buy the big groups for as low as \$2 or \$3 an extra pass, but we would need to sell it somehow. My concern with doing anything different like giving them a discount is there's no way for me to strip them out, so if we sell it for \$20, that guest pass gets punched the same way when you're going here as there, so I think it's just going to be if you want to bring guests, the same way you do when you bring guests to the pool and you're constantly bringing guests and you run out of passes, then you have to pay for them. Years ago, we dropped the pricing of our guest passes also. It was only a \$60 pass that you could buy and that was all years ago. There are two types of passes now. There is a 10-pack and a 20-pack, so you can do a little bit at a time and make it cheaper if you want. We can always address it more if it causes a lot of complaints, but I think it's just going to be one of

November 13, 2023

Middle Village CDD

those things that they're just going to have to understand that's what happens at the pool and that's what is going to happen out there too. We will probably by the next meeting get a few of those complaints. To update you on the boardwalk, it did take us a little while to get our contractor in place. It's a small mom and pop company, so there were some concerns with insurance to get our agreement signed. They did get everything taken care of and they did start working a couple of weeks ago. If you've been out there, they've already done a big stretch. We gave them about a month to get done. I think they're going to make it. All the painting and little stuff may not be done on the railings, but all of the new boars will be laid. If they need more time to work, I told them we're lenient as long as there is communication there.

Mr. Hicks asked when did they start?

Mr. Soriano responded about two weeks ago. They were allowed to start on the 1st and I held them back just because of the concerns with their insurance. They didn't have employer liability on their COI, and we went back and forth because they have in their policy statements that they can have up to two employees, but the problem is their insurance wouldn't provide that on anything written, so I told them we just can't have any employees but them as owners can be out there working. They have to be covered to be out here working on our property. They understood, so they went to work.

Vice Chair Mifsud asked did the gate get replaced?

Mr. Soriano responded we do have the steel support that's going to go inside of the bar and we're going to move the hinge to a different location. They are aluminum poles, and somebody ripped the gate off the hinge. The hinges are heavy duty and it's basically a wide whole in that big four-inch post. There's not a great way to weld the aluminum to make it strong enough, so we're attaching it to the steel insert inside.

SEVENTH ORDER OF BUSINESS

Audience Comments / Supervisors' Requests

A resident stated last week at the adult pool the restroom was locked three times, three days. Especially on the weekends. Is it necessary to lock those in the evenings?

Mr. Soriano responded we used to keep them unlocked but the problem with it, especially as we get into the winter, is we do have some homeless people that hang out and when they find a facility unlocked, they camp out in there. We had some people there last year. Every now and then they will check the doors on this side and get in there. That one concerns me at the adult

November 13, 2023

Middle Village CDD

pool because if I have a swimmer back there, they are kind of by themselves. Luckily the couple of homeless people that have been caught and trespassed a couple times are relatively harmless, but safety-wise I just don't feel comfortable doing that so security locks it at night. Staff is supposed to unlock it in the morning. If they are forgetting, I will get on the janitors and maintenance crew. They are the first ones here, which creates problems if they're not unlocking it until about 7:00 or 7:30 and I have somebody here earlier. That is not a card access bathroom back there.

Chairman Steiner stated I just wanted to check with you on the gate locking. We're going to start adjusting S3 staffing?

Mr. Soriano responded yes; I will work with them this next week. We've already cut some areas back and they've gotten their guys to understand why. Eventually this contract is going to go to one security guard instead of two. By the time we lock down completely, probably after our next meeting, if we deal with a couple complaints I would say by the end of December or January we are going to be down to just one guard.

EIGHTH ORDER OF BUSINESS

Next Scheduled Meeting – December 11, 2023 @ 2:00 p.m. at the Plantation Oaks Amenity Center

Ms. Giles stated the next meeting is scheduled for December 11, 2023 in the same location at 2:00 p.m.

NINTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Marilee Giles
A38999D0FDC14F4...
Secretary/Assistant Secretary

DocuSigned by:
Michael Steiner
FEB7E92090414E7
Chairman/Vice Chairman