

**MINUTES OF MEETING
VILLAGE COMMUNITY
DEVELOPMENT DISTRICT NO. 7**

A Meeting of the Board of Supervisors of Village Community Development District No. 7 was held on Thursday, May 13, 2021 at 8:00 a.m. in the Savannah Regional Recreation Center, 1545 Buena Vista Boulevard, The Villages, Florida, 32162.

Board members present and constituting a quorum:

Jerry Vicenti	Chairman
Steve Lapp	Vice Chairman
Bill VonDohlen	Supervisor
Edward Coleman	Supervisor

Staff Present:

Kenny Blocker	Deputy District Manager
Carrie Duckett	Assistant District Manager
Mike Eckert	District Counsel
Barbara Kays	Budget Director
Mark LaRock	Purchasing Director
Bruce Brown	District Property Management Assistant Director
Brittany Wilson	Director of Technology & Board Support Services
Jennifer Farlow	District Clerk
Katie Evans	Assistant to District Clerk

FIRST ORDER OF BUSINESS: **Call to Order**

A. Roll Call

Chairman Vicenti called the meeting to order at 8:00 a.m. and stated for the record that four (4) Board Supervisors were present representing a quorum. Dennis Broedlin was absent.

B. Pledge of Allegiance

The Chairman led the Pledge of Allegiance.

C. Observation of a Moment of Silence

The Board and residents observed a moment of silence for those who have served our Country and community.

Chairman Vicenti inquired if Supervisor Broedlin has advised Staff about his lack of attendance at the past few meetings. Jennifer Farlow, District Clerk, advised that Supervisor Broedlin did advise Staff he would be in attendance for the April 8, 2021 meeting, but would have to verify if he replied that he would attend today's meeting. Chairman Vicenti inquired if Florida Chapter 190 provides an attendance requirement for Supervisors. Mike Eckert, District Counsel, stated that Florida Chapter 190 does not provide an attendance requirement, and advised that only the Governor has the authority to remove an elected official from a Board position, which occurs in only very rare occasions. The Board does have the ability to request that Supervisor Broedlin attend future meetings or resign from the Board; if that does not occur the Seat would remain vacant until the term expires.

Kenny Blocker, Deputy District Manager, advised that Staff would communicate with Supervisor Broedlin.

D. Welcome Meeting Attendees.

The Chairman welcomed the meeting attendees.

E. Audience Comments

David Robbins, District 12 Supervisor, introduced himself to the Board of Supervisors.

SECOND ORDER OF BUSINESS: Law Enforcement Quarterly Update

Mr. Blocker advised that Lt. Siemer of the Sumter County Sheriff's Office (SCSO) is not in attendance, but Staff will communicate with his office and request that he attend a future meeting.

CONSENT AGENDA:

Chairman Vicenti advised that a motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and no discussion will occur unless desired by a Board Supervisor or a member of the public.

<p>On MOTION by Steve Lapp, seconded by Bill VonDohlen, with all in favor, the Board took formal action on the following items included on the Consent Agenda:</p> <p>THIRD ORDER OF BUSINESS: Approval of the Minutes for the Board Meeting</p>
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held on April 8, 2021.

FOURTH ORDER OF BUSINESS: Approval of the Annual Renewal Agreements with Asphalt Paving Systems, Inc., Pavement Technology, Inc. and Tri-State Asphalt Corp. and authorized the Chairman/Vice Chairman to execute the Agreements.

FIFTH ORDER OF BUSINESS: Project Wide Monthly Invoice

Anne Hochsprung, Finance Director, stated that Staff is requesting the Board's approval to proceed with the payment of the District's June 2021 invoice for the Project Wide Fund (PWF) Maintenance cost allocation in the amount of \$107,210.

Vice Chairman Lapp advised that he is opposed to the motion to proceed with the June 2021 Project Wide Maintenance cost allocation, and reiterated that a request has been made to Staff to provide the Board with a more complete monthly accounting of costs, to include a listing of what maintenance has been completed to District 7 Project Wide infrastructure, which has not yet been provided. Mr. Blocker stated that at the April 8, 2021 meeting Staff provided the Board with the PWF expenditure line items, and at that time the Board advised that a review and direction would be provided to Staff at the April 30, 2021 Special Meeting; however, the Board cancelled the April 30, 2021 Special Meeting and that discussion has not yet occurred. Staff has included the rescheduling of the Special Meeting on the agenda for the Board's consideration.

Chairman Vicenti requested a breakdown of the total amount expended on District 7 PWF infrastructure annually. Mr. Blocker reiterated, that as was stated during the April 8, 2021 meeting, there are some expenditures; such as irrigation, which would be extremely difficult to provide an actual breakdown of those related costs. Once the Board completes its review direction can be provided to Staff.

On MOTION by Bill VonDohlen, seconded by Ed Coleman, with three (3) Supervisors voting "Aye" and Steve Lapp voting "Nay", the Board approved payment of the June 2021 invoice for the Project Wide Maintenance cost allocation in the amount of \$107,210.

FOURTH ORDER OF BUSINESS: VCDD No. 7 Legal Expenses – Hopping Green & Sams

Chairman Vicenti stated that the Board has been presented with the invoice for legal services with Hopping Green & Sams (HGS) for the month of March 2021 and requested a motion to approve.

Supervisor Coleman stated the elevated legal fees submitted by HGS make sense at this time, as the firm is being brought up to speed on District 7 related items. The Agreement for Legal Services between the District and HGS identifies Legal Counsel preparation and attendance at monthly meetings and Architectural Review Committee (ARC) meetings, but Board discussion has not occurred as to how additional matters would be tasked to the firm, and believes that should occur.

Chairman Vicenti stated he believes that this would be an appropriate item for the Board to discuss at the Special Meeting. HGS attendance in-person at the ARC meetings was a cost of approximately \$2,000 per month. Mr. Eckert advised that weekly review of the ARC applications and attendance, via telephone, is approximately one hour and would recommend against in-person attendance. Chairman Vicenti stated he would suggest that the Board consider whether HGS completing the weekly review of the ARC applications or attendance at the ARC meetings via telephone is necessary, or if HGS should only complete a review of an item if an appeal is brought before the Board. Mr. Eckert stated that he would recommend the weekly review of the ARC applications occur; there are typically five (5) to eight (8) applications weekly, and if any problematic applications are identified, he would communicate the concerns with Staff.

Vice Chairman Lapp stated that when he previously served on the ARC, 99% of the applications that come before the Committee were routine, and does not believe weekly attorney review is necessary. If the ARC does deny an application the resident has the option to appeal, and at that time the attorney should become involved in the process.

Supervisor VonDohlen suggested that the Board not have legal counsel attend the weekly meeting via telephone, on a trial basis. Should an issue arise with this process, the Board can change its direction. Supervisor Coleman concurred.

Carrie Duckett, Assistant District Manager, requested clarification that if the ARC requests legal guidance on a District 7 application, that the Board is directing the ARC to deny the application, and the resident would then re-submit the application once legal clarification is provided. Ms. Duckett stated that this would result in a delay of two (2) weeks for the application to be brought back before the ARC,

and it would not be Staff's recommendation to eliminate HGS from attending the weekly ARC meetings via telephone.

Mr. Eckert suggested that HGS continue the weekly review of the District 7 ARC applications, and should there be an application that appears could be an issue, HGS will communicate the issues with Staff.

Ms. Duckett stated that Staff would then relay the information provided by HGS to the ARC, but Staff will not discuss any such issues with the ARC.

Following discussion, the Board provided direction that for a month long trial basis, HGS will no longer attend weekly ARC meetings via telephone or in person; HGS will complete a weekly review of the District 7 ARC applications and if any issues/potential issues are identified those will be communicated with Staff and HGS will attend that specific meeting via telephone.

On MOTION by Bill VonDohlen, seconded by Steve Lapp, with all in favor, the Board authorized the payment to Hopping Green & Sams for legal services rendered during the month of March 2021 in the amount of \$10,848.63.
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SEVENTH ORDER OF BUSINESS: Old Business Status Update

Mr. Blocker provided an update on the following Old Business Status Update items:

- Correspondence with the Sumter Landing CDD (SLCDD) Board: This item will remain on the Old Business Status Update at the request of the Board.
- Provide Board with monthly PWF expenses for District 7: The Board will review this item during the upcoming Special Meeting and provide direction to Staff.
- Board participation in District procurement process: This item will be discussed during the upcoming Special Meeting.
- Provide Board with copy of Management Services Agreement: A copy of the Management Services Agreement was provided to the Board via email on April 8, 2021.

EIGHTH ORDER OF BUSINESS: Board Discussion: Reschedule Special Meeting

Chairman Vicenti stated that two (2) major purposes for the Board to hold the Special Meeting was to provide direction to District Counsel as it pertains to the Project Wide Fund (PWF) and other issues. Chairman Vicenti advised that he prepared an agenda for the upcoming meeting to provide a foundation of what topics are to be discussed.

Following review of the Supervisors', District Counsel's and District Staff's schedules, the Board requested that the April 30, 2021 Special Meeting be re-scheduled to Monday, May 24, 2021 at 2:00 p.m. Jennifer Farlow, District Clerk, advised that Staff will confirm availability of the Savannah Recreation Center.

Chairman Vicenti provided the Board with a copy of the proposed agenda for the upcoming Special Meeting and requested that the Board review the Third Amended and Restated Interlocal Agreement to provide Project Wide Maintenance and submit any suggested revisions.

Supervisor VonDohlen advised the Board that he has completed his review of the Third Amended and Restated Agreement and provided the Board with a copy of his comments, concerns and suggested revisions.

Mr. Blocker advised that Staff has confirmed the availability of the Savannah Center on Monday, May 24, 2021 at 2:00 p.m. to hold the Special Meeting.

Mr. Eckert requested that any additional comments that the Supervisors have be provided in advance of the meeting so that revisions can be completed to the agenda, if necessary.

On MOTION by Bill VonDohlen, seconded by Steve Lapp, with all in favor, the Board re-scheduled its Special Meeting to Monday, May 24, 2021 at 2:00 p.m. to be held at the Savannah Regional Recreation Center.

NINTH ORDER OF BUSINESS: Case No. D7 vs. Earl Behringer, 2196 Pilar Place

- A. District Counsel Overview of Public Hearing Process
- B. Swearing-In of Those Providing Evidence/Testimony

Ms. Farlow administered the swearing-in of those individuals providing evidence or testimony in this case.

- C. Open Public Hearing

Chairman Vicenti opened the Public Hearing at 8:51 a.m.

D. Staff Presentation of the Facts

Candy Dennis, Community Standards Manager, advised the Board that Case No. D7-02-21, Village Community Development District (VCDD) No. 7 vs. Earl Behringer, 2196 Pilar Place, Unit 801, Lot 9 is a violation of the District's Rule to Bring About Deed Compliance and specifically the rule that states: "No Owner other than the Declarant or his transferees shall make any structural alteration or shall undertake any exterior repainting or repair of, or addition to his residence which would substantially alter the exterior appearance thereof, without the prior written approval of the plans and specifications therefore by the Declarant or an architectural review committee appointed by the Declarant." Ms. Dennis advised that on February 24, 2021 a complaint was received regarding a birdcage and concrete not being in accordance with ARC Application #81979. On February 24, 2021 the violation was verified and a Deed Restriction Reminder was written. After following the Procedures for Compliance of External Deed Restrictions, a Notice of Public Hearing was sent regular mail and certified mail on April 5, 2021. Staff communicated with the owner and was advised he had retained a law firm to represent him. District Counsel and the owner's attorney discussed the case and the owner has admitted he is violation, and has indicated that the property would be brought into compliance. Ms. Dennis advised that it is Staff's recommendation that the Owner has submitted a new ARC Application that will be reviewed by the ARC on May 19, 2021 to remove a portion of the concrete that is closer than two (2) feet from the property line and Continue Case No. D7-02-21 in progress until June 10, 2021 meeting to provide the Owner the opportunity to get a revised approval from the ARC on May 19, 2021, and subsequently bring the property into compliance.

Chairman Vicenti inquired what action would be taken if the owner did not bring the property into compliance. Mr. Eckert stated that the Board taking the action to continue the case will provide the owner the ability to obtain ARC approval; if ARC approval is not obtained the Board will have the ability to take formal action.

E. Owner/Interested Party Presentation

Don Wagner, 2202 Pilar Place, stated that he addressed the Board in 2020 regarding drainage concerns that have occurred on his property as a result of the concrete that was installed by the property owner of 2196 Pilar Place. Mr. Wagner stated that in the month of December 2020 the ARC approved

the construction of a birdcage on this property, but the construction that was completed was not done per the plans that were submitted and approved by the ARC. Communication was made with the Community Standards Department, and following review of the property, a Deed Violation Reminder was written; however, the property has not yet been brought into compliance. Mr. Wagner expressed concern that the villa is in the process of being sold, and that a new owner would not be aware that violations existed.

Mr. Eckert stated that the issue presented before the Board is that the concrete is less than two (2) feet from the wall and that the birdcage is larger than it should be and needs to be reduced in size for the property to be brought into compliance. Mr. Eckert stated that he communicated with the property owner's attorney and was advised that the new application would be presented to the ARC on May 19, 2021 and once approved, the repairs will be made to bring the property into compliance. Mr. Eckert stated that as it pertains to the property being sold with possible violations, those are legal issues that would have to be addressed between the buyer and seller. The recommendation for the Board to continue the case for 30 days is addressing the violation in the most efficient and cost effective manner possible.

Vice Chairman Lapp inquired if the additional concrete that was poured would also need to be removed. Mr. Eckert confirmed that the additional two (2) feet of concrete that was not approved as part of the ARC would need to be removed to bring the property into compliance.

Supervisor Coleman inquired if there is a proposed completion date for the violation to be brought into compliance. Ms. Dennis stated that the property owner has indicated that he has a contractor ready to start the project, once he receives ARC approval, and has indicated the work would be completed by May 31, 2021.

F. Close Public Hearing

Chairman Vicenti closed the Public Hearing at 9:15 a.m.

G Board Discussion/Determination

<p>On MOTION by Steve Lapp, seconded by Bill VonDohlen, with all in favor, the Board continued Case No. D7-02-21 Village Community Development District No. 7 vs. Earl Behringer, 2196 Pilar Place, Unit 801, Lot 9 in progress until the June 10, 2021 meeting to provide the Owner the opportunity to get a revised approval from the Architectural Review Committee on May 19, 2021 and subsequently bring the property into compliance.</p>
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TENTH ORDER OF BUSINESS: DPM Monthly Report

The DPM Monthly Report was provided to the Board as information.

ELEVENTH ORDER OF BUSINESS: Financial Statement

The Financial Statement as of March 31, 2021 was provided to the Board as information.

Supervisor VonDohlen stated that the District's investable balances are invested in the best possible investments to gain the most interest during this fluctuating market.

TWELFTH ORDER OF BUSINESS: District 7 Budget Workshop

Mr. Blocker provided a reminder that the District 7 Board will hold a Budget Workshop on Tuesday, May 18, 2021 at 11:00 a.m. at the Savannah Regional Recreation Center.

TWELFTH ORDER OF BUSINESS: District Management Reports

A. COVID-19 Update

Mr. Blocker advised that District Management continues to follow the guidance set forth by the Centers of Disease Control and Prevention (CDC) and the local Health Departments and will be reviewing the utilization of the recreation centers and re-opening of the District Offices to identify when District facilities can resume 100% occupancy and is reviewing the Executive Orders recently issued by Governor DeSantis.

THIRTEENTH ORDER OF BUSINESS: District Counsel Reports

A. Legislative Update

Mr. Eckert provided the Board with a copy of Capitol Conversations which provides the Districts served by HGS weekly updates of the legislative process. This is the "End of Legislative Session" edition and provides an overall summary. Mr. Eckert stated that the State Legislature and the Governor have approved what is referred to as the COVID Bill, which provides a one year statute of limitations on claims from individuals against local governments and businesses who claim they were exposed to COVID-19 at a business or local government as a result of that local government's negligence. The Bill provides a very comprehensive level of protection for local governmental entities and puts a very high

burden of proof on the individual attempting to prove that they did contract COVID-19 at a specific governmental entity or business, which will assist to encourage governmental entities and businesses to open up to 100% occupancy.

Mr. Eckert provided an update on the following Bills that will impact the District:

- CS/CS/CSHB1103 will require new reporting requirements by Special Districts in the annual audits as it pertains to the number of employees and total compensation; number of independent contractors and total compensation, all construction projects that exceed \$65,000, reporting of budget variances that required a budget amendment and assessment tables/levels and bonds outstanding.
- CS/HB35 will allow Special Districts the option to publish certain notices electronically, including meeting notices, on a newspaper website; however, HGS is in the process of analyzing whether this would be a cost effective option for a District, because of the newspaper advertising requirements that remain.
- SB 922 authorizes Special Districts to waive certain postsecondary educational requirements for veterans and would require the District to develop a written veterans' recruitment plan.
- CS/SB 400 will prohibit local governments from filing declaratory actions in response to an individual's request for public records request.
- CS/SB 378 increases the statutory late penalty interest for public entities that wrongfully withhold payment to a contractor from 1% to 2% per month.
- CS/CS/SB 44 expands the use of certain types of drones by political subdivisions, including Special Districts, for assessment of damage due to a natural disaster.

Mr. Eckert responded to Supervisors' inquiries.

Vice Chairman Lapp inquired if the limitation on impact fees passed. Mr. Eckert stated that the legislation did pass and limits impact fee increases to 12.5 % on an annual basis and 50% on a four (4) year basis. Mr. Eckert advised that he would provide the Board with a copy of the Bill.

ELEVENTH ORDER OF BUSINESS: Supervisor Comments

There were no additional Supervisor Comments.

TWELFTH ORDER OF BUSINESS: Adjourn

The meeting was adjourned at 9:14 a.m.

On MOTION by Bill VonDohlen, seconded by Steve Lapp, with all in favor, the Board adjourned the meeting.

Richard J. Baier
Secretary

Jerry Vicenti
Chairman