

The Board of Sumter County Commissioners (BOCC/Board) convened in a special called session and workshop meeting on Tuesday, February 16, 2021, at The Villages Sumter County Service Center in Wildwood, Florida with the following members present to wit: Gary Search, District No. 1; Doug Gilpin, District No. 2; Craig Estep, Vice Chairman, District No. 3; Garry Breeden, Chairman, District No. 4; and Oren Miller, 2nd Vice Chairman, District No. 5. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; Caroline Alrestimawi, Deputy Clerk; and Jennifer Rey of The Hogan Law Firm, Attorneys for the Board. Commissioner Breeden called the meeting to order at 7:00 p.m. The complete audio recording of this meeting is available on the Clerk's Website - [www.sumterclerk.com](http://www.sumterclerk.com).

**1. Proclamation Recognizing February 2021 as Florida Healthy Teen Relationship Month**

Darla Huddleston and her colleagues were present to accept the Proclamation. Commissioner Miller thanked Ms. Huddleston for what she does and for giving him the opportunity to visit her facility. Commissioner Miller further noted that the children and teenagers of Sumter County are much better off with Ms. Huddleston and her colleagues' efforts. The other Commissioners also thanked Ms. Huddleston and her colleagues.

2-16-21-1

**2. Public Forum**

The following individuals spoke during Public Forum:

*(Clerk's Note: Addresses and names are compared with the Property Appraiser's website to ensure they are as accurate as possible. The general topic that each individual spoke on is in parentheses beside their name and address. It is further noted that the majority of individuals spoke regarding the Voluntary Road Impact Fee Agreement so it will be further noted if those individuals were against or in support of that Agreement, if their position is apparent.)*

1. Bryant Fulgham, 121 W Central Ave, Bushnell (past mileage rate increase);
2. Dan Warren, 3087 Bureau Path, The Villages (against the Voluntary Road Impact Fee Agreement);
3. Phil Montalvo, 1943 Rahilly Rd, The Villages (in support of the Voluntary Road Impact Fee Agreement);
4. Debora Butterfield, 2421 Littlestone Ter, The Villages (in support of video streaming Board Meetings, concerns regarding the Voluntary Road Impact Fee Agreement);

Agreement);

5. Joan Pike, 3229 SE 20th Ln, Sumterville (against the Voluntary Road Impact Fee Agreement);
6. Liz Roberts, 3164 SE 23rd Pl, Sumterville (in support of working with the Developer, in phases depending on square footage);
7. Sherry Duval, 2958 Luraville Rd, The Villages (questions regarding road impact fees);
8. Bryan Lifsey, 2702 De La Rosa St, The Villages (against the Voluntary Road Impact Fee Agreement);
9. Andrew Bilardello, 5562 Malachite Ter, The Villages (in support of the Voluntary Road Impact Fee Agreement);
10. Don Wiley, 3503 Vail Ct, The Villages (against continuing to delay a decision regarding road impact fees);
11. Marilyn Iskra, 815 Regal Manor Ln, The Villages (in support of the Voluntary Road Impact Fee Agreement);
12. Susan Ridgeway, 3775 Wine Palm Way, The Villages (past tax increase, Regional Road Agreement, The Villages Technology Solutions Group Contract, against the Voluntary Road Impact Fee Agreement); and
13. Gilbert Windsor, 2354 Bramble Ter, The Villages (Regional Road Agreement and against the Voluntary Road Impact Fee Agreement).

### **3. Video Streaming Of Board Meetings (For Direction)**

The idea of video streaming the Board meetings was a topic shared at a prior special called meeting. Ms. Gloria Hayward, Clerk of Courts, provided the attached memo regarding this topic. Ms. Hayward is responsible for the records management of the Board's meetings (minutes, audio, and documents of the meeting). In the attached memo, Ms. Hayward discusses that the meetings would need to take place in a permanent county-owned facility with adequate Wi-Fi and the capability to install and secure video equipment. Additionally, staff with video production skills would be needed. The Commissioners discussed the possibility of moving the meetings back to the Sumter County Courthouse or the Fairgrounds. However, Mr. Arnold mentioned sound quality being a possible issue. Ms. Rey also provided comments regarding ADA compliance requiring good quality sound, as mentioned in the memo. The Commissioners directed Mr. Arnold to get more information regarding viable solutions.

2-16-21-3

**4. Public Works Department Update (For Information Only)**

Mr. Arnold went through some key points from the attached presentation.

2-16-21-4

**5. Sumter County Related FDOT Projects and FDOT Funding For County Projects (For Information Only)**

Sumter County participates in the Lake-Sumter Metropolitan Planning Organization (LSMPO) for the long-range and short-range funding planning of the use of Florida Department of Transportation (FDOT) allocation of funding for both state road facilities as well as for major local road facilities. This planning process is required for the County to receive local state grants for the priority projects in the plan that may require local matching funds. Their website hosting their documents can be found at <http://www.lakesumtermpo.com/>. Attached are two documents related to Tier 1 and Tier 2 funding for the List of Priority Projects (LOPP) that will be used for this portion of the presentation of upcoming large FDOT and FDOT partnering projects.

2-16-21-5

**6. Update on The Villages Companies Regional Road Agreement And Its First Two Amendments (For Information Only)**

Mr. Arnold provided an update on the regional road construction and acceptance of the regionals roads below:

1. Corbin Trail Phase 1 was removed from the agreement.
2. Fenney Phases were removed from the agreement.
3. Corbin Trail Phases 2, 3, and 4 were accepted by the BOCC along with the right-of-way deeds for the one-year warranty period. An inspection including a re-survey by CCTV of the stormwater system in the right-of-way will occur two months before the end of the warranty period. These phases were completed under the estimate and under the approved budgets at \$1,602,555 and payable after five years from the start of construction invoicing for each phase (FY 22/23-23/24).
4. Marsh Bend Trail Phases 1, 2, 3, and 4 were accepted by the BOCC along with the right of- way deeds for the one-year warranty period. An inspection including a re-survey by CCTV of the stormwater system in the right-of-way will occur two months before the end of the warranty period. These projects were under the estimate and adopted budget at \$5,149,801 and payable after five years from the start of construction invoicing for each phase (FY 22/23-24/25).
5. The final phase of Marsh Bend Trail from Phase 4 to US 301 is under design and permitting and not submitted for County approval. This project will be part of the 5-year payable plan from the start of construction invoicing (FY 25/26).

6. Morse Boulevard Roundabout at Warm Springs Avenue was accepted by the BOCC along with the right-of-way deeds. An inspection including a re-survey by CCTV of the stormwater system in the right-of-way will occur two months before the end of the warranty period. This project was under the estimate and constructed below the approved budget at \$2,422,347 and payable after five years from the start of construction invoicing (FY 23/24-24/25).
7. Morse Boulevard Phase 10 (from the Morse Roundabout to Meggison Road) was accepted by the BOCC along with the right-of-way deeds, and the one-year warranty started. An inspection including a re-survey by CCTV of the stormwater system in the right-of-way will occur two months before the end of the warranty period. This project was under the estimate and constructed below the approved budget at \$3,264,649 and payable after five years from the start of construction invoicing (FY24/25).
8. Meggison Road (all phases from SR 44 to the Lake County line) is in the final phase of the punch list review and planned for acceptance at an upcoming Board meeting along with the associated right-of-way deeds. The total of all phases is projected to be under the estimates and approved budgets at \$27,009,492 and payable after five years from the start of construction invoicing (FY 23/24-25/26).
9. The section of Warm Springs Avenue from the Turnpike to the Morse Boulevard Roundabout Phase is in the final phase of the punch list review and planned for acceptance at an upcoming Board meeting along with the associated right-of-way deeds. The total for this project is projected to be under the estimate and approved budget at \$2,145,212 and payable after five years from the start of construction invoicing (FY 24/25-25/26).
10. Bexley Phase 1 (from Meggison Road to the future bridge over the Turnpike), as part of the 2nd Amendment, received approval for a project amount of \$1,543,233.52 and is under construction. The repayment for this phase will be 15 years from the start of construction invoicing (FY 34/35).
11. The bridge connecting Bexley across Turnpike is pending design approval by the Turnpike and pending adoption of the "443990-1 Bailey Rd. Bridge Replacement (Sumter Co.) Project Funding Agreement" between Sumter County and Florida's Turnpike. The draft agreement from the Turnpike arrived the afternoon of 2/11/2021 for review and future placement on the Board's agenda for approval. The project budget has not been submitted for review and approval. The repayment for this project will be 15 years from the start of construction invoicing (FY 36/37).
12. The balance of Bexley from the bridge crossing the Turnpike to Corbin Trail has not been submitted for design review or project budget approval.
13. The next phase of Corbin Trail from Corbin Trail 4 to Bexley has not been submitted for design review or project budget approval.
14. The next phase of Corbin Trail from Bexley to Central Parkway has not been submitted for design review or project budget approval.
15. Central Parkway (fka C-470) from in front of the Federal Prison to the Lake County Line was received at the 30% design phase for realignment and widening concept approval. The construction drawings are now at 90% completion for the section of Central Parkway from the Federal Prison to a new roundabout at Marsh Bend Trail.

- No project budget has been submitted for review and approval. This project will be on a 15-year reimbursement plan from the start of invoicing from the construction.
16. Road A (Landstone Parkway) is at 90% design following the 30% alignment drawings for its phase 1. No project budget has been submitted for review or approval. This project will be on a 5-year repayment process from the start of the construction invoicing.
  17. The balance of Road A (Landstone Parkway), Road B (Bexley Trail), and Road C (McNeill Drive) is on unknown schedules; however, based on the pace of construction and current demand for The Villages® Companies products, I am estimating that the balance due for reimbursement could be as early as FY 34/35 as they are on the 5-year reimbursement plan from the start of invoicing from the construction.

There are projects that Sumter County is designing and will bid for construction and listed with the Regional Road Agreement:

1. Buena Vista Boulevard from the intersection of SR 44 to the roundabout at Meggison Road is at 95% design stage and completing the final environmental permitting process that is linked with the right-of-way acquisition process for Sovereign State Submerged Lands (SSSL). A portion of the parcels required for right-of-way acquisition that are clear of the SSSL issue is finalizing the legal descriptions for the purpose of right-of-way exhibits for the next step of appraisal development. It is planned that the right-of-way acquisition will commence in April 2021. The funds for this project were from the gas tax-backed bond financing.
2. CR 525E from US 301 to CR 525E west of CR 525 is starting construction for the portion not associated with the work to be performed by CSX. This project involves a realignment and staging for the future four-lane facility and the four lanes across the CSX railroad. The funds for this project were from the gas tax-backed bond financing.
3. Marsh Bend Trail (fka C-501) from Corbin Trail to Central Parkway (fka C-470) is prepared to move forward with the design of a two-lane segment between the four-lane segment at Corbin Trail to the four-lane segment associated with the roundabout planned in the Central Parkway project. Once designed, the intent is to pursue a 50/50 grant from the state called a County Incentive Grant Program for the improvement and widening. The changed requirement for the full section to be four-laned reduced the estimated cost of the project from \$25,000,000 to \$5,000,000 and less local requirement if the 50/50 grant is approved.

2-16-21-6

## **7. Cash Flow Analysis and Draft Budget Amendment (For Direction).**

The Regional Road Agreement obligates the gas taxes; however, the timing of work also impacts the cash flow requirements that can outpace the generation of gas taxes and road impact fees. As projects come under the estimates and the approved project budgets, the future reliance on other revenue sources such as the General Fund declines. The heavy

consumption of gas taxes and road impact fees limits these revenues to pursue other road capacity and road maintenance projects. Before the regional road agreement was approved, the demand for the use of gas taxes to meet road maintenance exceeding those revenues, and the General Fund was used to support road projects. Attached is a proposed budget amendment utilizing the excess cash balance forward in the Secondary Trust Fund and the General Fund to first defray as much future General Fund support for the agreement, support additional projects that can achieve grant support (a local match is required), and the balance for supporting the implementation of the methodology of the pavement management program. Attached is Fund 106 assuming the draft budget amendment was adopted. Attached is a graphic of the cash flow requirements if the agreement obligations were due in FY 34/35. The Commissioners provided comments on this item. Commissioner Miller specifically mentioned CR-477 being at the top of his list for the discretionary money. The Commissioners provided direction to place the budget amendment on the agenda for the next meeting.

2-16-21-7

**8. Resolution To Amend And Correct An Error In Closing And Vacating Right Of Way Or Easement Upon The Petition By Eugene And Charlene Cason (Staff Recommends Approval).**

A public hearing was held on March 16, 1993, to vacate a public right-of-way on petition of Eugene and Charlene Cason. The legal description contained inadvertent errors in a portion of the legal description for the right-of-way to be vacated. These errors were recently discovered, and adoption of this resolution is necessary.

2-16-21-8

**Commissioner Search moved, with a second by Commissioner Miller, to approve Resolution 2021-08, amending and correcting an error in closing and vacating right of way or easement upon the petition by Eugene And Charlene Cason. The motion carried 5 - 0.**

**9. Voluntary Road Impact Fee Increase Agreement (Staff Recommends Approval).**

As part of the Board's direction, Mr. Arnold explored alternative approaches to increasing the road impact fee. The Villages® developer and Mr. Arnold discussed an alternative approach used in the past between Sumter County and The Villages® developer. They viewed the approach as worth considering. Mr. Arnold received a cover letter and voluntary agreement to increase the age-restricted detached dwelling use road impact fee on The Villages® development today. This alternative approach aligns with some of the comments made by Board members during the open meetings as a desire to have the ability to target a use for an increase without impacting the other uses in the road impact fee schedule. The County Attorney provided the legal memorandum that the Board cannot accomplish that desire through the ordinance fee schedule process; however, the County Attorney views the voluntary and contractual approach as a legal means of accomplishing this desire.

If approved, this agreement resolves the issue regarding impact fees. If it is not approved, then Mr. Arnold will continue his analysis of the benefits/impacts of raising the fee schedule at varying degrees across the uses in the fee schedule for your July workshop.

The cover letter indicates a desire to partner with the Board to accomplish the Board's goals without adversely impacting the economic development diversification of the community as adopted as a strategic goal of the Board. The basics of the agreement are as follows:

1. The age-restricted residential-detached dwelling fee voluntary increases from \$972.00 to \$1,372.00 for The Villages® development effective May 1, 2021, through October 22, 2024. In the last twelve months (2/10/2020 to 2/10/2021), there were 2,413 age-restricted detached dwellings permitted an average of 201 units per month. The low estimate range of revenue increase from this voluntary agreement would be \$400 per unit x 1,200 units (100 units per month) = \$480,000 per year or \$1,680,000 for the duration of the contract. The most recent twelve months could be considered the high estimate range of revenue increase from this voluntary agreement would be \$400 per unit x 2,412 (201 per month) = \$965,800 per year or \$3,376,800 for the duration of the contract. Please note that this is a highly conservative estimate since the last twelve month's activity was during the current pandemic.
2. The Board agrees to not increase the road impact fee for the duration of the agreement. The Board agrees to not impose any other impact fee. The Board agrees to abandon the agreement should a competitor for age-restricted detached dwelling units for a development of 500 units or greater pull the first building permit for one of these units.
3. The duration of the agreement is connected with the duration of the adopted road impact fee study or any of the termination provisions noted in #2 above.

Commissioner Estep thanked Mr. Arnold for bringing this alternative opportunity to the Board, as well as Dr. Gary Lester for submitting this contract. However, Commissioner Estep has concerns regarding this contract. Commissioner Estep believes the amount of increase is insufficient to show support to all of Sumter County taxpayers that are currently carrying additional costs that should be borne by new development. Commissioner Estep also believes that additional restrictions identified in item 2 of the Executive Summary places the BOCC in an untenable position, which may remove the flexibility of the Board to be able to meet the needs of its constituents. Commissioner Search thanked Mr. Arnold and staff for their work done regarding road impact fees. Commissioner Search does not agree with the stipulations of termination, especially the stipulation that if the bill is unpaid, the contract is terminated. Commissioner Search agrees with Commissioner Estep on the proposed rate being too low and that this agreement would limit the Board for the duration of the agreement. Commissioner Miller also agrees with Commissioner Estep. Per Commissioner's Miller's math, this agreement would benefit taxpayers approximately \$12.12 per year in a real estate tax cost deduction, which he feels is not enough.

Commissioner Estep requested that Mr. Arnold prepare an Impact Fee Comparison document similar to the one that the Board had previously been provided by the Economic Development Director. This document would contain but not be limited to 5% increments in the Tindale Oliver report from the current 40% mark on page 23 of that report to the 100% mark. Each 5% mark delineating their marketability as highly competitive, competitive, comparable, and not comparable. These benchmarks will be compared against the total impact fees for all contiguous counties. Sumter County currently only utilizes road impact fees for new development. Other counties may have multiple comprehensive impact fees that will have to rolled together and then considered. Upon delivery of the prepared impact fee comparison, the wish is for the impact fee issue to be placed on the first workshop date for discussion and to set a future public hearing, which may be earlier than the original discussed timing of July 2021.

2-16-21-9

**Commissioner Estep moved, with a second by Commissioner Search, to approve rejecting the Voluntary Road Impact Fee Increase Agreement. The motion carried 4 - 1. Commissioner Gilpin voted Nay.**

Commissioner Search asked to look into a policy as a Board, which would allow questions during Public Forum to be answered if possible or if not immediately possible, ensure that individual knows that someone will be getting back to them. Commissioner Breeden agreed with Commissioner Search and asked Mr. Arnold to look into a short unofficial policy to satisfy the request.

Commissioner Gilpin commented that there has been a lot of misinformation regarding impact fees and the past increase in taxes. Commissioner Gilpin further commented that there are not many individuals who relocated to Sumter County and are experiencing higher taxes than where they previously lived. Commissioner Gilpin also spoke about Sumter County being the oldest county in the United States, which presents a challenge for economic development.

**10. State Of Emergency Declaration Extension (Staff Recommends Approval).**

2-16-21-10

**Commissioner Estep moved, with a second by Commissioner Search, to approve the Local State Of Emergency Declaration Extension. The motion carried 5 - 0.**

Commissioner Miller asked if the IT Contract could be put out to bid. There was not consensus to put the IT contract out to bid at this time, due to contractual obligations. Mr. Arnold will have to double check but he believes the contract is up in 2022. The intention is to put the IT contract out for request for qualifications as the end of the current contract term nears. Commissioner Gilpin noted that the current IT for the County does a phenomenal job. Commissioner Search agreed with Commissioner Gilpin but feels it is always good for public transparency to put items out to bid. Commissioner Estep agreed with Commissioner Gilpin and Commissioner

Search. Commissioner Estep also noted that when we enter into a contract, we need to honor that contract and see it through.

Commissioner Miller also voiced that he would like an animal advocacy group to be put together because there is too much animosity between Animal Services and the animal advocates in Sumter County. Commissioner Miller suggested the following individuals be involved in the group: Stephen Kennedy, Monica (no last name provided), Angie Fox, Kim Pruitt, and Karen Taylor with Commissioner Search as a mediator. Commissioner Gilpin stated that there might be legal concerns regarding the group idea. Commissioner Breeden asked if there was consensus for this group. Commissioner Gilpin and Commissioner Breeden were both opposed to the group. Commissioner Breeden then asked if this item should go on an agenda for a vote. Commissioner Estep would like to see the idea come up in a workshop first, as he is unsure if doing more than has already been done through resolution is warranted. Commissioner Breeden asked Mr. Arnold to meet with Commissioner Miller regarding this group to make an outline on how the group would work to better understand what is being proposed. Mr. Arnold noted that Animal Services will be discussed at the workshop on May 4, 2021. Mr. Arnold further noted that the advocacy group component and the names that Commissioner Miller listed has an associated Sunshine Law conflict. During a meeting between Mr. Arnold and Commissioner Search, Commissioner Search relayed a conversation with Angie Fox, which was advocating for this same solution to be presented to the Board. Following that meeting, Mr. Arnold received a directive email from Commissioner Miller regarding doing this advocacy group with Commissioner Search. This situation, witnessed by Mr. Arnold, indicates that Angie Fox is a conduit of communication between two commissioners, which is in violation of the open meetings law. Since Mr. Arnold has become a witness to this violation, there is now an ethics issue. The Board may want to postpone any such group with the named individuals, in case someone files this violation and an investigation occurs. Mr. Arnold further stated that the advice of the County Attorney was to disclose the situation at this workshop, which is the reason for Ms. Rey's presence. The County has an obligation to the Board, as a whole, and the County supports each individual Commissioner. However, the described action puts the Board in jeopardy related to any vote made in violation of the open meetings law. Thus, this particular idea of an animal advocacy group is tied to an open meetings law violation and Mr. Arnold suggests not taking any action on the group until this issue has been resolved. Therefore, no action was taken regarding the advocacy group at this time.

## **11. Adjourn**

The meeting adjourned at 8:47 p.m.