

**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

May 28, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a special session in Commission Chambers at 10:05 a.m. on Tuesday, May 28, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN MICHELLE STONE

Chairman Stone advised that the public hearing was scheduled this morning to consider adoption of a Resolution authorizing a per parcel unit assessment for Lake Weir Gardens, Lake Weir Gardens Replat Block 1, Belleview Oaks Estates, Pinewood Estates, W.C. Jordan Subdivision Unit #3, and Survey for Edward M. Reeves Improvement Area.

The Deputy Clerk was in receipt of a 323 page Agenda packet.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

ROLL CALL

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Vice-Chairman Kathy Bryant, District 2; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3. Commissioner Carl Zalak, III, District 4, arrived shortly after the meeting commenced. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Ketner presented Proof of Publication of Display ad No. 10099125 entitled, "Notice of Hearing to Impose and Provide for Collection of Special Assessments in the Lake Weir Gardens Improvement Area" published in the Star Banner Newspaper on April 29, 2024. The Notice states the Board will consider the creation of the Lake Weir Gardens Improvement Area and imposition of special assessments for the construction of road improvements.

STAFF PRESENTATION

1. PUBLIC HEARING to Consider Adoption of a Resolution Authorizing a Per Parcel Unit Assessment for Lake Weir Gardens Improvement Project and Award Bid: 24B-085, Lake Weir Gardens Improvement Area - C.W. Roberts Contracting, Inc., Ocala, FL

Municipal Service Taxing Units (MSTU) Director Chad Wicker presented the following recommendation:

Description/Background: The proposed project consists of approximately 6.03 miles of County maintained paved roads within Lake Weir Gardens, Lake Weir Gardens Replat Block 1, Belleview Oaks Estates, Pinewood Estates, W.C. Jordan Subdivision Unit #3, and Survey for Edward M. Reeves Improvement Area. The project includes, but is not limited to, resurfacing of roads using the reclamation

process, driveway preparation, and clearing and grubbing of the right-of-way. It also includes temporary striping, thermoplastic final striping and stabilizing of all areas disturbed during construction.

Construction cost for this project is \$1,898,597 with the per parcel unit assessment at \$4,887.09 before being bonded annually. For the Board's consideration is either a 10-Year Assessment Period with an annual payment of \$683.15 totaling \$6,831.50 per parcel unit or a 15-Year Assessment Period with an annual payment of \$518.33 totaling \$7,774.95 per parcel unit.

This is a FY 2021-22 PCI-based road improvement project. This was approved at the June 21, 2023 workshop to move to the design phase. The Initial Resolution was adopted on May 7, 2024.

On behalf of MSTU, Procurement advertised Bid 24B-085 seeking experienced and qualified contractors. Five (5) submittals were received with C.W. Roberts Contracting, Inc. providing the lowest bid as seen in the tabulation below:

Firm Name - City	Bid
C.W. Roberts Contracting, Inc. - Ocala, FL	\$1,898,597.00
Ranger Construction Industries, Inc. - Winter Garden, FL	\$2,044,212.21
Superior Asphalt, Inc. - Oneco, FL	\$2,111,554.80
Integrity Site Development - Anthony, FL	\$2,309,624.60
Anderson Columbia Company, Inc. - Ocala, FL	\$2,506,587.87

A Community meeting was held on May 14, 2024 to update property owners on the project scope and costs.

Budget/Impact: Neutral; expenditure of \$1,898,597.

Recommended Action: Motion to:

1. Adopt a Resolution authorizing per parcel unit assessment for a 10-Year assessment period for Lake Weir Gardens Improvement Area and certify the Assessment Roll to the Tax Collector.

or

2. Adopt a Resolution authorizing per parcel unit assessment for a 15-Year assessment period for Lake Weir Gardens Improvement Area and certify the Assessment Roll to the Tax Collector.

and

Motion to award Project 24B-085 Lake Weir Gardens Improvement Area to C.W. Roberts Contracting, Inc., and authorize Chairman and Clerk to execute contract upon approval by Legal.

MSTU Director Chad Wicker presented a folder containing 4 letters of opposition and 5 letters in support of the assessment from various impacted property owners.

Mr. Wicker advised that this hearing is to discuss the Lake Weir Gardens Improvement Area. This is a Pavement Condition Index (PCI) road assessment project. He provided a brief overview of the PCI road assessment process, noting there are 2 different processes for initiating a road improvement assessment. The first process is the Petition process, which was established in 1996, it is initiated by the property owner's (POA) or homeowner's association (HOA) and prefers a majority in favor vote from the community. If the petition passes, it is presented to the BCC. Many residents are not aware this process is available, so there are quite a few older subdivisions that have roads that are deteriorating and need some improvement. In 2020, the County established the PCI process where staff identifies 5 potential projects annually, based on the PCI rating of the subdivision's local roads. Those projects are presented to the BCC for consideration. The

PCI rating based process is a numerical scoring of the pavement condition that ranges from 0 to 100, with 0 being the worst possible condition and 100 being the best possible condition. This rating provides an objective and rational basis for determining maintenance and repair needs and priorities. Along with the PCI numerical rating there is a verbal description of the pavement condition that provides ratings. Mr. Wicker referred to a slide shown on the overhead screens, relating to examples of pavement distress that is considered during the PCI process, such as alligator cracking, patching, potholes and depression/rutting, etc.

Commissioner Zalak arrived at 10:09 a.m.

Mr. Wicker stated the project staff is presenting today is part of the PCI process, noting the overall PCI score for this subdivision's roads is around 40, which is labeled "poor" condition. The roads are relatively old, as the subdivisions were originally platted from the 1960s to 1980s, and the past 5 year maintenance cost to Marion County for this subdivision's roads was roughly \$70,804.00. He commented on photographs, as seen on the overhead screens, depicting road conditions relating to SE 76th Avenue from SE Highway 25 (looking south), SE 74th Terrace from SE 117th Lane (looking south), SE 72nd Avenue from SE 119th Place (looking south) and SE 72nd Terrace from Highway 441 (looking north east). The roads being addressed in this assessment are classified as subdivision local roads. Those are streets located within a subdivision or neighborhood that primarily provide access to abutting properties or properties along interconnected neighborhood streets. Mr. Wicker stated the road maintenance for subdivision roads includes pothole repair, pavement edge repair, shoulder maintenance, tree and brush trimming, and pavement markings, which are all scheduled as needed or when reported. Sinkholes are assessed within 24 hours of notification; traffic signs are addressed as needed or reported; and stop signs are restored within 4 hours of notification. Every 5 years a Pavement Condition Survey is conducted. Maintenance does not include resurfacing or improving the subdivision roads.

Mr. Wicker advised that there is a misconception that road maintenance is paid for by the County's property taxes, noting in Marion County road maintenance is funded by the County's Gas Tax. In some subdivisions, the roads are maintained by the County, but that does not include improvements, such as reclaim and resurface projects, overlay projects, or any new construction. Subdivision roads are improved through an MSTU assessment, which helps keep the County's property taxes lower and allows for properties to only be assessed as needed. The benefit of the MSTU Road Assessment program is that it is not funded through property taxes, it is not assessed for roads, which do not benefit the subdivision and is only assessed when the subdivision roads are improved. All of the assessments that are collected stay in the neighborhood.

Mr. Wicker commented on photographs of 4 successfully completed PCI projects. He advised that each of these roads received low PCI scores, but they were restored to improve the neighborhoods.

Mr. Wicker advised that the PCI project being presented today is Lake Weir Gardens, Lake Weir Gardens Replat Block 1, Belleview Oaks Estates, Pinewood Estates, W.C. Jordan Subdivision Unit Number 3, and The Survey for Edward M. Reeves Improvement Area. The average property value is \$114,200.00, 60 percent (%) of the properties are homesteaded, and 91% have structures on them. He noted this project is being assessed by parcel units, a parcel is the number of benefiting properties, a parcel unit is the number of units based on the parcel's demand level using estimated and/or calculated trip counts (a commercial parcel may have more parcel units than a residential parcel). This area

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has 484 parcels but has 500 total parcel units, 476 of those units are single family houses, 1 quadraplex makes up 3 units, and there are 7 commercial properties that make up 21 units. Mr. Wicker advised that this is the first project to be presented with both a 10-Year assessment and a 15-Year assessment option. The 10-Year assessment, which includes construction costs of \$1,898,597.00, the loaded costs are \$2,443,543.48, the per parcel unit assessment of \$4,887.09 (a one-time payment before the bond is secured), the per parcel unit assessment of \$6,831.50 (after the bond is secured) and the annual assessment is \$683.15 per year for 10 years (approximately \$56.93 monthly). With the 15 year assessment, the construction cost, the loaded cost and per parcel unit assessment before bond remain the same, the per parcel unit assessment after bond is \$7,774.95 and the annual assessment is \$518.33. He stated the per parcel unit assessment increases by \$943.00 for the additional interest with the 15-Year assessment.

Mr. Wicker advised that the engineer of record for this project is Kimley-Horn and Associates (KHA). It is a reclaim and resurface of all road sections within the project area (6.03 miles) and will include removing any existing high shoulders. Once the road is built it will meet or exceed MSTU Citizen Standard.

Mr. Wicker presented a brief overview of pavement lifecycle. He advised that conditions vary, but pavement deteriorates at a fairly predictable rate. When it is first laid it has about a 40% drop in quality, then remains the same for about 75% of the pavement life, then it continues to deteriorate rapidly. Mr. Wicker noted without intervention beyond routine maintenance, roadways will continue to deteriorate to the point of needing replacement from top to bottom. In this case it could become a replacement project costing over \$6,000,000.00.

Mr. Wicker presented a brief summary of the project, stating the overall PCI score for this subdivision is 40; the average property value is \$114,200.00, there are 6.03 miles of paved roads, 484 parcels; and 500 parcel units; the 2024 actual costs (loaded) is \$2,443,543.48; the past 5 year maintenance costs to Marion County for this subdivision was approximately \$70,804.00; and the estimated annual assessment for 10 years is \$683.15; and for the 15 year assessment it is \$518.33. He noted today is the final public hearing and if the project is not approved by the BCC, it stops today. If it is approved, construction would start around August 2024 and can take up to 180 days to complete.

In response to Commissioner Curry, Mr. Wicker advised that at this time the County has incurred \$64,600.00 in engineering design costs on this project.

Commissioner Bryant requested additional information relating to the bond.

Managing Director Jay Glover, PFM Financial Advisors, LLC, advised that PFM assumed a 5% interest rate for both scenarios (10 and 15 year), noting the yield curve is quite flat; therefore, the difference in the rate between 10 and 15 years is minimal. The out of pocket costs would be approximately \$25,000.00 for the financing, which includes the fees for Bond Counsel Chris Traber, Nabors Giblin & Nickerson, P.A. (NGN) PFM, and the Bank used for the necessary documents. He stated if this is approved today, the bonding/financing will be bundled with the Cedar Hills project to split the cost between the 2 projects for a costs savings. Mr. Glover noted PFM uses conservative assumptions, and the actual assessment could be lower than what is approved today.

In response to Commissioner Bryant, Mr. Glover stated the annual assessment rate could be \$15.00 to \$20.00 dollars lower than the assessment rate being presented today.

Commissioner Zalak questioned why the estimated construction time is 180 days and opined that is too long of a time for 6 miles. ACA Straub advised that this project has

already been bid out with the 180 day timeline. She agreed the construction timeline is too long and staff will talk with the contractor about expediting the construction of this road.

In response to Commissioner Curry, Mr. Glover advised that the property owner has 30 to 60 days from project approval to decide if they want to pay the assessment before the bond is issued. A property owner could opt into the assessment process annually, and also have the ability to prepay at any point during the 10 to 15 year period of the loan.

PUBLIC COMMENT

Chairman Stone opened the floor to public comment.

Cheryl Smith, SE 72nd Terrace Road, commented on the terrible condition of the roads, noting she is in support of this project.

In response to Chairman Stone, Ms. Smith expressed support for the County providing multiple financing options.

Amanda Henderson, SE 72nd Terrace Road, stated she is in support of the project, but is concerned about how fast people drive on SE 76th Avenue coming off of SE Highway 25A, noting during a previous meeting she requested speed bumps be installed. She advised that the post office did not inform her of the certified mailer at their facility.

Commissioner McClain requested Cheryl Smith be allowed to return to the podium to speak.

Ms. Smith advised that SE 72nd Terrace Road is open to SE Highway 25A and the public uses this road as a thoroughfare (to South Highway 441). She expressed concern for the traffic speeding on this road.

Chairman Stone advised that public comment is now closed.

In response to Chairman Stone, Mr. Wicker advised that if the project is approved today, the letters relating to the prepay option will be mailed on May 31, 2024, noting this will notify the citizens they have 60 days to prepay. The letters will be mailed standard mail (not certified mail).

County Engineer Steven Cohoon, Office of the County Engineer (OCE) advised that OCE does not typically recommend speed bumps for the purpose of traffic calming. He stated people tend to drive around the speed bumps onto private property, noting staff will work with Marion County Sheriff's Office (MCSO) to place speed enforcement trailers meant to encourage drivers to slow down. Mr. Cohoon noted staff will remain adamant with MCSO to get some presence in the area for the interim and long term.

Commissioner Bryant questioned if a 4-way stop would be useful on this through road (SE 72nd Terrace Road), noting it connects SE Highway 25A to South Highway 441. She stated a speed table before the stop sign may be useful to slow down traffic. Mr. Cohoon stated staff will look into what can be done to slow down the traffic on this corridor.

General discussion ensued relating to methods that may slow down traffic.

Commissioner Bryant opined that putting a stop sign at SE 119th Place and SE 72nd Terrace Road may reduce the traffic speed coming around the curve, noting this would also address calming the through traffic. Mr. Cohoon stated staff will look for solutions for the traffic in this community.

In response to Commissioner Curry, Mr. Wicker advised that about 20 to 25 property owners attended the May 14, 2024 community meeting, noting there was a good mix of people who were both for and against the project.

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BOARD DISCUSSION

Commissioner Zalak questioned if the Board wants the 10 or 15 year payment plan, noting there is not much difference between them, other than the amount of interest.

Commissioner Bryant stated she supports the 15-Year payment plan because there is no prepayment penalty.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Resolution 24-R-184 authorizing per parcel unit assessment for a 15-Year assessment period for Lake Weir Gardens Improvement Area, certify the Assessment Roll to the Tax Collector, award Project 24B-085 Lake Weir Gardens Improvement Area to C.W. Roberts Contracting, Inc., and authorize Chairman and Clerk to execute contract upon approval by Legal. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-184 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION OF ROAD IMPROVEMENTS; CREATING THE LAKE WEIR GARDENS IMPROVEMENT AREA; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; ESTABLISHING THE MAXIMUM AMOUNT OF THE ANNUAL ASSESSMENT FOR EACH PARCEL UNIT; IMPOSING ASSESSMENTS AGAINST REAL PROPERTY WITHIN SUCH IMPROVEMENT AREA; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

CLOSING COMMENTS

Chairman Stone expressed appreciation to the citizens that came forward to speak today. Commissioner Zalak requested staff ensure the community is notified of the start time of the project.

Mr. Minter stated the City of Belleview will need to sign a consent for the parcels that are within the City of Belleview, noting Assistant County Attorney Dana Olesky, Legal, has talked with Belleview Public Works Director Bob Titterington, City Engineer, who believes this will not be an issue.

There being no further business to come before the Board, the meeting thereupon adjourned at 10:40 a.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk