

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

June 4, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a special session in Commission Chambers at 10:03 a.m. on Wednesday, June 4, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN KATHY BRYANT

Chairman Bryant advised that the public hearing was scheduled this morning to consider an Ordinance to Amend the Marion County Land Development Code (LDC).

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 Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5; Commissioner Craig Curry, District 1, was absent due to a prior commitment. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Lewter advised that there are two (2) Proofs of Publication to be presented for this afternoon's meeting.

The first Proof of Publication is Legal ad No. 11322556 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on May 21, 2025. The Notice states the Board will consider an Ordinance amending the Marion County LDC relating to Article 4, Division 2, Section 4.2.30 Government Use (G-U) Classification.

The second Proof of Publication is Legal ad No. 11322510 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on May 21, 2025. The Notice states the Board will consider an Ordinance amending the Marion County LDC relating to Article 1, Division 2, Definitions and Article 5, Division 3, Floodplain Management.

The Deputy Clerk was in receipt of a 1 page handout entitled "Proposed Definition Changes" and a 116 page Agenda Packet to follow along with the PowerPoint presentation.

Growth Services Director Chuck Varadin advised that the Board will not be addressing changes to the LDC relating to roadside vendors, noting the matter was pulled at the Land Development Review Committee (LDRC) meeting and will be brought before the Board at a future date for consideration. He stated the matter was not advertised for today's meeting.

STAFF PRESENTATION

1. Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Section 4.2.30 Government Use (G-U) Classification

Growth Services Deputy Director Ken Weyrauch presented the following recommendation:

Description/Background: Staff will present the attached proposed amendment of Land Development Code (LDC) Section 4.2.30 Government Use (G-U) Classification updating the permitted uses, special uses, and establishing development standards.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held May 21, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for July 1, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Take public comment and provide direction.

Planner Kathleen Brugnoli, Growth Services, advised that currently there are no permitted uses under the Government Use category. The proposed changes would add permitted uses, along with special uses and development standards. She stated the next public hearing for this matter will take place on July 1, 2025. Ms. Brugnoli provided a brief overview of the proposed permitted uses, special uses and development standards.

Chairman Bryant clarified that the proposed changes are specifically for Government Use and do pertain to the private sector. Ms. Brugnoli concurred.

Commissioner McClain questioned why schools would not be a permitted use. Ms. Brugnoli advised that there were concerns expressed by the LDRC with it being permitted by right, due to stadiums, lighting, noise, etc.; therefore, it was left as a special use.

Deputy Director Ken Weyrauch, Growth Services, requested the Boards guidance on how to move forward with the language and to set the next public hearing for July 1, 2025.

ACA Tracy Straub advised that staff is requesting 1 public hearing for all the LDRC items to be addressed; therefore, only one motion is needed at the end of the meeting. She stated public comment will be needed for both items.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

2. Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments to Review and Update Article 1, Division 2 Definitions and Article 5, Division 3 Floodplain Management

Growth Services Deputy Director Weyrauch presented the following recommendation:

Description/Background: Staff will present the attached proposed amendment to update the Land Development Code (LDC) Article 1, Division 2 Definitions, and Article 5, Division 3 Floodplain Management. The proposed changes to Article 1 and Article 5 are related to Floodplain Management to keep Marion County in line with the National Flood Insurance Program (NFIP) concerning the Community Ratings System (CRS).

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held May 21, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for July 1, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Take public comment and provide direction.

Mr. Weyrauch advised that the State hired a consultant to look at the Community Rating System (CRS) to ensure everybody's land development regulations are in line with the CRS. He stated the consultant reached out to staff with some proposed changes, noting staff was informed that if the County does not meet the criteria with the proposed changes it cannot be anything higher than an 8 on the CRS. Mr. Weyrauch advised that the current County score is 7, but opined that by the fall the County could score well enough to go down to a 6.

In response to Chairman Bryant, Mr. Weyrauch provided a brief overview of the CRS, which is part of the National Flood Insurance Program.

Ms. Straub advised that Marion County's participation in the National Flood Insurance Program is mandatory for anyone who has a mortgage inside of any area with flood plain impacts, noting flood plains are set by Federal Emergency Management Agency (FEMA). She stated the County has spent a considerable amount of time and effort trying to clean up a lot of FEMA's judgement calls with floodplain overlay zones. Ms. Straub advised that insurance requirements are mandated by the mortgage company, noting individuals without a mortgage can choose whether or not they want to have flood insurance. She stated the better the County manages the data, definitions and code requirements, will result in a better rating, which will reduce flood insurance charges.

Mr. Weyrauch commented on the definition changes.

Chairman Bryant clarified that the proposed changes are recommendations provided by the State.

Mr. Weyrauch provided a brief overview of the proposed definition changes (as shown on the overhead screens).

Mr. Weyrauch addressed Article 5, Division 3, noting a lot of the County Code currently references either the Ordinance or Section when it should reference the Division. He provided a brief overview of the proposed changes for Sections 5.3.1; 5.3.2; 5.3.11; and 5.3.12.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

BOARD DISCUSSION AND CLOSING COMMENTS

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to schedule the next public hearing for Tuesday, July 1, 2025 at 5:30 p.m. The motion was unanimously approved by the Board (4-0).

NEW BUSINESS

Commissioner McClain advised that Sumter County is proposing to make County Road (CR) 102 and CR 104 one way roads. He stated CR 102 is the County line, noting north of CR 102 are Marion County parcels. If these roads are made one way only the

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individuals living on the Marion County line would have to drive in a 6 to 7 mile radius to get back around to go north onto Highway 301.

County Administrator Mounir Bouyounes advised that he had a conversation with the County Administrator in Sumter County and based on the information provided Sumter County is having some cut through traffic problems in the area between Highway 301, The Villages and the County Roads. He stated Sumter County engaged a consultant to come back with a recommendation. Staff received the report from Sumter County with the recommendation to make CR 102 and CR 104 one way roads. Mr. Bouyounes advised that CR 102 is a county line road and a portion of the road is within Marion County; however, Sumter County has been maintaining that road for a long time. He stated in 2015 Sumter County filed a right-of-way (ROW) maintenance map, which gives them jurisdiction over the maintenance of that entire road. Mr. Bouyounes advised that to his knowledge there has never been communication with Marion County relating to sharing the maintenance costs and no one objected to the County maintenance map. He stated Sumter County is holding a public hearing on this matter on June 24, 2025.

Commissioner McClain requested Board consensus to draft a letter of concern or opposition on behalf of the Marion County residents who live north of CR 102 and would be impacted.

Commissioner Zalak advised that this is in Commissioner McClain's District and he supports however he wants to move forward.

In response to Commissioner Zalak, Mr. Bouyounes opined that a lot of people are avoiding the intersection of CR 466 and Highway 301 by using the back roads.

General discussion ensued.

Mr. Bouyounes advised that there is another Board meeting before the Sumter County meeting, which would give the Board time to review the matter and possibly reach out to Commissioners in Sumter County.

Chairman Bryant questioned how many residents have reached out in Marion County. Commissioner McClain stated he has heard from 1, but is under the impression that residents were just finding out over the last week.

In response to Chairman Bryant, Mr. Bouyounes reiterated that Sumter County filed a ROW maintenance map in 2015, noting that portion of ROW then becomes public ROW. He advised that the map filed was for both Sumter and Marion County portions.

Chairman Bryant questioned if filing the ROW maintenance map gives Sumter County ownership of the Marion County portion. Mr. Minter stated this would be the case if it was a road in the middle of the County, noting this presents a new issue that he has never encountered before. He advised that a private party cannot obtain title to government land by adverse position, but this situation is another County filing the maintenance map and maintaining the road for years. There is a question as to the legal effect.

Chairman Bryant advised that this CR 102 was owned by the people on both sides of the County line to the middle, it was never a Marion County Road and was never maintained by the County. Sumter County filed the ROW maintenance map in 2015 and have been maintaining it all these years. She opined that for all intended purposes this is a Sumter County road.

General discussion resumed.

It was the general consensus of the Board to send a Letter to Sumter County expressing concerns with the proposed change to the road on behalf of Marion County residents.

In response to Commissioner Stone, Mr. Minter advised that filing a ROW maintenance map is not considered a public taking.

Mr. Bouyounes advised that a ROW maintenance map is based on the maintenance effort and can only be filed in an area that the entity has been maintaining. He stated when this map was filed no one presented a challenge.

Commissioner McClain advised that based on information from residents he has received Sumter County has not been maintaining the road for some time.

Commissioner Stone questioned if the surrounding residents were notified when the ROW maintenance map was filed. Mr. Bouyounes stated he is unaware if a notice was required. He stated after the map was filed there is a certain number of days to object.

Mr. Minter advised that the map is filed in the public records.

Commissioner Stone advised that the public would not know this was done because only Marion County was notified.

Mr. Bouyounes clarified that it is unclear if Marion County was notified.

General discussion ensued.

Ms. Straub provided examples of areas within Marion County such as Chatmire and Weirsdale where the County has had to file ROW maintenance maps.

Mr. Bouyounes advised that staff will craft a letter and have it on the next BCC Agenda for Board approval.

Commissioner Stone questioned if the Board is prepared to offer to assist in the maintenance of this area. Mr. Bouyounes stated that will not be included in the letter.

Chairman Bryant advised that as this is Commissioner McClain's District he can address this issue with Sumter County and bring back an update.

(Ed. Note: The Deputy Clerk was in receipt of the 78 page Sumter County report and an 11x17 inch map containing an aerial view of the area surrounding CR 102 and CR 104.)

There being no further business to come before the Board, the meeting thereupon adjourned at 10:37 a.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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