

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

September 4, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in a special session in Commission Chambers at 3:37 p.m. on Wednesday, September 4, 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 afternoon to consider closing and abandonment of road(s) and simultaneously conveying to Home Owners' Association, associated with Quail Meadow.

The Deputy Clerk was in receipt of a 32 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; and Commissioner Carl Zalak, III, District 4. Also present were Chief Assistant County Attorney Dana Olesky, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Angel Roussel.

PROOF OF PUBLICATION

Deputy Clerk Mills-McAllister presented Proof of Publication of a Legal ad No. 10462355 entitled, "Notice of Public Hearing to Close and Abandon Road(s) and Simultaneously convey to Home Owners' Association (HOA)" published in the Star Banner newspaper on August 13, 2024. The Notice states the Board will consider the petition by Marion County to close and abandon certain road(s) and simultaneously convey to HOA.

STAFF PRESENTATION

1. PUBLIC HEARING to Consider Adoption of a Resolution to Close and Abandon Road(s) and Simultaneously Convey to Home Owners' Association, Approve Agreement and Deed of All of the Dedicated Roads, Rights of Way and Appurtenant Drainage Facilities Within the Plat of Quail Meadow, as Recorded in Plat Book Y, Pages 89-91

County Engineer Steven Cohoon, Office of the County Engineer (OCE), presented the following recommendation:

Description/Background: This is a request to consider approval of a Resolution by Petitioner Quail Meadow Property Owners Association, Inc. pursuant to Section 336.125, Florida Statutes, to close and abandon road(s) and simultaneously convey to Home Owners' Association (HOA), approve agreement and deed of all of the dedicated roads, rights of way and appurtenant drainage facilities within the

September 4, 2024

plat of Quail Meadow, as recorded in Plat Book Y, Pages 89-91 and to renounce and disclaim any right of the County and the general public.

The existing platted external access entrance to Quail Meadow from NW 44th Avenue and NW 49th Avenue shall remain as external access into the subdivision and NW 32nd Street and NW 35th Street at their intersection with NW 50th Court shall serve as connector streets between Quail Meadow Subdivision and Longleaf Park Subdivision.

Upon abandonment and conveyance of the roads and rights of way the HOA will install, operate, maintain, repair any rights of way, roads, sidewalks, and traffic control devices as necessary.

The Development Review Committee considered this request on March 11, 2024 and it was the committee's recommendation that the petition be granted.

Budget/Impact: None.

Recommended Action: Motion to adopt the Resolution closing abandoning and simultaneously conveying to Home Owner's Association, approve Agreement and Deed of all of the dedicated roads, rights of way and appurtenant drainage facilities within the plat of Quail Meadow, as recorded in Plat Book Y, pages 89-91, and authorize the Chair and Clerk to execute the same.

County Engineer Steven Cohoon presented a 32 page Agenda packet to follow along with the PowerPoint presentation. He advised that today's public hearing is in reference to adoption of a Resolution to close and abandon road(s) and simultaneously convey to HOA, approve Agreement and Deed of all the dedicated roads, rights of way (ROW) and appurtenant drainage facilities within the plat of Quail Meadow as recorded in Plat Book Y, Pages 89-91. Mr. Cohoon referred to a slide as seen on the overhead screens, noting it depicts the boundary of the Quail Meadow community. He stated there is a connection to NW 44th Avenue on the east side and to the south there is a connection to NW 49th Avenue, which will remain the points of ingress/egress after the proposed closure. Mr. Cohoon advised that this closing has been properly posted and advertised and the Department has received no public comments of objection. A community to the west (Long Leaf Park subdivision) has entered into a cooperation agreement to assure access to that community once they develop. He stated the Development Review Committee (DRC) considered the request on March 11, 2024, and they recommended moving forward. Mr. Cohoon advised that Marion County will retain any easements for utilities, noting staff is working on some unresolved work that is expected to be completed no later than September 30, 2024.

In response to Commissioner Zalak, Mr. Cohoon stated the Department was not satisfied with the work performed on some additional drains beneath driveways. He advised of a request to clear some additional vegetation and there were 1 or 2 distresses on the pavement where the Department wanted to see additional patching.

PUBLIC COMMENT

Chairman Stone opened the floor for public comment.

President Luz Dejesus, Quail Meadow HOA, NW 31st Street, expressed appreciation towards the Board, noting the community is looking forward to becoming a private subdivision.

Jimmy Gooding, SE 36th Avenue, Attorney representing Highway 27 West, LLC, congratulated Quail Meadow subdivision. He noted there is an Agreement in the packet relating to the continued cooperation between his client and the Quail Meadow HOA.

John Linsky, NW 35th Street, expressed concern relating to the cost, technology and time frame for the subdivision gates.

Mr. Cohoon advised that approximately 3 to 4 years ago the first application was received, indicating a four-fifths majority vote to privatize. He stated the Department has already seen a conceptual item for the installation but still requires a formal submittal, noting the timetable for the project will have a quick turnaround.

In response to Chairman Stone, Mr. Cohoon advised that the County does not control the cost of the gate. He clarified that the Cooperation Agreement included a clause stating there would be a percentage paid by the development to the west and does not involve the County or the Board.

Floyd Muckey, NW 32nd Street, expressed concern relating to traffic.

Brooke Hamlin, NW 44th Terrace, commented on the collection of funds for road maintenance, the addition of gates and privatization.

Commissioner Bryant stated if the roads in Quail Meadow needed to be repaved right now the County would not pay for that, noting residents would have to go through the Municipal Service Taxing Units (MSTU) process.

Ron Mowrey, NW 30th Place, commented on flow-through traffic to the Publix shopping center, community meetings, a privatization survey/vote, issues on NW 44th Avenue and NW 49th Avenue, and the cost to residents

Terry Gulczynski, NW 31st Street, expressed concern relating to the cost of the gates and possible alternatives.

Ms. DeJesus advised that the community must be private prior to adding the gates. She stated once the community is privatized, she will obtain estimates and bring back accurate figures when they are available.

Mr. Cohoon advised that the Department received 356 signed affidavits out of 444 properties in support of this road closing. He stated the Department has been working with representatives including Certified Manager of Community Associations (CMCA) Loir Anderson relating to various improvements. Mr. Cohoon advised that the cost to resurface in this community equates to roughly \$3,200.00 per parcel. He provided an overview of basic maintenance the Department has performed in this community.

In response to Chairman Stone, Mr. Bouyounes stated the Quail Meadow community would have the option to go through the County's MSTU program even if they privatize.

Mr. Cohoon advised that even through the MSTU process the residents would still have to adhere to certain regulations.

Commissioner Zalak stated it would be better for Quail Meadow to do what other HOAs do and collect funds on a per annual basis and then have a company come in and do that work privately.

Commissioner Bryant questioned the obligation of Quail Meadow regarding the gates.

Mr. Cohoon advised that there is language relating to privatization and gates; however, he is not convinced that there is an obligation to install the gates.

Chairman Stone stated Quail Meadow made an agreement with their neighbor to participate in the cost of that.

Mr. Gooding stated his client is paying 25% of the cost of street calming up to \$44,000.00.

Chairman Stone advised that there will be an additional 10%+ towards the upkeep of the roadway.

Commissioner Curry opined that there is some confusion relating to what Quail Meadow residents voted on and questioned what language was included in the mailer that was sent to residents.

September 4, 2024

Chief Assistant County Attorney Dana Olesky, stated the Statute refers to no fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the HOA, noting there is no time frame associated with that requirement. She advised that it is as part of the petition to the Board the residents have to provide that, noting it sounds as though that occurred probably back in 2022. Ms. Olesky clarified that the Agreement entered into with the County states that Quail Meadow may elect to install gates.

Mr. Cohoon noted for reference the Statute is 336.125.

Denise Benoit, NW 34th Place, stated as part of the Agreement with Todd Rudnianyn, Quail Meadow is required to designate to him what traffic calming measures were being requested by July 1, 2024. She advised that 2 measures were designated: 1) gate and 2) speed bumps. Ms. Benoit noted the other party acknowledged receipt of those 2 measures.

Alan Edwards, NW 47th Avenue, advised that nearly 4 years ago Mr. Rudnianyn agreed to pay 25% of the gate on NW 49th Avenue (\$175,000.00) which was approximately \$44,000.00. He stated when he and Ms. DeJesus met with a representative from a gate company, they were advised the cost would be roughly twice as much for just the 1 gate. Mr. Edwards stated the community is now looking at the need for 2 gates at today's prices. He commented on the need for turnarounds and questioned how it will be accomplished and at what cost. Mr. Edwards advised that the community does not want to privatize the roads if the cost of the gates is going to be prohibitive.

Renee Hogan, NW 50th Court, stated when the process started, residents did receive an initial assessment for what she thought was 2 gates but is now unsure if the cost was for 1 or 2 gates. She questioned if there is an option to resume County maintenance of the roads if the costs associated with privatization are more than residents can afford.

Chairman Stone advised that Quail Meadow can make the request; however, she cannot guarantee it will be accepted for by the County for maintenance.

Commissioner Bryant clarified that the worst case scenario is if the cost of the gates is too high for the community, they can remain private without the gates and would still be responsible for the pothole repairs. She stated the Quail Meadow community is responsible for repaving the roads when that time comes, noting property taxes do not go towards paving roads in subdivisions.

In response to Commissioner Bryant, Mr. Cohoon advised that the recent tree trimming was the first time in 3 to 5 years that the Department performed that work.

Commissioner Bryant stated the Quail Meadow residents would have to hire someone to do the tree trimming and perform their own road maintenance.

Mr. Cohoon noted if the community chooses to remain under the County umbrella the costs go up when it is time to resurface the roads and the MSTU process is implemented.

Ms. Olesky advised that in this case it is being conveyed to the HOA, so if something were to go wrong the HOA would need to reverse that to bring it back. She clarified that either way the County will not be responsible for redoing the roads.

Chairman Stone noted through privatization Quail Meadow residents have the ability to add traffic calming measures at their discretion; however, if the roads remain in the County's purview none of those calming measures will be added to the public roadway.

Max Del Valle, NW 31st Street, expressed concern relating to escalating costs associated with waiting to do this project.

Commissioner Curry commented on the petition, noting it includes information relating to the abandonment of the roads and conveyance to the HOA. He stated the matter has

been voted on by the homeowners and he will vote to support the request to privatize. Mr. Gooding clarified that Mr. Rudnianyn did not make up the figure relating to the cost of the gate, noting it was provided by an engineer.

Jack Willoughby, NW 31st Street, stated he recently purchased a home in Quail Meadow and did not vote on the issue of privatization. He questioned if the residents would be responsible for patrolling the streets as vigilantes.

Chairman Stone stated the community has an agreement for the Marion County Sheriff's Office (MCSO) to patrol, which would continue.

Chairman Stone advised that public comment is now closed.

BOARD DISCUSSION: NONE

CLOSING COMMENTS: NONE

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt Resolution 24-R-358 closing, abandoning and simultaneously conveying to Home Owner's Association, approve Agreement and Deed of all of the dedicated roads, rights of way and appurtenant drainage facilities within the plat of Quail Meadow, as recorded in Plat Book Y, pages 89-91. The motion was unanimously approved by the Board (4-0).

Resolution 24-R-358 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; INCORPORATING RECITALS; PROVIDING A FINDING THAT CHAPTER 336, FLORIDA STATUTES, AUTHORIZES AND EMPOWERS THE BOARD TO ACT ON THE PETITION TO CLOSE AND VACATE CERTAIN ROADS, AND TO SIMULTANEOUSLY CONVEY THE COUNTY'S INTEREST IN SUCH ROADS, RIGHTS OF WAY AND APPURTENANT DRAINAGE FACILITIES TO THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSE OF CONVERTING THE SUBDIVISION TO A GATED NEIGHBORHOOD WITH RESTRICTED PUBLIC ACCESS, ABANDON, DISCONTINUE AND CLOSE CERTAIN ROAD(S) AND TO RENOUNCE AND DISCLAIM ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD(S); PROVIDING A FINDING THAT SAID CERTAIN ROAD(S) IS NOT A PORTION OF A FEDERAL OR STATE HIGHWAY SYSTEM; PROVIDING A FINDING THAT THE ROAD(S) IS NOT BEING USED BY THE GENERAL PUBLIC AS A ROAD(S); PROVIDING A FINDING THAT IT IS NOT THE INTENT OF THE BOARD TO VACATE ANY EASEMENTS FOR PUBLIC UTILITIES THAT MAY EXIST WITHIN SAID CERTAIN ROAD(S); PROVIDING A FINDING THAT VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID CERTAIN ROAD(S) AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD(S) WOULD BENEFIT THE GENERAL PUBLIC WELFARE AND WOULD BE IN THE BEST INTEREST OF THE PUBLIC; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

September 4, 2024

Mr. Gooding presented Mr. Cohoon with an engineer's cap and a whistle.

There being no further business to come before the Board, the meeting thereupon adjourned at 4:25 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

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