

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

March 19, 2024

**CALL TO ORDER:**

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, March 19, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The meeting opened with invocation by Chairman Stone and the Pledge of Allegiance to the Flag of our Country.

**9:00 AM 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; and 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, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart, and Executive Director of Internal Services Mike McCain. Clerk Gregory C. Harrell was absent due to a prior commitment.

**ANNOUNCEMENTS:**

(Ed. Note: This Item was addressed later in the meeting.)

Commissioner Zalak arrived at 9:04 a.m.

**1. PROCLAMATIONS AND PRESENTATIONS:**

Upon motion of Commissioner Bryant, seconded by Commissioner Curry, the Board of County Commissioners (BCC) approved and/or ratified the following:

**1.1. PROCLAMATION** - Marion County Day - Amanda Tart, Assistant County Administrator (Approval and Presentation)

The Board approved the Proclamation designating Saturday, March 23, 2024 as "Marion County Day".

Commissioner Curry presented the Marion County Day proclamation to County Administrator Mounir Bouyounes and ACA Amanda Tart.

ACA Amanda Tart provided a brief overview of the Marion County Day event that will take place on Saturday, March 23, 2024 from 10:00 a.m. to 2:00 p.m.

**1.2. PRESENTATION** - Unveiling of the Second No Horsin' Around with Marion Anti-Littering Campaign Bus - Mark Johnson, Solid Waste Director  
(Presentation Only)

Solid Waste Director Mark Johnson presented the following recommendation:

Description/Background: The No Horsin' Around with Marion Campaign is the result of the Litter Task Force, which was a collaboration of many local officials, businesses, and agencies who came together with a plan of action to help prevent littering in Marion County.

March 19, 2024

The final plan of action and a new ordinance with strict fines and enforcement was brought before the Commission in late 2022. The Sun Tran bus messaging was advertising that was included in the plan and the final concept of the buses was completed at the end of September 2023.

This is our second bus that will be dedicated to spreading the anti-littering message in our community and helping to educate the public on the importance of keeping Marion clean while reminding them that litter is a crime.

Budget/Impact: None.

Recommended Action: Presentation only.

Solid Waste Director Mark Johnson stated today is the unveiling of the second SunTran bus, which hits the streets of Marion County this month. This bus is just one more part of the No Horsin' Around with Marion Campaign. This was a direct result of the Litter Task Force in collaboration with many local officials, businesses, and agencies who came together with a plan of action to help prevent littering in Marion County. He referred to the picture, as shown on the overhead screens, and advised that this bus is made possible due to the collaborative partnership with the Marion County Sheriff's Office (MCSO) and the Crime Prevention Campaign, which reminds people that littering is a crime. The goal of the campaign is to educate the public on the importance of keeping Marion County beautiful, while reminding them that littering is a crime. This bus, among other public educational activities brings awareness and gets people engaged for a better and more beautiful County. Mr. Johnson encouraged everyone to visit the County's website at [www.marionfl.org/nohorsingaround](http://www.marionfl.org/nohorsingaround) to take the litter free pledge and learn more about business partnerships and what can be done to help keep Marion County litter free. He noted the bus will be present at Marion County Day on Saturday, March 23, 2024 from 10:00 a.m. to 2:00 p.m.

Commissioner Curry opined that the litter program seems to be working nicely, noting it will take time to change the hearts and minds of those who litter. He stated the County has a tremendous partner in State Attorney William Gladson, as well as the Florida Fish and Wildlife Conservation Commission (FWCC), Division of Forestry, and the Florida Department of Transportation (FDOT), who are all working together on this problem. Commissioner Curry expressed his appreciation to County Court Division Chief Becky Fletcher, State Attorney's Office (SAO), who deals with a lot of these cases, noting there are 11 cases of significant illegal dumping throughout the County (4 have been adjudicated and 7 are still open).

#### **ANNOUNCEMENTS:**

Chairman Stone addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 13.2.1).

#### **2. AGENDA ITEM PUBLIC COMMENTS:**

Reserved for comments related to items specifically listed on this agenda. Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled requests will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or submit the request online at: [www.marionfl.org](http://www.marionfl.org).

Chairman Stone opened the floor to public comment.

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

**3. ADOPT THE FOLLOWING MINUTES: (4 sets)**

- 3.1. October 3, 2023
- 3.2. October 4, 2023
- 3.3. October 10, 2023
- 3.4. October 17, 2023

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt the meeting minutes of October 3, 4, 10 and 17, 2023. The motion was unanimously approved by the Board (5-0).

**4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:**

**4.1. Award Agreement for FY 2022 Marion County Youth Court Programs**

The Board considered the following recommendation from Trial Court Administrator Jeff Fuller, Court Administration:

Description/Background: The enclosed Award Agreement is for the renewal of the Edward Byrne Memorial Justice Assistant Grant (JAG). Federal funds will be utilized to provide drug screening to Marion County Youth Court Programs, including Teen Court, Dependency Court and Juvenile Treatment Court. The form requires signature from the BCC Chair to accept the funding.

Budget/Impact: Grant revenue in the amount of \$10,000. Matching funds are not required.

Recommended Action: Signature from Chair Michelle Stone on the grant award agreement to accept funding for Marion County Youth Court Programs.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to authorize the Chairman to execute the grant award agreement to accept funding for Marion County Youth Court Programs. The motion was unanimously approved by the Board (5-0).

**4.2. Billy Woods, Sheriff - Request \$1,000 from Law Enforcement Trust Fund for Donation to Florida Sheriff's Youth Ranches**

The Board considered the following recommendation from Sheriff William "Billy" Woods, MCSO:

Description/Background: The Sheriff has certified that this request meets the requirements of Chapter 932 of the Florida Statutes and that there are no recurring expenses for subsequent fiscal years.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the request to expend \$1,000 from the Law Enforcement Trust Fund (LETF) for the Florida Sheriff's Youth Ranches.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the request to expend \$1,000.00 from the Law Enforcement Trust Fund (LETF) for the Florida Sheriff's Youth Ranches. The motion was unanimously approved by the Board (5-0).

**4.3. Request Approval to Designate Court Administration to Serve as the Lead Applicant for the United States Department of Justice, Office of the Justice Programs, Bureau of Justice Assistance, "Adult Treatment Court Grant Program" FY 2024 on Behalf of Marion County to Expand the Services of the Misdemeanor and Felony Diversion Drug Courts**  
The Board considered the following recommendation from Trial Court Administrator Fuller, Court Administration:

March 19, 2024

Description/Background: Court Administration on behalf of the Misdemeanor and Felony Diversion Drug Court is requesting to serve as the lead applicant for the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, "Adult Treatment Court Grant Program" FY2024 Solicitation on behalf of Marion County to expand the services of the Misdemeanor and Felony Diversion Drug Courts.

This funding would assist the Misdemeanor and Felony Diversion Drug Courts to expand the services they are able to provide and to increase the number of people they are able to serve.

Budget/Impact: Up to \$1,000,000.00 grant award for the four years for Misdemeanor and Felony Pre-Plea Drug Courts.

Recommended Action: Motion to approve the letter designating Court Administration to serve as the lead applicant for the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, "Adult Treatment Court Grant Program" FY2024 solicitation on behalf of Marion County to expand the services of the Misdemeanor and Felony Diversion Drug Courts.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the letter designating Court Administration to serve as the lead applicant for the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, "Adult Treatment Court Grant Program" FY 2024 solicitation on behalf of Marion County to expand the services of the Misdemeanor and Felony Diversion Drug Courts. The motion was unanimously approved by the Board (5-0).

## **5. CLERK OF THE CIRCUIT COURT:**

### **5.1. Budget Amendment**

Deputy Clerk Mills-McAllister advised that Budget Amendment Resolutions 5.1.1. and 5.1.2. coincide with Consent Agenda Items 7.8.1. through 7.8.4.

Chairman Stone advised that Budget Amendment Resolution 5.1.7. coincides with Consent Agenda Item 7.4.10.

Commissioner Bryant stated she would like to move forward Consent Agenda Items 7.8.1. through 7.8.4. and 7.4.10. to be considered at the same time as the Board adopts the Budget Amendment Resolutions. It was the general consensus of the Board to concur.

Upon motion of Commissioner Bryant, seconded by Commissioner Curry, the Board adopted the following Budget Amendment Resolutions transferring funds and approving the coinciding Consent Agenda Items as presented by Deputy Clerk Mills-McAllister on behalf of Clerk Harrell:

**5.1.1.** 24-R-86 – American Rescue Plan Local Fiscal Recovery Fund - Utilities Line Extensions - \$650,000

**5.1.2.** 24-R-87 – American Rescue Plan Local Fiscal Recovery Fund - Utilities Line Extensions - \$760,229

**5.1.3.** 24-R-88 – General Fund - Clerk to County Commission Transfer - \$25,101

**5.1.4.** 24-R-89 – General Fund - Finance and Administration - \$10,000

**5.1.5.** 24-R-90 – General Fund - Public Safety Communications - \$272,621

**5.1.6.** 24-R-91 – General Fund - Teen Court - \$10,000

**5.1.7.** 24-R-92 – Infrastructure Surtax Capital Project Fund - Infrastructure Tax Sheriff Jail - \$180,648

**5.1.8.** 24-R-93 – Marion County Utility Fund - Utilities Management - \$40,320

**5.1.9.** 24-R-94 – Marion County Utility Fund - Utilities Management - \$50,000

**5.1.10. 24-R-95 – Series 2022A Capital Projects Fund - Series 2022A - \$13,529**

**5.2. Project Adjustment**

**5.2.1. Transfer Project Funds and Amend the Capital Improvement Program - Stormwater Program - \$350,763**

The Board considered the following recommendation as presented by County Engineer Steven Cohoon, Office of the County Engineer (OCE):

Description/Background: The Country Gardens Flood Relief and Country Gardens CP 59 projects require increases in their respective budgets to facilitate construction. The projects are intended to be bid as a unit and constructed concurrently. \$350,763 will be transferred from SMC999999 - Stormwater Projects Unassigned, of which \$293,005 will go to SMC0006FL - Country Gardens Flood Relief and \$57,758 will go to SMC0002DR - Country Gardens CP 59.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the transfer of project funds and amend the CIP.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the transfer of project funds and amend the Capital Improvement Plan (CIP). The motion was unanimously approved by the Board (5-0).

**5.3. Clerk of the Court Items**

**5.3.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 045850, 047624, 052185 and IT List Attached**

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the Acquisition or Disposition of Property forms. The motion was unanimously approved (5-0).

**7. CONSENT:**

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 will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner. County Administrator Mounir Bouyounes stated he would like to pull Item 7.7.1. and bring the matter back at a future date. It was the general consensus of the Board to concur.

Upon motion of Commissioner Bryant, seconded by Commissioner McClain, the Board acted on the Consent Agenda as follows:

**7.1. Community Services:**

**7.1.1. Request Approval of First Amendment to Marion County Standard Professional Services Agreement Challenge Grant Program Between Marion County and Arnette House, Inc. (Budget Impact - Neutral, \$107,823)**

The Board accepted the following recommendation as presented by Community Services Director Cheryl Martin:

Description/Background: Marion County administers grant funding on behalf of the Ocala/Marion Joint Office on Homelessness for the Continuum of Care (CoC) FL-514. Funding is awarded and received through the U.S. Department of Housing and Urban Development (HUD) and the Department of Children and Families (DCF) to include, but not limited to Emergency Solutions Grant (ESG), Challenge, and Temporary Assistance for Needy Families (TANF) grants. DCF has an

March 19, 2024

approved Unified Contract with the Board of County Commissioners (BCC) to distribute the allocation of each funding source to homeless service organizations. On March 5, 2024, the Board approved the receipt of additional Challenge and ESG funding from DCF. The County entered into a one-year agreement with Arnette House, Inc. in the amount of \$20,000.00 to provide homeless services for teenagers with Challenge grant funds on August 15, 2023. This agreement expands its existing funding for an additional amount of \$87,823, for an agreement total of \$107,823 to provide homeless services to Marion County teenagers. This funding is currently expected to be expended by June 30, 2024, however, DCF could extend the expenditure deadline.

Budget/Impact: Neutral; \$107,823.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Amended Agreement between Marion County and Arnette House, Inc. and all necessary documents associated with this agreement. In addition, authorize the Community Services Director to approve time extension amendments to the agreement.

**7.1.2. Request Approval of First Amendment to Marion County Standard Professional Services Agreement Challenge Grant Program Between Marion County and Blessed Trinity Catholic Church Brother's Keeper (Budget Impact - Neutral, \$101,823)**

The Board accepted the following recommendation as presented by Community Services Director Martin:

Description/Background: Marion County administers grant funding on behalf of the Ocala/Marion Joint Office on Homelessness for the Continuum of Care (CoC) FL-514. Funding is awarded and received through the U.S. Department of Housing and Urban Development (HUD) and the Department of Children and Families (DCF) to include, but not limited to Emergency Solutions Grant (ESG), Challenge, and Temporary Assistance for Needy Families (TANF) grants. DCF has an approved Unified Contract with the Board of County Commissioners (BCC) to distribute the allocation of each funding source to homeless service organizations. On March 5, 2024, the Board approved the receipt of additional Challenge and ESG funding from DCF. The County entered a one-year agreement with Brother's Keeper in the amount of \$14,000.00 to provide homeless prevention services to families with Challenge Grant funds on August 15, 2023. Brother's Keeper fully expended the initial grant award serving eighteen families. This amendment provides additional funding in the amount of \$87,823 for an agreement totaling \$101,823 for Homeless Prevention Services for Marion County families.

This funding is currently expected to be expended by June 30, 2024, however, DCF could extend the expenditure deadline.

Budget/Impact: Neutral; \$101,823

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Amended Agreement between Marion County and Brother's Keeper and all necessary documents associated with this agreement. In addition, authorize the Community Services Director to approve time extension amendments to the agreement.

**7.2. MSTU:**

**7.2.1. Request Adoption of Initial Assessment Resolution for Oakhurst No. 1 Improvement Area Pursuant to Capital Improvement Ordinance Number 09-10 (Budget Impact - None)**  
The Board accepted the following recommendation to adopt Resolution 24-R-100 as presented by Municipal Service Taxing Unit (MSTU) Director Chad Wicker:

Description/Background: On June 21, 2023, the Board approved moving forward with the engineering design phase for this 2022 Pavement Condition Index (PCI) assessment project. The engineering design and bidding phases are now complete. An informational meeting will be scheduled with property owners prior to the Final Public Hearing. A date of April 10, 2024 at 1:30 p.m. or soon thereafter was approved at the February 20, 2024 Board of County Commissioner Board meeting for the Final Public Hearing.

Pursuant to the Capital Improvement Ordinance (Number 09-10), the attached Initial Assessment Resolution has been prepared for the following project:

Oakhurst No. 1 Improvement Area

The roads to be improved in Oakhurst No. 1 are paved subdivision local roads which have been previously accepted for maintenance by the County.

Budget/Impact: None.

Recommended Action: Motion to adopt the Initial Assessment Resolution and authorize the Chair and Clerk to execute same.

Resolution 24-R-100 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED OAKHURST NO. 1 IMPROVEMENT AREA AND THE ROAD IMPROVEMENTS TO BE CONSTRUCTED THEREIN; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE ROAD IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**7.3. Parks and Recreation:**

**7.3.1. Request Approval of Amendment 1 to Grant Agreement with the Florida Fish and Wildlife Conservation Commission for Improvements at Heagy-Burry Boat Ramp**

The Board accepted the following recommendation as presented by Parks and Recreation Director Jim Couillard:

Description/Background: The Board of County Commissioners approved Grant Agreement Number 17205 with the Florida Fish and Wildlife Conservation Commission (FWC) during the January 18, 2022 BCC meeting. This grant is to fund several improvements at Heagy-Burry Boat Ramp.

Due to an issue that occurred during the bidding process, the project was delayed and could not be completed within the time frame specified in the original Agreement. FWC has offered an amendment to the Agreement to extend the

completion date to December 31, 2025. This time extension has no impact on the project budget or funding from FWC.

Budget/Impact: None.

Recommended Action: Approval of Amendment 1 to Grant Agreement with the Florida Fish and Wildlife Conservation Commission for improvements at Heagy-Burry Boat Ramp and authorize the Chair to execute the same.

**7.4. Procurement Services:**

**7.4.1.** Request Approval of Bid Award: 24B-062, Wrigley Field Safety Netting - West Coast Netting, Inc. d/b/a/ The Net House, Cocoa, FL (Budget Impact - Neutral; expenditure of \$216,900 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Susan Olsen:

Description/Background: On behalf of the Parks & Recreation Department, Procurement advertised a bid for the installation of a safety netting system at the Wrigley Fields baseball quad. One (1) submittal was received; the tabulation is listed below:

VENDOR - LOCATION	BID
The Net House - Cocoa, FL	\$216,900

Parks & Recreation Director, Jim Couillard, recommends that The Net House receive the award as the lowest, most responsive, and most responsible bidder. Attached for review is a contract draft and pending approval at today's meeting, it will be sent to The Net House for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$216,900. Funding is from CR362572-563101-360WRIGLEY (Parks & Recreation Fees Fund)

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chair and Clerk to execute the contract under 24B-062.

**7.4.2.** Request Approval of Bid Award: 24B-080 NW 110<sup>th</sup> Ave Rd Resurface (NW Highway 225 to Highway 316) - C.W. Roberts Contracting, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$856,968 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. The work includes resurfacing the existing pavement, sodding shoulders, removing/adding cross drains and end treatments, constructing driveway aprons, and installing/restriping pavement markings. The work shall begin at an existing construction joint on NW 100<sup>th</sup> Ave Rd, 15' north of the traveled edge of NW Highway 225, and end at an existing construction joint along the traveled edge of N Highway 316. Five (5) submittals were received; the tabulation is listed below:

Vendor - Location	BID
C.W. Roberts Contracting, Inc. - Ocala, FL	\$856,967.50
Anderson Columbia Co., Inc. - Ocala, FL	\$890,185.24



Art Walker Construction - Ocala, FL	\$908,224.00
Superior Asphalt, Inc. - Bradenton, FL	\$910,656.80
V.E. Whitehurst & Sons, Inc. - Williston, FL	\$971,595.21

Steven Cohoon, P.E., County Engineer, recommends that C.W. Roberts Contracting, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to C.W. Roberts Contracting Inc. for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$856,967.50. Up to 10% contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from BM761541-563221 - 80% Gas Tax Construction Fund and BO762541-563101 - 2nd Local Option Fuel Tax.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 24B-080.

**7.4.3. Request Approval of Bid Award: 24B-082 CR 320 Resurface (County Line to NW 221<sup>st</sup> St Road) - Superior Asphalt, Inc., Bradenton, FL (Budget Impact - Neutral; expenditure of \$1,767,830 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. The scope of work includes overlaying the existing pavement, removing/adding cross drains and end treatments, constructing side street and driveway aprons, sodding shoulders, and pavement markings. Work shall begin at the west county line on CR 320 and end on the west side of the intersection of NW 221<sup>st</sup> Street Road. Five (5) submittals were received; the tabulation is listed below:

Contractor - City, State	BID
Superior Asphalt, Inc. - Bradenton, FL	\$1,810,129.00
Anderson Columbia Co., Inc. - Ocala, FL	\$1,915,246.51
V.E. Whitehurst & Sons, Inc. - Williston, FL	\$2,016,798.18
C.W. Roberts Contracting, Inc. - Ocala, FL	\$2,218,322.10
Art Walker Construction, Inc., - Ocala, FL	\$2,656,846.00

Because the low bidder did not claim Local Vendor Preference and was within the 10% of the local second low bidder, a Best and Final Offer (BFO) was requested. Both Superior Asphalt, Inc. and Anderson Columbia Co., Inc. responded and the responding BFO is listed below:

Contractor - City, State	BID
Superior Asphalt, Inc. - Bradenton, FL	\$1,767,829.20
Anderson Columbia Co., Inc. - Ocala, FL	\$1,915,246.51

Steven Cohoon, P.E., County Engineer, recommends Superior Asphalt, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Superior Asphalt, Inc. for signatures.

March 19, 2024

Budget/Impact: Neutral; expenditure of \$1,767,829.20. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from BM761541-563221 - 80% Gas Tax Construction Fund and BO762541-563101 - 2nd Local Option Fuel Tax.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 24B-082.

**7.4.4. Request Approval of Bid Award: 24B-084 Marion County Drainage Retention Area Mowing - Pure Cuts Lawn & Maintenance, LLC, Ocala, FL, Sulter Precision Cuts, LLC, Ocala, FL, and Silver Star Landscape, LLC, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$99,654 as approved in the 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a solicitation seeking bids from experienced and qualified contractors to mow 561 drainage retention areas (DRAs) across the county during five cycles a year. The solicitation was divided into four (4) areas and to be bid on, per area, accordingly. The work consists of routine mowing of DRAs, drainage rights-of-way (DROWs), adjacent road rights-of-way (ROWs), and conveyance swales within drainage easements where identified. In addition, this may also include trimming around structures such as pipe ends, discharge structures, trees, and fence lines. This may include handwork and the use of special equipment. Eight (8) submittals were received for each area; one being deemed non-responsive. Steven Cohoon, P.E., County Engineer, recommends contracting with Pure Cuts Lawn & Maintenance, LLC, Sulter Precision Cuts, LLC, and Silver Star Landscape, LLC, as the lowest, most responsive, most responsible bidders.

Vendor - Location	Area	Total Annual Cost
Sulter Precision Cuts, LLC - Ocala, FL	V-B	\$15,257.00
Pure Cuts Lawn & Maintenance, LLC - Ocala, FL	III	\$27,075.00
Silver Star Landscape, LLC - Ocala, FL	I & X	\$57,312.00

Attached for review are drafted contracts for all three contractors. Pending approval at today's meeting, they will be sent out for signatures.

Budget/Impact: Neutral; annual estimated expenditure is estimated at \$99,654, however, this estimate may vary on the actual needs of service. Annual expenditures shall not exceed approved Fiscal Year budget amounts and shall be based on contracted acreage unit pricing without being brought back to the board. Funding comes from EK430538-534101 - Stormwater Program.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contracts, and upon approval by Legal, authorize the Chair and Clerk to execute the contract with Sulter Precision Cuts LLC, Silverstar Landscape, LLC, and Pure Cuts Lawn & Maintenance, LLC under 24B-084.

**7.4.5. Request Approval of Bid Award: 24B-092, Annual Water Service Installations/Replacements - T&C Underground, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$186,250 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Marion County Utilities (MCU), Procurement advertised a bid for installing and replacing water services annually throughout Marion County. The scope of work includes the installation of water services and associated appurtenances to enable the County to service commercial and/or residential units being built that require a water connection or replacements of existing services. Five (5) submittals were received; the tabulation is listed below:

Vendor - Location	Bid
T&C Underground Inc. - Ocala, FL	\$186,250.00
GWP Construction, Inc. - Ocala, FL	\$227,360.00
Hartman Civil Construction Co., Inc.- Ocala, FL	\$393,588.00
R&M Service Solutions, LLC- San Antonio, FL	\$633,737.50
RCM Utilities, LLC- Eustis, FL	\$996,500.00

Utilities Director, Jody Kirkman, recommends that T&C Underground Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to T&C Underground for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$186,250. Up to a 10% contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from ZF448536-563102-UTC000094-Marion County Utility Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chair and Clerk to execute the contract under 24B-092.

**7.4.6. Request Approval of Bid Award: 24B-096, Refrigerant Removal & Disposal - HVAC Concepts, LLC., Ocala, FL (Budget Impact - Neutral; expenditure of \$95,000 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Solid Waste Department, Procurement advertised a bid for the removal and disposal of refrigerants from equipment disposed of at all outlying Marion County Recycling Centers and the Baseline Landfill. There will be 19 locations serviced with the Baseline Landfill and Baseline Recycling Center co-located. Three (3) submittals were received; the tabulation is listed below:

Vendor - Location	Bid - Per Unit Cost
HVAC Concepts, LLC - Ocala, FL	\$10.60
Reclamation Technologies USA, LLC - Tampa, FL	\$13.78
Redemption Heat & Air, Inc. - Ocala, FL	\$15.00

Solid Waste Director, Mark Johnson, recommends that HVAC Concepts, LLC receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to HVAC Concepts for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

March 19, 2024

Budget/Impact: Neutral; expenditure of \$95,000. Funding is from ZA427534-534101 Solid Waste Disposal Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chair and Clerk to execute the contract under 24B-092.

**7.4.7. Request Approval of Bid Award: 24B-099, Mowing Maintenance for Baseline Landfill and Recycling Center - Southern Lawn Care Mid Florida, Inc., Anthony, FL (Budget Impact - Neutral; expenditure of \$60,000 as approved in the FY 2023-24 budget)**  
The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Marion County Solid Waste Department, Procurement advertised a bid for the mowing maintenance of approximately 37 acres per cycle, with 41 cycles per year, of grassed or vegetated areas at the Baseline Landfill and 18 recycling centers, including road easements drainage swales, and retention pond sites. Six (6) submittals were received; the tabulation is listed below:

Vendor - Location	Bid- Per Acre
Southern Lawn Care Mid Florida, Inc. - Anthony, FL	\$34
Sulter Precision Cuts, LLC - Ocala, FL	\$35
Solo Cats Service, LLC - Ocala, FL	\$37
Extreme Enterprises of Marion County, Inc. - Ocala, FL	\$37.80
Three Ponds Rental, LLC - Ocala, FL	\$39
Pure Cuts Lawn and Maintenance, LLC - Ocala, FL	\$43

Solid Waste Director, Mark Johnson, recommends that Southern Lawn Care Mid Florida, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Southern Care Mid Florida, Inc. for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$60,000. Funding is from ZA427534-534101 Solid Waste Disposal Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chairman and Clerk to execute the contract under 24B-099.

**7.4.8. Request Approval of Bid Award: 24B-102, End of Life Electronics Processing - Electronic Recycling Center, Inc., Miami, FL (Budget Impact - Neutral; expenditure of \$50,000 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Solid Waste Department, Procurement advertised a bid for the collection, transportation, recycling, and de-manufacturing of End of Life or Obsolete Electronics (EOLOE) collected by, or as a result of collections supported by Solid Waste. Two (2) submittals were received; the tabulation is listed below:

Vendor - Location	Bid - Per Pound
Electronics Recycling Center, Inc. - Miami, FL	\$0.13
Full Circle Electronics, LLC - Ocala, FL	\$0.20

Solid Waste Director, Mark Johnson, recommends that Electronics Recycling Center, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Electronic Recycling Center, Inc. for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$50,000. Funding is from ZA427534-534101 Solid Waste Disposal Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chairman and Clerk to execute the contract under 24B-102.

**7.4.9. Request Approval of Bid Award: 24B-118, Water Main Crew Line - Sod Restoration Services - Signature Sod Service, LLC, Summerfield, FL (Budget Impact - Neutral; estimated annual expenditure of \$177,000 pending approval of FY 2023-24 Budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Marion County Utilities (MCU), Procurement advertised a bid for sod restoration contractors to help support the MCU-staffed crew for public water main installation projects which was broadcasted to the public on July 6, 2023; zero submittals were received. Procurement services did outreach to let previous plan holders and contractors with the relevant experience know that this would be re-advertised. A second solicitation was broadcast on August 11, 2023, and no submittals were received.

In an effort to avoid any future delays, Procurement worked with Utilities to find and negotiate with a reputable and experienced contractor with similar work detail. Attached for review and approval is a contract draft along with the fee schedule. Pending approval at today's meeting, the contract will be routed to Signature Sod Service for signatures and upon return, will be routed for County Attorney, Chairman's, and Clerk's signatures.

Budget/Impact: Neutral; total annual expenditure of \$177,000. Funding is from line ZF448536-563102-UTC000099 (Marion County Utility Fund).

Recommended Action: Motion to approve the recommendation and authorize the Chair and Clerk to execute contract with Signature Sod Service, LLC. under 24B-118.

**7.4.10. Request Approval of Cabinetry Purchase for Marion County Jail - Classic Kitchens, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$80,216 as approved in FY 2023-24 Infrastructure Surtax budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Facilities Management (Facilities), Procurement advertised two (2) bids for the Marion County Jail cabinet replacement project. No bids were received for either solicitation and as a result, Facilities was able to reach out to vendors of their choice to request proposals.

March 19, 2024

They requested proposals from three (3) contractors and Classic Kitchens, Inc. was the lowest. The project cost includes labor and materials, the removal and replacement of cabinets and millwork, and treatment of the area for termites in the Booking and Infirmary areas of the jail. The existing cabinetry is damaged beyond repair by termites and the new cabinetry will be constructed of materials that are pre-treated for termites to prevent future infestations.

Attached are six (6) quotes, one for each involved area, for your review. Upon approval at today's meeting, the requisition will be processed and a purchase order will be sent to Classic Kitchens, Inc.

Budget/Impact: Neutral; project cost is \$80,215.20. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funds are available in line VJ735523-563102 (Infrastructure Surtax Capital Project Fund) under Project Code SOC000022.

Recommended Action: Motion to approve the purchase and authorize staff to release the purchase order to Classic Kitchens, Inc.

(Ed. Note: This item was approved with Item 5.1.7., Budget Amendment Resolution 24-R-92).

**7.4.11. Request Approval of Change Order 2 to Purchase Order 2400620: 23B-194 Signal Loop Detection Repairs - Taylormade Loops, LLC, Ocala, FL (Budget Impact - Neutral; expenditure of \$21,970 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On October 3, 2023, the Board approved a contract with Taylormade Loops, LLC to provide miscellaneous signal loop detection repairs throughout the county. Seven additional loops were found to be damaged and in need of replacement after the awarding of the contract took place. The resulting Change Order, being presented today, requests to add \$21,969.23 to the Purchase Order which will address six intersections. Due to the amount of work, this will also extend the final completion by 30 calendar days.

A copy of the Change Order is attached for review. Pending approval at today's meeting, the Change Order will be presented to the Chairman for signatures.

Budget/Impact: Neutral; additional expenditure not to exceed \$21,969.23, bringing the Purchase Order total to \$83,769.23. Funding comes from BM761541-563221 - 80% Gas Tax Construction Fund.

Recommended Action: Motion to approve the change order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 2 to PO 2400620.

**7.4.12. Request Approval of Second Contract Amendment: 20B-100-CA-02 Fence Line and Rip Rap Herbicide Spraying - Estate Management Services, Inc., Brunswick, GA (Budget Impact - Neutral; estimated expenditure of \$71,000 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On March 24, 2020, the Board approved a contract with Estate Management Services, Inc. to clear undesired vegetation around fence lines. This includes three Rip Rap sites in the right-of-way on CR 225A, 5,336 square feet in 16 different drainage retention areas (DRAs), and approximately

46.43 miles of fence line spraying in 249 different DRAs. At times, the work requires intensive spraying to bring said vegetation under control. The contractor has complied with the agreement's terms and conditions, which include the option to extend the contract for its second and final renewal; pending mutual agreement. Steven Cohoon, P.E., County Engineer, recommends the second, one-year term renewal.

Attached for review is a draft of the contract. Pending approval at today's meeting, it will be sent to Estate Management Services, Inc. for signatures. Upon return, the contract will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; annual expenditure is estimated at \$71,000, however, this estimate may vary based on actual needs of service. Annual expenditures shall not exceed approved Fiscal Year budget amounts and shall be based on contracted unit pricing without being brought back to the board. Funding comes from EK430538-534101 - Stormwater Program.

Recommended Action: Motion to approve the renewal and allow staff to issue the contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 20B-100-CA-02.

**7.4.13. Request Approval of Second Contract Amendment: 22P-179-CA-02, Marion Oaks Water Main Extension Project - Quality Enterprises USA, Inc., Naples, FL (Budget Impact - Neutral; expenditure of \$14,499,145 as approved in FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Marion County Utilities (MCU), a Request for Proposals (RFP) was advertised to the four (4) prequalified Progressive Design-Build (PDB) Teams for Marion Oaks Water Main Extension Project, which is one (1) of the six (6) Progressive Design Builders (PDB) utility projects being funded with the American Rescue Plan Act (ARPA) Grant. Quality Enterprises USA, Inc. (QE) was ultimately the firm recommended by the Selection Committee and met with the negotiations team to discuss timeline and scope of work for the design portion of the project. QE negotiated the design portion of the project (Task 1), which has recently been completed and the negotiations team met once again to negotiate a timeline and guaranteed maximum price (GMP) for construction of this project (Task 2). The work includes constructing 80,341 linear feet of water mains, valves, fittings, water services, and related appurtenances. The project provides water service to 279 occupied lots and will provide water service to an additional 2,243 lots at build out. The estimated time for substantial completion of the construction is 518 calendar days with an additional 31 calendar days for final completion.

Attached for review is a draft contract amendment. Pending approval at today's meeting, it will be forwarded to QE for execution as written, and upon return, will be processed for the County Attorney's, Clerk's, and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$14,499,144.67 for work related to the construction of the project. Funding from Utilities CIP Improvements line FF449536-563102 (American Rescue Plan); Project Code UTCEXT002.

Recommended Action: Motion to approve and allow staff to issue, and, upon return by Legal, authorize the Chair and Clerk to execute the Second Contract

March 19, 2024

Amendment with Quality Enterprises USA, Inc., under Request for Proposals (RFP) 22P-179.

**7.4.14.** Request Approval of Selection Committee Recommendation: 24P-026 Temporary Staffing/Executive Recruiting - Ad-Vance Talent Solutions, Inc. (Budget Impact - Neutral)  
The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Human Resources Department, Procurement advertised a Request for Proposal (RFP) for qualified firms to provide staffing services for temporary/short-term staffing on an as-needed basis, and permanent/contingency staffing on a permanent basis. Nine (9) submittals were received, evaluated, and scored by Selection Committee members ranking Ad-Vance Talent Solutions, Inc. as the highest-scoring firm, shown below:

Firm- Location	Score	Rank
Ad-Vance Talent Solutions - Bradenton, FL	522	1
Health Advocates Network, Inc. d/b/a/ Staff Today - Covina, CA	415	2
KDG Support, LLC - Melbourne, FL	407	3
Lancesoft, Inc. - Herndon, VA	399	4
Waterfield Florida Staffing, LLC d/b/a/ Action Labor- West Palm Beach	394	5
CDS Resources, LLC- Hollywood, FL	375	6
Noor Staffing Group, LLC - New York, NY	333	7
Frontall USA, LLC - Elizabeth, NJ	326	8
A & Associates - West Palm Beach, FL	194	9

Human Resources Director, Sara Caron, supports the Selection Committee's recommendation to award the contract to Ad-Vance Talent Solutions. A variety of positions are offered and can be viewed in the attached contract. The initial term will be for 13 months, with four (4) annual renewals available, pending mutual agreement. Ad-Vance Talent Solutions' fee for clerical positions will be a 28% markup plus base salary and a 34% markup plus base salary for industrial positions.

Attached for review is a draft contract; pending approval at today's meeting, it will be sent to Ad-Vance Talent Solutions for signatures and upon return, will be routed for same by County Attorney, Clerk, and Chair.

Budget/Impact: Neutral; actual annual expenditure will be dependent on each department's needs, with funding required to be established in the appropriated account(s).

Recommended Action: Motion to approve the recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chair to execute contract with Ad-Vance Talent Solutions under 24P-026.

**7.4.15.** Request Approval of Selection Committee Recommendation: 24Q-055, Fire Station 11 Construction Manager at Risk – Dinkins Construction, LLC, Ocala, FL (Budget Impact - None)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Facilities Management, Procurement advertised a Request for Qualifications (RFQ) for Fire Station 11 Construction Manager at Risk (CMR) project. Due to the substantial growth in the northwest region of the County there is a need to rebuild the existing aged-structure with a



new 13,650 sq. ft. fire station on property located at the entrance of the Florida State Fire College. The CMR will provide complete construction management services to include contracting sub-contractors in Civil, Mechanical, Electrical and Plumbing Engineering (MEP). The CMR will be held accountable for completing all aspects and phases of the project on time and on or below budget. The CMR will submit to the County a guaranteed maximum price (GMP) and deliver the final project within that proposed GMP. The GMP will be brought back to the Board for final approval. The CMR fee has been negotiated to 6% of the project. This fee covers all services from conceptual design to post occupancy.

Six (6) submittals were received, evaluated, and scored by Selection Committee members Drew Rogers, Nicole Raczkowski and Josh Kramer. Phase II Presentations/Interviews were held with the highest scoring firms, shown below.

FIRM - Location	Rank
Dinkins Construction, LLC - Ocala, FL	1
Cullison-Wright Construction - Ocala, FL	2
Meyer Najem Construction, LLC - Jacksonville, FL	3

Attached for review is a draft CMR contract; pending approval today, it will be forwarded to Dinkins Construction, LLC for signatures, and upon return, will be sent to the County Attorney, Clerk, and Chairman for signatures.

Budget/Impact: None.

Recommended Action: Motion to approve the Selection Committee recommendation, allow staff to issue the CMR contract to Dinkins Construction, LLC, and upon approval by Legal, authorize the Chairman to execute contract with firm under 24Q-055.

**7.4.16. Request Approval of Selection Committee Recommendation: 24Q-057, Fleet Services New Facility Construction Manager at Risk - Dinkins Construction, LLC, Ocala, FL (Budget Impact - None)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Facilities Management, Procurement advertised a Request for Qualifications (RFQ) for the Fleet Services New Facility Construction Manager at Risk (CMR) project. The goal is to create a modern, new construction, functionally focused Fleet Service Center which will service Marion County employees. The CMR will provide complete construction management services to include contracting sub-contractors in Civil, Mechanical, Electrical, and Plumbing Engineering (MEP). The CMR services will apply to all project phases: programming and conceptual design, schematic design, design development, construction documents, bidding, construction, close-out and warranty. The CMR will submit to the County a guaranteed maximum price (GMP) and deliver the final project within that proposed GMP. The GMP will be brought back to the Board for final approval. The CMR fee has been negotiated to 4.25% of the project. This fee covers all services from conceptual design to post occupancy.

Seven (7) submittals were received, evaluated, and scored by Selection Committee members Mark Williams, Mike Bates, and Jared Peltz. Phase II Presentations/Interviews were held with the highest scoring firms shown below.

FIRM - Location	Rank
Dinkins Construction, LLC - Ocala, FL	1
D.E. Scorpio Corporation dba Scorpio - Gainesville, FL	2
Ajax Building Company, LLC - Gainesville, FL	3
The A.D. Morgan Corporation - Tampa, FL	4

Attached for review is a draft CMR contract; pending approval today, it will be forwarded to Dinkins Construction, LLC for signatures, and upon return, will be sent to the County Attorney, Clerk, and Chair for signatures.

Budget/Impact: None.

Recommended Action: Motion to approve the Selection Committee recommendation, allow staff to issue the CMR contract to Dinkins Construction, LLC and upon approval by Legal, authorize the Chair to execute contract with firm under 24Q-057.

**7.4.17. Request Approval of Task Order for Pre-Qualified Contract: 22Q-141-TO-02, DRA 3127 Erosion Repair - Major Maintenance Project - Hartman Civil Construction Company, Inc., Hernando, FL (Budget Impact - Neutral; expenditure of \$106,288 as approved in FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Office of the County Engineer (OCE), a request for qualifications was advertised for a firm to provide repair and maintenance for roads, right-of-ways (ROWs), and stormwater facilities. On July 6, 2022, the Board contracted with three (3) firms to be pre-qualified contractors for various projects under this agreement. A task order was issued for DRA 3127 Erosion Repair – Major Maintenance Project. The work includes sinkhole repair in the drainage retention area (DRA) consisting of standard clearing and grubbing, excavation, placing and compacting fill, erosion repair, select clearing and grubbing along fence line, and sodding disturbed areas. County Engineer, Steven Cohoon, P.E., is recommending approval of the task order to Hartman Civil Construction Company, Inc., the lowest pre-qualified bidder as shown in the tabulation below:

CONTRACTOR - City	BID
Hartman Civil Construction Company, Inc. - Hernando	\$106,288.00
GWP Construction, Inc. - Ocala	\$114,478.20
Art Walker Construction, Inc - Ocala	\$268,125.31

Budget/Impact: Neutral; expenditure of \$106,288.00 Up to ten percent (10%) contingency can be added to the Purchase Order per the Procurement Manual.

STM0082MA - EK430538 - 534101 - \$106,288.00 (Project Cost / Stormwater Program)

STM0082MA - EK430538 - 534101 - \$10,628.80 (Contingency / Stormwater Program)

Recommended Action: Motion to approve recommendation and allow staff to issue the task order agreement and authorize the Chair and Clerk to execute the agreement with Hartman Civil Construction Company, Inc., the lowest responsible bidder for 22Q-141-TO-02.

**7.4.18.** Request Approval of Third Contract Amendment: 20B-102-CA-03 Drainage Retention Area Mowing - C&C Solutions, LLC, Ocala, FL, C&K Clean Cuts Lawn Service and Enterprise, LLC, Reddick, FL, M. Hughes Services, LLC, Ocala, FL, and Top-Quality Lawn Management, LLC, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$551,381 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On March 24, 2020, the Board approved to contract with four contractors to provide routine mowing of drainage retention areas (DRAs), drainage right-of-ways, adjacent right-of-ways, drainage easements, and conveyance swales. The work includes trimming around structures such as pipe ends, discharge structures, signs, trees, and along fence lines which at times, includes the use of specialized equipment and hand work. The contractors have complied with the agreement's terms and conditions, which include the option to extend the contract for its third renewal option; pending mutual agreement. Steven Cohoon, P.E., County Engineer, recommends the third, one-year term renewal. Attached for review is a draft of one contract; the rest are identical. Pending approval at today's meeting, it will be sent to C&C Solutions, LLC, C&K Clean Cuts Lawn Service and Enterprise, LLC, M. Hughes Services, LLC, and Top-Quality Lawn Management, LLC for signatures. Upon return, the contracts will be forwarded for the County Attorney, Clerk, and Chair's signatures.

Budget/Impact: Neutral; annual expenditure is estimated at \$551,381, however, this estimate may vary based on the actual needs of service. Annual expenditures shall not exceed approved Fiscal Year budget amounts and shall be based on contracted acreage unit pricing without being brought back to the board. Funding comes from EK430538-534101 - Stormwater Program.

Recommended Action: Motion to approve the contract amendment and allow staff to renew the contracts. Upon approval by Legal, authorize the Chair and Clerk to execute the contract under 20B-102-CA-03.

**7.4.19.** Request Approval of Purchases \$50,000 and Over

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: The item(s) below have been received by Procurement Services and are approved for conformance with the Procurement Code/Manual, pending approval at today's meeting.

1. Pending Requisition/Alan Jay Ford Lincoln Mercury, Inc - Marion County Solid Waste Department requests approval to purchase one (1) 2024 Ford Transit T-350 Wagon XL, Low Roof, (12 Passenger Van). To include all specifications detailed on the attached quote dated 1/25/2024 (\$55,374/each). This unit is a replacement, per the attached Risk Claim #VA2023016915 for VN-49 which was totaled in a traffic collision. Total expenditure of \$55,374. Funds are available in lines ZK160519-545701 (\$39,381) (Insurance Fund), and ZA425534-564101 (\$15,993) (Solid Waste Disposal Fund) *This purchase meets competitive bidding requirements under Sourcwell #2024 091521-NAF & 06.*
2. Pending Requisition/Presidio Networked Solutions, LLC - Marion County Information Technology requests approval to purchase the renewal of Cisco

Con-SmartNet Technical Support Service 3/1/2024 - 2/28/2025 per attached quote 2001724050804-02. Total expenditure of \$71,332.54. Funds are available in line AA174516-546301 (General Fund) *This purchase meets competitive bidding requirements under NASPO-19-ACS.*

3. Pending Requisition/Kompan, Inc. - The Marion County Parks & Recreation Department requests approval to purchase one (1) Two Bay Swings - 1 basket, 2 infant in-ground 90cm (\$6,652.80), one (1) Acadia with Roof in-ground (\$21,621.60) , one (1) Sign M Custom 2-12 (\$660), one (1) installation of Kompan Equipment 2 existing spinner bowls, borders and ramp (\$18438.50), one (1) freight charge (\$4,597.18), 112 cubic yards of blown in EWF+FF 12" by CY, 3253 includes installation and freight (\$10,793.66), Forty-Eight (48) 12" Playground Border with Spike, Black Plastic (\$1,944), one (1) ADA Half Ramp System Black Plastic (\$570.60), one (1) Freight Charge for borders and ramp (\$590). Total expenditures of \$65,868.34; funds are available in line CR362572-563101-360ORGLAKE (Parks and Rec Fee Fund). *This purchase meets the competitive bidding requirements under an Omnia cooperative contract #2017001135.*

Recommended Action: Motion to approve requested purchases.

## **7.5. Solid Waste:**

**7.5.1.** Request Approval of Resolution Establishing Fees (aka "Gate Rates") for the Disposal of Solid Waste at the County's Solid Waste Management Facilities (Budget Impact - Neutral)

The Board accepted the following recommendation to adopt Resolution 24-R-101 as presented by Solid Waste Director Mark Johnson:

Description/Background: Section 16-8 of the County Code grants the Marion County Board of County Commissioners the authority to establish the types and amounts of the fees to be charged for the disposal of Solid Waste at the County's Baseline Facility.

The Solid Waste Department has conducted a financial analysis and recommends approval of the Board for an adjustment to landfill fees (aka "Gate Rates") to reflect the cost of service as presented in "Exhibit A" of the resolution presented under this item. This resolution considers adjustments to be made effective May 1, 2024, October 1, 2025 and October 1, 2027.

Budget/Impact: Neutral.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Resolution to establish fees for disposal of solid waste.

Resolution 24-R-101 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, ESTABLISHING FEES FOR THE DISPOSAL OF SOLID WASTE AT THE COUNTY'S SOLID WASTE MANGEMENT FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR CERTAIN TYPES AND QUANTITIES OF MATERIALS THAT MAY BE DELIVERED WITHOUT CHARGE TO RECYCLING CENTERS BY COUNTY RESIDENTS WHO HAVE PAID THE COUNTY'S SOLID WASTE ASSESSMENT; AUTHORIZATION, AND FEES, FOR NON-ASSESSED PERMITS; DISPOSAL OF RESIDENTIAL WASTE GENERATED FROM OUTSIDE OF THE COUNTY WITH AN ANNUAL PERMIT; PROVIDING

EXEMPTIONS FOR THE DISPOSAL OF ANIMALS BY LISTED AGENCIES; PROVIDING FOR REPEAL OF INCONSISTENT RESOLUTIONS; AND PROVIDING EFFECTIVE DATES.

**7.6. Tourist Development:**

**7.6.1.** Request Approval of Tourist Development Council Funding Request for CSF Aquatics, LLC for the Florida Swimming FLAGS Spring Championship for 2024, 2025, and 2026 (Budget Impact - Neutral; expenditure of \$45,000 total, \$15,000 per year as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Tourist Development Director Loretta Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024 Florida Swimming FLAGS Spring Championship hosted by CSF Aquatics, LLC to be held February 29 - March 3, 2024 at Florida Aquatic Swimming and Training (FAST). This event was recommended for funding by the TDC at their regularly scheduled meeting on January 25, 2024. The TDC recommends funding this event for 2024, 2025, and 2026. The contracts for 2025 and 2026 will be negotiated and presented to the Board annually for consideration.

Florida Swimming FLAGS Spring Championship      \$15,000 per year

Budget/Impact: Neutral; expenditure of \$15,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chair and Clerk to execute attached funding agreement.

**7.6.2.** Request Approval of Tourist Development Council Funding Request for CSF Aquatics, LLC for the Florida Swimming Senior Spring Championship for 2024, 2025, and 2026 (Budget Impact - Neutral; expenditure of \$75,000 total, \$25,000 per year as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024 Florida Swimming Senior Springs Championship hosted by CSF Aquatics, LLC to be held March 7-10, 2024 at Florida Aquatic Swimming and Training (FAST). This event was recommended for funding by the TDC at their regularly scheduled meeting on January 25, 2024. The TDC recommends funding this event for 2024, 2025, and 2026. The contracts for 2025 and 2026 will be negotiated and presented to the Board annually for consideration.

Florida Swimming Senior Spring Championship      \$25,000 per year

Budget/Impact: Neutral; expenditure of \$25,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

March 19, 2024

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chair and Clerk to execute attached funding agreement.

**7.6.3.** Request Approval of Tourist Development Council Funding Request for CSF Aquatics, LLC for the USA Swimming Speedo Sectionals for 2024, 2025, and 2026 (Budget Impact - Neutral; expenditure of \$75,000 total, \$25,000 per year as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024, 2025, and 2026 USA Swimming Speedo Sectionals hosted by CSF Aquatics, LLC held on May 23-26, 2024 at Florida Aquatic Swimming and Training (FAST). This event was recommended for funding by the TDC at their regularly scheduled meeting on January 25, 2024. The TDC recommends funding this event for 2024, 2025, and 2026. The contracts for 2025 and 2026 will be negotiated and presented to the Board annually for consideration.

USA Swimming Speedo Sectionals \$25,000 per year

Budget/Impact: Neutral; expenditure of \$25,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chairman and Clerk to execute attached funding agreement.

## **7.7. Transportation - County Engineer:**

**7.7.1.** Request Approval of a Florida Department of Transportation State Funded Grant Agreement and Resolution for Design of the Proposed Cross Florida Greenway Baseline Road to Santos Paved Trail Project in Marion County (Budget Impact – Grant Revenue of \$584,246)

Description/Background: This 6.8-mile project will connect a critical missing link in the Heart of Florida Loop Trail from Baseline Trailhead to Santos Trailhead. The typical section will consist of a paved 12-foot wide trail with a uniform cross slope to drain to one side, providing two-foot sodded shoulders and a 1:2 maximum side slope tying into existing ground. Drainage analysis will be required to determine impacts to the existing conditions throughout the project limits. The trail will have at grade railroad crossings along both SE 80<sup>th</sup> Street and SE 58<sup>th</sup> Avenue. This phase of the project involves the design of the trail. Approval of this agreement will provide for reimbursement of 100% of the design costs, up to \$584,246.00.

Budget/Impact: Grant revenue of up to \$584,246.00 to reimburse the Transportation Maintenance Fund.

Recommended Action: Motion to approve the attached Agreement and Resolution, and authorize the Chair and Clerk to execute the same.

(Ed. Note: This Item was withdrawn and will be brought back at a later date.)

**7.7.2. Request Approval of a Grant of General Utility Easement Between Marion County and HP-212015 Ocala, LLC for a Portion of Parcel Numbers 3502-002-004 and 35300-031-08 (Budget Impact - None)**

The Board accepted the following recommendation as presented by County Engineer Steven Cohoon, OCE:

Description/Background: This is a request to approve a Grant of General Utility Easement between Marion County and HP-212015 Ocala, LLC for a Portion of Parcels numbers 3502-002-004 and 35300-031-08. This 10-foot easement is a requirement of Marion County Utilities for a future sanitary sewer force main associated with Major Site Plan Ocala SR 200, AR Number 30860.

Budget/Impact: None.

Recommended Action: Motion to approve the Grant of General Utility Easement and authorize the Chair and Clerk to execute the same.

**7.7.3. Request Approval of a Purchase Agreement Associated with the SW 49<sup>th</sup> Avenue Segment F Road Improvement Project for Parcel 8001-0122-17 (Budget Impact - Neutral; expenditure of \$39,200 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$39,200 plus closing cost for parcel 8001-0122-17 associated with the SW 49<sup>th</sup> Avenue - Segment F Road Improvement Project (from Marion Oaks Manor north to SW 142<sup>nd</sup> Place Road). This unimproved residential parcel consists of approximately 0.28 acres. There is cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$39,200 plus closing cost (STC073813-VJ738541-561301)

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

**7.7.4. Request Approval of a Purchase Agreement Associated with the SW 49<sup>th</sup> Avenue Segment F Road Improvement Project for Parcel 8001-0122-16 (Budget Impact - Neutral; expenditure of \$298,300 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$298,300 plus closing cost for parcel 8001-0122-16 associated with the SW 49<sup>th</sup> Avenue - Segment F Road Improvement Project (from Marion Oaks Manor north to SW 142<sup>nd</sup> Place Road). This is an improved lot consisting of approximately 0.26 acres. The 1,540 square foot single family residence, constructed in 2004, consists of three (3) bedrooms and two (2) bathrooms. The negotiated agreement is inclusive of any and all cost associated with this transaction. There is cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$298,300 plus closing cost (STC073813-VJ738541-561301)

March 19, 2024

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

## **7.8. Utilities:**

**7.8.1.** Request Approval of Short Water Line Extension Program Resolution to Support SWL-086 (Applicant - Doco Group, LLC) (Budget Impact - Neutral; expenditure of \$44,704 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-96 as presented by Utilities Director Jody Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel number 8009-1211-03 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. This project is designed to meet only the permitted parcel's code compliance requirements as shown within the Resolution on Exhibit B. The project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; project cost is \$44,704, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 24-R-96 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

(Ed. Note: This item was approved with Items 5.1.1. and 5.1.2., Budget Amendment Resolutions 24-R-86 and 24-R-87).

**7.8.2.** Request Approval of Short Water Line Extension Program Resolution to Support SWL-093 (Applicant - Fipeca Enterprise, LLC) (Budget Impact - Neutral; expenditure of \$55,245 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-97 as presented by Utilities Director Kirkman:



Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 9018-0309-11 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; project cost is \$55,245, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 24-R-97 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

(Ed. Note: This item was approved with Items 5.1.1. and 5.1.2., Budget Amendment Resolutions 24-R-86 and 24-R-87).

**7.8.3.** Request Approval of Short Water Line Extension Program Resolution to Support SWL-095 (Applicant - Baxton Homes, LLC) (Budget Impact - Neutral; expenditure of \$57,753 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-98 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel number 8009-1245-26 for participation in the Program, shown within the Resolution on Exhibit A - Application

March 19, 2024

for the Short Water Line Extension Program. This project is designed to meet only the permitted parcel's code compliance requirements as shown within the Resolution on Exhibit B. The project provides for ten (10) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; project cost is \$57,753, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 24-R-98 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

(Ed. Note: This item was approved with Items 5.1.1. and 5.1.2., Budget Amendment Resolutions 24-R-86 and 24-R-87).

**7.8.4.** Request Approval of Short Water Line Extension Program Resolution to Support SWL-104 (Applicant - TSBP PManagement, LLC) (Budget Impact - Neutral; expenditure of \$83,297 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-99 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 4712-171-146 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for seven (7) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; project cost is \$83,297, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 24-R-99 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

(Ed. Note: This item was approved with Items 5.1.1. and 5.1.2., Budget Amendment Resolutions 24-R-86 and 24-R-87).

**8. COUNTY ATTORNEY: NONE**

**9. COUNTY ADMINISTRATOR: NONE**

**10. COMMITTEE ITEMS:**

**10.1.** Board of Adjustment - Request Appointment of One Alternate Member for an Unexpired Term Ending June 2026

Executive Assistant Gennifer Medina, Commission Office, presented the following recommendation:

Description/Background: There is a vacancy on the Board of Adjustment for one (1) alternate member on an unexpired term ending June 2026.

One (1) application was received during the advertisement period:

- Samuel I. Hunt (New)

Budget/Impact: None.

Recommended Action: Motion to select one (1) applicant as Alternate Member for an unexpired term, ending June 2026.

Deputy Clerk Mills-McAllister advised that Samuel I. Hunt received the appropriate votes. A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to appoint Mr. Samuel I. Hunt as an Alternate Member of the Board of Adjustment for an unexpired term, ending June 2026. The motion was unanimously approved by the Board (5-0).

**10.2.** Industrial Development Authority - Request Appointment of Two Full Members for Full-Terms Ending March 2028

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: There are two (2) members on the Industrial Development Authority Board whom are in terms that expire at the end of March 2024. The incumbents are eligible for reappointment.

- Todd Rudnianyn (Incumbent) - Real Estate
- Matt Fabian (Incumbent) - Business Consultant

March 19, 2024

Budget/Impact: None.

Recommended Action: Motion to re-appoint incumbents, Todd Rudnianyn and Matt Fabian, to the Industrial Development Authority Advisory Board, as full members for full-terms, ending March 2028.

Deputy Clerk Mills-McAllister advised that Todd Rudnianyn and Matt Fabian received the appropriate votes.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to re-appoint incumbents, Todd Rudnianyn and Matt Fabian, to the Industrial Development Authority Advisory Board, as full members for full-terms, ending March 2028. The motion was unanimously approved by the Board (5-0).

**10.3. Rainbow Lakes Estates MSD Advisory Committee - Request Appointment of One Full Member for an Unexpired Term Ending December 2024**

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: There is one (1) vacancy on the Rainbow Lakes Estates Advisory Committee for a full member on an unexpired term ending December, 2024.

Two (2) new applications have been received for the Board's consideration:

- Enrico "Rico" Spicuzza (New) - Insurance Agent
- Michael Lee Hassenfelt (New) - Retired, United States Army

Budget/Impact: None.

Recommended Action: Motion to appoint one (1) of the two (2) applicants as a full member for an unexpired term ending December 2024.

Deputy Clerk Mills-McAllister advised that Enrico "Rico" Spicuzza received the appropriate votes.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to appoint Mr. Enrico "Rico" Spicuzza to the Rainbow Lakes Estates Advisory Committee for a full member on an unexpired term ending December 2024. The motion was unanimously approved by the Board (5-0).

**10.4. Tourist Development Council - Request Appointment of One Full Member (Collector) for a Full-Term Ending Feb 2028**

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: The Tourist Development Council has one (1) seat with a term that expired at the end of February 2024. The incumbent member is eligible for re-appointment and has applied accordingly during the advertisement period:

- Digvijay "Danny" Gaekwad (Incumbent-Collector)

Budget/Impact: None.

Recommended Action: Motion to re-appoint incumbent, Digvijay "Danny" Gaekwad, as full member (Collector) on a full-term, ending February 2028.

Deputy Clerk Mills-McAllister advised that Digvijay "Danny" Gaekwad received the appropriate votes.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to re-appoint incumbent, Digvijay "Danny" Gaekwad, as full member (Collector) on a full-term, ending February 2028. The motion was unanimously approved by the Board (5-0).

**11. NOTATION FOR ACTION:**

**11.1.** Request Approval to Schedule Second Hearing for Planning and Zoning 2404 Case Cycle Meeting on Wednesday, April 17, 2024 at 1:00 p.m. in the McPherson Governmental Campus Auditorium

Deputy Director Ken Weyrauch, Growth Services, presented the following recommendation:

Description/Background: Based on the case load for this cycle, Growth Services requests to schedule a second hearing date for Planning and Zoning 2404 case cycle with a proposed date of Wednesday, April 17, 2024 at 1:00 p.m. This will allow for overflow of the cases and help facilitate possible increased attendance issues with the number of cases and ensure each case has the necessary time.

Budget/Impact: None.

Recommended Action: Motion to approve proposed meeting date, Wednesday, April 17, 2024 at 1:00 p.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve proposed meeting date, Wednesday, April 17, 2024 at 1:00 p.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.2.** Request Approval to Schedule A Public Hearing for Case Number 240306ZP - On Top of the World Communities LLC, Zoning Change on Monday, April 22, 2024 at 9:00 a.m. in the McPherson Governmental Campus Auditorium

Director Charles Varadin, Growth Services, presented the following recommendation:

Description/Background: Growth Services requests to schedule Monday, April 22, 2024 at 9:00 a.m. as a planning and zoning hearing date for consideration of case number 240306ZP - On Top of the World Communities LLC, zoning change from Community Business (B-2) to Planned Unit Development (PUD) for 22.63 acres on parcel account numbers 3530-1001-07 (portion) and 35300-100004. This meeting date is necessary to accommodate the current case load and anticipated public participation.

Budget/Impact: None.

Recommended Action: Motion to approve proposed meeting date, Monday, April 22, 2024 at 9:00 a.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve proposed meeting date, Monday, April 22, 2024 at 9:00 a.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.3.** Request Approval to Schedule and Advertise a Public Hearing to Consider an Ordinance to Amend the Name of the Municipal Service Taxing Unit and to Increase the Maximum Assessment Rate for Doublegate Municipal Service Taxing Unit for General Services on Tuesday, April 23, 2024 at 10:00 a.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

Director Wicker, MSTU, presented the following recommendation:

Description/Background: The following date is being requested for a Public Hearing associated with the Doublegate Municipal Service Taxing Unit (MSTU) for General Services and in accordance with Florida Statute 197.3632.

Tuesday, April 23, 2024 at 10:00 a.m. or as soon thereafter

March 19, 2024

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a Public Hearing for Doublegate MSTU for General Services on April 23, 2024 starting at 10:00 a.m. or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise a Public Hearing for Doublegate MSTU for General Services on April 23, 2024 starting at 10:00 a.m. or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.4. Request Approval to Schedule and Advertise a Public Hearing to Consider a Rate Resolution to Increase the Current Assessment Rate Associated with Doublegate Subdivision Municipal Service Taxing Unit (Proposed Doublegate Subdivision Municipal Benefit Unit) for General Maintenance and Capital Improvements on Tuesday, May 14, 2024 at 9:30 a.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium**

Director Wicker, MSTU, presented the following recommendation:

Description/Background: The following date is being requested for a Public Hearing associated with the Doublegate Subdivision MSTU (Proposed Doublegate Subdivision MSBU) for General Maintenance and Capital Improvements and in accordance with Florida Statute 197.3632.

Tuesday, May 14, 2024 at 9:30 a.m. or as soon thereafter

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a Public Hearing for Doublegate Subdivision MSTU for General Maintenance and Capital Improvements on May 14, 2024 starting at 9:30 a.m. or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise a Public Hearing for Doublegate Subdivision MSTU for General Maintenance and Capital Improvements on May 14, 2024 starting at 9:30 a.m. or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

## **12. GENERAL PUBLIC COMMENTS:**

Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled speakers will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or sign up online at: [www.marionfl.org](http://www.marionfl.org).

Chairman Stone opened the floor to public.

David Koger, Palmetto Way, Dunnellon, presented a 1 page handout entitled, "Code of Federal Regulations Title 33, Chapter 1, Subparagraph P, Part 162" and an 8 page handout containing photographs of people along the Rainbow River. He advised that he lives directly across the street from Swampy's Bar & Grill and directly across the river from the canoe launch and take out ramp for tubers from the KP Hole. Mr. Koger stated when he purchased the property in 2010 he was aware it was a busy place; however, there are codes and regulations in place as reflected on the 1 page handout relating to the Code of Federal Regulations. He advised that the Code has recently changed, noting when he purchased the property, the Code included language that "no boats were to be anchored or moored within 150 foot of a bridge on a navigable waterway". Mr. Koger

stated he is a retired road and bridge engineer and is very familiar with this matter. He advised of 5 different occasions, prior to his retirement, where he had to send inspectors out to inspect a bridge where someone had anchored or moored overnight and suspicious activities were reported, noting on 4 of those occasions bombs were found under the bridges. Mr. Koger noted in the last 5 years, traffic in this area of the river has become very popular with people anchoring or mooring there, which is within 150 feet of the bridge. He stated the new regulations do not say a person cannot anchor or moor within 150 feet of a bridge; however, there is State law that states a person "cannot anchor or moor within 150 feet of a launch or ramp". Mr. Koger advised that he has called the Sheriff's Office and the Dunnellon Police Department to enforce the law, noting on numerous occasions both have refused to do so. He stated as a County taxpayer he is extremely upset.

Paula Koger, Palmetto Way, Dunnellon, advised that there are several entities involved in this merging community, noting the County has interest in the take out ramp for tubers that makes Marion County money, as well as the City of Dunnellon interests. She stated tubers are now having to go past the take out zone because there is no room due to people illegally swimming in that area. Ms. Koger stated the noise is unbearable and chaotic.

Chairman Stone stated there is patrolling that happens on the river.

Ms. Koger opined that a fence is needed to prevent people going from the road and the bridge into the river.

Commissioner Bryant noted the Board can reach out to the FWCC and other appropriate agencies to see if they are able to increase their patrols on the river.

Perry Vogler, County Road 117A, Wildwood, presented a 1 page letter from Done Right Electric and a 15 page document containing a portion of Florida Statutes (FS) Chapters 489.127; 489.115; 489.144; 489.129; 489.142; 120.569; a letter from the Department of Business and Professional Regulations (DBPR); a Certificate of Occupancy (CO); a copy of a Building Permit; and a printout from the Marion County Property Appraisers Office (PAO). He advised that he is an electrical contractor and has held a license in the State of Florida for over 23 years, noting he is having an issue with the Marion County Building Department. Mr. Vogler stated he tried to meet with the Building Department staff, but was never responded to so he came in front of the BCC who directed staff to meet with him. He was able to meet one time with the Chief Building Inspector; however, he still has an issue with a person who is acting as a General Contractor. Mr. Vogler provided a brief overview of the issue, noting if a person is general contracting with someone and a lien is placed on the property, that compels the general contractor to settle a claim between the subcontractor and the owner in order to receive the final payment once the lien is satisfied. He advised that the person is acting as a contractor for themselves and owns the building outright, noting if he files a lien against that person the lien does nothing. Mr. Vogler advised that the contractor turned in a Certificate of Liability Workers Compensation for the project acting as the general contractor, supervised the work, and recruited sub-contractors for all of the work on the building. He stated he contacted the DBPR who issued a cease and desist order for that project. Mr. Vogler provided a brief overview of the issues he has had since that time.

Chairman Stone advised that the Board has record that staff has spoken with DPBR about the issue and based on how the project contract was written, DPBR found no improprieties. She stated the licensing investigators reviewed the matter and a meeting was held with the general contractor and the owner. Chairman Stone opined the BCC has

March 19, 2024

done its due diligence on behalf of Mr. Vogler and stated he may have to take the matter through the Court system.

Roger Knechtel, SE 97<sup>th</sup> Terrace Road, advised of a new procedure relating to abortion options to help save the lives of unborn babies. He commented on the commitment to close at least 3 Planned Parenthood offices every 40 days.

Cathy Wykoff did not appear when called upon to speak.

Joseph Walker, SE 54<sup>th</sup> Place, Ocklawaha, presented a 2 page electronic mail (email) relating to Code Enforcement Board meetings. He commented on the Code Enforcement Board Agenda and opined it does not provide enough information on the cases. Mr. Walker opined that there are years of violations that never get completed.

Chairman Stone clarified that meeting minutes and attachments have more information available for public review, similar to BCC agendas. She noted staff will show Mr. Walker how to pull up the information for Code Enforcement Board meetings. Chairman Stone noted staff will provide the Code Enforcement Board with some of Mr. Walker's suggestions relating to their Agenda information process.

Chairman Stone advised that public comment is now closed.

There was a recess at 9:50 a.m.

The meeting reconvened at 10:02 a.m. with all members present except for Commissioner Curry.

## **6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am:**

Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed.

### **6.1. PUBLIC HEARING: First of Two Community Services Public Needs Hearing for the County's Proposed Five Year 2024-2028 Consolidated Plan and Proposed 2024-2025 Annual Action Plan**

Community Services Director Martin presented the following recommendation:

Description/Background: Marion County receives the Community Development Block Grant (CDBG), HOME, Investment Partnership (HOME), and Emergency Solution Grant (ESG) from the Department of Housing and Urban Development (HUD) annually. Marion County formed a Consortium with the City of Ocala to receive HOME funds, and Marion County is the lead agency. The City receives CDBG funds independently as an Entitlement City.

Every five years, the County must submit a five-year Consolidated Plan and an Annual Action Plan thereafter to HUD that outlines how CDBG, HOME, and ESG funding will serve Marion County's low-to moderate-income population. The county's Five-Year Consolidation Plan covers fiscal years 2024 through 2028 and associated Annual Action Plan(s) 2024-2025, 2025-2026, 2026-2027, 2027-2028, and 2028-2029.

This Public Hearing is to consider comments on developing the 2024-2028 Consolidated Plan.

The funding amounts below include the anticipated five years of allocations.

- CDBG \$ 10,865,315
- HOME \$ 5,311,765
- ESG \$ 913,380.00

See the attached blank survey for examples of proposed projects for consideration.



If interested in participating, please complete the survey at:

<https://www.surveymonkey.com/r/MarionConPlan>. The survey period closes on March 31, 2024 at 5pm.

Budget/Impact: None.

Recommended Action: Receive public comments. The second Public Hearing will be scheduled at a future board meeting in July or August 2024.

Deputy Clerk Mills-McAllister presented Proof of Publication No. 9879672 entitled, "Public Notice Public Needs Hearing Proposed 5 Year 2024-2028 Consolidated Plan, Proposed FY 2024-2025 Annual Action Plan" published in the Star Banner newspaper on March 4, 2024. The Notice states the purpose of this public hearing is to discuss the HOME Investment Partnerships (HOME) Program, and Emergency Solutions Grant (ESG) Program through the Marion County and the City of Ocala HOME Consortium, as well as the housing, community, and economic development needs of Marion County using Community Development Block Grant Program (CDBG) funds.

Community Services Director Cheryl Martin advised that this is the first of two public hearings to receive public comment, noting the public comment period ends March 31, 2024. She referred to the quick response (QR) code (as shown on the overhead screen) that allows the public to participate in a survey relating to the proposed 5 Year 2024-2028 Consolidated Plan, and the proposed FY 2024-2025 Annual Action Plan. Ms. Martin stated the Plans are due to HUD every 5 years and then every year after, noting Marion County is noted as an "entitlement community"; therefore, it receives CDBG; HOME; and ESG grants. She advised that these grants must serve the low to moderate income population, noting the plans outline how the County can spend the grant monies. Ms. Martin noted staff will be holding a BCC workshop on May 29, 2024 as well as a second public hearing in July or early August 2024.

Commissioner Curry returned at 10:05 a.m.

Chairman Stone stated the public can participate by making comment today, as well as by scanning the QR code and participating in the survey as it relates to allocating those funds in Marion County.

Chairman Stone opened the floor to public comment.

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

Chairman Stone encouraged citizens to participate in the survey.

**6.2. PUBLIC HEARING:** First of Two Public Hearings for Consideration of an Ordinance as a Result of an Application Submitted by Horse Farms Forever, Inc. to Amend the Land Development Code Regarding Section 4.2.23 – Rural Commercial Classification's Intent, Permitted Uses, Development Standards and Design Standards

Deputy Director Ken Weyrauch, Growth Services, presented the following recommendation:

Description/Background: G. Matthew Brockway, Esq. (Applicant), on behalf of Horse Farms Forever, Inc., submitted a Land Development Code (LDC) Amendment Application proposing changes to LDC Section 4.2.23 – Rural Commercial (RC-1) zoning classification's intent, permitted uses, development standards, and design standards; providing for conflicts; providing for severability; providing for inclusion in the Land Development Code.

The proposed amendments were considered in a Public Hearing by the Land Development Regulation Commission (LDRC) on January 24, 2024, which recommended approval of the amendments with the attached proposed changes.

March 19, 2024

The applicant and staff do not support the additional changes proposed by the LDRC.

The proposed Ordinance and the applicant's application, as well as staff's report, are attached.

This is the first of two (2) public hearings. The second Public Hearing is scheduled for April 16, 2024, at 5:30 p.m.

Budget/Impact: None.

Recommended Action: Receive public comments. The second Public Hearing is scheduled for April 16, 2024, at 5:30 p.m.

Deputy Clerk Mills-McAllister presented Proof of Publication of a display ad entitled, "Notice of Public Hearing" published in the Star Banner newspaper on March 11, 2024. The Notice states the Board will consider the proposed amendments related to Marion County Land Development Code (LDC), Section 4.2.23 - Rural Commercial (RC-1) zoning classification's intent, permitted uses, development standards and design standards.

Deputy Director Weyrauch, Growth Services, presented a 3 page "11x17" handout entitled, "Proposed Revisions to "Exhibit "A" Proposed "Rural Commercial" Amendment" relating to the applicants proposed revisions (staff supports) versus LDRC's recommendations (staff does not support).

Chairman Stone noted this is the first of two public hearings for consideration of an Ordinance as a result of an application submitted by Horse Farms Forever, Inc. to amend the LDC regarding section 4.2.23 relating to Rural Commercial Classification's Intent, Permitted Uses, Development Standards and Design Standards.

Mr. Weyrauch expressed his appreciation to members of the LDRC who are in attendance today. He provided a brief history of the request, noting the applicant, Horse Farms Forever, Inc., submitted an application on September 15, 2023, requesting LDC amendments to RC-1 zoning classification relating to agricultural-related commercial uses (i.e., farm convenience store). Mr. Weyrauch stated staff reviewed the Comprehensive Plan and the LDC regarding the intent of the RC-1 zoning classification, noting there are some uses that staff recommends eliminating. He clarified that RC-1 is a rarely utilized zoning classification created in 1996, noting there are only 20 parcels with this classification in the entire County. He stated most of those parcels were rezoned in the early 2000's and of those 20, three are developed commercially; three are residential parcels; and fourteen are vacant land. Mr. Weyrauch stated staff attended meetings where the LDRC considered these proposed amendments during a series of workshops held on October 25, 2023; November 8, 2023; and December 13, 2023. At their January 24, 2024 public hearing, the LDRC considered these amendments, and recommended changes.

Mr. Weyrauch advised that the Comprehensive Plan is the governing document and is set by State Statutes, noting if the LDC is inconsistent with the Comprehensive Plan then the LDC would need to be amended. He stated some uses were added to the LDC in 2017 and most of those uses staff is recommending striking out and the applicant concurred and amended their application to line-up with staff's recommendations.

Mr. Weyrauch referred to Future Land Use Element (FLUE) 2.1.13., which states, in part, "Rural Land (RL): "This land use designation is intended to be used primarily for agricultural uses, low density residential units on large lots or family divisions and associated housing related to farms or other agricultural related commercial and industrial

uses. The base density shall be (1) dwelling unit per ten (10) acres". He noted the Floor Area Ratio (FAR) for the commercial entitlement is none.

Mr. Weyrauch referred to the 3 page handout, noting the first page is the intent of the classification (applicant's proposed revisions on the left and the LDRC's proposed revisions on the right), the second page reflects the permitted uses (applicant's proposed revisions on the left and the LDRC's proposed revisions on the right); and the third page shows the allowable special uses (requiring permits), noting both the applicant and the LDRC were agreeable relating to the proposed revisions for special uses. In regard to the intent of the classification, the applicant would like to include the language "only undeveloped parcels with an existing commercially zoned classification may be able to be rezoned to RC-1 and agriculturally zoned parcels shall not be rezoned to this classification". Mr. Weyrauch advised that the LDRC's recommendation in regard to the intent of the classification is "that only undeveloped parcels located on rural lands may be eligible to apply for this classification", noting staff's concern with this language is that it would "open the door" to all A-1 (General Agriculture), A-2 (Improved Agriculture), and A-3 (Residential Agricultural Estate) parcels, as well as all of the R-1 (Single Family Dwelling) and R-4 (Mixed Residential) parcels located on rural lands in historic subdivisions could apply for the RC-1 classification. He clarified that the land use does not have a FAR; however, the zoning classification does. For example, a 10 acre parcel could have as much as 130,000 square feet (sf) of commercial use. Mr. Weyrauch stated in regard to permitted uses (page 2), the applicant is proposing to delete bait and tackle, sporting goods, bank and credit unions, bottled gas cylinder refilling, churches, convenience stores, gas stations, dude ranch, manufacturing or installation, etc. He noted the LDRC would like to see bottled gas cylinder refilling as an accessory use and keep gas stations and convenience stores limited to 6 fueling positions. Mr. Weyrauch stated the LDRC also recommended keeping hardware stores (limited to 4,000 sf) and keeping restaurants (limited to 4,000 sf and no drive-throughs). He referred to page 3 and provided an overview of the special uses' requiring permits (churches, electric substations, water supply, treatment and storage facilities which serve 15 or more service connections, etc.). Matthew Brockway with the law firm of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., Sarasota, appeared on behalf of the applicant, and noted Director of Conservation Strategies Busy Shires, Horse Farms Forever (HFF), is also present.

Director of Conservation Strategies Busy Shires, HFF, presented a brief PowerPoint presentation. She noted Marion County is known for its horse industry, which has created a character and culture that defines the community. The mission of HFF is to inspire the conservation of these area horse farms to ensure their preservation for future generations. Ms. Shires stated HFF's purpose is to be watchful of government actions as they pertain to the Farmland Preservation Area (FPA) and to help develop strategies to protect farmland. She advised that the proposed amendment will be the third time HFF has worked in partnership with the County to strengthen policies in the Comprehensive Plan and the LDC to help protect the FPA. Ms. Shires advised that over the past year, HFF has worked in partnership with the Growth Services Department, attorney Matthew Brockway, and American Institute of Certified Planners (AICP) Evangeline Linkous, to shine a spotlight on this rarely used zoning classification, noting the goal of the proposed amendment is to prevent any future potential for a land use conflict from an applicant seeking to misuse the Rural Commercial classification. She stated HFF believes that the existing intent language in Rural Commercial is clear; however, this amendment will make that intent crystal clear. Ms. Shires noted the amendment request is a partnership with

March 19, 2024

the BCC to work together to help protect what makes Marion County so special.

Mr. Brockway reiterated that the goal of the proposed amendment is a long-term goal to minimize future land use conflicts, noting it is important to remember that regardless of what happens on this amendment, this amendment does not have any effect on existing or pending applications prior to its adoption. He noted at the request of David Tillman, Chair of the LDRC, he and his staff held one-on-one meetings with all LDRC members to better understand their positions and concerns.

Mr. Brockway provided a brief overview of the Land Use Objectives and Policies contained in the County's Comprehensive Plan. He opined that over the years the RC-1 zoning classification has strayed from its original intent, noting there are now some conflicts with the Comprehensive Plan. Mr. Brockway clarified that the intent and purpose of the RC-1 was to provide for agricultural related commercial uses that would be appropriate on rural lands, not in a Rural Activity Center (RAC). He commented on the original permitted uses, which included: agricultural credit or loan institutions; agricultural insurance (crop or livestock); agricultural chemicals, fertilizers, disinfectants, pesticides, herbicides; agricultural equipment, tools implements and machinery (sale or repair); agricultural gypsum, lime, ground limestone, sulfur; agricultural chemical or fertilizer application companies; farm building construction yard; farm storage structures (manufacturing, sales, installation); farm equipment, implements and supplies; farm management service, farm mortgage companies; farm produce (sales, packing, crating and shipping facilities; grain elevator; hatchery (fish or fowl); plant nursery; riding academy; storage warehouse for farm products; and veterinary office.

Mr. Brockway addressed the original Special Uses allowed in RC-1, which included: churches, electric substations, etc. He commented on the proposal by HFF, noting the "intent of the classification is to provide for limited agricultural related commercial uses that would be appropriate in Rural Lands not located in a RAC. Only undeveloped parcels located in Rural Lands with an existing Commercial zoning classification may be eligible to rezone to the classification and must do so prior to applying for development approval. Agriculturally zoned parcels shall not be rezoned to this classification". Mr. Brockway addressed the language proposed by the LDRC, which states "limited agricultural related commercial uses that would be appropriate in Rural Lands not located in a RAC. Only undeveloped parcels located in Rural Lands may be eligible to rezone to this classification and must do so prior to applying for development approval. Agriculturally zoned parcels shall not be rezoned to this classification". He opined that this proposal creates additional ambiguities and ostensibly requires every undeveloped parcel in the Rural Lands to rezone to RC-1.

Mr. Brockway referred to the 3 page handout from Mr. Weyrauch relating to the applicants proposed revisions (staff supports) versus LDRC's recommendations (staff does not support), noting some of the permitted uses that HFF had concerns with include sporting goods, bank or credit union, convenience store/gas station, gun store, hardware store, professional office and restaurants.

Mr. Brockway reiterated that it is the applicants position that the RC-1 zoning classification currently conflicts and is inconsistent with multiple goals, objectives, and policies of the Comprehensive Plan.

Mr. Minter commented on the text that was not proposed for revision as follows: "may be eligible to rezone to the classification and must do so prior to applying for development approval", noting under the Community Planning Act a rezoning is a development permit. He clarified that a rezoning approval would be a development approval.

Mr. Brockway stated in that context it means prior to applying for a building permit, noting the language may need to be clarified.

General discussion ensued.

Commissioner Zalak advised that the BCC does not have a historic pattern of making a non-conforming B-1 or B-2 property go to a RC-1 zoning before it could develop.

General discussion resumed.

Commissioner Bryant out at 10:47 a.m.

General discussion continued.

Commissioner Bryant returned at 10:49 a.m.

Commissioner Curry out at 10:50 a.m.

In response to Commissioner McClain, Mr. Brockway addressed some of the permitted uses that HFF had concerns with including sporting goods, bank or credit union, convenience store/gas station, gun store, hardware store, professional office and restaurants, noting those uses are already permitted in the RAC classification.

Commissioner Curry returned at 10:52 a.m.

Mr. Minter commented on the language “only undeveloped parcels located in Rural Lands with an existing Commercial zoning may be eligible to rezone to this classification”, noting an existing non-conforming commercial business can continue as is (grandfathered in), but cannot be expanded. He clarified that if the business did want to expand, the only way would be to get a rezoning; however, under the new language the business would not be eligible to get the rezoning due to being a developed parcel.

General discussion ensued in regard to the use of Policy 120 letters versus Comprehensive Plan Amendments.

Chairman Stone opened the floor to public comment.

Tim Gant SW 3<sup>rd</sup> Street, Micanopy, commented on the “intent” of the proposed Ordinance, noting it is important to have clear, distinct guidelines for development. He noted as the President of Save our Rural Areas (SORA), he supports the request.

Robert Batsel, SE 36<sup>th</sup> Avenue, commented on the proposed Ordinance as it relates to existing land uses and expressed concern with private property rights and the possibility of litigation under the Bert Harris Act. He requested the Board allow Mr. Minter more time to review the matter further and bring back recommendations and legal opinions.

Willie L. Turner, N. US Highway 301, Citra, expressed concern with a vacant 10 acre property along NE 165<sup>th</sup> Street, noting it is RC-1 and he is unsure as to what will be constructed on that parcel. He opined that whatever is developed on that property will have a major impact on Citra.

Commissioner Zalak recommended that anyone who has property zoned RC-1 and wants to develop it into something that is currently on the list as an acceptable use, but will be taken off the list if the Ordinance is approved, should seek legal advice and make an application now.

David Tillman, SE 16<sup>th</sup> Avenue, advised that he is the Chairman of the LDRC, noting their concern is that the proposal would take away the rights of everyone that has Rural Land Use and lives in a rural area anywhere in the County. He commented on County Code for RC-1 from 1996, noting Section A states that anyone not in a RAC could apply for that classification and Section C of the Code suggests all of the B zonings that have rural lands should be converted to RC-1. Mr. Tillman commented on the criteria for RACs, noting it is very limiting in regard to where they can be located or how they can expand. He addressed the current language in Policy 2.1.13., which states “primarily agriculture” and did not stipulate “only agricultural”. Mr. Tillman requested the Board adopt the

March 19, 2024

language as recommended by the LDCR.

Commissioner Curry questioned if the applicants' proposal is trying to fix non-conforming uses. Mr. Tillman disagreed and opined that the applicants' proposal restricts the use of RC-1 across all rural lands.

General discussion ensued.

Commissioner Curry opined that the Board needs to protect property rights as best it can, while protecting the community's rights.

General discussion resumed.

In response to Commissioner Bryant, Mr. Weyrauch advised that since 2017 when new uses were added to RC-1 there have been no applications for any of those new uses.

Chairman Stone advised that public comment is now closed.

Mr. Brockway clarified that the Bert Harris Act protects existing uses (vested rights and reasonably, foreseeable, non-speculative land uses that are compatible with surrounding uses). He advised that there is case law that states "a rezoning is speculative and there is no expectation that a rezoning would be granted". Mr. Brockway stated there are property rights to consider on both sides of this issue. He clarified that the applicants' focus on the amendment is to provide certainty to those individuals who purchase property in the rural lands that they would continue to be surrounded by rural and agricultural uses. Mr. Brockway opined that if every parcel in the rural lands can apply for RC-1 then that would be the path of least resistance and those RC-1 parcels will continue to cannibalize the RACs, and those RACs will continue to underperform.

Commissioner Zalak opined that the RC-1 category is supposed to be a mechanism to fix non-conforming issues. He provided a brief overview of some of the misaligned uses. Chairman Stone stated there will be a second public hearing regarding this matter on Tuesday, April 16, 2024 at 5:30 p.m.

Commissioner Bryant requested staff bring back an analysis to determine what the citizens in outlying areas have access to at this time. She requested staff bring back a map showing the locations of RACs in Marion County.

(Ed. Note: The Deputy Clerk did not receive a copy of the applicants PowerPoint presentation.)

### **13. COMMISSIONER ITEMS:**

#### **13.1. Commission Comments**

Commissioner Zalak advised that he met with Fire Chief James Banta and County Attorney Matthew Minter regarding some issues that a veteran citizen had relating to ambulance fees. He requested permission from the Board to bring back an item in regard to veterans that are billing through the Veterans Administration (VA). Commissioner Zalak noted that there are times when a veteran has to get on a payment plan for ambulance service fees until the VA pays their bill and then the County will reimburse the veteran. Commissioner Zalak wished everyone a Happy Easter.

Commissioner Bryant advised that today is election day and encouraged everyone to get out and vote.

Commissioner McClain advised that he had nothing further to add.

Commissioner Curry advised that he had nothing further to add.

Chairman Stone advised that the “Run for the Springs” event will take place on Saturday April 27, 2024 at 7:30 a.m. and will be held at the Carney Island Recreation and Conservation Area. She noted funds raised will go toward public education on saving the springs. She invited everyone to come out and participate in Marion County Day on Saturday, March 23, 2024. Chairman Stone requested everyone be responsible pet owners and remember to spay and neuter their pets.

### **13.2. Commission Calendar**

#### **13.2.1. Present Commission Calendar**

The Chairman acknowledged receipt of the Commission calendar covering the period of March 19, 2024 through April 2, 2024.

### **14. NOTATION FOR RECORD:**

#### **14.1. County Administrator Informational Items:**

**14.1.1.** Present Monthly Building Safety Productivity Report for the Month of February 2024

**14.1.2.** Present Ocala Metro Chamber and Economic Partnership Activity and Performance Matrix Report for February 2024

#### **14.2. Present Walk-On Items From Previous BCC Meeting:**

**14.2.1.** Walk-On - Request Approval to Execute the Defense and Refund Agreement Between Marion County and Marion County School Board Regarding the Proposed Marion County Educational System Impact Fee Ordinance

#### **14.3. General Informational Items:**

**14.3.1.** Marion County Health Department – For the Latest health news and information, Visit the Website at <http://marion.floridahealth.gov/>

#### **14.4. Clerk of the Court:**

**14.4.1.** Present Administrative Budget Transfer Report for FY 2023-24

**14.4.2.** Present Memorandum From Gregory C. Harrell, Clerk of The Circuit Court and Comptroller, Regarding the Filing of Ordinances 24-03, 24-04, 24-05 and 24-06 with the Secretary of State’s Office

**14.4.3.** Present Monthly Report for the Building Department Budget and Actual

**14.4.4.** Present Regular Report of Utilization for Reserve for Contingencies

**14.4.5.** Present Winter 2024 Newsletter from the Rainbow River Conservation, Inc.

#### **14.5. Present for information and record, minutes and notices received from the following committees and agencies:**

**14.5.1.** Board of Adjustment - February 5, 2024

**14.5.2.** Dog Classification Board - February 6 and 21, 2024

**14.5.3.** Development Review Committee (DRC) - February 19, 2024

**14.5.4.** Districts 5 and 24 Medical Examiner Advisory Committee - November 8, 2023

**14.5.5.** Parks & Recreation Advisory Council (PRAC) - October 25, 2023

**14.5.6.** Planning and Zoning Commission - January 29, 2024

**14.5.7.** Public Safety Coordinating Council (PSCC) - October 16, 2023

**14.5.8.** Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>

March 19, 2024

**14.5.9.** St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <http://www.sjrwmd.com>

**14.5.10.** Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <http://ocalamariontpo.org>

**14.5.11.** Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 11:44 a.m.

The meeting reconvened at 2:04 p.m. with all members present, except Vice Chairman Bryant and Commissioner Zalak, both of whom arrived later in the meeting.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Eryn Mertens, Marcus Lloyd and Cindy Chen, Staff Assistant IV Darlene Pocock, Staff Assistant Sage Dick, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

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

#### **15. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):**

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 display ad entitled, "Notice of Public Hearing to Consider a Chapter 163, F.S. Development Agreement for Jerry Cauthen and Karen Cauthen (care of Del Lago Ventures, Inc.)" published in the Star Banner newspaper on March 11, 2024. The Notice states the Board will consider a proposed Development Agreement (Agreement) pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes (F.S.) between Jerry Cauthen and Karen Cauthen (owners/Developers) and Marion County, Florida (County), Case No. 24-DA02, as related to proposed rezoning request, Case No. 231206ZC.

The second Proof of Publication is legal ad No. 9898014 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on March 5, 2024. The Notice stated the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

Chairman Stone, on behalf of the Board, wished County Attorney Matthew Minter a happy birthday.

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit hearings.

Commissioner Zalak arrived at 2:09 p.m.

Mr. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

#### **15.1. DRC Waiver Requests and Public Hearings:**

**15.1.1.** Request for Waiver from Land Development Code Section 6.14.2.B(1)(a) - Water Connection for Paradise Home Regarding Building Safety Permit Number 2023092436 for a Residential Manufactured Home, Parcel Number 3137-120-000, Application Number 30921 (Budget Impact - None)



The Board considered the following recommendation from Building Safety Director Michael Savage, on behalf of the Development Review Committee (DRC):

Description/Background: The Applicant/Owner, John Angulo/Quick Flip Rentals, Inc., requests a waiver due to the parcel already being permitted with a domestic well and other homes in the area are on wells. The cost of the water main puts the project over the budget.

The subject property is located in the southeast portion of the County within Silver Springs Manor (aka: Flint Place) on approximately .25 acres.

This waiver request was denied by the Development Review Committee (DRC) on January 8, 2024. On February 20, 2024, this item was presented to the Board and staff included a new option where Marion County Utilities (MCU) would offer a "shared" agreement which MCU would front the cost required for the installation of the water line extension and the applicant would only be required to fund the pro rata share which is approximately \$10,800. After reviewing the new option, the applicant still requests the waiver to allow a new well.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's denial of the requested waiver.

Utilities Director Jody Kirkman provided a brief overview of the waiver request, noting the subject site is 300 feet (ft) from an existing 8 inch water main. He advised that there are 3 different Options: Option A would connect from the north and require a jack and bore across SE 38<sup>th</sup> Street; Option B would connect from the South; and Option C would be the County creating a looped system and a pro rata share would be charged to property owners. The cost associated with each Option was shown on the overhead screens as listed below:

Route Option	Distance	Cost	Per Parcel Cost	Total Parcels
A – owner funded	350LF	\$53,107.50 - 8,700.00 FHA/MCU \$44,407.50 owner cost	\$22,203.75	2
B – owner funded	375LF	\$49,725.00 - 8,700.00 FHA/MCU \$41,025.00 owner cost	\$8,205.00	5
C – MCU funded	681 LF	\$73,303.50 - 8,700.00 FHA/MCU \$64,603.50 total cost	\$10,767.25	6

It was noted for the record that the applicant was not present.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to agree with the DRC and deny the waiver request.

In response to Commissioner Curry, Mr. Kirkman stated Option C is the most palatable for the property owner. He advised that it would be a benefit to the County, but is not needed at this time. Mr. Kirkman stated the subject parcel is within the Basin Management Action Plan (BMAP) area.

General discussion ensued.

In response to Commissioner Curry, Commissioner Zalak noted the applicant could still choose one of the Options offered by staff.

March 19, 2024

The motion was unanimously approved by the Board (4-0).

**15.2. Planning and Zoning Consent Items:**

Senior Planner Chris Rison advised that staff received a letter of opposition for this matter; therefore, it has been removed from the Consent Agenda and is being heard individually.

**15.2.1.** Request Approval for the SW 100<sup>th</sup> Street East Planned Unit Development (211009Z, fka New Strategy Holdings, LLC., Coba Homes, Inc.) Final Planned Unit Development Master Plan/Preliminary Plat, Parcel Number 35695-033-00, Current Owner Ocala SW 100<sup>th</sup>, LLC

The Board considered the following recommendation from Growth Services Director Chuck Varadin:

Description/Background: Michael W. Radcliffe Engineering, Inc., has submitted a request for Board approval for the final SW 100<sup>th</sup> Street East Planned Unit Development Preliminary Plat as an equivalent for the Master Plan (PUD, 211009Z, see attached). The PUD's current zoning was approved on November 2, 2021 (see attached), that enabled the development of 180 single family detached dwelling units and accompanying accessory amenities. The PUD was approved in conjunction with another PUD for the SW 100<sup>th</sup> Street West Planned Unit Development; that PUD Final Master Plan/Preliminary Plat was approved by the Board on February 20, 2024. A Chapter 163, F.S., Development Agreement (Agreement) was approved by the Board on May 16, 2023 (see attached) to provide for the construction of SW 100<sup>th</sup> Street to serve as construction and project access for this PUD and the SW 100<sup>th</sup> Street West PUD.

Review of the final PUD Master Plan has been conducted through Marion County's Development Review Committee (DRC) review process, and review comments have generally been addressed. The proposed plan conforms to the PUD approval, including providing for no access to the south to SW 51<sup>st</sup> Terrace in the Emerald Point Subdivision. The project will include amenities including a minimum 2,500 SF clubhouse, minimum 1,500 SF pool with and a sports/soccer field area within a planned drainage retention area (DRA) at the southeast corner of the project site. Two access points will connect to SW 100<sup>th</sup> Street to be constructed for the project, along with an additional access to the Woods and Meadows East Subdivision (SW 101<sup>st</sup> Place) to the west.

This approval consideration has been duly noticed as required by the PUD's development conditions. Staff has no objections to the proposed final PUD Master Plan/Preliminary Plat and recommends Board approval.

Budget/Impact: None.

Recommended Action: Receive public comment and provide direction to staff, if any, and motion to approve the SW 100<sup>th</sup> Street East Planned Unit Development (PUD) Final PUD Master Plan/Preliminary Plat.

Mr. Rison provided a brief overview of the proposed Master Plan, which is also the preliminary plat (full detailed drawings). He advised that staff does recommend approval with the two adjusted Conditions: 1.) no lighting and no improvements to the playfield; and 2.) addressing the burning of debris issue.

In response to Commissioner Zalak, Mr. Rison advised that improvements for the playfield would consist of permanent structures (bleachers, concrete goalposts, etc.), noting the Condition can be modified to allow portable/temporary recreation equipment. Jimmy Gooding, SE 36<sup>th</sup> Avenue, attorney on behalf of the applicant, advised that

approximately one month ago the Board approved the corresponding final Planned Unit Development (PUD) plan for the sister development to the west of the subject property, noting a Condition was included to not allow open burning. He opined that this Condition is inconsistent with the County Code and preempted by State Law, noting the Florida Forest Service (FFS) has exclusive authority to require and issue authorization for agricultural and silvicultural pile burning. Mr. Gooding advised that the County, municipality, or other political subdivision of the State may not adopt or enforce laws, regulations, rules or policies pertaining to broadcast burning or agricultural/silvicultural pine burning. He stated there is a legitimate question as to whether a prohibition on burning previously approved by the Board and being proposed today is permissible. Mr. Gooding recommended the Board move forward with the hearing today and allow the public to speak, but not to make a decision and continue this hearing to allow time for staff to review the previous site plan and the new information being provided.

Chairman Stone clarified that the request is to also reconsider the sister project with Conditions as approved on February 20, 2024. Mr. Gooding concurred.

Mr. Minter stated the sister project is the SW 100<sup>th</sup> Street West PUD (211008Z), which was approved with the Condition that no open burning was permitted. He advised that Florida Statutes (FS) can, in certain occasions, preempt local government regulation. Mr. Minter stated the Board can hear all the testimony today, but continue the matter until he is able to make a final opinion on the legal issue.

Mr. Gooding opined that it is appropriate for the County Attorney to recommend a matter be reconsidered if the County imposes an impermissible Condition, noting both matters can be considered at the same time.

In response to Chairman Stone, Mr. Minter advised that the items would have to be readvertised. He stated the wording of the motion for SW 100<sup>th</sup> Street West PUD Master Plan approval left open the question on whether or not the item would have been approved if the Condition was not included.

Mr. Gooding stated the issue is the motion was moved for approval conditioned upon the no burning clause; therefore, the matter would need to come back before the Board.

Commissioner Zalak questioned if the Board could converse with the Division of Forestry or write a letter saying open burning in this situation and in this particular area would impact the health safety and welfare of the surrounding residents. Mr. Minter commented on the Bert Harris Act, noting one government agency asking another agency to act in a certain way on their behalf could expose them to a claim. He stated if the State Statute is saying the Division of Forestry is the agency with particular expertise in this regard and their objective is also looking out for the health, safety, and welfare of the public including issues of smoke, irritation, and a number of other related issues than it is part of their statutory charge and it would be within the realm of the Commission to express concerns to that agency.

Mr. Gooding advised that County staff have already begun discussions with the Division of Forestry.

Commissioner Curry stated the applicant's options are to either burn onsite or haul the materials offsite. Mr. Gooding concurred.

Commissioner Zalak advised that the material could be grinded onsite.

Mr. Gooding stated his client is going to obtain quotes for the various alternatives to burning.

Commissioner Curry addressed dust issues associated with infill projects and requested water trucks are available to mitigate dust.

March 19, 2024

Mike Radcliff, Radcliff Engineering, on behalf of the applicant, advised that the final PUD plan is very close to the conceptual plan that was previously approved. He stated there is 23% open space being provided and the buffering is in excess of the minimum required. Chairman Stone questioned if there is a way to have some of the buffering requirements completed prior to construction to assist with the dust. Mr. Radcliff advised that most of the existing vegetation will remain around the perimeter.

Chairman Stone opened the floor to public comment.

Charlotte Scruggs, SW 49<sup>th</sup> Avenue, advised that she has emailed Commissioner Bryant several times about this proposal, noting she lives in the neighboring Churchill Downs subdivision. She expressed buffer and lot size concerns. Ms. Scruggs advised that her property will only have a 15 ft buffer from the new development, noting the proposed pool and clubhouse will be adjacent to her backyard.

Chairman Stone advised that public comment is now closed.

Mr. Radcliff advised that the approved PUD concept plan required a 15 foot buffer along the east side (Churchill Downs subdivision) with 75 foot lots on the west side only (next to the Woods & Meadows subdivision); however, extra open space has been provided on the east side. He clarified that the minimum landscape buffer is 15 ft along the eastside, but extra open space (additional buffering) is provided on the eastside, noting the closest point is 54 ft away from the property line.

In response to Commissioner Curry, Mr. Radcliff noted the vast majority of the trees in the buffer space will be saved.

General discussion ensued relating to buffers.

Chairman Stone requested at the next hearing the applicant provide a better picture of the buffering along the eastside of the project.

General discussion resumed.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to continue this matter until Tuesday, April 16, 2024 at 10:00 a.m. or as soon thereafter. The motion was unanimously approved by the Board (4-0).

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to reconsider the Master Plan for SW 100<sup>th</sup> Street West Planned Unit Development on Tuesday, April 16, 2024 at 10:00 a.m. or as soon thereafter. The motion was unanimously approved by the Board (4-0).

Mr. Minter advised that he failed to state at the beginning of the meeting that the Board must find the proposed requests are consistent with the Comprehensive Plan, consistent with the public interest, and is compatible with surrounding properties.

### **15.3. Planning and Zoning Items for Individual Consideration:**

**15.3.1. 24DA-02 - PUBLIC HEARING:** Second of Two Public Hearings for Presentation and Discussion of a Chapter 163, F.S. Development Agreement (Agreement, 24-DA02) Between Marion County, Florida and Jerry and Karen Cauthen, Related to Rezoning Application Number 231206ZC

The Board considered the following recommendation from Growth Services Deputy Director Ken Weyrauch:

Description/Background: Rob Batsel, Jr, Esq. as attorney for Del Lago Ventures, Inc, a subsidiary of RaceTrac, and as agent for the owners, Jerry and Karen Cauthen ("Developer/s") has filed a Chapter 163, Florida Statutes (F.S.) Development Agreement ("Agreement") related to an ±11.06-acre portion of a ±38.62-acre parcel currently located at the southwest corner of W Hwy 329 and N

US Hwy 441. The Parcel Identification Number (PID) for the overall property is 07263-000-00, and it is not currently addressed; the legal description is contained within proposed Agreement. The request proposes to address the Developers' intent to develop the site as a gas station and convenience store ("Project") in a manner which is limited by the terms and conditions of the Agreement, and the applicant intends for this Agreement to be considered as part of the supporting analysis for the companion rezoning request. The Agreement also addresses certain modifications to the permitted uses, floor area ratio, and design criteria allowed by the Developer's requested Rural Commercial zoning district per companion Zoning Change Application (231206ZC) as related to this parcel. The Agreement expressly excludes truck parking, showers or bathing facilities, sleeping quarters, or automobile/truck services uses.

Budget/Impact: None.

Recommended Action: Both Staff and the P&Z Commission recommend denial.

Planner Eryn Mertens, Growth Services, advised that Agenda Items 15.3.1 and 15.3.2 are companion items and will be addressed together. She stated the request is for a proposed RaceTrac gas station at the corner of West Highway 329 and North US 441. The request was scheduled to be considered in December 2023 and at that meeting the applicant requested a continuation so that the rezoning request may be heard along with the companion Developer's Agreement. Ms. Mertens stated because the zoning request is hinged on the Developer's Agreement, she will present that Item first. The project, subject to the Developer's Agreement, is located on parcel number 07263-000-00 located within the Farmland Preservation Area (FPA). She provided a brief overview of the rezoning request from A-1 (General Agriculture) to RC-1 (Rural Commercial), noting the subject site has a consistent rural land future land use (FLU) designation. Per Statute 163.3194, the LDC must be brought into compliance with the Comprehensive Plan in the event of a conflict. The existing use of the subject parcel and surrounding parcels in agriculture production. Ms. Mertens stated in February 2024, the P&Z Commission considered the Developer's Agreement and recommend denial. She advised that the applicant proposes that the Developer's Agreement would resolve all of the issues raised with the rezoning application, noting there is a County Ordinance that allows for a Developer's Agreement to be a way to condition zoning; however, per case law the Agreement must benefit the public. The County Attorney's Office has reviewed the Developer's Agreement and has found that it meets the Statutory requirements "as to form". While meeting the Statutory form requirements, the proposed Developer's Agreement does fall short of resolving the issues with the rezoning application. Ms. Mertens advised that a gas station with a convenience store is a permitted use of the Rural Commercial zoning classification as it reads today, but staff considers a gas station with a convenience store a purely commercial use not unique to agriculture supported uses and thus it conflicts with the intent of the zoning classification, as well as the Comprehensive Plan. She stated the agreement did not provide any definitions as to what a pump means versus a fueling station or an automobile versus a truck.

Ms. Mertens advised that submitted concurrently with this application was a traffic study, which has been approved with the development obligations. She stated staff's concerns are that the Developer's Agreement proposing a 3 board fence will be ineffective in preventing truck parking, noting staff is also concerned with the staging along West Highway 329 and along North US Highway 441. Neither the agreement nor this traffic study addresses this concern. Ms. Mertens advised that the traffic study only analyzes

March 19, 2024

6,008 growth square feet (sf), which conforms to the extent of the proposed convenience store. While this is sufficient for the Developer's Agreement, the property subject to the rezoning application includes additional undeveloped land, which is not analyzed in the traffic study. The agreement fails to address the potential for truck queuing along West Highway 329 and US Highway 441, and staff finds this proposes a significant safety concern.

Ms. Mertens stated DRC raised some concern regarding stormwater and utilities. She advised that at this time there is only a concept plan and there has not been a formal review of any plans, noting necessary stormwater improvements caused by the development would be the responsibility of the developer. Ms. Mertens stated the connection distance for utilities has not been established, but per paragraphs 13.2 and 13.3 of the proposed Developer's Agreement connection would not be required until the lines are closer to the development. Staff are requesting the distance be determined at the time of formal review. She reiterated the Developer's Agreement fails to resolve fatal issues with the rezoning request, noting even with the agreement in place the proposed development is inconsistent with the Comprehensive Plan. Rezoning to RC-1 is inconsistent with the rural land future land use designation, it is incompatible with the surrounding area, and it will adversely affect public interest, as well as failing to provide a benefit to the County or to the public. Ms. Mertens stated staff maintains that the obligations caused by the development are not benefits to the County. Growth Services staff and the P&Z Commission are recommending denial of the Developer's Agreement and the rezoning request.

Ms. Mertens commented on relevant Policies the County has endeavored to set forth in an effort to guide growth, specifically with concerns to rural land and the protection of rural areas. Under Policy 2.1.16 in the Comprehensive Plan, rural land is intended primarily for agriculture uses and associated housing related to farms and agricultural related development. She stated staff has endeavored to define agricultural use as, in part, "any generally accepted, reasonable, and prudent method for the operation of a farm". Ms. Mertens commented on Policy 3.1.4., which reads in part, Development in this area shall be guided by the following principals: 1) protect the existing rural and equestrian character of the area and acknowledge that certain portions of the County's population will desire to live in a rural setting; and 2) promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area. She commented on Objective 3.3, which states in part, "The FPA and the intent is to encourage preservation of agriculture as a viable use of lands and as an asset to Marion County's economy and to protect the rural character of the area. Policy 3.3.1. addresses the elements of rural character in the FPA as follows: "The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands, specifically the FPA, by requiring that all appropriate future development activities within this area preserve, support, and enhance fundamental elements of rural character. Ms. Mertens stated it further requires that all zoning changes and Special Use Permits within the FPA be consistent with and preserve, protect, support, and enhance the rural, equestrian, and farmland character of the FPA.

In summary, Ms. Mertens stated the subject site is located outside the Urban Growth Boundary (UGB) and solidly inside the FPA, as well as the Primary and Secondary Springs Protection Zones (SPZ). The future land use designation is rural lands as set forth by the Comprehensive Plan. She advised that rural lands have a density limitation and entitlement for residential uses (1 dwelling unit (du) per 10 acres) and has no

commercial entitlement. Ms. Mertens provided a brief overview of surrounding properties, noting staff has concerns about the deficient intersection north of the subject site.

Ms. Mertens addressed traffic concerns in the area, noting staff analyzed the crash data to reflect what the intersection looks like “pre-development” and reviewed Signal Four Analytics, which is the relied upon data base by the Florida Department of Transportation (FDOT), as well as local law enforcement. She advised that staff reviewed a 5 year period from September 8, 2018 to September 14, 2023, noting during that time period there were 268 crashes within ½ mile of the intersection with only 1 of those crashes being alcohol related. The intersection is recognized today by FDOT as being a deficient, divergent, convergent design for the highways and have installed additional traffic devices in an attempt to give more notice to vehicles of the risks presented by the intersection as it appears today.

Ms. Mertens advised that the intent of RC-1 is to focus on agricultural related commercial uses that are not already appearing in a Rural Activity Center (RAC). Ms. Mertens stated agriculturally related is something that claims their primary purpose is to support agriculture or rural areas with a commercial use, noting agriculture is dependent on this use. She advised that the test staff applies to determine whether a use is functionally related to agriculture is if the agricultural use is removed, is that use able to continue and stand on its own. For example, Adena beef processing facility north of Fort McCoy. If the beef processing aspect was removed the business would no longer exist. Ms. Mertens stated a hypothetical gas station with convenience store use would still remain if the agriculture was removed, which means it is not functionally related to agriculture.

Commissioner Bryant arrived at 3:16 p.m.

Commissioner Zalak expressed opposition to the methodology being used to determine whether a business is agriculturally related.

In response to Commissioner Zalak, Ms. Mertens advised that 144,532 sf is the potential commercial development for the 11 acre portion, noting this is not what is being proposed today. She stated staff's concern is with proliferation in the area due to this being a straight zoning for the property.

General discussion ensued.

Ms. Mertens advised that there is a RAC less than 3 miles to the west (on the same road), which is 4% developed. A RAC cannot be within 5 miles of another RAC, unless one is 85% developed. She stated there is also a site 4.6 miles to the south, inside the UGB, that is an 8 acre B-2 zoned parcel, ready for development. Ms. Mertens advised that the applicant has stated this gas station and convenience store are agriculturally related because it would serve the farm/agricultural properties in the area. Staff does not consider regular gasoline/diesel fuel to be a need which is unique to agriculture. She stated there is a particular type of diesel fuel (off-road diesel), which is unique to agriculture that has not been proposed as part of this application. Off-road diesel is specifically used by farms, industrial, and construction vehicles that do not travel on public roadways. It is not taxed, which allows a lower pricing scale. Ms. Mertens advised that the applicant's expert outlines that the majority of the patrons of this proposed development would actually not be the surrounding rural area, but instead be the pass-by and freight truck traffic. She stated both staff and the P&Z Commission are recommending denial of the rezoning request.

Robert Batsel, SE 36<sup>th</sup> Avenue, attorney on behalf of the applicant, presented a 117 page handout containing the Traffic Impact Analysis; a 5 page letter dated March 10, 2024; a 17 page redlined Development Agreement; a 20 page proposed Development

March 19, 2024

Agreement; a 98 page handout entitled, "Consistency Evaluation"; and a 8 page memorandum dated March 19, 2024 from Choice Engineering Consultants. He commented on the misinformation that has been spread to the public, noting today's public hearing is to address the facts of the proposed project. Mr. Batsel stated he has been very impressed with RaceTrac's recognition of the limitations placed on the project by County Code, and the unique nature of Marion County and their willingness to offer concessions to ensure this unique property is a fit. He opined that the request is consistent with the Comprehensive Plan, compatible with surrounding area, and is not adverse to the public interest.

Mr. Batsel advised that relocating the existing RAC in the area was considered, noting only 4% is currently being utilized. He stated there does not seem to be a willingness to move the existing RAC; therefore, to avoid proliferation a targeted approach of only rezoning an 11 acre portion of the subject property to RC-1 was utilized.

Mr. Batsel stated RaceTrac agreed to purchase the 11 acre portion of the property in order to design a project with plenty of open space and buffering, which will make the business even more compatible with the area and will go above and beyond what the Code requires. He advised that in 1985 the Legislature passed a Special Act allowing Marion County and the Commission to consider Conditions voluntarily proffered by the applicant to be incorporated into the Ordinance approving the rezoning request, which would be enforceable by the County in perpetuity. The proposed Conditions are as follows:

1. The use and intensity of the development of the subject property shall be limited to a one story, 6,008 square-foot convenience store and gas station, which shall include no more than eight standard fuel pumps with no more than sixteen automobile fueling positions and five truck fueling positions.
2. Improvements shall not include parking spaces for commercial vehicles exceeding sixteen thousand pounds.
3. All buffers shall meet the description of an A-Type buffer pursuant to Section 6.8.6 of the Land Development Code, consisting of at least a 30-foot-wide landscape strip and at least three shade trees and five accent/ornamental trees for every 100 Lineal feet or fractional part thereof, together with shrubs and ground cover. When feasible, the foregoing shall be accomplished through preservation of existing trees and vegetation.

Mr. Batsel commented on the existing tree line on the southern boundary and along the frontage of Highway 329. He stated a lot of the opposition has pointed to the maximum intensity, noting the reason for the large property is to provide for more open space and not to provide a larger facility. The Conditions of rezoning would prohibit a Buc-ee's type store on the subject property.

Mr. Batsel advised that another mechanism that will be put in place to ensure the project is compatible with the area and is agriculturally related is in the Developer's Agreement. He stated the zoning Conditions cannot be negotiated at today's hearing, but the terms of the Developer's Agreement are negotiable during the course of the hearing. Mr. Batsel referred to the differences between the redline and clean version of the Developer's Agreement presented, noting there are only two minor changes. The first change that is not reflected in the redline is the approval of the traffic study, which is located in recital H. Mr. Batsel stated the permitted use will be for a gas station and convenience store that shall not include truck parking, showers or bathing facilities, sleeping quarters, or



automobile/truck services uses. He provided an overview of the developer's commitments to ensure compatibility included in the Developer's Agreement.

Mr. Batsel advised that the developer is obligated at their expense to develop the following necessary improvements:

- An ingress 235-foot left-turn shall be constructed within westbound County Road 329 at its intersection with the westernmost Project driveway, described as "Driveway 1" in the Traffic Study.
- An ingress 405-foot right-turn lane shall be constructed within southbound US Highway 441/301 serving both Project driveways, described as "Driveway 3" and "Driveway 4" in the Traffic Study.
- The existing southbound right-turn on US Highway 441/301 at its intersection with Highway 329 shall be extended by eighty (80) feet, as described in the Traffic Study.
- The existing northbound left-turn lane on US Highway 441/301 at its intersection with Highway 329 shall be extended by two hundred (200) feet, as described in the Traffic Study.

Mr. Batsel stated the developer is also responsible for any additional ROW relating to the transportation improvements, as well as for design and permitting. He advised that the developer shall be responsible for all costs associated with analysis, design, and construction of the foregoing stormwater facilities, including any on-site or off-site facility accommodating stormwater flows from transportation constructed by the developer. Mr. Batsel advised that the Comprehensive Plan and Land Development Code (LDC) currently in effect is what will govern this Developer's Agreement upon approval.

Mr. Batsel provided a brief overview of the proposed project as depicted in the 19 slide Power Point presentation shown on the overhead screen.

Commissioner Zalak out at 3:47 p.m.

Director of Planning Ken Metcalf, Stearns, Weaver, Miller, East College Avenue, Tallahassee, provided a brief overview of his experience and educational background. He requested the Board accept him as an expert in planning. It was the general consensus of the Board to agree.

Commissioner Zalak returned at 3:50 p.m.

Mr. Metcalf provided a brief overview of the 54 slide PowerPoint presentation as shown on the overhead screens relating to the proposed rezoning request.

In response to Mr. Metcalf, Commissioner Bryant expressed concern with the methodology being used to identify customers for the proposed use. She opined that a convenience store customer is completely different than a Dollar General or grocery store customer.

Mr. Metcalf clarified that this use would draw households from within the market area who want to go to a convenience store.

General discussion ensued.

Mr. Metcalf continued the overview of the PowerPoint presentation.

Commissioner Bryant opined that a traveler going northbound would not take the time to cross traffic to access the RaceTrac, instead they would utilize the existing gas stations.

Mr. Metcalf advised that only 2.5% of the traffic volume is needed for the store to fulfill the demand. He stated roughly half of the users go into the store and half only use the fuel pumps.

Commissioner Bryant out at 4:28 p.m.

March 19, 2024

Mr. Metcalf resumed the PowerPoint presentation overview.

Commissioner Bryant returned at 4:30 p.m.

Mr. Metcalf continued the PowerPoint presentation overview.

Commissioner Bryant advised that there is an election taking place today and she serves on the Canvassing Board; therefore, she will be leaving shortly to report to the Supervisor of Elections Office at 5:00 p.m. She opined that Mr. Metcalf's definition of agricultural use does not align with that of Growth Services staff and would set a serious precedence.

Commissioner Bryant was excused at 4:42 p.m.

Mr. Metcalf clarified that the presentation defined agriculturally related and not agricultural use based on the direction of the Comprehensive Plan. He advised that the Comprehensive Plan states to use the definition where they are defined and to use the common dictionary where they are not. Mr. Metcalf advised that there would be de-minimis impact on scenic views, noting there are gas stations currently present in the area. He stated there are 43 parcels zoned RAC in the FPA.

Commissioner Curry out at 4:50 p.m.

Mr. Metcalf referred to Farmland Protection Area Policy 3.3.1 relating to open space protection; rural lighting; transportation; and infrastructure. He advised that compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. The scale of this use, its location and the character of the surroundings will not unduly negatively affect the surrounding agricultural uses or the households. Mr. Metcalf provided a brief overview of the surrounding properties.

Commissioner Curry returned at 4:55 p.m.

Commissioner McClain out at 4:56 p.m.

Mr. Metcalf commented on software (Signal Four Analytics) used by staff to address traffic in the area, noting the software data is not available to non-governmental entities and staff's report does not provide adequate analysis. He stated he obtained data from FDOT Crash Analysis Reporting System (CARS) database, which is the same data provided to Signal Four Analytics in order to evaluate the traffic in the area.

Commissioner McClain returned at 5:00 p.m.

Mr. Metcalf provided a brief overview of the traffic and accident rates in the area, noting MacKenzie Engineering and Planning has determined that the access improvements will improve safety as compared to the current condition.

Mr. Batsel advised that the submitted traffic study has been approved.

Shaun MacKenzie, SW 30<sup>th</sup> Street, Palm City, provided a brief overview of the traffic study performed and the recommended improvements.

In response to Commissioner Curry, Mr. MacKenzie advised that the construction of the proposed project will not impact the Strategic Intermodal System (SIS) designation of this roadway, noting SIS determination is based on the number of trucks that occur on the roadway.

Commissioner Curry expressed concern with northbound trucks making a left hand turn to enter the proposed facility.

Mr. MacKenzie advised that truck traffic from both the north and the south was considered, and queue storage was identified in order to provide safe movement for those vehicles. He stated the traffic study considers all the data and then informs the Developer of what improvements are necessary.

Commissioner Zalak stated the proposed use will not lower the level of service (LOS) rating of the road, but it will slow down traffic.

General discussion ensued.

Mr. Batsel addressed a due process issue with Signal Four Analytics, noting he does not have access to Signal Four Analytics' data used by staff to make their recommendation. In response to Commissioner Zalak, Mr. Batsel clarified that his team was unable to review the information relied upon by staff to determine their recommendation.

Transportation Planner Ken Odom, Growth Services, advised that Signal Four Analytics was initiated in 2003 by the University of Florida (UF) and Ocala/Marion County Transportation Planning Organization (TPO) worked with Signal Four Analytics from 2008 to approximately 2015 when TPO created their own proprietary crash data system. The CARS report has been around since the early 1990's and operates on the same data as Signal Four Analytics. He stated CARS is available to the public.

In response to Commissioner Zalak, Mr. Odom advised that the applicant has been provided with all the reports that have been utilized to make staff's recommendation.

Mr. Odom commented on the improvements made to address traffic concerns in the area. Mr. Batsel advised that the County's Transportation Engineers reviewed and approved the traffic study.

In response to Commissioner Zalak, Mr. Batsel stated staff has provided all requested information, but Signal Four Analytics does not allow access to their system.

Mr. Odom advised that a traffic study addresses what is projected in the future. Crash data is actual real world indications of what is taking place at a location at this time or in previous history.

Paolo Mastroserio, Mastroserio Engineering, Inc., SE 32<sup>nd</sup> Place, on behalf of the applicant, opined that this intersection should not have been included in the Farmland Preservation Area, noting it should have been a commercial node. He stated the Developer's Agreement will address infrastructure needs.

There was a recess at 5:25 p.m.

The meeting reconvened at 5:33 p.m. with all members present, except Vice Chairman Bryant.

Chairman Stone opened the floor to public comment.

Executive Director Sara P. Fennessy, Horse Farms Forever (HFF), NW 90<sup>th</sup> Avenue, advised that the issue with the proposed use is not the company or the facility being proposed, but instead is the location and the misuse of the RC zoning classification. She opined that a truck stop on agricultural land deep inside the FPA is not compatible. Ms. Fennessy advised that out of 280,000 parcels in the County only 20 have Rural Commercial zoning and in the 30 years since Rural Commercial classification was created, zero have attempted to rezone from Agricultural to Rural Commercial. She stated staff is recommending denial and urged the Board to continue to uphold the Comprehensive Plan's protection for the FPA.

Mr. Minter advised that the information presented by Ms. Fennessy was mostly conclusions and questioned what specifics were available to support those conclusions. Matthew Brockway, Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., Main Street, Sarasota, on behalf of HFF, advised that the conclusion will be based on the testimony he is presenting today.

March 19, 2024

Mr. Brockway presented a 2 page document containing his resume; a 12 page handout containing the resume of Evangeline R. Linkous; a 17 page handout entitled, "Rezoning of Parcel 07263-000-00 (northeastern portion); Case 231206ZC"; a 6 page handout entitled, "Analysis of Consistency Evaluation Prepared by Kenneth Metcalf, AICP" and a 14 page handout to follow along with the PowerPoint presentation. He advised that there are 2 nearby property owners, Mike Huber and J. Michael O'Farrell, Jr. who will suffer special damages different in kind than suffered by the community as a whole if this is approved, noting both entities meet the criteria to challenge any action if necessary. Mr. Brockway stated the applications are not consistent with the Comprehensive Plan, are not compatible with the surrounding land uses, and will adversely affect the public interest. He stated FLU Policy 3.3.1 includes an independent mandate that all zoning changes have to be consistent with, preserve and protect, support and enhance the rural equestrian and farmland character of the farmland preservation area.

Mr. Brockway advised that from September 2018 through September 2023 there were 268 crashes on this roadway segment, which averages approximately 1 per week. He stated since the staff report was created there has been an additional traffic/pedestrian fatality at this intersection.

Mr. Brockway requested the Board deny the applications and make specific findings that the rezoning application is inconsistent with the Comprehensive Plan, is incompatible with the surrounding land uses, and would adversely affect the public interest.

Director of Urban and Regional Planning Evangeline Linkous, University of South Florida (USF), East Fowler Avenue, Tampa, provided a brief overview of her resume. She stated Marion County's achievements in the FPA are recognized by land use scholars all over the world. The landscape being protected here is an unparalleled environment, economy and quality of life, which is a product of a valued community vision, a robust plan and ongoing vigilant enforcement of plan policies. Ms. Linkous advised that there is no ambiguity about the content and the intent of these policies, which clearly present heightened controls on commercial development of properties in the rural land, especially within the FPA.

Ms. Linkous stated the first consistency finding addresses the site's Rural Land designation, which per Comprehensive Plan Policy 2.1.16, "is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses." This is the first instance where the report relies on the spurious definition for agriculturally related. The consistency finding here is based on the Evaluation's conclusion that RaceTrac is a food/beverage store and thus agriculturally related. As previously discussed, this is inconsistent with other information provided in the Evaluation, which demonstrate the primary market function of RaceTrac is sale of gasoline and that it is North American Industry Classification System (NAICS) coded as a Retail business. She stated the compatibility analysis in the applicant's consistency evaluation focuses on input factors such as lighting, noise, safety and traffic. It concludes with very little evidence cited that there is almost no impact; however, it is well documented in the academic literature that gas stations are highly regulated and treated differently within land use planning and zoning because they are not compatible with the majority of other uses and present adverse public health and safety impacts. Ms. Linkous commented on five reasons gas stations are treated separately in land use: 1) outdoor activity creating more noise and light and thus having a much greater impact on a neighborhood than if it were closed; 2) increases traffic volume and creates conflict with pedestrians; 3) volatile liquids – hazards and contamination; 4) abandoned gas stations

create unique environmental and economic challenges; and 5) aesthetic incompatibility – outdoor display of merchandise, advertising aimed at vehicular traffic.

In response to Commissioner Zalak, Ms. Linkous opined that Marion County's Plan is famous worldwide because there are thoughtful limitations on what is appropriate for farmland preservation and what is appropriate for commercial development in order to limit sprawl. She stated there is a lot of accommodation for commercial development in the appropriate places, noting if approved this could be considered spot development not compatible with existing uses and inconsistent with the Comprehensive Plan.

Tim Gant, SW 3<sup>rd</sup> Street, Micanopy, on behalf of Save Our Rural Area (SORA), presented a 5 page letter of opposition to the rezoning request and provided a brief history and of the qualifications of Daryl Max Forgey, who was the individual who drafted the letter, noting Mr. Forgey was unable to attend today. He advised that based on the following findings of fact, staff report, Ms. Linkous's report and the testimony of the affected parties the Board should deny the rezoning request.

- Finding #1: The Marion County Comprehensive Plan was adopted by ordinance and is applicable to all land uses in unincorporated Marion County.
- Finding #2: The Comprehensive Plan, of which the Future Land Use Element (FLUE) and Future Land Use Map Series (FLUMS) are constituent parts, has designated all portions of the subject property as Rural Land (RL).
- Finding #3: The case at hand is a quasi-judicial action and the BCC, as the County's governing body, is obliged to approve or deny an application for a Change of Zoning based upon competent and substantial evidence and testimony.
- Finding #4: The County's Growth Services Department, based upon close analysis of the application, has recommended denial of the application, based on upon the Marion County Comprehensive Plan.
- Finding #5: After due deliberation, at a hearing on November 27, 2023, the County's Local Planning Agency (LPA) recommended denial of the application for FLUM by a 5 to 1 vote.
- Finding #6: The property owner of the subject property enjoys an entitlement that is similar to, and compatible with, those enjoyed by neighboring properties, and would not be harmed by denying this application as proposed.
- Finding #7: The proposed uses are incompatible, as the term is defined in Florida law, in scale and use with neighboring properties, and may not be ameliorated over time if approved as proposed.
- Finding #8: The proposed Change of Zoning is inconsistent with the definition of Rural Land in the Marion County Comprehensive Plan, and is inconsistent with Policy 2.1.14, Policy 2.1.6, Policy 3.1.4, Objective 3.3, and Policy 3.3.1, among others.
- Finding #9: The applicant has failed to present substantial, competent evidence that the proposed land use amendments are consistent with the Marion County Comprehensive Plan.

March 19, 2024

Finding #10: The applicant has failed to present substantial, competent evidence that the proposed land use amendments comply with and comport to Sections 163.3177(6)(a)(8) and (9).

Mr. Batsel expressed opposition to the entry of expert testimony from an expert that is not present for cross examination.

Rose Couture, NW 193<sup>rd</sup> Street, Micanopy, urged the Board to deny this request. She commented on traffic concerns.

Bonnie Heath, NW 76<sup>th</sup> Court, stated traffic and infrastructure can be fixed, but once the FPA is gone there is no way to get it back. He commented on safety concerns and human trafficking.

Mike Huber, NW 114<sup>th</sup> Loop, opined that a new gas station is not needed in the area and addressed traffic concerns.

Elizabeth Brinton, West Highway 326, urged the Board to follow the staff report and deny the request. She stated commercial business in fuel sales and retail commercial is all about growth, noting in order to have return on the capital there has to be growth.

Mindy Morrow, North US Highway 441, Citra, expressed traffic, noise, safety and lighting concerns and urged the Board to deny the rezoning request. She advised that her property borders the subject property, noting she runs a non-profit (Horses N Heros of Marion County, Inc.) from her property.

Terry Anderson, NW 186<sup>th</sup> Lane, Citra, did not appear when called upon to speak.

Elexis Enright, Banyan Course, did not appear when called upon to speak.

Libby Fraysure, SW 89<sup>th</sup> Terrace, commented on the impact the proposed rezoning will have on the surrounding environment.

Lonny Powell, SW 60<sup>th</sup> Avenue, commented on the many letters of opposition sent to the Board by the community and the economic impact farms have on Marion County. He expressed his opposition to the rezoning request.

Samantha Jones, Galleria Parkway, Atlanta, Georgia, did not appear when called upon to speak.

Allen Bell, Galleria Parkway, Atlanta, Georgia, did not appear when called upon to speak.

Tom Langion, West Highway 316, Citra, did not appear when called upon to speak.

Roy Buchholz, NE 42<sup>nd</sup> Avenue, Anthony, commented on the existing gas stations in the area and expressed traffic safety concerns.

Barbara Hooper, NE 14<sup>th</sup> Avenue, Anthony, addressed the proximity of existing gas stations to the proposed site. She urged the Board to protect the rural land in Marion County.

Elizabeth Long, NE Jacksonville Road, Anthony, expressed traffic concerns and urged the Board to deny the request.

Stephen Day, NW 21<sup>st</sup> Loop, addressed the importance of the FPA as it relates to the "Horse Capital of the World" designation.

Dana Cauthen, West Highway 329, did not appear when called upon to speak.

Jenaay Brown, NE 8<sup>th</sup> Court, did not appear when called upon to speak.

Sandra Fernandez, NE 42<sup>nd</sup> Place, expressed opposition to the rezoning request and commented on traffic and safety concerns.

Kathrin Dancer, NW 80<sup>th</sup> Avenue, opined that farmland should remain rural with limited pavement. She commented on safety and traffic concerns.

Barb Stanley, NW 117<sup>th</sup> Street, expressed traffic and safety concerns if the proposed rezoning is approved. She urged the Board to deny the request.

Brian Arena, West Highway 329, Citra, addressed traffic and safety concerns. He advised that he is opposed to the rezoning request.

Gregory Bean, NE 165<sup>th</sup> Street, commented on traffic concerns.

Margaret Lundock, West Highway 329, Reddick, expressed concerns with traffic, future zoning changes to the remaining portion of the property and the enforcement of the Conditions proposed in the Developer's Agreement.

Phillip Taylor, NE 92<sup>nd</sup> Place, Anthony, addressed traffic concerns.

Kim Dinkins, SE 7<sup>th</sup> Street, stated if the zoning change is approved it will set the precedent that any A-1 zoned parcel can be eligible to receive RC-1 zoning regardless of its location within the County. She urged the Board to deny the proposed request and clarify within the Comprehensive Plan and the LDC policy's that the RC-1 does not apply to A-1 zoned properties.

Janice Garvin, NE 120<sup>th</sup> Street, expressed existing traffic safety concerns. She opined that if approved traffic accidents will increase.

Margaret Mayer, NW 117<sup>th</sup> Street, commented on traffic concerns.

Bruce Borders, South 441, High Springs, addressed the importance of farmers and farmland.

Linda Wilson, West Highway 329, commented on traffic concerns and urged the Board to deny the zoning change.

In response to Chairman Stone, Ms. Wilson advised that the speed limit on Highway 329 is 45 miles per hour (mph).

Dana Cauthen, West Highway 329, advised that people owned property in the area prior to it be assigned the FPA designation, which was imposed on them without their input. She addressed the Transfer of Development Rights (TDR) program, noting the subject parcel is not eligible for the program.

Patricia Wilson, West Highway 329, Reddick, commented on traffic and safety concerns.

Todd Rudnianyn, East Fort King Street, advised that the RAC system was put in place decades ago and opined that there is an underlying assumption that RACs are located in the most appropriate location for where Commercial Development should occur in the County. He stated there is a solid argument that putting nodular development, as advocated for, in the Comprehensive Plan in locations where people are traveling does make sense and will reduce overall travel in the system. Mr. Rudnianyn commented on the limited access to certain goods in the area.

Chairman Stone advised that public comment is now closed.

Mr. Metcalf advised that Florida Statute is clear that urban sprawl applies to Comprehensive Plan Amendments, noting Statute 163.3177(8) does not apply here. He provided a brief overview of the 13 criteria of urban sprawl.

Mr. Batsel stated the Board considers rezoning request on a case-by-case basis, based on the facts provided at the hearing, noting this request does not set a precedent. He advised that there have been 17 rezonings to RC-1, with 5 of those being from A-1; therefore, there is a precedent. Mr. Batsel opined that it would not be appropriate to request the Board to approve the rezoning based on any previous case, because the only thing applicable to this case are the facts presented to the Board today. He advised that the proposed Developer's Agreement provides for criteria to ensure the rezoning does not go beyond the scope of what is intended in RC-1.

Mr. Batsel advised that when interpreting and applying Comprehensive Plans to a property purchase consideration a developer uses the plain language of the plan as it is

March 19, 2024

written. He stated per the County Code a gas station/convenience store is a permissible use in the rural lands outside of RACs.

Mr. Batsel provided a photograph on the overhead screens showing the title sponsor of the HFF Conservation Summit as Brook Ledge Horse Transportation with a large semi-truck in the picture. He stated the notion that diesel fuel and horse transport does not play a critical role in the FPA is not true. Mr. Batsel opined that there is a great benefit on the County's transportation system to not making those sorts of vehicles drive long distances. For example, the existing RAC that is 3 miles away and only 4% developed.

Mr. Batsel advised that competent substantial evidence must be factually based, noting expert testimony that does not have a factual basis is not competent substantial evidence. He expressed opposition to staff's recommendation. Mr. Batsel stated the subject parcel is a transition location and the applicant has proposed to orient the improvements towards the ROW and provide for a transition between the project and neighboring agricultural area. He opined that it would be beyond the scope of the intent of the FPA language and the Rural Lands language to take a position that this is inconsistent with the Comprehensive Plan, because it is not a farm.

Mr. Batsel advised that the property owner had a reasonable investment backed expectation that one day they would be able to do something with the property due to it being on a major highway and across from 2 other gas stations. He stated the purpose of the FLUE is to protect private property rights.

Mr. Minter stated if the Board decides to move forward with approval they would need to approve the zoning first, noting the Development Agreement would not make sense without the approved zoning. He stated if the Board decides to deny the project they would also need to vote on the zoning portion first. Mr. Minter advised that the rules of evidence are somewhat relaxed in a quasi judicial hearing, noting the courts have indicated that the Board is free to assign what weight they deem appropriate to any of the expert witnesses. He stated it is the Board's job to resolve any conflicting testimony to the best of their abilities. Mr. Minter advised that the courts have acknowledged that expert testimony is only required if the topic of discussion is something that expert testimony is needed, noting if there is testimony from people who live in the area who have factual testimony of things that they have observed with their own eyes and experienced it can be considered superior testimony over an expert who has never lived in the area.

In response to Chairman Stone, Mr. Minter advised that the staff report is evidence in the record and the professional planning staff, generally speaking, is considered expert witnesses. He stated there is nothing in the law that the Board is obligated to assign a greater weight to the staff report; therefore, if the Board finds some of the other evidence from other experts outweighs the staff report than the Board can disregard that in any particular regard. Mr. Minter advised that how the FPA was originally established is not an issue for the Board's consideration.

Commissioner Zalak commented on existing traffic issues in the area. He stated he originally thought this was a good idea, but upon reviewing the information he realized it is not the best idea to have the Racetrak at this location. Commissioner Zalak advised that due to the property being zoned A-1, being within the FPA, and the truck traffic, he is unable to support the zoning change.

Commissioner Curry expressed concern with the transportation issues, noting the property is not located within the urban growth boundary and there are non-conforming uses across the street. He stated he cannot support the zoning change.



Commissioner McClain agreed with Commissioner Curry and Commissioner Zalak, noting the transportation issues are what are concerning.

Chairman Stone stated she also could not support the zoning change.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the Zoning Change from A-1 to RC-1, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will adversely affect the public interest, is not consistent with the Comprehensive Plan and is not compatible with the surrounding land uses. The motion was unanimously approved by the Board (4-0).

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the Development Agreement of a Chapter 163, F.S. Development Agreement as related to rezoning application number 231206ZC. The motion was unanimously approved by the Board (4-0).

**15.3.2. 231206ZC - Jerry and Karen Cauthen, Zoning Change from General Agriculture (A-1) to Rural Commercial (RC-1), 11.06 Acre Portion of 38.62 Acres, Parcel Account Number 07263-000-00, No Address Assigned**

The Board considered a petition by Jerry and Karen Cauthen, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Rural Commercial (RC-1), to allow for a gas station, truck fueling and convenience store, on a 11.06-acre portion of an approximate 38.62 Acre Parcel, on Parcel Account Number 07263-000-00, No Address Assigned.

P&Z PUBLIC HEARING ON NOVEMBER 27, 2023

231206ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Lord, to agree with staff's findings and recommendation, and recommend denial of the zoning change based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

Passed 5 to 1 with Mr. Lourenco dissenting.

This matter was addressed with Agenda Item 15.3.1

**15.4. Adoption of Ordinance: NONE**

The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Growth Services Director Charles Varadin and Deputy Clerk Lewter regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

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March 19, 2024

There being no further business to come before the Board, the meeting thereupon adjourned at 7:33 p.m.

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Michelle Stone, Chairman

Attest:

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Gregory C. Harrell, Clerk

DRAFT