

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

December 5, 2023

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, December 5, 2023 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; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were Clerk Gregory C. Harrell, 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.

ANNOUNCEMENTS:

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

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. CERTIFICATE OF RECOGNITION - Cat Alliance from Tips to Tails - Kyra Lynch, Animal Services Director (Approval and Presentation)

The Board presented a Certificate of Recognition to Cat Alliance from Tips to Tails "CATT Marion" representatives.

Animal Services Director Kyra Lynch commented on the amazing working relationship between County staff and community partners relating to the Trap-Neuter-Return (TNR) initiative. Participants include the Humane Society of Marion County; Marion County Animal Services; Quality of Life Rehab and Foster, Inc.; Sheltering Hands, Inc.; and Voices of Change Animal League (VOCAL).

April LeSage, Sheltering Hands, Inc., expressed her appreciation to citizens in the community who are involved in the program.

Aspen Olmstead, Quality of Life Rehab and Foster, Inc., stated the organization helps with the trapping and transport portion of the TNR process and expressed her appreciation to those in support of this effort.

TNR Coordinator Debbie Carney, VOCAL, advised that the organization has a food warehouse for rescues, as well as a Clinic that can perform surgeries.

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Executive Director Eddie Levy, Humane Society of Marion County, expressed his appreciation to the BCC for its continued support. He commented on the partnership and cooperation with other organizations.

1.2. RESOLUTION – The Security of the Nation of Israel (Approval Only)

The Board approved the Resolution in support of “The Security of the Nation of Israel”.

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.

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: NONE

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES: NONE

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

Upon motion of Commissioner Bryant, seconded by Commissioner McClain, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Clerk Harrell:

5.1.1. 23-R-570 – Fire, Rescue and EMS Fund - Fire Rescue Services - \$7,500

5.1.2. 23-R-571 – General Fund - Clerk to County Commission Transfer - \$180,000

5.1.3. 23-R-572 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$300,500

5.1.4. 23-R-573 – Silver Springs Shores Special Tax District - Silver Springs Shores - \$81,000

(Ed. Note: EMS is the acronym for Emergency Medical Services; MSTU is the acronym for Municipal Service Taxing Unit; and CID is the acronym for Criminal Investigation Division.)

5.2. Clerk of the Court Items

5.2.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 033018

Clerk Harrell presented the following recommendation from Finance Director Jennifer Cole:

Description/Background: Disposition of assets from various departments as listed on attached forms.

Budget/Impact: None.

Recommended Action: Approval of Acquisition - Disposition forms.

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to approve acquisition/disposition of property as presented. The motion was unanimously approved by the Board (5-0).

5.2.2. Request Approval of the FY 2024-25 Annual Budget and Capital Improvement Program Calendar

Clerk Harrell presented the following recommendation from Budget Director Audrey Fowler:

Description/Background: Attached is the Proposed Annual Budget and Capital Improvement Program Calendar of the Marion County Board of County Commissioners for the Fiscal Year 2024-25 Budget. The significant deadlines have been reviewed for compliance with applicable statutes. With the concurrence of the Board of County Commissioners, this calendar shall serve as the schedule of budget activities for preparation and adoption of the upcoming budget and capital improvement program.

Budget/Impact: None.

Recommended Action: Motion to Approve the FY 2024-25 Annual Budget and Capital Improvement Program Calendar.

A motion was made by Commissioner McClain, seconded by Commissioner Bryant, to approve the fiscal year (FY) 2024-25 Annual Budget and Capital Improvement Program (CIP) Calendar. The motion was unanimously approved by the Board (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. Upon motion of Commissioner Bryant, seconded by Commissioner Zalak, the Board acted on the Consent Agenda as follows:

7.1. Attorney:

7.1.1. Request Approval of the Second Amendment to Employment Agreement Between Board of County Commissioners and Mounir Bouyounes, P.E. as County Administrator

The Board accepted the following recommendation as presented by County Attorney Matthew G. Minter, Legal:

Description/Background: County Administrator Mounir Bouyounes' current employment contract with Marion County runs until February 28, 2028. The Board recognizes the significant value that Mr. Bouyounes brings to Marion County government by virtue of his education and many years of experience with Marion County both in the Office of County Engineer, as Assistant County Administrator, and as County Administrator. Mr. Bouyounes is respected both within the County organization and the broader Marion County Community, and he sets the example for the entire organization that the Board desires. The Board also recognizes from interactions with members of the Florida Association of Counties that top-level management professionals are in great demand, and hard to find. Therefore, it is important to keep the County Administrator's compensation at competitive levels. This amendment is intended to accomplish that objective.

Budget/Impact: Annual salary increase of \$20,000, along with corresponding increase in benefit computations.

Recommended Action: Motion to approve second amendment to Employment Agreement between Marion County Board of County Commissioners and Mounir Bouyounes, P.E.

7.2. Community Services:

7.2.1. Request Approval of a First Amendment to Marion County Standard Professional Services Agreement Neighborhood Stabilization Program Rental Project between Marion County and the Housing Finance Authority of Marion County (Budget Impact - None)

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

Description/Background: The Neighborhood Stabilization Program (NSP) was established to provide emergency assistance to stabilize communities with high rates of abandoned and foreclosed homes and assist households with annual incomes up to 120% of the area median income (AMI). The third round of funding was provided in 2010 as part of the Dodd-Frank Wall Street Reform Act called NSP3.

On August 20, 2019, Marion County entered into an Agreement with the Housing Finance Authority of Marion County (HFA) to property manage 28 of the NSP3 homes as affordable rentals. All homes are currently rented to low-income families whose income at initial tenancy is at or below 50% AMI. The HFA currently has a waiting list for all 43 rental units they manage.

HFA has requested an amendment to its original agreement to change seven (7) of the 28 NSP3 rental units from 50% AMI to 120% AMI upon initial tenancy. According to the agreement, HFA must certify existing tenants every other year to ensure income eligibility.

Community Services staff has reviewed the proposed request and recommends approval to expand the affordable housing model to serve a larger low to moderate-income population, which will help increase program sustainability.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the First Amendment between Marion County and the Housing Finance Authority of Marion County and all necessary documents associated with the Standard Professional Services Agreement Neighborhood Stabilization Program Rental Project.

In response to Commissioner Byrant, Community Services Director Cheryl Martin advised that the request would increase rent for 7 units due to the increase in the AMI.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve and execute the First Amendment to Agreement between Marion County and the HFA, as well as all necessary documents associated with the Standard Professional Services Agreement Neighborhood Stabilization Program Rental Project. The motion was unanimously approved by the Board (5-0).

7.2.2. Request Approval of a Resolution of the Board of County Commissioners of Marion County Approving Plan of Financing Involving the Issuance by the Housing Finance Authority of Marion County of Its Multifamily Mortgage Revenue Bonds (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-574 as presented by Community Services Director Martin:

Description/Background: The Housing Finance Authority of Marion County (HFAMC) is a separate public body pursuant to Ordinance Number 80-3, enacted by the Board of County Commissioners on June 3, 1980, and Ordinance Number 80-05, enacted by the Board on July 15, 1980, in accordance to Chapter 159, Part

IV, Florida Statutes for the purpose of alleviating a shortage of housing available at prices or rentals which many persons and families can afford and shortage of capital for investment in such housing.

The HFAMC's mission is to increase the availability of essential and affordable housing in Marion County. The HFAMC has the ability to secure and provide funding for the development of affordable multi-family housing using Multifamily Mortgage Revenue Bonds (MMRB) through the Florida Housing Finance Corporation for review and approval. Due to the high-interest rates on construction loans, long-term bond financing offers lower interest rates and loan terms, making the bond a cost saving measure for the developer.

In order to pursue the MMRB, the HFAMC is required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) to advertise in the local newspaper and hold a public hearing for all interested persons concerning the potential future issuance of tax-exempt bonds for the acquisition, construction, or rehabilitation of affordable housing units. The HFAMC held a TEFRA Hearing on October 13th, 2023, at 10:30 a.m., located at 2710 E Hwy Silver Springs Boulevard, Growth Services Training Room.

A proposed project by the Name of Crystal Park Apartments, LLC, was recommended for the MMRB, which is located at 1401 NW 27th Ave Ocala, FL 34425. The MMRB application request is for \$32,000,000. This project would consist of 144 one (1), two (2), and three (3) bedroom apartments on approximately 15 acres. The cost to construct the rental units is between \$130,000 for one (1) bedroom and \$280,000 for three (3) bedrooms. The development is anticipated to be completed within 18 months from the executed notice to proceed. This Resolution requires the Chairman and Clerk's signature in December to meet the Multifamily Mortgage Revenue Bonds application due date of January 2, 2024, from the Florida Housing Finance Corporation (FHFC).

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the attached Resolution and all necessary documentation for Approving A Plan of Financing Involving the Issuance by the Housing Finance Authority of Marion County of Its Multifamily Mortgage Revenue Bonds.

Resolution 23-R-574 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A PLAN OF FINANCING INVOLVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF MARION COUNTY, FLORIDA OF ITS MULTIFAMILY MORTGAGE REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$32,000,000 IN ONE OR MORE SERIES; APPROVING USE OF STATE AWARDED ALLOCATION IN CONNECTION THEREWITH; APPROVING BONDS AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; RATIFYING THE AUTHORITY'S HOLDING OF A PUBLIC HEARING IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING THE CHAIR OF THE AUTHORITY TO DO ALL THINGS NECESSARY OR ADVISABLE IN CONNECTION WITH THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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7.2.3. Request Approval of Second Amendment to Marion County Standard Professional Facilities and Improvements Agreement Community Development Block Grant Program Between Marion County and Foundation for Chamber of Economic Partnership, Inc. (Budget Impact - Neutral; not to exceed \$240,000)

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

Description/Background: On December 21, 2021, the Board approved a Standard Professional Services Agreement between Marion County and the Foundation for the Chamber and Economic Partnership (CEP) Silver Springs Shores Neighborhood Incubator project, awarding \$240,000 in CDBG funds. On November 15, 2022, the Board approved an amendment to extend the term to December 31, 2023.

The purpose of this amendment is to extend the term to June 30, 2024, to allow for a time extension only for the final build-out of the new site for the CEP incubator. This project aligns with the Guided Future Growth and Housing element in the Empowering Marion for Success II plan, preparing for growth demands by supporting small businesses located in Silver Springs Shores.

Budget/Impact: Neutral; not to exceed \$240,000.

Recommended Action: Motion to approve and authorize Chair and Clerk to execute all necessary documents associated with the Second Amendment to Marion County Professional Facilities and Improvements CDBG Agreement between Marion County and Foundation for CEP.

7.3. Fire Rescue:

7.3.1. Request Approval of County Awards Grant Application and Resolution Authorizing Submission of Application to the State of Florida Department of Health Bureau of Emergency Medical Services (Budget Impact - Grant Revenue of \$25,611)

The Board accepted the following recommendation to adopt Resolution 23-R-575 as presented by Fire Chief James Banta, Marion County Fire Rescue (MCFR):

Description/Background: Each year, the Marion County Board of County Commissioners is eligible to receive funding from the Florida Department of Health's Bureau of Emergency Medical Services to improve emergency medical services in Marion County. Funds for this program are derived from surcharges on the fines for various traffic violations pursuant to Chapter 401, Part II, Florida Statutes. Florida counties forward the surcharges for deposit into the State EMS Trust Fund, the sole source of funds for all the state emergency medical services (EMS) grant programs. No funds are obtained from any tax levied upon the general public or from federal funds and no matching funds are required.

Annually, counties are eligible to receive 45% of its EMS Trust Fund deposits. Funds are awarded via the EMS County Award Grant application process to each eligible county's Board of County Commissioners in proportion to each county's contribution. Ongoing costs for EMS and replacement of equipment cannot be funded under this grant program. Projects funded with EMS County Grant Funds are limited to improving and expanding pre-hospital EMS in Marion County pursuant to Chapter 401.

This year, staff is requesting use of the County Awards Grant to purchase two items: F.A.S.T Boards and Butterfly IQ+. F.A.S.T Boards are used for extrication

of down firefighters, active shooter victims, water rescue, and various other technical rescue operations. For our Community Paramedic program, the Butterfly IQ+ portable ultrasound to enhance continued care in our community outreach programs and bring better long-term care to those in need.

Budget/Impact: Grant revenue of \$25,611.

Recommended Action: Motion to approve the County Awards Grant Application and Resolution authorizing submission of application to the State of Florida Department of Health Bureau of Emergency Medical Services.

Resolution 23-R-575 is entitled:

A RESOLUTION AUTHORIZING
SUBMISSION OF AN APPLICATION TO THE
STATE OF FLORIDA
DEPARTMENT OF HEALTH
BUREAU OF EMERGENCY MEDICAL SERVICES

7.4. Growth Services:

7.4.1. Request Approval for an Agreement Concerning Encroachment Between Marion County, FL and Kenneth Copley and Brenda Copley (Owners), Regarding the NE 238th Court Right-of-Way and Lake Kerr Key Unrecorded Subdivision Number 169 Block A, Lots 13 and 14, Respectively Parcel Identification Numbers 11361-000-00 and 11352-001-00 (Budget Impact - None)

The Board accepted the following recommendation as presented by Senior Planner Christopher D. Rison, Growth Services:

Description/Background: James W. Gooding, III, Esq., has submitted a proposed Agreement Concerning Encroachment (Agreement) on behalf of Kenneth and Brenda Copley Husband and Wife (Owners) regarding the NE 238th Court right-of-way (ROW) and two lots in the Lake Kerr Key Subdivision on each side of NE 238th Court. In updating survey work related to the lots, it was determined an existing residence on Lot 14, established in 1999, encroaches into the eastern side of the existing NE 238th Court 20-foot wide ROW.

The NE 238th Court ROW is a “dead-end” that ends at the shore of Lake Kerr, with Lots 13 and 14 “flanking” the end of the ROW. The Owners have noted that removing and/or moving the encroaching residence would result in significant costs, particularly given the age of the existing residence and its supporting infrastructure. In lieu of moving/removing the encroaching residence, the Owners propose providing mutual encroachment easements between the Owners and Marion County, on behalf of the public, to accommodate an “off-set” in the NE 238th Court alignment, maintaining the historic 20-foot width of the possible travel space. The easements would be temporary wherein if/when the existing residence is removed and/or replaced, a new residence would be subject to compliance with the site’s applicable Single-Family Dwelling (R-1) zoning and Environmentally Sensitive Overlay Zone development standards. The Agreement also establishes that any other site improvements shall also conform to the site’s development standards, and no further encroachments are authorized.

Staff recommends approval of the attached Agreement Concerning Encroachment with Kenneth Copley and Brenda Copley.

Budget/Impact: None.

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Recommended Action: Motion to approve and authorize the Chairman to execute the attached Agreement Concerning Encroachment with Kenneth Copley and Brenda Copley.

7.5. MSTU:

7.5.1. Request Adoption of Initial Assessment Resolution for Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 Improvement Area Pursuant to Capital Improvement Ordinance Number 09-10 (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-576 as presented by Municipal Service Taxing Unit (MSTU) Director Matthew Leibfried:

Description/Background: On June 21, 2023, the Board approved moving forward with the engineering design phase for this 2021 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 January 31, 2024 at 2:00 p.m. or soon thereafter as possible was approved at the November 21, 2023 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:

Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 Improvement Area
The roads to be improved in Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 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 Chairman and Clerk to execute same.

Resolution 23-R-576 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 CEDAR HILLS/CEDAR HILLS ADDITION/CEDAR HILLS ADDITION 2 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.

7.6. Procurement Services:

7.6.1. Request Approval of Bid Award:23B-209 Roll Off Boxes - Baler & Compactor Hydraulic Service, LLC., Jacksonville, FL (Budget Impact - Neutral; annual expenditure of \$172,800 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 Solid Waste Department, Procurement advertised a bid for roll off boxes to be used to haul waste from the Marion County Recycle Center to the Transfer Station. Two (2) suppliers submitted bids; the tabulation is below:

Firm-Location	Unit Cost/Each
Baler & Compactor Hydraulic Service, LLC - Jacksonville, FL	\$21,600
Razorback, LLC - Tarpon Springs, FL	\$38,090

The low bid is within the estimated budget and the Solid Waste Director, Mark Johnson, recommends that Baler & Compactor Hydraulic Service, LLC., receive the award.

Pending approval today, the contract will be sent to Baler & Compactor Hydraulic Service, LLC., for signature and upon return, will be forwarded for the County Attorney's, Chairman's, and Clerk's signatures.

Budget/Impact: Neutral; Total annual expenditure of \$172,800. Funding is from line ZA427534-564101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve recommendation and authorize the Chairman and Clerk to execute contract with Baler & Compactor Hydraulic Service, LLC., the lowest responsive bidder for 23B-209.

7.6.2. Request Approval of Change Order 1 to Purchase Order 2200436: 16Q-020-CA-06 SW 49th Avenue Segment F - Kimley-Horn and Associates, Inc., Raleigh, NC (Budget Impact - Neutral; additional expenditure of \$48,830 as approved in the FY 2023-24 budget)

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

Description/Background: On July 19, 2016, the Board approved a contract with Kimley-Horn and Associates, Inc. to develop a Preliminary Engineering Report for the South Phase of the SW 49th Avenue corridor to support future development and design. The Office of the County Engineer requires additional services to divide the design project into two (2) phases to allow for additional turn lane design and associated right of way acquisition, revised drainage system design, and additional SWFWMD permitting coordination. Specifically, surveying and mapping, drainage analysis, permitting, roadway design and plans, and bidding assistance tasks have been revised. The resulting Change Order, being presented today, requests to add \$48,830 to the Purchase Order for separate design and permitting as previously mentioned, and would extend the project time to December 31, 2023. The proposal is attached for review. Pending approval at today's meeting, the Change Order will be presented to the Chairman and Clerk for signatures.

Budget/Impact: Neutral; additional expenditure not to exceed \$48,830. Funding comes from VJ738541-563220 - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the change order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 1 to Purchase Order 2200436.

7.6.3. Request Approval of Change Order 1 to Purchase Order 2400523: 21BE-067 CAPER and Action Plan - Cloudburst Counseling Group, Inc., Landover, MD (Budget Impact - Neutral; additional expenditure of \$54,941 as approved in FY 2023-24 budget)

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

Description/Background: On November 10, 2020, the County Administrator approved a bid exemption for Cloudburst Consulting Group, Inc. (Cloudburst) to assist in developing Marion County Community Services' five (5) year Consolidation Plan involving Community Development Block Grant Programs, HUD grants, and Emergency Solutions Grant Programs (ESG). Cloudburst was the most cost effective and they were involved in the development of the original plan. On November 6, 2023, a purchase order was issued to Cloudburst in the amount of \$42,000 to review and update the county's existing Citizen Participation Plan (CPP) which provides a practical resource guide for program staff to expand the reach and impact of the county's programs while ensuring compliance with federal regulations.

Change Order 1 is requesting to add \$54,941 to the Purchase Order to assist Community Services in developing its 2024-2028 Consolidated Plan and 2024 Action Plan. The cost includes a task to explore the possibility of establishing a Neighborhood Revitalization Strategy Area (NRSA) in Marion County. With Cloudburst's experience, they will support the county in the development of a data-driven and community-supported Consolidated Plan that will serve as the roadmap for housing and community development investments over the next five (5) years. Pending approval at today's meeting, the Change Order will be presented for the Chairman's and Clerk's signatures.

Budget/Impact: Neutral; additional expenditure of \$54,941. Funding is available in line AA240564-534101 (General Fund).

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute and allow staff to process Change Order 1 to Purchase Order 2400523 with Cloudburst Counseling Group, Inc. under 21BE-067.

7.6.4. Request Approval of Task Order for Program Management Services for American Rescue Plan Act Grant Projects: 21Q-227-TO-11 The Centers Utility Extension Construction Phase Services - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$133,385, as approved in the American Rescue Plan Act budget)

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

Description/Background: At its October 5, 2021 meeting, the Board approved a contract with Kimley-Horn and Associates, Inc. (KHA), for program management services pertaining to the implementation of multiple utility projects through 2026 under the American Rescue Plan Act (ARPA) and grant funding under the program. Under this task order, KHA will provide the construction phase engineering services for The Centers Utility Extension, to include construction administration and inspection, as well as construction phase ARPA compliance and program management through the completion of this project.

A copy of KHA's proposal, including the scope of work, is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure of \$133,385. Funding from line FF449536-563102 (American Rescue Plan - SLFRF). Project Code UTCEXT003.

Recommended Action: Motion to approve and authorize staff to issue Purchase Order to Kimley-Horn and Associates, Inc. under Task Order 21Q-227-TO-11.

7.6.5. Request Approval of Task Order for Civil/Site Engineering: 23Q-087-TO-09, Planned Service Area Agreement - JBrown Professionals Group, Inc., Gainesville, FL (Budget Impact - Neutral; expenditure of \$150,000 as approved in FY 2023-24)

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

Description/Background: On June 6, 2023, the Board approved contracts with 10 engineering firms to provide various civil/site engineering services for the County. Firms were selected based on area of specialty and equitable distribution of work among all firms in accordance with §287.055.

Marion County Growth Services has assigned the work for their planned service area agreement to JBrown Professional Group, Inc. (JB Pro). JB Pro will provide planning services for the Marion County Planned Service Areas (PSA) Planning Framework Study. This study will allow Marion County to establish a framework to evaluate, identify and implement a PSA as well as creating a framework to be used in future PSA planning.

Attached for review is the contract for JB Pro. Pending approval at today's meeting, it will be forwarded to the vendor for signature and then routed to the clerk and chair for same.

Budget/Impact: Neutral; total expenditure shall not exceed \$150,000. Funding is from line AA320515-531109 (General Fund).

Recommended Action: Motion to approve and upon approval by Legal, authorize the Chairman to execute the agreement with JBrown Professional Group, Inc. under 23Q-087-TO-09.

7.6.6. Request Approval of Task Order for Program Management Services for the American Rescue Plan Act Grant Projects: 21Q-227-TO-12 Marion Oaks Water Main Extension Construction Phase Services - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$157,660, as approved in the American Rescue Plan Act budget)

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

Description/Background: At its October 5, 2021 meeting, the Board approved a contract with Kimley-Horn and Associates, Inc. (KHA), for program management services pertaining to the implementation of multiple utility projects through 2026 under the American Rescue Plan Act (ARPA) and grant funding under the program. Under this task order, KHA will provide the construction phase engineering services for Marion Oaks Water Main Extension, to include construction administration and inspection, as well as construction phase ARPA compliance and program management through the completion of this project.

A copy of KHA's proposal, including the scope of work, is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure of \$157,660. Funding from line FF449536-563102 (American Rescue Plan - SLFRF). Project Code UTCEXT002.

Recommended Action: Motion to approve and authorize staff to issue Purchase Order to Kimley-Horn and Associates, Inc. under Task Order 21Q-227-TO-12.

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7.6.7. 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

Pending Requisition/Data Flow Systems, Inc. - Marion County Utilities requests approval to purchase five (5) Remote Terminal Units, with 19" Touchscreen Operator Interface, trip schedule and spare parts, for the following Water Treatment Plants: Pine Ridge Estates (\$31,842.60), Spruce Creek North (\$34,684.60), Timber Walk (\$33,553.60), Marion Oaks 5 (\$31,718.60), and Sun Country (\$34,684.60). **Total expenditure of \$155,095. Funds are available in line ZF448536-563102 (Marion County Utility Fund). This purchase meets competitive bidding requirements under 10ST-194.**

Pending Requisition/Alan Jay Ford Lincoln Mercury, Inc. - Marion County Utilities requests approval to purchase three (3) 2024 Ford F-250, 2WD trucks, to include all specifications detailed on attached quote, and replaces an aging vehicle that has met Fleet Management's replacement criteria. **Total expenditure of \$174,639. Funds are available in lines ZF445535-564101 (\$58,213) and ZF442533-564101 (\$116,426) (Marion County Utility Fund). This purchase meets the competitive bidding requirements under Sourcewell Contract #091521-NAF**

Pending Requisition/Marion County School Board dba Marion Technical College – Marion County Fire Rescue requests approval to issue a purchase order to cover the cost for 10 noncertified trainees and 13 current students to attend the Florida State Fire College, which is partially owned by Marion Technical College, and includes both Fire and EMS classes. Currently, the fees per class are: Essentials of Firefighting \$4,095.93 Resident/\$8,410.77 Non-Resident, and Pre-Hospital Emergency Care \$2,399.70 Resident/\$5,030.70 Non-Resident. The trainees and current students will be hired and/or trained by Marion County Fire Rescue to fill open vacancies needed in the department. **Total expenditure of \$100,000.00. Funds are available in EF300522-555501 (\$53,000) and AA305526-555501 (\$47,000) (Fire, Rescue and EMS Fund). This purchase is exempt from competitive bidding per Marion County ordinance.**

Pending Requisition/Computrols Inc. - Marion County Facilities Management requests approval to purchase hardware to upgrade the building controls at the Marion County Health Department. The existing building controls system is obsolete and parts are no longer available. The new hardware will allow more accurate control of the buildings' HVAC system. The purchase includes multiple LX Series Controllers, Control Transformers, Panduit Stick, Space Temperature Sensor, Duct Thermistor Sensor, Humidity Outside Air Transmitter, and Immersion Sensor. **Total expenditure of \$58,841.96; funds are available in line AA700519-563102 - FMC000002 (General Fund). The county standardized to this hardware under 13ST-182.**

Recommended Action: Motion to approve requested purchases.

responsibilities pertinent to the Landscape Maintenance Plan at the Spruce Creek Preserve Water Treatment Plant (WTP). Jointly, both parties agree to establish and maintain open communication and dialogue regarding the Landscape Maintenance Plan. MCU will clean and remove the underbrush along the north and west sides of the WTP and install a five-foot chain link fence. MCU will also remove the existing four-foot chain link fence that exists along the south and east side of the WTP and continue to inspect and remove dead trees around the perimeter of the WTP annually prior to the start of hurricane season. SCPHOA will provide regular mowing, trimming, and cutting of the underbrush areas and assume the ongoing maintenance responsibilities and oversight of the perimeter landscaping associated with WTP.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Memorandum of Understanding.

8. COUNTY ATTORNEY: NONE

9. COUNTY ADMINISTRATOR: NONE

County Administrator Mounir Bouyounes requested the Item 14.1.1. be brought forward at this time. It was the general consensus of the Board to concur.

14.1.1. Present Notification of the Appointment of Sara Caron as Marion County Human Resources Director

Mr. Bouyounes introduced Sara Caron as the new Marion County Human Resources (HR) Director, noting Ms. Caron comes from Putnam County.

Sara Caron advised that she was born and raised in Gainesville, Florida, noting she has over 15 years of experience in government HR.

In response to Commissioner Zalak, Ms. Caron stated she is most proud of the training and mentoring programs she implemented for previous organizations she has worked for and noted the importance of promoting from within an organization.

10. COMMITTEE ITEMS: NONE

11. NOTATION FOR ACTION:

11.1. Request Ratification of Comment Letter to Duke Energy Concerning the Ross Prairie to Shaw Transmission Line Project

The Board considered the following recommendation as presented by ACA Straub/Acting County Engineer, OCE:

Description/Background: Duke Energy is in the public comment period for placement of a new transmission line between the existing Ross Prairie and Shaw substations in southwest Marion County. A letter on behalf of the Board of County Commissioners has been signed by Chair Michelle Stone expressing preference for placement of the new transmission lines using the SR 200 corridor and that the Marjorie Harris Carr Cross Florida Greenway should not be crossed in areas outside of existing corridors.

Budget/Impact: None.

Recommended Action: Motion to ratify the comment letter to Duke Energy concerning the Ross Prairie to Shaw Transmission Line Project.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to ratify the comment letter to Duke Energy concerning the Ross Prairie to Shaw Transmission Line Project. 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.

Chairman Stone opened the floor to public comment.

Karin Ahrman, NE 6th Place, expressed her appreciation to the Board for its acknowledgement of the hard work performed by various organizations in their efforts to reduce homeless cat populations. She commented on the need to repurpose County owned buildings for the overflow of homeless animals throughout the County.

Chairman Stone advised that Commissioner Bryant will be working with staff relating to Animal Services operations.

Commissioner Bryant opined that TNR is a great program that not only helps reduce the feral cat population but saves the County a lot of money in its Animal Services budget.

Busy Shires, Horse Farms Forever (HFF), NW 90th Avenue, expressed her appreciation to those that were able to attend this year's Conservation Summit, noting it was an honor to have Carlton Ward, Jr. as the keynote speaker. She noted Mr. Ward is a National Geographic explorer and photographer. Ms. Shires advised that the 2024 Conservation Summit would focus on water and the importance of protecting Florida springs. She presented a short video relating to the 2023 Conservation Summit.

Commissioner Bryant commented on an article she read advising that on November 27, 2023, a Florida Panther kitten was spotted north of the Caloosahatchee River for the first time in more than 40 years.

Roger Knechtel, SE 97th Terrace Road, expressed concern that the work being done for animals overshadows human life, noting approximately 1,000,000 babies are aborted every year.

Dale Kreutzer did not appear when called upon to speak.

Chairman Stone advised that public comment is now closed.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner Bryant advised that the Bring the Harvest Home event was very successful this year, noting over 21,000 pounds of food and baby items were collected at the downtown Ocala event. She stated County teams work hard collecting donations and Team Amanda won first place, Team Banta won second place, and Team Tracy won third place. Commissioner Bryant recognized Team Angel, who brought Santa Claus with them to the event. She presented a brief video of the food drive event.

Mr. Bouyounes expressed his appreciation to all the Constitutional Officers who were part of the Bring the Harvest Home event.

Commissioner Zalak advised that he had nothing further to add.

Commissioner McClain advised that he had nothing further to add.

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Commissioner Curry advised that yesterday afternoon he addressed a group of students from the Leadership Ocala/Marion Youth (LOMY) program, noting the group held a “mock” Board of County Commissioners meeting in Commission chambers. He stated it was a privilege to address the group, noting at the meeting he presented a video on the history of Fort King.

Chairman Stone advised that on November 30, 2023, she met with ACA Angel Roussel and Animal Services Director Kyra Lynch, as well as 12 citizens concerning the Animal Task Force, as well as spay and neuter opportunities offered in Marion County. She stated the group requested grant funding in order to step in and help provide spay and neuter services. Chairman Stone noted 2 organizations (Marion County Humane Society and VOCAL) have stepped forward to help. She requested the BCC consider utilizing some of the funds from County Reserves (\$150,000.00) to help fund spay and neuter services for the upcoming FY. Chairman Stone requested County Attorney Minter draft an agreement with the 2 organizations and bring it back to the Board for consideration at the next regularly scheduled BCC meeting.

Commissioner Curry opined that even when the new Animal Services building is constructed, the County will still need help from rescue organizations and others in the community. He noted his support for Chairman Stone’s request and opined that it would go a long way to help solve the problem on a short-term basis.

Commissioner Bryant concurred, but opined that it is only one of the tools that will address this issue, noting the problem boils down to irresponsible pet owners and over population. In response to County Attorney Minter, Chairman Stone clarified the 2 entities for the Agreements are Marion County Humane Society and VOCAL.

County Administrator Bouyounes clarified that the Agreements would include language that the first disbursement would be in that amount of \$50,000.00 each with the requirement that both organizations would then present a report as to what was accomplished utilizing those funds and then a second disbursement of \$25,000.00 each would be provided for a total of \$150,000.00.

Chairman Stone requested language be added relating to spay and neuter services, microchipping, as well as rabies vaccinations.

In response to Commissioner Zalak, Chairman Stone advised that the cost of providing those 3 services per dog is approximately \$130.00 and \$45.00 per cat.

General discussion ensued.

Chairman Stone stated Commissioner Bryant would help take the lead relating to grant funding and the new Animal Shelter operations.

Chairman Stone referred to Agenda Item 14.1.4 regarding the 2023-2024 Commission Liaison Chart and expressed her appreciation to Commissioners.

Chairman Stone advised that Marion County’s photographer Mark Anderson is featured in the Florida Association of Counties (FAC) 2024 calendar, noting this year’s theme was “Skylines of the Sunshine State”. She stated his photograph of the World Equestrian Center (WEC) at sunset was selected for the month of February 2024. Chairman Stone noted over 580 photographs were submitted from Florida’s 67 Counties.

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

6.1. To Authorize Use of the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments as Set Forth in Section 197.3632, F.S. and Adopt the Attached Resolutions

The Board considered the following recommendation as presented by Municipal Service Taxing Unit (MSTU) Director Matthew Leibfried:

Description/Background: The purpose of this Public Hearing is to authorize use of the Uniform Collection Method for Non-Ad Valorem Assessments and adopt the attached Resolutions.

The procedures for levying these assessments are set forth in Section 197.3632, F.S., Uniform Method for Levy, Collection and Enforcement of Non-Ad Valorem Assessments. The assessments are to be placed on the tax bills of affected property owners residing in the areas listed below upon certification of the proposed assessment roll.

These resolutions are required because either the non-ad valorem assessments are being levied for the first time, the assessment is being increased beyond the maximum rate, the boundaries of the areas have changed, or there is a change in the purpose for such assessment.

- BAHIA OAKS UNIT NO. THREE AKA WEST WIND TRAILS
- BAHIA VILLA MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BASELINE VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BEL LAGO WEST HAMLET MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BELLEVIEW HEIGHTS ESTATES UNIT NO. 4
- BELLEVIEW HEIGHTS ESTATES UNIT NO. 7 - SE 141st PLACE
- BELLEVIEW HEIGHTS ESTATES UNIT NO. 9 - SE 130th PLACE BELLEVIEW HILLS
- BRADFORD FARMS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BROOKHAVEN PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BROOKHAVEN PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- CEDAR HILLS/ CEDAR HILLS ADDITION/ CEDAR HILLS ADDITION NUMBER 2
- CEDAR VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- CHERRYWOOD PRESERVE PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- CLEARLAKE RANCHES HAMLET SUBDIVISION MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- COUNTRY GARDENS
- DALTON WOODS-DALTON WOODS 1st ADDITION
- DEER PATH NORTH MSBU FOR ROAD MAINTENANCE
- DEER PATH NORTH PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- DERBY FARMS MSBU
- DUNNELLON OAKS

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- EAST LAKE - WOODMAR - SE 143rd STREET AND PORTION OF SE 145th AVE.
- EDGEWATER ESTATES REPLAT
- EL DORADO DRAINAGE MSBU
- FORE ACRES FIRST ADDITION
- FOREST GLENN - SW 64th COURT (Kingsland Country Estates)
- FORESTS' EDGE
- FOUNTAIN VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- FREEDOM CROSSINGS PRESERVE PHASE 1 AND PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- GREY OAKS MSBU FOR ROAD MAINTENANCE
- GREYSTONE HILLS PHASE ONE AND PHASE TWO MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- HEATHER ISLAND MARKET CENTER MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- JB RANCH SUBDIVISION PHASE 2A MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- LAKE WEIR GARDENS, LAKE WEIR GARDENS REPLAT BLOCK 1, BELLEVIEW OAKS ESTATES & PINWOOD ESTATES
- LAUREL COMMONS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- LIBERTY VILLAGE PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- LONG LAKE HEIGHTS EXTENSION MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MARICAMP MARKET CENTRE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MARICAMP MARKET CENTRE REPLAT PHASE 1 AND PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MARION COUNTY MSBU FOR RESIDENTIAL SOLID WASTE SERVICES
- MARION COUNTY MUNICIPAL SERVICE BENEFIT UNIT FOR FIRE RESCUE SERVICES
- MARION OAKS MSTU FOR GENERAL SERVICES
- MARION RANCH PHASE 1 AND PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MILLWOOD ESTATES MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OAK HAMMOCK PRESERVE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OAKHURST NO. 1

- OAKS AT OCALA CROSSINGS SOUTH PHASE ONE AND PHASE TWO MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OCALA CROSSINGS SOUTH PHASE ONE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OCALA HIGHLAND STREET LIGHTS MSBU/OCALA RIDGE UNIT NO. 11 - NW 52nd AVENUE
- PEPPER TREE VILLAGE
- PINE RIDGE ESTATES
- PINE RUN ESTATES
- PIONEER RANCH PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- QUAIL CREEK
- RAINBOW LAKES ESTATES MSTU FOR ROAD IMPROVEMENTS
- RAINBOW PARK UNIT 3 DRAINAGE MSBU
- RAINBOW PARK UNIT 4 DRAINAGE MSBU
- ROLLING HILLS UNIT ONE, UNIT 1-A, UNIT TWO, REPLAT OF A PORTION OF ROLLING HILLS UNIT 2-A, UNIT THREE, UNIT FOUR, UNIT FIVE
- ROLLING HILLS UNIT 2 - SW 73rd STREET
- ROOSEVELT VILLAGE UNIT 1
- SHERWOOD HILLS ESTATES DRAINAGE MSBU
- SILVER SPRINGS SHORES - UNITS 31, 35,36, 37, 38, 42 and 44 MSBU
- STORMWATER SERVICES AND STORMWATER MANAGEMENT PROGRAM
- SUN COUNTRY ESTATES
- SUNSET HILLS PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- THOROUGHbred ACRES MSBU
- TOMPKINS & GEORGES ADDITION TO DUNNELLON MSTU

Budget/Impact: None.

Recommended Action: Motion to adopt the Resolutions required by Section 197.3632, F.S. and authorize the Chairman and Clerk to execute the same.

Deputy Clerk Windberg presented Proof of Publication of legal ad No. 9433685 entitled, "Notice Of Intent To Use The Uniform Method Of Collection Of Non-Ad Valorem Assessments" published in the Star Banner newspaper on November 7, 14, 21 and 28, 2023. The Notice states the Board will consider adopting 68 Resolutions authorizing use of the uniform collection method for non-ad valorem assessments.

MSTU Director Matthew Leibfried advised that the public hearing is to consider authorizing the use of uniform method for levy, collection, and enforcement of non-ad valorem assessments and to adopt the associated Resolutions. Florida Statutes (FS) Section 197.3632 requires the adoption of assessments that are levied or being levied for the first time, increasing beyond the maximum rate, the boundary areas of the assessments are changing, or there is a change in the purpose for such assessment. The following Municipal Service Benefit Units (MSBUs) and road improvement areas are

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being proposed, potentially created, or modified this year. Today's public hearing is the first step in considering the establishment or potential change in these assessments. However, this public hearing does not establish or change these assessments. The establishment or change of each of these assessments will be considered at a later date during separate public hearings. He advised that there are 17 MSBU's that may be created, or an assessment may be levied for the first time this year; 20 potential road improvement areas that may be proposed for creation this year; and 3 County assessments that are included on the list every year (Marion County MSBU for Fire Rescue Services, Marion County MSBU for Residential Solid Waste, and Stormwater Service and Stormwater Management Program).

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 McClain, seconded by Commissioner Bryant, to adopt Resolutions 23-R-577 through 23-R-644 (as noted below), authorizing the use of the uniform collection method for non-ad valorem assessments. The motion was unanimously approved by the Board (5-0).

1. 23-R-577 – BAHIA OAKS UNIT NO. THREE AKA WEST WIND TRAILS
2. 23-R-578 – BAHIA VILLA MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
3. 23-R-579 – BASELINE VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
4. 23-R-580 – BEL LAGO WEST HAMLET MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
5. 23-R-581 – BELLEVIEW HEIGHTS ESTATES UNIT NO. 4
6. 23-R-582 – BELLEVIEW HEIGHTS ESTATES UNIT NO. 7 - SE 141st PLACE
7. 23-R-583 – BELLEVIEW HEIGHTS ESTATES UNIT NO. 9 - SE 130th PLACE
8. 23-R-584 – BELLEVIEW HILLS
9. 23-R-585 – BRADFORD FARMS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
10. 23-R-586 – BROOKHAVEN PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
11. 23-R-587 – BROOKHAVEN PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
12. 23-R-588 – CEDAR HILLS/ CEDAR HILLS ADDITION/ CEDAR HILLS ADDITION NUMBER 2
13. 23-R-589 – CEDAR VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
14. 23-R-590 – CHERRYWOOD PRESERVE PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
15. 23-R-591 – CLEAR LAKE RANCHES HAMLET SUBDIVISION MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
16. 23-R-592 – COUNTRY GARDENS
17. 23-R-593 – DALTON WOODS-DALTON WOODS 1st ADDITION
18. 23-R-594 – DEER PATH NORTH MSBU FOR ROAD MAINTENANCE
19. 23-R-595 – DEER PATH NORTH PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS

20. 23-R-596 – DERBY FARMS MSBU
21. 23-R-597 – DUNNELON OAKS
22. 23-R-598 – EAST LAKE - WOODMAR - SE 143rd STREET AND PORTION OF SE 145th AVE.
23. 23-R-599 – EDGEWATER ESTATES REPLAT
24. 23-R-600 – EL DORADO DRAINAGE MSBU
25. 23-R-601 – FORE ACRES FIRST ADDITION
26. 23-R-602 – FOREST GLENN - SW 64th COURT (Kingsland Country Estates)
27. 23-R-603 – FORESTS' EDGE
28. 23-R-604 – FOUNTAIN VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
29. 23-R-605 – FREEDOM CROSSINGS PRESERVE PHASE 1 AND PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
30. 23-R-606 – GREY OAKS MSBU FOR ROAD MAINTENANCE
31. 23-R-607 – GREYSTONE HILLS PHASE ONE AND PHASE TWO MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
32. 23-R-608 – HEATHER ISLAND MARKET CENTER MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
33. 23-R-609 – JB RANCH SUBDIVISION PHASE 2A MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
34. 23-R-610 – LAKE WEIR GARDENS, LAKE WEIR GARDENS REPLAT BLOCK 1, BELLEVIEW OAKS ESTATES & PINWOOD ESTATES
35. 23-R-611 – LAUREL COMMONS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
36. 23-R-612 – LIBERTY VILLAGE PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
37. 23-R-613 – LONG LAKE HEIGHTS EXTENSION MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
38. 23-R-614 – MARICAMP MARKET CENTRE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
39. 23-R-615 – MARICAMP MARKET CENTRE REPLAT PHASE 1 AND PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
40. 23-R-616 – MARION COUNTY MSBU FOR RESIDENTIAL SOLID WASTE SERVICES
41. 23-R-617 – MARION COUNTY MSBU FOR FIRE RESCUE SERVICES
42. 23-R-618 – MARION OAKS MSTU FOR GENERAL SERVICES
43. 23-R-619 – MARION RANCH PHASE 1 AND PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
44. 23-R-620 – MILLWOOD ESTATES MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
45. 23-R-621 – OAK HAMMOCK PRESERVE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
46. 23-R-622 – OAKHURST NO. 1

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47. 23-R-623 – OAKS AT OCALA CROSSINGS SOUTH PHASE ONE AND PHASE TWO MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
48. 23-R-624 – OCALA CROSSINGS SOUTH PHASE ONE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
49. 23-R-625 – OCALA HIGHLAND STREET LIGHTS MSBU
50. 23-R-626 – OCALA RIDGE UNIT NO. 11 - NW 52nd AVENUE
51. 23-R-627 – PEPPER TREE VILLAGE
52. 23-R-628 – PINE RIDGE ESTATES
53. 23-R-629 – PINE RUN ESTATES
54. 23-R-630 – PIONEER RANCH PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
55. 23-R-631 – QUAIL CREEK
56. 23-R-632 – RAINBOW LAKES ESTATES MSTU FOR ROAD IMPROVEMENTS
57. 23-R-633 – RAINBOW PARK UNIT 3 DRAINAGE MSBU
58. 23-R-634 – RAINBOW PARK UNIT 4 DRAINAGE MSBU
59. 23-R-635 – ROLLING HILLS UNIT ONE, UNIT 1-A, UNIT TWO, REPLAT OF A PORTION OF ROLLING HILLS UNIT 2-A, UNIT THREE, UNIT FOUR, UNIT FIVE
60. 23-R-636 – ROLLING HILLS UNIT TWO - SW 73rd STREET
61. 23-R-637 – ROOSEVELT VILLAGE UNIT 1
62. 23-R-638 – SHERWOOD HILLS ESTATES DRAINAGE MSBU
63. 23-R-639 – SILVER SPRINGS SHORES - UNITS 31, 35, 36, 37, 38, 42, and 44 MSBU
64. 23-R-640 – STORMWATER SERVICES AND STORMWATER MANAGEMENT PROGRAM
65. 23-R-641 – SUN COUNTRY ESTATES
66. 23-R-642 – SUNSET HILLS PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
67. 23-R-643 – THOROUGHbred ACRES MSBU
68. 23-R-644 – TOMPKINS & GEORGES ADDITION TO DUNNELLON MSTU

6.2. PUBLIC HEARING - To Consider an Ordinance Approving the Extension of the Levy of the One Cent Countywide Infrastructure Sales Surtax for a Period of Twenty Years
The Board considered the following recommendation as presented by County Administrator Mounir Bouyounes:

Description/Background: At the September 6, 2023 Board of County Commissioners (BCC) meeting, approval was given to schedule a workshop on October 10, 2023 to discuss the priority projects as well as schedule a public hearing for December 5, 2023 to consider the ordinance approving the extension of the levy of the one (1) cent countywide infrastructure sales surtax.

Attached is the proposed Ordinance, prepared by the County Attorney, which states that the extension of the levy of the Countywide one (1) cent Infrastructure sales surtax will be to fund public safety (law enforcement, fire, EMS and animal control) capital facilities and equipment needs and transportation projects for Marion County and its municipalities. Upon Board approval, the Sales Surtax

Renewal Referendum will be included on the ballot for the general election on November 5, 2024.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Ordinance to renew the one (1) cent countywide infrastructure sales surtax for a period of twenty (20) years and authorize staff to advertise the notice of sales surtax renewal referendum to be included in the general election ballot.

Deputy Clerk Windberg presented proof of publication of legal ad No. 9525901 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on November 20, 2023. The Notice states the Board will consider the adoption of an Ordinance relating to the levy of a One Cent (One Percent) Countywide Infrastructure Sales Tax for a period of twenty years.

County Administrator Mounir Bouyounes advised that the proposed Ordinance is for the extension of the existing One (1) Cent Sales Surtax that has been utilized over the past 7 years for public safety and road improvement projects and clarified that this is not a new tax. He stated on October 10, 2023 the BCC held a workshop to discuss this matter and staff provided a list of projects for roads and public safety. The list of projects presented was estimated to cost approximately \$1,300,000,000.00. Mr. Bouyounes provided a brief overview of the renewal timeline, noting if the Board adopts the Ordinance today, staff will then finalize the list of proposed projects and present it to the BCC for consideration in February 2024. A workshop is also scheduled for January 23, 2024 to discuss proposed road projects and ensure those projects are prioritized per Board direction. A final workshop will be held on March 6, 2024 to discuss the entire list of projects for public safety and road improvements, which will be the list that will be shared with the public.

County Attorney Minter advised that the Ordinance would implement the new tax, as it is currently comprised, for a period of 20 years, beginning January 1, 2025, noting the current Ordinance terminates on December 31, 2024. The Ordinance is subject to a favorable vote on a referendum that will occur on the general election ballot on November 5, 2024. Upon voter approval, the tax would be extended effective January 1, 2025. As with the existing Ordinance, the purpose of the proceeds is for public safety, law enforcement, emergency medical services (EMS), animal control, capital facilities and equipment needs, as well as funding road projects. He commented on the significant need for public funding for safety needs. Mr. Minter noted a copy of the proposed ballot is included for Board review, and if approved, will be placed on the November 2024 ballot. Commissioner Bryant referred to Section 9 of the proposed Ordinance as it relates to referendum results, which states "If a majority of the votes cast at such referendum in respect to the extension of the Surtax shall be "For the Extension of the 1% Sales Surtax," and questioned if the vote required a 60% approval. Mr. Minter stated the vote has to be 50% plus 1 to be considered approved. He referred to a typographical error in Section 2 and Section 9, which stated the Surtax would end on December 31, 2045, noting the Surtax terminates on December 31, 2044.

Commissioner Curry noted he is relying heavily on the studies and background work provided by the Ocala/Marion County Chamber and Economic Partnership (CEP) that reflects the need for the tax over the next 20 years. He commented on the amount of transportation infrastructure the County needs, noting there is over \$1,000,000,000.00 in road projects that have been identified. Commissioner Curry opined that a 20 year income stream can accomplish a lot of projects that would be good for the community, noting there are 27 Counties in the State that have gone to a 20 year term for its sales tax. He

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stated approximately 30% of the tax is paid for by those that utilize the County's infrastructure but live in another County. Commissioner Curry expressed concern that if the sales tax does not pass, the only option to pay for these needs would be through an increase to ad valorem taxes, which is not shared through the entire foot print of the community. He advised that out of 67 Counties, in terms of where its operational budget is at, Marion County is 59th in the State as it relates to millage rates and the revenues they generate.

Mr. Bouyounes advised that there are 27 Counties, including Marion County, with an Infrastructure Sales Surtax, noting 2 of those are for 30 years, 4 are for 20 years, and the rest are for 15 years or less, with Marion County being the lowest at 4 years.

Chairman Stone opened the floor to public comment.

Henry Munoz, Marion Oaks Boulevard, expressed concern that the proposal would lead the Marion County School Board (MCSB) to request an additional One-Half Cent Sales Tax for its needs. He opined that the Board created the problem by allowing housing developers to develop without considering the impact on County infrastructure. Mr. Munoz opined that the developers need to pay for their impact. He stated the County could compromise with a 4 year extension of the tax and split the One Cent Sales Tax with the MCSB. Mr. Munoz noted his objection to having the Animal Service Department included in the proposed Ordinance.

Chairman Stone clarified that the BCC has not received a request for a One-Half Cent Sales Tax from the MCSB.

Commissioner Curry out at 10:27 a.m.

Virginia Gayle, SW 39th Circle, expressed concern with extending the tax for 20 years, noting she is still unsure how those dollars will be distributed.

Chairman Stone stated the County is very transparent with how those dollars are spent, noting citizens can go to the Marion County website and review the projects, as well as where every dollar was spent for those projects.

Commissioner Bryant reiterated that this is not a new tax, but rather a continuation of the tax already in place.

Chairman Stone clarified that the tax is capped at \$5,000.00 for large purchases.

Commissioner Bryant advised that if it were not for the sales tax, property taxes would be much higher and only property owners would be paying for things that all citizens in the community utilizes.

Joseph Walker, SE 54th Place, Ocklawaha, expressed concern that the tax has not raised enough money to allow the Fire Marshal to go out and inspect properties that are in violation of County Codes.

Commissioner Curry returned at 10:33 a.m.

Jack Stackman, SE 56th Avenue, questioned if the sales tax does not pass for the 20 year term, where will it put the County in regard to having any type of sales tax.

Commissioner Bryant stated there would be no sales tax.

Mr. Stackman advised that he is against including Animal Control as part of the sales tax in regard to being a safety issue, and questioned what will happen down the road if the County decides to add another department to the tax.

Chairman Stone clarified that once the referendum is approved by the voters it cannot be changed, so what is on the ballot is how the revenue can be spent (capital expenditures for public safety, infrastructure for roadways, and Animal Control).

In response to Mr. Stackman, Commissioner Zalak stated the matter can only be placed on General Election ballots.

David Tillman, SE 41st Place, commented on past history prior to the County implementing the One Cent Sales Tax, noting the County had issues with patrol cars breaking down during car chases, ambulances that could not make it to respond to an emergency, etc. He stated the County does not want to go back to those times and it makes sense to view this as long range planning. Mr. Tillman advised that there are thousands and thousands of empty lots throughout the County that are background growth, noting this is not just a burden on new development. He clarified that this is a burden that will occur no matter what, even if the County implemented a moratorium, noting this is an existing need. Mr. Tillman noted there are sales tax breaks on food and other essential needs.

Chairman Stone advised that public comment is now closed.

Commissioner Bryant advised that she and Commissioner Zalak both served on the BCC during the great recession when there was no funding for anything, noting the sales tax has been a Godsend. She stated the County would not have been able to do any of the "catch up" for public safety and transportation infrastructure had the tax not been implemented. Commissioner Bryant stated she is a big sales tax proponent because everyone pays in and not just property owners. She reiterated the importance of having this sales tax in place, noting a 20 year term allows the County to know that there will be dollars available to be able to plan for the future and to plan for future growth.

Commissioner McClain advised that he agreed with Commissioner Bryant as it relates to the virtues of the sales tax; however, he questioned if there is a better way to address it when it comes to the number of years it would be applied on citizens. He concurred that the tax needs to be implemented for more than 4 years for planning purposes; however, a shorter term would allow for more public input and engagement. Commissioner McClain recommended the Board consider a 12 year term for the tax.

Commissioner Bryant advised that the Board also has to consider the fact that it is unknown in the coming years what the State Legislature is going to do as far as the County's ability to even have a surtax, noting it is important to protect the ability to have it now, which is why she supports a 20 year term.

General discussion ensued.

Chairman Stone referred to the County's Vision Statement, which is "Marion County is a safe, well planned community with a thriving economy that supports a high quality of life where family matters", noting the importance of providing the sort of environment where the community is able to enjoy life.

Commissioner Zalak advised that when the BCC first placed the tax on the ballot, that Board knew that in order to equip the County's Fire Department, Sheriff's Office, and have a chance to repair the road deficit, something different was going to be needed. He opined that property tax is the most liberal form of taxation and opined that everyone should pay for the same services. Commissioner Zalak advised that the only way the County has the ability to have heavy rescue apparatus and high tech safety equipment is due to the revenue generated by the sales tax. He noted his preference would be to implement the sales tax for 12 years; however, the reality is the need is there and this is the best way to fund that need. For example, the 35th Street project has been on the books for almost 20 years; however, there has never been enough money for the County to fix its priorities and fund the infrastructure projects in a timely manner.

General discussion resumed.

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Commissioner Curry opined that the 20 year term would give certainty to the community that a revenue stream would be coming in to help build roads and resolve other infrastructure needs.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 23-31 approving the extension of the One (1) Cent Countywide Infrastructure Sales Surtax for a period of twenty (20) years and authorize staff to advertise the notice of Sales Surtax Renewal Referendum to be included in the general election ballot. The motion was unanimously approved by the Board (5-0).

Ordinance 23-31 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING THE EXTENSION OF A LEVY OF A ONE PERCENT COUNTYWIDE INFRASTRUCTURE SALES SURTAX FOR A PERIOD OF TWENTY YEARS; CALLING FOR A REFERENDUM ON THE QUESTION WHETHER TO LEVY SUCH SURTAX TO BE HELD AT THE 2024 GENERAL ELECTION; PROVIDING FOR THE USE OF THE PROCEEDS OF SUCH LEVY IF APPROVED AT SUCH REFERENDUM; PROVIDING FOR REFERENDUM PROCEDURE; AND PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION.

13.2. Commission Calendar

13.2.1. The Chairman acknowledged receipt of the Commission calendar covering the period of December 5, 2023 through December 19, 2023.

14. Notation For Record:

14.1.1. Present Notification of the Appointment of Sara Caron as Marion County Human Resources Director

14.1.2. Present Resignation from the Marion County Historical Commission – Rob Smith, Jr.

14.1.3. Present Resignation from the Marion County Historical Commission - Thomas "Tom" Schmitz

14.1.4. Present the 2023-2024 Commission Liaison and Projects Chart

14.1.5. Present Letters Dated December 1, 2023, Supporting Marion Senior Services Appropriations Request for the Elder Co-responder Program

14.1.6. Present Letters Dated December 1, 2023 Supporting the United Way of Marion County's Appropriation Request Related to Funding 2-1-1 Services

14.1.7. 2024 Schedule of Regular Board of County Commissioners Meetings

14.2. Present Walk-On Items From Previous BCC Meeting: NONE

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 Certificates Certifying There Has Been No Election In Marion County Resulting In A Recall of the Racing Permits Held by OBS Real Estate Holdings, LLC d/b/a

Ocala Poker & Jai Alai, Ocala Breeders' Sales Co., Inc., Ocala Thoroughbred Racing, Inc., and South Marion Real Estate Holdings, LLC Facilities

14.4.2. Present Report Number 2023-04 Internal Controls Over the Usage of Driver and Vehicle Information Database

14.4.3. Present Administrative Budget Transfer Report for FY 2023-24

14.4.4. Present Regular Report of Utilization for Reserve for Contingencies

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

14.5.1. Code Enforcement Board - October 11, 2023

14.5.2. Development Review Committee - October 30 and November 6, 2023

14.5.3. District 5 and 24 Medical Examiner Advisory Committee

14.5.4. License Review Board - October 10, 2023

14.5.5. MCFR and EMS Advisory Board

14.5.6. Parks & Recreation Advisory Council (PRAC) - June 21, 2023

14.5.7. Tourist Development Council - October 26, 2023

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

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

14.5.10. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://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 10:50 a.m.

The meeting reconvened at 2:02 p.m. with all members present.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Planner II Eryn Mertens, Planner Kathleen Brugnoli, 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 four Proofs of Publication to be presented for this afternoon's meeting.

The first Proof of Publication is legal ad No. 9525292 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on November 17, 2023. The Notice states 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.

The second Proof of Publication is display ad No. 9559666 entitled, "Notice of Public Hearing to Consider a Modification to a Chapter 163, F.S. Development Agreement for DDMM Villages, LLC. (fka Utopia 42, LLC.), Digivijay Gaekwad, and Villages of Marion County GP, LLC.", published in the Star Banner newspaper on November 29, 2023. The Notice states the Board will consider a proposed amended and restated Development

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Agreement modifying a Chapter 163, F.S. Development Agreement, as recorded in Official Records (OR) Book 4641, Page 281, pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes, between DDMM Villages, LLC. (fka Utopia 42, LLC.) Digvijay Gaekwad, and Villages of Marion County Gp, LLC. and Marion County, Florida, Case No. 23-DM10, as related to the Utopia/Gaekwad Village Planned Unit Development (PUD), zoning case No. 220102Z.

The third Proof of Publication is display ad No. 9414199 entitled, "Notice of Change of Land Use Marion County Comprehensive Plan", published in the Star Banner newspaper on October 20, 2023. The Notice states the Board will consider the Large Scale Comprehensive Plan land use designation on the Future Land Use Map Amendment 2023-L03.

The fourth Proof of Publication is display ad entitled, "Notice of Change of Land Use Marion County Comprehensive Plan", published in the Ocala Gazette Newspaper on November 24, 2023. The Notice states the Board will consider the Large-Scale Comprehensive Plan Future Land Use Map Amendment No. 2022-L05.

County Attorney Matthew G. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

Mr. Minter advised that Agenda Items 15.2.6 and 15.2.7 will be brought back before the Board at a later date. He provided a brief overview of the process for today's zoning and Special Use Permit hearings.

15.1. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the two (2) petitions listed on the Consent Agenda are recommended for approval by both the Planning Division and the P&Z Commission.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

Motion was made by Mr. Gaekwad and seconded by Mr. Fisher to agree with staff's findings and recommendation, and recommend approval of the Consent Agenda items.

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

The motion passed by unanimous decision.

Growth Services Director Charles Varadin advised that Consent Agenda Item 15.1.1 is being pulled for individual consideration and the applicant has requested Agenda Items 15.2.6 and 15.2.7 be continued to January 10, 2024.

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 Bryant, seconded by Commissioner Curry, to approve Consent Agenda item 15.1.2, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda item as follows:

15.1.2. 231110ZC - Silver Springs RV Community, LLC., Zoning Change from Community Business (B-2) to Recreational Vehicle Park (P-RV), 2.65 Acre Portion of 4.15 Acres, on

Parcel Account Number 24153-000-00, Site Address 5401 E. Silver Springs Boulevard, Silver Springs, FL 34488

The Board granted a petition by Silver Springs RV Community LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to Recreational Vehicle Park (P-RV), for all permitted uses, on an approximate 2.65 Acre portion of a 4.15 Acre Parcel, on Parcel Account Number 24153-000-00, site address 5401 E. Silver Springs Blvd, Silver Springs, FL 34488.

15.2. Planning and Zoning Items for Individual Consideration:

15.1.1. 231106SU - Miranda Elizabeth Lynam, Special Use Permit for Renovation and Private Use of a Private Church, in a General Agriculture (A-1) Zone, 0.88 Acres on Parcel Account Number 07399-070-01, Site Address 2990 NW 118th Street Road, Reddick, FL 32686

The Board considered a petition by Miranda Elizabeth Lynam, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for renovating and private use of a private church, in a General Agricultural (A-1) zone, on an approximate 0.88 Acre Parcel on Parcel Account Number 07399-070-01, site address 5990 NW 118th St Rd, Reddick, FL 32686.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231106SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Gaekwad, seconded by Mr. Fisher, to agree with staff's findings and recommendation, and recommend approval of the zoning Change based on the following findings of fact:

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

The Motion Passed by unanimous decision.

Planner II Eryn Mertens, Growth Services, provided a brief overview of the Special Use Permit (SUP) request for renovation and private use of a private church in an A-1 zone. It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The ingress/egress for the private church shall be via NW 60th Avenue, only
2. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
3. The Special Use Permit is limited to the renovation and private use of the historical church identified in the application. If the use of the church ceases to be used privately, sufficient parking will be required according to minimum standards required by the LDC Table 6.11-5, and as required by DRC.
4. Parking is permitted on the grass, except employee and disabled permit parking must be paved, as is outlined in LDC Section 6.11.8E. Parking area shall be suitably landscaped and screened in accordance with LDC Section 6.8.7. Waivers may be requested through the DRC review process.
5. The parking/storage of any trailer, camper, or recreational vehicle unit(s), or reefer unit(s) is prohibited on the portion of the property being used as a church.
6. Use of the church will be limited to accommodating ten (10) persons at a time, those persons being students in an educational capacity, and such

- use shall be limited to twice per month. Any use of the church that exceeds ten (10) persons, and/or includes the ringing of a church bell (as was included in its historical use) shall only be permitted on Sunday morning, or when the main service time would ordinarily be held.
7. Use of the church for special events is prohibited; to include but not limited to weddings, funerals, graduations, etc. No waivers may be requested on this condition.
 8. The applicant may be credited for the mature landscaping along both rights-of-way as satisfying the buffering requirements on those boundaries.
 9. The "E-Type" buffer shall be provided between the eastern residential portion of the subject property and the neighboring agricultural use to the south of the subject property, giving credit to any remaining preserved natural landscaping to meet this requirement.
 10. The "E-Type" buffer shall be provided between the eastern residential portion of the subject property and the neighboring agricultural use to the east of the subject property, giving credit to any remaining preserved natural landscaping to meet this requirement.
 11. Buffers shall be installed as per LDC, and as recommended above by staff.
 12. No waivers to the buffer requirements set forth herein may be obtained through the DRC review process.
 13. Any lighting shall be planned, using the lowest wattage of lamp as possible to provide the amount of light needed according to standards provided by the Illuminating Engineering Society of North America (IESNA).
 14. Any lighting for the signage on the property shall be arranged to illuminate only the signs directly, with the source of the light not aimed or casting light off the property in any way, so as to avoid spillage of light and glare onto adjacent streets and properties.
 15. To avoid conflicts, locations of light fixtures must be coordinated with the location of all trees and landscaping whether existing or proposed as shown on the landscape plan. Glare control shall not be achieved solely through landscape vegetation, but through shielding, fixture mounting height, wattage, aiming angle, and fixture placement.
 16. Controls shall be employed that automatically extinguish all outdoor lighting when sufficient daylight is available.
 17. Signage lighting fixtures will not be installed higher than 15 feet high. No neon, flashing, or scrolling signs will be permitted on this site.
 18. The use of the church shall remain private and therefore shall not be the venue for special events, such as weddings, funeral services, graduation celebration gatherings, and similar events.
 19. This Special Use Permit shall run with the owner (Miranda Elizabeth Lynam) and not the property.
 20. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property.
 21. The Special Use Permit shall expire on November 20, 2026; and it will be eligible for administrative renewal up to 3 consecutive times, for up to 3 years each, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:

- a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
- b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
- c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

Ms. Mertens advised that after the P&Z Commission hearing the applicant and staff discussed possible amended Conditions as follows:

3. The Special Use Permit is limited to the renovation and private use of the historical church identified in the application. If the use of the church ceases to be used privately, (1) sufficient parking will be required according to minimum standards required by the LDC Table 6.11-5, and as required by DRC; and (2) parking area shall be suitably landscaped and screened in accordance with the LDC Section 6.8.7. Waivers may be requested through the DRC review process.
4. Parking is permitted on the grass except employee and disabled permit parking must be paved, as is outlined in the LDC Section 6.11.8E.

STAFF LANGUAGE

9. The "E-Type" buffer shall be provided between the eastern residential portion of the subject property and the neighboring agricultural use to the south of the subject property, giving credit to any remaining preserved natural landscaping to meet this requirement.
10. The "E-Type" buffer shall be provided between the eastern residential portion of the subject property and the neighboring agricultural use to the east of the subject property, giving credit to any remaining preserved natural landscaping to meet this requirement.

APPLICANT LANGUAGE

11. The "E-Type" buffer shall be provided along the property's boundary with the eastern residential portion of the subject property, giving credit to any remaining preserved natural landscaping to meet this requirement. No buffer (a) shall be required along such eastern residential portion of if the owner of such portion provides written notice to the County that the owner does not desire a buffer; and (b) is required along the property's boundary with the neighboring cemetery use to the south.
12. Any required buffers shall be installed as per LDC, and as recommended above by staff. The applicant may seek waivers to the buffer requirements through the DRC review process.
19. This Special Use Permit shall run with the owner (Miranda Elizabeth Lynam), or with the existing tenant (RSJ Real Estate, L.L.C., an Ohio limited liability company) if it becomes the property owner, and not with the property. (Applicant provided Right of First Refusal, and so Staff is agreeable to including lessee on SUP)

20. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property except in connection with a transfer of the subject property to the existing tenant (RSJ Real Estate, L.L.C., an Ohio limited liability company) or a transfer of the portion of the subject property on which the church is located to such existing tenant. (Applicant provided Right of First Refusal, and so staff is agreeable to this one exception to the termination condition to the SUP)
21. The Special Use Permit shall expire on November 20, 2026; and it will be eligible for administrative renewal up to 3 consecutive times, with the first renewal being for a period of ten (10) years, and the subsequent renewals being for periods of five (5) years each, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

APPLICANT REQUEST; STAFF DOES NOT AGREE

22. If a request for an administrative renewal under Section 21 is not filed by the expiration of this Special Use Permit or an extension thereof, the administrative renewal shall still be granted as long as none of the conditions in section 21.a, 21b. or 21c, have occurred but the commencement date of the extension shall be the expiration date.

In response to Commissioner Curry, Ms. Mertens advised that the request is for private use and the applicant is requesting the buffers not be required, noting the church is in a historic area. She stated there has been no complaints from the neighbors, but staff has some concern with imposing Conditions on the use of a church. Ms. Mertens advised that ultimately, staff's concern is that this would turn into a venue for special events, noting this is not the appropriate area for this type of use.

Jimmy Gooding, SE 36th Avenue, attorney on behalf of the applicant, provided a brief history of the property. He stated the community of Germantown grew around this church, which is a big part of Marion County history. Mr. Gooding advised that Robby Roberts signed a lease with the property owner for the portion of the property where the church is located that gives him the right to renovate the church, but when attempting to get permits Mr. Roberts was denied a building permit due to a church not be allowed on this property. Mr. Gooding stated staff is proposing the overall parcel is buffered, but the applicant is requesting the Board only consider buffering for the leased portion of the property (outlined in blue as shown on the overhead screens). He advised that the applicant is also requesting no buffer be required along the eastern residential portion if the owner of such portion provides written notice to the County that the owner does not desire a buffer,

noting the owner has expressed to the applicant that she does not want a buffer as she enjoys looking at the church.

Mr. Gooding advised that the church is intended to be private use and will not be a money-making endeavor. He stated the request for up to 10 people is to allow students who are possibly interested in looking at an old historic church.

Mr. Gooding addressed proposed Condition 22 relating to renewal of the Special Use Permit, noting the intent of the Condition is for the applicant to not have to go through this whole process again if they forget to submit the renewal by the deadline. He urged the Board to consider this Condition in future Special Use Permits.

In response to Commissioner Curry, Mr. Gooding advised that the church was originally established sometime between the 1860's and the 1880's.

Chairman Stone opened the floor to public comment.

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

Chairman Stone clarified that the church dates back to 1817 and 1818.

Commissioner Bryant opined that Condition 22 would be a policy change the Board would have to consider and not something that can be done today. She stated the buffering along the east side of the parcel is not necessary.

General discussion ensued relating to the buffers.

In response to Commissioner Zalak, Deputy Director Ken Weyrauch, Growth Services, advised that a notice of renewal is not sent out for Special Use Permits.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to adopt Resolution 23-R-645 with Conditions 1 through 20, as amended below, approving the Special Use Permit request agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-645 contains the following Conditions:

1. The ingress/egress for the private church shall be via NW 60th Avenue, only.
2. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
3. The Special Use Permit is limited to the renovation and private use of the historical church identified in the application. If the use of the church ceases to be used privately: (1) sufficient parking will be required according to minimum standards required by the LDC Table 6.11-5, and as required by DRC; and (2) parking area shall be suitably landscaped and screened in accordance with LDC Section 6.8.7. Waivers may be requested through the DRC review process.
4. Parking is permitted on the grass, except employee and disabled permit parking must be paved, as is outlined in LDC Section 6.11.8E.
5. The parking/storage of any trailer, camper, or recreational vehicle unit(s), or refrigeration unit(s) is prohibited on the portion of the property being used as a church.
6. Use of the church will be limited to accommodating ten (10) persons at a time, those persons being students in an educational capacity, and such use shall be limited to twice per month. Any use of the church that exceeds ten (10) persons, and/or includes the ringing of a church bell (as was

- included in its historical use) shall only be permitted on Sunday morning, or when the main service time would ordinarily be held.
7. Use of the church for special events is prohibited; to include but not limited to weddings, funerals, graduations, etc. No waivers may be requested on this condition.
 8. The applicant may be credited for the mature landscaping along both rights-of-way as satisfying the buffering requirements on those boundaries.
 9. The "E-Type" buffer shall be provided along the property's boundary with the eastern residential portion of the subject property, giving credit to any remaining preserved natural landscaping to meet this requirement. No buffer (a) shall be required along such eastern residential portion of if the owner of such portion provides written notice to the County that the owner does not desire a buffer and (b) is required along the property's boundary with the neighboring cemetery use to the south.
 10. Any required buffers shall be installed as per LDC, and as recommended above by staff. The applicant may seek waivers to the buffer requirements through the DRC review process.
 11. Any lighting shall use the lowest wattage of lamp possible to provide the amount of light needed according to standards provided by the Illuminating Engineering Society of North America (IESNA).
 12. Any lighting for the signage on the property shall be arranged to illuminate only the signs directly, with the source of the light not aimed or casting light off the property in any way, so as to avoid spillage of light and glare onto adjacent streets and properties.
 13. To avoid conflicts, locations of light fixtures must be coordinated with the location of all trees and landscaping whether existing or proposed as shown on the landscape plan. Glare control shall not be achieved solely through landscape vegetation, but through shielding, fixture mounting height, wattage, aiming angle, and fixture placement.
 14. Controls shall be employed that automatically extinguish all outdoor lighting when sufficient daylight is available.
 15. Signage lighting fixtures will not be installed higher than 15 feet high. No neon, flashing, or scrolling signs will be permitted on this site.
 16. The use of the church shall remain private and therefore shall not be the venue for special events, such as weddings, funeral services, graduation celebration gatherings, and similar events.
 17. This Special Use Permit shall run with the owner (Miranda Elizabeth Lynam), or with the existing tenant (RSJ Real Estate, L.L.C., an Ohio limited liability company) if it becomes the property owner, and not the property. Applicant has provided the County with a copy of the Right of First Refusal in favor of RSJ Real Estate, L.L.C., which is on file with Marion County Growth Services, to support this condition.
 18. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property, except in connection with a transfer of the subject property to the existing tenant (RSJ Real Estate, L.L.C., an Ohio limited liability company) or a transfer of the portion of the subject property on which the church is located to such existing tenant. Applicant has provided the County with a copy of the Right of First Refusal in favor of RSJ

Real Estate, L.L.C., which is on file with Marion County Growth Services, to support this condition.

19. The Special Use Permit shall expire on November 20, 2026; and it will be eligible for administrative renewal up to 3 consecutive times, with the first renewal being for a period of ten (10) years, and the subsequent renewals being for periods of five (5) years each, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).
20. Conditions Attachment:
 - a. Concept Plan, Findings of Fact, and Right of First Refusal.

(Ed. Note: The Deputy Clerk was in receipt of a 9 page handout containing proposed amended conditions and the first right of refusal contract.)

15.2.1. PUBLIC HEARING: One of Two Public Hearings for Presentation and Discussion Regarding an Amended and Restated Development Agreement to Modify a Chapter 163, F.S. Development Agreement (Modification, 23-DM10) Between Marion County, Florida and DDMM Villages, LLC. (fka Utopia 42, LLC.), Digvijay Gaekwad, and Villages of Marion County GP, LLC., Related to the Utopia/Gaekwad Village Planned Unit Development (220102Z); and Request to Schedule and Advertise the Second Public Hearing to Consider the Modification to a Chapter 163, F.S. Development Agreement on Tuesday, December 19, 2023, at 2:00 p.m. or As Soon Thereafter

The Board considered the following recommendation from Senior Planner Chris Rison, Growth Services:

Description/Background: James W. Gooding, III, Esq., submitted a proposed Amended and Restated Development Agreement to modify a Chapter 163, F.S. Development Agreement (Modification) on behalf of DDMM Villages, LLC. (fka Utopia 42, LLC.), Digvijay Gaekwad, and Villages of Marion County GP, LLC., (Developers) regarding the Utopia/Gaekwad Village PUD.

The initial project Development Agreement was approved in 2005, followed by various amendments. The primary Developer is now partnering with an additional development partner and the parties are seeking to clarify the development responsibilities and timing between the parties. Additionally, the parties are seeking to clarify the provisions related to utilities, transportation, stormwater, buffers, and developer credits related to utilities and transportation.

The proposed Modification will result in an Amended and Restated Development Agreement.

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This public hearing represents the first of two (2) public hearings regarding the Modification. Staff is reviewing and completing the final modification document that will be presented for consideration with the second public hearing.

Budget/Impact: None.

Recommended Action: Receive public comment, provide direction to staff, and motion to schedule and advertise the second public hearing to consider the Amended and Restated Development Agreement on Tuesday, December 19, 2023, at 2:00 p.m. or as soon thereafter.

ACA/Acting County Engineer Tracy Straub, advised that this is the first of two public hearings to address the Amended and Restated Development Agreement to modify a Chapter 163, F.S. Development Agreement (Modification, 23-DM10) between Marion County, Florida and DDMM Villages, LLC. (fka Utopia 42, LLC.), Digvijay Gaekwad, and Villages of Marion County GP, LLC., related to the Utopia/Gaekwad Village PUD (220102Z); and for a request to schedule and advertise the second public hearing to consider the modification to a Chapter 163, F.S. Development Agreement on Tuesday, December 19, 2023, at 2:00 p.m. or as soon thereafter. She provided a brief history of the PUD.

In response to Commissioner Bryant, Ms. Straub advised that changes to the PUD layout will be brought before the Board at a later date. She stated the ownership of the property is going from a one party ownership to 3 individual owners, noting the agreement addressed the responsibilities of the owners and dictates who is responsible for improvements.

Ms. Straub advised that on previous plans there was a 30 foot type "A" buffer and a utility easement, but the utility easement is no longer being proposed at that location. She stated a 50 foot setback requirement would conform to previously agreed upon, but not documented outside of the Master Plan, setbacks. Ms. Straub advised that per Land Development Code (LDC) Section 4.2.31E, when a PUD is within 100 feet of a boundary edge a multiple family structure may not exceed a height that is twice the height of the closest existing single family residence and cannot exceed the abutting residential zoning classification. She stated in this case a two-story height would be appropriate, at no closer than 100 feet.

Ms. Straub provided an overview of the potential/proposed ingress/egress to the development, noting staff's preference is to have a connection facilitated at the south end where the density is located and will provide access to SE 80th Avenue.

Ms. Straub advised that per the County Ordinance relating to Impact Fees, Impact Fee credits are not given for projects not included on the County's Transportation Improvement Plan (TIP). She stated the applicant is requesting Impact Fee credits on several items that are not part of the TIP. Ms. Straub advised that the developer is also requesting the Impact Fee credits be available for 20 years, but traditionally the credit is only good for 5 years. She stated it is not unusual for developers to request additional time on these credits. In this particular case this project is identified in the agreement itself to reach build out by 2030; therefore, staff feels a 10 year life on Impact Fee credits is appropriate.

General discussion ensued.

In response to Mr. Gooding, Ms. Straub clarified that the buffers are not an issues, noting in the latest Master Plan submitted the buffers were not called out. She stated with the layout being different and their utility easement no longer in that location staff is wanting to confirm that there will be a 30 foot buffer and a 50 foot minimum setback.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, advised that the requested setback and buffer information will be included in the Master Plan.

Mr. Gooding advised that Condition 9 of the PUD states the following: "The PUD shall be required to provide for full access to SE 80th Avenue in addition to the three main access points (one to SE Hwy 42 and two to SE 73rd Avenue) shown on the PUD Concept Plan. The SE 80th Avenue access shall utilize one of the the two historic flag-access points and be accessible to all of the residential development by connecting to the main primary north-south roadway shown in the PUD Conceptual Plan." He commented on the importance of this language, which permits the applicant to use either flag access points. Mr. Tillman advised that he was the one who made application and presented the original PUD, noting he specifically wanted the opportunity to utilize the north access. He stated right-of-way (ROW) does not exist on the southern portion all the way over to the flag access point, but there is access to the north via the private/publicly dedicated ROW going to SE 80th Avenue. Mr. Tillman advised that ROW is not available in the southern portion of the project for an access point to SE 80th Avenue, noting the northern portion has the access to SE 80th Avenue and is intended for a full connection. He stated the applicant disagrees with the County's proposed access and the sensibility of the connection point.

Mr. Gooding stated staff has expressed concern with the northern access point only having 40 foot of ROW available.

Mr. Tillman advised that the developer is building a 24 foot roadway through a 40 foot ROW, noting they are aware it is substandard to the County's ROW criteria for roadways. General discussion ensued relating to access points and ROW.

In response to Commissioner Bryant, Ms. Straub advised that height requirements are not being changed, but are being clarified as they are not written down in the agreement or finalized on the Master Plan.

Commissioner Curry out at 3:22 p.m.

Chairman Stone opened the floor to public comment.

Troy Adkins, SE Highway 42, commented on concerns relating to access points, buffers, height of the building and existing trees. He expressed opposition to the development.

Commissioner Curry returned at 3:25 p.m.

In response to Chairman Stone, Mr. Adkins advised that he does live on a neighboring property.

Stewart Lipman, SE 73rd Avenue, addressed traffic concerns.

Chairman Stone advised that public comment is now closed.

Mr. Gooding advised that based on the language in the Conditions the developer was not required to use the southern access point, noting the southeast portion would have to be redesigned to accommodate the southern access point. He requested the Board allow the developer to move forward in light of the previous language.

General discussion ensued relating to access points and traffic improvements.

Mr. Gooding advised that the topic for discussion is the Development Agreement and not the zoning, noting this agreement benefits the public. He stated the issue relating to SE 80th Avenue is the last issue and opined that it should not overlook the fact that this agreement makes a lot of improvements. Mr. Gooding advised that the project has 3 access points and questioned the importance of the SE 80th Avenue connection.

Commissioner Zalac stated the proposed SE 80th Avenue connection is substandard and does not meet County requirements.

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In response to Commissioner Zalak, Mr. Tillman advised that the proposed water lines do not have to be placed under the road, noting he will bring back plans at the next hearing showing how the road and utilities can coexist.

General discussion ensued.

Ms. Straub advised that the past approval had a 30 foot Type "A" buffer with a 20 foot wide utility easement. As of today there is a 30 foot Type "A" buffer with a minimum 50 foot setback due to the utility easement no longer being present. Mr. Tillman concurred.

Ms. Straub stated there are several transportation improvement items identified that the developer is seeking full Impact Fee credits, but are not included in the County TIP and would not traditionally be allowed to receive those credits. She advised that staff does appreciate the need for a signal at SE 73rd Avenue, but believes the rest of the request should be born by the developer and not paid for by the County through Impact Fee credits. Ms. Straub stated staff is also recommending the Impact Fee credits only be available for 10 years and not the 20 years requested by the developer.

In response to Commissioner Bryant, Ms. Straub advised that staff has received a new layout and are requesting confirmation that the current plan received has a 30 foot Type "A" buffer, noting this plan is under review and has not gone through formal approval. She stated the plan currently shows a minimum of 64.7 feet setback to the face of the building, but it also shows a 10 foot by 10 foot patio encroachment. Traditionally this is not allowed in a setback, but if the developer meets a minimum 50 foot setback staff believes the developer is providing what was previously agreed upon.

Mr. Tillman advised that the patio is not considered as an encroachment because the developer cannot encroach on something that they were never required to provide. He stated the 50 feet originally agreed upon is being provided.

Mr. Gooding stated he was not aware of any opposition to the requested Impact Fee credits until today. He urged the Board to consider extending the Impact Fee credit timeline to 20 years and commented on issues developers had with expired Impact Fee credits during the recession and economic downturn.

In response to Mr. Gooding, Ms. Straub clarified that the Code allows for up to 20 years for an Impact Fee credit and allows the applicant to request an extension on those credits. General discussion ensued.

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to schedule and advertise the second public hearing to consider the Amended and Restated Development Agreement on Tuesday, December 19, 2023, at 2:00 p.m. or as soon thereafter, as well as to move forward with the 30 foot buffer, 50 foot setback, 20 year Impact Fee Credits and for the staff and applicant to continue to work on the north/south access point. The motion was unanimously approved by the Board (5-0).

In response to Commissioner Bryant, Mr. Tillman advised that the plan is to keep the homes along the property line one story in height.

15.2.2. 231103SU - Duke Energy Florida, LLC., Kevin Lee, Special Use Permit for a 195' Monopole Communication Tower, in a General Agriculture (A-1) and Community Business (B-2) Zone, 9.79 Acres on Parcel Account Number 50031-000-00, No Address Assigned

The Board considered a petition by Duke Energy Florida LLC, c/o Kevin Lee, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a 195' monopole communication tower, in a General Agricultural (A-1) and Community Business

(B-2) zone, on an approximate 9.79 Acre Parcel on Parcel Account Number 50031-000-00, No Address Assigned.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231103SU Planning and Zoning Commission Recommendation

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

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

The Motion Passed by unanimous decision.

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the Special Use Permit (SUP) request for a 195' monopole communication tower in an A-1 zone. She advised that 1 letter in opposition was received after the P&Z Commission meeting.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. This Special Use Permit is specific to PeakNet, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
2. The area being leased by PeakNet consists of 1,600 square feet or 0.03 acres and will be developed as shown on the conceptual plan provided.
3. The tower shall be moved to meet the minimum setback of at least 79' from all property lines to accommodate the fall zone radius.
4. The tower shall be moved to meet the minimum setback of 79' from Agriculturally zoned properties.
5. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H)
6. A planting area a minimum of 4' wide around the outside perimeter of the 6' compound fence shall be planted with Florida Friendly Landscaping (FFL). All plant material to be maintained in perpetuity following approval.
7. Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 195'
8. No hazardous/toxic material shall be kept on the site.

Mary Solik, South Orange Avenue, Orlando, attorney on behalf of PeakNet Services, provided a brief overview of the proposed project. She advised that the project does not meet the ROW setback, but the Code does allow for the setback to be waived. The P&Z Commission did not object to the waiver as long as a fall zone letter is provided indicating that the fall zone radius of the tower would be 79 feet. Ms. Solik stated P&Z Commission also requested landscaping around the base of the tower.

In response to Commissioner Stone, Ms. Brugnoli advised that the letter of opposition received was not from a Marion County citizen, but instead from someone who was passing by and saw the sign posted on the property.

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 Bryant, seconded by Commissioner Curry, to adopt Resolution 23-R-646 approving the Special Use Permit request agreeing with Growth

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Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-646 contains the following Conditions:

1. This Special Use Permit is specific to PeakNet, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
2. The area being leased by PeakNet consists of 1,600 square feet or 0.04 acres and will be developed as shown on the conceptual plan provided.
3. The tower shall be moved to meet the minimum setback of at least 79' from all property lines to accommodate the fall zone radius.
4. The tower shall be moved to meet the minimum setback of 79' from Agriculturally zoned properties.
5. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H)
6. A planting area a minimum of 4' wide around the outside perimeter of the 6' compound fence shall be planted with Florida Friendly Landscaping (FFL). All plant material to be maintained in perpetuity following approval.
7. Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 195'.
8. No hazardous/toxic material shall be kept on the site.
9. Conditions Attachment:
 - a. Findings of Fact and Site Plan

15.2.3. 231104SU - Duke Energy Florida, LLC., Kevin Lee, Special Use Permit for a 150' Monopole Communication Tower, in a Planned Unit Development Zone, 14.46 Acres on Parcel Account Number 48318-001-01, No Address Assigned

The Board considered a petition by Duke Energy Florida LLC, c/o Kevin Lee, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a 150' monopole communication tower, in a Planned Unit Development (PUD) zone, on an approximate 14.46 Acre Parcel on Parcel Account Number 48318-001-01, No Address Assigned.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231104SU Planning and Zoning Commission Recommendation

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

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

The Motion Passed by unanimous decision.

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the Special Use Permit (SUP) request for a 150' monopole communication tower in a PUD zone.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. This Special Use Permit is specific to PeakNet, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
2. The area being leased by PeakNet consists of 1,600 square feet or 0.04 acres and will be developed as shown on the conceptual plan provided.
3. The tower shall meet the setbacks as provided on the conceptual plan submitted (Attachment A, Page 62).
4. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H)
5. The existing buffer to be maintained, in perpetuity, along the perimeter of the entire parcel with no requirements for a vegetative buffer around the tower compound itself.
6. Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 150'.
7. No hazardous/toxic material shall be kept on-site.

Mary Solik, South Orange Avenue, Orlando, attorney on behalf of PeakNet Services, provided a brief overview of the proposed project. She advised that the project does not meet the setback requirement from residential uses across the road, noting there is a zero foot fall zone radius on this particular site. Ms. Solik requested a waiver from being required to provide landscaping due to the site already being heavily landscaped.

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 Bryant, seconded by Commissioner McClain, to adopt Resolution 23-R-647 approving the Special Use Permit request agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-647 contains the following Conditions:

1. This Special Use Permit is specific to PeakNet, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
2. The area being leased by PeakNet consists of 1,400 square feet or 0.03 acres and will be developed as shown on the conceptual plan provided.
3. The tower shall meet the setbacks as provided on the conceptual plan submitted (Attachment A, Page 62).
4. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H)
5. The existing buffer to be maintained, in perpetuity, along the perimeter of the entire parcel with no requirements for a vegetative buffer around the tower compound itself.
6. Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 150'.
7. No hazardous/toxic material shall be kept on-site.

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8. Conditions Attachment:
 - a. Site Plan and Findings of Fact

There was a recess at 3:56 p.m.

The meeting reconvened at 4:04 p.m. with all members present except Commissioner Zalak.

15.2.4. 22-L05 - Ocala SW 80th Avenue, LLC., Land Use Change from Low Residential to Medium Residential, 132.26 Acres (ADOPTION HEARING)

The Board considered a petition by Ocala SW 80th Avenue, LLC. Joseph Tabshe, 4912 Turnbury Wood Drive, Tampa, FL, for a Large Scale Land Use Change from Low Residential to Medium Residential, on approximate 132.26 Acres on Parcel Account Numbers 35460-037-00, 35476-000-00, 35477-000-00, 35479-001-00 and 35479-003-00.

P&Z PUBLIC HEARING ON APRIL 25, 2022

22-L05 Planning and Zoning Commission Recommendation

Motion was made by Mr. Kroiter, seconded by Mr. Lourenco, to agree with staff's findings and recommendation, and recommend approval of the land use Change based on the following findings of fact:

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

The motion passed 6-0.

Growth Services Deputy Director Ken Weyrauch advised that Agenda Items 15.2.4 and 15.2.5 are companion items and will be addressed together.

Commissioner Zalak returned at 4:04 p.m.

Mr. Weyrauch provided a brief overview of the land use change request from Low Residential to Medium Residential. He addressed school capacity in the area.

Commissioner Stone advised that the report she received dated November 17, 2023 gave different numbers than what staff is providing relating to school capacity.

Mr. Weyrauch advised that staff's data was received from Marion County Public Schools (MCPS) staff.

Commissioner Stone opined that the Florida Inventory of School Houses (FISH) report may have been utilized, which does not include the portables onsite that lower the actual capacity numbers.

Mr. Weyrauch advised that traffic study was completed and approved by Growth Services and the OCE. There are many offsite improvements required within the area and some will be done by the development if the application is approved. He stated there are several offsite improvements required to be completed by the County, noting these projects are currently unfunded. The projects are part of the long range plan, but not within the 5 year Capital Improvement Plan (CIP). Mr. Weyrauch advised that since the Urban Growth Boundary (UGB) is a 20 year plan it is possible for the Board to decide that while this development would be compatible in the area the timing for it may not be right because of infrastructure concerns.

Commissioner Bryant questioned why staff is recommending approval knowing the infrastructure is not in place. Mr. Weyrauch advised that staff originally recommended approval due to the approved traffic study, noting upon further research more information

was obtained and is the reason the infrastructure concerns are being brought to the Boards attention.

Mr. Bouyounes advised that staff focused on the location, as this is an infill project within the UGB.

In response to Commissioner Bryant, Mr. Weyrauch commented on changes made to traffic studies, noting staff can go more in depth with the infrastructure going forward.

Mr. Weyrauch provided a brief overview of the rezoning request from A-1 to PUD.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the PUD with the following Conditions:

1. The PUD shall consist of a total of 510 dwellings units and accompanying accessory amenities (e.g., clubhouse, pool, sport court, playground, stormwater open space, dog park, and tree grove) consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 10-30-2023 attached).
2. No homes that are two-story or taller shall be permitted along the boundary of the PUD.
3. Building heights shall be limited to 40'.
4. The PUD shall have two full access points that are approved by the Development Review Committee.
5. ~~Prior to completion and approval of the final PUD Master Plan, the project Traffic Study shall be completed to the satisfaction of the County Engineer and Planning director, adequate provision shall be made for the coordination of the improvements with the PUD.~~
6. The project shall work through the Development Review Process to provide for any potential connection and connectivity needs to adjacent properties.
7. All roads, parking lots, and sidewalks shall meet the requirements of the Marion County Land Development Code.
8. The PUD shall provide at least 20% Open Space, this will be demonstrated during the Improvement Plan phase.
9. All project development shall be connected to central potable water and central sanitary sewer services, provided by Marion County Utilities.
10. A C-Type buffer shall be installed and maintained along the perimeter of the development.
11. Amenities shall consist of a minimum of a; clubhouse (minimum 2,500 sf) with community BBQ area and outdoor kitchen, a sheltered gathering space, a dog wash, and a sundeck, a pool (minimum 2,500 sf in surface area) with a deck (minimum 1,000 sf), a multipurpose field as shown on the conceptual plan, and a dog park. Amenities package will be attached.
12. All amenities, except for the clubhouse, shall be built before the first home is allowed a Certificate of Occupancy.
13. The clubhouse will need to be at least permitted, bonded and under construction before the 75th (15% of the homes) Certificate of Occupancy is approved.
14. All project-wide walls, fences, and buffers, including all vegetative plantings, shall be installed and maintained in perpetuity consistent with professionally accepted landscape practices, unless & until modified through the appropriate Land Development Code PUD Amendment Process.

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15. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the applicant's expense.

Jimmy Gooding, SE 36th Avenue, attorney on behalf of the applicant, advised that staff's recommendation shown on the overhead screen states the project is not consistent with transportation, but page 8 (Agenda page 1063) of the staff report included in the Agenda Packet states the project is consistent with the Transportation Policy.

Mr. Gooding stated also present today are Traffic Engineer Kok Wan Mah and Dawson Ransome, on behalf of the developer, to answer any Board questions.

Mr. Gooding provided a brief history of the project and how it has changed since originally bringing it before the Board in 2022 based on feedback received. He stated there are 2 full access points for the project with a full access point provided to the south, noting a DRC waiver was required because it is slightly in excess of the separation requirement for a 2 lane road. The waiver would not be necessary when the road becomes a 4 lane road. Mr. Gooding advised that the County has expressed interest in a possible connection from this area of the County to SW 60th Avenue, but at this time a connection does not exist. He stated the developer has provided a way to connect, should roads be extended in the direction of the project.

Mr. Gooding stated the developer has reduced the number of units being requested and the layout has been improved. He noted the plan provided includes a full detail of the amenities being offered.

Mr. Gooding advised that the developer is in agreement of all staff's proposed Conditions with the exception of Condition number 2, which states, "No homes that are two-story or taller shall be permitted along the boundary of the PUD." He stated the only neighboring property that currently has homes is Calesa to the north of the subject property, noting there are 10 homes along Calesa's north boundary that are either two story or have the same height as a 2 story. Mr. Gooding advised that the properties to the east and south are agricultural parcels and it is unclear what they will become in the future. He expressed concern for the subject project being limited to one story and the surrounding property developing in the future with two story homes, which will overlooking the subject parcels one story homes. The applicant is requesting condition 2 be removed.

Mr. Gooding commented on the difference in staff recommendations for this project and a previous project relating to school concurrency, which was in the same area and included the same schools except for one. He stated the Comprehensive Plan focuses on the Interlocal Agreement, which uses district-wide capacity as opposed to neighborhood schools.

Mr. Gooding presented a 1 page handout relating to school capacity and a 5 page handout entitled, "Marion County School District 2022-2023 Work Plan". He advised that FISH capacity does not include portables over 20 years old, noting based on information he has obtained MCSB does not include any portables in the FISH capacity. Mr. Gooding provided a brief overview of the capacity at Saddlewood Elementary and how he came to the figures provided in the chart, as well as an overview of Saddlewood Elementary's capacity numbers listed in the 2022-2023 MCSB Work Plan. He opined that there is a capacity issue within MCPS and commended On Top of the World (OTOW) for their efforts to try and assist in solving this problem in the past. Mr. Gooding stated the County has a Comprehensive Plan and rules in place that focus on district-wide capacity, noting

the Board should not deny a Comprehensive Plan Amendment on the basis of school capacity numbers that are extremely problematic.

Mr. Gooding advised that a solution to the capacity issues was provided by OTOW in one of their letters to the Board, the solution was to deny further density increases until a funding strategy (i.e. Impact Fees and ½ Penny Sales Tax) has been adopted. Following this recommendation would put a moratorium on development. He stated he is not in favor of a moratorium, noting this would take the pressure off the MCSB to solve the problem. Mr. Gooding advised that capacity is an issue, but the district-wide capacity is what has to be taken into consideration when evaluating a project and it is not a severe enough problem to justify turning down this item.

Mr. Gooding commented on previous correspondence from Stearns, Weaver, Miller, Weissler, Alhadeff and Sitterson, P.A. in objection to the proposed project and the West Marion traffic study.

General discussion ensued.

Mr. Gooding presented an 8 page handout entitled, "Consistency" and provided an overview of the meaning of "consistency". He addressed OTOW's Comprehensive Plan objections to the proposed project.

Commissioner Bryant commented on Comprehensive Plan Object 3.1 and advised that staff is telling the Board that the County does not have a financially feasible manner to provide the necessary infrastructure.

General discussion ensued relating to transportation and access points.

Commissioner Bryant stated the Comprehensive Plan requires the FISH report be utilized to determine capacity.

Planning & Government Relations Manager David Hirlihy, MCPS, confirmed the FISH report is utilized because it is what is required by the Comprehensive Plan.

In response to Mr. Gooding, Mr. Hirlihy advised that the old Interlocal Agreement has a level of service (LOS) of 105 percent (%).

Mr. Gooding questioned if a new Interlocal Agreement has been approved with MCSB. Chairman Stone advised that a new Interlocal Agreement has been approved, but it does not address attendance, noting the Agreement is only to share data.

Commissioner Bryant clarified that the Comprehensive Plan requires the use of FISH report numbers and not the Interlocal Agreement.

Mr. Hirlihy advised that Mr. Gooding did his calculations correctly in the chart provided, noting Mr. Gooding took a capacity that is FISH permanent and interpolated into a FISH total capacity.

In response to Commissioner Bryant, Mr. Hirlihy stated FISH stands for Florida Inventory of School Houses, noting the term is utilized as a prefix for FISH permanent capacity and Fish total capacity. He advised that the updated numbers in the staff's presentation are based on FISH permanent capacity. Mr. Hirlihy provided a brief overview of how enrollment and attendance is calculated to determine funds from the government.

General discussion ensued.

Commissioner Curry advised that he is not in favor of a moratorium, noting in lieu of a moratorium the Planning and Zoning process is utilized to allow the Board to consider each zoning request. He stated the applicant is currently allowed 132 units based on the low density land use and opined that it should not be increased until the infrastructure is in place to support a higher density.

Mr. Minter advised that the Comprehensive Plan is the County's land use constitution/long range plan for the County, noting it is a fundamental policy making decision. He stated

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the staff report and information provided by all parties are data points, but the Board is not weighing the evidence of these comments with respect to the land use Amendment. In this case the land use Amendment has to be approved in order to grant the PUD because of the density issues. If the Board denies the land use Amendment the PUD would have to be denied because Florida Statutes require consistency between zoning and land use.

Mr. Minter referred to a case (*Payne v. City of Miami*) in which the Appellate Court reversed a County's decision on a land use approval even though that approval had been fairly debatable. The Court reversed the decision because it was not internally consistent within the plan itself. He advised that the Court stated "Amendments to a Comprehensive Plan are legislative in nature, subject to the fairly debatable standard of review, that is where reasonable persons could differ as to the propriety of the planning decision that should be affirmed because the Future Land Use Map (FLUM) of a Comprehensive Plan represents the local governments fundamental policy decision any proposed change to that established policy is a policy decision that requires those policies be reexamined. A Comprehensive Plan Amendment will require that the government entity determine whether it is socially desirable to reformulate the policies previously formulated for the orderly growth of the community. This will require, in turn, that the local government consider the likely impact that the proposed Amendment would have on traffic, utilities, other services and future capital expenditures among other things."

Commissioner Bryant clarified that land use is legislative and zoning is quasi-judicial, noting land use is the first item being considered. Mr. Minter concurred.

Chairman Stone opened the floor to public comment.

Arnold Barbaro, SW 65th Place Road, commented on the existing trees and expressed traffic concerns.

Roberta Bulger, SW 72nd Court, expressed opposition to allowing 2 story homes and requested viburnum bushes be installed along the buffer. She commented on traffic and safety concerns. Ms. Bulger expressed appreciation to the developer for working with her to address concerns.

Reggie Bouthillier, E College Avenue, Tallahassee, attorney on behalf of OTOW, On Top of the World Development of Regional Impact (OTOW DRI), and Colen Built Development, L.L.C (CBD), presented a 223 page handout entitled, "Summary Index of Objections/Responses" and commented on schools and transportation concerns. He urged the Board to deny the request.

Commissioner Curry out at 5:20 p.m.

Ken Metcalf, E College Avenue, Tallahassee, attorney on behalf of OTOW, OTOW DRI, and CBD, stated there are major deficiencies in terms of schools and transportation. He commented on Policy 5.1.2, which requires the applicant to demonstrate sufficient capacity.

Commissioner Curry returned at 5:22 p.m.

Mr. Metcalf opined that the request conflicts with the public interest and expressed traffic concerns. He urged the Board to deny the request.

Athena Langi, SW 65th Place Road, advised that when purchasing her property she paid more because it was overlooking the cow field. She expressed buffer, school capacity, and traffic concerns.

Chairman Stone advised that public comment is now closed.

Mr. Gooding advised that the data used in the developer's traffic study was the same as what the County utilized in the West Marion Traffic Study. He commented on previous

developments approved in this area, noting all proposed developments in this area should be considered in the same manner relating to transportation. Mr. Gooding advised that if the Board denies every development application until the transportation issues are resolved then it is essentially placing a moratorium in the area.

Commissioner Bryant commented on a recent development approved in the area, which she voted against.

In response to Chairman Stone, Mr. Gooding advised that the applicant is in agreement to have one story homes abutting the agricultural lots.

Dawson Ransome, Garden Alcove Loop, Wesley Chapel, addressed modifications to the plan to address concerns expressed by Ms. Bulger. He advised that a nice buffer, landscaping, and a fence will be installed around the property.

In response to Chairman Stone, Mr. Dawson stated a tree survey has not been completed, but the developer is willing to work to mitigate existing trees. He advised that the property can be developed with 132 units, noting if done this way the property will not be able to be developed further in the future.

Mr. Gooding advised that the goal of the Comprehensive Plan is to bring dense development into the UGB in part to relieve the pressure on the rural areas. He noted this is an infill project.

Commissioner Bryant stated the infrastructure needs to be in place to accommodate the development. She opined that this may not be the right time for this project.

Commissioner Curry advised that the infrastructure is not in place to support an increase in density at this time.

A motion was made by Commissioner Curry, seconded by Commissioner Zalac, to deny the Large Scale Comprehensive Plan Amendment No. 22-L05, disagreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will adversely affect the public interest, is not compatible with land uses in the surrounding area, is not consistent with Chapter 163, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion was approved by the Board by a vote of 4-1, with Commissioner McClain dissenting.

15.2.5. 220510Z - Ocala SW 80th Avenue, LLC., General Agriculture (A-1) to Planned Unit Development, 132.26 Acres

The Board considered a petition by Ocala SW 80th Ave, LLC. Joseph Tabshe, 4912 Turnbury Wood Drive, Tampa, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) to PUD (Planned Unit Development), for all permitted uses, including a proposed 408-unit single-family residential development with 240-units of townhomes (total of 648 units) (Ocala SW 80th Ave), on an approximate 132.26 Acre Tract, on Parcel Account Numbers 35460-037-00, 35476-000-00, 35477-000-00, 35479-001-00 and 35479-003-00.

P&Z PUBLIC HEARING ON APRIL 25, 2022

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

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

The motion passed 6-0

This matter was addressed with Agenda Item 15.2.4.

December 5, 2023

It was noted for the record this item was withdrawn by the applicant.
Commissioner Bryant out at 5:42 p.m.

15.2.6. 23-L03 - Multiple Owners Represented by Robert Bull, Land Use Change From Rural Land to Low Residential (306.81 Acres), From Low Residential to Medium Residential (39.26 Acres), and From Rural Land to Commercial (30.28 Acres), on Numerous Parcels (Jumbolair), No Address Assigned (TRANSMITTAL HEARING)

The Board received a petition by Multiple Owners c/o Robert A. Bull, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Rural Land to Low Residential (306.81 acres), From Low Residential to Medium Residential (39.26 acres), From Rural Land to Commercial (30.28 acres), on an approximate 468.45 Acre Tract, on Numerous Parcels, No Address Assigned, with 231111ZP.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

23-L03 Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, to disagree with staff's findings and recommendation, and recommend denial of the land use 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 3 to 1 with Mr. Gaekwad dissenting.

It was noted for the record that Agenda Item 15.2.6 and 15.2.7 are continued to Wednesday, January 10, 2024 at 2:00 p.m. or as soon thereafter.

Robert Batsel, SE 36th Avenue, attorney on behalf of the applicant, advised that since the P&Z Commission meeting he has been working with staff and conducted a voluntary neighborhood meeting. He stated the developer is making significant changes to this project in response to some of the concerns and thoughts received.

Chairman Stone opened the floor to public comment.

Commissioner Bryant returned at 5:45 p.m.

Alyson Scotti, NW 14th Avenue, expressed security and safety concerns.

Kelly Taub, NE 77th Street, expressed support for low density for this site and commented on traffic and school capacity concerns.

Amy Agricola, West Anthony Road, questioned if the development will be a public or private airport. She addressed safety concerns and the possibility of eminent domain taking place to install utilities. Ms. Agricola advised that residents in this area have a rural lifestyle.

Brian Donnelly, West Anthony Road, addressed overlay districts for private airports.

Chairman Stone advised that public comment is now closed.

Mr. Batsel advised that the proposed project will be a private airport. He stated the site will be connected to central water and sewer.

In response to Chairman Stone, Mr. Batsel stated the developer is obligated to pay for the utility line extensions to serve the project. He advised that when the project comes back before the Board it will be all low density, with the exception of the portion of the property in the Farmland Preservation Area (FPA).

General discussion ensued.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, advised that the reason for the extension is to allow time for the developer to finalize the plan. He stated

there was a lot of push back relating to the multi-family portion of the project; therefore, modifications are being considered to soften the impact to the region.

Mr. Bouyounes questioned if Wednesday, January 10, 2024 would provide adequate time for the changes to be made and for staff to review prior to coming before the Board. Mr. Batsel advised that the request is for transmittal and this date should be adequate.

General discussion ensued.

In response to Chairman Stone, Mr. Weyrauch advised that staff would prefer the matter be continued to February 20, 2024, which would allow staff time to review the new information.

It was the general consensus of the Board to continue Agenda Items 15.2.6 and 15.2.7 to Tuesday, February 20, 2024 at 2:00 p.m. or as soon thereafter.

Mr. Batsel advised that he has a list of email addresses from those that attended the neighborhood meeting, noting he has been sending out updates on the project.

In response to Chairman Stone, Mr. Weyrauch advised that signage on the property will be changed to reflect the new hearing date.

15.2.7. 231111ZP - Multiple Owners Represented by Robert Bull, Zoning Change From General Agriculture (A-1), Residential Agricultural Estate (A-3), Community Business (B-2), Light Industrial (M-1) to Planned Unit Development - Jumbolair, for a Residential Development With Up to 483 Residential Dwelling Units and Commercial Uses, 468.45 Acres, Numerous Parcels, No Address Assigned

The Board received a petition by Multiple Owners c/o Robert A. Bull, request a Zoning Change, Articles 1, 2 and 3, of the Marion County Land Development Code, from A-1 (General Agriculture), A-3 (Residential Agricultural Estate), B-2 (Community Business), M-1 (Light Industrial) to Planned Unit Development (PUD) for residential development up to 485 residential dwelling units and commercial uses, on an approximate 468.45 Acre Tract, on Numerous Parcels, No Address Assigned, with 23-L03.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

23-L03 Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, to disagree with staff's findings and recommendation, and recommend denial of the land use 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 3 to 1 with Mr. Gaekwad dissenting.

It was noted for the record that this matter was continued to Tuesday, February 20, 2024 at 2:00 p.m. or as soon thereafter.

15.3. Adoption of Ordinance

15.3.1 Zoning

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 23-32 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

December 5, 2023

Ordinance 23-32 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT APPLICATIONS AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

There being no further business to come before the Board, the meeting thereupon adjourned at 6:02 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

DRAFT