

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

July 20, 2021

**CALL TO ORDER**

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:09 a.m. on Tuesday, July 20, 2021 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting opened with invocation by Chairman Gold 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 Jeff Gold, District 3; Commissioner Craig Curry, District 1; Commissioner Kathy Bryant, District 2; and Commissioner Michelle Stone, District 5. Vice-Chairman Carl Zalak, District 4 was absent due to a prior commitment. Also present were Clerk Gregory C. Harrell, County Attorney Matthew G. Minter and Assistant County Administrator (ACA) Jeannie Rickman.

Seated behind the County Attorney and Assistant County Administrator were Fiscal Manager Mike McCain; ACA Angel Roussel; and ACA Tracy Straub.

**ANNOUNCEMENTS**

Chairman Gold addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 12.2.1.).

**1. PROCLAMATIONS AND PRESENTATIONS:**

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

**1.1. PROCLAMATION** - Critical Services Month - Lauren Deiorio, President/Executive Director, Community Foundation (Approval and Presentation)

The Board presented the Proclamation designating the month of July 2021 as "Critical Services Month" to Lauren Deiorio, President and Executive Director, Community Foundation.

President and Executive Director, Lauren Deiorio, Community Foundation, introduced Cheryl Martin and Nick Bennett from Marion County Community Services; Chief Executive Officer (CEO) Curt Bromund, Hospital District; Deputy Director, Erin Miller, Emergency Operations Center (EOC), Marion County Sheriff's Office (MCSO); Jeannine Robbins, Office of Strategic Engagement, City of Ocala; and President and CEO Scot Quintel, United Way of Marion County. She stated the individuals on stage have discussed funding within the community and how to best make it more efficient, noting all those present have invested a lot of time and hard work in that process. Ms. Deiorio advised that the parties are excited to be working together and she expects to see many great things come from this Committee.

**1.2. PRESENTATION - Employee Service Awards - Amanda Tart, Executive Director of Administrative Services (Approval and Presentation)**

Executive Director Amanda Tart, Administrative Services, presented the following recommendation:

Description/Background: The Marion County Board of County Commissioners feels it is important to recognize employees for their years of service to the County. For our recognition ceremony, we want to acknowledge those employees who have achieved fifteen (15) years of service or more.

Because of the Board's continual and generous support of its employees, the Marion County Board of County Commissioners would like to present the following Employee Service Awards as attached.

Budget/Impact: None.

Recommended Action: Presentation of appropriate awards to the employees on the attached list.

**30 years**

<b>Name</b>	<b>Department</b>	<b>Position Title</b>
Clarke Allen	Parks and Recreation	Park Ranger

**25 years**

<b>Name</b>	<b>Department</b>	<b>Position Title</b>
Craig Damien	Fire Rescue	Division Chief
Carrie Hyde	Utilities	Develop Review Officer Utilities

**20 years**

<b>Name</b>	<b>Department</b>	<b>Position Title</b>
Deirdre Gray	Library	Library Technician II
Nanette Diaz	Facilities	Administrative Logistic Manager
Robert Rivers	Facilities	Facility Trades Technician
John Meza	IT	IT Systems Manager
Dwight Leon	Fire Rescue	Firefighter
William Liverman	Fire Rescue	Captain
Timothy Fish	Facilities	Facility Trades Technician

**15 years**

<b>Name</b>	<b>Department</b>	<b>Position Title</b>
James Cussins	Fire Rescue	Firefighter
Michael Poole	Fire Rescue	Firefighter
Timothy Ecker	Fire Rescue	Firefighter
Seth Bonchack	Fire Rescue	Firefighter
Drew Ramasco	Fire Rescue	Firefighter
Charles Ryan	Parks and Recreation	Parks Operations Supervisor
Daisy Diaz	Veterans Services	Veterans Services Supervisor
Jeremy Walker	Solid Waste	Solid Waste Dispatcher
Wesley Wallace	Solid Waste	Solid Waste Operator
Cole Davis	Fire Rescue	Firefighter
Kyle Lefebvre	Fire Rescue	Firefighter
Victor Payette	Fire Rescue	Firefighter
Miguel Rioseco	Fire Rescue	Battalion Chief
Joshua Nichols	Fire Rescue	Firefighter
Juan Yupanqui	Fire Rescue	Firefighter
Mark Boymer	Fire Rescue	Firefighter
Robert Williams	Fire Rescue	Firefighter
Glendeliris Johnson	Solid Waste	Solid Waste Dispatcher
Heather Ringo	OCE	Customer Service Specialist
Esther Gomez	Veterans Services	Staff Assistant IV

Scott Bullard  
Steven Jacobs  
Steven Treftz

OCE  
Veterans Services  
Facilities

Medium Equipment Operator  
Veterans Services Officer  
Facility Trades Technician

Administrative Services Executive Director Amanda Tart shared a PowerPoint presentation including pictures submitted by various employees celebrating Service Anniversaries of 15, 20, 25 and 30 years, noting some employees were also present and would join the Commissioners on stage. She highlighted accomplishments and recognized those listed for their loyal service and contributions to Marion County.

**1.3. PRESENTATION** - Employee of the Quarter for April - June 2021 – Amanda Tart, Executive Director of Administrative Services (Approval and Presentation)

Executive Director Tart, Administrative Services, presented the following recommendation:

Description/Background: The Employee of the Quarter program recognizes employees that go above and beyond to provide exceptional services to the citizens of Marion County and to reward exemplary employees for their accomplishments and contributions. The Employee of the Quarter can be nominated by co-workers, supervisors, citizens or County Commissioners and must meet certain criteria in order to be qualified for consideration. The Employee of the Quarter is recognized by the Board, receives a day off with pay, and is included as a finalist for one (1) of the Ideal Team Player awards presented by the County Administrator each year during Employee Appreciation.

There were seventeen (17) nominations made for Employee of the Quarter from April through June of 2021.

Budget/Impact: None.

Recommended Action: Presentation of the Employee of the Quarter for the quarter ending in June 2021.

Executive Director Tart, Administrative Services, advised that the nominees for Employee of the Quarter are:

Christopher Zeigler, OCE; Michael Nelson, OCE; Billy Hahn, OCE; Samantha Ritcher, Facilities Management; Dominic Garitta, Parks and Recreation; Richard Medlecot, Parks and Recreation; Russell Young, Parks and Recreation; Jonathan Norcross, Parks and Recreation; John Galloway, Fleet Management; Fred Costa, Fleet Management; Richard Sears, Fleet Management; Joshua Alvarez, Fire Rescue; Kyle Drummer, Public Safety Communications; Rita Wilemon, IT; Katherine Freeman, IT; Wendy Perry, Solid Waste; and Angela Wild, Procurement.

Ms. Tart advised that the employee of the quarter for 2021 is Samantha Ritcher, Facilities Management.

Ms. Ritcher stated her team is phenomenal, noting everyone goes above and beyond to help all Departments. She advised that it is an honor to receive the Employee of the Quarter Award.

**2. AGENDA ITEM PUBLIC COMMENT:**

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

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Chairman Gold opened the floor to public comment.

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

**3. ADOPT THE FOLLOWING MINUTES: (5 sets)**

**3.1.** May 25, 2021

**3.2.** June 1, 2021 A

**3.3.** June 1, 2021 B

**3.4.** June 7, 2021

**3.5.** June 15, 2021

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt the meeting minutes of May 25, June 1 (2 sets), June 7, and June 15, 2021. The motion was unanimously approved by the Board (4-0).

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

**4.1.** Gregory C. Harrell, Clerk of Court and Comptroller - Request Approval of One (1) Additional Senior Accountant to the Finance Department, Effective August 1, 2021

The Board considered the following letter dated June 21, 2021 from Clerk Harrell, Marion County Clerk of Court and Comptroller:

Dear Mr. Bouyounes,

Over the past year, the County has experienced a significant increase in grant activity. With the addition of the American Rescue Plan and Emergency Rental Assistance, COVID-related funding alone amounts to over \$150 million in grant resources in the past year. This increase in activity has increased, and will continue to increase, the workload of the Clerk's Finance Department. We currently have one Senior Accountant on staff already monitoring 70-80 grants per year and, therefore, lack any capacity for additional workload.

In reviewing some of the preliminary information that has been released, I believe, as the Comptroller and Chief Financial Officer for Marion County, that it is in the best interest of the County and the Clerk's Office to request the addition of a Senior Accountant to the Finance Department, effective August 1, 2021. The responsibilities of this position will include the day-to-day functions associated with the additional grant resources, including the approval of payment requests, recording and reconciling accounting transactions, monitoring regulatory compliance, maintaining appropriate audit records, and preparing various reports, as necessary.

In addition to the above referenced grants, the Finance Department will be tasked with the implementation of GASB 87-Accounting for Leases beginning fiscal year 2021-2022. The requested Senior Accountant position also will have a vital role in coordinating the financial reporting requirements associated with this new accounting standard.

For the remainder of this fiscal year (August 1- September 30), I am requesting \$13,690 to cover the salary and benefit costs associated with this position. I also have added this position to the Clerk's Budget Request for fiscal year 2021-2022 at an annual salary and benefit cost of \$83,412 (\$60,000 salary, plus \$23,412 worth of benefits).

I would like to thank you in advance for your consideration of this request. I am confident that this position will be beneficial in the level of service we provide.

Please feel free to reach out to me if you have any questions or would like further discussion.

Clerk Harrell advised that this request is for a Senior Accountant position.

Commissioner Bryant out at 9:30 a.m.

Clerk Harrell stated the position was part of the Clerk's Office budget workshop request to be added October 1, 2021. He advised that he is requesting to add the position effective August 1, 2021. Clerk Harrell stated there were some nominal salary related costs but through attrition in the office, that has been funded without any additional costs.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve one (1) additional Senior Accountant to the Finance Department, effective August 1, 2021. The motion was unanimously approved by the Board (3-0).

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

### **5.1. Budget Amendment**

Commissioner Bryant returned at 9:31 a.m.

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

- 5.1.1.** 21-R-313 – Fine and Forfeiture Fund - Sheriff Regular Transfer - \$11,315
- 5.1.2.** 21-R-314 – Fire Rescue and EMS Fund - Fire Rescue Services - \$5,000
- 5.1.3.** 21-R-315 – General Fund - Adult Diversion Drug Court - \$7,516
- 5.1.4.** 21-R-316 – General Fund - Community Development Block Grant - \$428,736
- 5.1.5.** 21-R-317 – General Fund - Court Administration - \$41,788
- 5.1.6.** 21-R-318 – General Fund - Human Resources - \$53,825
- 5.1.7.** 21-R-319 – General Fund - Information Technology - \$7,200
- 5.1.8.** 21-R-320 – General Fund - Sheriff Jail Transfer - \$4,140
- 5.1.9.** 21-R-321 – Infrastructure Surtax Capital Projects - Infrastructure Tax Sheriff Regular - \$80,000
- 5.1.10.** 21-R-322 – Marion County Utility Fund - Utilities Capital Construction - \$257,520
- 5.1.11.** 21-R-323 – Marion County Utility Fund - Utilities Capital Construction - \$261,750
- 5.1.12.** 21-R-324 – Marion County Utility Fund - Utilities Capital Construction - \$795,274
- 5.1.13.** 21-R-325 – Marion County Utility Fund - Utilities Capital Construction - \$3,487,038
- 5.1.14.** 21-R-326 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$10,000
- 5.1.15.** 21-R-327 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$28,700
- 5.1.16.** 21-R-328 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$70,000
- 5.1.17.** 21-R-329 – Solid Waste Disposal Fund - Solid Waste Disposal - \$600,000
- 5.1.18.** 21-R-330 – Stormwater Program - Stormwater Program - \$12,200
- 5.1.19.** 21-R-331 – Stormwater Program - Stormwater Program - \$74,999

(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.)

## **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 Curry, the Board acted on the Consent Agenda as follows:

**7.1. Administration:**

**7.1.1. Request Approval of the State of Florida CARES Act Local Government Funding Program Notice of Program Closeout (Budget Impact - None)**

The Board accepted the following recommendation as presented by ACA Jeannie Rickman:

Description/Background: On June 24, 2020, the Florida Department of Emergency Management (FDEM) entered into Funding Agreement Y2268 with Marion County to pass-through funds from the Coronavirus Relief Fund pursuant to the CARES Act. The County was allocated funding not to exceed \$63,790,716 across three (3) Phases of the program. All funds have been allocated and reimbursed; therefore, FDEM is requesting execution of the Notice of Program Closeout.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair to execute the State of Florida CARES Act Local Government Funding Program Notice of Program Closeout.

**7.2. Community Services:**

**7.2.1. Request Approval of Agreement for FY 20/21 Between Marion County and Interfaith Emergency Services Inc. (IES) Engagement Center Phase One (1) Program with Community Development Block Grant (CDBG) Funds (Budget Impact - Neutral; not to exceed \$61,745)**

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

Description/Background: On August 7, 2020, the Board of County Commissioners approved the Marion County Fiscal Year 20/21 Annual Action Plan. The plan included goals to prevent homelessness and to reduce the number of those currently experiencing homelessness with CDBG funds.

Interfaith applied for CDBG funding to expand services that will fulfill this goal. They would like to expand their facility to allow furthering community partnerships for a "one stop shop" for individuals experiencing homelessness.

Interfaith Emergency Services Inc. is a local Non-Profit that serves Marion County's homeless population. This contract is the first agreement of a multi-phase project meant to increase capacity of IES shelter operations. This project is CDBG eligible and will provide individuals enduring chronic homelessness with services to meet basic needs and case management towards stability and housing. Costs covered in this Phase 1 agreement will cover preliminary costs of the overall project to include all planning costs associated with architectural design, environmental impact study, geotechnical services, and engineering.

Budget/Impact: Neutral; not to exceed \$61,745.

Recommended Action: Motion to approve and authorize the Chairman to execute agreement between Marion County and Interfaith Emergency Services, Inc.

**7.3. Fire Rescue:**

**7.3.1. Request Approval of the Triparty Agreement for Medical Examiner Service upon Death while in Florida Department of Corrections (FDOC) Custody Occurring within Medical Examiner Districts 5 and 24 (Budget Impact - None)**

The Board accepted the following recommendation as presented by Fire Chief James Banta, Marion County Fire Rescue (MCFR):

Description/Background: Marion County serves as the administrative agent for the District 5 and District 24 Medical Examiner committee. One function performed is billing for Medical Examiner services provided to inmates of the Florida Department of Corrections (FDOC). Centurion is the contractor for the FDOC and is the organization billed for these services. This agreement will formalize the relationship between the three (3) entities and streamline the billing and payment process as it relates to services provided to inmates.

Budget/Impact: None; Billing And Payment Process Already Occur.

Recommended Action: Motion to approve the Triparty Agreement for Medical Examiner Service upon Death while in FDOC Custody occurring within Medical Examiner Districts 5 and 24.

#### **7.4. Human Resources:**

**7.4.1.** Request Approval of Resolution for the Deletion of Two (2) Highway Maintenance Technician Positions, Pay Grade 7; and Reclassification of Six (6) OCE Customer Service Specialist Positions from Pay Grade 11 to Pay Grades 14-16; One (1) Staff Assistant III Position, Pay Grade 13, to One (1) Staff Assistant IV Position, Pay Grade 14; One (1) Staff Assistant II Position, Pay Grade 10, to One (1) OCE Customer Service Specialist Position, Pay Grade 14; Two (2) Staff Assistant II Positions, Pay Grade 10, to Two (2) Staff Assistant IV Positions, Pay Grade 14; One (1) Transportation Administrative Manager Position from Pay Grade 23 to Pay Grade 27; and One (1) OCE Engineering Project Manager Position, Pay Grade 23, to One (1) Development Review Manager Position, Pay Grade 22 within the Office of County Engineer Budget BL400541 (Budget Impact - Savings of \$35,853)

The Board accepted the following recommendation to adopt Resolution 21-R-332 as presented by Executive Director Amanda Tart, Administrative Services:

Description/Background: The Office of the County Engineer seeks to make several pay grade adjustments in order to align them with an increased level of duties and to aid in employee retention. The first adjustment would be to the pay grades of Customer Service Specialists due to current turnover. These position descriptions were separated several years ago from staff assistants because of the technical nature of their jobs associated with service request and permitting. Further to that, this past year two (2) Staff Assistant II positions were added to this group due to increased workload. The plan was to separate some portions of the work to recognize the difference in the positions, but because of the workload, this is not happening. One of the Staff Assistant II positions is working at the same level of the Customer Service Specialists and as such is being requested to be reclassified. The other Staff Assistant II position has been assigned to support development review and a Staff Assistant IV position is more reflective of those duties. Staff are leaving these positions, and both of the newer Staff Assistant II positions are currently vacant. Additionally, there is one (1) Staff Assistant II position supporting development review and one (1) Staff Assistant III position supporting property management that are working at a level higher than their position as well, and they are proposed to be reclassified to Staff Assistant IV.

The Transportation Administrative Manager, besides overseeing the Customer Service Specialists, provides processing oversight of right-of-way permitting. The workload increase associated with permitting, the number of staff, and an overall

review of the job description showed that the individual is underpaid compared to other managers in the department and the expectation of work delivery.

The Development Review Coordinator has been assigned additional staff from the above Customer Service Specialists group to assist with private development permitting because of the workload. It is recommended that this position receive a salary adjustment to recognize the management of additional support staff.

The Office of the County Engineer also proposes to reclassify an existing Project Manager to a Development Review Manager. Solid oversight of the overall permitting process is critical for successful processing of private development projects, as well as delivering timely and excellent customer service. The County Engineer has historically facilitated this, but with the current transportation project workload and the number of private development projects in review, this change is necessary and has been imminent since this time last year.

The cost of these pay grade adjustments will be offset by the deletion of two (2) vacant Highway Maintenance Technicians.

Budget/Impact: Budget Savings - \$35,853.

Recommended Action: Motion to approve the attached Resolution for the deletion of two (2) Highway Maintenance Technician positions, pay grade 7; and reclassification of six (6) Customer Service Specialist positions from pay grade 11 to pay grades 14-16; one (1) Staff Assistant III position, pay grade 13, to one (1) Staff Assistant IV position, pay grade 14; one (1) Staff Assistant II position, pay grade 10, to one (1) OCE Customer Service Specialist position, pay grade 14; two (2) Staff Assistant II positions, pay Grade 10, to two (2) Staff Assistant IV positions, pay grade 14; one (1) Transportation Administrative Manager position from pay grade 23 to pay grade 27; and one (1) OCE Engineering Project Manager position, pay grade 23, to one (1) Development Review Manager position, pay grade 22 within the Office of County Engineer Budget BL400541.

Resolution 21-R-332 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE DELETION OF TWO (2) HIGHWAY MAINTENANCE TECHNICIAN POSITIONS, PAY GRADE 7; AND RECLASSIFICATION OF THE FOLLOWING: SIX (6) CUSTOMER SERVICE SPECIALIST POSITIONS FROM PAY GRADE 11 TO PAY GRADES 14-16; ONE (1) STAFF ASSISTANT III POSITION, PAY GRADE 13 TO ONE STAFF ASSISTANT IV POSITION, PAY GRADE 14; ONE (1) STAFF ASSISTANT II POSITION, PAY GRADE 10, TO ONE (1) OCE CUSTOMER SERVICE SPECIALIST, PAY GRADE 14-16; TWO (2) STAFF ASSISTANT II POSITIONS, PAY GRADE 10, TO TWO STAFF ASSISTANT IV POSITIONS, PAY GRADE 14; ONE (1) TRANSPORTATION ADMINISTRATIVE MANAGER POSITION FROM PAY GRADE 23 TO PAY GRADE 27; AND ONE (1) OCE ENGINEERING PROJECT MANAGER POSITION, PAY GRADE 23, TO ONE (1) DEVELOPMENT REVIEW MANAGER POSITION, PAY GRADE 22; WITHIN THE OFFICE OF COUNTY ENGINEER BUDGET BL400541; ALONG WITH THE CORRESPONDING JOB DESCRIPTION AND PAY GRADE AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

**7.4.2.** Request Approval of Resolution for the Addition of One (1) Community Services Fiscal Manager Position, Pay Grade 25, within the Community Services Budgets AA346564 and AA347564 (Budget Impact - Expenditure of \$79,687)

The Board accepted the following recommendation to adopt Resolution 21-R-333 as presented by Executive Director Tart, Administrative Services:

Description/Background: The Community Services Department seeks to add a Community Services Fiscal Manager to oversee the Community Services Budget, which has a projected budget increase of 32% within FY 2021. The department relies heavily on funding from numerous grants in order to fund the programs they offer. This position will oversee grants and budgets to ensure compliance, as well as supervising the Community Services Compliance Monitor.

Budget/Impact: Expenditure of \$79,687.

Recommended Action: Motion to approve the attached resolution providing for the addition of one (1) Community Services Fiscal Manager, pay grade 25, within the Community Services Budgets AA346564 and AA347564.

Resolution 21-R-333 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE ADDITION ONE (1) COMMUNITY SERVICES FISCAL MANAGER POSITION, PAY GRADE 25; WITHIN THE COMMUNITY SERVICES DEPARTMENT BUDGETS AA346564 AND AA347564; ALONG WITH THE CORRESPONDING JOB DESCRIPTION AND PAY GRADE AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

## **7.5. Procurement Services:**

**7.5.1.** Request Approval and Execution of Fourth Contract Amendment: 17P-058-CA-04, Enterprise Resource Planning System and Software - Tyler Technologies, Yarmouth, ME (Budget Impact - None)

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

Description/Background: At its December 5, 2017 meeting, the Board approved a contract with Tyler Technologies for an Enterprise Resource Planning (ERP) system. This contract amendment is to extend the timeline for the EnerGov module and to amend the invoicing and payment policy to reflect the Go-Live date. The anticipated Go-Live date is October 31, 2022 and this amendment will align the invoices previously received with the updated schedule dates. This amendment also breaks out the invoicing of data conversion services into two (2) intervals; 50% upon initial delivery of converted data and 50% upon County acceptance to load converted data into the live environment.

Attached for review is a draft of the contract amendment and a vendor signed service agreement with Tyler. Upon approval at today's meeting, it will be sent to Tyler Technologies for signature and upon return, will be forwarded for the County Attorney's, Clerk's, and Chairman's signature.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize Chairman to execute the agreement with Tyler Technologies, Inc. under 17P-058.

**7.5.2.** Request Approval of Ratification of Change Order 1 to Purchase Order 2100156: 19B-111, Yard Waste Mulching and Disposal - D&G Solutions Group LLC, Ocala, FL (Budget Impact - Neutral; additional expenditure of \$375,000 as approved in FY 20/21 budget)

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

Description/Background: On March 19, 2019, the Board approved a contract with D&G Solutions Group LLC (D&G) for yard waste mulching and disposal from the Baseline Convenience Center and the 18 recycling centers throughout Marion County, which is collected from residential and commercial sources. The original agreement included processing 29,000 tons and transporting 23,000 tons per year for an annual cost of \$450,000. Since October 1, 2020, the Solid Waste department has seen a 50% increase in the amount of yard waste coming in to our facilities and is on track to process approximately 45,500 tons and transport approximately 31,300 tons by the end of this fiscal year. Due to this increase, the current purchase order did not have enough available funds to pay the most recent invoice. Environmental Services Director, Jody Kirkman, requested and received emergency approval from the County Administrator to issue Change Order 1, adding \$375,000 to cover the additional cost for service through the end of the fiscal year and avoid any potential delays in processing and transporting the yard waste. The Board approved a budget amendment to move funds into the appropriate account on June 15, 2021.

Budget/Impact: Neutral; emergency expenditure of \$375,000.

Recommended Action: Motion to approve ratification of the emergency increase for Change Order 1 to Purchase Order 2100156.

**7.5.3.** Request Approval of Bid Award: 21B-162, A/C Replacement in Jail Pods A-D - Balanced Mechanical & Plumbing Services, LLC, Ocala FL (Budget Impact - Neutral; expenditure of \$375,512 as approved in FY 20/21)

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

Description/Background: On behalf of Marion County Facilities Management, Procurement advertised a bid for the A/C Replacements at the Marion County Jail for pods A-D. The current HVAC units in Pods A-D are over 15 years old and have exceeded their normal life expectancy. Facilities Management has made numerous repairs to the existing equipment. This project is to replace these units with new energy efficient models. We received four (4) responses, as shown in the tabulation below.

<b>Firm Name - Location</b>	<b>Bid</b>
Balanced Mechanical & Plumbing Services, LLC - Ocala, FL	\$375,512.00
HVAC Concepts LLC - Summerfield, FL	\$375,852.00
Air Mechanical & Service Corp. - Casselberry, FL	\$459,900.00
Thermal Concepts, Inc. - Davie, FL	\$560,317.00

Attached for review is a Contract draft; pending approval at today's meeting, it will be sent to Balanced Mechanical and Plumbing Services, LLC for signatures and, upon return, will be forwarded for the County Attorney's, Clerk's and Chairman's signatures.

Budget/Impact: Neutral; project cost is \$375,512.

Recommended Action: Motion to approve recommendation and allow staff to issue Contract, and upon approval by Legal, authorize the Chairman to execute the same with Balanced Mechanical & Plumbing Services LLC, the lowest responsive, responsible bidder under 21B-162.

**7.5.4. Request Approval of Change Order 1 to Purchase Order 2000568: 15Q-051-TO-33, Silver Springs Shores Unit 68 Bold and Gold Stormwater Retrofit of DRAs 7282, 7402, and 7426 (CP 79) - Tillman & Associates Engineering, LLC., Ocala, FL (Budget Impact - Neutral; additional expenditure of \$19,495 as approved in the FY 20/21 budget)**

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

Description/Background: On September 20, 2016, the Board awarded Task Order 33 to Tillman & Associates Engineering, LLC. for the Silver Springs Shores Unit 68 Bold and Gold Stormwater Retrofit of DRAs 7282, 7402, and 7426 (CP 79). This Task Order was awarded under 15Q-051, Civil Site Engineers for Miscellaneous Projects approved by the Board on May 19, 2015.

Change Order 1 requests to add \$19,495 to the Purchase Order for Tillman & Associates Engineering, LLC. to produce a report with summary of rainfall and Bold and Gold nitrogen removal effectiveness. In addition, it will update plans and calculations to expand DRA 7426 for additional flood protection and revise plans and calculations for replacement of DRAs 7282 and 7402 with DRAs 7482 and 7483 for Bold and Gold treatment and revise cross sections.

Budget/Impact: Neutral; project cost for this additional work is \$19,495 and will bring total project cost for the Silver Springs Shores Unit 68 Bold and Gold Stormwater Retrofit of DRAs 7282, 7402, and 7426 (CP 79) to \$87,023.

Recommended Action: Motion to approve and authorize the Chairman to execute Change Order 1 for Purchase Order 2000568 to Tillman & Associates Engineering, LLC. under 15Q-051-TO-33 for Silver Springs Shores Unit 68 Bold and Gold Stormwater Retrofit of DRAs 7282, 7402, and 7426 (CP 79).

**7.5.5. Request Approval of Bid Exemption: 21BE-215, Critical Well Repairs - Citrus Well Drilling, Hernando, FL (Budget Impact - Neutral; expenditure of \$63,452 as approved in FY 20/21 budget)**

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

Description/Background: On behalf of Marion County Utilities (MCU), Procurement is presenting this bid exemption for critical well repairs on the following four (4) wells due to recent failures: Marion Oaks Well Number 4, Marion Oaks Well Number 6, Summer Glen, and Deer Path. Upon failure of these wells, MCU hired Citrus Well Drilling (CWDI) to remove them and assess their condition. During the inspection, it was determined that the wells would need significant repairs. As CDWI has already performed the removal and assessment, MCU requests approval of a bid exemption to allow CDWI to move forward with the repairs, due to time constraints and the complexity of the repairs. It is critical that the wells are back in service as soon as possible. A copy of CDWI's quote is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure of \$63,452.

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Recommended Action: Motion to approve recommendation and authorize staff to release the purchase order to Citrus Well Drilling for 21BE-215 Critical Well Repairs.

**7.5.6.** Request Approval of Task Order for Utilities Engineering Design Services: 20Q-074-TO-09, Salt Springs Water Well Upgrade - Wright-Pierce, Inc., Maitland, FL (Budget Impact - Neutral; expenditure of \$85,250 as approved in FY 20/21 budget)

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

Description/Background: At its July 21, 2020 meeting, the Board approved contracts with five (5) firms to provide various Utilities Engineering Design Services for Marion County. Marion County Utilities (MCU) has selected Wright-Pierce, Inc., to design upgrades for the Salt Springs Water Treatment Plant including the drilling of a new well to act as a back-up for the existing 30-HP well. A copy of Wright-Pierce's proposal and scope of work is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; project shall not exceed \$85,250.

Recommended Action: Motion to approve recommendation and authorize staff to release the purchase order to Wright-Pierce, Inc. for 20Q-074-TO-09 Salt Springs Water Well Upgrade.

**7.5.7.** Request Approval of Audit Engagement Letter: 02P-013, Professional Auditing Services - Purvis Gray & Company, Ocala, FL (Budget Impact - Neutral; estimated annual expenditure of \$215,000 pending approval of FY 21/22 budget)

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

Description/Background: At its July 21, 2015 meeting, the Board approved the Fourth Amendment with Purvis Gray & Company (PGC) to renew the auditing contract through the County's fiscal year (FY) ending September 30, 2021. On April 15, 2015, the Clerk of the Court, David Ellspermann, consulted with Procurement and Legal to determine if this contract could be extended beyond its original term as it specified an end/termination date. County Attorney, Matthew Minter, advised the language allows for such renewals, provided the Board approves them.

On June 28, 2021, PGC presented the Clerk with an Audit Engagement Letter (AEL), proposing a three (3) year contract extension through FY 23/24. Fees for the FY 21/22 audits will be \$215,000, which offers a reduction in the amount of \$12,051 when compared the cost of audits for FY 20/21. Fees for FY 22/23 and FY 23/24 audits will be adjusted by the increase in the consumer price index (CPI) for all financial services (limited to three percent (3%) annually). The AEL also proposes an option for two (2) additional years (FY 24/25 and FY 25/26) with those fees to be negotiated upon acceptance of the renewal, pending mutual agreement and Board approval. This Audit Engagement Letter has been reviewed by the County Attorney and is approved for signature by the Clerk.

Budget/Impact: Neutral; the estimated cost for services for FY 21/22 shall be \$215,000. Up to a three percent (3%) CPI Increase Annually For FY 22/23 And FY 23/24.

Recommended Action: Motion to approve AEL and authorize the Clerk to execute same under RFP 02P-013.

**7.5.8. Request Approval to Rescind Award: 20Q-173-TO-01, Nova Ocala Real Estate, LLC 20-SA-24 - T&C Underground, Inc., Ocala, FL (Budget Impact - None)**

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

Description/Background: At its June 15, 2021 meeting, the Board approved a request by Utilities to award a Task Order to T&C Underground, Inc. (T&C) to construct 480 ft of 12" water main to support MCU-designed plan set 20-SA-24, to serve Parcel Number 8006-0729-02 for Nova Ocala Real Estate, LLC. A Purchase Order was issued and a Pre-Construction meeting was held with T&C on June 30, 2021. At the Pre-Construction Meeting, T&C informed Utilities staff that the 12" pipe had almost tripled in price from the time pricing was submitted to the time it was awarded and they could no longer perform the work for the bid price.

Marion County Utilities (MCU) requests approval to rescind the award and re-advertise the project to avoid further delays to the developer.

Budget/Impact: None.

Recommended Action: Motion to approve recommendation to rescind award and authorize Procurement to release a new solicitation for the project.

**7.6. Solid Waste:**

**7.6.1. Request Approval of the State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement HW204 (Budget Impact - None)**

The Board accepted the following recommendation as presented by Environmental Services Director Jody Kirkman, PE:

Description/Background: The Florida Department of Environmental Protection Agreement Number HW204 establishes the arrangements for a grant to reimburse Marion County for hosting a hazardous waste cooperative collection event for Sumter County and their residents. Marion County Board of County Commissioners approved an Interlocal Agreement with Sumter County on September 6, 2005 to provide the residents and small businesses in Sumter County with a cost-effective opportunity to properly dispose of hazardous waste.

The FDEP Agreement will provide 75% reimbursement for the collection and disposal cost. Sumter County has agreed, through the Interlocal Agreement, to provide the remaining 25% of the collection cost. Reimbursable costs include Marion County's labor, supplies, advertisement, on-site packaging, transportation and proper disposal of collected hazardous waste.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairmen to sign the State of Florida Department of Environmental Protection Standard Grant Agreement HW204.

**7.7. Transportation - County Engineer:**

**7.7.1. Request Approval of State-Funded Cost-Share Grant Agreement for the Silver Springs Shores Unit 23 Innovative Stormwater Retrofit Project - CP 75 (Contract Number 36905) (Budget Impact - Revenue; reimbursement of up to \$273,514)**

July 20, 2021

The Board accepted the following recommendation as presented by Deputy County Engineer Don Atwell, Office of the County Engineer (OCE):

Description/Background: The County has been approved for St. John's River Water Management District (SJRWMD) cost-share funding for a water quality improvement project within Silver Springs Shores Unit 23. SJRWMD has awarded funds for the construction of this project. Approval of this Agreement will provide for reimbursement of 25% of the construction costs up to \$273,514. Per the terms of the agreement, the construction phase of the project is to be completed by March 31, 2022. Construction of this innovative stormwater retrofit is estimated to cost \$1,094,057. Vendor services will be solicited for this effort. This project has also been submitted to Florida Department of Environmental Protection (FDEP) for consideration of Springs Funding. If awarded FDEP Springs Funding, this agreement will be modified to reflect the award.

Budget/Impact: Revenue; reimbursement of up to \$273,514 to the Stormwater Program Grant Revenue Account.

Recommended Action: Motion to approve and authorize the Chairman to sign the State-Funded Cost-Share Grant Agreement Contract Number 36905 for the Silver Springs Shores Unit 23 Innovative Stormwater Retrofit Project - CP 75.

**7.7.2. Request Approval of a Sovereignty Submerged Lands Lease Renewal Associated with Hope Boat Ramp (Budget Impact - Neutral; expenditure of \$1,542 annually as approved in the FY 20/21 budget)**

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

Description/Background: This is a request to approve a Sovereignty Submerged Lands Lease Renewal associated with Hope Boat Ramp. Marion County Leases this property (adjacent to Parcel 48162-000-00 - Hope Beach) from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the operation of a public boat ramp, two (2) gangways and two (2) floating docks; exclusively used for the temporary anchoring of boats launched at the boat ramp. The renewal extends the term for an additional five (5) years with an initial annual lease fee of \$1,542 that adjusts five percent (5%) annually in accordance with Rule 18-21.011, Florida Administrative Code.

Budget/Impact: Neutral; expenditure of \$1,542 annually (Rentals & Leases - Lane - AA360572 - 544301).

Recommended Action: Motion to approve the Sovereignty Submerged Lands Lease Renewal and authorize the Chair and Clerk to execute the same.

**7.7.3. Request Approval of a Resolution to Vacate a Portion of the Plat of Rainbow Acres Unit No. 2, Plat Book G, Page 96 (Budget Impact - Revenue \$350)**

The Board accepted the following recommendation to adopt Resolution 21-R-334 as presented by Deputy County Engineer Atwell, OCE:

Description/Background: This is a request for approval of a Resolution to vacate a portion of the Plat of Rainbow Acres Unit No. 2, Plat Book G, Page 96, associated with a Petition submitted by Rainbow Springs Express, LLC. The Petitioner requests to vacate a 20' wide Drainage Easement that straddles Lots 22 and 23, Block 19 in order to allow for the proposed development to be constructed. Currently, the owner is in the process of obtaining a Site Plan approval along with

this Plat Vacation. The Plat Vacation was considered by the Development Review Committee (DRC) on June 7, 2021 and it was their recommendation that the Petition be granted subject to DRC acceptance of As-Builts to be submitted by the Petitioner at a later date establishing a replacement flow path and a replacement permanent Drainage Easement granted to Marion County. The Resolution and permanent Drainage Easement will be held in escrow until the As-Builts have been submitted, inspected and accepted by Marion County.

Budget/Impact: Revenue of \$350 - Plat Vacate - BL400341 – 341903.

Recommended Action: Motion to adopt a Resolution to vacate a portion of the Plat of Rainbow Acres Unit No. 2, Plat Book G, Page 96 and to authorize the Chair and Clerk to execute the same.

Resolution 21-R-334 is entitled:

RESOLUTION TO VACATE A PORTION OF PLAT OF RAINBOW ACRES UNIT NO. 2 AS RECORDED IN PLAT BOOK G PAGE 96 PUBLIC RECORDS OF MARION COUNTY, FLORIDA

**7.7.4. Request Approval of Indemnification Agreement for Oaks at Ocala Crossings South Phase 2 Subdivision, Application Number 26547 (Budget Impact - None)**

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

Description/Background: With an Indemnification Agreement approved by the Board, Land Development Code Section 2.18.4.E allows for up to ten percent (10%) of the total lots to be constructed in a subdivision prior to recording the Final Plat. The County Attorney has reviewed and approved the Indemnification Agreement request for six (6) individual building permits. This subdivision is located in the southwest portion of the County and contains 60 lots on 21.90 acres with 0.61 miles of private road.

Budget/Impact: None.

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

**7.8. Utilities:**

**7.8.1. Request Approval for Water Main Extension Connection Agreement 21-SA-08-O Between D32 Wholesale, LLC and Marion County Utilities (MCU) (Budget Impact - None)**

The Board accepted the following recommendation as presented by Environmental Services Director Kirkman, PE:

Description/Background: The Water Main Extension Connection Agreement 21-SA-08-O requires the Owner to perform necessary improvements to obtain water service to their lot. The line extension constructed to serve the Owner's lot will also create a benefit for two (2) additional parcels along the route.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the Water Main Extension Connection Agreement 21-SA-08-O.

**7.8.2. Request Approval for Water Main Extension Connection Agreement 21-SA-23-O Between Christopher J. Cursley and Marion County Utilities (MCU) (Budget Impact - None)**

July 20, 2021

The Board accepted the following recommendation as presented by Environmental Services Director Kirkman, PE:

Description/Background: The Water Main Extension Connection Agreement 21-SA-23-O requires the Owner to perform necessary improvements to their lot. The line extension constructed to serve the Owner's parcel also creates a benefit for two (2) additional parcels along the route.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the Water Main Extension Connection Agreement 21-SA-23-O.

**7.8.3. Request Approval for Water Main Extension Connection Agreement 21-SA-26-O Between Bebi Ally and Marion County Utilities (MCU) (Budget Impact - None)**

The Board accepted the following recommendation as presented by Environmental Services Director Kirkman, PE:

Description/Background: The Water Main Extension Connection Agreement 21-SA-26-O requires the Owner to perform necessary improvements to obtain water service to their lot. The line extension constructed to serve the Owner's parcel also creates a benefit for three (3) additional parcels along the route.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the Water Main Extension Connection Agreement 21-SA-26-O.

**7.8.4. Request Approval for Water Main Extension Connection Agreement 21-SA-28-O Between Platinum Projects, LLC and Marion County Utilities (MCU) (Budget Impact - None)**

The Board accepted the following recommendation as presented by Environmental Services Director Kirkman, PE:

Description/Background: The Water Main Extension Connection Agreement 21-SA-28-O requires the Owner to perform necessary improvements to obtain water service to their lot. The line extension constructed to serve the Owner's parcel also creates a benefit for four (4) additional parcels along the route.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the Water Main Extension Connection Agreement 21-SA-28-O.

**7.8.5. Request Approval for Water Main Extension Connection Agreement 21-SA-29-O Between Terence Gustave and Marion County Utilities (MCU) (Budget Impact - None)**

The Board accepted the following recommendation as presented by Environmental Services Director Kirkman, PE:

Description/Background: The Water Main Extension Connection Agreement 21-SA-29-O requires the Owner to perform necessary improvements to obtain water service to their lot. The line extension constructed to serve the Owner's parcel also creates a benefit for four (4) additional parcels along the route.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the Water Main Extension Connection Agreement 21-SA-29-O.

**7.8.6. Request Approval for Water Main Extension Connection Agreement 21-SA-36-O Between Leite Investments, LLC and Marion County Utilities (MCU) (Budget Impact - None)**

The Board accepted the following recommendation as presented by Environmental Services Director Kirkman, PE:

Description/Background: The Water Main Extension Connection Agreement 21-SA-36-O requires the Owner to perform necessary improvements to obtain water service to their lot. The line extension constructed to serve the Owner's lot also creates a benefit for one (1) additional parcel along the route.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the Water Main Extension Connection Agreement 21-SA-36-O.

**8. COUNTY ATTORNEY: NONE**

**WALK-ON: Request Approval to Seek an Opinion of the Attorney General Regarding House Bill (HB) 59**

County Attorney Matthew G. Minter, Legal, presented the following recommendation regarding HB 59:

Description/Background: A recent Act sponsored by Representative Stan McClain, HB 59, related to growth management, became effective July 1, 2021. Among other things, this Act amended subsection (6) of section 163.3177, Florida Statutes, adding the following requirement in new sub-paragraph (i) 2.,:

Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3101. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1." This text is at the bottom of Page 4 of 8 of the Act: a copy of the entire Act is attached hereto for your reference.

As is sometimes the case with new legislation, local government attorneys and land use attorneys are already asking questions about the interpretation of certain portions of the new requirements. Among those is the issue: Is Marion County required to adopt this new Property Rights Element before it approves any other comprehensive plan amendment? Or, focusing on the word "its," in the text, is Marion County only required to adopt the new element before the County adopts any new County-initiated plan amendment? -- Meaning that we can and should consider privately initiated plan amendments even before we adopt the new Property Rights Element?

The Act permits a local government to adopt its own version of a Property Rights Element - but if we do, it "may not conflict with" a statement of property rights contained in the Act.

I am requesting Board approval to request an opinion from the Attorney General to clarify certain provisions of the Act for the benefit of our Growth Services Division.

Budget/Impact: None.

Recommended Action: Motion to authorize the County Attorney to seek an opinion of the Attorney General (AG) for the purposes described above.

July 20, 2021

County Attorney Matthew G. Minter, Legal, advised that he is requesting Board authorization to seek an opinion from the Attorney General regarding the interpretation of a new Statute that relates to a new requirement to incorporate into the County's Comprehensive Plan a property rights element. He stated the wording of that new act leaves open questions including, at what point does it have to be implemented by the County.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to consider the Walk-On Item. The motion was unanimously approved by the Board (4-0). Mr. Minter advised that the Statute contains other issues that it would be helpful to seek clarification relating to, but he is basically asking for the Board's direction to seek an Attorney General opinion.

Chairman Gold opened the floor for public comment.

Henry Munoz, Marion Oaks Boulevard, stated he read the law and agrees it is ambiguous. Chairman Gold advised that public comment is now closed.

Mr. Minter advised that when seeking an AG opinion, and an opinion is received, in Florida that opinion is considered instructive, but is not like an Appellate Court decision. He stated it is not binding on the Court, but provides local governments guidance on how to proceed. Commissioner Stone questioned whether it is known if the County has any related items at this time and the time frame for receiving an opinion from the AG. Mr. Minter stated he cannot say how long it may take, but noted he took part in a call recently with a party that is seeking an amendment with the Board, which was the catalyst for raising this question. He advised that in the Legislative history it appears some issues relating to the intent of the Legislature have hopefully been answered but he is seeking more finality.

In response to Commissioner Stone, Growth Services Director Mary Elizabeth Burgess stated her recommendation is to wait for the AG opinion so the County can be more effective in making decisions and do the best thing relating to that element of the Comprehensive Plan.

Mr. Minter advised of a meeting with the attorney for On Top of the World (OTOW), noting that individual's office is in Tallahassee, and he indicated that he was involved in the drafting of this Legislation. That attorney indicated with respect to the issue of whether a private party could have their plan amendment heard pending the adoption of a new property rights element in the plan, was not the intent in his opinion.

Commissioner Stone questioned whether the request is to approve getting the opinion from the AG, and then handle any other requests moving forward.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to authorize the County Attorney to seek an opinion of the Attorney General for the purposes described above. The motion was unanimously approved by the Board (4-0).

#### **9. COUNTY ADMINISTRATOR: NONE**

ACA Jeannie Rickman, Administration, introduced Henry "Elton" Holland as the new County Engineer, noting Mr. Holland started in July of 2010 in the County's Stormwater Department before advancing to Assistant County engineer, and now County Engineer. County Engineer Elton Holland, OCE, stated the opportunity to serve the community in this capacity is humbling. He advised that he looks forward to leading the community in a positive direction.

Commissioner Stone congratulated Mr. Holland and commented on his many years of community service as noted on his resume. She thanked him for being a positive role model in the community.

Commissioner Curry advised that he has reviewed projects and transportation issues with Mr. Holland and expressed confidence in his abilities.

Clerk Harrell stated Mr. Holland is a fellow Leadership Ocala/Marion classmate, noting he is a great Marion Countian who always conducts himself on behalf of the County very well.

**10.1. Rainbow Lakes Estates MSD Advisory Board - Request Acceptance of One (1) Resignation and Approval to Advertise for Vacancy of an Unexpired Term**  
Executive Assistant Nadja M. Griffis, Commission Office, presented the following recommendation:

Description/Background: James Johns has tendered his resignation from the Rainbow Lakes Estates MSD Advisory Board effective immediately. Mr. Johns is currently serving as a full member with a term expiring June 2023.

Budget/Impact: None.

Recommended Action: Motion to accept Mr. Johns' resignation and approve advertisement of one (1) vacancy for a full member for an unexpired term.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to accept Mr. Johns' resignation and approve advertisement of one (1) vacancy for a full member for an unexpired term. The motion was unanimously approved by the Board (4-0).

**10.2. Planning and Zoning Commission - Request Approval to Advertise for One (1) Alternate Member for a Full Term**

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

Description/Background: There is one (1) alternate member on the Planning and Zoning Commission that is expiring at the end of August. The current incumbent is eligible for re-appointment should they apply.

Budget/Impact: None.

Recommended Action: Motion to approve advertisement for one (1) alternate member for the Planning and Zoning Commission for a full term.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve advertisement for one (1) alternate member for the Planning and Zoning Commission for a full term. The motion was unanimously approved by the Board (4-0).

**10.3. Pine Run MSTU Advisory Council - Request Appointment of One (1) Full Member for an Unexpired Term**

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

Description/Background: There has been a vacancy on the Pine Run MSTU Advisory Council since April 2021 for a term ending June 2024. There has been one (1) application received for this vacancy.

- Carleen Colton - retired, executive chef

Budget/Impact: None.

Recommended Action: Motion to appoint Ms. Colton as a full member to the Pine Run MSTU Advisory Council for a term ending June 2024.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to appoint Ms. Colton as a full member to the Pine Run MSTU Advisory Council for a term ending June 2024. The motion was unanimously approved by the Board (4-0).

**10.4. Fire Rescue EMS Advisory Board - Request Ratification for One (1) Municipal Representative - City of Ocala**

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

Description/Background: The City of Ocala recently appointed a new Chief for Ocala Fire Rescue. As such, the Municipal Representative for the City of Ocala will need to be updated with Chief Clint Welborn.

Budget/Impact: None.

Recommended Action: Approve ratification of Chief Clint Welborn, Ocala Fire Rescue, as the City of Ocala Municipal Representative for the Fire Rescue EMS Advisory Board.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve ratification of Chief Clint Welborn, Ocala Fire Rescue, as the City of Ocala Municipal Representative for the Fire Rescue EMS Advisory Board. The motion was unanimously approved by the Board (4-0).

**10.5. Fire Rescue EMS Advisory Board - Notification of Appointment of Shane Alexander by Commissioner Jeff Gold**

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

Description/Background: Commissioner Jeff Gold has asked Shane Alexander to serve as his new representative for the Fire EMS Advisory Board as the previous representative is now a County employee. Mr. Alexander has accepted this assignment, effective immediately, and will run for the term of Commissioner Gold at his discretion.

Budget/Impact: None

Recommended Action: For information only.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to appoint Shane Alexander to the Fire EMS Advisory Board. The motion was unanimously approved by the Board (4-0).

**10.6. Affordable Housing Advisory Committee - Request Approval to Advertise for Ten (10) Full Members for Full Three (3) Year Terms**

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

Description/Background: The terms for all members on the Affordable Housing Advisory Board end September 2021 (per Resolution 18-R-358). There are eleven (11) members for this Board (including one (1) County Commissioner). The ten (10) terms that need to be advertised are for the following members:

- One (1) citizen who is actively engaged in the residential home building industry in connection with affordable housing;
- One (1) citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing;
- One (1) citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
- One (1) citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing;
- One (1) citizen who is actively engaged as a for-profit provider of affordable housing;
- One (1) citizen who is actively engaged as a not-for profit provider of affordable housing;

- One (1) citizen who is actively engaged as a real estate professional in connection with affordable housing;
- One (1) citizen who resides within the jurisdiction of the local governing body making the appointments;
- One (1) citizen who represents employers within the jurisdiction;
- One (1) citizen who represents essential services personnel, as defined in the local housing assistance.

Budget/Impact: None.

Recommended Action: Motion to approve advertisement for ten (10) full members, as defined above, for full terms on the Affordable Housing Advisory Board.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve advertisement for ten (10) full members, as defined above, for full terms on the Affordable Housing Advisory Board. The motion was unanimously approved by the Board (4-0).

## **11. NOTATION FOR ACTION:**

**11.1.** Request Approval to Schedule and Advertise a Public Hearing to Consider Amending the Marion County Code of Ordinances Chapter 2 Administration, Article I, Sec. 2-2, Claims Against the County on Tuesday, August 3, 2021 at 10:00 a.m. in the McPherson Governmental Campus Auditorium

County Attorney Minter, Legal, presented the following recommendation:

Description/Background: Risk and Benefit Services is working closely with the County Attorney's office to review and aggressively manage workers' compensation and liability claims. The Ordinance was last updated in October 2012. To bring the ordinance up to date and in line with current costs, streamline processes, and reduce total expense costs, staff is proposing a revision be made to the dollar amount of claim authority levels.

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a public hearing to consider amending the Marion County Code of Ordinances, Chapter 2 Administration, Article I, Sec. 2-2 on Tuesday, August 3, 2021 at 10:00 a.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to schedule and advertise a public hearing to consider amending the Marion County Code of Ordinances, Chapter 2 Administration, Article I, Sec. 2-2 on Tuesday, August 3, 2021 at 10:00 a.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (4-0).

**11.2.** Request Approval to Schedule and Advertise a Public Hearing for the Adoption of the Resolution for Kingsland Country Estates Whispering Pines and Kingsland Country Estates Forest Glenn Subdivisions Municipal Service Benefit Unit (MSBU) for Street Lighting on Tuesday, August 17, 2021 at 10:00 a.m. or Immediately Soon Thereafter in the McPherson Governmental Campus Auditorium

Description/Background: The following date is being requested for a Public Hearing associated with the proposed adoption of the resolution creating a new assessment for Kingsland Country Estates Whispering Pines and Kingsland

July 20, 2021

Country Estates Forest Glenn Subdivisions MSBU for Street Lighting in accordance with Section 125.01(1)(q), Florida Statutes:

Tuesday, August 17, 2021 at 10:00 a.m. or immediately soon thereafter  
Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a Public Hearing for the adoption of the resolution creating a new assessment for Kingsland Country Estates Whispering Pines and Kingsland Country Estates Forest Glenn Subdivisions MSBU for Street Lighting on Tuesday, August 17, 2021 starting at 10:00 a.m. or immediately soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to schedule and advertise a Public Hearing for the adoption of the resolution creating a new assessment for Kingsland Country Estates Whispering Pines and Kingsland Country Estates Forest Glenn Subdivisions MSBU for Street Lighting on Tuesday, August 17, 2021 starting at 10:00 a.m. or immediately soon thereafter. The motion was unanimously approved by the Board (4-0).

## **12. COMMISSIONER ITEMS:**

### **12.1. Commission Comments**

Commissioner Curry advised that he had nothing further to add.

Commissioner Stone advised that she had nothing further to add.

Commissioner Bryant congratulated the Utilities Department, noting there were 6 projects brought before the Board for water main extensions in Marion Oaks.

Commissioner Bryant stated there is an issue relating to the amount of fentanyl that comes across our borders, noting the large part it plays in the opioid epidemic and the deaths it causes. She advised that this is the 5-year anniversary of the death of her brother from a heroin-laced-with-fentanyl overdose (OD) and this is not just a war on drugs, it is domestic terrorism, and everybody should take part in supporting the Government in securing our borders and stopping what is occurring there.

Chairman Gold advised of an upcoming workshop with the Sheriff, noting if there are questions that need clarification, they can be sent as a group.

Commissioner Bryant stated her biggest question relates to the proposed addition of positions and what to expect regarding the vacancies that exist.

Chairman Gold questioned whether questions for the Sheriff should be submitted through the County Attorney's office or through the County Administrator. Mr. Minter advised that the County Administrator's office is a better choice. He stated under the Sheriff's budget Statute 30.49, the BCC has a right to request whatever reasonable information is needed to prepare the budget. The ability to ask questions and ask for information does not necessarily give the Board certain rights to modify his budget, but the Board does have the right to get the information.

Commissioner Bryant advised that she wants to ask about the call takers that were discussed at the last budget workshop and what their function is relating to whether they are in the Communication Center or answering the Sheriff's main line.

Commissioner Stone stated she is interested in the same thing and how to move forward.

## **12.2. Commission Calendar**

### **12.2.1. Present Commissioner Calendar**

The Chairman acknowledged receipt of the Commission calendar covering the period of July 20, 2021, through August 3, 2021.

## **13. GENERAL PUBLIC COMMENT:**

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

Joy Rumans, NE 37<sup>th</sup> Street, advised that she was present to discuss the Emil-Marr subdivision project approved by the BCC on May 24, 2021, which leads into Amendment 11, and requested the Board pass that Amendment at the next meeting she attends. She stated the project was started at a bad financial time for many of those residents due to losses related to COVID-19, noting 3 of 4 residents in attendance at the May 24, 2021, meeting expressed extreme financial difficulties. Ms. Rumans advised that none of the 4 notices sent about the assessment said anything about a vote being taken by residents or by the Board. She stated that she later recommended in a letter she provided to the BCC along with a petition, that it would be beneficial if a ballot was sent to each owner. Ms. Rumans quoted from the video of the meeting she attended relating to the assessment and project boundaries. She stated the first letter and map shows Ocala Oaks, Emil-Marr, Sun Ray Estates, and the road in front of Publix was included in the project. Ms. Rumans advised that the road on 25<sup>th</sup> Avenue is a very good road, but it was repaved the prior week and done badly. She quoted Commissioner Bryant's concerns at that meeting and noted she received misinformation relating to the amount of taxes paid by the City of Ocala compared to the County. Ms. Rumans opined that project boundaries should have been broadened.

Roger Knechtel, SE 97<sup>th</sup> Terrace, Summerfield, questioned whether the Budget Amendment Resolutions relating to the Utilities Department will be a recurring monthly expense. He commented on the ongoing reductions relating to Medicare payments to doctors and hospitals.

Chairman Gold noted it is the ten o'clock hour. He advised that the Board will continue with the remaining Agenda Items after the public hearing is concluded.

**6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed.**

**6.1. Public Hearing to Request Comment on Marion County's Fiscal Year 2021-2022 Annual Action Plan for the Community Development Block Grant (CDBG), Marion County HOME Consortium (HOME) Funds, and Emergency Solutions Grant (ESG)**

Description/Background: Marion County receives Community Development Block Grant (CDBG) funds, HOME Partnership Consortium (HOME) funds and Emergency Solutions Grant (ESG) funds as an Entitlement County for the benefit of low-to-moderate income residents. Marion County formed a Consortium with the City of Ocala for the receipt of HOME funds in which Marion County is the lead agency. The City receives CDBG funds independently as an Entitlement City.

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The FY 2021-2022 Action Plan is the third plan of the FY 2019-2024 Five-Year Consolidated Plan. The current Consolidated Plan indicates that funds must be expended to achieve the following for low -to-moderate income households and/or predominantly low-income areas: Essential Housing, Homelessness, and Community Development.

Goal #1 - Essential Housing: CDBG and HOME Funding Programs

**Objective:** Maintain existing units and increase the availability of affordable units for rent and home ownership

**Outcome:** Catalyze affordability and sustainability within projected housing market

Goal #2 - Homelessness: HOME and ESG Funding Programs

**Objective:** Prevent further instances of homelessness and reduce the number of those currently experiencing literal homelessness

**Outcome:** Catalyze direct service opportunities for sustained independence and housing

Goal #3 - Community Development: CDBG Funding Program

**Objective:** Provide assistance to non-profit and for-profit agencies to retain jobs, build job skills, and improve neighborhood infrastructure

**Outcome:** Economic development and community sustainability

**Projected Funding Breakdown and Eligible Project Types:**

CDBG Grant Award: \$2,041,257

Owner-Occupied Housing Rehabilitation

Public Infrastructure Projects

Public Service Projects

Non-Profit Facility Renovation Projects

HOME Consortium Grant: \$ 887,773

Creation of Affordable Housing Units

Owner - Occupied Housing Rehabilitation

Community Housing & Development Organization

Homebuyer Purchase Assistance

ESG: \$168,937

Homeless Prevention

Rapid Rehousing

Homeless Outreach Workers

Emergency Shelter

Housing Relocation and Stabilization

Homeless Management Information System

To meet Citizen Participation Plan requirements, Resolution 19-R-024, the County must hold a public hearing to take public comment on the proposed Annual Action Plan. The advertisement was placed in the Ocala Star Banner for publication on July 02, 2021. The Thirty (30) day public comment period began on July 03, 2021 at 8:00 am ET, and ends on August 01, 2021 at 5:00 pm ET. The final plan and certifications will be presented to the Board of County Commissioners for approval on August 03, 2021 to be submitted to the Department of Housing and Urban Development (HUD) by August 14, 2021. HUD may take up to 45 days to review and approve the plan. Once approved, a contract for each program will be sent to Marion County from HUD for signature and release of funding.

Budget/Impact: Neutral; revenue of \$3,097,967.

Recommended Action: Request Public Comment for Marion County FY 2021-2022 Annual Action Plan for the Community Development Block Grant (CDBG), Marion County HOME Consortium Funds, and Emergency Solutions Grant (ESG).

Deputy Clerk McAllister presented Proof of Publication entitled, "Notice of Public Hearing" published in the Star Banner newspaper on July 2, 2021. The Notice states the Board will consider public comment for Marion County FY 2021-2022 Annual Action Plan for the Community Development Block Grant (CDBG), Marion County HOME Consortium Funds, and Emergency Solutions Grant (ESG).

Community Services Director Cheryl Martin advised that as part of the Department's 5 year Annual Action Plan, there is a requirement relating to holding a public hearing for public comment, noting this is the third Action Plan of the 5- Year Plan for the Community Development Block Grant (CDBG), Home Investment Partnership (HOME) and Emergency Solutions Grants (ESG). She stated this year's Action Plan is expected to generate \$3,097,967.00 between CDBG, HOME, and ESG.

Ms. Martin advised that Department goals include, essential housing, homelessness, and community development, noting each goal has specific criteria relating to the application process and the distribution of those funding sources. She shared photos from previous community development projects.

Ms. Martin provided a breakdown of the criteria to receive funding based on income limits adjusted to family size. She advised of multiple partnerships including non-profits that provide services to the homeless population.

Ms. Martin stated the Department will accept public comment through the end of July, 2021, and at the next BCC meeting, the plan will come before the Board for approval. She advised that on August 16, 2021, the draft plan will be submitted to HUD, once the approval is received, funding will follow, and then contracts will come back before the Board for approval.

Commissioner Curry questioned whether requests for funding from the Community Foundation takes away from funding that is already committed for other projects. Ms. Martin stated the Community Services Department funds programs and projects through CDBG and open applications to the public, so if the Community Foundation has a project and a program that qualifies to benefit a low-to-moderate income population, it will be evaluated, scored and brought to the Board for approval.

In response to Commissioner Curry, Ms. Martin stated through the CDBG, Community Services is allowed to allocate 15% of that entitlement to what is called "public services", noting the Community Foundation did apply for money this year. She advised that those applications have not been scored yet, but the request falls under public service criteria and would not cut into any of the administrative dollars of those funds.

Commissioner Stone questioned the 15% allocation for projects. Ms. Martin clarified that 15% went towards public service, noting 20% of the entire allocation is for administration, and the remaining 65% is for larger projects including infrastructure and public facility projects.

Chairman Gold opened the floor to public comment.

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

Chairman Gold passed the gavel to Commissioner Bryant, who assumed the Chair.

A motion was made by Commissioner Stone, seconded by Commissioner Gold, to accept the plan as presented with public comment to be over the course of the time that has been stated, and then it will return to the Board in mid-August for approval. The motion was unanimously approved by the Board (4-0).

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Chairman Bryant returned the gavel to Commissioner Gold, who resumed the Chair. (Ed. Note: The Deputy Clerk did not receive a copy of the PowerPoint Presentation).

**NEW BUSINESS:** Commissioner Bryant questioned whether the MSTU Department was able to reach out to anyone relating to the project boundaries and possible cost savings Ms. Rumans addressed during her public comment.

MSTU Director Alan Jones stated the construction process is underway already in Emil-Marr, but he can reach out to the contractor to see if there would be some type of savings realized if the project was extended. He advised that MSTU would have to work with the Legal and Finance Departments to ensure it could be done.

In response to Chairman Gold, ACA Tracy Straub advised that because this project is well underway and in construction, there is little hope of the contractor altering his prices. Chairman Gold requested Mr. Jones explain the Pavement Condition Index (PCI) program as it relates to noticing the impacted homeowners.

Mr. Jones stated Emil-Marr is a PCI project, initiated by MSTU staff and OCE. There are community meetings, a workshop, and public hearings with the BCC. During the community meetings feedback is requested, which is passed along to the BCC. He advised that there is no formal petition process or voting with the property owners.

In response to Chairman Gold, Mr. Jones stated there is a difference between the taxes paid in the County as opposed to those in the City of Ocala, noting the City of Ocala uses a different program for their road maintenance and improvements. He advised that in the County residents only pay for projects they derive a special benefit from, noting subdivision roads are improved via the PCI or petition process.

Chairman Gold questioned when the MSTU for road projects was initiated.

Ms. Straub stated the program was likely started in the early 1980s.

**NEW BUSINESS:** Commissioner Curry advised of conversations with the Property Appraiser relating to Amendment 11. He stated the Amendment assists the poorest of the poor, noting an individual must have a household income less than \$30,000.00, must have lived in their home for 25 years or more, the home must be valued at no more than \$250,000.00, and the individual must be 65 years of age or older. Commissioner Curry advised that the Property Appraiser cannot project exactly how many people would fall under that category, although he said it would be a minimal amount. He stated the reason the Property Appraiser does not have an exact count is because he has access to all necessary factors except the individuals' income.

Chairman Gold opined that more information is needed relating to this topic and he is not prepared to bring it back at the next meeting until more research is completed.

Commissioner Bryant stated back in 2012 when Amendment 11 was passed, the County was in the middle of the Great Recession and did not have a penny to spare. She advised that she is not opposed to looking at the issue again but needs to have data relating to the numbers.

In response to Commissioner Bryant, Mr. Minter stated the County would have to adopt an Ordinance to approve the exemption.

Commissioner Bryant advised that she wants to know what other Counties have implemented Amendment 11.

### **13. GENERAL PUBLIC COMMENT: (CONTINUED)**

Jack Stackman NE 248<sup>th</sup> Avenue Road, Salt Springs, stated he recalls the discussion relating to Amendment 11, noting Commissioner Zalak was a strong opponent of the Amendment. He expressed concern relating to a lack of maintenance on his road, noting he fears if it is not properly maintained, the County may decide to repave it at a greater cost. Mr. Stackman advised that drainage issues are the cause of the deterioration of the road.

Chairman Gold advised that public comment is now closed.

**14. NOTATION FOR RECORD:**

**14.1. County Administrator Informational Items:**

**14.1.1.** Present Letter Dated May 24, 2021 from Representative Joe Harding Regarding Marion County Projects Funded in the FY 21/22 Budget

**14.1.2.** Present Letter Dated June 24, 2021 from the Secretary of the Interior Regarding Funding for 2021 Payments in Lieu of Taxes (PILT) Program

**14.1.3.** Present Ocala Metro Chamber and Economic Partnership Quarterly Report for April through June 2021

**14.1.4.** Present Notification of the Appointment of Henry Holland as County Engineer

**14.1.5.** Present Letter from SMA Healthcare Regarding Merger with The Centers Effective July 1, 2021

**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 Administrative Budget Transfer Report

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

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

**14.4.4.** Present Memorandum from Gregory C. Harrell, Clerk of the Circuit Court and Comptroller, Regarding the Filing of Ordinances 21-15, 21-16, 21-17, and 21-18 with the Secretary of State's Office

**14.4.5.** Present Financial Statements and Independent Auditor's Report for Year Ended September 30, 2020 Prepared by James E. Davis, Certified Public Accountant, for Marion Soil and Water Conservation District

**14.4.6.** Present Letter Dated July 6, 2021 from the City of Belleview, Development Services Department, Regarding Small Scale Comprehensive Plan, Future Land Use, and Zoning Map Change for Parcel Number 36872-000-00

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

**14.5.1.** District 5 and 24 Medical Examiner Advisory Committee - February 26, 2021

**14.5.2.** Historical Commission - April 12, and May 10, 2021

**14.5.3.** Housing Finance Authority - May 12, 2021

**14.5.4.** Marion County Fire and EMS Advisory Board - February 11, 2021

**14.5.5.** Marion County Hospital District (MCHD) - May 24, 2021

**14.5.6.** Planning and Zoning Commission - May 24, 2021

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

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

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

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

There was a recess at 10:25 a.m.

The meeting reconvened at 2:05 p.m. with all members present, except Commissioner Zalak, who arrived shortly after the meeting commenced.

Also present were: Growth Services Director Mary Elizabeth Burgess, Senior Planners Chris Rison and Ken Weyrauch, Transportation Planner Ken Odom, Administrative Staff Assistant Stephanie Soucey, Staff Assistant IV Darlene Pocock, County Attorney Matthew G. Minter, and ACA Tracy Straub.

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

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

Deputy Clerk Lewter advised that there are two Proofs of Publication to be presented this afternoon.

The first Proof of Publication is a display ad entitled "Notice of Public Hearing to Consider Development Agreement Modification for Joylen G. Carlson" published in the Star Banner newspaper on July 13, 2021. The Notice States the Board will consider the Modification of a Development Agreement between Joylen G. Carlson and Marion County.

The second Proof of Publication is legal ad No. 6021616 entitled, Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on July 5, 2021. 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.

County Attorney Matthew G. Minter provided a brief overview of the process for today's Zoning and SUP hearings. He noted the applicant will be given an opportunity to give their initial presentation to the BCC or they may wait until after public comment, at which time the applicant (or agent) will respond. If a speaker has questions for the applicant, they must address the BCC at the podium and the Board will then in turn direct those issues to the applicant for a response.

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

Chairman Gold advised that the applicant for Agenda Item 15.2.1 has requested the matter be continued until Tuesday, August 17, 2021 at 2:00 p.m.

Growth Services Director Mary Elizabeth Burgess stated the applicant is now requesting the matter be continued to Tuesday, September 14, 2021 at 2:00 p.m.

Chairman Gold advised that anyone present will be able to make comments today, noting the development plans may change prior to the next meeting.

#### **15.1. Planning and Zoning Consent Items:**

Growth Services Director Mary Elizabeth Burgess advised that the six (6) petitions listed on the consent agenda are recommended for approval by both the Planning Division and the P&Z Commission.

The following chart contains items that received no objection during the Planning and Zoning Commission Meeting:

	ITEM	OWNER	FROM-TO	ACREAGE
1	210702Z	Robert Froehling	R-4 to R-3	3.57
2	210703Z	Erika Ann Witt	R-1 to A-1	20.08
3	210704Z	Madeleine Alejandrino and Gabriel Bueno	B-2 to A-1	4.22
4	210705Z	Scott Mullikin and Dennis DeVore	R-1 to R-4	0.5
5	210706Z	Jose Gutierrez and Felsy Quirindongo	A-1 to B-4	9.58
6	210707Z	Derek Grady and Chimere Hunter	R-4 to RR-1	1.82

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen and seconded by Mr. Gaekwad to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (210702Z, 210703Z, 210704Z, 210705Z, 210706Z and 210707Z) based on the following findings of fact:

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

The Motion passed 6-0

Chairman Gold opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to approve consent agenda items 15.1.1 through 15.1.6, 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 (4-0).

The motion approved the consent agenda items as follows:

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

**15.1.1. 210702Z - Robert Froehling, R-4 to R-3, 3.57 Acres**

The Board granted a petition by Robert C. Froehling, 1360 NW 19<sup>th</sup> Court, Crystal River, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-4 (Residential Mixed Use) to R-3 (Multiple Family Dwelling), for all uses permitted, on an approximate 3.57 Acre Tract, on Parcel Account Numbers 13415-000-00 and 13416-000-00.

**15.1.2. 210703Z - Erika Ann Witt, R-1 to A-1, 20.08 Acres**

The Board granted a petition by Erica Ann Witt, 5705 Jack Brack Road, St. Cloud, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from

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R-1 (Single Family Dwelling) to A-1 (General Agriculture), for all uses permitted, on an approximate 20.08 Acre Parcel, on Parcel Account Number 44686-007-01.

**15.1.3.** 210704Z - Madeleine Alejandrino and Gabriel Bueno, B-2 to A-1, 4.22 Acres  
The Board granted a petition by Madeleine Alejandrino and Gabriel Bueno, 1750 NE 165<sup>th</sup> Street, Citra, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and B-2 (Community Business) to A1 (General Agriculture), for all uses permitted, on an approximate 4.22 Acre "Portion Of a 23.56 Acre Parcel, on Parcel Account Number 07570-091-00.

**15.1.4.** 210705Z - Scott Mullikin and Dennis DeVore, R-1 to R-4, 0.50 Acres  
The Board granted a petition by Scott D. Mullikin and Dennis L. DeVore, PO Box 663, McIntosh, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-1 (Single Family Dwelling) to R-4 (Residential Mixed Use), for all uses permitted, including placement of a new Mobile Home, on an approximate .50 Acre Parcel, on Parcel Account Number 02924-000-00.

**15.1.5.** 210706Z - Jose Gutierrez and Felsy Quirindongo, A-1 portion to B-4, 9.58 Acres  
The Board granted a petition by Jose W. Gutierrez and Felsy J. Quirindongo, 12550 SW 112<sup>th</sup> Street Road, Dunnellon, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 and B-5 (General Agriculture and Heavy Business) and B-4 (Regional Business) to B-4 (Regional Business), for all uses permitted, on an approximate 9.58 Acre Parcel, on Parcel Account Number 35334-002-00.

**15.1.6.** 210707Z - Derek Grady and Chimere Hunter, R-4 to RR-1, 1.82 Acres  
The Board granted a petition by Derek B. Grady and Chimere Hunter, 17150 SE 30<sup>th</sup> Avenue, Summerfield, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-4 (Residential Mixed Use) to RR-1 (Rural Residential), for all uses permitted, including placing proposed primary and guest homes on each lot, on an approximate 1.82 Acre Tract, on Parcel Account Numbers 4492-009-018 and 4492-009-019.

**15.2. Planning and Zoning Items for Individual Consideration:**

**15.2.1.** 210502Z - Maro Investment Ocala, LLC. Rock Cloutier, Modification and Renewal of a PUD, 221.75 Acre (Continued until August 17, 2021 at 2:00 PM)  
The Board considered a petition by Maro Investment Ocala, LLC, c/o Rock Cloutier, 132 Olivera Way, Palm Beach Garden, FL, for a Modification and Renewal of Zoning Change #140807Z, Articles 2 and 4, of the Marion County Land Development Code, from PUD (Planned Unit Development) to PUD (Planned Unit Development), for the intended use of a proposed single family residential subdivision with 980 units, and neighborhood commercial, on approximately 221.75 Acres, on Parcel Account Nos. 41201-000-00, 41338-001-00, 44639-001-00 and 44645-002-00.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 137= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Lourenco, seconded by Mr. Colen, to disagree with staff's findings and recommendation, and recommend approval with alternative development conditions of the requested 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 3 to 2 with Mr. Behar and Mr. Bonner dissenting.

Ms. Burgess reiterated that the applicant has requested to continue this matter to Tuesday, September 14, 2021 at 2:00 p.m., noting it will be re-advertised.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to continue this matter to Tuesday, September 14, 2021 at 2:00 p.m. The motion was unanimously approved by the Board (4-0).

Chairman Gold opened the floor to public comment.

Robert Saltzman, SW 160<sup>th</sup> Lane, questioned the reason for continuance. Chairman Gold stated the applicant has requested a continuance, which cannot be approved prior to the Board voting at the meeting.

Mr. Saltzman advised that there are billboards on SW 20<sup>th</sup> Avenue stating the property has been approved for a PUD and there is also a notice posted advising of the August 17, 2021 hearing.

ACA Tracy Straub stated the signage is placed by the private property owner and does not say anything inappropriate; therefore, it is not a billboard standard the County can regulate.

Commissioner Bryant opined that the billboard is based on the prior approved PUD and it has been in place for a long time.

Mr. Saltzman stated he was told that the prior PUD expired in 2019 and these billboards were installed after the expiration, but that has not been confirmed.

David Tillman, Tillman & Associates Engineering, SE 16<sup>th</sup> Avenue, advised that the applicant did put the billboards up after the expiration of the PUD, but he did not realize the PUD was expiring. He stated the reason for the continuance request is the applicant is trying to work on transportation improvements in that region and tie those improvements to the project.

Commissioner Curry questioned if the signs could be covered. Mr. Tillman stated taking down or cover the signs would be costly.

Commissioner Bryant advised that the applicant is working diligently to address some of the transportation issues in that area of the County.

Chairman Gold advised that public comment is now closed.

#### **15.2.2. 210310SU - Wayne Rhoads, Special Use Permit in A-1, 9.78 Acres**

The Board considered a petition by Wayne L. Rhoads, 14100 N. US Highway 441, Citra, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a Kennel — Breeding and Selling of Yorkshire Terriers, Jack Russell Terriers, Dachshunds & Chihuahuas, in an A-1 (General Agriculture) zone, on an approximate 9.78 Acre Parcel, on Parcel Account Number 41804-000-07.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 14= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Behar, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend approval of the requested special use permit 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 to 0

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Chairman Gold passed the gavel to Commissioner Bryant who assumed the Chair. Commissioner Gold out at 2:29 p.m.

Transportation Planner Ken Odom, Growth Services, commented on the SUP request. He advised that there have never been any Code Enforcement violations on this property, noting the applicant is just coming into compliance with the current County requirements. Commissioner Zalak arrived, and Commissioner Gold returned at 2:30 p.m.

Chairman Bryant returned the gavel to Commissioner Gold who resumed the Chair.

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

1. The site shall be operated consistent with the submitted conceptual plan and conditions provided with this approval.
2. This Special Use Permit shall run with the applicants (Wayne L. Rhoads and Alice English) and not the property.
3. The owners/operators, Wayne L. Rhoads and Alice English, shall reside on site.
4. Installation of any signage indicating the location of this business shall be in compliance with Marion County Land Development Code Article 4 – Zoning, Division 4 – Advertising Signs.
5. All lighting onsite shall be directed away from neighboring properties (pointed down) and shielding provided to prevent the overflow of light into the neighboring properties.
6. All dog waste shall continue to be collected daily and removed from the site weekly.
7. The Special Use permit allows up to twenty-four dogs (a combination of males and/or females and puppies) to be active within the kennel operation at any given time
8. This permit allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
9. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.
10. Dogs on property under this Special Use Permit shall not be kept in outside areas before 7:00 am or after 10:00 pm.
11. The applicant must obtain, and maintain, a kennel licensure from Marion County Animal Services.
12. If the applicant should decide to modify their current operations to include a new breed of canine, notification to Marion County Growth services and Marion County Animal Services shall take place within thirty days of any active breeding canine, other than Chihuahua, Dachshund, Yorkshire Terrier or Jack Russell Terrier, being housed on the subject parcels.
13. The Special Use Permit shall expire on July 20, 2026; however, it may be renewed administratively for up to 5 years 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 Manager 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).

Alice English, US Highway 441, Citra, applicant, declined to speak.

Chairman Gold opened the floor to public comment.

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

In response to Mr. Minter, Ms. English advised that she does agree to the Conditions provided by staff.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt Resolution 21-R-335 granting the SUP with Conditions 1 through 13, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

**15.2.3. 210713SU - Royce Ann Nelson and Randia Anne Sharpe, Labradoodle Country, LLC. Special Use Permit in A-1, 16.54 Acres**

The Board considered a petition by Royce Ann Nelson and Randia Anne Sharpe, c/o Labradoodle Country, LLC, 3825 SE 180<sup>th</sup> Street, Summerfield, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a Kennel — Breeding and Selling of Labradoodles, in an A-1 (General Agriculture) zone, on an approximate 16.54 Acre Parcel, on Parcel Account Number 44936-001-01.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 7= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the requested Special Use Permit 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 to 0

Senior Planner Ken Weyrauch, Growth Services, commented on the SUP request. He advised that staff received 1 letter of opposition by a person that does not live in the area and there have been no Code Enforcement cases.

In response to Chairman Gold, Mr. Weyrauch stated once the applicant receives the kennel license they will have to go through Animal Services inspection process once or twice per year at the applicants expense.

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

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1. The site shall be developed in accordance with the submitted conceptual plan.
2. The Special Use permit shall run with the applicant (Royce Ann Nelson), who shall reside on-site.
3. Any accessory building related to the housing or shelter of the dogs shall be permitted and in conformance with the Marion County Land Development Code and shall provide stormwater treatment and control for existing and proposed impervious areas.
4. All dog waste shall be enzyme-treated and/or collected daily and in either case removed from the site biweekly.
5. The applicant and kennel operation must follow the requirements of Marion County Animal Services for kennel operations. This includes licensing, vaccinations, and care of the animals.
6. Existing vegetative buffers shall remain and be maintained.
7. The Special Use Permit shall expire/terminate if there is a division and/or subdivision of the subject property.
8. Total dogs to be kept on the property shall not exceed 40 adult dogs.
9. The Special Use Permit shall expire on July 20, 2026. The applicant may submit a new Special Use Permit Application for consideration to renew and extend this permit in the future.

Royce Nelson, SE 180<sup>th</sup> Street, applicant, advised that she had nothing further to add. In response to Chairman Gold, Ms. Nelson stated kennels were made of modified shipping containers, noting they have tiled floors, air conditioning, windows and doggy doors. She advised that there are cameras in the kennels to monitor the dogs. Ms. Nelson stated the breeding dogs are retired at 7 years old and new forever homes are found for them. She advised that she does agree to all conditions provided by staff.

Chairman Gold opened the floor to public comment.

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

Commissioner Bryant questioned if the applicant performs genetic testing on the dogs. Ms. Nelson advised that a couple of the male dogs have been genetically tested, but the newest male was not due to issues with the company and COVID-19.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to adopt Resolution 21-R-336 granting the SUP with Conditions 1 through 9, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

**15.2.4. 210714SU - The Eubanks Family Trust, Celeste Eubanks TR, Special Use Permit in A-1, 2.06 Acres**

The Board considered a petition by The Eubanks Family Trust, c/o Celeste Eubanks, TR, 7979 SE Highway 42, Summerfield, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a Kennel — Breeding and Selling of Chihuahuas, in an A-1 (General Agriculture) zone, on an approximate 2.06 Acre Parcel, on Parcel Account Number 48343-003-01.

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 13= 8%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Behar, seconded by Mr. Gaekwad, to agree with staff's findings and

recommendation, and recommend approval of the requested special use permit 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 5 to 1 with Robert Colen dissenting

The Board requested the following added condition:

Opaque screening shall be installed and maintained on/in the existing chain link fencing and gate along the site's SE Hwy 42 frontage. The opaque screening may be in the form of vinyl slats provided in the chain link fence "mesh", or fabric screening mounted to the chain link fence.

Senior Planner Christopher Rison, Growth Services, commented on the SUP request. He advised that there was a Code Enforcement Case in 2010, but at that time it was the applicant's mother residing on the property, not the applicant.

Mr. Rison advised that the Planning and Zoning Commissioner recommended screening should be provided in the front of the property, which the applicant has already installed. The applicant has also acquired no bark collars for the dogs. He stated during the site visit one dog barked at him, but the only other barking that could be heard came from neighboring properties. Mr. Rison provided pictures on the overhead screens showing the improvements made to the property and the surrounding area. He stated staff received several letters of opposition, noting 3 letters were from property owners within 300 feet of the subject parcel, 2 letters were from property owners outside the 300 feet and 1 letter staff was unable to determine where the author was located.

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

1. The site shall be operated consistent with the submitted Special Use Permit (SUP) Application, conceptual plan, and conditions as provided with this approval.
2. This SUP shall run with the applicant (Jeanne Eubanks) and not the property.
3. The applicant/operator, Jeanne Eubanks, shall reside on site.
4. This SUP allows a Chihuahua breeding operation to be actively kenneled onsite as follows:
  - a. Up to sixteen (16) breeding females and four (4) breeding males for a total of nineteen (19) adult breeding dogs,
  - b. Up to fifty (50) puppies until weened, and
  - c. An overall maximum total of 69 dog/puppies.
5. This SUP allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
6. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.
7. Dogs active in the kennel operation shall not be allowed in outside areas before 7:00 am or after 10:00 pm unless they are being transported for emergency purposes.

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8. All dog waste shall continue to be collected daily and removed from the site at least weekly.
9. The site shall be connected to Marion County Utilities for central services, unless a suitable Land Development Code Waiver is obtained.
10. Any/all lighting onsite shall be directed away from neighboring properties (pointed down) and shielding provided to prevent the overflow of light into the neighboring properties.
11. Uses ordinarily permitted for A-1 zoned properties may be conducted onsite; however, any new development on the parcel shall be required to be addressed through an appropriate site plan submittal to Marion County in order to address any storm water runoff.
12. The applicant must obtain, and maintain, an active kennel licensure from Marion County Animal Services.
13. The Special Use Permit shall expire on July 20, 2026; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent 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).
14. Opaque screening shall installed and maintained on/in the existing chain link fencing and gate along the site's SE Hwy 42 frontage. The opaque screening may be in the form of vinyl slats provided in the chain link fence "mesh", or fabric screening mounted to the chain link fence.

Jeanie Eubanks, SE Highway 42, applicant, presented a 1 page handout containing an Amazon receipt for Privacy Slat fencing and a 1 page letter from her veterinarian advising that the "No Bark" collars do not hurt the dogs, noting when the dog barks the collar makes a noise, which discourages them from barking. She stated the neighbors closest to her have not complained, but the neighbors across the highway are the ones who have issues.

Ms. Eubanks advised that someone went to surrounding neighbors and campaigned against the SUP. She stated it is politically motivated as a result of differing opinions.

Ms. Eubanks stated there will not be 69 dogs on the property. There are 16 females and 4 males for a total of 20 adult dogs. Each female may have at most 3 puppies and they do not all have puppies at the same time. She advised that the puppies are never left outside and she charges \$100.00 for an appointment for a buyer to come view the puppies.

Ms. Eubanks advised that when staff came out to the property her dogs were not barking it was the neighbors Great Danes. She reiterated that there will never be 69 dogs on the property.

In response to Commissioner Zalak, Mr. Rison advised that 1 dog barked when he approached the property, but stopped. The dogs that kept barking were the two larger dogs to the north of the property, which belong to a different property owner.

General discussion ensued.

Chairman Gold opened the floor to public comment.

Paul Coia, SE 80<sup>th</sup> Bellavista Circle, expressed concern regarding excessive noise coming from the subject parcel, the negative impact the business will have on surrounding property owners, and waste removal.

Chairman Gold advised that public comment is now closed.

Ms. Eubanks advised that her family purchased the property in 2001 prior to the Villages being developed, noting there have always been dogs on the property.

In response to Chairman Gold, Mr. Rison stated all dog waste shall continue to be collected daily and removed from the site at least weekly.

Ms. Eubanks advised that the reason she is able to sell the dogs at such a high price is because of how well they are maintained.

Commissioner Zalak questioned if there were barking Conditions. Mr. Rison stated there are no barking Conditions but staff is recommending the "No Bark" collars when outside. General discussion ensued.

Ms. Eubanks requested the number of allowed puppies be up to 25.

Commissioner Bryant clarified that there will be a total of 20 adult dogs, 16 females and 4 males and no more than 25 puppies. It was the general consensus of the Board to agree.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Resolution 21-R-337 granting the SUP with Conditions 1 through 14, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 21-R-337 contains the following Conditions:

1. The site shall be operated consistent with the submitted Special Use Permit (SUP) Application, conceptual plan, and conditions as provided with this approval.
2. This SUP shall run with the applicant (Jeanne Eubanks) and not the property.
3. The applicant/operator, Jeanne Eubanks, shall reside on site.
4. This SUP allows a Chihuahua breeding operation to be actively kenneled onsite as follows:
  - a. Up to sixteen (16) breeding females and four (4) breeding males for a total of twenty (20) adult breeding dogs,
  - b. Up to twenty-five (25) puppies until weened, and
  - c. Puppies may be kept on-site until weaned.
5. This SUP allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
6. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.

7. Dogs active in the kennel operation shall not be allowed in outside areas before 7:00 am or after 10:00 pm unless they are being transported for emergency purposes. Dogs may be kept outside beyond the indicated hours provided the outside dogs are fitted with operating anti-/no-bark collars, comparable to the collars presented and photographed by staff (reference attached Exhibit "A"), and subject to acceptability to Marion County Animals Services.
8. All dog waste shall continue to be collected daily and removed from the site at least weekly.
9. The site shall be connected to Marion County Utilities for central services, unless a suitable Land Development Code Waiver is obtained.
10. Any/all lighting onsite shall be directed away from neighboring properties (pointed down) and shielding provided to prevent the overflow of light into the neighboring properties.
11. Uses ordinarily permitted for A-1 zoned properties may be conducted onsite; however, any new development on the parcel shall be required to be addressed through an appropriate site plan submittal to Marion County in order to address any storm water runoff.
12. The applicant must obtain, and maintain, an active kennel licensure from Marion County Animal Services.
13. The Special Use Permit shall expire on July 20, 2026; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent 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).
14. Opaque screening shall be installed and maintained on/in the existing chain link fencing and gate along the site's SE Hwy 42 frontage (reference attached Exhibit "A"). The opaque screening may be in the form of vinyl slats provided in the chain link fence "mesh," or fabric screening mounted to the chain link fence.

Commissioner Bryant out at 3:04 p.m.

**15.2.5.** 210708Z - Craig Berry, Berry Trucking, A-1 and B-2 to PUD, 49.82 Acres  
The Board considered a petition by Craig T. Berry, c/o Berry Trucking, 5431 West Highway 329, Reddick, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and B-2 (Community Business) to PUD (Planned Unit Development), for all Commercial and Industrial uses permitted, on

an approximate 49.82 Acre Tract, on Parcel Account Numbers 12875-000-00, 12875-000-03, 12886-000-00, 12890-000-00 and 12897-000-00. (w/210709SU)

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 27= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Behar, seconded by Mr. Lourenco, to agree with staff's findings and recommendation, and recommend approval of the requested 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 to 0

Ms. Burgess advised that Agenda Items 15.2.5 and 15.2.6 are companion items and can be heard together. She provided a brief overview of the proposed PUD request.

Commissioner Bryant returned at 3:08 p.m.

Ms. Burgess advised that the Future Land Use designation in this area is Commerce District and Employment Center, which are more intense than what is normally seen in a retail area. She addressed the different types of business currently in the proximity to the subject parcel. Growth Services Department staff and the P&Z Commission recommends approval of the Zoning Change with the following Development Conditions:

1. The development of these parcels shall comply with the Land Development Code and all applicable regulations.
2. The entire site must comply with the 20% open space requirement.
3. The residential use located 8080 NW Gainesville shall receive a type Buffer on all applicable sides prior to any development of the property.
4. A traffic study will be required prior to Master Plan approval. 1. A traffic study methodology must be approved prior to conducting the traffic study. 2. The proposed future access road connection to SR 326 for the eastern portion of the PUD should be removed due to its proximity to the railroad crossing. There will be multiple access points to CR 25A as well as future cross access to the parcels on the northwest corner of the intersection.
5. Sidewalk will be required along CR 25A and internal to the development to connect the various uses together.
6. Parallel access is shown for the eastern portion of the PUD. Parallel access locations should also be shown for the western portion as the Future Land Use on the adjacent parcel is commercial.
7. Fire Review conditionally approved for a zone change any site improvements shall comply with the minimum requirements of the Florida Fire Prevention Code.
8. The site's land use provides for a 2.0 Floor Area Ratio (FAR).

Commissioner Curry questioned if this is a low area and if there is water around where the wood recycling will take place on the property. Ms. Burgess advised there are flood zones on the northern portion of the property, as well as where the existing wood recycling and C&D landfill is located to the north. A majority of the flood zone is on the northern portion of the abutter's property, with a slight bit on the northern portion of the subject parcel.

Ms. Burgess provided a brief overview of the SUP request (Agenda Item 15.2.6) for composting and recycling of wood products.

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

1. The development of this parcel shall comply with the Land Development Code and all applicable regulations.
2. Due to the existence of a FEMA identified floodplain, special design consideration will need to address this.
3. No soil or debris shall be tracked onto the NW Gainesville or any interconnected roadways to the proposed Planned Unit Development.
4. A detailed site plan shall be submitted for approval to the Development Review Committee to address specific site plan details such as driveway placement and access improvements will be reviewed. A traffic statement and potential analysis will also be required at that time.
5. The 20-foot minimum access road will need to be of stabilized materials to support the weight of a fire apparatus.
6. Allowances for buffer widths shall be given to maintain existing vegetation.
7. The Special Use Permit shall expire on July 20, 2026; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent 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).

David Tillman, Tillman & Associates Engineering, SE 16<sup>th</sup> Avenue, on behalf of the applicant, advised that the direction from the Board in the past was to bring this matter back as a SUP. The applicant has also included a PUD request so Conditions can be applied, which will restrict some of the permissible uses. He provide a brief overview of the types of businesses that will be utilizing the property.

Mr. Tillman addressed proposed Development Condition 4, which requires a traffic study be completed prior to Master Plan approval. He requested that if the western user does not meet the 100 trip threshold that requires a traffic study, the applicant be allowed to only do a traffic statement for that user. A traffic study will be done for the larger parcel that will be remaining on the east side of the railroad track. There is a right in/right out proposed on the east side, as well as the west side of Highway 326, the proposed Conditions recommend that be removed. The applicant would like for the right in/right out on Highway 326 be allowed to stay in place and to not be required to plat the parcel to the west, because it is going to be sold as one piece and it is already a parcel of record. Chairman Gold opened the floor to public comment.

Linda Link, West Highway 326, advised that she sent a 14 page electronic mail (email) to Commissioners regarding the proposed PUD and SUP. She expressed concerns relating to traffic and potential business that would be permitted in the proposed PUD. Ms. Link

stated she does not object to the SUP, but is opposed to the PUD rezoning.

Robert Claytor, NW Gainesville Road, commented on the existing zoning and traffic issues in the surrounding area.

Chairman Gold advised that public comment is now closed.

Mr. Tillman stated the applicant is requesting the right in/right out be located on Highway 326, noting they do not oppose adding a Condition that requires all trucks from the wood debris site to access off of County Road (CR) 25A. He stated the cross parallel access is something that is typically requested by the County to relieve traffic from having to leave one site to go out onto a public road to go to an adjacent site.

Mr. Tillman advised that the applicant has always had the intent to increase the zoning classification on this property, noting there is a user lined up waiting for the zoning to change to put in a mechanic shop on the west side of the railroad tracks. The remaining property will be sold and developed. He stated the proposed use fits the underlying Commerce District land use, which goes along with M-2 zoning. The applicant has made an attempt to reduce the intensity of the uses by applying for a PUD, which requires additional open space, restricts specific uses on this property and allows for buffers.

Mr. Tillman reiterated the request for the Board to allow the right-in/right-out on Highway 326 and not require a traffic study or Master Plan for the nine acres west of the railroad tracks.

Ms. Burgess advised that the ingress/egress on Highway 326 may not be possible due to the proximity of the railroad tracks.

Mr. Tillman requested that DRC be able to make the ingress/egress determination, noting if it is not feasible from an engineering standpoint the applicant will not contest moving the location.

Commissioner Zalak stated he requested this matter be brought back to the Board as an SUP, noting he will be voting against the PUD change.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to deny the zoning change from A-1 and B-2 to PUD based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and will adversely affect the public interest. The motion was denied by the Board by a vote of 4-1, with Commissioner Curry voting nay.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone to deny the SUP request based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and will adversely affect the public interest.

Commissioner Zalak stated the proposed site plan does not include how the business will look, how it will operate or buffer information. Commissioner Bryant concurred and stated the applicant should be given the opportunity to provide that information.

Commissioner Stone recommended continuing this matter to a later date.

Mr. Tillman advised that the applicant is not a partner and does not have the opportunity to use the existing wood recycling facility to the north. He stated the applicant does agree to the proposed SUP Conditions.

Ms. Burgess stated there is an existing heavily wooded buffer on the subject property. She advised that originally the property was part of a Code Enforcement case, which has since been rectified.

In response to Commissioner Zalak, Ms. Burgess advised that the existing buffer is approximately 30 feet and cannot be seen through.

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Commissioner Bryant questioned if the buffer was around the entire perimeter of the property. Ms. Burgess advised that it is just along the adjoining property.

General discussion ensued.

Commissioner Zalak withdrew his motion.

Commissioner Stone withdrew her second.

Chairman Gold passed the gavel to Commissioner Zalak who assumed the Chair.

A motion was made by Commissioner Curry, seconded by Commissioner Gold, to continue the SUP request (Agenda item 15.2.6) to Tuesday, August 17, 2021 at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

Chairman Zalak passed the gavel back to Commissioner Gold who resumed the Chair.

Commissioner Zalak requested that the applicant include a visual buffer that cannot be moved, operation hours and stock pile size in the SUP Conditions.

**15.2.6.** 210709SU - Craig Berry, Berry Trucking, Special Use Permit in a PUD, 10 Acres  
The Board considered a petition by Craig T. Berry, c/o Berry Trucking, 5431 West Highway 329, Reddick, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for composting and recycling of wood products, including leaves, in a PUD (Planned Unit Development) zone, on an approximate 10 Acre "Portion Of a 37.77 Acre Parcel, on Parcel Account Number 12875-000-00. (w/210708Z)

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 27= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Behar, seconded by Mr. Lourenco, to agree with staff's findings and recommendation, and recommend approval of the requested special use permit 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 to 0

This matter was addressed with Agenda Item 15.2.5.

**15.2.7.** 210513SU - Michael and Trudi Moore, Special Use Permit in A-1, 27.53 Acres  
The Board considered a petition by Michael J. and Trudi J. Moore, 12203 NW 35<sup>th</sup> Street, Ocala, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for three (3) RV sites for personal use, in an A-1 (General Agriculture) zone, on approximately 27.53 Acres, on Parcel Account No. 12627-000-01.

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 11= 9%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Bonner, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the requested special use permit 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 5 to 0

Chairman Gold passed the gavel to Commissioner Zalak who assumed the Chair.

Commissioner Gold out at 3:43 p.m.

Senior Planner Weyrauch, Growth Services, commented on the SUP request. Commissioner Gold returned at 3:44 p.m.

Chairman Zalak returned the gavel to Commissioner Gold who resumed the Chair.

Mr. Weyrauch advised that staff is recommending the RV's not be connected to the existing septic system, but the applicant does want the connection.

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

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the owner (Trudi and Michael Moore) and not the property.
3. The applicants, Trudi and Michael Moore, must reside on the subject property.
4. No more than three (3) recreational vehicles (RV's) are permitted at any time.
5. All RV sites must be a minimum of 25 feet from any property line.
6. Site shall be buffered with trees. A line of trees will need to be planted along the eastern boundary of project area where RV's will be located. Existing tree lines shall remain.
7. The recreational vehicles must be self-contained for waste disposal and connected to the existing septic system.
8. There shall be no signage or advertisements related to this use.
9. The RVs shall not be for commercial use. Two spots are for personal use and no more than one spot may be used for guests.
10. The Special Use Permit shall expire on May 18, 2024; however, it may be renewed administratively for up to 5 years 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 Manager 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).

Rob Batsel, SE 36<sup>th</sup> Avenue, Attorney on behalf of the applicant, provided a brief overview of the SUP request, noting this will not be for commercial use.

Commissioner Zalak questioned why the RV's need to be connected to the existing septic system if they are just being used for storage. Michal Moore, NW 35<sup>th</sup> Street, applicant, commented on the convenience of having the RV used for friends and family connected to the existing septic system.

Chairman Gold opened the floor to public comment.

Jack Stackman, NE 248 Avenue Road, questioned if the RV will be advertised for rent on any of the RV exchange websites. Commissioner Bryant stated only personal friends will

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be allowed to utilize the site.

Chairman Gold advised that public comment is now closed.

Mr. Batsel advised that Condition 8 states there shall be no signage or advertisements related to this use, noting any advertisement online would make this a commercial business and is prohibited under the SUP.

In response to Commissioner Stone, Mr. Batsel stated the applicant has reviewed the proposed condition and is in agreeance with the exception of the connection to the existing septic tank.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt Resolution 21-R-338 granting the Special Use Permit with Conditions 1 through 10, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 21-R-338 contains the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the owner (Trudi and Michael Moore) and not the property.
3. The applicants, Trudi and Michael Moore, must reside on the subject property
4. No more than three (3) recreational vehicles (RV's) are permitted at any time.
5. All RV sites must be a minimum of 25 feet from any property line
6. Site shall be buffered with trees. A line of trees will need to be planted along the eastern boundary of project area where RV's will be located. Existing tree lines shall remain.
7. The recreational vehicles must be self-contained for waste disposal and connected to the existing septic system.
8. There shall be no signage or advertisements related to this use.
9. The RVs shall not be for commercial use. Two spots are for personal use and no more than one spot may be used for guests.
10. The Special Use Permit shall expire on May 18, 2024; however, it may be renewed administratively for up to 5 years 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 Manager 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).

**15.2.8. 210604SU - Ronald and Tamara McCartney, Integrity Excavation and Land Clearing, LLC. Special Use Permit in A-1, 9.0 Acres**

The Board considered a petition by Ronald R. and Tamara D. McCartney, c/o Integrity Excavation and Land Clearing, LLC, 10570 SW 140<sup>th</sup> Avenue, Dunnellon, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow ten (10) loads of tree debris per week for chipping, then to be taken to be recycled, as well as, parking for one (1) commercial vehicle, in an A-1 (General Agriculture) zone, on approximately 9.0 Acres, on Parcel Account No. 46118-000-00.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 10= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Gaekwad, seconded by Mr. Kroitor, to agree with staff's findings and recommendation, and recommend denial of the requested special use permit 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

The Motion passed 5 to 1 with Jerry Lourenco dissenting

Senior Planner Weyrauch, Growth Services, commented on the request for a SUP. He advised that staff was unable to find recorded legal access to the subject property.

In response to Commissioner Zalak, Ms. Straub advised that the access road does belong to the railroad and even though the railroad acknowledges the use they may not provide permission to upgrade or improve the road.

Commissioner Stone questioned if the County could be held liable if something were to damage the railroad if the SUP is approved. Mr. Minter stated the Board would have to approve this with the caveat that the applicant receives separate approval from the railroad.

It was noted that both Growth Services staff and the P&Z Commission recommend denial of the Special Use Permit. If the Board approves the Special Use Permit, staff recommends the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. The applicant shall provide proof of legal access to the site for commercial use to zoning before any operation of the site may begin.
3. Hours of operation shall be 7 am to 5 pm, Monday through Friday.
4. No lighting or signage shall be installed related to this use.
5. No more than 10 truckloads of debris may be delivered on-site per week.
6. One commercial vehicle shall be allowed to park on-site (VIN 1NKZXJEXXLJ402409).
7. An Environmental Assessment for Listed Species (EALS) per section 6.5 of the Marion County Land Development Code will be required before the start of operation.
8. Any existing trees on the property shall remain undisturbed.
9. The area of operation shall be buffered with a six-foot berm on the north, east, and southern boundaries. A fence shall not be used as a replacement for the berm requirement.
10. There shall be no burning of tree debris imported from off-site locations.
11. The Special Use Permit shall expire on June 15, 2024.

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

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Chairman Gold opened the floor to public comment.

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

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

**15.2.9.** 210607Z - CMH Parks Inc. and Clayton Properties Group, D. Joel Adams, Modification and Renewal of a PUD, 28.58 Acres (Falls of Ocala)

The Board considered a petition by CMH Parks Inc. / Clayton Properties Group, c/o D. Joel Adams, 5000 Clayton Road, Maryville, TN, for a Modification and Renewal of a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from expired PUD (Planned Unit Development)(originally approved as Falls of Ocala Phase II — exp. 2003) to PUD (Planned Unit Development), for the intended use of a proposed single family residential development with 89 units (Falls of Ocala), on an approximate 28.58 Acre Parcel, on Parcel Account No. 23304-001-00.

WRITTEN OPPOSITION WITHIN 300 FEET 2 of 32= 6%

PLANNING AND ZONING COMMISSION RECOMMENDATION: 1st VOTE:

Motion was made by Mr. Lourenco, seconded by Mr. Bonner, to disagree with staff's findings and recommendation, and recommend denial of the requested zoning change based on the following findings of fact:

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

The vote was tied 3 to 3 with Mr. Colen, Mr. Gaekwad and Mr. Kroitor dissenting.

2nd VOTE: Motion was made by Mr. Colen, seconded by Mr. Gaekwad to agree with staff's findings and recommendation, and recommend approval of the requested 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 vote was tied 3 to 3 with Mr. Behar, Mr. Lourenco and Mr. Bonner dissenting. Transportation Planner Ken Odom, Growth Services, commented on the request for a zoning change. He advised the applicant has agreed to make this Development age restricted (55 plus) and is requesting to use some of the amenities in Unit 1. The site plan will be brought back to the Board for review at a later date.

Mr. Odom addressed egress/ingress concerns.

It was noted that Growth Services Department staff recommended approval; however the P&Z Commission made no recommendation due to a tie vote. If the Board approves the zoning change, staff recommends the following Conditions:

1. The project shall be developed consistent with the application and LDC unless otherwise revised by these conditions of approval.
2. The project shall comply with the minimum requirement for 20% open space, unless it can be affirmatively demonstrated that the existing community amenities are available to, and have capacity for, the new residential development. The project can use TDCs for a maximum of 25%

- of the required open space as per the Marion County Comprehensive Plan, Policy 9.1.8.
3. The project shall be limited to a maximum total of 87 dwelling units.
  4. The project shall work through the development review process to provide secondary access as required by the Marion County Land Development Code.
  5. All roads, parking lots, and sidewalks shall meet the requirements of the Marion County Land Development Code.
  6. The project shall be served by central potable water and central sanitary sewer services consistent with the LDC. If the development is to be served by the existing wastewater treatment facility, adequate capacity shall be demonstrated prior to the approval of Improvement Plans. Further, there shall be no violations to FDEP permit requirements and the plant must meet minimum requirements of LDC Sec. 6.16.3 at the time of development.
  7. As required in the Marion County LDC, perimeter buffers shall be included to the north, east and south and the wastewater facility shall be fenced with an opaque barrier.

Isabelle Albert, Halff Associates, N Ashely Dr, Tampa, on behalf of the applicant advised that the original PUD approved for 89 homes is expired. The applicant is also requesting 89 homes with smaller lot size and a reconfiguration of the area, with the main access through phase one, which was planned from the beginning. She stated the 20 percent (%) open space requirement reduced the number of lots to 87 units.

Ms. Albert stated she met with surrounding neighbors to address their concerns. She commented on the easement issues with the railroad, noting there is a 30 foot right-of-way (ROW) preservation in place, which will allow the Developer to provide the necessary emergency access.

In response to Commissioner Curry, Ms. Albert advised that the emergency entrance will be gated.

Chairman Gold opened the floor to public comment.

Sherry L. Papcun, SW 6<sup>th</sup> Place, did not appear when called upon to speak.

Don Prosis, SW 7<sup>th</sup> Place, presented a 1 page letter addressed to the Commissioners and urged the new Developers to live up to the promises made to the existing phase one property owners. He expressed appreciation for the applicant meeting with residents to hear concerns.

Cynthia Berry, SW 6<sup>th</sup> Place, presented a 7 page handout entitled, "PUD Rezoning", which contains signatures from the community requesting the proposed project be 55 plus. She state the applicant has agreed to the 55 plus community and expressed appreciation for all involved in this process.

Scott Porter, SW 6<sup>th</sup> Place, commented on the applicants efforts to bring the community together and expressed support for the proposed community.

Barbara Roth, SW 7<sup>th</sup> Place, did not appear when called upon to speak.

Denise Garrett, SW 6<sup>th</sup> Place, requested a legally binding letter of intent/agreement between both parties, specifically outlining the terms regarding the existing amenities.

James Sanders, SW 6<sup>th</sup> Place, reiterated how well the applicant worked with the surrounding residents. He stated during construction the emergency entrance should also be utilized as a construction entrance to reduce the impact to existing roads.

Commissioner Zalak advised that the County Engineer would be the one to determine what road will be used as a construction entrance.

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Patricia Galvin, SW 77<sup>th</sup> Court, expressed traffic concerns.

In response to Commissioner Stone, Ms. Galvin advised that a Home Owners Association (HOA) is in place and they are supposed to be responsible for road maintenance, but they have not been addressing the road issues.

Mr. Odom stated the roads were dedicated to the HOA.

Commissioner Stone questioned if the HOA has met or voted to accept any type of proposal regarding this matter. Ms. Galvin advised that to her knowledge they have not. Chairman Gold advised that public comment is now closed.

Ms. Albert advised that all the issues expressed by the residents were discussed during the community meeting and the applicant has worked to resolve those issues. The intent is to not go through the community, but instead use the emergency access if permitted by the County as a construction entrance. She stated the legal access to the property is through Falls of Ocala Phase 1.

Ms. Albert advised that there have been a lot of concerns expressed regarding the existing HOA and the applicant is working to resolve those concerns.

Ms. Straub stated the emergency access does put the development into another subdivision, which is a public road subdivision that has already gone through an MSBU/MSTU to have their roads upgraded. She advised that she does not recommend construction traffic be put into that other public road subdivision.

Luke Markham, Johnson Pope Boker Ruppel & Burns, LLP, East Jackson Street, Tampa, attorney on behalf of the Developer, advised that the Developer is in control of the HOA; therefore, any HOA maintenance responsibilities rest on their shoulders. He stated the deed restriction will be for a 55 plus community.

In response to Commissioner Zalak, Mr. Markham advised that it has not been determined if there will be 2 separate HOA's or if they will be combined into one. He advised that a final determination on amenities has not been made at this time.

Milton Andrade, Highland Homes, Highland Woods Drive, Clermont, Developer, commented on the changes made due to discussion with surrounding residents and the necessary amenity upgrades within the community.

Commissioner Zalak requested a Developers Agreement be created stated exactly what will be done relating to amenities and HOA.

Mr. Andrade advised that there will be one HOA for the entire community.

In response to Commissioner Zalak, Ms. Straub stated the plan presented by the applicant shows they are meeting the minimum requirements of the County and what is being indicated is above and beyond those requirements. She stated the Developers Agreement can be reviewed and approved prior to the improvement plan submittal, which is staff's recommendation. Mr. Andrade concurred.

Commissioner Bryant questioned if anyone tried to reach out to property owners to come to an agreement relating to the secondary access. Ms. Straub advised that originally the Developer did not have full access because the HOA was blocking them, but now that the Developer has worked out an agreement and is taking over the HOA there is room to address the secondary access.

Mr. Andrade stated initially the project was not going to be age restricted and would be completely separated from Phase 1; therefore, the first plan was to access the main parcel through 8<sup>th</sup> Street, but the ROW is not available. He advised that he has reached out to the individual homeowners to see if they could buy the ROW, but it was unsuccessful.

General discussion ensued.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the Zoning Change from an expired PUD (originally approved as Falls of Ocala Phase II — exp. 2003) to PUD, with the requirement that a Developer's Agreement is in place prior to Improvement Plan approval, agreeing with Growth Services staff 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). Commissioner Curry out at 4:38 p.m.

**15.2.10. 210701Z - Platinum Blue, Inc. Glenn Lane, Wayne Carlson and Joylen Carlson, A-1 to PUD, 41.60 Acres**

The Board considered a petition by Platinum Blue, Inc., c/o Glenn E. Lane, 10935 SE 177<sup>th</sup> Place, #305, Summerfield, FL, Wayne R. Carlson, 13080 SE 3<sup>rd</sup> Court, Ocala, FL and Joylen G. Carlson, 1422 Deerberry Drive, Blue Ridge, GA, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-3 and A-1 (Single Family Dwelling and General Agriculture), to PUD (Planned Unit Development) for the intended use of allowing a maximum of 230 proposed residential units (West Shire Village), on an approximate 41.60 Acre Tract, on Parcel Account Numbers 35639-005-00, 35639-005-01 and 35635-000-02. (w/21-04DM)

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 12= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen, seconded by Mr. Gaekwad to agree with staff's findings and recommendation, and recommend approval of the requested 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 to 0

Senior Planner Rison, Growth Services, provided a brief overview of the requested zoning change. He advised that staff does have some access concerns relating to the project and has identified other possible access points for the project.

Commissioner Curry returned at 4:41 p.m.

In response to Commissioner Zalak, Mr. Rison advised that the County Code requires any Development over 50 units to require a secondary access.

Growth Services Department staff and the P&Z Commission recommends approval of the Zoning Change with the following Development Conditions:

1. The PUD shall consist of a total of 230 multiple-family dwellings units and accompanying accessory amenities (e.g., clubhouse, pool, sport court, playground, stormwater open space, dog park, and tree grove) consistent with the PUD Application and PUD Concept Plan (Received 1/14/2021; attached).
2. The PUD's multiple-family development shall be operated and managed as a rental community as presented by the PUD Application.
3. All residential units shall include 2-car garages as shown in the PUD architectural information.
4. All site development shall comply with the minimum and maximum development standards as provided in the PUD Concept Plan's Site table (Sheet 2).

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5. For the entry driveway from Hwy 200 the following shall apply:
  - a. Minimum 5-foot wide sidewalks be provided along both sides of the entry driveway or that a single multi-use path, minimum, 8-feet wide be provided along one side of the entry driveway, with either option selected by the developer extending from Hwy 200 to the amenity center at main site area.
  - b. The entry roadway shall include a formal median to create a divided boulevard effect that maintains the median in a mountable form that continues to provide for adequate emergency vehicles access.
6. The PUD shall be developed in a phased manner, wherein the first 50 residential units may be completed; however the final 180 residential units may not be permitted and constructed unless and until a second full access to either SW 95<sup>th</sup> Street Road or SW Hwy 200 is established, constructed, and completed. The Development Review Committee (DRC) may authorize building permit issuance for some or all of the remaining 180 residential units upon submission and approval of design plans for the second full access connection and the commencement of its construction; however, no final inspections for any of the remaining 180 residential units shall be permitted unless and until the construction of second full access connection is completed and approved for operation consistent with its applicable approved design plans consist with LDC Section 6.11.4.A per the County Engineer.

Commissioner Bryant advised that the Developer met with her before applying for the zoning change and she was very impressed with the proposed project. She stated when the application was submitted to the County it was complete, noting the applicant will be the one doing the build out and has several communities in other places. Commissioner Bryant advised that she suggested the applicant speak with J.B. Ranch to obtain a secondary access to the site.

Amy Haney, Stark Enterprises, Euclid Avenue, Cleveland, Ohio, appeared on behalf of the applicant and thanked staff for their assistance with this project.

Chairman Gold passed the gavel to Commissioner Zalak who assumed the Chair.

Commissioner Gold out at 4:49 p.m.

Ms. Haney stated the Developer is working with the owners of the "Barrett" parcel to address access issues, noting the goal is to gain access to SW 95<sup>th</sup> Street Road. She requested the County's support in installing a curb cut at that location and it be included in the Developer's Agreement and PUD language. Ms. Haney also requested the County allow the Certificate of Occupancy for up to 100 units, as discussed during the Planning and Zoning Commission meeting prior to the secondary access being completed.

Commissioner Gold returned at 4:52 p.m.

Chairman Zalak passed the gavel to Commissioner Gold who resumed the Chair.

General discussion ensued.

In response to Commissioner Zalak, Ms. Haney advised that the club house is 7,000 feet interior with covered patios for a total of 10,000 square feet. There is a large 30 by 60 foot pool with a deck, grilling areas, picnic areas, a multi-sport court, putting green, dog park, and playground.

Ms. Haney stated the southern parcel is an extremely wooded area and the Developer is going to try to keep as many trees as possible.

Chairman Gold opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to approve the Zoning Change from R-3 and A-1, to PUD, 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).

Mr. Minter questioned if the Board is granting the 100 units upon showing proof of legal access to the secondary entrance.

Ms. Straub recommended the Developer be allowed to construct the 50 units and if they show ROW ownership, they can continue to 100 units. It was the general consensus of the Board to concur.

**15.2.11. 21-DM04 - Joylen Carlson, Developers' Agreement Modification**

The Board considered the request by Platinum Blue, Inc., c/o Glenn E. Lane, 10935 SE 177<sup>th</sup> Place, #305, Summerfield, FL, Wayne R. Carlson, 13080 SE 3<sup>rd</sup> Court, Ocala, FL and Joylen G. Carlson, 1422 Deerberry Drive, Blue Ridge, GA, to modify an existing Development/Developers' Agreement, required in conjunction with Comprehensive Plan Amendment 2005-L 42 (20.22 Acres), as related to rezoning application 210701Z.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 8= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Gaekwad, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend denial of the requested developers' agreement modification 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

The Motion passed 5-1 with Mr. Colen dissenting (This vote was based on the current information provided to the P&Z Commission; New information was provided to staff and will be taken into consideration at the BCC/P&Z Public Hearing)

Senior Planner Rison, Growth Services advised that this is a request to modify an existing Developer's Agreement, which applies to the 3<sup>rd</sup> southern parcel of the overall site. He stated both Staff and the P&Z Commission recommended denial based on the information provided in the original application. Additional information has been provided and staff is now recommending approval due to action taken with Agenda item 15.2.10.

Amy Haney, Stark Enterprises, Euclid Avenue, Cleveland, Ohio, appeared on behalf of the applicant, requested the language be changed to include the agreed upon 50/100 units and the curb cut on SW 95<sup>th</sup> Street Road. She advised that construction should begin on the project by November/December, 2021.

Chairman Gold opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to approve the modification to the Developer's Agreement. The motion was unanimously approved by the Board (5-0).

Mr. Minter advised that Chief Assistant County Attorney Dana Oleksy will be covering the rest of the meeting.

Mr. Minter out at 5:00 p.m.

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**15.2.12. 210715SU - ONCOMAGH, LLC. Maen Hussein, Renewal and Modification of a Special Use Permit in A-1, 88.0 Acres**

The Board considered a petition by ONCOMAGH, LLC, c/o: Maen Hussein, 6850 Silver Charm Court, Leesburg, FL, for a Modification and Renewal of a Special Use Permit - 180207SU (18-R-082), Articles 2 and 4, of the Marion County Land Development Code, for a Soccer Academy and Soccer Field facility and venue for club play, in an A-1 (General Agriculture) zone, on an approximate 88 Acre Tract, on Parcel Account Numbers 48459-000-00 and 48462-000-00.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 42= 0%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Gaekwad, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend approval of the requested Special Use Permit 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 to 0

Commissioner Bryant out at 5:03 p.m.

Transportation Planner Ken Odom, Growth Services, provided a brief overview SUP request and future plans for the site. He advised that there was one landowner who lived adjacent to the property that was sold, who expressed concern with water usage.

Commissioner Bryant returned at 5:05 p.m.

Mr. Odom advised that there are sewer services available along Highway 301 and the applicant has agreed to connect to the sewer lines, noting when water services become available, they will also make the connection. He stated the Utilities Department has expressed no objections to allowing the applicant to use a well to irrigate the fields.

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

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. This special use permit runs with the owner, ONCOMAGH LLC. and becomes null upon division or sale of the property.
3. Fields and amenities included in SUP #180207-SU have been vetted by a previously completed traffic assessment. Prior to construction of additional fields and amenities included in this SUP, an additional traffic assessment or analysis must be completed in accordance with LDC Sec. 6.11.3.
4. The project is subject to major site plan review per the LDC for any improvements that result in an increase of impervious surface. All new and existing structures to be used for the soccer academy are subject to Florida Building Codes. It is the responsibility of the applicant to ensure compliance, which may require obtaining building permits for existing structures.
5. Ingress and egress shall continue to be from SE 177th PL and US HWY 301.
6. A minimum Type E buffer is required along the eastern property boundary, adjacent to US HWY 301. A vegetative buffer is not required along other property boundaries until the area within 700ft of the boundary is to be used for any activity, including parking, or the adjacent property is developed. At such time, a minimum Type E buffer will be required. The buffer plan shall

be submitted to the Growth Services Director, or designee, for review and approval.

7. The perimeter of grassed parking areas must be delineated with railroad ties, wheel stops or other appropriate means. Grassed parking areas must be maintained to prevent denuded areas and soil erosion. Areas used for parking that are not included in the conceptual plan are subject to condition 6.
8. Parking in the Right of Way of SE 177th PL or US HWY 301 is prohibited. The applicant is responsible for ensuring adequate signage and directions are visible to patrons to prevent such parking.
9. This special use permit is limited to soccer events only. Any events that are non-soccer related will require a special event permit.
10. Lights shall be aimed toward the subject property and shielded to minimize glare and light trespass onto adjacent agricultural/residential properties as required by the LDC. When the soccer-specific stadium is scheduled to be constructed, a photometric study shall be undertaken in order to minimize lighting impacts to adjacent properties.
11. Sound Amplification shall not exceed limits set forth in Section 13-7 of the Marion County Municipal Code of Ordinances (noise ordinance).
12. Irrigation and landscaping design and maintenance shall comply with requirements of LDC 6.8.10 through 6.9.10, as applicable.
13. The following statement shall be included on the cover sheet of the major site plan, as signed by the owner: "The owner is aware of, and will comply with Marion County LDC Section 6.8.14 Fertilizers and Other Landscape Chemicals for water body and wetland protection."
14. The Special Use Permit shall expire on July 20, 2026; however, it may be renewed administratively, up to three times, for up to 5 years by a written instrument signed and issued by the Growth Services Manager (or position equivalent to the Growth Services Manager 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 Manager 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).

Anderson Desilva, South US Highway 301, advised that he has been coaching and developing youth and professional athletes for 17 years. This location has trained athletes who have played for the United States National Team and several universities. There is a demand in all age groups for expansion. He stated the goal is to attract Major League Soccer (MLS) teams and professional teams to come to the area for preseason training. Commissioner Curry commented on the possibility of the applicant partnering with the Tourist Development Council (TDC) for improvements.

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In response to Commissioner Zalak, Mr. Odom advised that the proposed Conditions do address noise and lighting concerns, noting the applicant will be required to adhere to the County Code.

Chairman Gold opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Resolution 21-R-339 granting the Special Use Permit with Conditions 1 through 16, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 21-R-339 contains the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. This special use permit runs with the owner, ONCOMAGH LLC. and becomes null upon division or sale of the property.
3. Fields and amenities included in SUP #180207-SU have been vetted by a previously completed traffic assessment. Prior to construction of additional fields and amenities included in this SUP, an additional traffic assessment or analysis must be completed in accordance with LDC Sec. 6.11.3.
4. The project is subject to major site plan review per the LDC for any improvements that result in an increase of impervious surface. All new and existing structures to be used for the soccer academy are subject to Florida Building Codes. It is the responsibility of the applicant to ensure compliance, which may require obtaining building permits for existing structures.
5. Ingress and egress shall continue to be from SE 177th PL and US HWY 301.
6. A minimum Type E buffer is required along the eastern property boundary, adjacent to US HWY 301. A vegetative buffer is not required along other property boundaries until the area within 700ft of the boundary is to be used for any activity, including parking, or the adjacent property is developed. At such time, a minimum Type E buffer will be required. The buffer plan shall be submitted to the Growth Services Director, or designee, for review and approval.
7. The perimeter of grassed parking areas must be delineated with railroad ties, wheel stops or other appropriate means. Grassed parking areas must be maintained to prevent denuded areas and soil erosion. Areas used for parking that are not included in the conceptual plan are subject to condition 6.
8. Parking in the Right of Way of SE 177th PL or US HWY 301 is prohibited. The applicant is responsible for ensuring adequate signage and directions are visible to patrons to prevent such parking.
9. This special use permit is limited to soccer events only. Any events that are non-soccer related will require a special event permit.
10. Lights shall be aimed toward the subject property and shielded to minimize glare and light trespass onto adjacent agricultural/residential properties as required by the LDC. When the soccer-specific stadium is scheduled to be

- constructed, a photometric study shall be undertaken in order to minimize lighting impacts to adjacent properties.
11. Sound Amplification shall not exceed limits set forth in Section 13-7 of the Marion County Code of Ordinances (noise ordinance).
  12. Irrigation and landscaping design and maintenance shall comply with requirements of LDC 6.8.10 through 6.9.10, as applicable.
  13. The following statement shall be included on the cover sheet of the major site plan, as signed by the owner: "The owner is aware of, and will comply with Marion County LDC Section 6.8.14 Fertilizers and Other Landscape Chemicals for water body and wetland protection."
  14. The applicant shall be required to hook up to water services for all purposes other than irrigation. Irrigation of playing fields is allowed to be conducted from well provided water.
  15. The applicant is required to hook up to sewer services.
  16. The Special Use Permit shall expire on July 20, 2026; however, it may be renewed administratively, up to three times, for up to 5 years by a written instrument signed and issued by the Growth Services Manager (or position equivalent to the Growth Services Manager 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 Manager 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).

**15.2.13. 210716SU - NCS Freedom Crossings, LLC. John Rudnianyn, Special Use Permit in B-2, 10.0 Acres**

The Board considered a petition by NCS Freedom Crossings, LLC, c/o John S. Rudnianyn, 2441 NE 3<sup>rd</sup> Street, Suite 201, Ocala, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to add outside parking (for covered boats and recreational vehicles), in a B-2 (Community Business) zone, on an approximate 10 Acre Parcel, on Parcel Account Number 35695-025-14.

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 39= 3%

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen, seconded by Mr. Gaekwad, to agree with staff's findings and recommendation, and recommend approval of the requested special use permit 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 to 0

Senior Planner Rison, Growth Services, provided a brief overview of the SUP request.

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

1. The project shall be developed consistent with the conditions outlined herein and with the project's active Major Site Plan (AR# 24813) accompanying this report. The outdoor parking shall be limited to the storage of boat trailers, boats on trailers, recreational vehicles (RVs), and/or personal non-commercial vehicles.
2. Driveway access to the project site shall be provided via SW 62nd Avenue Road, along with any potential cross-access connections provided as part of the project's site plan development review.
3. The outdoor parking area shall be located internally on the site to be surrounded by the mini-storage structures, consistent with the Major Site Plan, and the parking area clusters may be covered as elected by the applicant/developer.
  - a. In the event gaps between buildings are provided to comply with Building/Fire Code requirements, the gaps between buildings shall be filled with vinyl privacy fencing a minimum 6-foot high to present a continuous wall effect to the surrounding properties.
  - b. Construction of "Structure C" along the north boundary may be delayed and, until it is completed, perimeter fencing consisting of vinyl coated (black or dark green) chain-link fencing a minimum of 6' in height and without barb/razor-wire topping shall be provided along the north boundary. This fencing shall include either fabric screening or "slat strips" in the fencing until the northern "Structure C" mini-storage building is completed to enclose the outdoor parking area. At that time, the "gap" between "Structure C" and "Structure H" shall also be filled with vinyl privacy fencing a minimum 6-foot high; wherein the secondary access gate may be an opaque metal access gate.
4. The landscape area buffers along the east and south boundaries shall comply with the B-Type Buffer standards with the mini-storage buildings set back a minimum of 30' from the east and south boundaries. Perimeter fencing may be provided as vinyl coated (black or dark green) chain-link fencing without barb/razor-wire topping.
5. Expansion of the mini-storage facility consistent with the overall site's zoning is permitted. Outdoor parking may not take place on that expansion unless there are revisions to the LDC or a Special Use Permit Application (or then equivalent) is obtained.

In response to Commissioner Bryant, Mr. Rison advised that the applicant will be installing an enhanced type "B" buffer across the Meadow Glenn Subdivision, which has an additional 10 foot width. He provided a brief overview of what is required in a type "B" buffer.

Todd Rudnianyn, NE 3<sup>rd</sup> Street, expressed support for the Conditions as proposed by staff.

Chairman Gold opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Zalac, to adopt Resolution 21-R-340 granting the Special Use Permit with Conditions 1 through 5,

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

**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 Mary Elizabeth Burgess and Deputy Clerk McAllister regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt Ordinance 21-19 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).

Ordinance 21-19 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT PETITIONS 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 5:20 p.m.

\_\_\_\_\_  
Jeff Gold, Chairman

Attest:

\_\_\_\_\_  
Gregory C. Harrell, Clerk

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