

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

September 17, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in regular session in Commission Chambers at 9:03 a.m. on Tuesday, September 17, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Vice-Chairman Kathy Bryant, District 2; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were Clerk Gregory C. Harrell, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart and Executive Director of Internal Services Mike McCain.

ANNOUNCEMENTS:

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

1. PROCLAMATIONS AND PRESENTATIONS:

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

1.1. PROCLAMATION – Eagle Scout Court of Honor - Gabe Maldonado (Approval and Presentation)

The Board presented the Proclamation recognizing Gabe Maldonado for attaining the status of Eagle Scout in the Boy Scouts of America Organization.

Gabe Maldonado advised that his project consisted of a collaboration with the Voices of Change Animal League (VOCAL), to enhance their operational capabilities. VOCAL provides adoption services for dogs and cats. He stated the project enhanced and refurbished the storage infrastructure for VOCAL rescue cats. Mr. Maldonado advised that he also bought and built an outdoor storage chest, an outdoor storage cabinet, and constructed a donation chest.

Clerk Gregory C. Harrell commented on the amount of work and dedication it takes to attain the status of Eagle Scout.

1.2. PROCLAMATION – Give4Marion Day - Lauren Deiorio, President and Executive Director, Community Foundation for Ocala (Approval and Presentation)

The Board presented the Proclamation recognizing the September 17, 2024 as “Give4Marion Day” to Lauren Deiorio, President and Executive Director, Community

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Foundation for Ocala; Ashley Gerds, Director of Strategic & Community Engagement, Community Foundation; and several representatives from local not-for-profit agencies. Lauren Deiorio, President and Executive Director, Community Foundation, expressed her appreciation to all the not-for-profit organizations who provide services for those in need. Ashley Gerds, Director of Strategic & Community Engagement, Community Foundation, advised that this year there are 133 not-for-profit organizations participating in the Give4Marion Day, noting those organizations have raised \$1,000,000.00 with their own internal matches.

Commissioner Bryant expressed her appreciation to County staff who do their part for this event as well. She urged citizens to check out the not-for-profit organizations, noting if a citizen cannot give financially, please give volunteer time.

1.3. PRESENTATION – Bronze Flagler Award from VISIT FLORIDA to the Ocala/Marion County Visitors and Convention Bureau for Mobile Marketing for the OcalaMarion Travel Guide App - Loretta Shaffer, Tourism Development Director (Presentation Only)

Tourism Development Director Loretta Shaffer presented the following recommendation:

Description/Background: On August 28, 2024, as part of the annual Florida Governor's Conference on Tourism, Visit Florida awarded its Flagler Awards for excellence in tourism marketing. The Ocala/Marion County Visitors and Convention Bureau was awarded the Bronze Flagler for its fully customized, OcalaMarion Travel Guide App in the Mobile Marketing Category. This year's awards had a record number of submissions.

Additionally, on July 13, 2024, U.S. Travel Association presented its annual Destiny Awards for destination marketing and promotion at the local and regional level at the Educational Seminar for Tourism Organizations (ESTO). The Ocala/Marion County Visitors and Convention Bureau was recognized as a finalist for the redesigned OcalaMarion.com.

Budget/Impact: None.

Recommended Action: Presentation Only

Tourism Development Director Loretta Shaffer advised that the Ocala/Marion County Visitors and Convention Bureau (VCB) was awarded the Bronze Flagler for its OcalaMarion Travel Guide Application. She stated there are almost 4,500 downloads for the Guide App. Ms. Shaffer noted the App allows staff to showcase all the things to do in Marion County, as well as local events. She expressed her appreciation to the BCC for its support.

Chairman Stone opined that it is the leadership in Marion County that makes these awards possible, as well as the wonderful teams that work in every single Department.

1.4. PROCLAMATION – Second Bethlehem Baptist Association 150th Anniversary (Approval Only)

The Board approved the Proclamation recognizing 150 years of faith, leadership and service for the Second Bethlehem Baptist Association's 150th Anniversary.

2. AGENDA ITEM PUBLIC COMMENTS: Reserved for comments related to items specifically listed on this agenda. Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled requests will be limited to two (2) minutes. Citizens may contact

Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or submit the request online at: www.marionfl.org.

Chairman Stone opened the floor to public comment.

Joseph Walker, SE 54th Place, Ocklawaha, addressed the Board in regard to Agenda Item 9.1. as it relates to a request for a Release of Lien from a Code Enforcement violation. He expressed concern that violators have the ability to come in front of the Board to get out of paying their fines.

Chairman Stone advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES: (3 sets)

3.1. May 15, 2024

3.2. May 21, 2024

3.3. May 28, 2024

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt the meeting minutes of May 15, 21, and 28, 2024. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES: NONE

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

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

5.1.1. 24-R-403 - County Transportation Maintenance Fund - Transportation - \$50,000

5.1.2. 24-R-404 - County Transportation Maintenance Fund - Transportation - \$100,000

5.1.3. 24-R-405 - Fine and Forfeiture Fund - State Attorney Technology - \$23,500

5.1.4. 24-R-406 - General Fund - Animal Services - \$13,591

5.1.5. 24-R-407 - General Fund - Belleview Sportsplex - \$11,200

5.1.6. 24-R-408 - General Fund - Detention and Corrections - \$5,000

5.1.7. 24-R-409 - General Fund - Fleet Management - \$10,000

5.1.8. 24-R-410 - General Fund - Legislative - \$75,913

5.1.9. 24-R-411 - General Fund - Public Safety Communications - \$23,730

5.1.10. 24-R-412 - Insurance Fund - Insurance - \$14,000

5.1.11. 24-R-413 - Insurance Fund - Insurance - \$126,000

5.2. Project Adjustment

5.2.1. Request Adoption of the Capital Improvement Program Fiscal Years 2024-25 - 2028-29

The Board considered the following recommendation by Budget Director Audrey Fowler:
Description/Background: Provided for this meeting is a Project Expenditure Summary Report of the Tentative Capital Improvement Program (CIP).

The full detail of the Tentative CIP 2024-25 - 2028-29 can be found on the Clerk of the Court - Budget web page at: <https://www.marioncountyclerk.org/capital-improvement-program>

Budget/Impact: Total capital projects in the amount of \$192,073,020 are presented over five (5) fiscal years beginning with Fiscal Year 2024-25. The 2024-25 Fiscal

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Year of the CIP is funded and reconciled to the proposed fiscal year 2024-25 annual budget as revised. Adoption of the CIP provides only for a capital outlay funding plan and does not represent an official appropriation of county funds. Official appropriations for capital projects are dependent upon their inclusion in the current and future budgets of the County as adopted through the statutorily required annual budget process.

Recommended Action: Motion to approve the Capital Improvement Program as presented.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt the CIP for fiscal years (FY) 2024-25 through FY 2028-29. The motion was unanimously approved by the Board (5-0).

5.2.2. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 039050, 040808A and Facilities List Attached.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the Acquisition or Disposition of Property Forms for 039050, 040808A and the Facilities List Attached. The motion was unanimously approved by the Board (5-0).

Commissioner Zalak opined that the way the Acquisition or Disposition of Property Forms are now being presented is very clear and transparent for the BCC and Marion County citizens.

6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: NONE

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.

Commissioner Zalak highlighted the Interlocal Agreement (ILA) with Citrus, Hernando, Lake, Marion, Seminole, and Sumter Counties relating to cost shares for Medical Examiners (ME) services (Item 7.2.1.). He referred to Agenda Item 7.3.1. (Grant Agreement with Brother's Keeper to provide emergency housing services to individuals and families at risk of homelessness) and opined it is a great opportunity to help make the community better.

County Administrator Mounir Bouyounes advised of a revision to Agenda Item 7.2.1., noting the revision provides clarification relating to the termination clause (Section 24 of Agreement), as well as provides for an address correction for Hernando County.

Chief Assistant County Attorney Dana Olesky clarified that the revision stipulates that should one of the Counties terminate prior to the expiration of the Agreement, that they would still be responsible for their share of operational costs throughout the budgeted period.

In response to Commissioner Zalak, Ms. Olesky advised that this is a continuation of the previous ILA. She stated there will be a separate agreement regarding the new ME facility bonding and financing of that facility.

Chairman Stone commented on the process a County would have to go through in order to terminate the Agreement.

Chairman Stone commented on Agenda Item 7.8.1 and advised that School Board member Nancy Thrower, Marion County Public Schools (MCPS), is present and invited her to speak on the Item.

Marion County School Board Chairman Nancy Thrower, MCPS, addressed the ILA with Marion County Public Schools for use of the Marion County 7/800 MHz Radio Communications System. She expressed her appreciation to the BCC for its partnership, and advised that the ILA will enhance safety for students across the board, especially while they travel on school buses.

In response to Commissioner Zalak, Ms. Thrower stated the ILA grants permission for MCPS to operate mobile/portable radios on the County's Radio System in an effort to provide advanced, rapid, and secure communication services. She noted the radio system provides a very strong signal frequency for buses that travel to the outskirts of Marion County.

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

7.1. Administration:

7.1.1. Request Approval of Blanket Travel for Fiscal Year 2024-25 (Budget Impact - None)
The Board accepted the following recommendation as presented by Executive Assistant Jennifer Clark, Commission Office:

Description/Background: The 2025 legislative regular session begins Tuesday, March 4, 2025 and ends on Friday, May 2, 2025, the 60th and last day of regular session. Regular session is preceded by Interim Committee meetings, which may be scheduled as early as October 2024. Additionally, meetings are scheduled with many state legislators, including Marion County's own state delegation members, federal congressional leaders and associations.

Members of the Board of County Commissioners, County Administrator, and appropriate staff may on occasion, be required to travel to Tallahassee, Florida and Washington D.C., to also include legislators' district offices as well as state and federal agencies outside the county. The County Administrator will designate appropriate staff as needed. Commissioners and staff are appointed to serve on select committees through legislative associations and are members of other organizations(non-legislative) that require additional travel for their participation.

Staff is requesting consideration and approval of blanket travel as requested for Fiscal Year 2024-25 and as scheduling permits.

Budget/Impact: None.

Recommended Action: Motion to approve the blanket travel for fiscal year 2024-25.

7.2. County Attorney:

7.2.1. Interlocal Agreement Between Citrus, Hernando, Lake, Marion, Seminole and Sumter Counties for Cost Share of Medical Examiner Services and Related Matters (Budget Impact - None)

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

Description/Background: The Interlocal Agreement is between the Five (5) Counties that represent the District 5 Medical Examiner's Office as well as Seminole County, which represents the District 24 Medical Examiner's Office. The previous agreement is set to expire on September 30, 2024 and this agreement allows the continuation of the joint operation of both the District 5 and District 24 offices. Additionally, the agreement allocates the operating costs and capital

expenditures relating to the use and of maintenance of the Medical Examiner Facility based on the populations of the respective counties. The term of the agreement is for five (5) years from October 1, 2024 through September 30, 2029. Budget/Impact: None; the agreement contains the financial requirements of all counties.

Recommended Action: Motion to approve the attached interlocal agreement between Citrus, Hernando, Lake, Marion, Seminole and Sumter Counties for cost share of medical examiner services and related matters.

(Ed. Note: This Item was discussed earlier in the meeting.)

7.3. Community Services:

7.3.1. Request Approval of Marion County Standard Professional Services Agreement Emergency Solutions Grant Program Between Marion County and Catholic Charities of Central Florida, Inc. d/b/a Blessed Trinity Catholic Church Brother's Keeper (Budget Impact - Neutral; expenditure not to exceed \$62,696)

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

Description/Background: Marion County receives grant funding from the U.S. Department of Housing and Urban Development (HUD) for various programs, including the Emergency Solutions Grant (ESG) program. The ESG program helps prevent homelessness and supports emergency housing services.

Brother's Keeper, a ministry of Blessed Trinity Catholic Church, has applied for and has been selected to receive a portion of this grant. They will use the funds (\$62,695.13) to provide emergency housing services to individuals and families at risk of homelessness. They are also required to match this grant amount with their own funds and plan to assist approximately 90 families.

Budget/Impact: Neutral; expenditure not to exceed \$62,695.13

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documents associated with this Agreement between Marion County and Catholic Charities of Central Florida, Inc. d/b/a Blessed Trinity Catholic Church Brother's Keeper.

7.3.2. Request Approval of State Housing Initiatives Partnership Program Annual Report and Local Housing Incentives Certification (Budget Impact - None)

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

Description/Background: The State Housing Initiative Partnership (SHIP) allocates funding to Marion County annually through revenues from documentary stamp taxes, subject to availability. These funds are utilized to advance affordable housing initiatives in accordance with the Marion County Local Housing Assistance Plan (LHAP). SHIP regulations stipulate that entitlement communities must fully commit these funds within two years and expend them by the end of the third year. Additionally, SHIP requires the submission of an Annual Report for both the closeout and interim periods. The SHIP fiscal year (FY) spans from July 1 to June 30. Attached is the Annual Report Marion County is required to submit to Florida Housing Finance Corporation to finalize the FY 2021-22 and provide an update for the interim FY 2022-23. A short summary of efforts is also provided below.

FY 2021-22 Allocation:

* Funding Received: \$2,098,574 plus \$1,595,708.80 in program income (from interest and repayments).

* Total Spent: \$3,684,528.26.

* Remaining Balance: \$24,758.41, which will be added to next year's funds.

Achievements for FY 2021-22:

* Assisted eight (8) households with purchase assistance.

* Rehabilitated 62 housing units.

* Replaced homes for two (2) households through demolition.

* Acquired and rehabilitated 19 rental units, focusing on those with incomes between 50%-80% of the Area Median Income (AMI).

* Leverage funds from public, private, and owner contributions in the amount of \$1,169,900.35.

FY 2022-23 Allocation:

* Funding Received: \$3,042,889 from SHIP plus \$1,540,925.16 in program income, totaling \$4,583,814.16.

Goals for FY 2022-23:

* Rehab thirty-five housing units.

* Fund approximately six new single-family homes.

* Support an Affordable Housing tax credit project.

* Acquire approximately seventeen rental units.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Local Housing Incentives Certification and all other necessary documentation associated with SHIP FY 2021-22 Annual Report.

7.4. Fire Rescue:

7.4.1. Request Approval of the Public Emergency Medical Transportation Letter of Agreement with the Agency for Health Care Administration (Budget Impact - Estimated Revenue of \$3,346,939)

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

Description/Background: As part of the Public Emergency Medical Transport (PEMT) program, Marion County Fire Rescue is participating in the managed Medicaid portion that will require an Intergovernmental Transfer (IGT) to be made in order to draw down funds from the Agency for Health Care Administration (AHCA). The agreement that is provided by AHCA will allow for Marion County to recognize the realized revenues as a result of the IGT. The deadline for the agreement to be executed is October 1, 2024.

The letter of agreement with AHCA will require Marion County to pay \$2,507,423.12, which will result in revenues of \$3,346,938.58.

Budget/Impact: Estimated revenue of \$3,346,938.58 for the Emergency Medical Services fund.

Recommended Action: Motion to approve the Public Emergency Medical Transportation Letter of Agreement with the Agency for Health Care Administration.

7.4.2. Request Approval of the Amendment of the Purchase Order Agreement between Lutheran Services Florida and Marion County Board of County Commissioners d.b.a.

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Marion County Fire Rescue for Coordinated Opioid Recovery Network of Addiction Care (Budget Impact - Neutral; revenue of \$264,733)

The Board accepted the following recommendation as presented by Fire Chief Banta, MCFR:

Description/Background: Marion County's community paramedicine approach, mission, and purpose is to reduce health spending while improving the health status of the residents of Marion County. This scope of work is for Marion County Fire Rescue (MCFR) to continue providing overdose (OD) patients with treatment that includes the use of specialized emergency medical services (EMS) protocols for overdose and acute withdrawal to minimize precipitating symptoms.

MCFR will work with existing project partners and collaborate with Lutheran Services Florida to ensure patients are rapidly treated by EMS for OD withdrawal symptoms at both AdventHealth Ocala and HCA Ocala Emergency Department. This includes use of specialized EMS protocols that are defined by the Integrated Community Paramedicine Program Medical Director for OD and acute withdrawal to minimize advancing symptoms.

Budget/Impact: Neutral; revenue of \$264,733.

Recommended Action: Motion to approve the Amendment of the Purchase Order Agreement between LSF Health Services and Marion County Board of County Commissioners d/b/a Marion County Fire Rescue for CORE Network of addiction care.

7.5.1. Growth Services:

7.5.1. Request Approval for the April 1, 2024, University of Florida Bureau of Economic and Business Research Preliminary Annual Population Estimates for Marion County (Budget Impact - None)

The Board accepted the following recommendation as presented by Growth Services Director Chuck Varadin:

Description/Background: The University of Florida Bureau of Economic and Business Research (BEBR) issued its preliminary estimate for Marion County's permanent population as of April 1, 2024.

BEBR provides an unincorporated and county-wide population estimate which is listed in the table below with the United States Decennial Census results for April 1, 2020, and a comparison to last year's estimate.

AREA
April 1 st Population
2023 to 2024
2020
BEBR
BEBR
Change
%
Census
2023
2024
Unincorporated
304,064
323,650

335,782
12,132
3.74%
Countywide
375,908
398,552
413,951
15,399
3.86%

BEBR requests that Marion County confirm receipt of the estimates and advise BEBR as to whether or not the County considers the estimates to be reasonably correct. The Growth Services Department has reviewed these preliminary population estimates and considers them to be reasonably correct.

Budget/Impact: None.

Recommended Action: Motion to authorize staff to advise BEBR that Marion County considers the April 1, 2024, preliminary population estimates to be reasonably correct.

7.6. Human Resources

7.6.1. Request Approval of Broker Renewal with Combined Insurance Services, Inc. (Budget Impact - Neutral; as proposed in the FY 2024-25 budget)

The Board accepted the following recommendation as presented by Human Resources (HR) Director Sara Caron:

Description/Background: Combined Insurance Services, Inc. (CIS) is a broker that assists in agent of record/insurance consulting services for Health, Vision, Dental, Life, Long Term Disability, Employee Clinic, and IRS Section 125 Flexible Compensation plans for our constitutional offices.

The renewal outlines the various services provided by the Broker and the expectations of Marion County. Compensation is included in the proposed renewal cost. There are no additional fees or cost to Marion County.

Budget/Impact: Neutral; as proposed in the FY 2024-25 budget. The Broker compensation is included in the upcoming fiscal year's budgeted costs and is not billed separately to the county.

Recommended Action: Motion to approve broker contract renewal with Combined Insurance Services, Inc. effective October 1, 2024.

7.7. Procurement Services:

7.7.1. Request Approval of Bid Award: 24B-249 NW 60th Avenue Resurface (W HWY 326 to NW 100th Street) - Art Walker Construction, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$1,087,326 as approved in the FY 2023-24 budget)

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

Description/Background: On behalf of the Office of the County Engineer (OCE), the Procurement Department issued a bid invitation for qualified and experienced contractors to undertake a resurfacing project. The scope of work includes resurfacing existing pavement, sodding shoulders, removing and installing cross drains and end treatments, constructing driveway and side street aprons, and installing or restriping pavement markings. The contractor will also be responsible

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for cleaning out culverts and ensuring ponding does not occur at side road aprons. As-built drawings are required. Four (4) bids were received, with the tabulation listed below:

Vendor - Location

BID

Art Walker Construction, Inc. - Ocala, FL

\$1,087,326.00

Superior Asphalt, Inc. - Bradenton, FL

\$1,089,001.00

Anderson Columbia Co., Inc. - Ocala, FL

\$1,140,905.01

C.W. Roberts Contracting, Inc. - Ocala, FL

\$1,186,999.99

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

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Art Walker Construction, Inc. for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$1,087,326.00. Up to a 10% contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is available from VJ738541-563220 (STC073877) - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 24B-249.

7.7.2. Request Approval of Bid Award: 24B-256 Marion County Sheriff Office Domestic Waterline - GWP Construction, Inc, Ocala, FL (Budget Impact - Neutral; expenditure of \$396,967 as approved in the FY 2023-24 budget)

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

Description/Background: On behalf of Facilities Management Department, Procurement advertised a bid for the waterline pipe replacement at the Marion County Jail. The work includes replacing all ductile pipe with DR14-C900, valve isolation, installation of hydrants, as-built drawings and picture/video documentation for future County use. Two (2) submittals were received; the tabulation is listed below:

Vendor - Location

Bid

GWP Construction, Inc. - Ocala, FL

\$396,966.20

Art Walker Construction, Inc. - Ocala, FL

\$844,000.00

Facilities Management Department Director, Jared Goodspeed, recommends that GWP Construction, Inc. receive the award as the lowest and most responsive bidder. An eighty-thousand-dollar (\$80,000) allowance is also being requested for unsuitable soils due to the complex conditions and proximity to the Jail.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to GWP Construction, Inc for signatures. Upon return, it will be routed for County Attorney, Clerk and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$396,966.20; ten percent (10%) contingency and eighty-thousand-dollar (\$80,000) allowance will be added to the purchase order with Board approval. Funding is from VJ735523-563102-SOC000025 (Infrastructure Surtax Cap Project Fund) - \$396,966.20 VJ735523-563102-SOC000025 (Infrastructure Surtax Cap Project Fund) - \$39,696.62 (Contingency) VJ735523-563102-SOC000025 (Infrastructure Surtax Cap Project Fund) - \$80,000.00 (Allowance).

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chair and Clerk to execute the contract under 24B-256.

7.7.3. Request Approval of Change Order 1 to Purchase Order 02300714 for Utilities Engineering Design Services: 20Q-074-TO-18, I-75 Interchange at 49th Street Road - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$44,040 as approved in FY 2023-24 budget)

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

Description/Background: On January 4, 2023, the Board approved a Task Order to Kimley-Horn and Associates, Inc. (KHA) to provide engineering design services to design and permit a 16-inch waterline and a 10-inch force main for Marion County Utilities (MCU), which included servicing areas from NW 44th Avenue, beneath I-75, to the Baldwin Area east of I-75.

Change Order 1 is being presented to add an additional \$44,040 to Purchase Order 02300714 for KHA to provide additional engineering services associated with the project as approved by MCU. The additional engineering services being provided, support the project design efforts after the Florida Department of Transportation (FDOT) revised the roadway improvement project's delivery method from a design-bid build to a design-build method. In addition, the firm will be required to continue ongoing coordination with FDOT during the design-build process, which will include minor revisions to the plans, as required. The FDOT revised the project delivery method after 90% utilities improvement plans had been developed and submitted to FDOT.

Attached for review is a copy of the Change Order 1. Pending approval today, the change order will be presented for signatures from the Chair and Clerk.

Budget/Impact: Neutral; additional expenditure of \$44,040 bringing the total purchase order amount to \$142,853. Funding is from line ZF448536-563102 (Marion County Utility Fund) Project UTC000059.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute Change Order 1 to Purchase Order 02300714 for Kimley-Horn and Associates, Inc. under 20Q-074-TO-18.

7.7.4. Request Approval of Contract Amendment: 20P-162-CA-02, Background Screenings for Employees and Volunteers/Interns - Accurate Background Check, Inc., Ocala, FL (Budget Impact - Neutral; estimated annual expenditure of \$53,000, pending approval of FY 2024-25 budget)

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

Description/Background: On September 30, 2020, the County Administrator approved a three (3) year contract with Accurate Background Check, Inc. to conduct background screenings for employees and volunteers/interns. The contract allowed for two (2) annual renewals. The first annual renewal was issued on October 1, 2023, and is good through September 30, 2024. During this time, Accurate Background Check, Inc. has complied with the original contract agreement's terms and conditions, and Human Resources has provided positive evaluations. At this time, Human Resources would like to move forward with the second contract renewal period, which begins on October 1, 2024. Due to an increase in background checks being performed, the annual expenditure is expected to be \$53,000.

Attached for review is a draft of the contract amendment. Pending approval at today's meeting, it will be sent to the vendor for signature, and upon return, will be forwarded to the County Attorney, Clerk and Chair for signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$53,000. Funding is from line AA170513-531109, Human Resources General Fund.

Recommended Action: Motion to approve and allow staff to issue and upon approval by Legal, authorize the Chair and Clerk to execute the Third and Final Contract Amendment with Accurate Background Check, Inc., under 20P-162.

7.7.5. Request Approval of Contract Renewal: 21P-102-CA-02, Countywide Personal Protection Equipment - Safety Products, Inc., Lakeland, FL (Budget Impact - Neutral)

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

Description/Background: On September 14, 2021, the Board approved a two (2) year contract with Safety Products, Inc. (SPI) to supply a variety of personal protection items for use by employees at Marion County and its Constitutional Officers. The contract included three (3) annual renewal options. On October 17, 2023, the Board approved the first one (1) year renewal option. SPI has continued to perform well under this agreement, and Risk Management requests approval of the second one (1) year renewal option.

Attached for review is a draft contract amendment; pending approval at today's meeting, it will be sent to SPI for signatures and upon return, will be routed to the County Attorney, Clerk and Chair for same.

Budget/Impact: Neutral; expenditure will be based on the needs of each individual department, with funding required to be established in the appropriate accounts. Each fiscal year's expenditures, per department, shall not exceed approved annual budgeted amounts without being presented to the County Administrator or Board for approval, as appropriate.

Recommended Action: Motion to approve, and upon approval by Legal, authorize the Chair to execute the Second Contract Amendment to the Agreement with Safety Products, Inc. under 21P-102.

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

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

Description/Background: The items below have been received by Procurement Services and is approved in conformance with the Procurement Code/Manual, pending approval at today's meeting.

1. Pending Requisition/Veolia Water Technologies, Inc. d.b.a. Kruger - Marion County Utilities requests approval to repair the reuse filter unit on the west side of the Silver Spring Shores Wastewater Treatment Plant (WWTP). Veolia Water Technologies is a sole source vendor of the Disc Filters which are in use at the Silver Spring Shores WWTP. Total expenditure of \$65,439.89. Funds are available in line ZF448536-0563102, under project code UTC000138. This purchase is exempt from the competitive bidding process requirements under the Marion County Procurement Policies and Procedures Manual.

2. Pending Requisition/Insight Public Sector, Inc. - Marion County Information Technology (MCIT) requests approval to purchase LastPass Business Software annual renewal; coverage term 9/20/2024 through 9/19/2025. LastPass is an enterprise password management solution used by County employees to securely store and retrieve passwords for programs and websites used in conjunction with official County business. Total expenditure of \$53,180; funds are available in line AA174516-552106 (General Fund). This purchase meets the competitive bidding requirements under Omnia Partners (Cobb County) IT Products and Services Contract #23-6692-03.

Recommended Action: Motion to approve requested purchases.

7.8. Public Safety Communications:

7.8.1. Request Approval of Interlocal Agreement with Marion County Public Schools for use of the Marion County 7/800 MHz Radio Communications System (Budget Impact - None)

The Board accepted the following recommendation as presented by Public Safety Communications Director Lisa Cahill:

Description/Background: Public Safety Communications (PSC) requests approval of an Interlocal Agreement with Marion County Public Schools (MCPS) for their use of the County's 7/800 MHz Public Safety Radio Communications System (Radio System). The Agreement grants permission for MCPS to operate up to 524 mobile/portable radios on the Radio System and up to three (3) internal talk groups/channels, in an effort to provide advanced and secure communication services to its school bus transportation program. Use of the Radio System includes real time GPS location, similar to that of first responder apparatus, for the safety of the students that they transport.

The cost to MCPS shall be based on their affiliated radio equipment, tracked Push-to-Talks (PTTs) and their total system talk time, and will be invoiced by the County, annually, through cost allocation.

Attached for review is a draft copy of the Agreement, which has been routed through Legal for approval. Pending approval at today's meeting, one (1) original, signed by the MCPS, will be presented for the Clerk's and Chairman's signatures. Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Interlocal Agreement with Marion County Public Schools.

7.9. Tourist Development:

7.9.1. Request Approval of Tourist Development Council Funding Request for Miss Rodeo Florida Association, Inc. (Budget Impact - Neutral; expenditure of up to \$2,800 as approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Miss Rodeo Florida Pageant hosted by Miss Rodeo Florida Association, Inc. to be held September 27-28, 2024 at the Hilton Ocala. This event was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Miss Rodeo Florida Pageant \$2,800

Budget/Impact: Neutral; expenditure of up to \$2,800 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.2. Request Approval of Tourist Development Council Funding Request for Fiddler's Turkey Run, LLC. (Budget Impact - Neutral; expenditure of up to \$5,040 as approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Fiddler's Turkey Run Barrel Racing hosted by Fiddler's Turkey Run, LLC. to be held November 26-30, 2024 at World Equestrian Center. This event was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Fiddler's Turkey Run Barrel Racing \$5,040

Budget/Impact: Neutral; expenditure of up to \$5,040.00 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.3. Request Approval of Tourist Development Council Funding Request for Ocala Comic Con, LLC (Budget Impact - Neutral; expenditure of up to \$4,200 as approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support

the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Ocala Comic Con hosted by Ocala Comic Con, LLC. to be held September 21-22, 2024 at World Equestrian Center. This event was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Ocala Comic Con \$4,200

Budget/Impact: Neutral; expenditure of up to \$4,200.00 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.4. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Acadia Acres, LLC (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for Acadia Acres, LLC. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Acadia Acres, LLC \$5,000

Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.5. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for College of Central Florida Foundation, Inc. for the benefit of Appleton Museum of Art (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for the College of Central Florida Foundation,

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Inc. for the benefit of Appleton Museum of Art. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024. College of Central Florida Foundation, Inc. for Appleton Museum of Art \$5,000 Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.6. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Diamondz and Pearlz Event Center (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget) The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for Diamondz and Pearlz Event Center. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Diamondz and Pearlz Event Center \$5,000

Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.7. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Farm to You Revue, LLC, d.b.a. Beautiful Creatures Animal Ranch (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for Farm to You Revue, LLC, d.b.a. Beautiful Creatures Animal Ranch. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Farm to You Revue, LLC d.b.a. Beautiful Creatures Animal Ranch \$5,000

Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.8. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Gypsy Gold, LLC (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for Gypsy Gold, LLC. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Gypsy Gold, LLC.

\$5,000

Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.9. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for James Two Brothers Distillers, LLC (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for the James Two Brothers Distillers, LLC. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

James Two Brothers Distillers, LLC

\$5,000

Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

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Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.9.10. Request Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Rainbow Springs Art, Inc. (Budget Impact - Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget) The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Marketing Assistance Program is designed to enable tourism-related businesses in Marion County to enhance their marketing opportunities leveraged with the Ocala/Marion County destination brand. This funding contract is for the Marketing Assistance Funding Program Reimbursement for the Rainbow Springs Art, Inc. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Rainbow Springs Art Inc. \$5,000

Budget/Impact: Neutral; expenditure of \$5,000 as proposed in the FY 2024-25 budget, funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.10. Transportation - County Engineer:

7.10.1. Request Approval of Withlacoochee Regional Water Supply Authority Local Government Water Supply and Conservation Funding Assistance Program Project Grant Agreement for FY 2024-25 (Budget Impact - Neutral; credit up to \$13,238)

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

Description/Background: As a member of the Withlacoochee Regional Water Supply Authority (WRWSA), the Board is eligible to and has applied for WRWSA's Water Conservation Grant. The grant will reimburse up to fifty percent (50%) of the County's dollars spent on water use efficiency initiatives. The requested amount of cooperative funding for FY 2024-25 is \$26,475. To complete the application, the agreement is required, which confirms that the Board will budget matching funds. Such funding is proposed in the FY 2024-25 Budget.

Budget/Impact: Neutral; credit up to \$13,237.50 (\$10,000 in grant revenue for fund AA433537 [Water Resources] and \$3,237.50 in grant revenue for fund ZF440536 [Utilities - Water Operations]).

Recommended Action: Motion to approve the attached WRWSA Water Supply Funding Assistance Agreement as presented and authorize the Chair and Clerk to execute the same.

7.10.2. Request Approval of the FY 2024-25 Stormwater Education and Water Use Efficiency Plans (Budget Impact - Neutral)

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

Description/Background: The Stormwater Education Plan outlines the proposed budgeted educational and outreach activities planned for FY 2024-25 consisting of: a media campaign utilizing billboards to raise awareness of stormwater pollution and associated behaviors; an educational publication addressing Marion County's water resources with pollution prevention tips; a 5K run to engage businesses and the community in springs awareness; and other initiatives meeting and/or exceeding National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater education and outreach.

The Water Use Efficiency Plan outlines the proposed budgeted educational and outreach activities for FY 2024-25 consisting of: irrigation evaluations; irrigation and landscape retrofits; community workshops; distribution of water conserving retrofit kits; and other initiatives meeting and/or exceeding the Board of County Commissioners' Water Use Permit requirements for water conservation. The focus of the program is to educate public and domestic self-supply users about using water more efficiently and to offer incentives for measurable water savings.

Budget/Impact: Neutral. See detail in plans.

Recommended Action: Motion to approve the FY 2024-25 Stormwater Education and Water Use Efficiency Plans.

7.10.3. Request Approval to Declare Parcel Number 03903-000-00 as Surplus and Approve Sale and Purchase Agreement and Statute 125 Deed Between Marion County and Faith Blossom Farm, LLC (Budget Impact - Revenue of \$1,218)

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

Description/Background: This is a request to declare Parcel Number 03903-000-00 as surplus, authorize staff to proceed with the sale to Faith Blossom Farm, LLC in the amount of \$1,218 plus closing costs, and execute the Statute 125 Deed. This is a vacant lot of approximately 0.55 acres located in Section 02 Township 12 Range 23 that was acquired as a Tax Deed and staff recommends approval of this bid.

Budget/Impact: Sale of Surplus Land AA00364 - 364022 - \$1,218.

Recommended Action: Motion to approve the request to declare Parcel Number 03903-000-00 as Surplus, authorize staff to proceed with the sale, and authorize the Chair and Clerk to execute the Sale and Purchase Agreement and Statute 125 Deed.

8. COUNTY ATTORNEY:

8.1. Walk-On

Board Consideration and Approval of a Settlement Agreement Between Ocala Trophy, Ltc. (OTL) and Marion County (Budget Impact - Neutral; estimated \$52,000)

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to consider the Walk-On Item. The motion was unanimously approved by the Board (5-0).

County Attorney Matthew G. Minter presented the following recommendation:

Description/Background: On September 9, 2022, the County, the City of Ocala (Ocala) and Ocala Trophy, Ltc. (OTL) entered into a Road Re-Alignment, Contribution and Construction (RACC) Agreement which among other things

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provided for a property swap between Ocala and OTL, and OTL's dedication of certain right of way and easements to the Marion County (County), for the County's construction of a new road facility, SW 40th Avenue, Phase 1, between SW 43rd Street Road and SW 66th Street.

Under the RACC Agreement, the County was to commence construction of the road project by September 30, 2023. The County has not yet commenced construction of the road project, and is thus out of compliance with the RACC Agreement, giving OTL a right to bring suit against the County to enforce the Agreement.

The County Engineer and the County Attorney have been in discussions with counsel for OTL and the parties have developed the attached Settlement Agreement to resolve this dispute and establish a revised performance schedule for the County's obligations under the RACC Agreement. The Settlement Agreement calls for the County to construct a Temporary Access Road to the OTL property by February 4, 2025, and to complete the road project by July 1, 2026.

The County agrees to reimburse OTL for its reasonable engineering fees and attorney's fees incurred in evaluating and developing this Settlement Agreement. Failure of the County to meet the new schedule will expose the County to liquidated damages of \$300/day until project completion. It is the opinion of the County Engineer and County Attorney that this is a cooperative and reasonable resolution of this dispute. We recommend approval of the Settlement Agreement.

Budget/Impact: Neutral; estimated \$52,000.

Recommended Action: Motion to Approve Settlement Agreement.

Mr. Minter presented a 13 page handout and advised that OTL is the Master Developer for the Heathbrook Developments of Regional Impact (DRI) project. He stated the Settlement Agreement is between OTL and Marion County relating to a 2022 Three Party Agreement that also included the City of Ocala. Mr. Minter advised that the Agreement originally provided for OTL to donate/dedicate to the City of Ocala 100 feet (ft) of right-of-way (ROW) close to Interstate-75 (I-75). Ultimately, the County decided it would be better to obtain a different dedication (125 ft of ROW) and swapping out the ROW close to I-75. He stated under the original Agreement the County was supposed to commence construction of its roadway by September 2023; however, the County did not meet that deadline and have yet to commence construction. Mr. Minter advised that County Engineer Steven Cohoon has been working with OTL representatives to work out a Settlement Agreement that establishes a revised timeline for the County's obligations and provides that the County will construct a temporary access road (depicted on the last page of Walk-On handout). The Settlement Agreement provides for compensation for the cost of the expected expenses for road asphalt, some of the OTL attorney fees, as well as an additional \$1,500.00 for OTL engineering expenses. He stated if the Board does not approve the proposed Settlement Agreement, then OTL could file a lawsuit against Marion County.

In response to Commissioner Zalak, Mr. Minter stated the deadline for construction of the temporary access road is February 4, 2025.

County Engineer Steven Cohoon advised that he is comfortable with the deadline for this project.

Commissioner Bryant expressed her appreciation to staff for the work involved in bringing this matter forward.

Mr. Cohoon provided a brief overview of the proposed project and timeline.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the Settlement Agreement between Ocala Trophy, Ltc. and Marion County. The motion was unanimously approved by the Board (5-0).

9. COUNTY ADMINISTRATOR:

9.1. Request for Release of Lien on Code Enforcement Case Number 903312; Parcel Number 14794-000-00

The Board considered the following recommendation as presented by Growth Services Director Varadin:

Description/Background: On August 24, 2023, a Code Enforcement Board (CEB) lien was recorded against Back to Basic Holdings LLC for an accumulation of junk on their 0.55-acre residential parcel at 2331 NE 63rd St, Ocala. The Code Enforcement Board heard the request March 13, 2024, and recommended the Board of County Commissioners deny the request due to junk still on the property. The request then came to the Board of County Commissioners (BOCC) on June 4, 2024, where it was tabled to the BOCC meeting on June 18, 2024. The request was tabled again to afford the owner time to evict their tenant if compliance could not be achieved. Code Enforcement Supervisor Robin Hough inspected the property July 26, 2024, and the junk appeared to have been removed from the property.

Code Enforcement Board lien	\$ 3,000.00
Abatement lien	\$ N/A
Abatement interest	\$ N/A
Administrative fees/costs	\$ 166.63
Total	\$ 3,166.63

Marion County Property Appraiser shows the 2023 Market value as \$69,067 and an Assessed value as \$49,580. This lien attaches to all parcels owned by Back to Basic Holdings LLC, which is approximately eighty-two in Marion County.

Budget/Impact: None.

Recommended Action: Motion to deny the request and leave the lien in full force and effect against Parcel Number 14794-000-00.

County Administrator Bouyounes advised that the request is for a Release of Lien, which was previously presented to the BCC for consideration.

Growth Services Director Chuck Varadin clarified that this Item was originally tabled by the BCC on June 18, 2024, noting at that time, Board direction was to allow time for the property owner to work with the tenant to get the site cleaned up. On July 18, 2024, Code Enforcement Supervisor Robin Hough, who was not allowed on the property by the tenant, observed from the ROW that the old tires, litter and junk had been cleared. He noted staff is bringing the matter back for BCC consideration of the request for Release of Lien. Mr. Varadin noted the property manager Mr. Eugene is present today to answer any questions. He advised that Ms. Hough went back to the property yesterday to ensure that it was still clear; however, she did observe a few tires and an engine in the yard. Mr. Varadin stated the property owner, Mr. Duggan, met her out there and as of this morning the property is clear.

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to approve the request by Back to Basic Holdings, LLC for a reduction of the Civil Restitution

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Lien reducing the total owed to administrative fees in the amount of \$166.63. The motion was unanimously approved by the Board (5-0).

9.2. Request Approval of the Airport Improvement Program Grant Agreement Between the U.S. Department of Transportation Federal Aviation Administration and Marion County (Budget Impact - Neutral; revenue from grant of \$6,381,966)

The Board considered the following recommendation as presented by Parks & Recreation Director Jim Couillard:

Description/Background: The U.S. Department of Transportation Federal Aviation Administration (FAA) has offered the Marion County Airport an Airport Improvement Program (AIP) grant in the amount of \$6,381,966 for Project Number 3-12-0147-009-2024. This grant is intended for the construction of Taxiway Alpha and the installation of lighting at the Marion County Airport. These grant funds are being offered in collaboration with grant funds from the Florida Department of Transportation for the same project, which is being presented as a separate agenda item.

The AIP Grant Agreement must be digitally signed by Marion County's authorized representative, followed by an attorney's certification, no later than September 17, 2024.

Attached for review is a copy of the AIP grant agreement. Upon approval by the board, the electronic copy will be routed to Legal and the Chair for digital signatures.

Budget/Impact: Neutral; revenue from grant of \$6,381,966.

Recommended Action: Motion to approve and authorize Chair to execute the AIP Grant Agreement.

County Administrator Bouyounes stated the request is to approve the AIP grant offered by the FAA in the amount of \$6,381,966.00 to build a new taxiway at the Marion County Airport.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to approve and authorize Chair to execute the AIP Grant Agreement. The motion was unanimously approved by the Board (5-0).

In response to Commissioner Curry, Parks & Recreation Director Jim Couillard advised that the project has gone to bid, and construction is expected to begin in December 2024. He stated there will be another grant relating to this project being offered by the Florida Department of Transportation (FDOT) that will be brought to the BCC for consideration in November 2024. Mr. Couillard noted the project is expected to last approximately 9 months.

10. COMMITTEE ITEMS:

10.1. Board of Adjustment - Request Appointment of One Full Member for an Unexpired Term Ending January 2026

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

Description/Background: The Board of Adjustment has a full member vacancy for an unexpired term, ending January 2026, due to a recent resignation. One application was received during the advertisement period:

* Benjamin Whitaker - Federation Field Services

Budget/Impact: None.

Recommended Action: Motion to appoint Mr. Benjamin Whitaker as full Member of the Board of Adjustment for an unexpired term ending January 2026.

Clerk Harrell advised that Benjamin Whitaker received the appropriate votes.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to appoint Benjamin Whitaker as a full Member of the Board of Adjustment for an unexpired term ending January 2026. The motion was unanimously approved by the Board (5-0).

10.2. Hills of Ocala MSTU for Recreation Advisory Council - Request Appointment of One (1) Full Member for a Full Term, Ending October 2028

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

Description/Background: The Hills of Ocala MSTU for Recreation Advisory Council has one vacancy for a full term ending in October 2024, due to a recent resignation. The expiring term was advertised as a new full term ending in October 2028, since only one month remains in the current term. Two (2) applications were received during the advertisement period:

* Lorraine Morales - Retired Office Administrator

* Kelsey Gartland - Investment Advisor Assistant

Budget/Impact: None.

Recommended Action: Motion to select one applicant as a full member of the Hills of Ocala MSTU for Recreation Advisory Council, for a full term ending in October 2028.

Clerk Harrell advised that Kelsey Gartland received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to appoint Kelsey Gartland as a full member of the Hills of Ocala Municipal Service Taxing Units (MSTU) for Recreation Advisory Council, for a full term ending in October 2028. The motion was unanimously approved by the Board (5-0).

10.3. Marion Oaks MSTU for Recreation and Facilities - Request Appointment of One (1) Full Member, for an Unexpired Term, Ending February 2027

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

Description/Background: The Marion Oaks MSTU for Recreation and Facilities has one vacancy for an unexpired term ending in February 2027, due to a recent resignation. One (1) application was received during the advertisement period:

- Muriel "Mim" Chappell-Eber - Retired Business Owner

Budget/Impact: None.

Recommended Action: Motion to appoint Muriel "Mim" Chappell-Eber as a full member of the Marion Oaks MSTU for Recreation and Facilities Advisory Board, for an unexpired term ending in February 2027.

Clerk Harrell advised that Muriel "Mim" Chappell-Eber received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to appoint Muriel "Mim" Chappell-Eber as a full member of the Marion Oaks MSTU for Recreation and Facilities Advisory Board, for an unexpired term ending in February 2027. The motion was unanimously approved by the Board (5-0).

10.4. Request Approval of a Resolution Appointing Eleven (11) Committee Members to the Affordable Housing Advisory Committee

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

Description/Background: Marion County Ordinance 20-28 provides for the County's affordable housing assistance program and establishes an Affordable Housing Advisory Committee to recommend monetary and nonmonetary incentives for affordable housing as required by Section 420.9076 of Florida Statutes. Upon recommendation by the County Administrator, the Board of County Commissioners shall appoint by Resolution eight (8) to eleven (11) members to the committee. The composition of the committee shall include one locally elected official and citizen representatives that meet the qualifications as described in both the Statute and the County Ordinance.

The attached Resolution is provided for the Board's consideration of eleven (11) members to serve a three-year term, beginning October 1, 2024.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Resolution appointing eleven (11) members to the Affordable Housing Advisory Committee.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Resolution 24-R-414 appointing Jeff Ruttenber, James "Adam" Woods, Matt Fabian, Karen Hatch, Keith Poole, Jennifer Martinez, Kristen Dreyer, Commissioner Michelle Stone, Avelia Perkins, Angie Clifton, and Pebbles Vance as members of the Affordable Housing Advisory Committee. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-414 is entitled:

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPOINTING THE ELEVEN COMMITTEE MEMBERS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE AS REQUIRED BY SECTION 420.9076(2), FLORIDA STATUTES AND PROVIDED FOR IN COUNTY ORDINANCE NO. 20-28; PROVIDING FOR REPEAL; PROVIDING AN EFFECTIVE DATE.

11. NOTATION FOR ACTION:

11.1. Request Approval to Reschedule a Public Hearing for Dunnellon Oaks Road Improvement Project from Wednesday, October 16, 2024 at 2:00 p.m. to Thursday, November 21, 2024 at 2:00 p.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

The Board considered the following recommendation as presented by MSTU Director Chad Wicker:

Description/Background: Outside counsel for the MSTU/Assessment Department has requested to reschedule the Public Hearing due to scheduling conflicts. Bids were received and reviewed by Procurement; MSTU can now move forward with a Public Hearing. The following date is being requested for a final Public Hearing in accordance with Florida Statutes.

Budget/Impact: None.

Recommended Action: Motion to reschedule the Public Hearing for Dunnellon Oaks Road Improvement Project from Wednesday, October 16, 2024 at 2:00 p.m. to Thursday, November 21 at 2:00 p.m. or soon thereafter in the McPherson Governmental Campus Auditorium.

In response to Commissioner Bryant, MSTU Director Chad Wicker advised that the request to reschedule is to allow the County's outside counsel to be present and to allow some time for the residents in this neighborhood to fill out agreements to combine some of their parcels to permit them to be assessed at a lower rate.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to reschedule the Public Hearing for Dunnellon Oaks Road Improvement Project from Wednesday, October 16, 2024 at 2:00 p.m. to Thursday, November 21 at 2:00 p.m. or soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

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

Chairman Stone opened the floor to public comment.

Kenneth Renner, E. Highway 316, Citra, advised that he has had a Special Use Permit for a while; however, it has since expired. He expressed concern that he will have to pay to start the process all over again. Mr. Renner stated he would come back this afternoon since the Item he wants to address is part of the Planning & Zoning meeting.

Walter Renner, E. Highway 316, Citra, advised that he wanted to speak on behalf of his father and would come back this afternoon.

Commissioner Zalak stated it sounds like Mr. Renner has not yet applied for another Special Use Permit, so the matter will not be addressed this afternoon.

Chairman Stone requested Growth Services Director Varadin meet with Mr. Renner to further discuss the matter and determine whether or not it is part of this afternoon's meeting.

Carswell Ponder, SE 27th Loop, advised that his mother was born in Ocala in 1898, noting Doctor Harrell kept her going until she was 112 years old.

Mr. Ponder presented a 1 page brochure regarding the "James Melton Walk of Fame Celebration" to be held on Thursday, October 10, 2024 at 5:30 p.m. at Ocala's Marion Theater. Mr. Ponder provided a brief history of the life and musical career of James Melton, noting he was born in Georgia in 1904 and then his family moved to Citra, Florida, where he attended Ocala High School, as well as the University of Florida (UF), University of Georgia (UGA), and onto the University of Vanderbilt (VU) while pursuing his musical education. He stated Mr. Melton began his musical career at the Roxy in New York City and then joined a quartet group known as the Revelers that traveled all over the United States (US). Mr. Ponder advised that Mr. Melton then became a radio personality and was voted one of the top entertainers in the radio business. He stated after television came along, Mr. Melton was cast in the movie The Ziegfeld Follies, as well as performed as a member of the Metropolitan Opera. To honor Mr. Melton and bring attention to his success in Marion County, the "James Melton Walk of Fame Celebration" will be held and a plaque will be placed in the sidewalk in front of the theater. Mr. Ponder stated the event is free and the public is welcome.

Commissioner Zalak out at 10:13 a.m.

Roger Knechtel, SE 97th Terrace Road, Summerfield, addressed the Board regarding pro-life, which will be on the upcoming General Election ballot in November.

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Mr. Knechtel advised that Canada just passed a federal law that all real estate housing will be developed by the government. He commented on Federal Grants, noting he is opposed to the County accepting them.

Mr. Knechtel commented on the Salvation Army, noting the organization can get overwhelmed with the need for food supplies.

Chairman Stone advised that public comment is now closed.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner Bryant requested Animal Services Director Kyra Lynch come forward and provide an update on "Clear the Shelters" month.

Commissioner Zalak returned at 10:20 a.m.

Animal Services Director Kyra Lynch advised that the recent "Clear the Shelters" event was wildly successful, noting since 2015 NBC and Telemundo news stations have partnered with shelters across the Country to host these events. She expressed her appreciation to the County's Public Relations (PR) staff for their support. Ms. Lynch noted PR staff spent an entire day at the Marion County Animal Shelter (MCAS), as well as various times throughout the month. She advised that the "Clear the Shelters" event took place from August 10 through September 10, 2024, noting in that time the Department adopted out 472 animals. In addition, 249 animals went into foster care, 58 animals were transferred to rescue partners, and 74 animals were reunited with their owners. The Department was also able to help 218 spay, neuter, release (SNR) cats get sterilized, vaccinated, and returned home. Ms. Lynch stated a total of 1,031 animals entered the shelter during this timeframe (60% increase over last year), and the live release rate increased to 93.8%. She expressed her appreciation to the amazing volunteers who dedicated 1,096.7 volunteer hours helping get shelter animals adopted (36.8% increase over last year). Ms. Lynch advised that even with all this hard work, there are still 282 animals at the shelter (215 dogs and 67 cats) and an additional 261 animals in foster homes.

Commissioner Bryant thanked Ms. Lynch, County staff, and the volunteers who came together to make this happen. She reminded everyone to spay/neuter, vaccinate, license, and microchip their pets.

Commissioner McClain stated he had nothing further to add.

Commissioner Curry commented on a rock concert held at Majestic Oaks, noting he has been receiving emails relating to another event that took place, but was not permitted. Mr. Bouyounes advised that staff did not know before hand, but received information after the event took place. He stated staff have been in contact with the property owner and advised them that a Special Event permit is required. Mr. Bouyounes noted staff has also been in contact with the MCSO to ensure that if it happens again, how the County would deal with the issue. He advised that approximately 1,000 people attended the event, and cars were parked on the ROW on County Road (CR) 329, which hindered emergency response and other services.

Chairman Stone advised that the Technical Working Group (TWG) met as part of the ILA with the MCSB, City of Dunnellon, City of Belleview, and the City of Ocala, noting there was discussion relating to the use of the Hillcrest Elementary School property. She stated

there was also discussion relating to the Booster Stadium property, noting it appears that Vanguard High School may be building their own football field. Chairman Stone commented on the future high school site near the Marion Oaks flyover, noting the hope is to break ground in November. She noted the TWG will be meeting again on November 6, 2024.

Commissioner Zalak stated he had nothing further to add.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of September 17, 2024 through October 1, 2024.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Chamber and Economic Partnership May 2024 Activity

14.1.2. Present Resignation from the Code Enforcement Advisory Board - William Miller

14.1.3. Present Letter Dated August 26, 2024, from Utilities, Inc. of Florida Regarding an Application for an Increase in Water and Wastewater Rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk and Seminole Counties

14.1.4. Present Letters Dated September 5, 2024 Thanking the Purple Heart Veterans Who Were Recognized in the August 7 Regular Meeting of the Board of County Commissioners

14.1.5. Present East Central Florida Regional Planning Council FY 2025 Annual Assessment

14.1.6. Present County's Annual Membership Dues to The Florida Association of Counties for Fiscal Year 2024-25

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

14.3. General Informational Items:

14.3.1. Marion County Evaluation and Appraisal Report and Planned Service Area Study Update

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

14.4. Clerk of the Court:

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

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

14.4.3. Present Memorandum from Gregory C. Harrell, Clerk of The Circuit Court and Comptroller, Regarding the Filing of Ordinances 23-29 (Corrected), 23-30 (Corrected), 24-07 (Corrected), 24-15 (Corrected), 24-09 (Corrected), 24-22 and 24-23 With the Secretary of State's Office

14.4.4. Present Regular Report of Utilization for Reserve for Contingencies

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

14.5.1. Development Review Committee - August 19, 2024

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- 14.5.2.** Land Development Regulation Committee - August 7, 2024
- 14.5.3.** Marion County Fire Rescue and EMS Advisory Board - May 15, 2024
- 14.5.4.** Planning and Zoning Commission - July 29, 2024
- 14.5.5.** Tourist Development Council - June 27, 2024
- 14.5.6.** Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>
- 14.5.7.** St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>
- 14.5.8.** Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>
- 14.5.9.** Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 10:31 a.m.

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

Also present were: Growth Services Director Chuck Varadin, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Eryn Mertens, Xinyi Cindy Chen, Administrative Manager Sage Dick, Administrative Staff Assistant Autumn Williams, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

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

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

Deputy Clerk Lewter presented Proof of Publication is Legal ad No. 10515101 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on September 1, 2024. The Notice stated the Board will consider adopting an ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits.

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

Commissioner Bryant out at 2:06 p.m.

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

Commissioner Bryant returned at 2:08 p.m.

15.1. DRC Waiver Requests and Public Hearings:

15.1.1. Request for Waiver from Land Development Code Section 6.14.2.B(1)(a) - Water Connection for Clayton Homes of Ocala, Inc., Parcel Number 3137-004-022, Application Number 31887 (Budget Impact - None)

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

Description/Background: The Land Development Code (LDC) states new development in the Urban or Rural area shall connect to a centralized water system with available capacity if a water line is within a connection distance of 400 feet times the total number of Equivalent Residential Connections (ERCs).

The Owner, Clayton Homes of Ocala, Inc., requests a waiver because the property has an existing well; the cost for the water connection to the homesite is too expensive with an estimate of \$48,000 to \$55,000; and the timeline from Marion County Utilities for connection is ten to 12 months which is too long for this residential project. Owner received an independent estimate from Civil Works and Maintenance LLC, at almost \$45,000 which is also too much for the home project. Owners concerns are: this lot already has a working well and septic; the costs of the water connection will make the project too expensive for anyone to buy a new home on this property; an appraisal would not justify the costs of a new home on the property with the connection costs; and the project would clean up the last lot on this street and bring another happy homeowner in to the community.

The subject property is located in the southeast portion of the County on approximately .31 acres. The water main is approximately 400 feet away.

This Waiver Request was denied by the Development Review Committee (DRC) on August 26, 2024.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's action for the Waiver Request.

Utilities Director Jody Kirkman advised that the waiver request is for a parcel within 370 feet of an existing 8 inch watermain that runs along SE 41st Street, noting an 8 inch water main would be required to be installed along SE 56th Terrace for a total water main extension of 470 feet. He stated there are 6 benefiting lots, but there are existing homes on those properties. The parcel is located within the Primary Focus Area (PFA). Mr. Kirkman advised that a waiver request was presented to DRC on August 6, 2024 for the subject parcel, noting the applicant requested a well in lieu of installing the required water main. DRC denied the waiver and required the applicant to extend the water main according to the LDC. He stated the applicant would like a well onsite.

In response to Chairman Stone, Mr. Kirkman advised that there is an existing well on the property.

Chris Clemons, Clayton Homes, South Pine Avenue, on behalf of the applicant, stated when Clayton Homes purchased the property the original home was already removed from the premises, noting there is a working septic and well onsite. He advised that the cost to connect would be \$50,000.00 and would not be feasible for the project.

In response to Commissioner Curry, Mr. Kirkman advised that the benefiting lots are currently connected wells and unless a well fails in the next 7 years the applicant will not recover any of the costs. He provided a brief overview of the Department's shared program, noting this property does not qualify for that program.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the waiver request. The motion was unanimously approved by the Board (5-0).

15.2. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin 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.

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

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

The Motion passed unanimously.

Mr. Varadin advised that Agenda Item 15.2.1 is being removed from Consent and will be heard individually.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve Consent Agenda items 15.2.2 through 15.2.6, 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 (5-0).

The motion approved the consent agenda items as follows:

15.2.2. 240905ZC - Fito and Wilda Briseus, Zoning Change from a Single-Family Dwelling (R-1) to Residential Estate (R-E), 1.06 Acres, Parcel Account Number 9044-0000-09, No Address Assigned

The Board granted a petition by Fito and Wilda Briseus, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) to Residential Estate (R-E), for all permitted uses, on an approximate 1.06 Acre Parcel, on Parcel Account Number 9044-0000-09, No Address Assigned

15.2.3. 240906ZC - Theresa Blue, Zoning Change from Mixed Residential (R-4) to Single-Family Dwelling (R-1), 0.53 Acres, Parcel Account Number 13960-001-00, Site Address 3801 NW 20th Avenue, Ocala, FL 34475

The Board granted a petition by Theresa Blue, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Residential Mixed (R-4) to Single-Family Dwelling (R-1), for all permitted uses, on an approximate 0.53 Acre Parcel, on Parcel Account Number 13960-001-00, Site Address 3801 NW 20th Avenue, Ocala, FL 34475

15.2.4. 240907ZC - US 441 Development LLC, Zoning Change from Community Business (B-2) to Heavy Business (B-5), 2.54 Acres, Parcel Account Number 36862-000-00, Site Address 9946 S US Highway 441, Belleview, FL 34420

The Board granted a petition by US 441 Development, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to Heavy Business (B-5), for all permitted uses, on an approximate 2.54 Acre Parcel, on Parcel Account Number 36862-000-00, Site Address 9946 S US Highway 441, Belleview, FL 34420

15.2.5. 240908ZP - DT Marion Holdings, LLC and Sunset Hills Development, LLC, Zoning Change to Amend the Planned Unit Development (PUD) Master Plan, to Include Five Additional Lots and Not to Exceed 350 Units Total, 0.69 Acre Portion of a 2.07 Acre Tract,

Parcel Account Numbers 48271-000-00 and Portion of 48206-000-00, No Address Assigned

The Board adopted Resolution 24-R-415 granting a petition by DT Marion Holdings, LLC and Sunset Hills Development, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, to amend the Planned Unit Development (PUD) Master Plan, to include 5 additional lots not to exceed 350 units total, on an approximate 0.69 Acre portion of a 2.07 Acre Tract, on Parcel Account Numbers 48271-000-00 and 48206-000-00, No Address Assigned

Resolution 24-R-415 contained the following Conditions:

1. The project shall be developed consistent with the conditions outlined herein and the project PUD Conceptual Plan minimum development standards as listed within this staff report.
2. This approval does not apply to any future developments or expansion of this project.
3. The project shall be limited to 90.81 acres with a maximum total of 350 Dwelling Units, and up to 3.69 acres of commercial use.
4. Development along the boundaries shall conform to the height limitations of LDC Section 4.2.31.E(4)(b) 1.a and b, and (4)(b) 2.a and b.
5. Building heights shall be limited to 40' for single-family residential and 65' for multiple-family, group living, and commercial regardless of the number of stories.
6. The Commercial areas shall only access streets or roads internal to the development.
7. The northernmost boundary behind the homes (not where the DRA is) shall include a 3' berm and a 6' vinyl fence.
8. Buffers of the PUD except the buffers around the additional 5 units shall be consistent with the master plan dated June 8th, 2024. Buffers around the additional 5 units shall be consistent with the amended master plan dated June 25th, 2024.
9. Each residential lot shall have one (1) shade tree, this will be included within the HOA documents.
10. Per NFPA 1 Chapter 18 for fire department access. Where fire department access roads exceed 150 feet, a fire department turnaround shall be required.
11. Provide utility plan for Fire Marshall's approval to show fire department water supply within 600 feet of the building. Per NFPA 1 Chapter 18.5.2 the maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 feet. The measurement shall be taken by a fire department access roadway from the fire department water supply to the building.
12. If the parcels are broken into residential lots, the offsite water & gravity sewer mains will need to be extended at developer's expense. MCU service area with water & sewer is within 2000' (5 ERCs).
13. All roads, parking lots, and sidewalks shall meet the requirements of the Marion County Land Development Code.
14. Any additional connections to S. US HWY 441, other than the one proposed, shall require DRC approval.

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15. The Amenity area shall include basketball courts with tennis court adaptations, a playground with swings, and outdoor exercise equipment, as proposed in the previous approved PUD.
16. This approval does not act in place of the developer's agreement or any requirements in the Marion County Land Development Code.
17. All construction and/or day-to-day development access for the project shall be provided via the project's main ingress/egress.

15.2.6. 24-S08 - John Noble Rutledge III, Small Scale Land Use Amendment from Medium Residential (MR) to High Residential (HR), 0.64 Acres, Parcel Account Numbers 2303-015-065 and 2303-015-005, Site Address 311 NW 60th Avenue, Ocala, FL 34482
The Board granted a petition by John Noble Rutledge III, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Medium Residential (MR) to High Residential (HR), on an approximate 0.64 Acre Tract, on Parcel Account Numbers 2303-015-065 and 2303-015-005, Site Address 311 NW 60th Avenue, Ocala, FL 34482

15.2.1. 240901SU - Ocala Korean Baptist Church, Inc., Special Use Permit to Build and Operate a Private Christian School in a General Agriculture (A-1) Zone, 10.0 Acres, Parcel Account Number 35520-000-00, Site Address 7710 SW 38th Avenue, Ocala, FL 34476

The Board considered a petition by Ocala Korean Baptist Church Inc, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to replace existing Special Use Permit 961001SU to allow for building and operating a private Christian school, in General Agriculture (A-1) zone, on an approximate 10.0 Acre portion of a 20.0 Acre Parcel, on Parcel Account Number 35520-000-00, Site Address 7710 SW 38th Ave, Ocala, FL 34476

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the Special Use Permit (SUP) request to Build and Operate a Private Christian School in an A-1 Zone.

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

1. The school shall use either the single existing driveway for ingress/egress or a newly proposed single driveway, shared with Ocala Korean Baptist, close to the middle of the property. If the new driveway is not on the property line, then the appropriate ingress/egress should be granted by easement for both church and school to use.
2. A traffic methodology, and subsequent study, will need to be completed before this item can apply for a major site plan.
3. Improvements, as required by OCE Traffic, will be completed before this item can apply for a major site plan.
4. The apron, driveway, and parking area for the school must be paved.
5. All traffic for pick-up and drop-off must be contained within the confines of the property boundary lines. If stacking occurs in the right-of-way or the traffic study indicates there's a lack of space to accommodate the projected number of vehicles, the number of students must be reduced to a point where traffic can be contained on-site.
6. Property boundary lines have a no-touch buffer where trees and vegetation must remain. Any gaps in vegetation along the property line will be filled in with shade trees.

7. If fencing is intended to surround the school area, the fence must be placed interior to the buffer leaving enough room for maintenance/upkeep of any vegetation required to fill gaps.
8. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
9. Signs placed in the future shall be permitted through the Building Department.
10. This site shall be developed consistent with the proposed conceptual plan.
11. The maximum number of students allowed by this special use permit is 500.
12. The Special Use Permit shall run with school, Grace Classical Academy of Ocala, Inc.
13. The Special Use Permit will apply to the southern 10 acres of the parcel, If the parcel is subdivided in the future, then the applicant shall submit documentation to Growth Services with the new parcel number and deed. Additionally, the deed shall provide legally deeded access to shared ingress/egress for both church and school.

Ms. Brugnoli advised that staff are requesting a Condition requiring the school to seek out a cross access to SW 80th Street should the parcels to the south or west develop.

Commissioner Zalak expressed concern with the amount of available parking onsite. He stated a light study is needed and the hours of operation need to be discussed.

Pastor Kenny Rodrigue, SW 103rd Loop, applicant, advised that he is the Board President of Grace Classical Academy, which is a newly incorporated tax-exempt entity. He stated there are no students onsite, but there is a real estate contract submitted to Ocala Korean Baptist Church to purchase the south 10 acres. Pastor Rodrigue advised that there is no objection to the additional proposed Condition from staff. He stated he has reached out to the PUD to the west trying to obtain a driveway and water and sewer connections, but has not been successful.

Pastor Rodrigue stated the school will be Kindergarten through 5th grade at first and later expand to Kindergarten through 8th grade. He advised that the goal is to develop several Grace Classical Academy sites in Marion County.

In response to Chairman Stone, Pastor Rodrigue advised that he is the applicant and Ocala Korean Baptist Church/Pastor Song are the owners, noting a surveyor has been obtained to subdivide the 20 acre parcel into two 10 acre parcels. He stated the design by the civil engineer has not been completed, noting changes in size of the DRA and parking may be needed. The plan currently submitted is just a concept plan.

Ms. Straub advised that one of the proposed Conditions requires a photometric plan, but the amplified sound and time limits have not been addressed in the Conditions.

Commissioner Zalak opined that lights and sound should be shut off by 10:00 p.m.

Chairman Stone opened the floor to public comment.

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

General discussion ensued relating to the proposed Conditions.

In response to Commissioner Bryant, Pastor Rodrigue advised that they are not looking to expand further onto the church's property, but have considered possibly purchasing the 20 acre parcel to the south.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Resolution 24-R-416 approving the Special Use Permit request with Conditions 1 through 16, as amended, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding

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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 24-R-416 contained the following Conditions:

1. The school shall use either the single existing driveway for ingress/egress or a newly proposed single driveway, shared with Ocala Korean Baptist Church. If a new driveway location is proposed, then the ingress/egress should be granted by easement for both church and school to use.
2. A traffic methodology, and subsequent study, will need to be completed before this item can apply for a major site plan.
3. Improvements, as required by OCE Traffic, will be completed and accepted by the County before this item can apply for a major site plan.
4. The apron, driveway, and parking area for the school must be paved.
5. All traffic for pick-up and drop-off must be contained within the confines of the property boundary lines with an additional 10% of stacking availability. If stacking occurs in the right-of-way or the traffic study indicates there's a lack of space to accommodate the projected number of vehicles plus the 10% availability required by the BCC, the number of students must be reduced to a point where traffic can meet these requirements and traffic can be contained on-site.
6. If parcels to the south or west develop, the school shall seek out cross access to SW 80th St. from them as an alternative access for school traffic. The school may gate this cross access in the event that it's obtained.
7. Property boundary lines have a no-touch buffer where trees and vegetation must remain. Any gaps in vegetation along the property line will be filled in with shade trees.
8. If fencing is intended to surround the school area, the fence must be placed interior to the buffer leaving enough room for maintenance/upkeep of any vegetation required to fill gaps.
9. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
10. Signs placed in the future shall be permitted through the Building Department.
11. This site shall be developed consistent with the proposed conceptual plan.
12. The maximum number of students allowed by this special use permit is 500.
13. The Special Use Permit shall run with school, Grace Classical Academy of Ocala, Inc.
14. The Special Use Permit will apply to the southern 10 acres of the parcel, If the parcel is subdivided in the future, then the applicant shall submit documentation to Growth Services with the new parcel number and deed. Additionally, the deed shall provide legally deeded access to shared ingress/egress for both church and school.
15. All lights and sound generated from the property will cease by 10:00 P.M.
16. Parking shall be provided for the sports fields.

15.3. Planning and Zoning Items for Individual Consideration:

15.3.1. 240903SU - NE Ocala LLC, Special Use Permit to Allow for Non-Hazardous Polypropylene Drainage Pipe Extrusion, Outdoor Storage, and 36 Silos that are 60' in Height in a Heavy Business (B-5) and Planned Unit Development (PUD) Zone, 196.15

Acre Tract, Parcel Account Numbers 37513-001-00, 37513-001-01, and 37513-001-02, Site Address 6045 SE 83rd Street, Ocala, FL 34472

The Board considered a petition by NE Ocala, LLC, for a Special Use Permit (SUP), Articles 2 and 4, of the Marion County Land Development Code, to allow for non-hazardous polypropylene drainage pipe extrusion and outdoor storage, in Heavy Business (B-5) and Planned Unit Development (PUD) zone, on an approximate 196.15 Acre Tract, on Parcel Account Numbers 37513-001-00, 37513-001-01, and 37513-001-02, Site Address 6045 SE 83rd Street, Ocala, FL 34472

P&Z PUBLIC HEARING ON AUGUST 26, 2024

240903SU 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 SUP 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 unanimously.

Transportation Planner Ken Odom, Growth Services, advised that as of 12:00 p.m. today staff received 28 letters of opposition and 9 letters of support. He provided a brief overview of the Special Use Permit (SUP) request to allow for Non-Hazardous Polypropylene Drainage Pipe Extrusion, Outdoor Storage, and 36 Silos that are 60' in Height in a B-5 and PUD Zone.

Mr. Odom advised that there is currently an active commercial rail line that extends out of down town Ocala to the site, which has been the point of the majority of the opposition received. He presented a 3 page handout containing letters from CSX, Florida Northern Railroad, LLC, and Trust for Public Lands, which he read into the record.

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

1. The Special Use Permit runs, and shall remain, in full force and effect during the term of occupancy or ownership with Advanced Drainage Systems Inc., or its affiliate, not the property or the current property owner.
2. The areas of the site that this applicant will utilize shall be required to hook up to municipal water and sewer services provided by the City of Belleview.
3. All exterior lighting shall be shielded and directed inward and downward. Photometric studies will be required during the site plan review process to ensure compliance with the Marion Land Development Code.
4. A Type 'B' buffer will be required on the south side of the subject parcel. Large areas of natural foliage currently exist in this location and may be retained to satisfy the buffer requirements.
5. Back-up warning beacons on utility vehicles operating within the laydown yard shall be limited to the lowest allowable decibel levels permitted by the Occupational Safety and Health Administration (OSHA).
6. Up to thirty-six (36) storage silos for pelletized polypropylene or polyethylene plastic, up to 60' in height, shall be permitted at the location indicated on the site plan.
7. All items cited within Marion County Fire Service Permit #2023090201, which is an update to Permit # 2020050228 shall be resolved/brought up to

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code before a Certificate of Occupancy will be issued for this site. (See Attachment D)

In response to Chairman Stone, Mr. Odom stated the location of the wall can be determined by the Board. He stated the wall will assist with mitigating noise and glare from trucks.

Commissioner Zalak questioned the maximum height of the stacking area. Mr. Odom advised that 50 feet would be the typical building height, but the applicant is present and will better answer those questions.

In response to Commissioner Zalak, Mr. Odom stated a photometric plan is required. He advised that the Board can negotiate the truck noise with the applicant, noting there are many different types of warning beacons.

Commissioner Bryant requested clarification on the location of the no-touch buffer.

Mr. Odom advised that there is some heavily foliated areas, noting it would be a benefit to the applicant to leave those areas intact. He stated staff did not mention no-touch buffers, but can add that as a Condition if the Board directs.

Robert Batsel, SE 36th Avenue, attorney on behalf of the applicant, advised that the applicant does agree to the proposed Conditions.

Director of Marketing Heather Schreiber, Advanced Drainage Systems (ADS), Scottsford Place, Columbus, Ohio, provided a brief overview of ADS, noting they are committed to protecting and managing water by providing sustainable water management solutions. She stated ADS has been operating in Florida for over 20 years and has two plants and two distributions within the State, which employ 285 Florida residents. The proposed location will create more than 300 Marion County jobs.

Ms. Schrieber commented on different activities performed by the company to express appreciation to their employees and initiatives to address community needs. She stated ADS Foundation donated \$500,000.00 to the Nature Conservancy, which will aid in water conservation efforts in 4 states including Florida. ADS Foundation also donated \$25,000.00 to the Florida Disaster Fund to assist in the recovery from hurricanes Ian and Nicole. Ms. Schrieber advised that ADS would like to become a business partner and contribute to the schools in Marion County.

In response to Chairman Stone, Ms. Schrieber stated ADS does offer apprenticeships and trade school scholarships, noting in Ohio the company partnered with a local college and placement organization to perform a training program to prepare individuals to work for ADS.

Commissioner Curry questioned where the current ADS facilities are located in Florida. Ms. Schrieber advised that the facilities are located in Panama City, Winter Garden, Sebring and Fort Lauderdale.

Mr. Batsel advised that the request is for a SUP for indoor manufacturing of non-toxic food grade plastics for the manufacturing of pipe, storage of that pipe, and distribution to end users. He stated the only reason a SUP is needed is because of the indoor manufacturing and outdoor storage in B-5 zoning.

Mr. Batsel advised that no portion of the application addresses deep well injection, noting this was an inaccurate rumor.

Mr. Batsel stated the subject parcel is zoned B-5 and has a railroad terminal use as a matter of right; therefore, the use of the railway is not a factor being addressed today. He advised that goal 5 of the Comprehensive Plan states "Marion County shall enhance the freight transportation network, aviation, highways and rail, which supports existing industry and enhances future economic development opportunities." The next Objective

5.1 states "Marion County shall ensure manufacturing and industrial uses located near or having direct access to airports, rail lines and Florida freight network/strategic intermodal system highways are protected from obtrusions by surrounding land uses in order to minimize conflict among incompatible uses."

Mr. Batsel provided a brief overview of how the facility will operate, noting materials will be delivered to the site by rail. All manufacturing will take place inside the facility. He advised that there are no emissions that require permitting in this operation.

Mr. Batsel clarified that the wall along the south boundary can be inside the type "B" buffer. He advised that the pipes are typically stacked 25 feet to 30 feet high and the silos are a maximum of 60 feet. The silos will not be visible from the south boundary. Mr. Batsel referred to the diagram on overhead screens showing the sight line, noting the trees and building will block the silos.

Mr. Batsel advised that the applicant is requesting Condition 2 be altered to allow connection to the City of Belleview Utilities within 3 years. He referred to a 2 page letter dated September 17, 2024 provided to the Board containing additional Conditions the applicant has agreed to, which will be considered Condition 8. The Conditions are as follows:

1. Within thirty (30) days, NE Ocala LLC will perform one of the following actions to provide temporary fire protection, prior to the commencement of early construction works on, within or around ADS's leased premises: (a) perform work necessary to ensure that a fire pump, jockey pump and piping are operational; or (b) install tanks on site serving the fire system with a volume of at least 30,000 gallons each and a total volume of 60,000 gallons.
2. NE Ocala LLC will supply and install a new fire detection panel for the Ocala Logistics Building, which shall be permitted, inspected and approved on or before December 31, 2024. Extension will be permissible by the Marion County Fire Marshall upon a showing of good cause.
3. NE Ocala LLC will supply and install a new fire hydrant loop to the south side of the ADS premises on or before January 1, 2025 (provided City of Belleview grants a timely permit approval). Extension will be permissible by the Marion County Fire Marshall upon a showing of good cause.
4. NE Ocala LLC will supply and install a fire line that is tied into City of Belleview utilities on or before April 1, 2025.
5. ADS will supply and install a new fire protection system for its leased premises prior to issuance of a Certificate of Occupancy ("CO"). For permitting purposes, the ADS premises will be considered independent from any other buildings on site or portions of the parent parcel owned by NE Ocala LLC; the failure of any NE Ocala LLC or any other tenant within the subject parcel to perform its duties or update its fire protection system will not cause an ADS CO to be withheld, so long as the fire protection system serving the ADS premises is installed and operational.
6. NE Ocala LLC will supply and install a new utility water and sewer system to ADS's leased building with future taps with City of Belleview to support ADS's project schedule. ADS's leased premises will be connected to the City of Belleview utilities prior to issuance of a CO in 2025. The intent of this early connection is to demonstrate commitment and ensure use of the City of Belleview's utility water and sewer connection with future taps to be

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utilized by NE Ocala LLC and its other buildings/Tenants within 3 years as required by the staff-recommended condition of approval.

7. NE Ocala LLC and all tenants or buildings within the parent parcel will connect to the city of Belleview utilities on or before September 17, 2027.

Mr. Batsel reiterated that the railroad is not being considered with this application, noting the SUP is for indoor manufacturing and outside storage. He advised that Florida Northern Railroad, LLC, CSX, and Trust for Public Lands have all stated the railway will not be converted into a trail. Mr. Batsel stated that the rail line has 2 to 3 trips on this line per week, noting ADS does not need a more frequent service. ADS would be adding approximately 3 to 4 cars to the existing train. He advised that the maximum time ADS operation will add to the train is roughly 53 to 71 seconds.

In response to Commissioner Zalak, Mr. Batsel stated the ADS operation is not increasing the number of trips or trains running on the track, but will be adding train cars to a current trip.

Mr. Batsel advised that the applicant does not wish to continue this matter.

In response to Commissioner Bryant, Mr. Batsel reiterated there is currently 3 to 4 rail trips per week on this rail line, noting the train runs midday. He stated the maximum increase in rail cars is 16 per train, which would increase the trip by 71 seconds.

Chairman Stone opened the floor to public comment.

Ted Schatt, East Silver Springs Boulevard, presented a 15 page handout outlining his concerns. He expressed apprehension on how the use of the railway will impact the surrounding area.

Chief of Staff Chris Watt, City of Ocala, SE Watula Avenue, on behalf of the City of Ocala Council and Mayor, commented on the disruption caused by the trains on residents and downtown businesses. He urged the Board to deny the SUP.

R. Asokan, SE 22nd Street, expressed concern with how the current railroad tracks are being maintained and possible water contamination from the manufacturing operation.

Kent Guinn, NW 3rd Avenue, stated from the audience he no longer wished to speak.

Wendell Landry, NE 1st Avenue, advised that he is not opposed to ADS, but is opposed to the additional railroad traffic. He stated he is involved with the development of "The Forge", which is a catalyst project in downtown Ocala. Mr. Landry opined that the railway traffic is not conducive to business. He commented on the potential damage the vibrations from the train can have on the old building.

Chairman Stone questioned if the train was running prior to the start of construction of The Forge and if any damage has occurred. Mr. Landry advised that he rarely sees or hears the train, but it does run. He stated there has been no damage to the building as of today.

Jon Barber, SE 5th Street, advised that the rail line was built in the late 1800's to transport passengers and freight between Palatka and Brooksville. He stated the last segment of the rail line goes through Downtown Ocala, noting the rest of it is gone because it was no longer viable. Mr. Barber opined that the community has to decide if it wants to help the rail line be more viable and thereby perpetuate the use or consider it be a remnant of the past. He stated approval of the SUP will impact the community for years to come.

Kevin Sheilley, Ocala/Metro Chamber & Economic Partnership (CEP), SE 3rd Street, commented on the employment opportunities that will benefit the County if this project is able to move forward.

In response to Commissioner Curry, Mr. Sheilley advised that more freight can be moved with a train than a truck, noting if the rail line was no longer active it would add approximately 16,000 truckloads on the local road network annually.

Commissioner Curry stated Seminole Feed receives approximately 67 rail cars a year of freight, noting if those goods were transferred via Semi it would not be feasible.

Marie Frash, SE 28th Street, advised that the back of her property line is directly adjacent to the rail line, noting she can feel the vibrations of the train when it passes through. She commented on the impact the train has on existing homes in the area and urged the Board to deny the request.

Danny Gaekwad, SE 22nd Avenue Road, advised that he is not opposed to ADS, but is opposed to the rail line. He opined that the County's road infrastructure could handle the truck traffic should the rail line stop operating.

Commissioner Bryant out at 3:50 p.m.

Janet Behnke, SE Laurel Run Drive, advised that she has submitted her concerns in writing to the Board prior to this meeting; therefore, she wishes to yield her time to Mr. Schatt.

Chairman Stone stated typically the Board does not allow someone to speak twice, but she will allow it this one time.

Mr. Schatt referred to Exhibit "B" of his packet, which includes relative legal authority regarding the BCC's ability to deny the requested SUP based on the public good. He stated the denial must be consistent with the Comprehensive Plan and must be supported by competent substantial evidence. Mr. Schatt advised that Exhibit "C" contains a selected provision out of the Comprehensive Plan, noting under the Future Land Use Element (FLUE) there is language protecting existing residential development and maintaining and enhancing neighborhood viability. The Transportation Element has a number of elements that deal with bicycles, trails and walking.

Mr. Schatt stated the Board has heard testimony from residents in the area and along the rail line on why they do not support the SUP. He stated the rail line is a remnant of the past and requested it not be part of the future.

Commissioner Bryant returned at 3:52 p.m.

Miguel Medina, address not provided, commented on the impact the increased use of the railway will have on the quality of life of the surrounding area and expressed safety concerns.

Kunal Gaekwad, SE 22nd Avenue Road, expressed opposition to the use of the railroad and questioned why an impact study has not been done to determine the effects on the area. He stated Downtown Ocala is growing rapidly as a pedestrian/family friendly area, noting a railroad crossing at anytime of the day will not help increase the pedestrian friendliness of the area.

Nancy Thrower, Chairman of the Marion County School Board (MCSB), expressed support for the Rails to Trails project.

Joel Gibson, NE 1st Avenue, advised that "The Forge" entertainment complex backs up to the railroad tracks and commented on the impact the rail traffic will have on the growing midtown area of Ocala.

In response to Commissioner McClain, Mr. Gibson stated activities will begin at The Forge at approximately 11:00 a.m. and will go until 11:00 p.m., noting there will be a consistent flow of people at the location throughout the day. He opined that additional train traffic will impact the vision of the midtown Ocala area.

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Commissioner Bryant state the biggest safety concern is pedestrian traffic crossing 40 to get from midtown Ocala to downtown Ocala.

General discussion ensued.

Chairman Stone advised that public comment is now closed.

Vice President of Operations Matthew Schwerin, Florida Northern Railroad, West Orange Avenue, Apopka, advised that Florida Northern will be the short line operator that currently serves the proposed ADS site.

Commissioner Curry stated many people in opposition today are focused on the Rail to Trail project. He questioned if there is a plan to improve the condition of the railroad. Mr. Schwerin advised that as an interstate railroad they are subject to Federal railroad administration regulations, noting track maintenance is subject to 49 CFR 213 track safety standards. In addition, the railway is subject to random inspections by both Federal Railroad Administration inspectors and Florida Department of Transportation (FDOT) rail program inspectors. He commented on the amount of money spent each year to provide the required maintenance.

In response to Commissioner Curry, Mr. Schwerin advised that there are no plans to deauthorize this spur, noting there are fewer than 20 current customers on the Ocala rail line. He stated there is a Federal obligation to serve those customers. Mr. Schwerin advised that Florida Northern Railroad has a full time marketing team working in conjunction with CSX to bring new customers to the railroad.

Commissioner Curry questioned the maximum miles per hour (MPH) the train can travel through a neighborhood, how many trips are currently made per week and how many trips the ADS operation will add. Mr. Schwerin advised that the entire rail corridor has a top speed of 10 mph. He stated currently there are 3 to 4 round trips per week, noting the existing trips will accommodate the needs of ADS.

In response to Commissioner Curry, Mr. Schwerin stated the maximum road crossing time for the train would be approximately 3 minutes, which includes the 20 second warning time built into the system.

Chairman Stone questioned if there was any policy addressing the stopping of a train over a road crossing. Mr. Schwerin advised that there is a rail yard in downtown Ocala where the switching of railcars does take place, but unless there was a mechanical issue or obstruction on the track the train would not stop and block a road.

In response to Chairman Stone, Mr. Schwerin stated there has not been any consideration relating to the transport of people on the current trains.

Commissioner Zalak questioned the number of rail cars being transported. Mr. Schwerin advised that roughly 4,000 rail car loads are handled on this rail corridor. There are 4 locomotive units in Ocala, but because of traffic requirements one is being diverted to Orlando. He stated each locomotive can pull roughly 10 loaded cars.

In response to Commissioner Zalak, Mr. Schwerin reiterated that the number of trips will not increase from what is currently operating.

In response to Mr. Minter, Mr. Schwerin advised that the rail corridor was built in 1881. He stated occasional upgrades are required after an inspection, noting improvements to the area of Silver Springs Shores include ties and addressing any drainage issues. The key safety items are making sure the gage of the track remains and the surface of the track remains safe for train movement. Mr. Schwerin stated the railway is subject to regulatory jurisdiction from FDOT and a Federal Agency, noting the railway is not under any sanction or noncompliance order from either agency. He stated when notified of

special events (i.e. Light Up Ocala) trains will not run through the area during that time. Mr. Schwerin commented on the hours of operation.

Commissioner McClain questioned how often there is an accident involving vehicles or pedestrians. Mr. Schwerin advised that they rank in the top 5 in the State when it comes to both crossing and trespassing incidents, noting there have been no recent incidents on this line. He stated the 10 mph speed does aid the safety efforts making it easier to slow or stop if needed.

In response to Chairman Stone, Mr. Schwerin advised that typically no building is permitted in the railroad right-of-way (ROW), noting the ROW is approximately 25 feet from the centerline of the track on each side.

Commissioner McClain out at 4:24 p.m.

Vice President of Environmental Health and Safety Chakeyla Anderson, ADS, Windrush Circle, Blacklick, Ohio, advised that the plastics that will be used on site are nontoxic and food grade. She provided a brief overview of the facility's operations and how the product is used once created.

In response to Chairman Stone, Ms. Anderson advised that the only wastewater leaving the site is for sanitation, primarily from bathrooms and sinks.

Commissioner Zalak questioned if the plastic contains Pre- and polyfluoroalkyl substances (PFAS). Ms. Anderson advised that PFAS is not in any of the material used.

In response to Mr. Minter, Ms. Anderson stated ADS is not subject to any industrial pretreatment requirement for wastewater.

Commissioner Zalak questioned what is produced as waste onsite. Ms. Anderson advised that plastic leaves the facility as a pipe, noting all scrap plastic is ground up and reused.

Commissioner McClain returned at 4:29 p.m.

Mr. Batsel stated at maximum build out the impact to the project via rail would be 12 to 16 rail cars per week, noting if the materials were brought to the site via trucks, it would add 288 trucks to the roads per week. He advised that there is no competent substantial evidence before the Board that there is a life safety issue with this operation. Mr. Batsel stated there will be no adverse impacts to the MCSB, noting ADS does hope to work with the schools to drive talent to the facility.

In response to Chairman Stone, Chief James Banta, MCFR, advised that he is unaware of any safety issues that have occurred on this rail line. He opined that tractor trailer traffic would be more risky than increased rail traffic.

Commissioner Bryant stated the applicant has agreed to build the wall within the boundary of the property to allow the existing vegetative buffer to remain in place.

General discussion ensued relating to the buffer.

Mr. Minter expressed concern with the movement of rail cars onsite.

Mr. Batsel advised that the train cars will not be moving onsite at all hours. He stated the reason for the additional spurs onsite is to store rail cars with additional materials for processing in order to require fewer trips. Mr. Batsel advised that there is a machine used to vacuum the material from the rail cars and move them to the silos.

In response to Mr. Minter, Mr. Batsel stated the manufacturing process is done 24 hours a day 7 days a week (24/7).

Commissioner Zalak questioned if the dropdown yard will be operating 24 hours a day.

Mr. Batsel stated the movement of pellets from cars to silos or from silos to the indoor manufacturing lines will occur 24/7. Tractor trailers that come pick up finished pipe from all portions of the laydown yard that is shown on the concept plan will do so by 4:00 a.m. Commissioner Zalak commented on the importance of mitigating noise from the site.

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Mr. Batsel advised that approval of the SUP does not allow ADS to violate the County's noise Ordinance.

General discussion ensued.

Mr. Batsel advised that the applicant will increase the wall to 8 feet and if the OSHA reduces the minimum permissible back up beeper then the language in the Condition will automatically adjust to be reduced.

Mr. Batsel commented on the historical use of the subject property, which was extremely intense.

In response to Chairman Stone, Mr. Batsel proposed that verbiage be added to Condition 4 requiring the wall to be 8 feet in height and installed on the inside of the aforementioned buffer.

Commissioner Zalak questioned the color of the silos. Travis Springer, Friartuck Drive, Montgomery, Texas, advised that the silos are made of aluminum and are silver in color.

In response to Chairman Stone, Mr. Batsel advised that a few years ago the Legislature changed the Statute to require a business impact statement for the adoption of certain Ordinances and Resolutions, but this does not include land development orders.

Chairman Stone stated there was concern expressed relating to pedestrian safety.

Mr. Batsel advised that an aspect of making midtown work is controlling traffic coming east and west on Highway 40 and making sure pedestrians can cross safely irrespective of the railway.

Commissioner Bryant reiterated the 3 to 4 rail line trips are during the week and in the middle of the day.

Mr. Schwerin advised that the Florida Northern Railroad operating shift is typically 7:00 a.m. to 4:00 p.m. Monday through Friday, unless there is a disruption such as a hurricane that would require service on a weekend. He stated ADS will not change the existing operating hours or days.

Chairman Stone advised that this rail line is active and is not going away.

In response to Commissioner Zalak, Mr. Minter advised that generally speaking when discussing Commercial or Industrial development as opposed to Residential developments even in the context of vehicular traffic there is an expectation that there will be vehicular traffic intensities significantly higher than residential traffic. He stated testimony received today indicates that the trains will result in significantly less traffic than by means of semi-trucks. Mr. Minter advised that when talking about no increase in the number of train trips per week and the increase of maybe 60 to 120 seconds per trip 2 to 3 trips per week in most cases that would be considered an immaterial increase in traffic. Chairman Stone clarified that the testimony provided was the maximum increase would be 71 seconds at full build out, which equates to approximately 3 minutes.

Mr. Batsel opined that based on the competent substantial evidence presented today there is not a safety issue. He stated the railroad is incurring any cost that come with additional traffic generated for this project.

Commissioner Curry advised that the applicant will connect to the City of Bellevue Utilities within 3 years and have the proper fire systems in place within 30 days.

In response to Commissioner Curry, Mr. Batsel stated the business is projected to have approximately 300 employees by 2031.

Commissioner Bryant stated she was under the impression that the railroad would one day be shutting down and the trails would be a great thing to do with that space. She advised that based on the testimony received today from the owner and operators of the railroad track Rails to Trails is not going to happen and this train will continue to run

regardless of whether or not this SUP is approved. Commissioner Bryant opined that there is no adverse effects and the trains will not be running during the surrounding businesses peak hours.

In response to Commissioner McClain, Mr. Odom advised that a B-5 business could occupy that location and begin running rail cars to the site as long as it checked out with the rail providers, noting the business would not have to come before the Board for permission. He stated the railway is an amenity to that property.

General discussion ensued.

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

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to adopt Resolution 24-R-417 approving the Special Use Permit request with Conditions 1 through 8, as amended, 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 24-R-417 includes the following Conditions:

1. The Special Use Permit runs, and shall remain, in full force and effect during the term of occupancy or ownership with Advanced Drainage Systems Inc., not the property or the current property owner.
2. The areas of the site that this applicant will utilize shall be required to hook up to municipal water and sewer services provided by the City of Belleview within three years, on or before September 17, 2027.
3. All exterior lighting shall be shielded and directed inward and downward. Photometric studies will be required during the site plan review process to ensure compliance with the Marion Land Development Code.
4. A Type 'B' buffer will be required on the south side of the subject parcels. Large areas of natural foliage currently exist in this location and viable, indigenous foliage shall be retained in order to support meeting these buffer requirements. An eight foot (8') wall shall be installed on the interior of the foliated buffer line on parcels 37513-001-00 & 37513-001-01.
5. Back-up warning beacons on utility vehicles operating within the laydown yard shall be limited to the lowest allowable decibel levels permitted by the Occupational Safety and Health Administration (OSHA). The requirement of this condition shall continue to be updated by the applicant as technology and OSHA requirements allow. Non-audible vehicular warning systems shall also be configured to minimize impacts to adjacent properties, where applicable.
6. Up to thirty-six (36) storage silos for pelletized polypropylene or polyethylene plastic, up to 60' in height, shall be permitted at the location indicated on the site plan.
7. All items cited within Marion County Fire Service Permit #2023090201, which is an update to Permit # 2020050228 shall be resolved/brought up to code before a Certificate of Occupancy will be issued for this site.
8. The applicant shall adhere to all dates certain, for all seven cited line items as they are indicated in the letter submitted to Mr. Mounir Bouyounes, County Administrator, by Mr. Robert Batsel, Gooding & Batsel - Attorneys at Law - agent for the applicant, on September 17, 2024. The line items

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included in this letter shall be considered conditions of this Special Use Permit (see Attachment A).

Attachment A Conditions are as follows:

1. Within thirty (30) days, NE Ocala LLC will perform one of the following actions to provide temporary fire protection, prior to the commencement of early construction works on, within or around ADS's leased premises: (a) perform work necessary to ensure that a fire pump, jockey pump and piping are operational; or (b) install tanks on site serving the fire system with a volume of at least 30,000 gallons each and a total volume of 60,000 gallons.
2. NE Ocala LLC will supply and install a new fire detection panel for the Ocala Logistics Building, which shall be permitted, inspected and approved on or before December 31, 2024. Extension will be permissible by the Marion County Fire Marshall upon a showing of good cause.
3. NE Ocala LLC will supply and install a new fire hydrant loop to the south side of the ADS premises on or before January 1, 2025 (provided City of Belleview grants a timely permit approval). Extension will be permissible by the Marion County Fire Marshall upon a showing of good cause.
4. NE Ocala LLC will supply and install a fire line that is tied into City of Belleview utilities on or before April 1, 2025.
5. ADS will supply and install a new fire protection system for its leased premises prior to issuance of a Certificate of Occupancy ("CO"). For permitting purposes, the ADS premises will be considered independent from any other buildings on site or portions of the parent parcel owned by NE Ocala LLC; the failure of any NE Ocala LLC or any other tenant within the subject parcel to perform its duties or update its fire protection system will not cause an ADS CO to be withheld, so long as the fire protection system serving the ADS premises is installed and operational.
6. NE Ocala LLC will supply and install a new utility water and sewer system to ADS's leased building with future taps with City of Belleview to support ADS's project schedule. ADS's leased premises will be connected to the City of Belleview utilities prior to issuance of a CO in 2025. The intent of this early connection is to demonstrate commitment and ensure use of the City of Belleview's utility water and sewer connection with future taps to be utilized by NE Ocala LLC and its other buildings/Tenants within 3 years as required by the staff-recommended condition of approval.
7. NE Ocala LLC and all tenants or buildings within the parent parcel will connect to the city of Belleview utilities on or before September 17, 2027.

Chairman Bryant returned the gavel to Commissioner Stone, who resumed the Chair.

There was a recess at 5:06 p.m.

The meeting reconvened at 5:22 p.m. with all members present except Commissioner Zalak and Commissioner McClain, who were excused.

15.3.2. 221108ZP - 9494 Summerfield, LLC, Request for Master Plan Approval for Planned Unit Development (PUD) of 9494 Summerfield, a Proposed Mixed-Use Development Consisting of Indoor Self-storage Facilities, Commercial Retail and Office Space and 78 Single-Family Residential (SFR) Units with Accompanying Amenities,

39.27 Acres, Parcel Account Number 48320-000-00, Site Address 9494 SE Hwy 42, Summerfield, FL 34491

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

Description/Background: 9494 Summerfield LLC requested Master Plan approval for Planned Unit Development (PUD) of 9494 Summerfield. The rezoning to PUD was approved on November 15th, 2022. The PUD includes a 39.27-acre property located at 9494 SE Hwy, Summerfield for a proposed multiple use development consisting of 194,825 square feet of self-storage space with 1,925 square feet of supporting office space; 35,000 square feet of general retail space; 8,000 square feet of office space; and 78 single-family dwellings with accessory amenities including a Community Center with a pool, a pickleball court, a shuffleboard court, and open space park on an approximate 39.27-acre parcel, on Parcel Account Number 48320-000-00.

Budget/Impact: None.

Recommended Action: Staff recommends approval with conditions. Board of Commissions approved this Planned Unit Development on November 15, 2022.

Planner Xinyi Cindy Chen, Growth Services, provided a brief history of the approved PUD and advised that the Board is considering the final Master Plan approval. She advised that the only change from the Conceptual plan presented during the PUD approval hearing is the increase from 8,000 square feet to almost 10,000 square feet for the office space.

Robert Batsel, SE 36th Avenue, attorney on behalf of the applicant, advised that the proposed Master Plan complies with all requirements of the Resolution. He stated the applicant met with residents of the neighboring area to address concerns, including Community Development District (CDD) 4 Supervisor Don Deakin. Mr. Batsel advised that Mr. Deakin requested the fencing on the south and west side be 8 feet rather than 6 feet and the applicant has agreed.

Chairman Stone opened the floor to public comment.

Karl Arps, SE 170th Humphreys Loop, The Villages, commented on the applicant's willingness to consider changes. He expressed support for the proposed project.

Don Deakin, SE 172nd Hazelwood Loop, The Villages, expressed support for the approval of the Master Plan. He stated during the presentation in the Villages the renderings didn't show garages and did include a second floor, but the applicant has clarified that all the homes will have a garage and there is not a second floor.

Barbara Kampshroer, SE 167th Ford Street, stated she is in favor of the project, but questioned what happened to the space between lots 6 and 7, as well as what is the construction timeline.

Chairman Bryant advised that public comment is now closed.

Mr. Batsel advised that the space between 6 and 7 is depicted as open space between the two residential lots and will be maintained by the development. He stated Phase 1 and 2 are in the engineering process, noting Phase 5 is the residential portion and a timeline is not available at this time.

Ms. Chen advised that the applicant cannot exceed 8,000 square feet of commercial due to the PUD Resolution Conditions, noting if the applicant wants to increase the square footage the PUD process would have to start over.

Mr. Batsel advised that the office space for the self-storage facility was included in that total square footage and not in the total office space. He advised that there is no change

in the amount of office space from the original plan.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the final PUD Master Plan, with the requirement that all homes are single story and include a garage. The motion was unanimously approved by the Board (3-0).

15.3.3. 230109ZP - Continuation of Consideration for BaseDev Land Trust/Dimino Holdings Associates, LLC, Zoning Change from Single Family Dwelling (R-1) and Planned Unit Development (PUD) to Planned Unit Development (PUD), ±52.15 Acres, Parcel Account Numbers 37515-004-00 and 37515-004-02, No Address Assigned
 The Board considered a petition by BaseDev Land Trust – Domino Holdings Associates, LLC TR, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) and an expired Planned Unit Development (PUD) to Planned Unit Development (PUD), for a single-family detached residential homesite/lot development located approximately 630’ east of SE 58th Avenue (SR Hwy 35/Baseline Road) on the north and south sides of SE 92nd Loop; for a maximum of 211 single-family dwelling units, on an approximate 52.15 Acre Tract, on Parcel Account Numbers 37515-004-00 and 37515-004-02, No Address Assigned

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Kroiter, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the requested Special User 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 unanimously.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the PUD request, which was continued from May 21, 2024.

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

1. The PUD shall be developed consistent with the PUD Concept Plan, as revised, and the development conditions provided with this approval.
2. The PUD shall comply with the following design and development standards listed in Table B below:

TABLE B. PROPOSED DESIGN & DEVELOPMENT STANDARDS							
Development Type & Structure		Minimum		Minimum Setbacks			Maximum Height
		Width	Area (SF)	Front	Rear	Side/ Street-Side	
NORTH PARCEL SFR** (site built or modular)	Principle Structure	45'	4,000	25'	20'	5'/15'	35'
	Accessory Structure	N/A	N/A		5'	5'	30'
	Rear Pool & Enclosure	N/A	N/A		5'	5'	30'
SOUTH PARCEL	Principle Structure	50'	4,500		25'	5'/15'	35'

SFR** (site built or modular)	Accessory Structure	N/A	N/A	25'	5'	5'	30'
	Rear Pool & Enclosure	N/A	N/A		5'	5'	30'

Accessory Structure = e.g., Add-on Screen Enclosure, or Storage Shed, etc.
 Rear Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc.
 N/A = Not Applicable

**Minimum single family dwelling living area square footage is 2,200 square feet.
Gross Maximum Residential Units: TOTAL DWELLING UNITS: 211; 100 south of SE 92nd Loop and 111 north of SE 92nd Loop.

Community Amenity & Recreation Facilities	Principle Structure	N/A	N/A	25'	25'	10'/15'	35'
	Accessory Structure	N/A	N/A		10'	10'	30'
	Rear Pool & Enclosure	N/A	N/A		10'	10'	30'

Accessory Structure = e.g., Clubhouse, shade/picnic/BBQ pavilion, maintenance/storage building, detached residential unit garages.
 Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc.
 N/A = Not Applicable

3. The PUD shall comply with the recommended PUD Development Buffers listed in Table C below:

TABLE C. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
NORTH PARCEL				
North	AG/Grazing (SS Estates Sub)	Type "E"	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"	Type "C"
East	Proposed ROW	Type "C"	Type "C"	Type "C"
West	Commercial	Type "A"	Type "A"	Type "A"
SOUTH PARCEL				
North	ROW	Type "C"	Type "C"	Type "C"
South	Residential	None	Type "C"	Type "C"
East	Residential	None	Type "E"	Type "E"
West	Commercial	Type "A"	Type "A"	Type "A"

4. The PUD amenities shall be provided as set forth in table D below, wherein amenities may be provided in a single central recreation clubhouse/pool complex for the full overall PUD or for separate clubhouse/pool complexes for each north and south PUD:

TABLE D. Minimum PUD Amenities	
PUD Area	Required Minimum Amenities
PUD with One Single central recreation clubhouse pool complex (with SE 92 nd Loop crossing)	

<p>North PUD Area</p>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 3,000 SF 2. Pool – minimum of 1,200 SF surface area 3. Pool deck – minimum of 1,200 SF 4. Pool deck shade pergola – minimum of 500 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station (separate from pool complex) 6. Access controlled dog walk/park area with minimum 200 SF shade pavilion
<p>South PUD Area</p>	<ol style="list-style-type: none"> 1. Recreation/park area within central recreation tract with minimum 500 SF shade pavilion 2. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 3. Access controlled dog walk/park area with minimum 200 SF s pavilion
<p>The equivalent site plan for the clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD's 100th single family residential building permit. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 130th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.</p>	
<p>PUD with Two Separate recreation clubhouse/pool complexes</p>	
<p>North PUD Area</p>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 1,200 SF 2. Pool – minimum of 1,000 SF surface area 3. Pool deck – minimum of 1,000 SF 4. Pool deck shade pergola – minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
<p>South PUD Area</p>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 1,200 SF 2. Pool – minimum of 1,000 SF surface area 3. Pool deck – minimum of 1,000 SF 4. Pool deck shade pergola – minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
<p>The equivalent site plan for each clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD's 50th single family residential building permit for that PUD. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 80th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.</p>	

5. The PUD shall have two fully operational roadway access points to SE 92nd Loop for each North and South PUD portion, and each north and south portion's pair of access points to SE 92nd Loop must be completed and operational prior to obtaining final inspections for 80% of their respective residential units.
6. The North PUD shall include a west access point/route to SE 92nd Loop that may be provided via 1) cross-access to the adjoining commercial designated and zoned property to the west as indicated by the concept plan, or 2) in the event the North PUD develops prior to such cross-access being available, the North PUD may utilize the existing driveway access location for its access point to SE 92nd Loop subject to providing for cross-access to the west to the commercial property consistent with LDC requirements, or 3) the North PUD's developer may obtain suitable cross-access easements to provide and construct the off-site access to SE 92nd Loop across the site to the west as part of the PUD development.
7. The SE 64th Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64th Avenue right-of-way to SE 92nd Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD.
8. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, and any supplemental study information as required by the County Engineer to address the potential for PUD traffic crossing between the north and south PUD portions to access recreational amenities, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
9. The PUD developer shall work and coordinate with the developer, Ocala 85, of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64th Avenue to be used by both PUD's. If Ocala 85 develops first, they will be responsible for developing SE 64th Avenue from SE 92nd Loop up the point that where that PUD will access SE 64th Avenue. If Ocala 85 develops after Basedev Land Trust, that developer will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
10. Internal sidewalks for the north and south PUD areas shall be provided, consistent with the PUD's conceptual plan and the Developer shall be required to construct all internal sidewalks so they connect to the existing SE 92nd Loop sidewalks at the east and west ends of both the north and south PUDs along the PUD's vehicular access points consistent with LDC design standards, including along the portion of SE 64th Avenue to be constructed by the PUD Developer to provide the north PUD's eastern access route. That SE 64th Avenue sidewalk shall extend from the internal sidewalks to then turn south along SE 64th Avenue and then connect to the SE 92nd Loop sidewalk, with the construction completed as part of the PUD developer's overall SE 64th Avenue improvements for access to the site.
11. In the event a singular clubhouse/pool amenity complex design is used for the overall PUD, a refinement of the project's traffic study impacts must be provided as determined by the County Engineer, and the final design of the

- pedestrian crossing shall be subject to review and approval of the County Engineer, wherein if the PUD Developer objects, any such objection would be appealed to the Board of County Commissioners to include the County Engineer's recommendation and a recommendation by the Development Review Committee (DRC).
12. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
 13. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.
 14. The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.
 15. The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.
 16. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.

Commissioner Curry expressed safety concerns with the proposed crosswalk on SE 92nd Loop. He questioned if there had been any consideration relating to having recreational facilities on both sides of the development. Mr. Rison stated it would be an option, noting staff built in both options so that as the developer comes further along and starts to consider the implications, they would have the option to go to a split plan without having to come back before the Board to modify the PUD.

Clay Frankel, Red Jacket Development Group, LLC, Waltham Avenue, Orlando, applicant, advised that the multi-family has been removed from the proposed PUD. He stated there will be a 3,000 square foot clubhouse on the north side and passive recreation on the south side.

In response to Commissioner Bryant, Mr. Frankel stated the residents on the south side will be able to utilize the recreation on the north side. He stated there will be crosswalks, noting guidance from FDOT will be sought to determine the location of the crosswalks.

Commissioner Bryant expressed safety concerns relating to the crosswalk.

County Engineer Steven Cohoon, OCE, advised that he has similar safety concerns relating to the crosswalk.

Commissioner Bryant stated there is not a safe way to move pedestrian traffic between the two portions of the development.

General discussion ensued.

In response to Commissioner Bryant, Mr. Frankle advised that there will be a wall along SE 92nd Loop on both sides of the development.

Commissioner Curry commented on the lot sizes.

Mr. Frankel stated when the PUD was originally brought before the Board it was proposed as a high residential product, but after discussions it was decided to modify the proposed PUD to the minimum high density residential.

Chairman Stone opened the floor to public comment.

Kat Tuck, SE 99th Place, Belleview, on behalf of the Golf Park Community, expressed appreciation to the applicant for listening to the community and coming back with a single family home plan.

Chairman Stone advised that public comment is now closed.

In response to Mr. Minter, Mr. Frankel requested a 5 foot brick/masonry wall be permitted. A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt resolution 24-R-418 approving the zoning change request 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 (3-0).

Resolution 24-R-418 includes the following Conditions:

1. The PUD shall be developed consistent with the PUD Concept Plan, as revised dated 7/31/2024, and the development conditions provided with this approval.
2. The PUD shall comply with the following design and development standards listed in Table B below:

TABLE B. PROPOSED DESIGN & DEVELOPMENT STANDARDS							
Development Type & Structure		Minimum		Minimum Setbacks			Maximum Height
		Width	Area (SF)	Front	Rear	Side/Street-Side	
NORTH PARCEL SFR** (site built or modular)	Principle Structure	45'	4,000	25'	20'	5'/15'	35'
	Accessory Structure	N/A	N/A		5'	5'	30'
	Rear Pool & Enclosure	N/A	N/A		5'	5'	30'
SOUTH PARCEL SFR** (site built or modular)	Principle Structure	50'	4,500	25'	25'	5'/15'	35'
	Accessory Structure	N/A	N/A		5'	5'	30'
	Rear Pool & Enclosure	N/A	N/A		5'	5'	30'
Accessory Structure = e.g., Add-on Screen Enclosure, or Storage Shed, etc. Rear Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable **Minimum single family dwelling living area square footage is 2,200 square feet. Gross Maximum Residential Units: TOTAL DWELLING UNITS: 211; 100 south of SE 92 nd Loop and 111 north of SE 92 nd Loop.							
Community Amenity	Principle Structure	N/A	N/A	25'	25'	10'/15'	35'
	Accessory Structure	N/A	N/A		10'	10'	30'

& Recreation Facilities	Rear Pool & Enclosure	N/A	N/A	10'	10'	30'
Accessory Structure = e.g., Clubhouse, shade/picnic/BBQ pavilion, maintenance/ storage building, detached residential unit garages. Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable						

3. The PUD shall comply with the recommended PUD Development Buffers listed in Table C below:

TABLE C. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
NORTH PARCEL				
North	AG/Grazing (SS Estates Sub)	Type "E"	Type "E"	Type "E"
South*	ROW	Type "C"	Type "C"	Type "C" *
East	Proposed ROW	Type "C"	Type "C"	Type "C"
West	Commercial	Type "A"	Type "A"	Type "A"
SOUTH PARCEL				
North*	ROW	Type "C"	Type "C"	Type "C" *
South	Residential	None	Type "C"	Type "C"
East	Residential	None	Type "E"	Type "E"
West	Commercial	Type "A"	Type "A"	Type "A"
*The Type-C Buffer shall also include a minimum 5-foot high brick-masonry wall, with the wall placed on the interior/lot side of the buffer, and form a continuous barrier along the north and south sides of SE 92 nd Loop for the length of the PUD frontage, consistent with applicable LDC provisions for safety and sight-distance requirements.				

4. The PUD amenities shall be provided as set forth in table D below, wherein amenities may be provided in a single central recreation clubhouse/pool complex for the full overall PUD or for separate clubhouse/pool complexes for each north and south PUD:

TABLE D. Minimum PUD Amenities	
PUD Area	Required Minimum Amenities
PUD with One Single central recreation clubhouse pool complex	
North PUD Area	1. Clubhouse - Minimum of 3,000 SF 2. Pool - minimum of 1,200 SF surface area 3. Pool deck- minimum of 1,200 SF 4. Pool deck shade pergola - minimum of 500 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station (separate from pool complex) 6. Access controlled dog walk/park area with minimum 200 SF shade pavilion
South PUD Area	1. Recreation/park area within central recreation tract with minimum 500 SF shade pavilion 2. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station

	3. Access controlled dog walk/park area with minimum 200 SF shade pavilion
<p>The equivalent site plan for the clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD' s 100th single family residential building permit. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 130th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.</p>	
<p>A mid-block pedestrian crossing for SE 92nd Loop, as shown on the revised PUD Concept Plan, shall NOT be provided; however, the PUD design and construction shall provide for the movement of pedestrians between the north and south PUD portions subject to County Engineer approval, and be in-place and complete with the required completion of the clubhouse/pool complex facilities as listed above.</p>	
<p>PUD with Two Separate recreation clubhouse/pool complexes</p>	
<p>North PUD Area</p>	<ol style="list-style-type: none"> 1. Clubhouse - Minimum of 1,200 SF 2. Pool - minimum of 1,000 SF surface area 3. Pool deck-minimum of 1,000 SF 4. Pool deck shade pergola - minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
<p>South PUD Area</p>	<ol style="list-style-type: none"> 1. Clubhouse - Minimum of 1,200 SF 2. Pool - minimum of 1,000 SF surface area 3. Pool deck- minimum of 1,000 SF 4. Pool deck shade pergola - minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
<p>The equivalent site plan for each clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD' s 50th single family residential building permit for that PUD. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 80th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.</p>	

5. The PUD shall have two fully operational roadway access points to SE 92nd Loop for each North and South PUD portion, and each north and south portion's pair of access points to SE 92nd Loop must be completed and operational prior to obtaining final inspections for 80% of their respective residential units.

6. The North PUD shall include a west access point/route to SE 92nd Loop that may be provided via 1) cross-access to the adjoining commercial designated and zoned property to the west as indicated by the concept plan, or 2) in the event the North PUD develops prior to such cross-access being available, the North PUD may utilize the existing driveway access location for its access point to SE 92nd Loop subject to providing for cross-access to the west to the commercial property consistent with LDC requirements, or 3) the North PUD's developer may obtain suitable cross-access easements to provide and construct the off-site access to SE 92nd Loop across the site to the west as part of the PUD development.
7. The SE 64th Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64th Avenue right-of-way to SE 92nd Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD; in conjunction with an appropriately established municipal services assessment area.
8. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, and any supplemental study information as required by the County Engineer to address the potential for PUD traffic crossing between the north and south PUD portions to access recreational amenities, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
9. The PUD developer shall work and coordinate with the developer, Ocala 85, of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64th Avenue to be used by both PUD's. If Ocala 85 develops first, they will be responsible for developing SE 64th Avenue from SE 92nd Loop up to the point that where that PUD will access SE 64th Avenue. If Ocala 85 develops after Basedev Land Trust, that developer will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
10. Internal sidewalks for the north and south PUD areas shall be provided, consistent with the PUD's conceptual plan and the Developer shall be required to construct all internal sidewalks so they connect to the existing SE 92nd Loop sidewalks at the east and west ends of both the north and south PUDs along the PUD's vehicular access points consistent with LDC design standards, including along the portion of SE 64th Avenue to be constructed by the PUD Developer to provide the north PUD's eastern access route. That SE 64th Avenue sidewalk shall extend from the internal sidewalks to then turn south along SE 64th Avenue and then connect to the SE 92nd Loop sidewalk, with the construction completed as part of the PUD developer's overall SE 64th Avenue improvements for access to the site.
11. In the event a singular clubhouse/pool amenity complex design is used for the overall PUD, a refinement of the project's traffic study impacts must be provided as determined by the County Engineer, and the final design of the pedestrian crossing shall be subject to review and approval of the County Engineer, wherein if the PUD Developer objects, any such objection would be appealed to the Board of County Commissioners to include the County

- Engineer's recommendation and a recommendation by the Development Review Committee (DRC).
12. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
 13. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.
 14. The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.
 15. The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.
 16. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.

15.4. Adoption of Ordinance

15.4.1. 24-S08

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 24-25 adopting Small Scale Comprehensive Plan Amendment No. 24-S08, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (3-0).

Ordinance 24-25 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

24-S08, JOHN NOBLE RUTLEDGE III
+/- 0.64 ACRES

PARCEL NOS. 2303-015-065 AND 2303-015-005
FROM MEDIUM RESIDENTIAL TO HIGH RESIDENTIAL
PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

15.4.2. Zoning

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

September 17, 2024

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 24-26 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 (3-0).

Ordinance 24-26 is entitled:

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

15.3.4. Revocation Hearing Regarding 211216SU - Bissoondial Bisram (Landowner) and Ricardo Rosales Sanzo and Dunia Ruiz Aguila (Agents), Special Use Permit for Parking of One Semi-Truck and One 53, Dry-Van Trailer, in a General Agriculture (A-1) Zone, 1.14

Acres, Parcel Account Number 2331-009-018, Site Address 7745 SW 15th PL, Ocala, FL 34474, in Relation to Application 240603SU (REQUEST TO CONTINUE TO OCTOBER 17, 2024 AT 2 P.M.)

Growth Services Director Chuck Varadin advised of a scrivener's error, noting the request is to continue to Tuesday, October 15, 2024.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to continue this matter to Tuesday, October 15, 2024 at 2:00 p.m. The motion was unanimously approved by the Board (3-0).

There being no further business to come before the Board, the meeting thereupon adjourned at 6:05 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk