

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

November 21, 2023

**CALL TO ORDER:**

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, November 21, 2023 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The meeting opened with invocation by Commissioner Zalak 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 Zalak, the Board of County Commissioners (BCC) approved and/or ratified the following:

**1.1. PROCLAMATION** - Eagle Scout Court of Honor - Henry Mekseree (Approval Only)  
The Board approved the Proclamation congratulating Henry Mekseree upon attaining the status of Eagle Scout in the Boy Scouts of America organization.

The Board presented a video on the overhead screens entitled "2023 Chairman Craig Curry – Some of our favorite moments this year".

The Board presented the Proclamation designating November 15, 2022 through November 20, 2023 as "Chairman Craig Curry Year" to Commissioner Curry, along with a plaque recognizing his leadership as the Board Chair for the previous year.

Commissioner Curry expressed appreciation towards the Board for their assistance over the past year. He stated it has been a pleasure getting to work with all the Commissioners and thanked them for the support. Commissioner Curry presented each Commissioner with a picture of himself. He stated it has been an honor and a pleasure to serve the community this year.

**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

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limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or submit the request online at: [www.marionfl.org](http://www.marionfl.org).

Chairman Stone opened the floor to public comment.

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

### **3. ADOPT THE FOLLOWING MINUTES:**

**3.1.** May 24, 2023

**3.2.** June 6, 2023

**3.3.** June 20, 2023

**3.4.** June 21, 2023

**3.5.** June 22, 2023

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to adopt the meeting minutes of May 24, June 6, 20, 21 and 22, 2023. The motion was unanimously approved by the Board (5-0).

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

**4.1.** Billy Woods, Sheriff - Present Unaudited FY 22-23 Excess Funds Returned to the Board of County Commissioners

The Board considered the following letter dated October 27, 2023 from Marion County Sheriff William "Billy" Woods, Marion County Sheriff's Office (MCSO):

Dear Chairman Curry:

The un-audited amounts returned to the Board of County Commission for fiscal year 2022-2023 are as follows:

Total County-Wide Budgets	\$ 757,075
Less Grant Funds	<u>\$(251,811)</u>
Total County-Wide Funds	\$ 505,264
MSTU Budget	\$ 510,111
Less Grant Funds	<u>\$(141,829)</u>
Total MSTU Funds	\$ 368,282

**Total Unexpended Funds Returned \$ 873,546**

I want to thank the Board for your continuing support of the Marion County Sheriff's Office. I appreciate the excellent working relationship we have established. We continue to provide outstanding Law Enforcement and Detention services to our community, which would not be possible without your help with the funding of the budget.

Respectfully,

Billy Woods, Sheriff

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to have the unexpended funds moved to the respective Reserve accounts. The motion was unanimously approved by the Board (5-0).

**4.2.** Billy Woods, Sheriff - Request Approval of 2023-2024 Edward Byrne Memorial Justice Assistance Program – Countywide

The Board considered the following recommendation from Grants Coordinator Caitlin Rath, MCSO:

Description/Background: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of criminal justice funding to states and units of local government. Programs funded through this allocation are attached.

Budget/Impact: Grant revenue of \$46,203 (no local match required).

Recommended Action: Motion to approve and authorize the Chairman to execute the agreement.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to authorize the Chair to execute the agreement. The motion was unanimously approved by the Board (5-0)

**4.3. Wesley Wilcox, Supervisor of Elections - Request Approval With Proposed Precinct Line Changes in Accordance with Florida Statute 101.001**

The Board considered the following recommendation from Supervisor of Elections Wesley Wilcox:

Description/Background: In accordance with Florida Statute 101.001 Marion County Supervisor of Elections is submitting the proposed precinct line changes. The new precinct lines are a result of redistributing voter counts in On Top of The World and Stone Creek.

- OTOW precincts: 4150, 4151, 4152, 4153, 4154
- Stone Creek precinct: 4230

Please see the attached maps for clarification.

Budget/Impact: None.

Recommended Action: Motion to approve the proposed Precinct Line Changes in On Top of The World and Stone Creek in accordance with Florida Statute 101.001.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the proposed Precinct line changes in On Top of The World and Stone Creek in accordance with Florida Statute 101.001. The motion was unanimously approved by the Board (5-0).

**4.4. Gregory C. Harrell, Clerk - Present Unaudited FY22-23 Excess Funds Returned to the Board of County Commissioners and Request Funding for Vehicles**

The Board considered the following letter dated November 9, 2023 from Clerk of the Court Gregory C. Harrell:

Dear Chairman Curry:

The un-audited funds to be returned to the Board of County Commission ("Board") for Fiscal Year 2022-2023 are as follows:

"Clerk to Board" Fund (052):	\$404,298.38
"Clerk - Office General" Fee Fund (051):	\$554.82

From the "Clerk to Board" Fund funds. I am requesting \$180,000.00 to purchase four new vehicles for the Clerk's Office for the reasons set forth below. A budget amendment will be placed on the 12/5/23 Board agenda for this request. That would leave a balance of \$224,298.38 in unspent budget returned to the Board from the "Clerk to the Board" Fund.

As you may know, our staff members use county-owned vehicles not only for transportation to out of town meetings and conferences but also for day-to-day tasks within the county such as off-site budget. finance. and audit work. What we would like to do is purchase one four-door sedan and three

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four-door sports-utility vehicles (SUVs) to replace the four vehicles we have had since being purchased new in 2013. The old vehicles have served us well. but they are beginning to show their age and present a variety of minor issues. and they also do not have certain safety features like back-up cameras, that come standard in most new ones. We believe that we should be able to sell at least two, and possibly all four of the old vehicles. at auction and thereby reclaim some of their overall value to offset the requested purchase amounts of the new ones.

Thank you for your ongoing support and consideration of these matters.

Sincerely,  
Gregory C. Harrell  
Clerk of Court and Comptroller

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the funding request from the Clerk. The motion was unanimously approved by the Board (5-0).

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

### **5.1. Budget Amendment**

Clerk Harrell advised that Consent Agenda Item 7.8.5. coincides with Budget Amendment Resolution 5.1.9, Consent Agenda Item 7.8.10. coincides with Budget Amendment Resolution 5.1.12. and Consent Agenda Item 7.8.14. coincides with Budget Amendment Resolution 5.1.20.

Commissioner Bryant stated she would like to move forward Consent Agenda Item(s) 7.8.5.; 7.8.10. and 7.8.14. to be considered at the same time the Board adopts the Budget Amendment Resolutions. It was the general consensus of the Board to concur.

Upon motion of Commissioner Bryant, seconded by Commissioner Curry, the Board adopted the following Budget Amendment Resolutions transferring funds and approve Consent Agenda Item(s) 7.8.5, 7.8.10 and 7.8.14 as presented by Clerk Harrell:

- 5.1.1.** 23-R-495 County Transportation Maintenance Fund - Road & Street Facilities - \$375,000
- 5.1.2.** 23-R-496 - County Transportation Maintenance Fund - Transportation - \$363,685
- 5.1.3.** 23-R-497 - Fine and Forfeiture Fund - Sheriff Regular Transfer - \$8,561
- 5.1.4.** 23-R-498 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$447
- 5.1.5.** 23-R-499 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$8,975
- 5.1.6.** 23-R-500 - General Fund - County Administrator - \$525
- 5.1.7.** 23-R-501 - General Fund - Sheriff Emergency Management Transfer - \$3,831
- 5.1.8.** 23-R-502 - General Fund - Sheriff Jail Transfer - \$44,652
- 5.1.9.** 23-R-503 - Infrastructure Surtax Capital Project Fund - Infrastructure Tax Reserve \$180,000
- 5.1.10.** 23-R-504 - Infrastructure Surtax Capital Project Fund - Multiple Cost Centers - \$959,907
- 5.1.11.** 23-R-505 - Marion County Airport Fund - Marion County Airport - \$350
- 5.1.12.** 23-R-506 - Marion County Airport Fund - Marion County Airport - \$27,500
- 5.1.13.** 23-R-507 - Marion County Utility Fund - Utilities Management - \$62,070
- 5.1.14.** 23-R-508 - Medical Examiner Fund - Medical Examiner - \$19,650
- 5.1.15.** 23-R-509 through 23-R-521 - Multiple Funds - Sheriff Grant Re-appropriations - \$660,626

- 5.1.16.** 23-R-522 - MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$351,553
- 5.1.17.** 23-R-523 - Parks and Recreation Fees Fund - Parks and Recreation Fees - \$37,000
- 5.1.18.** 23-R-524 - Solid Waste Disposal Fund - Solid Waste Recycling - \$245,454
- 5.1.19.** 23-R-525 - Stormwater Fund - Stormwater Program - \$169,436
- 5.1.20.** 23-R-526 - Tourist Development Fund - Visitors and Convention Bureau - \$367,916

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

## **5.2. Supplemental Budget FY 22/23**

### **5.2.1. Request Adoption of the Following Budget Amendments to the Prior (2022-2023) Fiscal Year Budget**

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

- 5.2.1.1.** 23-R-527 – General Fund – Clerk of Court – \$303,671.00
- 5.2.1.2.** 23-R-528 – General Fund – Property Appraiser – \$18,000
- 5.2.1.3.** 23-R-529 – General Fund – Supervisor of Elections – \$53,430
- 5.2.1.4.** 23-R-530 – General Fund – Supervisor of Elections – \$127,206
- 5.2.1.5.** 23-R-531 – General Fund – Supervisor of Elections – \$30,304
- 5.2.1.6.** 23-R-532 – General Fund – Supervisor of Elections – \$450
- 5.2.1.7.** 23-R-533 – General Fund – Supervisor of Elections – \$568
- 5.2.1.8.** 23-R-534 – General Fund – Supervisor of Elections – \$1,342
- 5.2.1.9.** 23-R-535 – General Fund – Supervisor of Elections – \$534,632
- 5.2.1.10.** 23-R-536 – General Fund – Tax Collector – \$507,240
- 5.2.1.11.** 23-R-537 - Impact Fee- East District – Impact Fees East District - \$29,199
- 5.2.1.12.** 23-R-538 – Impact Fee - West District – Impact Fees West District - \$100,090
- 5.2.1.13.** 23-R-539 – Impact Fee – District 1 – Impact Fees - \$2,356
- 5.2.1.14.** 23-R-540 – Impact Fee – District 3 – Impact Fees - \$29,199
- 5.2.1.15.** 23-R-541 – Impact Fee – District 4 – Impact Fee – District 4 Department Open Balances Forward-Cash-Regular - \$99,900
- 5.2.1.16.** 23-R-542 – 2014A Debt Service Fund – Series 2014A - \$147,713
- 5.2.1.17.** 23-R-543 – 2015A Debt Service Fund – Series 2015A - \$26,906
- 5.2.1.18.** 23-R-544 – 2016A Debt Service Fund – Series 2016A - \$131,961
- 5.2.1.19.** 23-R-545 – 2017A Debt Service Fund – Series 2017A - \$117,774
- 5.2.1.20.** 23-R-546 – 2019A Debt Service Fund – Series 2019A - \$122,146
- 5.2.1.21.** 23-R-547 – 2021A Debt Service Fund – Series 2021A - \$275,452
- 5.2.1.22.** 23-R-548 – 2022A Debt Service Fund – Series 2022A - \$57,583
- 5.2.1.23.** 23-R-549 – 2021A Capital Project Fund – 2021A Capital Project Fund Department Open Balances Forward-Cash-Regular - \$204,890
- 5.2.1.24.** 23-R-550 – Infrastructure Surtax Capital Project Fund – Infrastructure Tax Reserve - \$25,020
- 5.2.1.25.** 23-R-551 – Surtax Capital Projects Fund – Surtax Capital Projects - \$25,020

### **5.3. Clerk of the Court Items**

**5.3.1.** Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 039456, 039457, 040781, 045715, 048197, 049417, 049452, 049458, 050040 and State Attorney's List Attached

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

**5.3.2.** Request Approval of Tax Increment Financing District (TIFD) Payment Requests (Budget Impact - Neutral; expenditure of \$2,310,142 as approved in the FY 2023-24 budget)

Clerk Harrell presented the following recommendation from Finance Director Jennifer Cole in regard to letters from the Cities of Ocala, Dunnellon and Belleview, as well as the Silver Springs Community Redevelopment Area (CRA) Trust Fund regarding payment of TIFD Funds:

Description/Background: Tax Increment Financing District (TIFD) Payment Requests of \$1,665,227 to the City of Ocala, \$187,922 to the City of Dunnellon, \$97,469 to the City of Belleview, and \$359,524 to the Silver Springs CRA Trust Fund.

Budget/Impact: Neutral; expenditure of \$2,310,142 as included in the FY 2023-24 Adopted Budget.

Recommended Action: Motion to Approve TIFD Funding Payments.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve payments to the Cities of Ocala, Dunnellon and Belleview, as well as the Silver Springs CRA Trust Fund. The motion was unanimously approved by the Board (5-0).

## **7. CONSENT:**

Chairman Stone advised that Agenda Item 7.8.15. will be pulled for further discussion.

A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner. Upon motion of Commissioner Curry, seconded by Commissioner McClain, the Board acted on the Consent Agenda as follows:

### **7.1. Community Services:**

**7.1.1.** Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Between Marion County and Marion County Veterans Helping Veterans, Inc. (Budget Impact-Neutral; not to exceed \$150,000)

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

Description/Background: On August 2, 2022, the Board approved the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Fiscal Year (FY) 2022-2023 Annual Action Plan for Community Services, which is associated with the FY 2019-2024 Five (5) Year Consolidated Plan.

Marion County Veterans Helping Veterans, Inc. is a local non-profit social services organization that provides direct services to low- and moderate-income veterans and their families by providing financial assistance, medical needs, food, and other

essential services. It is a diverse initiative that maximizes its relationships with veterans in our community and assists them through coordination with other non-profits when necessary to leverage services for veteran assistance.

Marion County Veterans Helping Veterans applied to Community Service's Notice of Funding Availability for the Community Development Block Grant (CDBG) Program to continue assisting in preventing homelessness of veterans in Marion County by providing homeless prevention and wraparound services. Last fiscal year, Veterans Helping Veterans served ninety-eight new veterans with its program.

Budget/Impact: Neutral; not to exceed \$150,000.00.

Recommended Action: Motion to approve and authorize Chair and Clerk to execute all necessary documents associated with Marion County Professional Services CDBG Agreement between Marion County and Marion County Veterans Helping Veterans, Inc.

## **7.2. Development Review Committee:**

**7.2.1.** Request Approval of a Final Plat/Replat for BLCCDD North Water Reclamation Facility, Project Number 2022010055, Application Number 29877 (Budget Impact - None)  
The Board accepted the following recommendation as presented by Building Safety Director Michael Savage, on behalf of the Development Review Committee (DRC):

Description/Background: This is a request to approve the Final Plat/Replat for Bay Laurel Center Community Development District (BLCCDD) North Water Reclamation Facility. This is a replat of a portion of Circle Square Woods as recorded in Plat Book P, Pages 30 through 103.

This subdivision is located in the southwest portion of the County containing two (2) lots and zero miles of road on approximately 105.43 acres.

This Final Plat/Replat was approved by the Development Review Committee on November 6, 2023.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat/Replat for BLCCDD North Water Reclamation Facility and authorize the Chairman and Clerk to execute the same.

**7.2.2.** Request Approval of a Final Plat/Replat for Ocala Crossings South Phase 1A, Project Number 2021070086, Application Number 29590 (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Savage, on behalf of the DRC:

Description/Background: This is a request to approve the Final Plat/Replat for Ocala Crossings South Phase 1A. This is a replat of a Tract D, Ocala Crossings South Phase One as recorded in Plat Book 15, Pages 28 through 35, and a portion of Section 15, Township 16, Range 21 East.

This subdivision is located in the southwest portion of the County containing two (2) lots and zero miles of road on approximately 9.28 acres.

This Final Plat/Replat was approved by the Development Review Committee on October 30, 2023.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat/Replat for Ocala Crossings South Phase 1A and authorize the Chairman and Clerk to execute the same.

### **7.3. Growth Services:**

**7.3.1.** Request Approval to Accept an Amended and Restated Conservation Easement between Walter Boring and Wendy R. Boring and Marion County, Florida, Related to Parcel Identification Numbers 05866-000-00 and 05866-001-00 (Budget Impact - Neutral) The Board accepted the following recommendation as presented by Senior Planner Christopher Rison, Growth Services:

Description/Background: In 2008, an application from Walter and Wendy R. Boring (Borings) to participate in Marion County's Transfer of Development Rights (TDR) Program was approved by the Board. The Borings placed 119 acres of 159-acres under a conservation easement and received 119 Transferable Development Credits (TDCs) in return. At that time, the Borings also reserved a total of 40 acres of the 159-acre site as eligible development areas for up to four potential home sites intended for family members. The Borings now desire to begin their intended divisions; however, the Borings have applied to shift 10 acres of the development area from the northeast corner of the site to the southwest corner of the site; there will be no reduction in the amount of acreage conserved. The potential for such an adjustment was confirmed at the time of the original approval. For reference, the Borings completed the sale of 72 of their TDCs earlier this year and have recently contracted for the sale of their remaining 47 TDCs. To complete the adjustment, an Amended and Restated Conservation Easement (attached) includes the legal descriptions of the overall site and the descriptions of the various development areas: two 10-acres in size and one 20-acres in size. Copies of surveys illustrating the existing and revised development area locations are attached. Staff recommends the Board approve accepting the attached Amended and Restated Conservation Easement from Walter Boring and Wendy R. Boring, wherein the Borings will provide for the recording of the Amended and Restated Conservation Easement.

Budget/Impact: None.

Recommended Action: Motion to approve accepting the attached Amended and Restated Conservation Easement from Walter Boring and Wendy R. Boring.

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

**7.4.1.** Request Approval of Amendment to Administrative Agreement with Florida Blue The Board accepted the following recommendation as presented by ACA Amanda Tart, Human Resources:

Description/Background: Since going self-insured for our health insurance, Marion County has maintained an Administrative Agreement with Florida Blue. This agreement outlines the different services Florida Blue provides to Marion County, such as claims processing and telemedicine services.

This amendment to the current agreement serves three main purposes:

- To extend the term of the agreement through September 30, 2026
- Provide an updated administrative fee arrangement
- Provide a Pharmacy Financial Arrangement

In the previous administrative agreement there was no Pharmacy Financial Arrangement, however through negotiations Florida Blue has agreed to add this to our Administrative Agreement. This addition will provide Marion County with prescription rebate guarantees and provide a significant savings to the health insurance fund. For FY23-24, the rebate is estimated to be \$2.7 million, followed by an estimated \$3.1 million for FY24-25 and an estimated \$3.5 million for FY25-26.

The administrative fee arrangement is the same as the previously approved budgeted amount for FY23-24.

Budget/Impact: None.

Recommended Action: Motion to approve the Amendment to the Administrative Services Agreement with Florida Blue.

**7.4.2.** Request Approval of the Reclassification of One Purchasing Inventory Assistant Position, Pay Grade 103, and the Reclassification of One Senior Purchasing Inventory Coordinator, Pay Grade 108 to Two Fleet Parts Specialist Positions, Pay Grade 104-109, Within the Fleet Management Budget AA178519 (Budget Impact - Expenditure \$11493) The Board accepted the following recommendation to adopt Resolution 23-R-552 as presented by Acting Human Resources Director Jessica James:

Description/Background: Updating the Purchasing Inventory Assistant and Senior Purchasing Inventory Coordinator positions to Fleet Parts Specialist Positions will more accurately reflect the position and job requirements with an included matrix that will increase incentives for additional training and longevity in the position.

Budget/Impact: Expenditure of \$11,493.

Recommended Action: Motion to approve the reclassification of one (1) Purchasing Inventory Position, Pay Grade 103, and the reclassification of one (1) Senior Purchasing Inventory Coordinator, Pay Grade 108, to two (2) Fleet Parts Specialist positions, Pay Grade 104-109, within the Budget of Fleet Management AA178519.

Resolution 23-R-552 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE RECLASSIFICATION OF ONE (1) PURCHASING INVENTORY ASSISTANT POSITION, PAY GRADE 103, AND THE RECLASSIFICATION OF ONE (1) SENIOR PURCHASING INVENTORY COORDINATOR POSITION, PAY GRADE 108, TO TWO (2) FLEET PARTS SPECIALIST POSITIONS, PAY GRADE 104-109, WITHIN THE BUDGET OF FLEET MANAGEMENT AA178519, ALONG WITH THE CORRESPONDING JOB DESCRIPTION AND PAY GRADE AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

## **7.5. Library Services:**

**7.5.1.** Request Approval of Marion County Public Library System Annual Plan of Service FY 2023-24 (Budget Impact - Neutral; grant revenue of approximately \$95,500)

The Board accepted the following recommendation as presented by Library Director Julia Sieg:

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Description/Background: Annually, as a State Aid grant receiving public library, documents are required to be submitted by December 1st, as specified by the State Library of Florida. One required document is an annual plan of service which has been approved by the library Governing Body.

Attached is the proposed Marion County Public Library System Annual Plan of Service, FY 2023-24. The proposed annual plan of service is adapted from the approved Marion County Public Library System Operational Plan of Service, 2020-2024.

The vision, mission, three (3) goals and objectives remain the same in this annual plan as they appear in the operational plan. The activities included are what may reasonably be initiated or accomplished in the upcoming fiscal year based on already approved resources via the annual budgeting process. Conducting the activities associated with the Annual Plan of Service may reflect continuation of a particular aspect of service, investigation into the feasibility of a service or improvement in efficiency.

Budget/Impact: Neutral; the revenue from the State Aid to Libraries grant for Marion County for FY 2023-24 is estimated to be approximately \$95,500. Costs associated with the implementation of the Annual Plan of Service have already been reflected in the approved budget.

Recommended Action: Motion to approve the attached Marion County Public Library System Annual Plan of Service, FY 2023-24.

## **7.6. MSTU:**

**7.6.1.** Request Approval of Final Acceptance of the Belleview Heights Estates Unit 9 - SE 131<sup>st</sup> Place Road Improvement Area Project (Bid Number 22B-067) and Release of Contractor from Further Warranty (Budget Impact-None)

The Board accepted the following recommendation as presented by MSTU Director Matthew Leibfried:

Description/Background: On November 1, 2023, representatives from the MSTU/Assessment department and Moorhead Engineering Company, inspected the subject project to evaluate the road's condition for the purpose to end the warranty period.

Engineer of record finds the project in satisfactory condition, which meets the requirements to end the warranty period based on the inspection. Therefore, staff recommends releasing the contractor from warranty obligations per the project's specifications.

The Office of the County Engineer has historically provided maintenance of the graded road and upon release of the Warranty period will be responsible for the maintenance of Belleview Heights Estates Unit 9 - SE 131<sup>st</sup> Place Road Improvement Area.

Budget/Impact: None.

Recommended Action: Motion to approve final acceptance of the Belleview Heights Estates Unit 9 - SE 131<sup>st</sup> Place Road Improvement Area (Bid number 22B-067) and release the contractor from warranty and authorize Chair to execute the attached letter releasing the contractor from any further warranty obligations.

**7.7. Parks and Recreation:**

**7.7.1. Request Approval of First Amendment to Memorandum of Understanding Between Marion County and the Town of Reddick for Development and Limited Management of Reddick Park**

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

Description/Background: The attached First Amendment to Memorandum of Understanding (MOU) between Marion County and the Town of Reddick (Town) was approved by the Board of County Commissioners on the February 7, 2023 agenda. One of the contingencies of this MOU was a Land License Agreement between the Town and Marion County Public Schools (MCPS). The Town and MCPS are unable to execute a Land License Agreement and the Town will now move forward with building Reddick Park on Town-owned land instead. This First Amendment to the MOU removes the terms, covenants and conditions related to MCPS.

Budget/Impact: None.

Recommended Action: Request approval of First Amendment to Memorandum of Understanding between Marion County and the Town of Reddick for Development and Limited Management of Reddick Park and authorize chairman to execute the same.

**7.8. Procurement Services:**

**7.8.1. Request Approval of Bid Award: 23B-222, Jail Plumbing Repair - E&F Pods - Chad's Water Works Plumbing, LLC, Ocala, FL (Budget Impact - Neutral; expenditure of \$278,800 as approved in FY 2023-24 General Fund Budget and Infrastructure Surtax Budget)**

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

Description/Background: On behalf of Facilities Management, Procurement advertised a bid for the replacement of plumbing fixtures (sinks/faucets) and cast-iron piping in E&F Pods at the Marion County Jail. The piping will be replaced with PVC to reduce the frequency of backups and associated maintenance and repairs. The sinks will be replaced with stainless steel sinks which will better endure the vigorous use. One contractor responded and Facilities Management Director, Jared Goodspeed, recommends awarding the contract to Chad's Water Works Plumbing, LLC.

Attached for review is a draft of the contract; pending approval at today's meeting, it will be sent to the contractor for execution as written and upon return, will be forwarded for the County Attorney's, Clerk's, and Chairman's signatures. Budget/Impact: Neutral; project cost is \$278,800. Up to ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funds are available in the following lines:

VJ735523-562102 - SOC000027 - \$98,496 (Project Cost / Infrastructure Surtax Budget)

VJ735523-562102 - SOC000027 - \$26,284 (Contingency / Infrastructure Surtax Budget)

AA706523-562102 - FMC000032 - \$180,304 (Project Cost / General Fund)

AA706523-562102 - FMC000032 - \$1,596 (Contingency / General Fund)

Recommended Action: Motion to approve and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute the contract with Chad's Water Works Plumbing, LLC under bid 23B-222.

**7.8.2. Request Approval of Bid Award: 24B-003 Marion Oaks Resurfacing Project - Superior Asphalt, Inc., Bradenton, FL (Budget Impact - Neutral; expenditure of \$1,977,778 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 MSTU, Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. This project involves resurfacing approximately 14.06 miles of minor local road sections in Marion Oaks Units 6, 9, and 10. Resurfacing work is to include roadway preparation, crack sealing, leveling, shoulder removal, temporary striping, permanent thermoplastic striping, and stabilizing all areas disturbed during construction. Five (5) submittals were received; the tabulation is listed below:

Vendor – Location	BID
Superior Asphalt, Inc. - Bradenton, FL	\$1,977,777.77
Pave-Rite, Inc. - Lecanto, FL	\$2,168,638.83
Anderson Columbia Co. - Ocala, FL	\$2,743,971.00
CW Roberts Contracting, Inc. - Ocala, FL	\$3,163,739.30
M&M Asphalt Maintenance, Inc. - Delray Beach, FL	Non-Responsive

MSTU Director, Matthew Leibfried, recommends Superior Asphalt, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

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

Budget/Impact: Neutral; expenditure of \$1,977,777.77. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from HI514541-563220 - Road Maintenance Marion Oaks Road Improvement.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 24B-003.

**7.8.3. Request Approval of Bid Award: 24B-009 NW 106<sup>th</sup> Court Road/NW 220<sup>th</sup> Street Resurface - Anderson Columbia Co., Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$603,201 as approved in the FY 2023-24 budget)**

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

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. This project is 1.55 gross miles in length and will start at CR 320 and end at CR 329. The scope of work includes overlaying the existing pavement, constructing side street and driveway aprons, sodding shoulders, and installing pavement markings. Five (5) submittals were received; the tabulation is listed below:

Vendor – Location	BID
Anderson Columbia Co., Inc. - Ocala, FL	\$603,200.13
V.E. Whitehurst & Sons, Inc. - Williston, FL	\$619,980.60
Art Walker Construction - Ocala, FL	\$694,311.25
CWR Contracting - Ocala, FL	\$754,907.10
Superior Asphalt, Inc. - Bradenton, FL	\$991,727.44

Office of the County Engineer Deputy County Engineer, Doug Hinton, recommends Anderson Columbia Co., 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 Anderson Columbia Co., Inc. for signatures.

Budget/Impact: Neutral; expenditure of \$603,200.13. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from BO762541-563101 – 2<sup>nd</sup> Local Option Fuel Tax.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 24B-009.

**7.8.4.** Request Approval of Bid Award: 24B-002 Silver Springs Shores Community Center Lap Pool and Spa Marcite Resurfacing Project - Aumiller Pools, LLC, Winter Park, FL (Budget Impact - Neutral; expenditure of \$90,460 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 MSTU, Procurement advertised a bid seeking qualified and experienced contractors for a complete resurfacing of a pool and spa for the Silver Springs Shores Community Center. This project is to include permitting, inspection, preparation, and clean-up. Two (2) submittals were received; the tabulation is listed below:

Vendor - Location	BID
Aumiller Pools, LLC - Winter Park, FL	\$90,460.00
Electro-Mechanic Industries - Orlando, FL	\$96,600.00

MSTU Director, Matthew Liebfried, recommends Aumiller Pools, LLC receive the award as the lowest, most responsive, and most responsible bidder.

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

Budget/Impact: Neutral; expenditure of \$90,460, up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from HL520575-546121 - Silver Springs Shores Special Tax District.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 24B-002.

**7.8.5. Request Approval of Bid Award: 24B-013 SW 31<sup>st</sup>/SW 34<sup>th</sup> Place Resurface - Anderson Columbia Co., Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$1,059,965 as approved in the FY 2023-24 budget)**

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

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. This project is 2.5 gross miles in length and will start at SW 95<sup>th</sup> Avenue Road and end at SW 80<sup>th</sup> Avenue. The scope of work includes overlaying the existing pavement, constructing side street and driveway aprons, removing and adding cross drains and end treatments, sodding shoulders, and installing pavement markings. Four (4) submittals were received; the tabulation is listed below:

Vendor Location	BID
Anderson Columbia Co., Inc. <i>Ocala, FL</i>	\$1,059,964.01
Art Walker Construction <i>Ocala, FL</i>	\$1,107,497.45
CWR Contracting <i>Ocala, FL</i>	\$1,191,323.11
Superior Asphalt, Inc. <i>Bradenton, FL</i>	\$1,314,168.12

Office of the County Engineer's Deputy County Engineer, Doug Hinton, recommends Anderson Columbia Co., 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 Anderson Columbia Co., Inc. for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$1,059,964.01. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from VJ738541-563220 - STC073876 - 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 Chairman and Clerk to execute the contract under 24B-013

(Ed. Note: This item was approved with Item 5.1.9., Budget Amendment Resolution 23-R-503)

**7.8.6. Request Approval of Bid Exemption for Vehicle Purchases: 24BE-063 One-time 'Off the Lot' Vehicle Purchases (Budget Impact - Neutral; expected expenditure of \$326,335 as approved in FY 2023-24 budget)**

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

Description/Background: On behalf of Marion County Utilities (MCU) and Facilities Management (FM), Procurement requests approval of a bid exemption for the purchase of five (5) new cargo vans to be purchased off of a dealer lot due to extremely long manufacturer lead times.

Two (2) Cargo Vans were included in MCU's FY 23/24 adopted budget to support two (2) new fulltime positions, (1) Industrial Electrician and (1) Instrumentation Technician. Staff is working with Fleet Management to locate two (2) vehicles

available on the lot for purchase, that will meet the department's needs. Purchase price shall not exceed \$151,098 for both vehicles.

Three (3) Cargo Vans were included in FM's FY 23/24 adopted budget to support three (3) new fulltime positions, (2) HVAC Technicians and (1) Electrician. Staff is working with Fleet Management to locate three (3) vehicles available on the lot for purchase, that will meet the department's needs. Purchase price shall not exceed \$175,237 for all three (3) vehicles.

If approved at today's meeting, the vehicles will be purchased once available vehicles are located.

Budget/Impact: Neutral; expected total expenditure of \$326,335. Purchases exceeding approved FY budgeted amounts will be brought back to the Board for approval.

Recommended Action: Motion to approve requested purchase.

**7.8.7. Request Approval of Contract Renewal: 23B-009-CA-01 Guardrail Installation, Maintenance and Repair - Turtle Infrastructure Partners, LLC, Largo, FL (Budget Impact - Neutral; estimated expenditure of \$132,000 as approved in the FY 2023-24 budget)**

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

Description/Background: On December 6, 2022, the Board approved a contract with Turtle Infrastructure Partners, LLC for guardrail installation, maintenance and repair. This includes emergency and non-emergency repairs. All specifications and standards meet the requirements of the latest Florida Department of Transportation's (FDOT) standard plans. The contractor has complied with the original agreement's terms and conditions, which include an extension of two (2), (1) one-year terms, pending mutual agreement. Office of the County Engineer Deputy County Engineer, Doug Hinton, recommends the one (1) year term renewal.

Attached for review is a draft contract. Pending approval at today's meeting, it will be sent to Turtle Infrastructure Partners, LLC for signatures and upon return, will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; estimated expenditure of \$132,000. Actual cost will vary and will not exceed the approved annual budgeted amount. Funding comes from BM761541-563221 - 80% Gas Tax Construction Fund.

Recommended Action: Motion to approve the contract renewal, allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract renewal under 23B-009-CA-01.

**7.8.8. Request Approval of Piggyback and Contract: 24PB-047 Landfill Stormwater Collection and Gas System Repairs and Installation - Brevard County Contract B#7-20-11 - Sullivan Environmental, Inc., St. Petersburg, FL (Budget Impact - Neutral; expenditure of \$300,000 as approved in the FY 2023-24 budget)**

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

Description/Background: Marion County Solid Waste requests approval to piggyback Lake County's contract with Sullivan Environmental, Inc. to provide non-routine maintenance repairs for the storm-water system that is needed ahead of

any inspections in order to meet the permit requirements. The contract with Sullivan Environmental is valid through January 31, 2025.

Procurement Services has received and reviewed all documents to ensure the piggyback conforms to the Procurement Manual requirements and will ensure any Brevard County renewals are in good order prior to presenting subsequent amendments for Marion County signatures.

Attached for review is a copy of the County's contract along with Brevard County's contract as Exhibit A. Pending approval at today's meeting, it will be sent to Sullivan Environment, Inc. for signature and upon return and approval by Legal, will be forwarded to Clerk and Chairman for same.

Budget/Impact: Neutral; expenditure is estimated at \$300,000 annually, however, this will vary based on the actual need for services. Marion County Solid Waste will pay for services necessary during the term and total expenditures will not exceed funds approved in each year's budget without being brought back before the Board. Funds are available in line: ZA423534-546101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve request to piggyback Brevard County's contract, and, upon approval by Legal, authorize the Chairman and Clerk to execute contract with Sullivan Environmental, Inc. under 24PB-047.

**7.8.9. Request Approval to Reject All Proposals: 22P-026 Pet Licensing Services (Budget Impact - None)**

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

Description/Background: On behalf of Animal Services, Procurement advertised a Request for Proposals (RFP) for a firm to provide pet licensing services for pet registrations, vaccinations, sterilization records, and license tag distribution. Two proposals were received by Pet Data and Pet Parent.

Due to shifts in licensing approach, this project is being rejected to allow staff members to reconsider other alternatives better suited for new approach.

Budget/Impact: None; rejecting all proposals carries no budget impact.

Recommended Action: Motion to reject all proposals under 22P-026 and allow staff to modify scope and re-advertise if the services are needed at a later date.

**7.8.10. Request Approval of Selection Committee Recommendation and Award: 23Q-163 Engineering Consulting Services for Marion County Airport - Parallel Taxiways - Hoyle, Tanner & Associates, Inc., Oviedo, FL (Budget Impact - Neutral; expenditure of \$455,000 as approved in FY 2023-24 Budget)**

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

Description/Background: On behalf of Marion County Parks and Recreation, Procurement advertised an RFQ for a qualified firm to provide engineering consulting services for the Marion County Airport's Parallel Taxiways. Two (2) submittals were received, evaluated and scored by Selection Committee members. Both firms were shortlisted for presentations with Hoyle, Tanner & Associates (HTA) ranking the highest as shown in the tabulation below:

FIRM City, State	SCORE (RANK)
Hoyle, Tanner & Associates, Inc.	2550
Kimley Horn & Associates, Inc.	2250

Parks and Recreation Director, Jim Couillard, supports the Selection Committee’s recommendation to award the contract to HTA.

Attached for review is a legal approved contract; pending approval at today’s meeting, it will be presented to the Clerk and Chairman for signature.

Budget/Impact: Neutral; project cost is \$455,000. Funding is from BQ415542-563102 (Marion County Airport Fund).

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute contract with Hoyle, Tanner & Associates under 23Q-163.

(Ed. Note: This Item was approved with Item 5.1.12., Budget Amendment Resolution 23-R-506)

**7.8.11. Request Approval of Bid Award: 23B-122 County Wide Street Sweeping Services - Glazier and Aluminums Team LLC, Orange Park, FL (Budget Impact - Neutral; estimated expenditure of \$109,711 as approved in the FY 2023-24 budget)**

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

Description/Background: On November 7, 2023, the Board approved the termination of a contract that was previously awarded on June 20, 2023, under 23B-122 due to lack of performance. On November 13, 2023, Office of the County Engineer and Procurement Services staff met with Glazier and Aluminums Team LLC, the second low bidder, to discuss the scope of work, pricing, and locations that would be contracted under 23B-122. This will be a five (5) year contract, with five (5) annual renewals.

Office of the County Engineer, Deputy County Engineer, Doug Hinton, recommends Glazier and Aluminums Team LLC receive the award. Attached for review is a contract draft and pending approval at today’s meeting, it will be sent to Glazier and Aluminums Team LLC for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman’s signatures.

Budget/Impact: Neutral; annual expenditure is estimated at \$109,710.85 for the first fiscal year, however, this estimate may vary based on the actual needs of service. Annual expenditures shall not exceed approved Fiscal Year budget amounts and shall be based on contracted curb unit pricing per mile without being brought back to the board. Funding comes from EK430538-534101 – Stormwater Program.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval from Legal, authorize the Chairman and Clerk to execute the contract under 23B-122.

**7.8.12. Request Ratification of Emergency Repair to Ray Wayside Sidewalk - Rush Marine, LLC, Titusville, FL (Budget Impact - Neutral; expenditure of \$88,066 as approved in FY 2023-24)**

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

November 21, 2023

Description/Background: The Marion County Parks and Recreation Department requests to ratify a purchase with Rush Marine, LLC for the emergency removal, disposal, and replacement of 124 Linear Feet (LF) of sidewalk between ramps and 31 LF of sidewalk on the north side of the north ramp. This service helps to reduce the time for the partial closure of the impacted areas of the park. The County Administrator has authority to approve emergency repairs when they arise and gave approval to Parks and Recreation to initiate the repair.

Budget/Impact: Neutral; expenditure of \$88,066. Funding from line CR362572-563101(Parks & Rec Fees Fund); Project: 360RAYWAY.

Recommended Action: Motion to approve ratification of purchase

**7.8.13.** Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Projects: 23Q-087-TO-07, NW 44<sup>th</sup> Avenue Innovative Stormwater Retrofit - Tillman & Associates Engineering, LLC, Ocala, FL (Budget Impact - Neutral; expenditure of \$65,040 as approved in FY 2023-24 budget)

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

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

Tillman & Associates Engineering, LLC was selected for engineering design services that include permitting a stormwater quality retrofit for one (1) existing stormwater facility utilizing Bold & Gold filtration media. This design is a nutrient reduction system retrofit to an existing DRA adjacent to NW 44<sup>th</sup> Avenue.

Attached for review is the proposal for Tillman & Associates Engineering, LLC. Pending approval at today's meeting, it will be forwarded to the department for signatures.

Budget/Impact: Neutral; expenditure of \$65,040, up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from EK430538-563102 - SMC0008WQ - Stormwater Program.

Recommended Action: Motion to approve the recommendation and authorize staff to issue the Task Order/Purchase Order to Tillman & Associates Engineering, LLC under 23Q-087-TO-07

**7.8.14.** Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Projects: 23Q-087-TO-08 South Gateway Construction Support Services - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$367,916 as approved in FY 2023-24 budget)

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

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

Kimley-Horn & Associates, Inc. (KHA) was selected for construction support services for the South Gateway Construction. This project is unique, and requires

coordination of structural work, artistic work, landscaping and irrigation, and lighting and electrical installations. Additionally, the construction sequencing must be coordinated with FDOT and the City of Ocala. On November 7, 2023 The Board approved CIC to construct the project based on plans and specifications issued for negotiation, with a construction duration of 365 days to substantial completion, with 45 days additional for final completion. In order to keep the County apprised of progress and issues during construction, an elevated level of project management and coordination has been scoped. KHA's contract will remain in effect until construction is complete.

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

Budget/Impact: Neutral; total expenditure shall not exceed \$367,916. Funding is from line CP155552-563102 (Tourist Development Fund).

Recommended Action: Motion to approve and upon approval by Legal, authorize the Chairman to execute the agreement with Kimley-Horn and Associates, Inc. under 23Q-087-TO-08.

(Ed. Note: This Item was approved with Item 5.1.20., Budget Amendment Resolution 23-R-526)

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

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

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

Pending Requisition/SHI International - Marion County Court Administration requests approval of an annual renewal for their Microsoft Enterprise Office Suite licenses. Total expenditure of \$57,956.63 Funds are available in line AA214605-552106 (General Fund). *This purchase meets competitive bidding requirements under Sourcwell Contract #081419-SHI.*

Pending Requisition/Ten-8 Fire & Safety, LLC - Marion County Fire Rescue requests approval to purchase four (4) 6.5hp Honda Gasoline Standard Twin Power Engine Units (\$6,310/ea.), four (4) 8.6 Inch Brute Force C-Cutters (\$6,625/ea.), four (4) 28in Brute Force Spreaders (\$6,980/ea.), four (4) 50in Telescoping rams (\$4,770/ea.), four (4) 30ft Hydraulic Hoses (red) (\$770/ea.), four (4) 30ft Hydraulic Hoses (blue) (\$770/ea.), Freight/Shipping (\$3,500) Total expenditure of \$108,400.00. Funds are available in line STC0732VE VJ732522-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under contract 23PB-021.*

Pending Requisition/Razorback LLC - Marion County Utilities requests approval to replace five (5) hydropneumatic tanks that were part of the Marion Utilities acquisition, at the following locations: Sheri Oaks - 2,500-gallon tank (\$112,995), Buckskin - 1,000 gallon tank (\$85,090), Ponderosa - 525 gallon tank (\$73,535), Libra Oaks - 3,000 gallon tank (\$109,795), Pine Ridge - 5,000 gallon tank (\$125,820). Total expenditure of \$507,235. Funds are available in line ZF448536-563102 (Marion County Utility Fund). *This purchase meets the competitive bidding requirements under 23B-134.*

Pending Requisition/Alan Jay Ford Lincoln Mercury, Inc. - Marion County Utilities requests approval to purchase one (1) 2024 Ford F-550, Supercab, 2WD truck, to include all specifications detailed on attached quote, and replaces an aging vehicle that has met Fleet Management's replacement criteria. Total expenditure of \$85,698. Funds are available in line ZF442533-564101 (Marion County Utility Fund). *This purchase meets the competitive bidding requirements under Sourcwell Contract #091521-NAF*

Pending Requisition/Duval Ford - Marion County Utilities requests approval to purchase two (2) 2024 Ford Explorers to include all specifications detailed on attached quote and replaces aging vehicles that have met Fleet Management's replacement criteria (\$42,452.27/each). Total expenditure of \$84,904.54. Funds are available in line ZF442533-564101 (Marion County Utility Fund). *This purchase meets the competitive bidding requirements under Bradford County Sheriff's Contract #BCSO 22-27-1.0*

Pending Requisition/Duval Ford - Marion County Utilities requests approval to purchase one (1) 2024 Ford Transit T-250, Cargo Van, to include all specifications detailed on attached quote, and replaces an aging vehicle that has met Fleet Management's replacement criteria. Total expenditure of \$54,383.32. Funds are available in line ZF442533-564101 (Marion County Utility Fund). *This purchase meets the competitive bidding requirements under Bradford County Sheriff's Contract #BCSO 22-27-1.0*

Pending Requisition/Duval Ford - Marion County Utilities requests approval to purchase two (2) 2024 Ford F-150, Super Cab, to include all specifications detailed on attached quote, and replaces aging vehicles that have met Fleet Management's replacement criteria (\$42,203.12/each). Total expenditure of \$84,406.24. Funds are available in line ZF442533-564101 (Marion County Utility Fund). *This purchase meets the competitive bidding requirements under Bradford County Sheriff's Contract #BCSO 22-27-1.0*

Pending Requisition/Mid Florida Diesel Inc. - Marion County Facilities Management requests approval to purchase one (1) 150KW Trailer Mounted Generator. Standard features include microprocessor digital readout control system, LCD display, oil drain extension, battery with rack & cable, battery charger, critical muffler, vibration isolation pads, water heater, and fuel solenoid valve. Selected model features include 130-degree rise, isochronous governor +/- .25%, UL2200 Approval, and EPA Tier 4 Certification. This is an emergency backup generator to provide power to County facilities after natural weather events. Total expenditure of \$130,400; funds are available in line AA180519-564101 (\$130,400) (General Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff Association Contract FSA23.0-EQU21.0.*

Pending Requisition/Vehicle Service Group, LLC - Marion County Fleet Management requests approval to purchase one (1) Rolling Jack for SM18 Lift (9000lb / \$16,152.31), one (1) Two-Post Symmetric Lift (20,000lb / \$32,346.86), and one (1) Four-Post Drive-On Lift (18,000lb / \$20,189.62) Total expenditure of \$68,688.79; funds are available in line AA178519-564101 (\$68,688.79) (General Fund). *This purchase meets the competitive bidding requirements under HGAC Cooperative Contract #FL03.21.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase three (3) 2025 Ford Interceptor SUV Utility AWD

vehicles, to include all specifications detailed on the attached quote (\$46,057/each), for their Patrol Sergeants. Total expenditure of \$138,171. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase three (3) 2025 Ford Interceptor SUV Utility AWD vehicles, to include all specifications detailed on the attached quote (\$46,666/each), for their K-9 Officers. Total expenditure of \$139,998. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase nine (9) 2025 Ford Interceptor SUV Utility AWD vehicles, to include all specifications detailed on the attached quote (\$46,360/each), for their Detective Sergeants. Total expenditure of \$417,240. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase five (5) 2025 Ford Interceptor SUV Utility AWD vehicles, to include all specifications detailed on the attached quote (\$46,360/each), for their Patrol Lieutenants. Total expenditure of \$231,800. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase two (2) 2024 Ford Police Responder F150 Crew Cab, 4x4 trucks, to include all specifications detailed on the attached quote (\$49,109/each), for their Patrol Deputies. Total expenditure of \$98,218. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase two (2) 2024 Ford F350 XL Super Duty, Super Crew SRW 4x4 trucks, to include all specifications detailed on the attached quote (\$63,342/each), for their Patrol Lieutenants. Total expenditure of \$126,684. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase one (1) 2024 Ford F150 XL Crew Cab 4x4 truck, to include all specifications detailed on the attached quote, for their Intel Department. Total expenditure of \$45,582. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase four (4) 2024 Ford Police Responder F150 Crew Cab 4x4 trucks, to include all specifications detailed on the attached quote (\$49,718/each), for their Detectives. Total expenditure of \$198,872. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase five (5) 2024 Ford Police Responder F150 Crew Cab 4x4 trucks, to include all specifications detailed on the attached quote (\$49,109/each), for their Patrol Sergeants. Total expenditure of \$245,545. Funds are available in line VJ737521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase two (2) 2025 Ford Interceptor SUV Utility AWD vehicles, to include all specifications detailed on the attached quote (\$46,360/each), for their Internal Affairs Department. Total expenditure of \$92,720. Funds are available in line VJ736521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase two (2) 2024 Ford Police Responder F150 Crew Cab 4x4 trucks, to include all specifications detailed on the attached quote (\$49,718/each), for their Training Department. Total expenditure of \$99,436. Funds are available in line VJ736521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase one (1) 2024 Ford F250 XL Super Duty Crew Cab 4x4 trucks, to include all specifications detailed on the attached quote for their Aviation Dept. Total expenditure of \$62,481. Funds are available in line VJ736521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase one (1) 2024 Ford Police Responder F150 Crew Cab 4x4 truck, to include all specifications detailed on the attached quote for their Aviation Dept. Total expenditure of \$49,109. Funds are available in line VJ736521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase one (1) 2025 Ford Interceptor SUV Utility AWD vehicles, to include all specifications detailed on the attached quote for their Civil Department. Total expenditure of \$46,216. Funds are available in line VJ736521-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the*

*competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office requests approval to purchase one (1) 2024 Ford F350 XL Super Duty, Super Crew DRW 4x4 truck, to include all specifications detailed on the attached quote for their Emergency Management Department. Total expenditure of \$65,301. Funds are available in line VJ740525-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets the competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA23-VEL31.0.*

Recommended Action: Motion to approve requested purchases.

Procurement Services Director Susan Olsen advised that "Vehicle Service Group, LLC - Marion County Fleet Management requests approval to purchase one (1) Rolling Jack for SM18 Lift (9000lb/\$16,152.31)", has the wrong quantity listed for the Rolling Jacks, it states one (1) Rolling Jack and it should read "three (3) Rolling Jacks", noting the dollar amounts listed are correct.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve the requested purchases, as amended. The motion was unanimously approved by the Board (5-0).

## **7.9. Tourist Development:**

**7.9.1.** Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Brick City Food Tours, LLC (Budget Impact - Neutral; expenditure of \$5,000 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. 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 Brick City Food Tours, LLC. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 24, 2023.

Brick City Food Tours, LLC                      \$5,000

Budget/Impact: Neutral; \$5,000 expenditure 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 Chairman and Clerk to execute the attached funding agreement.

**7.9.2.** Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Farm Tours of Ocala, LLC (Budget Impact - Neutral; expenditure of \$5,000 as approved in the FY 2023-24 budget)

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

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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 Tours of Ocala, LLC. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 24, 2023.

Farm Tours of Ocala, LLC                      \$5,000

Budget/Impact: Neutral; \$5,000 expenditure 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 Chairman and Clerk to execute the attached funding agreement.

**7.9.3. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Ocala Food Walks, LLC (Budget Impact - Neutral; expenditure of \$5,000 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. 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 Ocala Food Walks, LLC. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 24, 2023.

Ocala Food Walks, LLC                      \$5,000

Budget/Impact: Neutral; \$5,000 expenditure 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 Chairman and Clerk to execute the attached funding agreement.

**7.9.4. Request Approval of Tourist Development Council Funding Request for Genzhomes, Inc. for the Alpha Win Ocala Triathlon for 2024 (Budget Impact - Neutral; expenditure of up to \$7,500 approved in the FY 2023-24 budget)**

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is

for the 2024 Alpha Win Ocala Triathlon hosted by Genzhomes, Inc. to be held March 30, 2024 at Carney Island Recreation and Conservation Area. This event was recommended for funding by the TDC at their regularly scheduled meeting on October 26, 2023.

Alpha Win Ocala Triathlon \$7,500

Budget/Impact: Neutral; expenditure of up to \$7,500 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 Chairman and Clerk to execute the attached funding agreement.

**7.9.5. Request Approval of Tourist Development Council Funding Request for Florida Veterinary Medical Association for the Florida Association of Equine Practitioners Ocala Equine Conference (Budget Impact - Neutral; expenditure of \$3,500 approved in the FY 2023-24 budget)**

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024 Florida Association of Equine Practitioners Ocala Equine Conference hosted by the Florida Veterinary Medical Association to be held January 19-21, 2024 at the World Equestrian Center. This event was recommended for funding by the TDC at their regularly scheduled meeting on October 26, 2023.

Florida Association of Equine Practitioners Ocala Equine Conference \$3,500  
Budget/Impact: Neutral; expenditure of \$3,500 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 Chairman and Clerk to execute the attached funding agreement.

**7.9.6. Request Approval of Tourist Development Council Funding Request for Fiddler's Turkey Run, LLC for Fiddler's Turkey Run Barrel Racing (Budget Impact - Neutral; expenditure of up to \$25,000 approved in the FY 2023-24 budget)**

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024 Fiddler's Turkey Run Barrel Racing hosted by the Fiddler's Turkey Run, LLC to be held November 21-25, 2023 at the World Equestrian Center. This event was recommended for funding by the TDC at their regularly scheduled meeting on October 26, 2023.

Fiddler's Turkey Run Barrel Racing \$25,000

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

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

**7.9.7.** Request Approval of Tourist Development Council Funding Request for Travis Mills Foundation for the Never Give Up On Country Concert (Budget Impact - Neutral; expenditure of \$7,000 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 Never Give Up On Country Concert hosted by the Travis Mills Foundation to be held February 3, 2024 at Silver Springs State Park. This event was recommended for funding by the TDC at their regularly scheduled meeting on October 26, 2023.

Budget/Impact: Neutral; expenditure of \$7,000 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 Chairman and Clerk to execute the attached funding agreement.

**7.9.8.** Request Approval of Tourist Development Council Funding Request for Florida Attractions Association, Inc. for the Florida Attractions Association Annual Conference (Budget Impact - Neutral; additional expenditure of \$6,510 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 revised funding contract is for the 2024 Florida Attractions Association Annual Conference hosted by the Florida Attractions Association, Inc. to be held June 9-12, 2024 at the World Equestrian Center. This event was originally recommended for funding by the TDC at their regularly scheduled meeting on April 22, 2022. A letter was submitted by the event planner requesting a date change which was approved the TDC at their regularly scheduled meeting October 26, 2023.

Florida Attractions Association Annual Conference      \$6,510

Budget/Impact: Neutral; expenditure of \$6,510 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 Chairman and Clerk to execute attached funding agreement.

**7.10. Transportation - County Engineer:**

**7.10.1. Request Approval of the FY 2023-24 Stormwater Education and Water Use Efficiency Plans (Budget Impact - Neutral)**

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Tracy Straub, Office of the County Engineer (OCE):

Description/Background: The Stormwater Education Plan outlines the proposed budgeted educational and outreach activities planned for FY 2023-24 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 2023-24 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 2023-24 Stormwater Education and Water Use Efficiency Plans.

**7.10.2. Request Approval of an Impact Fee Credit Agreement with On Top of the World Communities, LLC for a Portion of the SW 105<sup>th</sup> Street Right-Of-Way (Budget Impact - Neutral)**

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

Description/Background: Dedication of right-of-way (a 50' wide strip) for an extension of SW 105<sup>th</sup> Street within the On Top of the World Development (OTOW) has been anticipated as the OTOW community developed. Approval of this Impact Fee Credit Agreement provides for impact fee credits in exchange for the right-of-way. The cost for the appraisal report and the appraised value of right-of-way is \$305,280.00. The right-of-way is approximately 2.98 acres and is Tract J as shown on the plat of On Top of the World Communities Longleaf Ridge Phase VII, plat book 15, page 187; it will complete an existing 30' wide partial right-of-way, resulting in an 80' wide right-of-way.

Approval of this Impact Fee Credit Agreement also constitutes the Board's acceptance of this right-of-way. The agreement includes provisions for conveyance of the deed by OTOW to Marion County to immediately follow.

The right-of-way dedication and impact fee credits for this location were contemplated with the OTOW Master Roadway Corridor Map (last approved December 9, 2022) and the Amended and Restated Development Order (ARDO) Map "H" (last approved February 7, 2023). The agreement is also consistent with the Marion County Impact Fee Ordinance for Transportation Facilities, noting that

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the agreement provides for the impact fee credits to be available for twenty (20) years and that the Board may allow impact fee credits beyond five (5) years, when approved by a super majority vote.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the attached Impact Fee Credit Agreement with On Top of the World Communities, L.L.C. and to authorize the Chair and Clerk to execute the same.

**7.10.3. Request Approval of an Indemnification Agreement Between Freedom Commons Development, LLC and Marion County for the Proposed Marion Ranch Phase 1 Subdivision, Application Number 29879 (Budget Impact - None)**

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

Description/Background: This is a request seeking approval of an Indemnification Agreement associated with Land Development Code Section 2.18.4.E, which allows for up to ten percent (10%) of the total lots to be constructed in a subdivision prior to recording the Final Plat. The five (5) conditions outlined in the proposed Indemnification Agreement have been met and the County Attorney's office has approved the proposed agreement for Marion Ranch Phase 1. This will allow up to 15 individual building permits to be issued prior to Final Plat approval.

This subdivision is located in the southwest portion of the County and contains 156 lots and seven (7) tracts on 29.10 acres with 1.03 miles of private roads.

Budget/Impact: None.

Recommended Action: Motion to approved the attached Indemnification Agreement between Freedom Commons Development, LLC and Marion County for the proposed Marion Ranch Phase 1 Subdivision and authorize the Chair and Clerk to execute the same.

**7.10.4. Request Approval of an Indemnification Agreement Between 95<sup>th</sup> Street Holdings, LLC and Marion County for the Proposed Pioneer Ranch Phase 1 Subdivision, Application Number 29880 (Budget Impact - None)**

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

Description/Background: This is a request seeking approval of an Indemnification Agreement associated with Land Development Code Section 2.18.4.E, which allows for up to 10% of the total lots to be constructed in a subdivision prior to recording the Final Plat. The five (5) conditions outlined in the proposed Indemnification Agreement have been met and the County Attorney's office has approved the proposed agreement for Pioneer Ranch Phase 1. This will allow up to 22 individual building permits to be issued prior to Final Plat approval.

This subdivision is located in the southwest portion of the County and contains 223 lots and five (5) tracts on 54.92 acres with 1.56 miles of private roads.

Budget/Impact: None.

Recommended Action: Motion to approved the attached Indemnification Agreement between 95<sup>th</sup> Street Holdings, LLC and Marion County for the proposed Pioneer Ranch Phase 1 Subdivision and authorize the Chair and Clerk to execute the same.

**7.10.5.** Request Approval of a Purchase Agreement Associated With the SW 49<sup>th</sup> Avenue - Segment F Road Improvement Project for Parcel Number 8009-1186-07 (Budget Impact - Neutral; expenditure of \$39,661 as approved in the FY 2023-24 budget)

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

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$39,660.10 plus closing cost for parcel number 8009-1186-07 associated with the SW 49<sup>th</sup> Avenue - Segment F Road Improvement Project (from Marion Oaks Manor north to SW 142<sup>nd</sup> Place Road). This is an unimproved lot consisting of 0.24 acres.

There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$39,660.10 plus closing costs (Cost Center 738 - Infrastructure Tax Transportation - STC073813-VJ738541-561301).

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

**7.10.6.** Request Approval of a Purchase Agreement Associated With the SW 49<sup>th</sup> Avenue - Segment F Road Project for Parcel 8009-1185-11 (Budget Impact - Neutral; expenditure of \$52,000 as approved in the FY 2023-24 budget)

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

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$52,000 plus closing cost for parcel 8009-1185-11 associated with the SW 49<sup>th</sup> Avenue - Segment F Road Improvement Project (from Marion Oaks Manor north to SW 142<sup>nd</sup> Place Road). This unimproved residential parcel consists of approximately 0.35 acres.

There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceeding.

Budget/Impact: Neutral; expenditure of \$52,000 plus closing cost (STC073813-VJ738541-561301).

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

**7.10.7.** Request Approval of a Resolution to Vacate a Portion of the Plat of Country Woods Estates, as Recorded in Plat Book V, Pages 92-93 (Budget Impact - Revenue of \$350)

The Board accepted the following recommendation to adopt Resolution 23-R-553 as presented by ACA Straub/Acting County Engineer, OCE:

Description/Background: This is a request for approval of a Resolution by Petitioner Michael Dorosko and David Altizer-Waters to vacate Lot 1, Block D, Country Woods Estates, as recorded in Plat Book V, Pages 92-93. Vacating this lot will rectify an improper division. The Development Review Committee considered this request on October 16, 2023 and it was the Committee's recommendation that the petition be granted.

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

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Recommended Action: Motion to adopt a Resolution to vacate Lot 1, Block D, Country Woods Estates, as recorded in Plat Book V, pages 92-93 and authorize the Chair and Clerk to execute the same.

Resolution 23-R-553 is entitled:

RESOLUTION TO VACATE A PORTION OF PLAT OF  
COUNTRY WOODS ESTATES  
AS RECORDED IN  
PLAT BOOK V PAGES 92-93  
PUBLIC RECORDS OF MARION COUNTY, FLORIDA

**7.10.8.** Request Approval of a Termination and Release of Temporary Construction Easements Associated With NW 44<sup>th</sup> Avenue Road Project (Budget Impact - None)

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

Description/Background: This is a request to approve a Termination and Release of Temporary Construction Easements previously recorded by Corporate Warranty Deed that included Temporary Construction Easements, recorded in OR BK 04917, Pages 1962-1966, dated October 26, 2007. This phase of construction has been completed and the new owner has requested that the Temporary Construction Easements be released.

Budget/Impact: None.

Recommended Action: Motion to approve the Termination and Release of Temporary Construction Easements and authorize the Clerk and Chair to execute the same.

**7.11. Utilities:**

**7.11.1.** Request Approval of Short Water Line Extension Program Resolution to Support SWL-069 (Applicant - Aldana Contracting, LLC) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-554 as presented by Utilities Director Jody Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8003-0319-07 and 8003-0319-09 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for twenty-six (26) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$193,954, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-554 is entitled:

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

**7.11.2. Request Approval of Short Water Line Extension Program Resolution to Support SWL-076 (Applicant - Greg Denardis) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-555 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 45790-007-00 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$36,095, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-555 is entitled:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL

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**CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.**

**7.11.3. Request Approval of Short Water Line Extension Program Resolution to Support SWL-077 (Applicant - Nicchio Real Estate Investments, LLC) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-556 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8003-0411-13 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for six (6) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the actual per parcel cost of \$3,361.67.

Budget/Impact: None; project cost is \$20,170, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-556 is entitled:

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

**7.11.4. Request Approval of Short Water Line Extension Program Resolution to Support SWL-079 (Applicant - Baxton Homes, LLC) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-557 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic

requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8009-1178-08 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for four (4) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$22,492, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-557 is entitled:

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

**7.11.5. Request Approval of Short Water Line Extension Program Resolution to Support SWL-080 (Applicant - Gary Garvey) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-558 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 3579-001-287 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for six (6) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of

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\$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$70,225, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-558 is entitled:

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

**7.11.6. Request Approval of Short Water Line Extension Program Resolution to Support SWL-083 (Applicant - Doco Group, LLC) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-559 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8004-0452-47 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for thirty-three (33) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$187,491, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-559 is entitled:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND

**AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.**

**7.11.7. Request Approval of Short Water Line Extension Program Resolution to Support SWL-085 (Applicant - Doco Group, LLC) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-560 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8010-1001-15 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. The project is designed to meet only the permitted parcel's code compliance requirement with the project; a pending ARPA project within Marion Oaks Units 7 and 10 will complete this area's water main construction in the coming months. This project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

**Budget/Impact:** None; project cost is \$36,308, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-560 is entitled:

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

**7.11.8. Request Approval of Short Water Line Extension Program Resolution to Support SWL-087 (Applicant - Pac 3 Properties, LLC) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-561 as presented by Utilities Director Kirkman:

**Description/Background:** On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program

(Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8006-0590-08 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$33,980, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-561 is entitled:

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

**7.11.9. Request Approval of Short Water Line Extension Program Resolution to Support SWL-088 (Applicant - Pac 3 Properties, LLC) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-562 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8004-0444-02 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for nineteen (19) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each

parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$130,094, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-562 is entitled:

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

**7.11.10.** Request Approval of Marion County Utility System ARPA Grant Award Agreement Between Ocala Tractor, LLC and Marion County Utilities (Budget Impact - Neutral; \$175,000 expenditure, \$175,000 ARPA Funding)

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: Following a request from the Chamber of Economic Partnership (CEP) and to facilitate the COVID response and ongoing issues due to COVID, on August 1, 2023 the Board provided consensus to fund a utility infrastructure project in the vicinity of the road intersection 326\441. Due to the timing of infrastructure needed in the area and following the action described above, staff created the COVID Utility System Incentive Program "CUSIP" grant as a way to enter into an agreement that would meet the intent of the CEP and the Board as well as meet the necessary timeline for the infrastructure.

The proposed agreement with Ocala Tractor, LLC (Developer) will provide reimbursement for up to \$175,000.00 to offset some of the off-site utilities project costs which support the installation of approximately 4,350-feet of watermain and 750-feet of sewer main along the North US Hwy 441 corridor, just south of the intersection of West Hwy 326.

Budget/Impact: Neutral; \$175,000 expenditure, \$175,000 ARPA Funding.

Recommended Action: Motion to approve and authorize the Chairman and the Clerk to execute the Utility System CUSIP Grant Award Agreement.

**7.11.11.** Request Approval of Utilities System Agreement Between Ocala Tractor, LLC and Marion County Utilities (Budget Impact - Neutral; expenditure of \$492,000 as approved in the FY 2023-24 Budget - ZF448536-563102)

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: The Utilities System Agreement between Ocala Tractor, LLC and Marion County Utilities (MCU) will provide water to the developer's property and any benefitting parcels along the route. The Developer shall design,

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permit and construct, at its expense, on-site improvements to include the on-site water needed to connect the Project to the County's utility system. The Developer shall also design, permit and construct, at its expense, the off-site improvements to include a new oversized sixteen-inch (16) water main and a new six-inch (6) sewer force main. MCU will reimburse the developer for the cost to oversize the required eight-inch (8) watermain to a 16-inch (16) watermain in the amount not to exceed \$492,000. The water main extension is from the existing water main at the southeast corner of the intersection of W Hwy 326 at N US Hwy 441 and will run along the easterly right-of-way of N US Hwy 441 to the full extent of PID #15228-001-00; overall length is approximately 4,350-feet. The sewer force main extension will run from the existing sewer main at the northwest corner of the intersection of W Hwy 326 at N US Hwy 441 and will run along the westerly right-of-way of N US Hwy 441 for approximately 750-feet. Construction costs for some watermain and all sewer force main will be funded by a separate ARPA Grant Award Agreement (named by staff CUSIP which stands for COVID Utility System Improvement Program) presented concurrently on this agenda. The Developer will pay all required fees to the County including, but not limited to; capacity fees, plan review fees, recording fees, service related fees, permit and inspection fees. Budget/Impact: Neutral; expenditure of \$492,000 (ZF448536-563102). Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Utilities System Agreement.

**7.11.12.** Request Approval of Water and Wastewater System Utility Agreement Between 484 Road Runner Resources, LLC and Marion County Utilities (Budget Impact - Neutral; expenditure of \$282,300 - ZF448536-563102)

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: The Water and Wastewater System Utility Agreement with 484 Road Runner Resources, LLC will provide water and sewer to the developer's property and 15 benefitting parcels along the route through Marion Oaks. The Developer shall design, engineer, permit, and construct the off-site Improvements to include an eight-inch (8) water main, an eight-inch (8) wastewater collection (gravity) main, associated manholes, services, and related components to provide both water and wastewater service for the Project (the "Utility Improvement"); extending from the on-site system at the intersection of SW 61<sup>st</sup> Circle and south to SW 137<sup>th</sup> Street where the water and wastewater mains will turn east; the eight-inch (8) wastewater gravity main will continue to the proposed Project lift station. The County shall reimburse Developer for the cost to extend the water and wastewater mains, a portion of the lift station (oversize) and any related costs to support the off-site Improvements in an amount not to exceed \$282,300.00.

The Developer will pay all required fees to the County including, but not limited to; capacity fees, plan review fees, recording fees, service related fees, and permit and inspection fees.

Budget/Impact: Neutral; expenditure of \$282,300 (ZF448536-563102).

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water and Wastewater System Utility Agreement.

**7.11.13. Request Repeal of Resolution 23-R-214 for Short Water Line Extension Program Project SWL-029 (Applicant - Karl Neita) (Budget Impact - None)**

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: On June 20, 2023, the Board approved the Short Water Line Extension Program Resolution 23-R-214. The owner, Karl Neita, notified Marion County Utilities (MCU) of their halted single-family residence (SFR) construction project, which resulted in the building permit, 2023010452, being voided. An active building permit is a qualifying condition to participate in the Short Water Line Extension Program, therefore; repealing the Resolution 23-R-214. Repealing the resolution relieves all owners listed in the defined geographical area from financial obligations as recorded with and searchable through Official Records.

Budget/Impact: None.

Recommended Action: Motion to authorize the Chairman to repeal Resolution 23-R-214.

**8. COUNTY ATTORNEY:**

**8.1. Request Consideration of Release/Reduction of Civil Restitution Liens for Steven Whaley**

County Attorney Minter presented the following recommendation:

Description/Background: On October 17, 2023, the County Attorney's Office received a request from Steven Whaley for a release or reduction of his Civil Restitution Liens, totaling \$20,263.69, with \$14,450.00 in judgments and \$5,816.99 in interest.

On April 28, 2011, Mr. Whaley was issued a Notice to Appear citation for Possession of Cannabis less than 20 grams (First Degree Misdemeanor) in Case No. 11-MM-3417. On May 11, 2011, he was adjudicated guilty and sentenced to 30 days in jail with twelve (12) months of probation. The Court imposed a Judgment of Cost of incarceration of \$1,500.00 (sentence 30 days x \$50 per day). He served 27 days, of which he was an inmate worker for 11 days. He has paid all other court costs and fines in this case.

On March 28, 2012, he was arrested for Violation of Probation in Case No. 11-MM-3417. On May 29, 2012, he was adjudicated guilty and sentenced to 93 days in jail. The Court imposed a Judgment of Cost of incarceration of \$4,650.00 (sentence 93 days x \$50 per day). He served 93 days, of which he was an inmate worker for 57 days. He has paid all other court costs and fines in this case. On April 20, 2012, a payment of \$3.30 was also applied to this case.

On June 18, 2017, he was arrested for Driving Under the Influence (DUI) (Second Degree Misdemeanor) and Possession of Drug Paraphernalia (First Degree Misdemeanor) in Case No. 17-MM-3456. On August 8, 2017, he was adjudicated guilty and sentenced to one (1) day in jail, with six (6) months' probation. The Court imposed a Judgment of Cost of incarceration of \$50.00 (sentence 1 day x \$50 per day). He was not an inmate worker for the one (1) day he served. He is currently in a payment plan for all other court costs and fines in this case.

On April 6, 2019, he was issued a Notice to Appear Citation for Possession of Drug Paraphernalia (First Degree Misdemeanor) in Case No. 19-MM-2457. On June 24, 2019, he was adjudicated guilty and sentenced to six (6) months of probation. On

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November 7, 2019, Mr. Whaley was then arrested for Violation of Probation in this case. On November 22, 2019, he was adjudicated guilty and sentenced to 160 days in jail. The Court imposed a Judgment of Cost of incarceration of \$8,000 (sentence 160 days x \$50 per day). The Judge permitted Mr. Whaley to enter an in-patient drug treatment program in lieu of his jail sentence. He served 67 days of his sentence in the in-patient treatment program. He served 77 days in jail, of which he was an inmate worker for 59 days. He is currently in a payment plan for all other court costs and fines in this case.

On October 1, 2020, he was arrested for Petit Theft (Second Degree Misdemeanor) in Case No. 20-MM-6935. He was adjudicated guilty and sentenced to five (5) days in jail. The Court imposed a Judgment of Cost of incarceration of \$250.00 (sentence 5 days x \$50 per day). He served four (4) days in jail and was not an inmate worker. He is currently in a payment plan for all other court costs and fines in this case.

For all of these cases, Mr. Whaley was sentenced to a total of 289 days. He served 251 days in jail, of which he served 127 days as an inmate worker. Therefore, he was in jail for 124 days where he was not an inmate worker.

Mr. Whaley is requesting a reduction/release due to hardship and explains in his request that he is a success story that has felt the consequences of his bad decisions and is trying to buy a house for his family.

Budget/Impact: None.

Recommended Action: Board motion to Approve or Deny Steven Whaley's Request for a Release/Reduction of the Civil Restitution Liens recorded in Case No. 11-MM-3417, on June 22, 2011 in Official Records Book 5533, Page 1923; Case No. 11-MM-3417, on July 16, 2012 in Official Records Book 5704, Page 712; Case No. 17-MM-3456, on May 14, 2019 in Official Records Book 6965, Page 1330; Case No. 19-MM-2457, on January 2, 2020 in Official Records Book 7108, Page 1339; and Case No. 20-MM-006935, on December 3, 2020 in Official Records Book 7327, Page 1390.

Mr. Minter provided a brief overview of the Civil Restitution Liens for Mr. Whaley.

Commissioner Bryant stated based on the number provided in the Agenda Packet Mr. Whaley served 202 days in jail, with only 75 days not as an inmate worker. She advised that she did not include the time in the treatment program.

In response to Commissioner Bryant, Steven Whaley, SW Marine Boulevard, Dunnellon, advised that he was sentenced to 6 months in County jail, but was given the option to either serve that time in jail or in an inpatient treatment program approved by Marion County. He stated he chose the inpatient program, which was not inside the jail.

Mr. Whaley commented on his previous issues with substance abuse and the consequences he has faced due to his actions. He stated he purchased a mobile home with his fiancé, which they have improved and are considering selling for a profit. Due to the Civil Restitution liens approximately \$18,000.00 would come out of the profit, which is nearly half of the funds that will be collected. Mr. Whaley requested the Board consider a reduction of the lien.

Commissioner Bryant congratulated Mr. Whaley on his sobriety. She stated based on the number of days the applicant served without being an inmate worker she is recommending reducing the lien to \$3,750.00 and removing all interest.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak to remove all interest and reduce the lien to \$3,750.00. The motion was unanimously approved by the Board (5-0).

## **9. COUNTY ADMINISTRATOR:**

**9.1.** Request Approval of the Amended Road Assessment Program Policy Number 20-01  
MSTU Director Matthew Leibfried presented the following recommendation:

Description/Background: The Land Development Regulation Commission (LDRC) held reoccurring meetings throughout the past year and held a public hearing on January 25, 2023, to discuss amendments to the Land Development Code (LDC). Article 2 (Application Types and Standard Requirements, Division 19, Final Plat, Section 2.19.4, Completion and Close Out) and Article 6 (Technical Standards and Requirements, Division 3, Final Plat Notes and Certification, Section 6.3.1., Final Plat Requirements) were codified in Ordinance 23-09.

These amendments to the LDC provided a way for an update to the Road Assessment Program Policy Number 20-01. This updated policy now includes a process to collect funds for future overlays and resurfacing of roadways and related drainage in subdivisions created under the LDC.

The proposed changes to the policy have been provided with the changes highlighted and underlined in red.

Budget/Impact: None.

Recommended Action: Motion to approve the amended Road Assessment Program Policy.

MSTU Director Leibfried referred to the PowerPoint presentation included in the Agenda Packet (shown on the overhead screens) and provided a brief overview of the proposed Amendments to the Road Assessment Program Policy Number 20-01. He advised that the Board held two public hearings on January 25 and April 13, 2023 where staff presented amendments to the LDC, which were approved by the Board on April 13, 2023, filed and received by the State of Florida, codifying Ordinance 23-09. Today's discussion will focus on specific sections within Ordinance 23-09, Article 2 and Article 6 of the LDC. These sections were amended to clarify the commencement processes to establish a Municipal Service Benefit Unit (MSBU) and the responsibilities of the maintenance and operations of the dedicated improvements described in the LDC.

Mr. Leibfried stated today is to consider updating the language in the Road Assessment Program Policy to provide staff a mechanism to move into the Rate Resolution for MSBUs with an established Ordinance. He referred to slide 2 as an example of an LDC MSBU Ordinance and Resolution, noting the Ordinance is drafted with the flexibility to ensure that it does not restrict provisions to only one service. Typically the Ordinance will be written specifically for the purpose of providing road maintenance, drainage, mowing, road improvements and general maintenance of the right-of-way (ROW) and the Resolution is drafted to specify the funds to be collected. The Resolution will be very specific on the funds to be collected for the MSBU and the future overlay and fees for road repairs, sinkholes within roadways or drainage retention areas, and address road hazards. The intent is to ensure that if a road is blocked it can promptly be cleared. He stated routine maintenance such as mowing, tree trimming, landscaping, and streetlighting will not be covered by these LDC Resolutions, noting those services will be provided by the Homeowners Association (HOA) or the Property Owners Association (POA).

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Mr. Leibfried referred to slide 3 relating to MSTU services, listing the different services the MSTU Department can offer. He stated if additional services are requested it would be determined by the HOA/POA including the associated cost at the time of the request. Mr. Leibfried advised that these provisions are already written in the LDC, Section 6.3.1 which states "Other improvements, such as, but not limited to, street lighting or recreation, can be added to the MSBU if desired by the development". He noted if there are requests for additional services, the requestor would have to initiate the formal petition process, then it would be brought before the BCC for consideration.

Mr. Liebfried provided a list of subdivisions, noting staff has reached out to each of them to see whether a POA or HOA would be taking affect. He stated Cherrywood Preserve Phase 1 does not have either, but the LDC provides that if that occurs the MSTU Department or the MSBU for that location can pick up anything the HOA or POA cannot or will not do.

Mr. Leibfried gave an overview of Subdivisions with MSBUs, having an HOA or POA responsible for maintenance, and the breakdown of Subdivision Assessment Rates for each. He referred to slide 5 which shows a breakdown of the status of the percentage (%) complete of the neighborhoods, how many miles of roads, and what the expected per-parcel rate would be to get to the 30 year mark to avoid out-of-pocket cost when there is a need for an overlay. The intent would be to collect the funds now, to be prepared for that overlay. He advised that the Heather Island Market Center MSBU is the only commercial roadway in the program, noting the Ordinance (21-13) was approved by the BCC on June 6, 2021, however, the roads were established in 2010.

In response to Commissioner Zalak, Mr. Leibfried stated MSTU has not started charging Deer Path North MSBU or any of the MSBUs shown here, noting it would require notice to the community and holding a Rate Resolution hearing before the Board. He advised that MSTU has the Ordinance establishing the boundaries, but the Rate Resolution would establish the rate MSTU would collect.

Commissioner Zalak questioned without the changes to the Policy, at what point would MSTU start the collection process. Mr. Leibfried stated it would be at the Board's discretion; however, staff would like it written in the Policy to begin the collection process at 40% completion or at least 2 years from the as-built plan approval date. Once the Ordinance and boundaries are established, staff is looking for a 60 day turn-around. He advised that the Ordinance will be drafted with the language establishing when the MSTU Department can begin collecting the special assessment.

In response to Commissioner Zalak, Mr. Leibfried stated at 40% completion, every parcel within the platted subdivision would receive a notice sent to the property owner. MSTU staff will communicate with the developer and/or the transition team to advise of the status of the process to hold a Rate Resolution hearing.

General discussion ensued relating to property owners receiving timely notification of the MSBU fee collection process.

Mr. Bouyounes advised that all parties will be notified in advance, noting the Rate Resolution must be adopted through a public hearing. He stated staff will work with the developers and the HOA/POA's to notify all the property owners, then schedule a public hearing.

Commissioner Zalak commented on the importance of making sure the homeowner is notified and aware of the MSBU.

Commissioner Stone opined that it is important to have language in place to give the County flexibility.

Commissioner Bryant expressed concern with adding flexibility, noting the purpose of the Policy is to ensure that the recently approved developments automatically go into a MSBU for road maintenance and it does not have to come back before the Board.

Mr. Bouyounes advised that once the Board adopts the Ordinance, which is early in the development stage, within 60 days the public hearing will take place to adopt the Rate Resolution to be implemented on a certain date. He stated at that time most of the lots are still owned by the developer, noting the matter will not have to come back before the Board unless the Board or community wants to bring something to the Board for a decision.

Commissioner Bryant opined that the special assessment could commence when 50% of homes have been issued a certificate of occupancy (CO), instead of at "40% CO or 2 years from when the as-built plans were approved, whichever comes first". This would allow the collection of the special assessments process to begin automatically at 50% occupancy.

In response to Commissioner Curry, Commissioner Bryant commented on finding the best way for notification to the property owners, noting the real estate agent is required to disclose a special assessment prior to parties signing a contract.

In response to Commissioner Zalak, Mr. Bouyounes advised that the Rate Resolution hearing will be conducted within 60 days after the adoption of the Ordinance; therefore, there will be an established special assessment on the parcels. He clarified that the collection of the funds from property owners will not take place prior to the 50% CO.

Ms. Straub advised that more discussion will need to take place internally with Legal staff due to the timing of the final plat. She stated the final plat is recorded prior to the MSBU being recorded, as well as Indemnification and Improvement Agreements with the developer.

Commissioner Zalak stated the County has allowed the developer to develop a percentage of lots prior to everything being recorded based on negotiations during the PUD process.

Chairman Stone stated this may need to be brought back at a later date in order for staff to work out the details.

Commissioner Zalak opined that a Countywide Ordinance may need to be passed that requires an MSBU to be identified on a real estate contract. He stated an addendum can be added to the contract making the buyer aware that road assessments will be either part of the HOA, POA, or MSBU for all Marion County subdivisions.

ACA Straub advised that the Policy could be amended going forward, noting the policy is meant to provide staff direction.

Commissioner Zalak opined that the policy is fine as is, noting what is needed is an Ordinance requiring an MSBU be identified when a real estate transaction takes place.

Mr. Bouyounes stated a Countywide Ordinance would be enacted obligating the buyer to be notified during the real estate transaction.

Commissioner Zalak clarified that the buyer will be notified that their roads are not covered by their taxes and a mechanism will be in place, whether it is an MSBU, HOA, POA or a Community Development District (CDD) to take care of the local roads.

In response to Commissioner Bryant, Mr. Minter advised that there are a lot of occasions where people say no one ever informed them.

Commissioner Curry expressed support for a Countywide Ordinance. He requested staff define the term "as-built".

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Ms. Straub advised that when construction is completed a surveyor goes out to the property to perform a survey of the actual construction ("as-built" condition) of the property. This survey is turned into to OCE with an engineer's certification of the as-built completion. She stated the survey includes all items agreed to such as roads, curbs, the storm system, sidewalks etc., which are completed at that time.

Commissioner Bryant reiterated the seller/developer has to disclose any pending special assessments in a real estate transaction.

Commissioner Zalak stated this process is not clear to the property owners, noting property owners assume the County is going to maintain or repave subdivision roads. He opined that if an Ordinance is passed it will make it very clear on the real estate transaction that Marion County is not responsible for subdivision roads.

Commissioner Bryant advised that what is being discussed today is a completely separate issue than the Ordinance Commissioner Zalak is proposing. Chairman Stone concurred.

Commissioner Zalak clarified that if the policy is passed today the Board should back it up with an Ordinance.

Chairman Stone advised that this policy is a stand-alone item and does not need a corresponding Ordinance.

Commissioner Bryant commented on the need to have more discussion relating to the language in Section 6.c. regarding public hearings. She suggested removing "or two years from when the as-builts were approved" and changing the language to "50% of the homes have been issued a CO, which will address the Boards concerns. Commissioner Bryant stated if "or by the BCC" is added to 6.c. every single one of them will be brought before the Board with a reason on why the policy should not be implemented.

Ms. Straub expressed concern with there being enough funds available for paving if the policy is implemented with the 50% language.

Commissioner Bryant stated if the roads are failing and the citizens want the project done quicker they can request to come back before the Board to change the assessment.

Commissioner McClain expressed support for moving forward with changing the language to "50%" and removing the "or two years from when the as-builts were approved". He opined that if the Board moves forward with the "50%", then an Ordinance may be necessary, noting the assessment could be triggered anywhere from year one to possibly 10 years.

Chairman Stone advised that an Ordinance is a stand-alone item and would be considered separately.

Chairman Stone noted it is the ten o'clock hour. She stated the Board will continue with the Agenda Item 9.1. after the public hearing is concluded.

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

**6.1 PUBLIC HEARING:** One of Two Public Hearings to Consider Horse Farms Forever, Inc. Marion County Land Development Code Amendment Application Regarding LDC Division 1.2 - Definitions, and Division 2.16 - Division of Land Growth Services Deputy Director Kenneth Weyrauch presented the following recommendation:

Description/Background: G. Matthew Brockway, Esq. (Applicant), on behalf of Horse Farms Forever, Inc., submitted a Land Development Code (LDC) Amendment Application (Application) proposing changes to LDC Division 2.16 - *Division of Land*, focusing on divisions based on their location in the Rural Area or

Urban Area, size of the parcels, and the ability and method to provide divisions under the exception to density enabled by Section 163.3179, F.S. - *Family Homestead*. The Applicant and staff discussed the proposed amendments and staff has provided additional recommendations regarding the proposed amendments including revisions to the Urban Area and Rural Area definitions provided in Division 1.2 - Definitions.

The proposed amendments were considered in a public hearing by the Land Development Regulation Commission (LDRC) which recommended approval of the amendments with the inclusion of an additional provision enabling an applicant to seek an LDC Waiver to allow an early subsequent sale of a family division property based on potential hardship – Section 2.16.4.D(4). The applicant and staff do not object to the additional provision.

The proposed Ordinance is attached, including LDC documents in a strike-through and underline version showing the proposed changes as well as a clean version.

This is the first of two (2) public hearings, and the second public hearing is scheduled for December 5, 2023, at 5:30 p.m.

Budget/Impact: None.

Recommended Action: Receive public comment and take no action until the second public hearing.

Deputy Clerk Ketner presented Proof of Publication of legal ad No. 9494665 entitled, “Notice of Public Hearing”, published in the Star Banner Newspaper on November 10, 2023. The Notice states the Board will consider the proposed amendments related to Marion County Land Development Code (LDC), Article 1 and 2, in Marion County, Florida, pertaining to definitions and conducting divisions of land among family members.

Deputy Director Ken Weyrauch, Growth Services, advised that before the Board is an application from Horse Farms Forever, Inc (HFF) requesting to amend the LDC relating to the division of land concerning the family division.

Matt Brockway, Main Street, Sarasota, on behalf of HFF, advised that Bernie Little, President of HFF is also present today. He expressed appreciation to Growth Services, the County Attorney’s Office and the Land Development Regulation Commission (LDRC). He stated HFF prepared, submitted the application and paid the application fee, but this has been a collaborative effort from everyone involved. Mr. Brockway advised that this process started over 3 years ago from a comment made by Commissioner Zalak regarding the family division process.

Bernie Little, NW 90<sup>th</sup> Avenue, advised that one of the core foundations of HFF’s mission is to avoid land use conflicts, particularly in the Farmland Preservation Area (FPA). He stated 2 years of family division applications were reviewed and it was noticed that with the opening of the World Equestrian Center (WEC) the demand for property in the northwest portion of the County has gone up dramatically. Mr. Little stated some realtors in the northwest are aggressively encouraging people to utilize the family division exception to divide their property in order to sell the property. He commented on the lengthy process in place to amend the LDC.

Mr. Brockway stated this Family Division concept is rooted in Florida Statute (FS) 163.3179 and is codified in the County’s Comprehensive Plan Policy 2.1.16.1. He noted upon review of the process, HFF found there were some portions of the LDC that were inconsistent with the FS. Growth Services provided assistance with the proposed Amendment, it is written to bring the Family Division provisions into compliance with the FS, as well as create an easier tracking process for lands that were part of a Family

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Division. Mr. Brockway advised that some of the highlights of the Amendment are implementing a hold period wherein once property has been divided it cannot be sold for two years; and eliminating the multiple conveyance portion of the policy.

In response to Commissioner Curry, Mr. Brockway stated if a family member needs to sell property within 2 years of a family division due to a hardship, there is a provision to apply for a waiver with the DRC.

Commissioner Bryant confirmed that if someone is turned down at the DRC level they will still have the opportunity to come before the Board.

Mr. Weyrauch provided a brief overview of the language that was modified, added or removed from the existing LDC to create the proposed Amendment.

In response to Commissioner Bryant, Mr. Weyrauch stated at the next public hearing staff can bring back more clarity and information relating to Future Land Use Element (FLUE) Policy 10.1.4 and LDC Section 4.3.2 relating to platted and recorded subdivisions; registered unrecorded subdivisions; and "subdivision of record".

Mr. Minter advised that a "parent tract" is not defined, noting it can have a different meaning depending on the occasion. He stated this should be reviewed before the final hearing.

Mr. Weyrauch stated staff would like to add specific language that there should be a shared access, noting the parcels would share the same driveway as the original parcel. He advised that staff is in support of a 5 year holding period versus the 2 years supported by the LDC and the applicant. Mr. Weyrauch advised that a Family Division Affidavit will be required to be recorded with the deed, noting the form will be approved by the Office of the County Attorney and available at the Growth Services Department.

Mr. Brockway advised of a typographical error in paren 3, which has been corrected on the "clean" version to state "If a family division is approved a form approved by the Office of County Attorney". He stated the term "Deed Restriction" was removed from this section at the recommendation of the LDC. Mr. Brockway advised that the purpose of the form is to provide notice when a property is the subject of a transaction, not to impose additional restrictions.

Mr. Weyrauch commented on the changes made to the definitions of "Rural Area" and "Urban Area".

In response to Commissioner Curry, Mr. Little advised that the role of HFF is to be a catalyst for these kinds of actions, noting it is focused on the integrity of the Comprehensive Plan and the LDC. He stated originally HFF recommended a 1 year holding period and Growth Services recommended 5 years. After a long debate and multiple workshops the LDC determined 2 years was appropriate. Mr. Little advised that it is ultimately up to the Board to decide how long the holding period is after a family division is complete.

Commissioner Zalak expressed support for a 5 year holding period with a waiver process in place, noting the intent is to allow a special exception for families to divide a piece of property for family use. He opined that the hardship waiver should come back before the Board and not DRC, noting hardship is not defined. Commissioner Zalak stated a liquidation event would have to occur to qualify for hardship.

Commissioner Zalak opined that in the Rural Lands across the County the lot size within a family division should be no less than 3 acres, noting the intent of a family division was never to use it as a mechanism to create subdivisions.

Commissioner Bryant expressed concern relating to the proposed language and commented on personal property rights.

General discussion ensued.

Commissioner Curry out at 10:24 a.m.

Mr. Brockway stated the FPA is treated differently than everywhere else, noting there is a minimum 3 acre Family Division within the FPA.

Commissioner Curry returned at 10:25 a.m.

Chairman Stone opened the floor for public comment.

David Tillman, LDRC Chair, Tillman & Associates Engineering, LLC, SE 16<sup>th</sup> Avenue, stated he disagrees with Commissioner Zalak. He opined that the biggest change in the proposed Amendment that stopped the use of the Family Division as a tool to sell real estate, was adding the limitation of allowing a family division to happen only once. Mr. Tillman commented on the DRC and the good decisions that are made by this staff. He opined that the hold period to sell should be a minimum of 2 years, not 5 years. Mr. Tillman stated the proposed Amendment brought before the Board is well thought out, noting the LDRC, HFF, and Growth Services worked very well together to draft this proposed Amendment.

In response to Commissioner Bryant, Mr. Weyrauch advised that a parent parcel can be split up to 3 times with 3 different family members.

Commissioner Bryant opined there should be additional language added relating to when the 2 year holding period begins.

General discussion ensued.

Tim Gant, SW 3<sup>rd</sup> Street, Micanopy, stated he is the President of Save Our Rural Areas (SORA). He expressed appreciation to the BCC and HFF for bringing this to fruition, noting he likes the idea of the 5 year holding period.

Karin Ahrman, NE 6<sup>th</sup> Place, commented on Family Division, which is supposed to be for families to give their children a place to live in the future.

Jack Stackman, SE 56<sup>th</sup> Ave, commented on the Family Division proposed Amendment, noting he agrees with a 5 year hold period over a 2 year holding period.

There was a recess at 10:37 a.m. due to technical issues.

The meeting reconvened at 10:45 a.m. with all members present.

Chairman Stone stated staff is aware there is no sound on 1 side of the auditorium and are working on correcting the sound issue.

Chairman Stone advised that public comment is now closed.

Mr. Brockway stated HFF is willing to compromise on the hold period being the earlier of either 2 years after CO or 5 years, noting this would prevent a situation where the land becomes unsellable.

Mr. Weyrauch clarified that a Family Division can take place on two separate parent parcels to the same family member, noting he will review State Statute prior to the next hearing to ensure this information is correct.

Commissioner Bryant commented on the possibility of including a reverter clause in the policy, noting if the property is not developed it would revert back to the parent parcel.

Commissioner Zalak advised that the County has included reverter clauses in zoning cases in the past.

Commissioner Curry stated there are situations where people want to divide the land and pass it to their children, but the children have no intention of building, instead they will own the parcel for a period of time. He opined that there needs to be flexibility for a family to pass land to children and expressed support for a 3 year holding period.

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Chairman Stone advised that the definition of "Parent Tract" does need to be established prior to the next hearing. She stated if a parcel is divided amongst the children and the parent no longer owns the "parent tract" a reverter clause could cause an undeveloped property to go back to a sibling.

Commissioner McClain stated he prefers the 2 year hold and allowing families to decide how to divide their land.

Mr. Minter advised that the policy provides for use for immediate family members for their primary residence, noting it does not state a timeframe for when it will become their primary residence.

Mr. Brockway stated a reverter clause or a mandatory convergence can be problematic since the Family Division can be used for Estate Planning.

General discussion ensued.

Chairman Stone advised that the items that need to be addressed at the second hearing are as follows: clarify/define the meaning of "hardship" and "parent tract"; and provide a draft Family Division Affidavit form for Board review. She stated at the next hearing the Board will consider the 3 language options discussed today: 1). a 2 year holding after CO or 5 years; 2). a 3 year holding period; or 3). leaving the language as currently proposed.

Mr. Minter expressed concern relating to the agricultural lot split language, noting F.S. Chapter 177 providing for plats states the requirements of this statute are the minimum requirement for the division of land. He advised that local governments cannot impose or create regulations more liberal than the minimum requirements in this Statute. Mr. Minter stated this might eliminate some of the exceptions in Section 2.16.1 of the Policy. He advised that the Florida Courts have recognized the right of the property owner to alienate or sell portions of their property utilizing meets and bounds descriptions. Mr. Minter stated some jurisdictions do have provisions that will not allow a building permit unless the plan is according to the subdivision Statute, noting Marion County does not have this language in the LDC.

Chairman Stone announced the second public hearing is scheduled for December 5, 2023, at 5:30 p.m.

(Ed. Note: The correct hearing date for the second public hearing is December 19, 2023 at 5:30 p.m.)

### **9.1. Continued**

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to continue this Item until December 19, 2023 to allow staff time to research how to notify property owners of the assessment and start of collection. The motion was unanimously approved by the Board (5-0).

### **9.2. Request Approval of the Preliminary Engineering Report, Typical Sections and Alignment for SW 49<sup>th</sup> Avenue, North Phase, from Marion Oaks Trail to SW 95<sup>th</sup> Street (Budget Impact - None)**

ACA/Acting County Engineer Straub presented the following recommendation:

Description/Background: This is a request to approve the Preliminary Engineering Report, typical sections and alignment for the SW 49<sup>th</sup> Avenue, North Phase project, from Marion Oaks Trail to SW 95<sup>th</sup> Street. The Preliminary Engineering Report was presented to the Board of County Commissioners at a workshop on June 22, 2021. On July 28<sup>th</sup>, 2021 a Neighborhood Meeting presentation was given at Liberty High School for the public to attend.

Two alternative alignments, A and B, were evaluated with the preferred option being the Alternative B alignment. The Preliminary Engineering Report considers factors such as safety, number of residences affected, feasibility of design, permitting, costs, environmental, cultural and archaeological factors, traffic, geotechnical and flexibility to meet future needs. Funding for the design phase is in the 2023-24 budget and it is intended to enter into the design phase next.

The Preliminary Engineering Report can be found at:

<https://www.marionfl.org/agencies-departments/departments-facilities-offices/office-of-the-countyengineer/projects/sw-49th-avenue-capacity-project-north-phase>

Or by scanning this QR code:



Budget/Impact: None.

Recommended Action: Motion to approve the Preliminary Engineering Report, along with the attached typical sections and alignment for Alternative B of the SW 49<sup>th</sup> Avenue, North Phase, from Marion Oaks Trail to SW 95<sup>th</sup> Street.

Deputy County Engineer Douglas Hinton, OCE, stated this is the Preliminary Engineering Report (PER) for the SW 49<sup>th</sup> Avenue, North Phase, from Marion Oaks Trail to SW 95<sup>th</sup> Street and the consultant for this report was Greenman-Pedersen, Inc. (GPI). Mr. Hinton advised that today's PowerPoint presentation is slightly different than what was previously presented as there was a false estimate added in the PowerPoint presentation, on slide 8.

Scott Seck, GPI, Blackwater Court, Winter Gardens advised that Al Peters was also present today from GPI. He provided a brief overview of the SW 49<sup>th</sup> Avenue – North Phase project as shown in the PowerPoint presentation included in the Agenda Packet. Mr. Minter advised that when looking at the PER and the 5 criteria used for this report, Long Range Area Planning; Alternate Alignments; costs of the Alternatives; Environmental Impacts of the Alternatives; and Safety, it is the Board's Policy and this is the opportunity to ask any questions or voice concerns about any of these issues.

Mr. Seck advised that the proposed Typical Section does match what has already been constructed on the South and North sides to provide a consistent corridor for the road. He stated the biggest difference between Alignment A and B is from 116<sup>th</sup> Street to 103<sup>rd</sup> Street it shifts alignment further to the east so that it is centered better with the homes in the area and provides a better buffer for noise.

Mr. Seck advised that an additional crossing has been added to the PER to address concerns individuals expressed relating to accessing the Greenway Trails.

Mr. Seck advised that GPI is recommending to move forward with the proposed Typical Section, proposed alignment and ROW, and to proceed to design phase.

Mr. Minter commented on the number of points addressed pertaining to the proposed alignment, noting when doing the acquisitions something to consider is whether one alternate or the other may result in having to acquire more residential properties than the other alignment. That is a cost factor being balanced against what would produce a more efficient transportation facility. He stated GPI has gone through these items and now is the Board's opportunity to ask questions.

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ACA/Acting County Engineer Straub advised that this item has been in the County's Long Range Transportation Plan (LRTP) with the Transportation Planning Organization (TPO) for some time, it has been in the Transportation Improvement Plan (TIP) for several phases, advanced ROW acquisitions has taken place. She stated approval of this PER will allow staff to be more aggressive with acquisitions, it is programmed for construction, and the Sales Tax money is set aside in the TIP work program. This project will go into design next year and into construction immediately following design.

In response to Commissioner Bryant, Ms. Straub commented on the alternative route, stating there is a SECO transmission main on the west side of the road that sits outside of the ROW. It is in a SECO easement on private property, which would have required the County to purchase that property and bought out the transmission main for relocation. She stated staff reviewed an alternate alignment (Alignment B) by moving more to the east side, which allows for greater space and distance from the homes.

Commissioner Zalak questioned the number of ponds and lighted intersections that will be on the corridor. Mr. Seck stated there will be roughly 9 ponds, and 3 lighted intersections.

General discussion ensued relating to the posted driving speed.

In response to Commissioner Bryant, Mr. Seck stated a round-a-bout at the intersection at SW 103<sup>rd</sup> Steet Road would be a good idea, noting a round-a-bout is a good safety feature and helps relieve congestion.

Ms. Straub stated staff will add a round-a-bout analysis to the design analysis.

General discussion ensued relating to round-a-bouts.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the Preliminary Engineering Report, along with the attached typical sections and alignment for Alternative B of the SW 49<sup>th</sup> Avenue, North Phase, from Marion Oaks Trail to SW 95<sup>th</sup> Street. The motion was unanimously approved by the Board (5-0).

### **9.3. Present Update on ARPA Funding**

ACA Angel Roussel, Administration presented the following:

Description/Background: Present update on ARPA Funding for Board review, discussion and allocation of unallocated funds. The Finance and Budget departments have identified an additional \$3,474,863 that can be allocated for ARPA qualifying uses.

There are several alternatives on how to allocate said funds. The short water line extension program was completely allocated and not all applicants received funding, the board can consider expanding the program to cover the line extensions that had applied prior to notice and homes where under construction but where not funded due to lack of funds.

In addition, Construction costs have significantly increased since the COVID pandemic, the board can consider to allocate the remaining funds to construction projects as they get awarded.

Budget/Impact: None.

Recommended Action: For informational purposes and direction if necessary.

ACA Angel Roussel referred to the PowerPoint presentation as seen on the overhead screens and provided a brief update on American Rescue Plan Act (ARPA) projects. He commented on the Short Water Line Extension (SWL) Grant Program, noting 100% of the funding (\$5,000,000.00) is allocated, with 43 projects not awarded funds and 24 of those have building permits. Staff notified these applicants that the funds had run out, but

some were already under construction. Mr. Roussel stated by expanding this program by approximately \$650,000.00 those 24 applicants could be funded. He requested direction from the Board to move funds from another source (interest earnings) within ARPA funds. Mr. Roussel provided an update on the State Road (SR) 200/SW 60<sup>th</sup> Avenue Utility Services project. He stated the initial consideration was to provide central water and sewer to SMA Healthcare (fka The Centers) with \$2,400,000.00 allocated from ARPA, but several things happened during the project, i.e.: due to COVID construction cost increased; ROWs were very constrained requiring alternate routes; and due to other developments in the area, larger lines and lift stations were needed. All of that has resulted in a cost increase for construction and other items. The overall cost is approximately \$6,000,000.00, with a shortfall of \$3,700,000.00.

Mr. Roussel stated during the last update in August 2023, he informed the Board that as these projects are awarded, funds will need to be shifted around to cover costs and toward the end of the project staff will need to make decisions on funding.

Mr. Roussel advised that staff has identified approximately \$3,400,000.00 in interest earnings. He requested direction from the Board to move funds from the interest earnings, in the amount of \$650,000.00 into the SWL program and the balance of approximately \$2,750,000.00 into the SR 200/SW 60<sup>th</sup> Avenue project, noting this will still leave a shortfall of approximately \$1,000,000.00.

In response to Commissioner Bryant, Mr. Roussel stated staff can look into reassigning Utilities Capital Improvement Program (CIP) funding to cover the shortfall for the SR 200/SW 60<sup>th</sup> Avenue project.

Commissioner Bryant requested staff to look into the allowed uses for the ARPA earned interest, specifically if funds can be utilized on the Animal Services project.

Finance Director Jennifer Cole advised that the ARPA Final Rule does not require the interest to be used for ARPA purposes.

Chairman Stone requested consensus to use \$650,000.00 of the ARPA earned interest funds for the 24 applicants in the SWL program that already have permits pulled for running the lines. It was the general consensus of the Board to concur.

Chairman Stone stated there is a remaining balance of ARPA earned interest funds in the amount of \$2,750,000.00.

General discussion ensued relating to allowable use of ARPA funds.

Mr. Roussel provided an update on the Affordable Housing Initiatives. He advised that the initial consideration for affordable housing was \$2,000,000.00 set aside from the ARPA funds. Mr. Roussel stated there is a new law "Live Local" that has opened a lot of funding mechanisms for Affordable Housing projects that have been able to move forward without the need for ARPA funds. He advised that Community Services is requesting to move the initial \$2,000,000.00 into the CRA revitalization projects.

Commissioner Zalak advised that unrestricted funds are needed for acquisition of property, noting demo can be done utilizing other funding opportunities. He urged the Board to support the funding request relating to Affordable Housing initiatives.

In response to Commissioner Bryant, Mr. Roussel stated the \$2,000,000.00 is not part of the \$2,750,000.00 ARPA earned interest.

Mr. Roussel provided a brief project update relating to Marion Oaks Water Main; SR 200/60<sup>th</sup> Avenue; Silver Springs Shores Phase I; Silver Springs Shores Phase II; Silver Springs Shores Phase III; and Silver Springs Shores Phase IV.

Mr. Roussel advised that staff's application for grant funding through the Water Management District (WMD) for the Septic to Sewer project was approved in the amount

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of \$3,000,000.00 for both the Marion Silver Springs Shores Septic-to-Sewer Project Phase I and Marion Silver Springs Shores Septic-to-Sewer Project Phase II.

In response to Commissioner Zalak, Mr. Roussel advised that development around the SR 200/60<sup>th</sup> Avenue project are paying for all the subdivision improvements and capital charges to the Utilities, noting one of the components of the capital charges is the transmission lines.

Chairman Stone expressed appreciation for the additional grant funding and reiterated that \$2,750,000.00 has been set aside.

**UPDATE:** Mr. Roussel advised that Chairman Stone has been assigned to assist with the new Animal Shelter project. He stated the size of the facility has been finalized and the property donor is agreeable to modifying the parcel shape if necessary. Mr. Roussel advised that a portion of the property will need to be annexed to the County and land use and zoning will need to be addressed. He stated an RFP has been issued for a Construction Manager.

Mr. Roussel stated the original 137 acre property proposed for the Animal Shelter is now being proposed for donation to the County to be utilized by MCSO for their livestock. Staff is working on a Donation Agreement, Memorandum of Understanding (MOU) for use of the facility, and an MOU for handling the livestock for the County.

Mr. Roussel advised that Commissioner Curry had taken the lead and initiated some meetings with the Rescues, noting Rescues are an extension of the Animal Shelter. He stated Chairman Stone is scheduled to attend the meeting with the rescues on November 30, 2023 to discuss how the County can continue to support rescues.

Mr. Roussel commented on other activities and possible donations that will benefit Animal Services and community rescue partners.

Mr. Roussel advised that the County is moving forward with the "Chameleon" software, which will assist with data management as it relates to animal licensing and rabies vaccinations. He stated Commissioner Bryant is working with staff in order to have this software live by March 2024.

Mr. Roussel commented on the possibility of reconsidering the Ordinance relating to licensing and microchips. He expressed appreciation for all the community support.

In response to Commissioner Bryant, Mr. Roussel advised that the intake and euthanasia rates are similar to previous years. He stated staff has maintained the live release rate initiatives implemented by the Board, which has improved the intake and euthanasia rates.

Animal Services Director Kyra Lynch advised that in September 2022 there were 92 animals euthanized, in September 2023 there were 75 animals euthanized with an additional 111 animals brought in that same month. She stated in 2021 Animal Services took in 7,768 animals, 307 were transferred to rescues and 963 were euthanized; in 2022 took in 8,571 animals, 576 were transferred to rescues and 1,094 were euthanized; in 2023 year to date, took in 8,042 animals, 663 were transferred to rescues and 809 were euthanized.

In response to Commissioner Curry, Ms. Lynch stated Animal Services is using Social Media to promote adoptions, posting Pets of the Week, Fido Dogs, and the Volunteers are active in the community taking adoption dogs to community events.

Commissioner Bryant stated the County is trying to help bring awareness to Animal Services with print publications and Billboards.

General discussion ensued.

Commissioner Bryant commented on what has been done to assist Animal Services since 2018. She stated in 2018 there was a budget increase of \$167,596.00 adding 1 animal control officer; 2019 budget increase of \$261,195.00 adding 9 positions; in 2020 there was a budget increase of over \$245,000.00 adding 2 more positions (an animal compliance officer and maintenance/animal caretaker); in 2021 a budget increase of \$117,000.00 for salary increases for existing employees; in 2022 a budget increase of \$342,000.00 adding 2 more positions, (an animal control officer and dispatcher); in 2023 a budget increase of \$1,134,295.00 adding 3 new positions, animal veterinary technicians, 8 positions, salary increases, veterinary supplies and vehicle replacement; and in 2024 there is a budget increase of \$663,000.00 adding 2 more positions, an animal compliance investigator, a volunteer coordinator, and an Animal Services Finance Specialist. She noted the Board is working hard to assist Animal Services; however, the focus needs to be on pet owners by promoting the culture of being a responsible pet owner.

Commissioner Curry commented on the emails staff receives on various topics, and the chance of the Board overlapping on the issues addressed individually. He offered to assist and support with any item being addressed.

**UPDATE:** ACA Straub commented on Item 6.1 Public Hearing, advising staff incorrectly identified the second public hearing date, the correct date is December 19, 2023 at 5:30 p.m.

## **10. COMMITTEE ITEMS: NONE**

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

### **11.1. Request Approval of the 2024 Schedule of Regular Meetings of the Board of County Commissioners**

County Administrator Mounir Bouyounes, Administration, presented the following recommendation:

Description/Background: The recommended meeting schedule for the calendar year 2024 (attached) was developed by staff, in coordination with the Clerk's office, and takes into consideration observed County holidays and dates that the Board has traditionally canceled or rescheduled.

As indicated on the schedule, the first meeting in January is moved to Wednesday, January 3, 2024 due to the New Year being on Monday.

Approval of the annual schedule of meetings allows for advance planning and proper notice of meetings at the beginning of each year. The Board maintains flexibility to schedule, cancel, or reschedule any meetings, should the need arise.

Budget/Impact: None.

Recommended Action: Motion to approve the attached 2024 Schedule of Regular Meetings.

County Administrator Mounir Bouyounes advised that he provided the Board with a revised 2024 Schedule of Regular Meetings of the Board of County Commissioners.

Commissioner Bryant recommended the Board move both the January 3<sup>rd</sup> and 16<sup>th</sup>, 2024 meetings to January 10, 2024, and to only hold 1 BCC meeting in January 2024. She also recommended moving the meeting set for September 3, 2024 to September 4, 2024, due to the Labor Day Holiday.

General discussion ensued.

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Mr. Bouyounes advised that Marion County Legislative Day in Tallahassee is on February 8, 2024, and the National Association of Counties (NACO) meeting in Washington, DC that same week.

Mr. Bouyounes commented on the July 2024 week-long Budget workshops. He recommended to condense the Budget Workshops to 3 days, Monday, Tuesday and Wednesday, July 8, 9 and 10, 2024. He advised that the Budget Public Hearings are scheduled for September 9 and 23, 2024, noting staff can move these dates if there is a conflict with the Board's schedule.

Budget Director Audrey Fowler advised that September 10, 2024 is the only date with a conflict for the Budget Department.

General discussion resumed.

Chairman Stone stated the Budget Public Hearings will be scheduled for September 5 and 16, 2024.

Mr. Bouyounes stated in 2024 Zoning meetings will only be held once a month, noting if there is an influx of zoning applications this can be adjusted.

A motion was made by Commissioner Bryant and seconded by Commissioner Zalak, to approve the attached 2024 Schedule of Regular Meetings with modifications as discussed by the Board. The motion was unanimously approved by the Board (5-0).

(Ed. Note: The Deputy Clerk received a 1 page handout entitled "Marion County Board of County Commissioners 2024 Schedule of Meetings.")

#### **11.2. Request Approval to Schedule Marion County Day Event on Saturday, March 23, 2024**

ACA Tart, Administration, presented the following recommendation:

Description/Background: In 2018, the Board hosted its first Governmental Day event, which displayed many services and activities for the whole family and was well received by over 1,000 attendees. In 2019, the Government Day event was modified to be a celebration of the 175<sup>th</sup> Anniversary of the founding of Marion County. On November 19, 2019, the Board approved to rename and schedule this event as Marion County Day. Due to the COVID pandemic, the event for 2020 was cancelled and efforts for 2021 were halted. The event was held in 2022 and 2023 and both events were a huge success.

Staff and community partners are involved in planning next year's event which will have a historical emphasis and informative exhibits from many organizations. Marion County Day 2024 will be modified to be a celebration of the 180<sup>th</sup> Anniversary of the founding of Marion County. This community-wide event is tentatively scheduled for Saturday, March 23, 2024 at the McPherson Governmental Campus. Details and a specific schedule outlining different activities will be released once finalized. A program and map will be distributed for guests during the event. Some of the activities planned for this community-wide event include:

- Government services displays from County and other governmental agencies
- Equipment displays (Law enforcement - including MCSO helicopter, Fire Rescue, Public Works, and other agencies)
- Local performances and various entertainers throughout the day
- Children's games, bounce houses, and family-fun activities

- Many food vendors

Budget/Impact: None.

Recommended Action: Motion to approve and schedule Marion County Day event on Saturday, March 23, 2024 and declare this event to be of public purpose.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve and schedule Marion County Day event on Saturday, March 23, 2024 and declare this event to be of public purpose. The motion was unanimously approved by the Board (5-0).

**11.3. Request Approval to Schedule Marion County Legislative Day on Thursday, February 8, 2024 in Tallahassee, FL**

Legislative Manager Matthew Cretul, Administration, presented the following recommendation:

Description/Background: Marion County has historically invited its municipalities, community stakeholders, and key businesses to attend an event in Tallahassee at the beginning of each legislative session. The event is designed to showcase the county to the state's legislative leaders and would take place on Thursday, February 8, 2024 at the Main Courtyard of the Capitol Complex.

Budget/Impact: None.

Recommended Action: Motion to approve and schedule Marion County Legislative Day on Thursday, February 8, 2024 in Tallahassee, FL

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve and schedule Marion County Legislative Day on Thursday, February 8, 2024 in Tallahassee, FL. The motion was unanimously approved by the Board (5-0).

**11.4. Request Approval to Schedule a Workshop to Finalize the One Cent Infrastructure Surtax Project List on Wednesday, March 6, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium**

County Administrator Bouyounes, Administration, presented the following recommendation:

Description/Background: Request approval to schedule a workshop to finalize the One Cent Infrastructure Surtax project list on Wednesday, March 6, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve scheduling a workshop to finalize the One Cent Infrastructure Surtax project list on Wednesday, March 6, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve scheduling a workshop to finalize the One Cent Infrastructure Surtax project list on Wednesday, March 6, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.5. Request Approval to Schedule a Workshop to Discuss Transportation Capacity Projects on Tuesday, January 23, 2024 at 9:00 a.m. in the McPherson Governmental Campus Auditorium**

County Administrator Bouyounes, Administration, presented the following recommendation:

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Description/Background: Staff will present proposed projects for consideration and timing of implementation. Presentation materials will include the Transportation Planning Organization (TPO) Congestion Management Plan and traffic counts. Staff seeks guidance on project prioritization.

Budget/Impact: None.

Recommended Action: Motion to approve the scheduling of a workshop to discuss transportation capacity projects on Tuesday, January 23, 2024 at 9:00 a.m. in the McPherson Government Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve the scheduling of a workshop to discuss transportation capacity projects on Tuesday, January 23, 2024 at 9:00 a.m. in the McPherson Government Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.6.** Request Approval to Schedule the Budget Strategic Planning Workshop for Monday, January 22, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium

County Administrator Bouyounes, Administration, presented the following recommendation:

Description/Background: The annual Budget Strategic Planning Workshop is an opportunity for the Board to establish the County's future goals, initiatives, and appropriate budget training. Staff has proposed the date for the workshop to be on Monday, January 22, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to schedule the Budget Strategic Planning Workshop on Monday, January 22, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule the Budget Strategic Planning Workshop on Monday, January 22, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.7.** Request Adoption of a Resolution to Declare a Public Hearing Date for Consideration of a Road Closure Petition Associated with Silver Springs Shores Unit Number 38, on December 19, 2023 at 10:00 a.m. or as Soon Thereafter as Possible in the McPherson Governmental Campus Auditorium

ACA/Acting County Engineer Tracy Straub presented the following recommendation:

Description/Background: This is a request for approval and execution of a Resolution declaring that a Public Hearing be held to consider a petition made by Robert Amsler to close and abandon that certain portion of Bay Terrace Pass lying west of and adjacent to Lot 8, Block 1283, Silver Springs Shores Unit Number 38, Plat Book J, Pages 345-353 and to renounce and disclaim any right of the County and the general public.

Budget/Impact: Revenue of \$500 - Transportation - BL400341 – 341902.

Recommended Action: Motion to approve and adopt the Resolution declaring a Public Hearing date to consider closing that certain portion of Bay Terrace Pass lying west of and adjacent to Lot 8, Block 1283, Silver Springs Shores Unit Number 38, Plat Book J, Pages 345-353 on December 19, 2023 at 10:00 a.m., or as soon

thereafter as possible in the McPherson Governmental Campus Auditorium, and to authorize the Chair and Clerk to execute the same.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Resolution 23-R-563 declaring a Public Hearing date to consider closing that certain portion of Bay Terrace Pass lying west of and adjacent to Lot 8, Block 1283, Silver Springs Shores Unit Number 38, Plat Book J, Pages 345-353 on December 19, 2023 at 10:00 a.m., or as soon thereafter as possible in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-563 is entitled:

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF MARION COUNTY,  
FLORIDA, TO DECLARE A PUBLIC HEARING  
DATE & TIME FOR CONSIDERATION OF CLOSING  
AND ABANDONMENT OF ROAD(S)

**11.8.** Request Approval to Schedule and Advertise the First of Two Public Hearings to Consider an Amendment to a Chapter 163, F.S. Development Agreement Between Marion County, Florida and DDMM Villages, LLC. (fka Utopia 42, LLC.), Digvijay Gaekwad, and Villages of Marion County GP, LLC., Regarding the Utopia/Gaekwad Village Planned Unit Development on Tuesday, December 5, 2023, at 2:00 p.m., or As Soon Thereafter, in the McPherson Governmental Campus Senior Planner Christopher Rison, Growth Services, presented the following recommendation:

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

The initial project Development Agreement was approved in 2005, followed by various amendments. The primary Developer is now partnering with an additional development partner and the parties as seeking to clarify the development responsibilities and timing between the parties.

Florida Statutes require Development Agreements and their amendments to be considered in a series of two public hearings before the Board, with the second hearing date and time set during the first hearing. Staff recommends holding the first public hearing on Tuesday, December 5, 2023, at 2:00 p.m. or as soon thereafter as possible.

Budget/Impact: None.

Recommended Action: Motion to schedule the first of two Public Hearings to consider an Amendment to a Chapter 163, F.S. Development Agreement between Marion County, Florida and DDMM Villages, LLC, on Tuesday, December 5, 2023, at 2:00 p.m. or as soon thereafter as possible.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve and schedule the first of two Public Hearings to consider an Amendment to a Chapter 163, F.S. Development Agreement between Marion County, Florida and DDMM Villages, LLC, on Tuesday, December 5, 2023, at 2:00 p.m. or as soon thereafter as possible. The motion was unanimously approved by the Board (5-0).

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**11.9.** Request Approval to Schedule and Advertise a Public Hearing for Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 Road Improvement on Wednesday, January 31, 2024 at 2:00 p.m. or as Soon Thereafter as Possible (Budget Impact - None)

MSTU Director Matthew Leibfried presented the following recommendation:

Description/Background: Bids have been accepted for Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 Road Improvement project. The following date is being requested for a final Public Hearing in accordance with Florida Statutes. Wednesday, January 31, 2024 at 2:00 p.m. or as soon thereafter as possible  
Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a final Public Hearing for Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 Road Improvement project on Wednesday, January 31, 2024 at 2:00 p.m. or as soon thereafter as possible.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule and advertise a final Public Hearing for Cedar Hills/Cedar Hills Addition/Cedar Hills Addition 2 Road Improvement project on Wednesday, January 31, 2024 at 2:00 p.m. or as soon thereafter as possible. The motion was unanimously approved by the Board (5-0).

**11.10.** Request Ratification of the Letter of Support to the Friends of the Bradford-Ma Barker House Foundation, Regarding the Foundation's Pursuit of State Funding Appropriations for the Construction of Site Improvements at the Bradford-Ma Barker House

Parks and Recreation Director Jim Couillard presented the following recommendation:

Description/Background: The Marion County Board of County Commissioners approved the included letter of support to the Friends of the Bradford-Ma Barker House Foundation, regarding the Foundation's pursuit of state funding appropriations for the construction of site improvements at the Bradford-Ma Barker House. The attached letter was signed by former Chairman Craig Curry.

Budget/Impact: None.

Recommended Action: Motion to ratify the letter of support to the Friends of the Bradford-Ma Barker House Foundation, regarding the Foundation's pursuit of state funding appropriations for the construction of site improvements at the Bradford-Ma Barker House.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve and ratify the letter of support to the Friends of the Bradford-Ma Barker House Foundation, regarding the Foundation's pursuit of state funding appropriations for the construction of site improvements at the Bradford-Ma Barker House. The motion was unanimously approved by the Board (5-0).

**NEW BUSINESS:** County Administrator Bouyounes expressed appreciation to the Facilities staff and Information Technology (IT) staff for the hard work done to get the Auditorium completed on schedule and within budget.

Commissioner Bryant out at 12:12 p.m.

Chairman Stone expressed her appreciation for the amazing work done by staff for the new Auditorium.

**12. GENERAL PUBLIC COMMENTS:**

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

Commissioner Bryant returned at 12:13 p.m.

Violet Putschko, SW 206<sup>th</sup> Court Road, Dunnellon, addressed concerns relating to Animal Services.

Chairman Stone advised that Animal Services was not included in the One Cent Sales Surtax until 2020.

Commissioner Zalak out at 12:23 p.m.

Roger Knechtel, SE 97<sup>th</sup> Terrace Road, Summerfield, commented on the Heartbeat Bill and the Tax Collector of Sumter County.

(Ed. Note: The Deputy Clerk received a 1 page handout entitled "The Battle for Life: The Work Continues" as seen on the overhead screens.)

Nancy Neal did not appear when called upon to speak.

Commissioner Zalak returned at 12:25 p.m.

Kathy Whitehead, NE 63<sup>rd</sup> Street, commented on the Animal Shelter. She thanked the Board for the update and statistics relating to the animals. She requested the Board to consider an Ordinance to mandate spay and neutering animals until the pet population is under control.

Karin Ahrman, NE 6<sup>th</sup> Place, commented on the Animal Shelter, and stated she has facilitated over 800 spay & neuters through private clinics. She expressed concern over the funds allocated to Animal Services.

Kim Pruitt, SW 133<sup>rd</sup> Avenue, commented on breeding operations and the demographic adopting these animals.

Dale Kreutzer, Marion Oaks Lane, commented on the Animal Shelter and the need for a full time rescue coordinator to get the animals out of the shelter.

Chairman Stone advised that public comment is now closed.

**UPDATE:** Budget Director Fowler clarified that the correct dates for the Budget Public Hearings are September 5 and 23, 2024.

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

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

Commissioner Curry commented on hosting the East Central Florida Regional Planning Council (ECFRPC), noting there were 7 other counties in attendance and everyone really enjoyed the time here.

Commissioner Zalak congratulated Chairman Stone and expressed appreciation to Commissioner Curry for his leadership during his time as Board Chairman. He read from Psalms 107 and commented on what it means to be thankful. Chairman Zalak stated he is grateful and thankful to the staff of IT and Facilities for providing a beautiful facility to gather in. He commented on the importance of having family around and giving thanks for the incredible blessings.

Commissioner Bryant advised of the Bring Home the Harvest food drive that is going on now, and the culmination of this food drive will be December 1, 2023 on the Downtown

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Square from 7:30 a.m. to 1:00 p.m. She challenged all of Administration staff to bring in food items for this cause.

Commissioner McClain advised that he had nothing further to add.

Chairman Stone reminded everyone that the Salvation Army has the Red Kettle Kickoff today at 5:00 p.m. on the Downtown Square.

Chairman Stone advised that today is Deputy Chief Rodney Mascho's last day as he is retiring at the end of the month. She recognized his years of service and read a letter of recognition into the record.

Chairman Stone wished all of the Marion County family, Constitutional Officer families and those in Marion County a very happy Thanksgiving.

### **13.2. Commission Calendar**

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

The Chairman acknowledged receipt of the Commission calendar covering the period of November 21, through December 5, 2023.

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

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

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

**14.1.1.** Present the Ocala Metro Chamber and Economic Partnership's October 2023 Activity Report and Performance Matrix

**14.1.2.** Present Letter Dated November 2, 2023, to State Legislative Leaders Expressing Support for an Appropriation Request by Hands of Mercy Everywhere

#### **14.2. Present Walk-On Items From Previous BCC Meeting: None.**

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

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

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

**14.4.1.** Present Memorandum of Unaudited FY 22-23 Excess Funds Returned to the Board of County Commissioners by Constitutional Officers (Budget Impact - Unaudited Carry Forward; \$1,927,189 includes funding for grant commitments and restricted funds)

**14.4.2.** Present Sample Bank Signature Cards and Deposit Resolution to Update the New Chairman to the Designated Depository of Marion County Board of County Commissioners Effective November 21, 2023

**14.4.3.** Present Memorandum from Gregory C. Harrell, Clerk of the Circuit Court and Comptroller, Regarding the Filing of Ordinance 23-29 With the Secretary of State's Office

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

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

**14.4.6.** 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.** Board of Adjustment - October 2, 2023

- 14.5.2. Development Review Committee (DRC) - October 16 and 23, 2023
- 14.5.3. Hills of Ocala - August 7, 2023
- 14.5.4. Housing Finance Authority - September 20, 2023
- 14.5.5. Planning and Zoning Commission - September 25, 2023
- 14.5.6. Tourist Development Council - September 28, 2023
- 14.5.7. Present Letter from Southwest Florida Management District Dated October 23, 2023 Regarding the Proposed 2024 Five-Year Water Resource Development Program
- 14.5.8. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>
- 14.5.9. St. Johns River Water Management District (SJRWMD) - For Minutes and agendas, Visit the Website at <https://www.sjrwmd.com>
- 14.5.10. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>
- 14.5.11. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 12:43 p.m.

The meeting reconvened at 2:01 p.m. with all members present except Commissioner Bryant who arrived shortly after the meeting commenced.

Also present were: Growth Services Director Charles Varadin, Deputy Director Ken Weyrauch, Senior Planner Chris Rison, Transportation Planner Ken Odom, Planners Kathleen Brugnoli and Eryn Mertens, Administrative Staff Assistant Stephanie Soucey, Chief Assistant County Attorney Dana Olesky, County Administrator Mounir Bouyounes, ACA Tracy Straub and ACA Angel Roussel.

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 Mills-McAllister presented Proof of Publication of Legal ad No. 9489334 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on November 7, 2023. The Notice states the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

Chief Deputy County Attorney Dana Olesky provided a brief overview of the process for today's zoning and Special Use Permit hearings.

Commissioner Bryant arrived at 2:06 p.m.

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

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

**15.1.1.** Request for Waiver from Land Development Code (LDC) Section 6.14.2.B(1)(a) - Water Connection for Robert Vieth regarding Building Safety Permit Number 2023090738 for a Single-Family Residence, Parcel Number 3578-006-017, Application Number 30834 (Budget Impact - None)

Utilities Deputy Director Josh Kramer presented the following recommendation, on behalf of DRC:

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Description/Background: The applicant, Triple Crown Homes, submitted a Waiver Request on behalf of owner Robert Vieth, Application Request Number 30576.

The applicant requests a waiver as owners May 2023 due diligence indicated a \$5,000 construction share for the required water main extension. Owner applied for building permits in September 2023 with the intent for the Short Water Line application (SWL - 143) to support the water main extension. Owner was notified in October 2023 that the SWL grant program to offset owner costs was exhausted and the owner must pay 100% of the water main extension cost - cost was estimated at \$37,000. Owner is unable to afford this additional cost. Extending the watermain to the owner's obligation will benefit one (1) additional vacant lot, and the remaining lots on the cul-de-sac are currently serviced by on-lot wells.

The subject property is located in the southwest portion of the County within Ocala Waterway Estates Subdivision on approximately 0.48 acres.

Development Review Committee action on November 13, 2023 was to deny the request.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's denial of the Waiver Request.

Mr. Kramer commented on the waiver request by Robert Vieth and the DRC recommendation for denial.

John Plunkett, East Silver Springs Boulevard, expressed appreciation towards the Board and staff for assisting him with getting in front of the DRC quickly and back before the Board today. He commented on funding that was approved today to aid with hardship cases relating to the Short Water Line (SWL) grant program. Mr. Plunkett stated Robert Vieth would still like to put in a well rather than connecting to centralized water.

Commissioner Bryant questioned why Mr. Vieth is requesting a well. Mr. Plunkett advised that Mr. Vieth likes the freedom to water his yard when he wants.

Chairman Stone opened the floor to public comment.

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

Commissioner Curry stated it is not the Board's intent to add wells, noting they were able to provide funding to offset the cost of the connection.

Chairman Stone questioned if benefitting lots will be required to connect within 12 months due to the use of American Rescue Plan Act (ARPA) funds.

Development Review Officer Carrie Hyde, Utilities, advised that there is not a mandatory water connection in the County, noting the lots that are already developed with single family homes would only be required if their wells failed or through voluntary connection, but the County would not enforce that connection.

ACA Angel Roussel confirmed there is no mandatory connection to the water system; however, there are vacant lots that would benefit. He advised that the water main extension provides for fire protection, noting it is a regulated system that provides domestic potable water. Mr. Roussel stated mandatory connection is occurring specifically for sewer, and in areas where grant funding has been secured like in Silver Springs Shores. He advised that the connection will be mandatory by Board Resolution at the time of construction.

In response to Commissioner Bryant, Mr. Kramer confirmed there are 2 undeveloped lots on the cul-de-sac that would be required to connect to water rather than having a well.

A motion was made by Commissioner Curry, seconded by Commissioner Zalac, to agree with the DRC and deny the waiver request. The motion passed by a vote of 3-2 with Commissioners Bryant and McClain dissenting.

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

Director Chuck Varadin, Growth Services, advised that the four (4) petitions listed on the Consent Agenda are recommended for approval by both the Planning Division and the P&Z Commission.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

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

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

The Motion passed by unanimous decision

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to approve Consent Agenda items 15.2.1 through 15.2.4, 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:

**15.2.1.** 231102SU - Mandilee Danielle Roberts, Special Use Permit for Breeding and Showing Great Danes in a Single-Family Dwelling (R-1) Zone, 0.28 Acres, Parcel Account Numbers 3637-006-009 and 3637-006-010, Site Address 6916 SE 22<sup>nd</sup> Court, Ocala, FL 34480

The Board adopted Resolution 23-R-565 granting a petition by Mandilee Danielle Roberts, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for breeding and showing Great Danes, in a Single-Family Dwelling (R-1) zone, on an approximate 0.28 Acre Parcel on Parcel Account Numbers 3637-006-009 and 3637-006-010, site address 6916 SE 22<sup>nd</sup> Ct., Ocala, FL 34480.

Resolution 23-R-565 contains the following conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Mandilee Danielle Roberts) and not the property.
3. One sign either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.
4. Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties.
5. All dog waste shall be collected daily and removed from the site at least weekly.
6. The Special Use permit allows up to ten (10) adult dogs within the breeding program.

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7. This permit allows for sale of puppies bred and delivered on-site directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
8. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family member or friends, as may be requested from time to time, without compensation.
9. The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.
10. The Special Use Permit shall expire on November 21, 2028; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Service Director (or position equivalent to the Growth Services Director at that time), unless:
  - a) There have been unresolved violations of the County Land Development Code, the County Code of Ordinance, and/or the conditions of the Permit,
  - b) neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Department /Divisions about the use of the subject property by this Permit, or
  - c) The Growth Services Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)
11. Conditions Attachment:
  - a) Site Plan and Findings of Fact

**15.2.2.** 231105SU - The Congregational Church of the Villages, James Keogh, Special Use Permit Modification for an Addition to the Existing Sanctuary and an Addition to the Existing Fellowship Hall, in a General Agriculture (A-1) Zone, 10.14 Acres on Parcel Account Number 47653-000-06, Site Address - 15421 S. US Hwy 301, Summerfield, FL 34491

The Board adopted Resolution 23-R-566 granting a petition by The Congregational Church of the Villages c/o James Keogh, for a modification of Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for an addition to the existing sanctuary and an addition to the existing fellowship hall, in a General Agricultural (A-1) zone, on an approximate 10.14 Acre Parcel on Parcel Account Number 47653-000-06, site address 15421 S US Hwy 301, Summerfield, FL 34491.

Resolution 23-R-566 contains the following conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. The former Special Use Permit, namely Resolution 14-R-263/ 140511 SU is hereby repealed and replaced by this Special Use Permit.
3. The site plan shall be submitted to Development Review Committee for a Major Site Plan review prior to development.
4. Use of the site shall be limited to the religious facilities that consist of a 4,684 sq ft sanctuary and a 4,898 sq. ft fellowship hall and shall be developed consistent with the site 's zoning and the Land Development Code.

5. Any future expansion must come back as a modification to the Special Use Permit.
6. Ingress/egress to the site shall be via a single paved access driveway to US 301.
7. Conditions Attachment:
  - b) Conceptual Plan and Findings of Fact

**15.2.3.** 231108ZC - Theresa Pilch, Zoning Change, Single-Family Dwelling (R-1) to Community Business (B-2), 2.38 Acres, on Parcel Account Number 1471-025-001, No Address Assigned

The Board granted a petition by Theresa Pilch, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) to Community Business (B-2), for all permitted uses, on an approximate 2.38 Acre Parcel, on Parcel Account Number 1471-025-001, No Address Assigned.

**15.2.4.** 231109ZC - Adams Home of Northwest Florida, Inc., Zoning Change from Light Industrial (M-1) to Single-Family Dwelling (R-1), 0.63 Acres, on Parcel Account Numbers 3521-008-044 and 3521-008-045, Site Address 7750 SW 103<sup>rd</sup> Loop, Ocala, FL 34476

The Board granted a petition by Adams Home of Northwest Florida, Inc., for a Zoning Change from Light Industrial (M-1) to Single-Family Dwelling (R-1), 0.63 Acres, on Parcel Account Numbers 3521-008-044 and 3521-008-045, site address 7750 SW 103<sup>rd</sup> Loop, Ocala, FL 34476.

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

**15.3.1.** Requested One Year Report to the Board Regarding 221105SU - Libor and Rachael Zavalsky - STZ Group, LLC., d.b.a. K-9 Specialists, Special Use Permit to Allow a Kennel for Breeding, Training, Boarding and Selling of German Shepherds and Dobermans, in a General Agricultural (A-1) Zone, 17.93 Acres on Parcel Account Number 35581-002-03, Site Address 8201 SW 27<sup>th</sup> Avenue, Ocala, FL 34476

Deputy Growth Services Director Ken Weyrauch presented the following recommendation:

Description/Background: On November 15, 2022, the Board of County Commissioners approved a Special Use Permit to allow a kennel for breeding, training and selling of German Shepherds and Dobermans in a General Agricultural Zone. Condition 13 of the Special Use Permit, as document in Resolution No. 22-R-575, required that a report be brought back to the Board regarding any noise complaints at the one-year mark.

This agenda item is to share that no noise complaints have been received concerning this property.

Budget/Impact: None.

Recommended Action: For information only. No action needed.

Transportation Planner Ken Odom, Growth Services, provided a brief history of the Special Use Permit (SUP), noting it was previously approved with Conditions. He commented on the discussion relating to noise at the time the SUP request came before the Board. Mr. Odom advised that the Board requested the Item be brought back in a year to review any noise complaints. A single noise complaint was filed last week; however, there have been other issues identified through the review of the parcel. He stated kennel licensure was never applied for until this week, a fence was agreed upon

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by the applicants but was never completed, and there are shipping containers that have been modified in order to be kennels which were to be permitted. Mr. Odom advised that the applicant is present.

Libor Zavalsky, SW 27<sup>th</sup> Avenue, stated he misunderstood what was required until he was contacted by Mr. Odom roughly 10 days ago. He advised that he has submitted all the building permits, he has applied for the kennel license and can have the fence constructed within a week. Mr. Zavalsky stated his dogs have never jumped over the fence or gone into someone else's yard; however, he does understand he agreed to construct the fence. In response to Chairman Stone, Mr. Zavalsky advised that he thought the one year period was a test run based on noise concerns and if everything was deemed acceptable after the 1 year period, he would then comply with the Conditions and be granted the SUP for an extended period of time.

Commissioner Curry questioned if the animals are being sold primarily to law enforcement. Mr. Zavalsky stated he does not really work with the police or military.

In response to Commissioner Curry, Mr. Zavalsky stated approximately 80% to 85% of the animals are sold locally. He advised that he also trains canines and is not just a breeding operation.

Commissioner Bryant questioned the number of breeding females, breeding males and how many litters the operation produces annually. Mr. Zavalsky stated the request is for 2 to 4 litters a year, noting this year there were 3 litters. He advised of 2 breeding females and 1 breeding male.

In response to Chairman Stone, Mr. Zavalsky stated generally there can be anywhere from 4 to 8 puppies. He commented on applying for commercial building permits for each of the shipping containers, noting one is to be used exclusively for breeding. Mr. Zavalsky advised that he follows European guidelines.

Commissioner Curry questioned how Mr. Zavalsky failed to obtain the kennel license. Mr. Zavalsky stated that Animal Control requested the SUP for the kennel license. He advised that he thought because his property is located in a General Agricultural (A-1) Zone, he could have his animals there. Mr. Zavalsky stated his dogs do bark but so do other dogs in the area.

Chairman Stone opened the floor to public comment.

Richard Findlay, SW 80<sup>th</sup> Street, commented on noise from the applicant's dogs, placement of the kennel, and property values.

In response to Commissioner Bryant, Mr. Findlay advised that neighbors in the area have complained, and he sent a letter last year.

Commissioner Zalak questioned if the letter was sent when the initial application was submitted. Mr. Findlay advised that was correct.

In response to Commissioner Zalak, Mr. Odom confirmed that County staff has received just 1 complaint last week, noting that can be confirmed through Animal Services. He stated there is no record of complaints through Code Enforcement.

Cecilia Findlay, SW 80<sup>th</sup> Street, advised that a letter was sent roughly a year ago and had a notarized letter delivered last week. She expressed concern relating to the safety of children in the area and dogs barking.

Jennifer Cannon, SW 80<sup>th</sup> Street, commented on domestic violence, dissolution of marriage, noise, filing complaints through Animal Control, lack of compliance with the Conditions of the SUP.

Andrea Harden, SE 38<sup>th</sup> Street, expressed concern relating to noise and possible injuries to her horses.

Rhonda Lindsey, SW 107<sup>th</sup> Street Road, Dunnellon, stated she is the real estate broker that sold Ms. Cannon her property. She commented on the impact of the noise to property values.

Chairman Stone advised that public comment is now closed.

In response to Chairman Stone, Mr. Zavalsky advised that the dogs have been on the property since he moved there in September 2020. He stated his dogs are the best behaved and most trusted dogs an individual can have, noting he does move the dogs around the property as a training method. Mr. Zavalsky stated dogs that are owned by clients count towards the total of 20 dogs and they are individually kenneled inside at night.

Commissioner Curry questioned if this is the applicant's primary source of income. Mr. Zavalsky stated it is, noting this is a family business.

Commissioner Bryant expressed concern with the lack of compliance relating to the SUP. Mr. Odom advised that the timeframe relating to noise complaints was 1 year from the date the SUP was issued. He commented on the original conditions approved by the Board (as seen on the overhead screens).

In response to Commissioner Bryant, Mr. Odom stated there was an extreme amount of discussion regarding the fencing at the previous meeting.

Commissioner Bryant advised that the purpose of a SUP is to provide the Board with repercussions when a property owner does not comply, noting Mr. Zavalsky has blatantly not complied.

Commissioner Zalak advised that he is not in support of Mr. Zavalsky's SUP request.

In response to Commissioner Zalak, Mr. Odom stated there was discussion at the previous meeting relating to the placement of the kennels.

Commissioner McClain requested additional information relating to the SUP request. Mr. Odom stated today was published as a review by the Board relating to this SUP. He advised that it is still necessary to advertise for a public hearing for an official revocation, which will be the next step.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to advertise for a revocation hearing of the SUP. The motion was approved by the Board by a vote of 4-1 with Commissioner McClain dissenting.

Commissioner Bryant requested Mr. Odom work with staff to determine a date for the revocation hearing.

Chairman Stone noted all parties will be appropriately notified.

Commissioner Curry requested clarification relating to the Board's position on breeders moving forward. He commented on the cost to expand the Marion County Animal Services (MCAS) operation and whether the Board is adding to the problem when approving new breeders or established kennels that are requesting more animals.

Chairman Stone advised that Commissioner Bryant is working on an Ordinance relating to licensing, which may address other issues.

In response to Chairman Stone, Commissioner Curry stated he wanted some conversation on the matter with his fellow Commissioners. He advised that his feeling is until the significant pet problem is under control the Board should probably reduce what is allowed.

Commissioner McClain advised that licensed breeders are not the issue.

General discussion ensued relating to breeders.

Chairman Stone stated she is never going to be in favor of a moratorium on dog breeders, noting it is better to address each case individually.

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Commissioner Zalak stated the Ordinance creating the kennel license gave MCAS a mechanism to go out and request individuals that were breeding to obtain a license. The process also enabled inspections that led to individuals stopping or moving their operation. He opined that good regulations benefit the individuals that are doing the right thing.

**15.3.2. Consideration of Proposed Amenities and Motion to Approve the Emerson Pointe Final Planned Unit Development Master Plan (220608Z, AR28338 and AR29160), 62.84 Acres on Parcel Account Number 24286-000-00, 3200 Block of NE 19<sup>th</sup> Avenue, Ocala, FL 34470**

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

Description/Background: The Emerson Pointe Planned Unit Development (PUD) rezoning was approved on July 6, 2022, and PUD development condition number 12 requires approval of the final PUD Master Plan by the Board. The applicant, Tillman & Associates Engineering, on behalf of the developer Emerson Pointe Development, LLC, submitted the final PUD Master Plan (AR29160) that has proceeded through the County's Development Review Process and is now pending this Board review and approval of the final PUD Master Plan.

The applicant has provided information regarding the project's amenities and proposes:

- Prior to Certificate of Occupancy (CO) for the 101<sup>st</sup> single family residential (SFR) permit, permits will be submitted for the clubhouse, pool, playground (if required), and dog park (if required)
- Prior to CO for the 200<sup>th</sup> SFR permit, the clubhouse to be final (at CO).
- Prior to CO for the 251<sup>st</sup> SFR permit, the pool, playground, and dog park to be final (at CO).

The Board needs to provide direction regarding the amenities and their schedule for completion.

Budget/Impact: None.

Recommended Action: Motion to approve the Emerson Pointe PUD Final PUD Master Plan, including providing direction regarding amenities.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the proposed PUD Master Plan.

David Tillman, Tillman & Associates Engineering, LLC, SE 16<sup>th</sup> Avenue, on behalf of the applicant, advised that he intends to build the playground and dog park, noting they are included in the timeline schedule. He advised of a 3<sup>rd</sup> phase of the development that will include another 68 units; however, that property has already been annexed into the City of Ocala.

Mr. Tillman commented on Condition 7b and requested the word "shall" be removed and the word "may" be left relating to an opaque fence in place of the type "E" buffer.

Mr. Rison provided an overview of the buffers relating to the project.

In response to Commissioner Bryant, Mr. Tillman stated the mail kiosk was the desire of the United States Postal Service (USPS), noting it provides a central location and eliminates the need for mail carriers to go from residence to residence.

Commissioner Zalak questioned if the pictures that depict the dog park and playground are what will be built. Mr. Tillman stated they may not be exactly like the pictures but will be very equivalent.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the PUD Master Plan.

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 final PUD Master Plan, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses.

Commissioner Zalak questioned the timing of the project. Ms. Straub stated that information is contained on the Agenda Item cover.

In response to Commissioner Zalak, Mr. Tillman advised there will be 251 total units in Phase 1 and Phase 2, which are part of this development. The 68 units in the 3<sup>rd</sup> Phase are located in the City of Ocala.

Commissioner Zalak opined that all the amenities should be completed prior to the Certificate of Occupancy (CO) for the 200<sup>th</sup> single family residence (SFR).

Commissioner Bryant withdrew her motion, and Commissioner Curry withdrew his second.

A motion was made by Commissioner Zalak, requiring all amenities be completed prior to issuance of the 200<sup>th</sup> CO.

Commissioner McClain opined that the requirement should be for the pool to be completed prior to the 200<sup>th</sup> CO and the playground and dog park can be finished later.

Commissioner Bryant stated in a development with this many houses and this close in proximity there should be a place for little kids to play.

In response to Chairman Stone, Commissioner Zalak restated his motion is to approve the final PUD Master Plan and to also include the following conditions: prior to the CO for the 101<sup>st</sup> single family residential (SFR) permit, permits will be submitted for the clubhouse, pool, playground as required, and dog park as requested, and prior to issuance of the CO for the 200<sup>th</sup> SFR permit, the pool, playground, clubhouse and dog park must be finished, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion, as restated, was seconded by Commissioner Bryant. Commissioner McClain advised that he wished to hear more from the applicant.

Mr. Tillman advised that in the past he has been able to obtain Master Plan approval with the timing to be discussed with 1 liaison member of the Board to satisfy that issue after the fact. He requested the Board allow the same leniency relating to this Item.

General discussion ensued.

Chairman Stone clarified that Commissioner Zalak's amended motion, and Commissioner Bryant's amended second is as follows: to allow completion of the pool to occur prior to the CO for the 251<sup>st</sup> SFR permit, all other amenities be completed prior to the CO for the 200<sup>th</sup> SFR permit, and the language in Condition 7b be changed to remove the word "shall". Commissioners Zalak and Bryant concurred.

In response to Commissioner Zalak, Mr. Tillman stated the buffer will not be a "spot job" in between lots, it will be entirely the Type "E" buffer or the opaque fence.

Commissioner Bryant clarified this does not impact the portion of the property with the 30 foot no-touch buffer.

The motion, as amended, was unanimously approved by the Board (5-0).

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Commissioner Curry out at 3:32 p.m.

**15.3.3.** 231107SU - Donna Kelley, Special Use Permit Modification for Baseball Fields, in a General Agriculture (A-1) Zone, 15.46 Acres on Parcel Account Numbers 14848-006-00 and 14848-008-00, Site Address 1499 NE 70<sup>th</sup> Street, Ocala, FL 34479

The Board considered a petition by Donna Kelley, 1499 NE 70<sup>th</sup> Street, Ocala, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for modification for baseball fields, in a General Agricultural (A-1) zone, on an approximate 15.46 Acre Parcel on Parcel Account Number 14848-006-00 and 14848-008-00.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231107SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Fisher, seconded by Mr. Behar, to disagree with staff's findings and recommendation, and recommend denial of the Special Use Permit based on the following findings of fact:

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

The Motion passed unanimously.

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the request for a SUP modification, noting the applicant is requesting to modify 4 Conditions within a previously approved SUP for a private baseball facility in a General Agriculture (A-1) zone.

Commissioner Curry returned at 3:35 p.m.

It was noted that Growth Services Department staff recommend approval and the P&Z Commission recommends denial of the Special Use Permit. If the Board grants the SUP modification, staff recommends the following Conditions:

1. A site plan shall be submitted to and approved by the Development Review Committee before baseball activities may commence on the property. Any improvements required to the site shall be completed before any organized baseball activities may be conducted.
2. A driveway permit from FDOT is required, and driveway improvements shall be made before baseball activities may commence on the property.
3. Permanent restroom facilities shall be constructed on the site, included on the site plan and with all required permits.
4. Modified Type C Buffers shall be installed and maintained along the southern and western boundaries of the subject property. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer and form a layered landscape screen with a minimum height of three feet achieved within one year and a minimum height of five feet within three years. Buffers along the northern boundary, the applicant will work with Parks for Performance based specifications, the combination of clumping variety of bamboo along with 4" Florida #1 shade trees to create a buffer that is 20' tall within 2 years. This buffer is required to work in tandem with the photometric plan.
5. The trees on the eastern boundary of the property shall remain and be maintained. A hedge shall be installed and maintained just inside the fence

- on the eastern boundary. The hedge shall reach a minimum height of five feet within three years.
6. Any signs will be temporary and in connection to a Special Event Permit.
  7. Exterior lighting shall adhere to Section 6.19 of the Marion County Land Development Code. All stadium lights shall be off by 8 p.m. daily.
  8. The site shall be developed and operate consistent with the Conceptual Plan and the required buffers and onsite restrooms. Any other expansions of the site will require a new SUP.
  9. A change of use permit will be required before the proposed use starts.
  10. The proposed use is subject to all Marion County Noise Ordinances, including plainly audible.
  11. Any concessions sold on the site shall be limited to food and drink only and limited to times of organized baseball use on the property. No new structures shall be constructed for concessions. Roadside vendors are allowed as per Section 4.3.12 of the Marion County Land Development Code.
  12. Hours of operation for organized baseball activities shall be limited to six days a week, from 8 a.m. until 9 p.m. However, tournaments may be held on the weekends by way of a Special Event Permit, if ample parking and traffic flow is provided on the approved site plan, and limited to the hours of 8 a.m. until 8 p.m. On-site activities will be limited to the number of cars where parking is provided.
  13. Maintenance activities may take place during daylight hours, Monday through Saturday.
  14. The Special Use Permit shall run with the existing applicant. This special use permit shall automatically become null and void should the subject property be transferred to another person.
  15. The Special Use Permit shall expire on May 16, 2028. However, it may be renewed administratively twice for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
    - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the permit,
    - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
    - c. The Growth Service Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)
  16. Growth Services staff will inspect the site plan and buffers two years after release of the final CO.
  17. No public address (PA) announcer or amplified music systems shall be allowed for the facility.

David Tillman, Tillman & Associates Engineering, LLC, SE 16<sup>th</sup> Ave, presented an 11x17 handout entitled, "Attachment D" and a photograph of the tree line near the subject parcel.

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Commissioner Bryant stated there was blatant disregard for what the Commission approved and questioned the reason. Mr. Tillman advised that he is unaware of what occurred the night of the hearing relating to unapproved activity at the site. He stated there was a team meeting on another occasion which could occur on any piece of property anywhere. Mr. Tillman commented on upcoming events, noting he assumes his client is hopeful this meeting goes well. He provided an overview relating to the order of the applications and how they had to occur (site plan first, then building permits, then change of use). Mr. Tillman stated there is no other place for the kids to play, noting if lights are permitted that would be preferable. He advised that he is before the Board to request changes to some of the Conditions. Mr. Tillman stated some of the Conditions are very expensive and do not serve anyone. He advised that neighbors do not want the bamboo referenced in the buffer requirements. Mr. Tillman referred to the 11x17 handout of the concept plan, noting he is requesting to remove that buffer depicted by the north-to-south line. He stated the tree line (next to the multi-family housing) is opaque and the additional buffer would not serve any purpose. Mr. Tillman advised that the buffer near the drainage retention area (DRA) is not serving anyone and requested it also be removed. He stated trees and viburnum are being provided to protect and separate from neighbors in addition to a berm. The photometric plan was performed and submitted with the site plan, showing the candle power offsite is limited to the standard of the County Code. Mr. Tillman requested the Board allow temporary practices to occur, and portable restrooms will be provided onsite, while permanent restrooms are constructed. He advised that it is necessary for the permits to be approved ahead of final site plan approval in order to begin construction of the permanent facilities. Mr. Tillman stated through all the other permitting being done, change of occupancy occurs and Condition 9 is not necessary as a result.

In response to Commissioner Bryant, Mr. Tillman advised that sweet viburnum is replacing the bamboo (north side), and there will also be a section of Southern Magnolias. Commissioner Zalak questioned when the entire project will be finished. Mr. Tillman stated if the Board approves the construction of everything, work will begin immediately, and the timeline will be subject to how quickly the contractors can complete the work. He advised that work will be completed in less than 6 months.

In response to Commissioner Zalak, Mr. Tillman stated his belief is that the lighting has been addressed to match the study.

Commissioner Bryant advised that a Condition could include language relating to staff inspecting the lighting to ensure it meets the requirement.

In response to Commissioner Bryant, Mr. Tillman stated the Board previously approved the use of lighting until 8:00 p.m.

Commissioner Curry commented on the pole barn's proximity to the property line. Mr. Tillman advised that the barn is going to be cut off to meet the setback requirement.

Chairman Stone clarified that the request includes removing the Conditions and modifying the east, west and southern portions for buffering. Mr. Tillman stated it is the north portion where the planting materials will be changed, noting for the south portion the Type "C" buffer requirement adjacent to County Road (CR) 326 no request has been made for changes. Chairman Stone addressed the Conditions relating to lighting requirements, removal of the buffer along the DRA, temporary restrooms to allow for permitting for the permanent restrooms without the final site plan approval, and the 6 month time frame to complete all related work. Mr. Tillman stated Condition 9 should also be removed.

Chairman Stone opened the floor to public comment.

Tiffany Howard, NE 71<sup>st</sup> Lane, commented on concerns relating to the bamboo planting, noting she prefers the viburnum plantings. She expressed concern relating to the berm. Commissioner Bryant commented on “clumping bamboo” that is non-invasive and grows very fast.

Ms. Howard stated the berm is directly in front of her house and she would prefer not to look at a hill.

Mr. Tillman advised that the berm is an immediate solution, but he is fine with substituting plantings and rounding that area with viburnum.

Commissioner Bryant requested Ms. Kelley have the flexibility to grow clumping bamboo vs. the viburnum if the Howards change their minds.

Chairman Stone advised that public comment is now closed.

Mr. Tillman stated he was asked by the contractor that the 6 month time frame for work to be completed begins after the issuance of the permits.

Commissioner Zalak stated the matter should be brought back in 8 months to ensure everything has been done.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Resolution 23-R-567 approving the Special Use Permit request with Conditions 1 through 19, as amended below, disagreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-567 includes the following Conditions:

1. A site plan shall be submitted to and approved by the Development Review Committee before baseball activities may commence on the property.
2. A driveway permit from FDOT is required, and driveway improvements shall be made before baseball activities may commence on the property.
3. Permanent restroom facilities shall be constructed on the site, included on the site plan and with all required permits.
4. Buffers shall be consistent with the Conceptual Buffer Plan minus the berm (attached). The northern boundary shall consist of either viburnum hedges or clumping bamboo and a mixture of magnolia trees, providing a consistent screening of activities from adjacent properties. A Type C Buffer shall be installed along Hwy 326 frontage.
5. The trees and vegetation on the eastern boundary of the property shall remain and be maintained.
6. Any signs will be temporary and in connection to a Special Event Permit.
7. Exterior lighting shall adhere to Section 6.19 of the Marion County Land Development Code. All stadium lights shall be off by 8 p.m. daily.
8. The site shall be developed and operate consistent with the Conceptual Plan and the required buffers and onsite restrooms. Any other expansions of the site will require a new SUP.
9. The proposed use is subject to all Marion County Noise Ordinances, including plainly audible.
10. Any concessions sold on the site shall be limited to food and drink only and limited to times of organized baseball use on the property. No new structures shall be constructed for concessions. Roadside vendors are allowed as per Section 4.3.12 of the Marion County Land Development Code.

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11. Hours of operation for organized baseball activities shall be limited to six days a week, from 8 a.m. until 9 p.m. However, tournaments may be held on the weekends by way of a Special Event Permit, if ample parking and traffic flow is provided on the approved site plan, and limited to the hours of 8 a.m. until 8 p.m. On-site activities will be limited to the number of cars where parking is provided.
12. Maintenance activities may take place during daylight hours, Monday through Saturday.
13. The Special Use Permit shall run with the existing applicant. This special use permit shall automatically become null and void should the subject property be transferred to another person.
14. The Special Use Permit shall expire on May 16, 2028. However, it may be renewed administratively twice for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
  - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the permit,
  - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
  - c. The Growth Service Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)
15. All improvements must be completed within eight (8) months of this approval. Growth Services will inspect on or shortly after July 21, 2024 and report back to the Board of County Commissioners.
16. Growth Services staff will inspect the site plan and buffers two years after release of the final CO.
17. No public address (PA) announcer or amplified music systems shall be allowed for the facility.
18. The former Special Use Permit, namely Resolution 23-R-172/230504SU is hereby repealed and replaced by this Special Use Permit.
19. Conditions Attachment:
  - a. Conceptual Plan
  - b. Buffer Plan

(ED Note: Resolution 23-R-567 replaces Resolution 23-R-172 as adopted by the BCC on May 16, 2023)

**15.3.4.** 231101SU - Alex Hedgecock, Special Use Permit for a Rabbit Sanctuary in a Single-Family Dwelling (R-1) Zone, 0.35 Acres, Parcel Account Number 9021-0430-04, Site Address 162 Pecan Drive, Ocala, FL 34472

The Board considered a petition by Alec Hedgecock, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a rabbit sanctuary, in a Single-Family Dwelling (R-1) zone, on an approximate 0.35 Acre Parcel on Parcel Account Number 9021-0430-04.

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231101SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Fisher, seconded by Mr. Behar, to disagree with staff's findings and recommendation, and recommend denial of the Special Use Permit based on the following findings of fact:

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

The Motion passed unanimously.

Transportation Planner Ken Odom, Growth Services, provided a brief overview of the request for a Special Use Permit.

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

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Alex Hedgecock) and not the property.
3. One sign either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.
4. Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties.
5. All animal waste shall be collected daily and either removed from the site at least weekly or composted in sealed and secure containers.
6. Composting of materials shall only occur in the back yard of the subject parcel and it shall only occur in durable containers that can be sealed and secured.
7. The natural cultivation of grasses shall only occur in the backyard of the subject parcel. The front yard of the subject parcel shall be maintained in a state that does not present a negative impact to surrounding properties. Grasses are not permitted to be more than six-inches tall. Cages and other equipment utilized in operating the rescue shall not be stored in the front yard of the subject parcel. They shall be stored on the side if adequately shielded and/or in the rear yard.
8. Silt fence, nor shade cloth is a durable screening material for residential fencing and shall not be utilized on the subject parcel as an attempt at such. If the applicant desires to fence the front yard of the subject parcel, an acceptable material shall be utilized in order to do so. Pre-fabricated vinyl, wood, chain-link, custom built, etc.
9. The Special Use Permit allows up to fifty (50) lagomorphs to be maintained on site within the rescue program.
10. This permit allows for rescue and rehabilitation of lagomorphs and delivery on-site directly to clients wishing to adopt. It does not allow the sale of any animals to pet stores, flea markets or other, non-direct entities.

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11. The applicant shall adhere to all regulations according to the USDA Animal Welfare Act and Animal Welfare Regulations, as they relate to lagomorphs, which can be found in Subpart C 3.50 – 3.66
12. The applicants shall maintain up-to-date required licensure with Marion County for all animals on-site, at all times.
13. The Special Use Permit shall expire on November 21, 2026; however. If the applicant wishes to renew the Special Use Permit, they should contact the Marion County Growth Services Department no less than ninety (90) days prior to the expiration in order to set up re-inspection of the rescue facility.

Alex Hedgecock, Pecan Drive, presented a PowerPoint presentation (as seen on the overhead screens) and advised that his rescue operation cease and desisted as soon as he was aware a SUP was required. He stated he is working towards compliance relating to staff's proposed Conditions. Mr. Hedgecock commented on the purpose of the 501(c)(3). He provided an overview relating to the organization's permits, function and others in the rescue and scientific fields. He advised of the day-to-day tasks he manages and provided an overview of statistics relating to rabbits. Mr. Hedgecock stated he plans to move to an agricultural property, which would be a more appropriate location and allow for expansion. He addressed issues that impact rabbits both domestically and in the wild, noting humans are the number 1 cause of rabbit deaths across the globe. Mr. Hedgecock provided a list of flora found on his property, noting he can identify every single piece of vegetation. He stated food and medicine for humans and rabbits is grown on the property and commented on invasive species found in Florida. Mr. Hedgecock advised that the fungi Shaggy Mane is grown specifically in the compost he produces and has anti-cancerous properties, noting he has identified a way to preserve it through freezing. He stated he is able to identify all the fauna on his property. Mr. Hedgecock stated there is no stench due to the well-maintained composting process. He commented on environmental impacts relating to carbon emissions from lawn maintenance. Mr. Hedgecock advised that if the Board does not approve the SUP request, he will require adequate time to rehome the rescued animals in custody.

In response to Chairman Stone, Mr. Hedgecock stated there is no Homeowner's Association (HOA) in his neighborhood and he is on a well.

Commissioner Bryant questioned whether Mr. Hedgecock has plans to look for a more suitable property in the future. He advised that he is trying to sell his home and has recently purchased a 1-acre agricultural property and is hoping to transition to that property.

In response to Commissioner Bryant, Mr. Hedgecock advised that his property is going to be cleaned up prior to moving. He stated the rescue will be shut down because of the inability to obtain appropriate Directors and Offices (D&O) insurance for the non-profit as the result of complaints from neighbors. Mr. Hedgecock advised that he has cease and desisted as of the start of this process, relocated the composting to the rear of the property, moved cages from the front yard to the side of the house, and is still in the process of moving into compliance relating to the proposed SUP Conditions. He stated many individuals have said terrible things about him, noting his reputation and the reputation of his non-profit have been permanently dismantled.

Mr. Odom advised that he was unaware that Mr. Hedgecock chose to cease and desist. He stated it was the understanding of staff that he was trying to "gear back" the rescue operation until the SUP was approved or a determination was made. Mr. Odom advised

that he did not realize the matter was at this juncture where the applicant was looking to cease operations entirely.

Commissioner Bryant opined that Mr. Hedgecock will likely need the SUP while he attempts to rehome the animals he currently has.

In response to Mr. Odom, Mr. Hedgecock stated there are approximately 27 animals remaining onsite, noting a few have been adopted.

Chairman Stone opened the floor to public comment.

Dale Kreutzer, Marion Oaks Lane, stated the applicant is admirable and she is impressed with him, noting he is a great addition to the Marion County community.

Maxine Lindquist, Pecan Road, commented on the appearance of the applicant's property, animal belongings, the retention pond behind the property, and permitting relating to changes to the dwelling.

Kali Quinn, 162 Pecan Drive, advised that she and Mr. Hedgecock are not technically married; however, they address each other as husband and wife. She commented on allowing the applicant time to rehome the animals, changing perspectives relating to environmentally friendly practices, and the lack of support from neighbors.

Cathy Leinert Whitehead, NE 63<sup>rd</sup> Street, commented on Mr. Hedgecock's presentation and the work he is doing. She expressed support for the SUP request.

Chairman Stone advised that public comment is now closed.

Commissioner Bryant out at 4:43 p.m.

Mr. Hedgecock advised that this is not a money making business and a Commercial property is not feasible. He stated there has been nothing dumped in the retention pond, and most of the animals are typically turned over to him with an inappropriate travel cage or no cage at all. Mr. Hedgecock advised that the cages are stacked appropriately per Growth Services staff. He clarified that his operation is a rescue, and he is not a breeder. In response to Chairman Stone, Mr. Hedgecock stated the rabbits do have an opportunity to socialize, noting there are several outdoor pens where they get exercise.

Commissioner Bryant returned at 4:46 p.m.

Mr. Hedgecock notes all outdoor pens and indoor enclosures allow the animals to see and interact with each other while preventing "through-the-wire breeding". He advised that the garage door has not changed, but insulation and a garage door screen were added to prevent pest infestation. Mr. Hedgecock advised that a privacy fence was constructed because of a previous Code Enforcement case from roughly a year ago, noting while anonymous complaints are no longer allowed by law, individuals can provide false information and Code Enforcement does not have the same ability to pursue false reports that law enforcement does.

Commissioner Curry questioned how much time Mr. Hedgecock needs to wrap up his operation and move. Mr. Hedgecock stated a year would be a good time frame but hopes to be moved onto the new property by the start of the new year.

Mr. Odom advised that staff is requesting to allow Mr. Hedgecock a 1 year window to reduce his activities, maintain his animals (personal pets), and at such time that he does move, Growth Services will assist him in obtaining a new SUP, if necessary, through an administrative process. Mr. Odom clarified that it would not be an administrative renewal, but rather a rehearing.

Chairman Stone questioned if the rehearing is intended to avoid the refiling fee. Mr. Odom stated that is at the Board's discretion.

In response to Commissioner McClain, Mr. Odom advised that staff is recommending a modification on the Condition 13 relating to the timeline. He stated Mr. Hedgecock has

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moved the composting materials to the rear, the equipment that was stored in the front has been moved to the side. The shade cloth that was acting as fencing is not durable and needs to be removed. Mr. Odom advised that there is no agreement with Mr. Hedgecock relating to the grass in the front yard, noting he was advised these grasses growing at this length would be better suited in the backyard to assist the activities in which he engages. No agreement was reached relating to the length of the flora in the front yard.

Ms. Olesky stated the applicant is here for a SUP because he has what is defined under the County Code as "specialty" animals, so whether he is operating a rescue or has them as personal pets, because he needs Florida Fish and Wildlife Conservation Commission (FWC) permits to have some of the rabbits he has, he needs a SUP for the specialty animal. She advised the Board could choose to approve the SUP with the modification to the Conditions as staff has proposed or the Board could deny his application for a SUP, giving him time (to be determined by the Board) to come into compliance by removing those specialty animals from this particular location. Ms. Olesky stated the applicant could possibly require a SUP even in an A-1 property.

In response to Chairman Stone, Mr. Odom advised that his SUP request started as a Code Enforcement complaint, noting the yard was the original reason for the complaint but the actual charge from the Code Enforcement Officer was running the rabbit rescue. Chairman Stone stated the yard must come into compliance.

Mr. Hedgecock advised that he has State Statutes and County Code that supports his work, noting there is no County Code regulating the height of grass outside of city limits. He commented on an exemption for the specialty animal rule stating if they are agricultural in nature, they are exempt. Mr. Hedgecock stated the rescue is not restricted to a specific field, which is why it is classified as National Autonomy of Exempt Entities (NTEE) D99 and falls under the exemption.

Ms. Olesky advised that the definition of specialty animals excludes livestock, under the County's definition of livestock, both State Statute and County Ordinance, the rabbits do not fall into livestock. She stated if Mr. Hedgecock wants to make the argument that the rabbits are livestock, then he clearly needs a SUP to have livestock in a residential area. Chairman Stone stated the applicant is required to come into compliance with Code, but he cannot be forced to mow his grass.

A motion was made by Commissioner Curry, seconded by Commissioner Zalac, to adopt Resolution 23-R-568 approving the Special Use Permit request with Condition 13 amended to a period of 6 months with the same number of animals the applicant has currently. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-568 includes the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and condition as provided with this approval.
2. This Special Use Permit shall run with the applicant (Alex Hedgecock) and not the property.
3. One sign either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.
4. Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties.

5. All animal waste shall be collected daily and either removed from the site at least weekly or composted in sealed and secure containers.
6. Composting of materials shall only occur in the back yard of the subject parcel and it shall only occur in durable containers that can be sealed and secured.
7. The natural cultivation of grasses shall only occur in the backyard of the subject parcel. The front yard of the subject parcel shall be maintained in a state that does not present a negative impact to surrounding properties. Grasses are not permitted to be more than six inches tall. Cages and other equipment utilized in operating the rescue shall not be stored in the front yard of the subject parcel. They shall be stored on the side if adequately shielded and/or in the rear yard.
8. Silt fence, nor shade cloth is a durable screening material for residential fencing and shall not be utilized on the subject parcel as an attempt at such. If the applicant desires to fence the front yard of the subject parcel, an acceptable material shall be utilized in order to do so. Pre-fabricated vinyl, wood, chain-link, custom built, etc.
9. The Special Use permit allows up to fifty (50) lagomorphs to be maintained on site within the rescue program.
10. This permit allows for rescue and rehabilitation of lagomorphs and delivery on-site directly to clients wishing to adopt. It does not allow the sale of any animals to pet stores, flea markets or other, non-direct entities.
11. The applicant shall adhere to all regulations according to the USDA Animal Welfare Act and Animal Welfare Regulations, as they relate to lagomorphs, which can be found in Subpart C 3.50 - 3.66.
12. The applicants shall maintain up-to-date required licensure with Marion County for all animals on-site, at all times.
13. The Special Use Permit shall expire on May 21, 2024; however, if the applicant wishes to renew the Special Use Permit, they should contact the Marion County Growth Services Department no less than ninety (90) days prior to the expiration in order to set up re-inspection of the rescue facility.
14. Conditions Attachment:
  - a. Site Plan and Findings of Fact

(The Deputy Clerk did not receive a copy of Mr. Hedgecock's presentation.)

In response to Commissioner Bryant, Commissioner Zalak advised that the motion includes the conditions as presented.

Commissioner Zalak questioned the status of the fencing. Mr. Hedgecock stated he is working on the removal of the fencing.

Ms. Olesky stated it would be very difficult to enforce the mowing of the front yard, unless he is indicating that the purpose and reason why the front yard is overgrown or is high is to allow the rabbits to remain in the front yard, noting unless those two things are being tied together it would be very difficult to place that condition on the SUP.

In response to Commissioner Bryant, Ms. Olesky advised that the grasses are not permitted to be more than 6 inches tall as part of the Condition, so if approved, it is part of the Condition. If the Board feels that the applicant is using the front yard and grass as part of the operation, then that restriction can be placed.

Commissioner Bryant stated Mr. Hedgecock noted the grass was that high to support the operation of the rabbits.

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Mr. Hedgecock commented on the possible classification of his front yard as a vegetable garden.

Commissioner Curry out at 5:00 p.m.

Chairman Stone commented on Condition 7 relating to the maximum height allowed for grass.

Commissioner Curry returned at 5:01 p.m.

Ms. Olesky stated the SUP is for 6 months, noting none of the Conditions cause an automatic administrative renewal, so if he is still operating in the same location after 6 months he will have to come back before the Board to renew the permit.

Chairman Stone advised Mr. Hedgecock he had 6 months to relocate his operation.

Chairman Stone clarified that the motion passed unanimously.

Commissioner McClain out at 5:02 p.m.

**15.3.5.** 231113ZC - Mariah Gamble, Zoning Change from General Agriculture (A-1) to Community Business (B-2), 37.77 Acres, on Parcel Account Number 34153-000-00, Site Address 8250 NW Gainesville Road, Ocala, FL 34475

The Board considered a petition by Mariah Gamble, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agricultural (A-1) to Community Business (B-2), for all permitted uses, on a portion of an approximate 37.77 Acre Parcel, on Parcel Account Number 24153-000-00, site address 8250 NW Gainesville Rd, Ocala, FL 34475. (With 231112SU)

P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231113ZC Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously.

Transportation Planner Ken Odom, Growth Services, advised that the next 2 items for consideration will be discussed together (15.3.5 and 15.3.6).

Commissioner McClain returned at 5:05 p.m.

Mr. Odom provided a brief overview of the Zoning Change from General Agriculture (A-1) to Community Business (B-2) and Special Use Permit (SUP) request. (Item 15.3.6)

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

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Gamble Farms LLC) and not the property.
3. In order to protect the physical integrity of the NW Gainesville Road (CR 25A) corridor, at the point of ingress/egress, the applicant shall demonstrate to the Office of the County Engineer that that physical characteristics of the driveway (Asphalt composition, width, depth and radii) will be sufficient to accommodate the number of projected trips over the proposed lifetime of this Special Use Permit.

4. No vehicle repairs shall be conducted on-site. The applicant shall supply a maintenance and refueling protocol in order to address the onsite operations of all vehicles/machines that will be used in the excavation/extraction process. This protocol shall include a designated maintenance area with emergency spill mitigation constantly available on site.
5. The processing facility shall be enclosed with a security fence and gate. Fencing and gate(s) shall remain in place, and in good repair, for the life of the operations under this Special Use Permit.
6. Temporary sanitary facilities will be required if employees are located on site. Coordination with the Marion County Department of Health will be required and facilities shall be in place prior to the initiation of any processing on site.
7. Per Marion County Fire Services – No burning of any materials is permitted on site, at any time. All fire codes shall be met prior to the import of any vegetative material to this site for processing.
8. Signage installed at this location shall adhere to all applicable requirements as outline in the Marion County Land Development Code.
9. Any lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties or NW Gainesville Road.
10. A Type 'C' buffer shall be maintained on the east side of the property fronting onto NW Gainesville Road. A Type 'A' buffer shall be maintained on the west side of the property. Natural vegetation may be utilized to accommodate these provisions.
11. The Special Use Permit shall expire on November 21, 2028; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:
  - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
  - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
  - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

David Tillman, Tillman & Associates Engineering, LLC, SE 16<sup>th</sup> Ave, advised that the applicant change is in name only, noting after the last time he was before the Board he was requesting to rezone the entire piece of property but was directed that a SUP on this property is the only way it would be entertained. He advised that the request to rezone the property to Community Business (B-2) is because under General Agriculture (A-1) zoning (based on the lawsuit that occurred), an applicant must have criteria specifically listed under the allowable uses, which it is not. Mr. Tillman stated the B-2 zoning was

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requested because of the limitations that come along with it, and the SUP only allows this 1 activity to occur.

In response to Commissioner Bryant, Mr. Tillman advised that he is unaware of any specific reason for the name change on the application.

Chairman Stone opened the floor to public comment.

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

Mr. Tillman stated the applicant read through all the Conditions and has no objections.

Commissioner Zalak opined that the height limit for the stacking pile should be 20 feet.

In response to Commissioner Zalak, Mr. Tillman stated if his client composts, it can be used for fertilizer on agricultural properties. He advised that the site plan designates an area for composting and there is a limitation to the uses for this property, so letting it sit forever is not an option for the applicant.

Commissioner Bryant questioned if there is a plan relating to fire prevention/control. Mr. Odom stated when the applicant starts going through the Development Review Committee (DRC) process, they will be required to have a tank onsite. He advised that there was previous discussion at the DRC level (after a stump dump burned up) relating to applicants having larger dry hydrant systems/larger tanks. Mr. Odom stated the matter will be addressed.

Commissioner Zalak opined that it should be noted when DRC considers the matter, the applicant must have dust control.

In response to Commissioner Bryant, Mr. Tillman stated the hours of operation for chipping mulching should be 8:00 a.m. to 6:00 p.m.

Commissioner Zalak questioned what happens if the applicant stops the activity. Mr. Tillman commented on possible criteria requiring that the site must be cleared of all debris if work ceases.

Mr. Odom commented on requiring a bond.

In response to Commissioner Bryant, Mr. Tillman estimated the cost to clean up the property if operations cease at roughly \$20,000.00 to \$40,000.00, noting he believes \$20,000.00 is adequate.

Mr. Bouyounes commented on the costs associated with composting and disposing of mulch material. He advised that the Board may approve a Condition of the SUP, to provide a bond based on a calculation to be made of the material that will be onsite, then the applicant will have to provide the bond.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve the zoning change from A-1 to B-2, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

**15.3.6.** 231112SU - Mariah Gamble, Special Use Permit for Composting and Recycling of Wood Products, Including Leaves, in a Community Business (B-2) Zone, 37.77 Acres, on Parcel Account Number 12875-000-00, Site Address 8250 NW Gainesville Road, Ocala, FL 34475

The Board considered a petition by Mariah Gamble, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for composting and recycling of wood products, including leaves, in a General Agricultural (A-1) and Community Business

(B-2) zone, on a portion of an approximate 37.77 Acre Parcel on Parcel Account Number 12875-000-00, site address 8250 NW Gainesville Rd, Ocala, FL 34475. (With 231113ZC)  
P&Z PUBLIC HEARING ON OCTOBER 30, 2023

231113ZC Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously.

This matter was addressed with Agenda Item 15.3.5.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt Resolution 23-R-569 approving the Special Use Permit request with Conditions 1 through 16, as amended below, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-569 contains the following conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Gamble Farms LLC) and not the property.
3. In order to protect the physical integrity of the NW Gainesville Road (CR 25A) corridor, at the point of ingress/egress, the applicant shall demonstrate to the Office of the County Engineer that that physical characteristics of the driveway (Asphalt composition, width, depth and radii) will be sufficient to accommodate the number of projected trips over the proposed lifetime of this Special Use Permit.
4. No vehicle repairs shall be conducted on-site. The applicant shall supply a maintenance and refueling protocol in order to address the onsite operations of all vehicles/machines that will be used in the excavation/extraction process. This protocol shall include a designated maintenance area with emergency spill mitigation constantly available on site.
5. The processing facility shall be enclosed with a security fence and gate. Fencing and gate(s) shall remain in place, and in good repair, for the life of the operations under this Special Use Permit.
6. Temporary sanitary facilities will be required if employees are located on site. Coordination with the Marion County Department of Health will be required and facilities shall be in place prior to the initiation of any processing on site.
7. Per Marion County Fire Services - No burning of any materials is permitted on site, at any time. All fire codes shall be met prior to the import of any vegetative material to this site for processing.

8. Hours of operation of the processing and composting facility shall be limited to the hours between 8:00 AM and 6:00 PM.
9. Adequate dust control measures shall be employed for all shredding operations. The method utilized may be selected by the applicant but it shall be sufficient to suppress any particulate from reaching the adjacent properties or the NW Gainesville Road (CR 25A) corridor.
10. Stacking of whole processed vegetative debris shall not exceed twenty-feet (20').
11. Calculations shall be completed by the applicant then submitted and approved by the Office of the County Engineer in order for the applicant to secure a bond to insure the ability to return the subject parcel back to its natural state. The bond shall be secured and documented prior to the commencement of vegetative debris processing on the subject parcel.
12. Signage installed at this location shall adhere to all applicable requirements as outline in the Marion County Land Development Code.
13. Any lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties or NW Gainesville Road.
14. A Type 'C' buffer shall be maintained on the east side of the property fronting onto NW Gainesville Road. A Type 'A' buffer shall be maintained on the west side of the property. Natural vegetation may be utilized to accommodate these provisions.
15. The Special Use Permit shall expire on November 21, 2028; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:
  - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
  - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Penn it, or
  - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).
16. Conditions Attachment:
  - a. Site Plan and Findings of Fact

#### **15.4. Adoption of Ordinance**

##### **15.4.1 Zoning**

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 23-30 amending the Marion County Zoning Map pursuant to individual

decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 23-30 is entitled:

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

There being no further business to come before the Board, the meeting thereupon adjourned at 5:23 p.m.

\_\_\_\_\_  
Michelle Stone, Chairman

Attest:

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Gregory C. Harrell, Clerk

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