

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

July 16, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:05 a.m. on Tuesday, July 16, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

1.1. PRESENTATION - Recognition of College Swimming Coaches Association of America and Florida Aquatics Swimming and Training as Recipient of the Florida Sports Foundation Award Small Market Event of the Year for the College Swimming Coaches Association of America Swimming and Diving National Invitational Championship 2024-27 - Loretta Shaffer, Tourism Director (Presentation Only)

Tourist Development Director Loretta Shaffer presented the following recommendation:

Description/Background: The Ocala/Marion County Visitors and Convention Bureau recently brought home the Small Market Event of the Year award on behalf of College Swimming Coaches Association of America (CSCAA) from the 2024 Florida Sports Summit Larry Pendleton Awards Dinner held on May 23, in Panama City Beach. The CSCAA National Invitational Championship is the largest Division I Swimming and Diving Championship in the country representing over 70 colleges/universities spanning across 19 different conferences. This is the first time the championships have ever been held in Florida. The event was held this year on March 13-17, 2024, at Florida Aquatics Swimming and Training (FAST). Future events will take place at FAST on March 12-16, 2025, March 11-15, 2026 and March 10-14, 2027. Each event is expected to draw in 2,000 room nights per year and have an annual economic impact of \$2,321,653.

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Budget/Impact: None.

Recommended Action: Presentation only.

Tourist Development Director Loretta Shaffer advised that the Ocala/Marion County Visitors and Convention Bureau (VCB) received the Small Market Event of the Year award on behalf of the College Swimming Coaches Association of America (CSCAA) from 2024 Florida Sports Summit Larry Pendleton Awards Dinner held on May 23, 2024. She stated also present with her today is members of her team Ken Colen, Rebeca Rogers, and Kevin Milak. Ms. Shaffer expressed appreciation to her team for all their hard work and to the Board for their support.

Ms. Rogers commented on the growth within the community.

Mr. Milak advised that this event will take place for the next 3 years and possibly longer, noting this is the largest swimming and diving meet in the Country.

1.2. PRESENTATION - National Association of Counties National Achievement Award for the No Horsin' Around with Marion Anti-Litter Campaign, Amanda Tart, Assistant County Administrator (Presentation Only)

ACA Amanda Tart presented the following recommendation:

Description/Background: Each year, National association of counties (NACo)'s Achievement Awards recognize outstanding programming in 18 categories aligned with the vast, comprehensive services counties provide. The categories include children and youth, criminal justice and public safety, libraries, management, information technology, health, civic engagement and more.

Launched in 1970, the program is designed to celebrate innovation in county government. Marion County won the Achievement Award in the Civic Education and Public Information category for the No Horsin' Around with Marion Anti-Litter Campaign.

Budget/Impact: None.

Recommended Action: Presentation only.

ACA Amanda Tart presented the Board with the 2024 Achievement Award from the National Association of Counties (NACo) for the category of civic education and public information. She stated this award honors innovative effective County government programs that strengthen County services. Marion County received this award for the No Horsin Around with Marion Anti-Litter Campaign, which kicked off in 2022. Ms. Tart provided a brief history on how the litter task force was created and how the campaign began. She expressed appreciation to the Commissioner Curry, the Public Relations Office and Solid Waste Supervisor Lacey Larrimore for their efforts to help create and highlight this innovative and effective government education program.

Commissioner Curry advised that the Anti-Litter Campaign was created in Marion County, which is what makes it so special. He expressed appreciation for the recognition.

1.3. PRESENTATION - "Litter Hero Award" Special Recognition of Florida Fish and Wildlife Conservation - Mark Johnson, Solid Waste Director (Presentation Only)

Solid Waste Director Mark Johnson presented the following recommendation:

Description/Background: Marion County's Board of County Commissioners have been focused on eliminating litter from our community. This effort could not be possible without the contributions of special people and organizations willing to stand up and take action. The "Litter Hero Award" has been developed to

recognize those outstanding individuals and organizations making a significant difference when it comes to impacting litter in our community.

Budget/Impact: None.

Recommended Action: Presentation only

Solid Waste Resource Liaison Lacey Larremore presented the Litter Hero Award to Florida Fish and Wildlife Conservation (FWC), who have been a wonderful partner with the County since the beginning of the Anti-Litter campaign. She advised that the FWC has played a major role in holding litter bugs accountable.

Captain BJ Johnston, FWC, expressed appreciation to the FWC Scrub Team, who was also present onstage, for their hard work protecting Florida's natural resources.

Commissioner Curry addressed the current litter issue and success of the campaign.

Captain Johnston commented on the phenomenal support from the local government when addressing this issue.

1.4. PRESENTATION - Recognition of Parks and Recreation Department Volunteers - Jim Couillard, Parks and Recreation Director (Presentation Only)

Parks and Recreation Director Jim Couillard presented the following recommendation:

Description/Background: The Parks & Recreation Department would like to formally recognize the volunteers who contribute hundreds of hours of service to the Department for the betterment of our community. Some of the many services our volunteers provide include docents for the Ma Barker tours, park and trail maintenance, providing assistance with programming at the Forest Community Center and providing support at the Marion County Airport.

The 2024 Parks & Recreation volunteer recognition list includes:

- Art Rathmann - 300+ Hours
- Terry Turner - 300+ Hours
- Troy Townsend - 300+ Hours
- Wayne Hughes - 300+ Hours
- Pam Roberts
- Keith Kohl
- Rick O'Donnell

Budget/Impact: None.

Recommended Action: Motion to approve and present recognition.

Parks and Recreation Director Jim Couillard commented on the impact volunteers have on the community. He stated the 11 people being recognized today represent a total of 2,600 hours of service, which equals approximately \$39,000.00 in savings to the County. Mr. Couillard provided a brief overview of the activities, location and hours performed by each volunteer.

In response to Commissioner Bryant, Mr. Couillard advised that a docent is someone who serves as a tour guide, noting the Ma Barker House docents are very knowledgeable about the history of the house.

Mr. Couillard stated present today are Rick O'Donnell, Pam Roberts and Terry Turner.

1.5. PROCLAMATION - Parks and Recreation Professionals Day - Jim Couillard, Parks and Recreation Director (Approval and Presentation)

The Board presented the Proclamation designating the July 19, 2024 as 'Parks and Recreation Day'.

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Mr. Couillard commented on the benefits and economic impact the Parks and Recreation Department has on the community.

Commissioner Bryant urged everyone to go to Marioncountyfl.org to learn about all the different parks and recreation opportunities within Marion County.

1.6. PRESENTATION - Employee Service Awards - Sara Caron, Director of Human Resources (Approval and Presentation)

Human Resources Director Sara Caron presented the following recommendation:

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

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

Budget/Impact: None.

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

Human Resources Director Sara Caron recognized the following employees for their years of service to the County:

30 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
William Hahn	Office of the County Engineer	Crew Supervisor

25 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Angela Knight	Fire Rescue	Administrative Staff Assistant
James Butscher	Fire Rescue	Firefighter
Theresa Smail	Office of the County Engineer	Survey Party Chief

20 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Gary Crane	Fire Rescue	Lieutenant
James Askins	Fire Rescue	Captain
Jerimiah Kendrick	Fire Rescue	Lieutenant
Joshua Alvarez	Fire Rescue	Division Chief
Justin Forester	Fire Rescue	Firefighter

15 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Lewis Speed	Utilities	Utilities GIS Technician
James Davis	Fire Rescue	Battalion Chief
William Murphy	Fire Rescue	Firefighter
Caleb Munden	Fire Rescue	Driver Engineer I
David Freudenburg	Public Library Branch	Library Supervisor II
Erika Nash	Growth Services	Code Enforcement Officer
Charles Aman	MSTU	Facilities Trade Technician
Karen Jensen	Public Library	Library Community Liaison

Commissioner Bryant out at 9:47 a.m.

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

Chairman Stone opened the floor to public comment.
There being none, Chairman Stone advised that public comment is now closed.
Commissioner Bryant returned at 9:48 a.m.

3. ADOPT THE FOLLOWING MINUTES: NONE.

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:

4.1. Billy Woods, Sheriff - Request Approval of 2023-2025 Edward Byrne Memorial Justice Assistance Grant Program – Countywide
Grants Coordinator Caitlin Rath, Marion County Sheriff's Office (MCSO) presented the following recommendation:

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. The Florida Department of Law Enforcement has set aside \$114,686 for Marion County. The following programs will be funded through this allocation:

- Marion County Sheriff's Office - \$56,686
- Ocala Police Department - \$32,000
- Marion County Courts - \$10,000
- Dunnellon Police Department - \$8,000
- Belleview Police Department - \$8,000

Budget/Impact: Grant revenue of \$114,686 (No local match required)

Recommended Action: Motion to authorize the Chair to execute the letter to Florida Department of Law Enforcement.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve and sign the letter to Florida Department of Law Enforcement. The motion was unanimously approved by the Board (5-0).

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

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

- 5.1.1.** 24-R-247 - General Fund - Emergency Medical Services - \$18,000
 - 5.1.2.** 24-R-248 - General Fund - Emergency Medical Services - \$50,000
 - 5.1.3.a** 24-R-249 – General Fund – Circuit Court Judges - Tech - \$21,758
 - 5.1.3.b.** 24-R-250 – General Fund – Circuit Court Judges - Tech - \$8,940
 - 5.1.3.c.** 24-R-251 – General Fund – Circuit Court Judges - Tech - \$500
 - 5.1.3.d.** 24-R-252 – General Fund – Court Administration - Tech - \$22,968
 - 5.1.4.** 24-R-253 - General Fund - Public Safety Communications - \$16,770
 - 5.1.5.** 24-R-254 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$19,500
 - 5.1.6.** 24-R-255 - Marion County Utility Fund - Utilities Capital Construction - \$400,000
 - 5.1.7.** 24-R-256 - Silver Springs Acres MSBU for Road Maintenance - Silver Springs Acres Road Maintenance - \$66,000
 - 5.1.8.** Silver Springs Shores Special Tax District - Silver Springs Shores - \$25,000
- (Ed. Note: EMS is the acronym for Emergency Medical Services, MSBU is the acronym for Municipal Service Benefit Unit.)

5.2. Project Adjustment

5.2.1. Transfer Project Funds and Amend the Capital Improvement Program - American Rescue Plan Local Fiscal Recovery Fund - \$110,000

County Administrator Mounir Bouyounes withdrew the following recommendation:

Description/Background: Marion County Utilities (MCU) is in the process of adding Water Lines for Marion Oaks, with the opportunity of the homeowners to connect to MCU for free utilizing American Rescue Plan Act (ARPA) funds. The current vendor of meters requires a minimum order of 504 meters. This request is to move funds from the ARPA parent to the Marion Oaks child project string to allow for this purchase. This is a one-time request.

Budget/Impact: Neutral

Recommended Action: Motion to approve the transfer of project funds and amend the Capital Improvement Program (CIP).

Chairman Stone advised that this matter will be brought back at a later date if necessary.

5.3. Clerk of the Court Items

5.3.1. Request Approval of Proposed (Maximum) Millage Rates and Scheduling of First Public Hearings for FY 2024-25

Budget Director Audrey Fowler presented the following recommendation:

Description/Background: On or before August 4 of each year, the Board of County Commissioners shall advise the Property Appraiser of the proposed millage rates, the rolled-back rates, and the date, time, and place at which the public hearings will be held to consider the proposed millage rates and the tentative budget. {Florida Statutes Section 200.065(2)(b)}

Budget/Impact: Ad valorem millage rates to fund the fiscal year 2024-25 tentative budget.

Recommended Action: Consider approval of the proposed millage rates and the date, time, and place for the first public hearings related to the budgets of both the Marion County Board of County Commissioners and the Rainbow Lakes Estates Municipal Service District; and authorize the Chair to execute the related documents.

Budget Director Audrey Fowler provided an overview of the millage rates as they are currently proposed in the County's budget. She advised that the public hearing for the tentative budget is Thursday, September 5, 2024 at 6:00 p.m.

Commissioner Bryant advised that the amount proposed today is the maximum millage that can be levied, noting there are two more public hearings where the Board will consider any possible reductions.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the proposed millage rates and the date, time, and place for the first public hearings related to the budgets of the Marion County Board of County Commissioners. The motion was unanimously approved by the Board (5-0).

Budget Director Audrey Fowler provided an overview of the millage rates as they are currently proposed in the budget for the Rainbow Lakes Estates Municipal Service District (RLE MSD). She advised that the public hearing for the tentative budget is Thursday, September 5, 2024 at 5:50 p.m.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the proposed millage rates and the date, time, and place for the first public

hearings related to the budget of the RLE MSD. The motion was unanimously approved by the Board (5-0).

5.3.2. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 037084, 037275, 038740, 040749, 040822, 042411, 044538, 044860, 045160, 049446, 049991, 054491, 55054, and 55103

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the Acquisition or Disposition of Property Forms for 037084, 037275, 038740, 040749, 040822, 042411, 044538, 044860, 045160, 049446, 049991, 054491, 55054, and 55103. The motion was unanimously approved (5-0)

7. CONSENT: A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner.

Commissioner Bryant requested Agenda Item 7.1.1 be pulled for individual consideration. Upon motion of Commissioner Bryant, seconded by Commissioner Curry, the Board acted on the Consent Agenda as follows:

7.1. Community Services:

7.1.1. Request Approval of the Marion County Standard Professional Facilities Agreement Home Investment Partnerships American Rescue Plan Program between Marion County and Wear Gloves, Inc. (Budget Impact - Neutral; not to exceed \$1,035,000)

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

Description/Background: On August 20, 2019, the Board approved Marion County's 2019 - 2023 five-year Consolidated Plan and subsequent Action Plans for the HOME Investment Partnerships Program (HOME). On March 11, 2021, Congress enacted the American Rescue Plan, providing additional HOME funds (HOMEARP) to support the acquisition, construction, and renovation of facility projects and affordable housing for qualifying populations.

Wear Gloves, Inc., a nonprofit social services program, has applied to Community Services for HOME-ARP funding to acquire and renovate a building for their Dignity House Shelter Project located at parcel identification number 30918-001-00. This project consists of two phases: Phase 1 involves the acquisition of property, not to exceed \$635,000.00, and Phase 2 covers the renovation of the facility, not to exceed \$400,000.00. These phases will enable Wear Gloves, Inc. to provide immediate shelter to their clients and facilitate quick transitions into supportive housing through wraparound services.

This project aligns with the objectives outlined during the Community Services workshop on May 29, 2024, and meets the requirements of the HOME-ARP program. Wear Gloves, Inc. will contribute funds totaling \$258,750.00.

Budget/Impact: Neutral: \$1,035,000.00.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documentation associated with the Marion County Standard Professional Facilities Agreement Home Investment Partnerships American Rescue Plan Program with Wear Gloves, Inc.

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Commissioner Bryant expressed appreciation to Wear Gloves, Inc. for the work they are doing in the community.

Commissioner Curry advised that this program is a helping hand up and out for a lot of people who have had trouble in their past.

Commissioner Bryant commented on how the organization started and expressed pride in this program being available in Marion County.

Community Services Director Cheryl Martin advised that Community Services staff and Wear Gloves, Inc. have been working side by side on this agreement, noting the shelter will be open during hours when the other shelters are not. This will be a 12 bed non congregate shelter. She stated the organization is working with the County's consultant to ensure they understand all the dynamics of the homeless management information system.

Commissioner Zalak expressed support and appreciation for Wear Gloves, Inc. and all their hard work in the community.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve and authorize the Chair and Clerk to execute all necessary documentation associated with the Marion County Standard Professional Facilities Agreement Home Investment Partnerships American Rescue Plan Program with Wear Gloves, Inc. The motion was unanimously approved (5-0)

7.2. Development Review Committee:

7.2.1. Request to Reaffirm Approval of the Final Plat/Replat for Ocala Preserve Phase 8, Project Number 2021070058, Application Number 30135 (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 Final Plat/Replat was approved by Development Review Committee (DRC) on 6/12/23 and by the Board of County Commissioners on 6/20/23. However, the electronic drawings for each published agenda did not match the mylars provided for signature and recording. The mylars contained an adjustment to accommodate for a walking trail and involved resizing Lots 917- 919 and Tract D. In addition, Lot 918 was relocated to the north side of Tract D. These changes were made in order to align with the approved Master Plan, Preliminary Plat and Improvement Plan. The Final Plat/Replat as recorded in Plat Book 15, Pages 149-156 is correct.

This request is to acknowledge and reaffirm the approval of the Final Plat/Replat as recorded and by doing so will clarify and bring consistency to the public records. The Final Plat/Replat was reaffirmed by DRC on July 1, 2024.

This subdivision is located in the northwest portion of the County containing 232 lots, 17 tracts and 1.28 miles of road on approximately 57.48 acres.

Budget/Impact: None.

Recommended Action: Motion to reaffirm approval of the Final Plat/Replat for Ocala Preserve Phase 8.

7.3. Fire Rescue:

7.3.1. Request Approval of the Modification to Subgrant Agreement between the Division of Emergency Management and Marion County (Budget Impact - Revenue of \$214,673)

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

Description/Background: On November 6, 2023, Marion County Fire Rescue (MCFR) received notification from the State of Florida, Division of Emergency Management that MCFR's grant submission had been approved for a generator for MCFR Headquarters. The grant provides funding for 90% of the project with MCFR covering the remaining 10%. In 2021, the original application was submitted with 90% of the quoted price being \$105,204.96; however, due to the amount of time between that first quote and the award letter, a significant cost increase occurred with the project. MCFR staff worked diligently with the Division of Emergency Management to obtain approval of the additional funding to cover the increase. The Division of Emergency Management will provide the funding for 90% of the generator, which is \$214,672.90. MCFR will cover the remaining 10% of the cost, which is approximately \$21,000.

Budget/Impact: Revenue of \$214,672.90.

Recommended Action: Motion to approve and authorize the Chair to execute the Modification to Subgrant Agreement Between the Division of Emergency Management and Marion County.

7.4. Human Resources:

7.4.1. Request Approval of the Reclassification of One (1) Court Alternative Coordinator Position, Pay Grade 106 Non-Exempt, to One (1) Court Program Specialist Position, Pay Grade 107 Non-Exempt, within the Budget of Pre-Trial Release AA266739 (Budget Impact - Expenditure of \$3,224)

The Board accepted the following recommendation to adopt Resolution 24-R-258, as presented by Human Resources Director Sara Caron:

Description/Background: Requesting to reclassify a position within the Marion County Mental Health Court from a Court Alternative Coordinator to a Court Program Specialist. This reclassification is necessary due to the duties and tasks of this position being more in line with the duties of a Court Program Specialist. Additionally, this reclassification would make Marion County Mental Health Court resemble other Marion County problem solving courts that utilize a Court Program Specialist for the equivalent tasks and duties that the Marion County Mental Health Court, Court Alternative Coordinator performs.

Budget/Impact: Expenditure of \$3,224.

Recommended Action: Motion to approve the Reclassification of One (1) Court Alternative Coordinator Position, Pay Grade 106 Non-Exempt, to One (1) Court Program Specialist Position, Pay Grade 107 Non-Exempt, within the Budget of Pre-Trial Release AA266739.

Resolution 24-R-258 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE RECLASSIFICATION OF ONE (1) COURT ALTERNATIVE COORDINATOR POSITION, PAY GRADE 106 NON-EXEMPT, TO ONE (1) COURT PROGRAM SPECIALIST POSITION, PAY GRADE 107 NON-EXEMPT, WITHIN THE BUDGET OF PRE-TRIAL RELEASE AA266739, ALONG WITH THE CORRESPONDING JOB DESCRIPTION AND PAY GRADE AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7.5. Procurement Services:

7.5.1. Request Approval of Bid Award: 24B-248 Silver Springs Shores Security Fence Replacement - C. Richie Fencing Co., Inverness, FL (Budget Impact - Neutral; expenditure of \$56,400 as approved in the FY 2023-24 budget)

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

Description/Background: On behalf of Marion County Utilities (MCU), Procurement advertised a bid for fence removal and installation for the Silver Springs Shores Wastewater Treatment Facility. Ten (10) submittals were received and the tabulation is listed below:

Vendor - Location	Bid
C. Richie Fencing Co. - Inverness, FL	\$56,400.00
Charles White Fence, Inc. - Ocala, FL	\$62,978.80
Burcor Fencing, LLC - Walton, KY	\$75,834.20
Peter Built Fence, LLC - Summerfield, FL	\$84,990.00
Tarpon Bay General Contracting, Inc. dba Fence Dynamics - Port Charlotte, FL	\$85,579.00
ASAP Fence and Gate, LLC - Bradenton, FL	\$88,539.00
Rightway Fence, Inc. - Ocala, FL	\$89,350.00
Eastern Harbour Group, Inc. - Hialeah, FL	\$93,000.00
Armstrong Fence Company - Jacksonville, FL	\$93,633.00
Gurdian Fence and Gate - Jacksonville, FL	\$105,638.00

MCU Director, Jody Kirkman, recommends that C. Richie Fencing Co. receive the award as the lowest, most responsive, and most responsible bidder.

Attached is a map of future fence line for Silver Springs Shores Wastewater Treatment Facility. If approved at today's meeting, a purchase order will be issued to C. Richie Fencing Co. and will become part of the project file.

Budget/Impact: Neutral; total expenditure of \$56,400. Funding is from ZF448536-563102 (Marion County Utility Fund)

Recommended Action: Motion to approve bid award and authorize staff to release the purchase order to C. Richie under 24B-248.

7.5.2. Request Approval of Change Order 1 to Purchase Order 2101067: State Attorney's Fourth Floor Build Out and Courtroom Design - Rispoli & Associates Architecture, Inc., Ocala, FL (Budget Impact - Neutral; additional expenditure of \$10,450 as approved in FY 2023-24 budget)

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

Description/Background: On January 19, 2021, the Board awarded a contract to Rispoli & Associates Architecture, Inc. (RAA) to provide the design services for the State Attorney's Fourth (4th) Floor Build-out and Courtroom Design project. This project has undergone multiple bidding rounds for the construction portion of the project due to budget limitations. This resulted in changes in building codes due to elapsed time. RAA is seeking compensation to revise the 100% drawings and to provide additional bid services. The change order being presented today adds additional funds to compensate the firm for these additional services mentioned above. The added work will increase the project duration by four (4) weeks.

Attached for review is a copy of the change order and RAA's proposal. Pending approval today, the change order will be presented for the Clerk's and Chair's signatures.

Budget/Impact: Neutral; additional expenditure of \$10,450, bringing the total purchase order amount to \$240,350. Funding is from line AA707712-562102 (General Courthouse Capital Improvements Projects).

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute Change Order 1 to Purchase Order 2101067 for Rispoli & Associates Architecture, Inc. under 20Q-045.

7.5.3. Request Approval of Change Order 1 to Purchase Order 2301247: Consolidated Fleet Facility - Rispoli & Associates Architecture, Inc., Ocala, FL (Budget Impact - Neutral; additional expenditure of \$95,340 as approved in FY 2023-24 budget)

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

Description/Background: On June 20, 2023, the Board awarded a contract to Rispoli & Associates Architecture, Inc. (RA) to provide the design services for the Consolidated Fleet Facility project. The firm is providing additional services due to the expanded project scope, which was adjusted to meet the future requirements of the facility. The change order being presented today adds additional architectural, structural, and fire protection engineering services. Included in these services is a parking demand analysis, and civil engineering infrastructure to include plans and geotechnical services for the Office of the County Engineer (OCE) pole barn addition. The additional work will increase the project duration by approximately four (4) weeks.

Attached for review, is a copy of the change order and RA's proposal. Pending approval today, the change order will be presented for the Clerk's and Chair's signatures.

Budget/Impact: Neutral; additional expenditure of \$95,340, bringing the total purchase order amount to \$1,094,890. Funding is from line AA722519-562102 (General Capital Improvements Projects).

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute Change Order 1 to Purchase Order 2301247 for Rispoli & Associates Architecture, Inc. under 23Q-012.

7.5.4. Request Approval of Change Order 2 to Purchase Order 2400544: Neptune Water Meters - Ferguson US Holdings, Inc., Newport News, VA (Budget Impact - Neutral; additional expenditure of \$800,000 as approved in 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 awarded a purchase order to Ferguson US Holdings, Inc. for Neptune Water meters under standardization 14ST-142 to meet the requirements of industry standards to change out ten percent (10%) of their meters annually. There is an increased demand for new customer accounts, as a result there is a need to add funds to the project to purchase the meters necessary to meet the requirements of the demand. If approved today, an additional \$800,000 will be added to the existing purchase

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order. These funds will specifically be used for additional installation of meters for Marion Oaks and Silver Springs Shores communities.

Attached for review is a copy of the change order. Pending approval today, the change order will be presented for the Clerk's and Chair's signatures.

Budget/Impact: Neutral; additional expenditure of \$800,000, bringing the total purchase order amount to \$1,700,000. Funding is from line UTC000120-ZF448536-563102 (Marion County Utility Fund).

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute Change Order 2 to Purchase Order 2400544 for Ferguson US Holdings, Inc. under 14ST-142.

7.5.5. Request Approval of Contract Reassignment: 22Q-153 Pre-Qualified Auto Body Repair Provider - Crash Champions LLC, Ocala, FL (Budget Impact - None)

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

Description/Background: At its August 2, 2022 meeting, the Board approved a contract with one (1) qualified firm to provide automotive and truck body repair on an as-needed basis. This contract is currently open, in good standing, and valid through May 1, 2027.

Crash Champions LLC (Crash Champions) announced it is continuing its Florida expansion with the acquisition of Liles Collision Service, Inc. (Liles). The acquisition was finalized June 7, 2024, with operations transitioning to Crash Champions immediately. Liles' current high-quality team will remain in place, as well as the location, and Crash Champions looks forward to serving the Ocala community. If approved today, the contract will be reassigned to Crash Champions and will allow the county to continue utilizing their services as they were awarded. Attached for review is a draft of the contract amendment. Upon approval at today's meeting, the amendment will be sent to Crash Champions for signature, pending return and approval by Legal, it will be forwarded to the Clerk and Chair for signatures.

Budget/Impact: None. There is no cost associated with a contract reassignment

Recommended Action: Motion to approve the reassignment, and upon execution with Crash Champions LLC, authorize the Clerk and Chair to execute the First Contract Amendment under 22Q-153.

7.5.6. Request Approval of Contract Renewal: 21B-192-CA-01, Metal Fabrication and Repair Services - D&S Steel, Inc., Dunnellon, FL (Budget Impact - Neutral; estimated expenditure of \$50,000 as proposed in FY 2024-25 budget)

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

Description/Background: On May 17, 2022, the Board approved a contract with D&S Steel, Inc. to provide on-site metal fabrication and repair services at the Baseline Landfill and eighteen remote recycling centers. D&S Steel, Inc. has performed the work in accordance with the agreement since it began and Marion County Solid Waste is proposing to renew the contract for the first of two (2) annual renewal options. If approved today, the term will be effective October 1, 2024 through September 30, 2025.

Attached for review is an approved LRM and a draft contract amendment. Pending approval at today's meeting, it will be sent to D&S Steel, Inc. for signature and upon return, will be routed to the County Attorney, Clerk and Chair for signatures. Budget/Impact: Neutral; estimated annual expenditure of \$50,000. Funding is from ZA427534-546301 (Solid Waste Disposal Fund). Annual costs will not exceed approved FY budget amounts without being brought back to the Board.

Recommended Action: Motion to approve and allow staff to issue, and upon approval by Legal, authorize the Chair to execute the contract amendment with D&S Steel, Inc. under 21B-192.

7.5.7. Request Approval of Contract Renewal: 21P-087-CA-03, Patient Invoicing and Mailing Services - InfoSend, Inc. Anaheim, CA (Budget Impact - Neutral; estimated expenditure of \$57,000 as approved in the FY 2023-24 budget)

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

Description/Background: On July 6, 2021, the Board approved a contract with InfoSend, Inc., to provide patient statement mailing services to the citizens of Marion County for ambulance services. InfoSend, Inc. has performed the work in accordance with the agreement since it began. Marion County Fire Rescue is proposing to renew the contract for a two (2) year term which includes a proposed increase due to the rise in expenses, including inflation, labor cost, and the need to cover services for the two (2) year term.

Attached for review is an approved LRM and a vendor signed contract amendment; pending approval at today's meeting, the contract amendment will be presented to the Clerk and Chair for signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$57,000. Funding is from AA305526-534101 (General Fund). Annual costs will not exceed approved FY budget amounts without being brought back to the Board.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the contract amendment with InfoSend, Inc. under 21P-087.

7.5.8. Request Approval of Fourth Contract Amendment: 21C-037-CA-04, 800MHz Radio IQ Networking – CenturyLink Communications LLC dba Lumen Technologies Group, Monroe, LA (Budget Impact - Neutral; additional expenditure of \$800 per month as approved in FY 2023-24 budget)

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

Description/Background: On November 3, 2020, the Board approved a request from Public Safety Communications (PSC) to upgrade from the outdated T-1 Circuits, used to provide high speed bandwidth for the 800MHz radio system, to full Ethernet. This upgrade allowed for an immediate increase in redundancy as well as proactive positioning of the Marion County radio system for anticipated future system uses and additional upgrades. This amendment is to install and support a 1G dedicated connection for countywide use. This connection will be used as a redundant backup connection for Public Safety Communications and the backup recovery center. This dedicated internet access is for a term of 36 months with a cost of \$800 per month; to be billed to and paid for by Information Technology.

In addition to requesting the approval of the above contract amendment, Procurement Services also requests approval for County Administrator, or designee, to have signature authority for specific items that fall under this master service agreement originally signed by the Board and when the expenditure is less than \$50,000 annually. Items that require review and approval by County Legal will continue to follow the same process. This request aims to streamline the approval process for this contract, making it more efficient.

Attached for review is a copy of the amendment and approved LRM. Pending approval at today's meeting, the original will be presented to the Chair for signature.

Budget/Impact: Neutral; additional expenditure of \$800 per month as approved in FY 2023-24 budget. Annual costs will not exceed approved future FY budgeted amounts without being brought back to the Board.

Recommended Action: Motion to approve and authorize the Chair to execute the Fourth Amendment with CenturyLink Communications LLC dba Lumen Technologies Group under 21C-037 and motion to approve the County Administrator, Mounir Bouyounes, to have signature authority for items that under this Master Service Agreement, originally signed by the Board, when the expenditure is less than \$50,000.

7.5.9. Request Approval of Second Contract Amendment: 19Q-086-CA-02 Florida Crossroads Commerce Park Road - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; additional expenditure of \$360,220 as approved in the FY 2023-24 budget)

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

Description/Background: On April 16, 2019, the Board awarded a contract to Kimley-Horn and Associates, Inc. (KHA) to develop and provide a Preliminary Engineering Report (PER) to support the development and design for Road Segment C (internal road now known as SW 57th Ave Rd to SW 49th Ave) of the Florida Crossroads Commerce Park Road which also allowed for future design services associated with the project. Marion County has received a Florida Department of Commerce Infrastructure Grant for the design and construction of Road Segment C with the final phase of SW 57th Ave Rd. Improvements include the completion of roads with drainage/stormwater systems, water and sewer design, environmental analysis and reporting, surveying and mapping, plans, permitting, bid assistance, and post-design services for the Office of the County Engineer and Marion County Utilities.

Attached for review is a draft of the Second Contract Amendment; pending approval at today's meeting, it will be sent to the firm for execution and upon return, will be forwarded for the County Attorney, Clerk, and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$360,220. Funding is available from BL760541-563220 (Project TIP#000158) - County Transportation Maintenance Fund and ZF448334-334395 (Project UTC000158) – Marion County Utility Fund.

Recommended Action: Motion to approve the request and allow staff to issue the contract amendment and upon approval by Legal, authorize the Chair and Clerk to execute the Second Contract Amendment with Kimley-Horn and Associates, Inc. under 19Q-086-CA-02.

7.5.10. Request Approval of Selection Committee Recommendation: 24P-239 Promotional Items - Soar Promo, LLC, Neptune Ventures, LLC (Budget Impact - Neutral)
 The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Marion County Public Relations Department, Procurement advertised a Request for Proposal for qualified suppliers to provide personalized promotional items in bulk for all Marion County Departments. Four (4) firms responded, the Selection Committee evaluated all proposals, ranking them per the tabulation below:

Firm-City	Score (Rank)
Soar Promo, LLC - <i>Palm Beach Gardens, FL</i>	570 (1)
Neptune Ventures, LLC - <i>Ocala, FL</i>	500 (2)
Stat Promo Solutions - <i>Ocala, FL</i>	380 (3)
First Impression Printing - <i>Ocala, FL</i>	270 (4)

Public Relations Director, Bobbi Perez, supports the Selection Committee's recommendation to award to the top two (2) ranking firms, Soar Promo, LLC and Neptune Ventures, LLC.

Attached for review is a draft of both contracts; pending approval at today's meeting, it will be sent to Soar Promo, LLC and Neptune Ventures, LLC for signatures. Upon return, it will be forwarded to the County Attorney, Clerk, and Chair for signatures.

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

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chair to execute contract with Soar Promo, LLC and Neptune Ventures, LLC under 24P-239.

7.5.11. Request Approval of Seventh Contract Amendment: 18Q-160-CA-07 Southwest/Northwest 80th/70th Avenue Widening Preliminary Engineering Report - Guerra Development Corp., Ocala, FL (Budget Impact - additional expenditure of \$99,275 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 18, 2018, the Board awarded a contract to Guerra Development Corp. to develop and provide a Preliminary Engineering Report (PER) that will support the widening and other future improvements to SW/NW 80th/70th Avenue from SW 90th Street to ½ mile north of US 27. The Office of the County Engineer is requesting to add additional services to the original scope to include a study for various intersection configurations at SW 80th Avenue and SW 38th Street (Westport High School). These services include project administration, design analysis, and impact on drainage.

Attached for review is a draft of the contract along with the fee schedule. Pending approval at today's meeting, the contract will be sent to Guerra Development Corp.

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for signatures. Once the contract is returned, it will be routed for appropriate County signatures.

Budget/Impact: Neutral; expenditure of \$99,275.00. Funding is available from VJ738541-563220 (Project STC073815) - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the request and allow staff to issue the contract amendment and upon approval by Legal, authorize the Clerk and the Chair to execute the Seventh Amendment with Guerra Development Corp. under 18Q-160-CA-07.

7.5.12. Request Approval of Task Order for Construction Manager: 20Q-161-TO-42 Fire Station 22 Kitchen Remodel - D.E. Scorpio Corporation dba Scorpio, Gainesville, FL (Budget Impact - Neutral; expenditure of \$147,366 as approved in FY 2023-24 budget)

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

Description/Background: On April 6, 2021, the Board of County Commissioners approved contracts with six (6) Construction Managers (CM), the of which allow the County to select a CM depending on their area of expertise, capacity, and availability. Facilities Management has assigned the work for Fire Station 22 kitchen remodel to D.E. Scorpio Corporation dba Scorpio (Scorpio). The work includes gas, mechanical, new cabinetry, a stainless-steel island for food preparation, flooring and required permitting. The work is scheduled to be substantially completed within 180 days from the start date on the Notice to Proceed, with an additional 30 calendar days for final completion.

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

Budget/Impact: Neutral: project cost is \$147,366. Funding for this project is from EF300522-562101 (Fire, Rescue, and EMS Fund). Up to ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual.

Recommended Action: Motion to approve the recommendation and allow staff to issue contract and upon approval by Legal, authorize the Chair and Clerk to execute the Task Order with D.E. Scorpio Corporation dba Scorpio under 20Q-161.

7.5.13. Request Approval for Task Order for Miscellaneous Maintenance for Roads, Right-of-Ways, and Stormwater Maintenance Facilities: 22Q-141-TO-03 DRA 3250 Erosion Repair - Major Maintenance Project - Hartman Civil Construction Co., Inc., Hernando, FL

(Budget Impact - Neutral; expenditure of \$143,837 as approved in the FY 2023-24 budget)

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

Description/Background: On July 6, 2022, the Board approved three (3) contracts with Art Walker Construction, Inc., GWP Construction, Inc., and Hartman Civil Construction Co., Inc. to provide repair and maintenance services for roads, rights-of-way, and stormwater management facilities. Task Orders (TO) are assigned to

the contractor that submits the lowest bid. All pre-qualified contractors responded to the bid and the tabulation is listed below:

Contractor - City, State	BID
Hartman Civil Construction Co., Inc. - Hernando, Florida	\$143,837.00
Art Walker Construction, Inc. - Ocala, FL	\$171,021.76
GWP Construction, Inc. - Ocala, FL	\$201,706.55

The DRA 3250 project involves sinkhole repairs in a drainage retention area consisting of standard clearing and grubbing, placing and compacting fill in 12-inch lifts, and sodding disturbed areas.

Steven Cohoon, P.E., County Engineer, recommends contracting with Hartman Civil Construction Co., Inc. as the lowest, most responsive, most responsible bidder.

Attached for review is a draft of the contract and map. Pending approval at today's meeting, the contract will be sent to Hartman Civil for signatures.

Budget/Impact: Neutral; project cost is \$143,837. Up to a 10% percent contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is available from EK430538-534101 (Project STM0080MA) - Stormwater Program.

Recommended Action: Motion to approve the request and allow staff to issue the TO and authorize the Chair and Clerk to execute the agreement, pending Legal review, with Hartman Civil Co., Inc. under 22Q-141-TO-03.

7.6. Solid Waste:

7.6.1. Request Approval for State of Florida Department of Environmental Protection Standard Grant Agreement HW504 (Budget Impact - None)

The Board accepted the following recommendation as presented by Solid Waste Director Mark Johnson:

Description/Background: The Florida Department of Environmental Protection (FDEP) Grant Agreement HW504 establishes the terms on a cost reimbursement basis for Marion County to host a hazardous waste cooperative collection event for Sumter County and their residents. Marion County Board of County Commissioners approved an Interlocal Agreement with Sumter County on December 3, 2013 to provide the residents and small businesses in Sumter County with a cost-effective opportunity to properly dispose of hazardous waste during two (2) planned hazardous waste collection events conducted in Sumter County.

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

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to execute the State of Florida Department of Environmental Protection Standard Grant Agreement HW504.

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7.7. Transportation - County Engineer:

7.7.1. Request Approval of a Purchase Agreement Associated with the NE 35th Street Phase 2 Road Project for Parcel 1558-002-018 (Budget Impact - Neutral; expenditure of \$135,000 as approved in the FY 2023-24 budget)

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

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$135,000 plus closing cost for parcel 1558-002-018 associated with the NE 35th Street Phase 2 Road Project (CR 200A to 1,000 feet east of NE 25th Avenue). This improved residential parcel is approximately 0.31 acres. The 1,528 square foot single family residence, constructed in 1963, consists of three (3) bedrooms, one (1) bathroom.

The negotiated agreement provides that the Seller is responsible for all taxes including a proration of current taxes as of the date of closing, and the County, as the buyer, pays closing cost, such as recording fees, documentary stamps and title insurance. There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$135,000 plus closing cost (TIP70100A - GA771541 - 561301)

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

7.7.2. Request Approval to Declare Parcel Number 1534-008-001 and Parcel Number 9037-1218-14 as Surplus and Authorize Staff to Proceed with the Donation (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 24-R-259, as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to declare Parcel Number 1534-008-001 and Parcel Number 9037-1218-14 as surplus, approve a Resolution, and a Statute 125 Deed from Marion County to Habitat for Humanity of Marion County, Inc., a Florida Not for Profit Corporation.

This request is associated with an application for conveyance or lease of County owned property submitted by Habitat for Humanity of Marion County, Inc. The application is pursuant to provisions in Chapter 125.38 FS which provides that the Board may convey specific property to the United States, any department or agency thereof, or to a not for profit corporation organized for the purposes of promoting community interest and welfare.

Additionally, Parcel Number 1534-008-001 and Parcel Number 9037-1218-14 have been identified as appropriate for affordable housing and established on the inventory list adopted by the Board of County Commissioners of June 21, 2022. If approved, these parcels will be deeded from Marion County to Habitat for Humanity of Marion County, Inc. to construct affordable housing.

Budget/Impact: None.

Recommended Action: Motion to approve the request to declare Parcel Number 1534-008-001 and Parcel Number 9037-1218-14 as surplus, authorize staff to proceed with the donation, and authorize the Chair and Clerk to execute the Resolution and the Statute 125 Deed.

Resolution 24-R-259 is entitled:

A RESOLUTION AUTHORIZING THE CONVEYANCE OF
CERTAIN REAL PROPERTY TO
HABITAT FOR HUMANITY OF MARION COUNTY, INC.,
A FLORIDA NOT FOR PROFIT CORPORATION AND
SETTING THE PRICE THEREOF.

7.7.3. Request Approval of a Purchase Agreement Associated with the NE 35th Street Phase 1B Road Project for Parcel 15509-000-00 (Budget Impact - Neutral; expenditure of \$72,000 as approved in the FY 2023-24 budget)

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

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$72,000 plus closing cost for parcel 15509-000-00 associated with the NE 35th Street Phase 1B Road Project (715 feet east of West Anthony Road to 750 feet east of CR 200A). This improved residential parcel consists of approximately 0.33 acres. The 1,608 square feet single family residence, constructed in 1963, consists of three (3) bedrooms, one (1) bathroom and two (2) dens (apparent former garage and rear porch, converted to living area).

The negotiated agreement provides that the Seller is responsible for all taxes including a proration of current taxes as of the date of closing, and the County, as the buyer, pays closing cost, such as recording fees, documentary stamps and title insurance. There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$72,000 plus closing cost (TIP70100C - GA771541 - 561301)

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

7.7.4. Request to Approve Temporary Easement Purchase Agreement and Grant of Temporary Construction Easement Agreement Between Marion County and Century Link of Florida, LLC, associated with the NW/SW 80th Avenue and West Highway 40 Intersection Road Improvement Project (Budget Impact - Neutral; expenditure of \$16,001 as approved in the FY 2023-24 budget)

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

Description/Background: This is a request to approve a Temporary Easement Purchase Agreement and Grant of Temporary Construction Easement Agreement between Marion County and Century Link of Florida, LLC, associated with the NW/SW 80th Avenue and West Highway 40 (1,500 feet north of W Highway 40 to 1n300 feet south of W Highway 40) Intersection Road Improvement Project. Marion County is compensating Century Link \$1,751 for the Temporary Construction Easement (approximately 2,000 square feet) and an additional \$14,250 for the relocation of their equipment.

Budget/Impact: Neutral; expenditure of \$16,001 (STC073868-VJ738541-561301)

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

7.7.5. Request Approval of Reinstatement of, and First Amendment to, Marion County Subdivision Improvement Agreement with Surety Bond for Oak Hammock Preserve Subdivision, Application Number 29639 (Budget Impact - None)

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

Description/Background: The County and Developer entered into a Marion County Subdivision Improvement Agreement with Surety Bond (“Original Agreement”) which was recorded in OR Book 8108, Page 1282. This Original Agreement was inadvertently terminated and the Original Bond cannot be located. The Developer has completed a majority of the improvements required by the Original Agreement. Therefore, the County does not need a bond as high as the Original Agreement to secure Developer’s obligation to construct the remaining improvements. County and Developer desire to reinstate the Original Agreement as if it had never been terminated, and to reduce the amount of the bond required by the Developer.

Land Development Code Section 2.18.4.D states that if the improvements are not completed, an Improvement Agreement shall be provided and approved by the Board, as well as a security, limited to an irrevocable letter of credit or bond only, in the amount of 120 percent of the estimated cost of remaining improvements.

The County Attorney’s office has reviewed and approved the Reinstatement of, and First Amendment to, Marion County Subdivision Improvement Agreement with Surety Bond in the amount of \$2,292,423.00. This subdivision is located in the southeast portion of the County and contains 168 lots and six (6) tracts on 20.97 acres with 0.63 miles of private roads.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Reinstatement of, and First Amendment to, Marion County Subdivision Improvement Agreement with Surety Bond and to authorize the Chair and Clerk to execute the same.

7.8. Utilities:

7.8.1. Request Approval of In-House Water Line Extension Program Resolution to Support Marion Oaks Unit 4 (Budget Impact - \$3,722,482 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-260, as presented by Utilities Director Jody Kirkman:

Description/Background: On May 21, 2024, the Board approved Ordinance 2024-13 for the addition of the In-House Water Line Extension Program to include projects funded by the Board and construction/installation by Marion County Utilities (MCU) In-House Construction Crew. The Program requires the Board to establish, by Resolution, a one-time Capital Connection Fee establishing a pro rata-share for the parcels connecting residential dwellings (Benefitting Lots) participating in the Program and the payment terms and conditions applicable.

MCU is presenting a Resolution for the work required to complete all water main gaps within Marion Oaks Unit 4, which includes the installation of approximately 64,427 feet of six-inch and eight-inch water main and appurtenances to serve the project area as identified in the Resolution under Exhibit A. The total project cost is defined in the Resolution under Exhibit B, which includes a 10% contingency to allow for unforeseen circumstances during construction. The Resolution defines

the project area, total project cost, capital connection fee per parcel, and identifies 745 benefitting lots.

The total anticipated project cost is derived from MCU construction cost (\$23,026.60), right-of-way permitting fee (2 x \$200), 10% contingency (\$338,407.43), and plan design fee (37 x \$700). When the pro rata share cost is derived for each parcel located within the project area, each owner will pay the anticipated pro rata share of \$4,996.62 per parcel. Once the work is complete, a final resolution will be presented to the Board certifying MCU's actual costs. Any overage paid by any benefitting lot owner will be refunded.

Budget/Impact: Neutral; project cost is estimated to not exceed \$3,722,481.77, which includes \$25,900 design fee. Funding is from line ZF448536-563102 with Project Code UTC000099.

Recommended Action: Motion to approve recommendation and authorize the Chair and Clerk to execute the presented Resolution.

Resolution 24-R-260 is entitled:

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

7.8.2. Request Approval of In-House Water Line Extension Program Resolution to Support MCIH-MO9-01 (Budget Impact - Neutral; \$23,320 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-261, as presented by Utilities Director Kirkman:

Description/Background: On May 21, 2024, the Board approved Ordinance 2024-13 for the addition of the In-House Water Line Extension Program to include projects funded by the Board and constructed by the Marion County Utilities (MCU) In-House Construction Crew. The Program requires the Board to establish, by Resolution, a one-time Capital Connection Fee as pro rata-share for the parcels connecting residential dwellings (Benefitting Lots) participating in the Program and the payment terms and conditions applicable.

During General Public Comment, the owner of Worth Construction & Remodeling, Inc, spoke about a pending Water Main Extension Agreement (Agreement) WME-006. Considering the owner had purchased the lot while the American Rescue Plan Act (ARPA) line extension grant program was still ongoing with the intent of utilizing the program, the Board requested the owner and MCU to research alternatives, at which time the Utilities Director proposed the work could be performed by the MCU In-House Construction Crew with the understanding that this was a unique circumstance.

MCU is presenting a Resolution for the work formerly identified as WME-006, which includes installation of 341 feet of six-inch water main to serve the project area as identified in the Resolution under Exhibit A. MCU total costs are defined in the Resolution under Exhibit B, which includes 10% contingency to allow for unforeseen circumstances during construction. The Resolution defines the project

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area, total project cost, Benefitting Lots, and capital connection fee per parcel. The new water main will provide service to eight (8) additional parcels along the route. The total anticipated project cost is derived from MCU construction cost (\$23,026.60), right-of-way permitting fee (\$200), 10% contingency (\$2,392.66), and plan design fee (\$700). When the pro rata share cost is derived for each parcel located within the project area, each owner will pay the anticipated pro rata share of \$3,289.91 per parcel. When the work is complete, a final resolution will be presented to the Board certifying MCU actual costs; any overage paid by any benefitting lot owner will be refunded.

Budget/Impact: Neutral; project cost is estimated to not exceed \$26,319.26, which includes \$700 design fee. Funding is from line ZF448536 - 563102 with Project Code UTC000099.

Recommended Action: Motion to approve recommendation and authorize the Chair and Clerk to execute the presented Resolution.

Resolution 24-R-261 is entitled:

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

7.8.3. Request Approval of Water Main Extension Connection Agreement WME-013 Between Holiday Builders, Inc. and Marion County Utilities (Budget Impact - Neutral; \$26,292 as approved in FY 2023-24 budget)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to install 176-feet of water main to connect to the public water main provided by Marion County Utilities (MCU), which includes the parcel's entire frontage. The water main extension will serve the property owner's parcel and create a benefit for one (1) additional parcel along the route of the water main extension; the pro-rata share has been established at \$13,146 per parcel using MCU's total project cost of \$26,292 (\$25,592 construction plus \$700 design).

Budget/Impact: Neutral; project cost is \$26,292 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Water Main Extension Connection Agreement WME-013 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.8.4. Request Approval of Water Main Extension Connection Agreement WME-020 Between Boavista Properties LLC and Marion County Utilities (Budget Impact - Neutral; \$22,250 as approved in FY 2023-24 budget)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to install 240 feet of water main to connect to the public water main provided by Marion County Utilities (MCU), which includes the parcel's entire frontage. The water main extension will serve the property owner's parcel and create a benefit for three (3) additional parcels along the route of the water main extension; the pro-rata share is \$5,562.50 based upon the total project cost of \$22,250 (\$21,550 construction plus \$700 design).

Budget/Impact: Neutral; project cost is \$22,250 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-020 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.8.5. Request Approval of Water Main Extension Connection Agreement WME-030 Between SW 133rd Lane Land Trust and Marion County Utilities (Budget Impact - Neutral; \$46,671 as approved in FY 2023-24 budget)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to install 349 feet of water main to connect to the public water main provided by Marion County Utilities (MCU), which will cover the permitted parcels' entire frontage. This water main extension will serve two (2) parcels associated with the property owner and create a benefit for two (2) additional parcels along the route of the water main extension.

This property requires a fire hydrant assembly, which will be paid by MCU. The water main extension's total project cost is \$46,670.50, with MCU's hydrant contribution totaling \$8,700; the prorata share is \$9,492.63 based upon the total owners' obligation of \$37,970.50 (\$37,270.50 construction plus \$700 design).

Budget/Impact: Neutral; project cost is \$46,670.50 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-030 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

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7.8.6. Request Approval of Water Main Extension Connection Agreement WME-036 Between Kasouza LLC and Marion County Utilities (Budget Impact - Neutral; \$19,620 as approved in FY 2023-24 budget)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to install 102-feet of water main to connect to the public water main provided by Marion County Utilities (MCU), which includes the parcel's entire frontage. The water main extension will only serve the property owner's parcel. The project cost is \$19,619.50 (\$18,919.50 construction plus \$700 design).

Budget/Impact: Neutral; project cost is \$19,619.50 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-036 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.8.7. Request Approval of Water Main Extension Connection Agreement WME-067-S Between Sam Boyle Construction LLC and Marion County Utilities (Budget Impact - Neutral; \$77,388 as approved in FY 2023-24 budget)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to install 275-feet of water main to connect to the public water main provided by Marion County Utilities (MCU), which includes the parcels entire frontage. Resolution 21-R-381 caps the owner's installation responsibility to an eight-inch maximum diameter water main; this property requires a twelve-inch water main, therefore MCU will pay for the oversized pipe and appurtenances and assess both improved lots their share of the work. The water main extension total cost is \$77,388, with MCU oversize contribution totaling \$30,323. The difference between the two is \$47,065, divided between the two improved parcels for a resulting pro-rata share of \$23,532.50.

Budget/Impact: Neutral; construction cost is \$77,388 and includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-067 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

8. COUNTY ATTORNEY: NONE

9. COUNTY ADMINISTRATOR:

9.1. Request Approval of the First Amendment to the Preliminary Engineering Report, Typical Section, and Alignment for SW/NW 80th/70th Avenue – From SW 90th Street to 0.5-mile North of US Highway 27 (Budget Impact - None)

County Engineer Cohoon presented the following recommendation:

Description/Background: This is a request to approve the first amendment to the Preliminary Engineering Report (PER) approved by the Commissioners on December 7, 2021.

Following is a list of salient corridor changes: additional Development of the NW 70th-80th Avenue corridor with World Equestrian Center (WEC) traffic; potential development of a large track of land southwest of the SR 40 intersection; continued increase in the cost of land, which directly impacts drainage retention areas and right-of-way acquisition costs; and ongoing planned development of large tracks of land south of the Ocala Airport.

The addendum addresses these changes by revising the proposed locations of drainage retention areas (DRA), includes optional DRA 13C, and is consistent with the County's objectives for the corridor.

Budget/Impact: None.

Recommended Action: Motion to approve the First Amendment to the PER for SW/NW 80th/70th Avenue from SW 90th Street to 0.5-mile North of US Highway 27.

County Engineer Cohoon, OCE, provided a brief overview of the amendments being proposed for SW/NW 80th/70th Avenue project. He stated the primary purpose of the change is to add an additional drainage retention area (DRA).

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the First Amendment to the PER for SW/NW 80th/70th Avenue from SW 90th Street to 0.5-mile North of US Highway 27. The motion was unanimously approved by the Board (5-0).

9.2. Update on Veterans Affairs Billing Process

Fire Chief James Banta, MCFR, provided a brief update on the billing process change for Veterans relating to ambulance transportation. He advised that Veterans Affairs (VA) can take up to 6 months to send payment and prior to the change in process the Veterans would begin to receive bills for the balance payment. Chief Banta stated MCFR has adjusted the billing process as it relates to VA benefits to allow an extended time period for collection, which avoids a Veteran from being mistakenly or inappropriately sent to collections.

Chairman Stone expressed support for the updated process.

Commissioner Zalak expressed appreciation to MCFR for all their hard work making this a better process for Veterans.

Commissioner Curry requested Ms. Tart make this matter a talking point on the Agenda when he speaks with the Veterans Organizations.

Chairman Stone advised that Commissioner Curry is a liaison for the Board to the Veteran's Service groups in the community.

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

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6.1. PUBLIC HEARING to Consider the Adoption of an Ordinance to be Known as the “Marion County Health Freedom Bill of Rights”, in Order to Safeguard Healthcare Rights and Freedoms of Marion County Residents

County Attorney Matthew Minter presented the following recommendation:

Description/Background: The State of Florida has recognized the concerns of numerous Marion County residents regarding the federal government’s and World Health Organization’s attempts to impose public health mandates. On May of 2023, Governor DeSantis signed the Committee Substitute for Senate Bill 252, which is codified in Chapter 381, Florida Statutes: Prohibits discrimination based on health care choices and enforcements of international health organization guidelines.

The Board of County Commissioners wish to enact a local ordinance to complement the provisions of Chapter 381, which will be known as the “Marion County Health Freedom Bill of Rights”. The purpose of this ordinance is to enhance healthcare rights and freedoms to Marion County employees and residents, while providing specific protections for County employees and residents seeking services from Marion County offices.

Budget/Impact: None.

Recommended Action: Motion to adopt an Ordinance to be known as the “Marion County Health Freedom Bill of Rights” in order to Safeguard Healthcare Rights and Freedoms of Marion County Residents.

Deputy Clerk Ketner presented Proof of Publication Legal ad No. 10311543 entitled, “Notice of Public Hearing” published in the Star Banner newspaper on July 5, 2024. The Notice stated the Board will consider adoption of an Ordinance.

Mr. Minter advised that the Ordinance being considered today is intended to compliment a State Statute (Senate Bill (SB) 252), which was enacted in June of 2023. He opined the Statute originated in the aftermath of the COVID-19 Pandemic and the many different issues/concerns raised about local, state and national government’s reactions to the pandemic. Mr. Minter stated some of the concerns were relating to the requirement to wear a mask in certain environments, whether or not you could prohibit people from entering facilities without a mask, and if you could prohibit people from a facility who recently showed symptoms of COVID-19 without certification or a test that the individual was COVID-19 free. There were also concerns on whether or not entities such as the World Health Organization (WHO) could issue mandates on any level of government in the United States. He advised that the State Statute adopted relates to a number of different entities including government, business, educational and health care providers. It provides a health care bill of rights relating to the rights of citizens to be made aware of certain alternatives when diagnosed with COVID-19, such as alternative treatments and procedures, as well as requires health care providers to provide information to enable their patients to make an educated decision about what kind of treatment they may want. Mr. Minter advised that a large part of the State Statute relates to prohibitions on discrimination of different kinds. It prohibits not only private entities, but governmental entities from discriminating against either their employees or individuals who would come to the business for service. The State Statutes prohibits government entities and business entities from prohibiting someone from entry into the building based on whether or not they are wearing a mask or have COVID-19.

Mr. Minter advised that sometimes provisions in the State Statutes seem to be internally inconsistent, for instance, in the beginning of the act the Legislature finds that society is

harmed by discrimination based on vaccination status as provided in this section when healthy persons are prevented from participating and accessing employment opportunities, but then it goes on to say that someone cannot be kept out if they are unhealthy.

Mr. Minter commented on the impact the Statute has on Marion County government, noting the County cannot prohibit someone from entering a facility based on their COVID-19 status, it cannot require the individual to take a COVID-19 test, whether or not they are manifesting symptoms and employees cannot be required to wear masks, except when required to wear facial coverings related to Occupational Safety and Health Administration (OSHA) related issues. He stated the act does not prohibit an employee who feels like it is in their best interest to personally wear a mask and it does not prohibit an employee from obtaining a vaccination. Mr. Minter stated the County cannot terminate someone if they have COVID-19 or refuse to test for COVID-19.

Mr. Minter advised that the State Statute relates not only to Marion County government, but also private business entities within Marion County. It is unclear if local businesses are aware these regulations are in effect. He stated violators can be subject to significant fines and other enforcement activities from the Department of Legal Affairs for failure to comply with the requirements.

Mr. Minter commented on communication from citizens requesting the County to adopt an Ordinance or Resolution similar to other Counties, but upon review it was determined that it would not be workable. He stated in those Ordinances/Resolutions the County assumed the responsibility to become the enforcer of these provisions within the community, noting he recommended the Board not go that route. Mr. Minter advised that the Ordinance presented today recognizes the provision of the State Statute, adopts the patient's Bill of Rights that is embodied in the Statute relating to patients having the opportunity to make choices about what types of health care decision they want, as well as provides for Marion County Government to act as a local entity that would facilitate issues about enforcement of the Statute. If someone feels a violation has occurred within the County government or a business entity the County would not engage in enforcement actions, but instead would provide information related to the complaint to the Department of Legal Affairs (DLA) to allow them to take whatever action is deemed appropriate.

Mr. Minter addressed Section 8 of the proposed Ordinance, which states Marion County does not recognize any authority of the WHO or any other international body to impose any health mandates or directives within Marion County unless compelled to do so by the State.

Commissioner Bryant commented on Section 6(b) of the proposed Ordinance and opined that any questions relating to State Statute be directed to the DLA and not allow County staff to provide guidance as to the applicability of anything regarding State Statute.

Commissioner McClain advised that staff are not asked to say anything about the applicability of the Statute, but will provide general information about how individuals can find out about the applicability of the Statute. He stated the County Administrator will set a policy directing staff on how to respond to citizens and what information can be provided.

Commissioner Bryant opined that 6(a) covers that and 6(b) is not necessary.

Chairman Stone expressed concern with 6(b) as well, noting there are State Representatives with offices on the McPherson Governmental complex. She advised that citizen can be directed to those Representatives for assistance.

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Commissioner Zalak stated County staff will do the best they can to serve any citizen who calls. He opined that 6(a) and 6(b) could be combined.

Chairman Stone stated 6(b) makes the County actively involved in the process.

Commissioner McClain opined that the goal is to be an active participant in this process and not just a bystander. He stated policies can be put in place to determine what information will be provided.

General discussion ensued.

Mr. Minter advised that there is no intention for ACA Tart or the County Attorney's Office to provide legal advice to private citizens or private employers. He stated general information can be provided similar to how eminent domain cases are handled. Mr. Minter advised that a handout could be created providing the provision of the act to private employers who reach out to the County.

Commissioner McClain expressed support for the handout, noting the County can adopt policy and procedures on how to handle specific questions.

Chairman Stone stated her concern is the County will get drawn into the process.

Commissioner McClain advised that the intention is not to provide any kind of legal advice to assist in filling out the complaints. He stated the County would just provide information and be an active participant in making sure if a complaint is received that it gets to the people who can make the decisions.

Chairman Stone opined that the County should be directing people to the State Representatives, noting navigating may require the assistance of a Legislative Aid.

Commissioner McClain advised that people can be directed to the Florida DLA, noting the County also has a Legislative Liaison who can assist.

Chairman Stone opened the floor to public comment.

Rock Gibboney, NE 45th Terrace, commented on misinformation spread during the COVID-19 pandemic and expressed support for home rule. He urged the Board to approve the proposed Ordinance.

Chairman Stone advised that the BCC operates under the Statutes of the State of Florida and cannot supersede what comes down from the State of Florida.

Commissioner Bryant advised that the BCC did not enforce any mandates in Marion County.

Bob Schmidt, SW 82nd Court Road, expressed support for the proposed Ordinance, noting it gives residents the freedom to choose.

Adrienne Skoinik, SW 46th Terrace, expressed support for the proposed Ordinance. She questioned if this Ordinance will have any impact on the Health Insurance Portability and Accountability Act (HIPAA) forms at doctor offices. Mr. Minter advised that the State Statute is related specifically to COVID-19 issues, noting it does not address HIPAA forms. He stated the proposed Ordinance also does not address HIPAA forms. Mr. Minter advised that doctors and health care providers are mandated by Federal law to comply with HIPAA; therefore, Marion County does not have the authority to differ in how the HIPAA laws are being administered.

In response to Ms. Skoinik, Chairman Stone advised that the BCC does not have the ability to supersede the Federal government regulations nor the State.

Bonnie Bell, NE 52nd Court, commented on COVID-19 vaccination mandates. She urged the Board to support people at the local level who have decided to be activists.

Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on his experience with the COVID-19 vaccine and treatment when he was sick.

Jazmine Early, NE 27th Street, addressed difficulties she had traveling to and from her

native Country during the COVID-19 pandemic. She commented on complications relating to the COVID-19 vaccines. Ms. Early expressed support for the proposed Ordinance.

Chairman Stone advised that public comment is now closed.

Mr. Minter requested direction from the Board relating to Section 6(b).

Chairman Stone advised that the County could provide the information, but is not giving them guidance or legal advice.

Mr. Bouyounes clarified that the intention is when people contact his office is to provide them the State Statute and to refer them to a State Representatives office. Staff will not be providing interpretation or legal opinions.

Commissioner Bryant advised that the language as presented today may misconstrue the intent, noting it needs to be clearly stated to ensure no one has any questions or false expectations.

Mr. Minter advised that a copy of the Statute and contact information to the appropriate government offices will be provided.

Mr. Bouyounes questioned if a copy of the Statute is required or if staff could just provide the Statute number. Mr. Minter stated it is up to the Board.

General discussion ensued.

Commissioner Curry commented on the overreach by the Federal government as it relates to the military and vaccine mandates. He expressed support for allowing people the right to make their own decisions.

General discussion resumed.

It was the general consensus of the Board to combine Section 6(a) and 6(b) into one paragraph.

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to adopt Ordinance 24-18 to be known as the "Marion County Health Freedom Bill of Rights" in order to safeguard healthcare rights and freedoms of Marion County Residents. The motion was unanimously approved by the Board (5-0).

Ordinance 24-18 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY FLORIDA, TO BE KNOWN AS THE "MARION COUNTY HEALTH FREEDOM BILL OF RIGHTS"; PROVIDING FOR THE BOARD'S SUPPORT FOR CHAPTER 381, FLORIDA STATUTES IN ORDER TO SAFEGUARD HEALTHCARE RIGHTS AND FREEDOMS OF MARION COUNTY RESIDENTS; REJECTING THE AUTHORITY OF THE WORLD HEALTH ORGANIZATION AND OTHER INTERNATIONAL BODIES TO IMPOSE HEALTH MANDATES OR DIRECTIVES WITHIN MARION COUNTY, EXCEPT AS PROVIDED HEREIN; ADOPTING THE FLORIDA PATIENT'S BILL OF RIGHTS; PROVIDING FOR PROTECTIONS FOR MARION COUNTY EMPLOYEES; PROVIDING THAT MASKS AND VACCINATIONS WILL NOT BE REQUIRED OF EMPLOYEES AND PERSONS SEEKING ACCESS TO COUNTY BUILDINGS EXCEPT AS PROVIDED HEREIN; PROVIDING MARION COUNTY'S ASSISTANCE TO THE STATE OF FLORIDA IN THE ENFORCEMENT OF CHAPTER 381, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

General discussion ensued relating to the difficulties faced during the COVID-19 pandemic.

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10. COMMITTEE ITEMS:

10.1. Board of Adjustment - Request Appointment of Incumbent Alternate Member to Full Member, for an Unexpired Term Ending June 2026

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

Description/Background: The Board of Adjustment has a full member vacancy due to the recent loss of one of its members. Ms. Jackie Alsobrook, one of the two incumbent alternate members, would like to be considered to fill this vacancy. No other applications were received during the advertisement period. If selected, an alternate member vacancy for an unexpired term ending in January 2026 will be advertised

Budget/Impact: None.

Recommended Action: Motion to appoint Ms. Jackie Alsobrook as full Member of the Board of Adjustment for an unexpired term ending June 2026.

Clerk Harrell advised that Jackie Alsobrook received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to appoint Ms. Jackie Alsobrook as full Member of the Board of Adjustment for an unexpired term ending June 2026.

Commissioner Bryant advised of Jack Stackman's passing, who previously served as a member of this Board. She commented on his commitment to the community and offered condolences to his family.

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

11. NOTATION FOR ACTION:

11.1. Request for an Executive Session ("Shade Meeting") Pursuant to Florida Statutes 286.011(8) to Discuss Settlement Negotiations and/or Litigation Strategy in the Case of Phillip Shinn v. Marion County Board of County Commissioners, Case Number 2023-CA-1063, Immediately Following the Conclusion of the 9:00 a.m. Meeting of the Board of County Commissioners on Tuesday, August 6, 2024

Chief Assistant County Attorney Dana Olesky, presented the following recommendation:

Description/Background: Marion County is currently involved in litigation with Phillip Shinn, who retired from Marion County as a Firefighter and is now seeking benefits under s. 112.1816, Florida Statutes which provides that eligible firefighters who are diagnosed with certain cancers may receive certain benefits as an alternative to pursuing workers' compensation benefits. Florida Statutes 286.011(8), provides for executive sessions with the Board, the County Administrator, County Attorney Matthew G. Minter, Chief Assistant County Attorney Dana E. Olesky, and a court reporter to discuss settlement negotiations and/or litigation strategy. The County Attorney is requesting that the Board authorize the executive session on Tuesday, August 6, 2024, immediately following the conclusion of the 9:00 a.m. meeting of the Board of County Commissioner to further discuss settlement options and/or litigation strategy and budget with the Board of County Commissioners.

Budget/Impact: The only impact will be the court reporter fees and defense counsel fees which are included in the current budget

Recommended Action: Motion to authorize an Executive Session ("Shade Meeting") pursuant to Florida Statutes 286.011(8) on Tuesday, August 6, 2024,

Immediately Following the Conclusion of the 9:00 a.m. Meeting of the Board of County Commissioners and the advertisement thereof.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to authorize an Executive Session (“Shade Meeting”) pursuant to Florida Statutes 286.011(8) on Tuesday, August 6, 2024, immediately following the conclusion of the 9:00 a.m. Meeting of the Board of County Commissioners and the advertisement thereof. The motion was unanimously approved by the Board (5-0).

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

Chairman Stone opened the floor to public comment.

Commissioner Bryant out at 11:02 a.m.

Roger Knechtel, SE 97th Terrace Road, Summerfield, expressed his condolences for the passing of Mr. Stackman. He addressed the Board relating to pro-life, Planned Parenthood, abortions, the Heart Beat Bill and former President Donald Trump. Mr. Knechtel expressed appreciation to Commissioner Zalak for his work with MCFR to address the Veterans transport bills.

Linda Lear, NW 160th Avenue, Morriston, addressed the Board relating to “Sanctuary to the Maxx”, which is an animal rescue being operated without the proper permits. She advised that a petition was signed in April 2024 by many residents expressing numerous concerns, noting the petition has been provided to staff. Ms. Lear urged the Board to address this matter. She presented the Board with a 20 page handout containing information relating to the rescue.

Chairman Stone advised that this matter is not something that will be addressed today, but it will come before the Board at some point; therefore, the Board is unable to have conversations relating to this topic.

Ms. Lear stated the owner of the rescue has not applied for a Special Use Permit or any building permits relating to the rescue.

Commissioner Bryant clarified that a Special Use Permit application has not been made to the County.

Commissioner Curry advised that the Board is receiving the electronic mail (email) relating to this matter, noting the Board is reviewing possible changes to the Animal Services Ordinance.

Ms. Lear expressed safety concerns.

Growth Services Director Chuck Varadin advised that Growth Services, Animal Services and Legal met on July 15, 2024 relating to the Sanctuary to the Maxx being able to move forward with the Special Use Permit process. He advised that Special Use Permit application has not been received.

In response to Commissioner Bryant, Mr. Varadin advised that an update was emailed to Commissioners relating to the Dunnellon property, noting a Code Enforcement case is active and there is a lien on the property. He stated there are also Code Enforcement violations on the Morriston property that will be brought to the September 11, 2024 Code Enforcement Board meeting.

Henry Munoz, Marion Oaks Boulevard, expressed support for Ordinance 24-18, noting it shows the community the Board is looking out for them.

Chairman Stone advised that public comment is now closed.

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13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner McClain stated he had nothing further to add.

Commissioner Curry commented on Mr. Stackman and his time as a member of the Litter Task Force.

Commissioner Zalak expressed appreciation to Commissioner McClain for working on the Marion County Health Freedom Bill of Rights and to Chief Banta for assisting with the Veterans transportation billing.

Commissioner Bryant stated she had nothing further to add.

Chairman Stone encouraged everyone to participate in 2 County survey's relating to the Evaluation & Appraisal Report (EAR), which can be found at www.marionfl.org/EAR. She advised that the Marion County local Technology and Planning team and the Marion County BCC are hosting free digital literacy workshops, which are designed to assist beginner users with basic tasks, such as how to create an email address: a strong password; how to avoid online fraud, scams and malware; and some pointers on digital banking. The workshops will take place at different locations with the first being July 22, 2024 from 11:00 a.m. to 2:00 p.m. at the Freedom Library. The second will be on July 23, 2024 from 11:00 a.m. to 2:00 p.m. at the Fort McCoy Public Library. The third will take place on July 29, 2024 from 11:00 a.m. to 2:00 p.m. at the Marion Oaks Community Center Annex building. The final workshop will be held on July 30, 2024 from 11:00 a.m. to 2:00 p.m. at the Mary Sue Rich Community Center at Reed Place. Chairman Stone advised that participants are encouraged to bring their own digital device, but if unable to do so there will be devices available to use onsite. She stated anyone needing additional details or who have questions can call 352-438-2303. Chairman Stone expressed appreciation to Legislative Liaison Matt Cretul and Extension Director Lynn Nobles, as well as all the outside agencies who have partnered with the County to provide the Digital Literacy workshops.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of July 16, 2024 through August 6, 2024.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Chamber and Economic Partnership June 2024 Activity and Quarterly Financials - April 2024 Through June 2024

14.1.2. Present Letter from Indigo East Community Development District Dated June 18, 2024 Regarding Proposed Budget FY 2025

14.1.3. Present Letter from Candler Hills Community Development District Dated June 18, 2024 Regarding Proposed Budget FY 2025

14.1.4. Present Update on 2022-26 Strategic Plan Empowering Marion for Success II for July 2024

14.1.5. Present Monthly Building Safety Productivity Report for the Month of June 2024

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

14.2.1. Request Authorization to Engage Services of Outside Counsel for Appellate Work

14.2.2. Request Authorization to File Confidential Statement Regarding Appropriateness of Appellate Mediation in AZ Ocala Ranch, LLC, and Marion Mitigation LLC v. Marion County Appeal

14.2.3. Request to Reschedule and Advertise a Marion County Community Redevelopment Agency Meeting to Consider Approval of the 2024 Silver Springs Community Redevelopment Area Master Plan from Thursday, July 11, 2024 at 9:00 a.m. to Tuesday, August 6th, 2024 at 2:00pm in the McPherson Governmental Campus Auditorium

14.3. General Informational Items:

14.3.1. Marion County Evaluation and Appraisal Report and Planning Framework Study (Public Service Announcement) Meeting Dates

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

14.4. Clerk of the Court:

14.4.1. Present Financial Statements And Independent Auditor's Report For Year Ended September 30, 2023, Prepared By James E. Davis, Certified Public Accountant, For Marion Soil And Water Conservation District

14.4.2. Present Memorandum from Gregory C. Harrell, Clerk of The Circuit Court and Comptroller, Regarding the Filing of Ordinances 24-16 And 24-17 With the Secretary of State's Office

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

14.4.4. Present Letter Dated July 2, 2024 From the City of Belleview, Development Services Department, Regarding Annexation Ordinance 2024-22 For Parcel Number 38510-005-03

14.4.5. Present Regular Report of Utilization for Reserve for Contingencies

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

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

14.5.1. Development Review Committee - June 17, 2024

14.5.2. Marion County Historical Commission - April 8 and May 13, 2024

14.5.3. Planning and Zoning Commission - May 29, 2024

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

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

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

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

There was a recess at 11:20 a.m.

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

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Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Planner Kathleen Brugnoli, Staff Assistants Sage Dick and Autumn Williams, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

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

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

Deputy Clerk Lewter advised that there are two (2) Proofs of Publication to be presented for this afternoon's meeting.

The first Proof of Publication is legal ad No. 10318757 entitled, "Notice of Public Hearing by Marion County Commissioners to Consider Requests for Reasonable Accommodations" published in the Star Banner newspaper on July 1, 2024. The Notice stated the Board will consider a Reasonable Accommodation application.

The second Proof of Publication is legal ad No. 10319720 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper July 1, 2024. The Notice stated the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

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

Commissioner Bryant arrived at 2:09 p.m.

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

15.1. DRC Waiver Requests and Public Hearings:

15.1.1. Request for Waiver from Land Development Code Section 6.14.2.B(1)(a) - Water Connection for James Hall associated with Building Safety Permit Number 2024041824 for a Replacement Manufactured Home, Parcel Number 48187-011-00, Application Number 31459 (Budget Impact - None)

The Board considered the following recommendation from Building Safety Director Savage, on behalf of the DRC:

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

The Owner/Applicant, James Hall, requests a waiver due to the length of the flag for this lot and the distance to run a water line. Owner/Applicant requests the waiver connection from the public water main along SE 115th Avenue stating the well is in good condition and can serve the new replacement mobile home.

The subject property is located in the southeast portion of the County within Harbordale Oaks, an unrecorded subdivision, on approximately 3.00 acres.

This Waiver Request was denied by the Development Review Committee (DRC) on May 6, 2024.

Budget/Impact: None.

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

Utilities Director Jody Kirkman provided a brief overview of a waiver request relating to water connection for James Hall.

In response to Chairman Stone, Mr. Kirkman advised that there is an existing well on the subject property, noting a new mobile home is being placed on the property. He stated the applicant has updated the septic system in accordance with the Department of Health (DOH) requirements. Mr. Kirkman advised that he is not aware of the cost for the applicant to connect to the adjacent centralized water from the road to the house, but on the County side of the property the costs would be between \$2,800 to \$3,000.00.

Commissioner Bryant commented on the length of the flag lot, noting the applicant would be required to run the line from the street all the way up to the mobile home. She questioned the distance from the road to the mobile home. Mr. Kirkman advised that the distance is roughly 1,600 to 1,800 feet.

Commissioner Bryant clarified that the applicant is replacing an existing mobile home on the property. Mr. Kirkman concurred.

Adam Hall, NW 34th Avenue, Gainesville, on behalf of the applicant, advised that the quote received to run the line was approximately \$15,000.00. He stated originally his father owned 3 lots and after the passing of his mother, his father decided to downsize, move onto the adjacent lot and sell the lot with the single family home. Mr. Hall advised that his father was unaware of the requirements to connect to central water and sewer, noting the enhanced septic was installed and the water connection waiver is being requested.

Chairman Stone questioned how long ago the existing well was established. Mr. Hall stated the well was onsite in 2015 when the property was purchased.

Commissioner Bryant advised that a permit was issued in 1992 to place the mobile home on the subject property, noting the well was probably installed around the same time.

Chairman Stone opened the floor to public comment.

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

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

15.2. Planning and Zoning Consent Items:

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

P&Z PUBLIC HEARING ON JUNE 24, 2024

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

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

The Motion passed unanimously.

Chairman Stone opened the floor to public comment.

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

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A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve Consent Agenda items 15.2.1 and 15.2.2, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda items as follows:

15.2.1. 240707ZC - Ocala Equine Hospital Real Estate, LLP, Zoning Change from Community Business (B-2) to General Agriculture (A-1), 22.38 Acres, Parcel Account Numbers 12557-000-00 and 12557-001-000, Site Address 10855 NW Highway 27, Ocala, FL 34482

The Board granted a petition by Ocala Equine Hospital Real Est, LLP, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to General Agriculture (A-1), for all permitted uses, on an approximate 22.38 Acre Tract, on Parcel Account Numbers 12557-000-00 and 12557-001-00, site address 10855 NW Highway 27, Ocala, FL 34482.

15.2.2. 240709ZC - Southern Beauty Real Estate, Zoning Change from Single Family Residential (R-1) to Residential Office (R-O) on 0.62 acres, Parcel Account Number 29959-000-00, Site Address 2631 SE Lake Weir Avenue, Ocala, FL 34471

The Board granted a petition by Southern Beauty Real Estate, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) to Residential Office (R-O), for all permitted uses, on an approximate 0.62 Acre Parcel, on Parcel Account Number 29959-000-00, site address 2631 SE Lake Weir Ave., Ocala, FL. 34471.

15.3. Planning and Zoning Items for Individual Consideration:

15.3.1. 240702RA - April Smith, Reasonable Accommodation for Two Emotional Support Roosters in Mixed Residential (R-4) Zone, on 0.18 acres, Parcel Account Number 16623-129-00, Site Address 17065 NE 37th Street, Silver Springs, FL 34488

The Board considered a petition by April Smith, for a Reasonable Accommodation under the Fair Housing Act, providing the opportunity for neighboring property owners to present any factual information that should be considered with respect to any adverse impacts that may affect neighboring properties by the application to keep two (2) Roosters, on the subject property, and what reasonable conditions might improve the effect of those situations, in a Residential Mixed Use (R-4) zone, on an approximate 0.18 Acre Parcel, on Parcel Account Number 16633-129-00, site address 17065 NE 37th Street, Silver Springs, FL 34488.

Transportation Planner Kenneth Odom, Growth Services, presented a 1 page letter from The Health Care of Florida, LLC and provided a brief overview of the request for two (2) roosters in a Residential Mixed Use (R-4) zoned property. He advised that the applicant has agreed to utilizing “no-crow” collars on the roosters, which will be worn at all times. Mr. Odom stated the Reasonable Accommodation is for the 2 existing roosters only and does not allow for the replacement of any of these animals.

In response to Commissioner Curry, Mr. Odom advised that there is not time limit on a Reasonable Accommodation, noting it all depends on the lifespan of the animals. He

stated if the applicant wishes to replace an animal she will have to go through the process over again.

April Smith, NE 37th Street, applicant, advised that the roosters are Silkies and she has had them since they were babies, noting she was not aware they were roosters. She stated she did not know the gender of Silkies cannot be determined until they are grown without a DNA test.

In response to Commissioner Curry, Mr. Odom advised that the Condition for “no-crow” collar was added to ensure there is not a noise issue. He stated if approved there are requirements that have to be followed.

Mr. Minter advised that the Board has chosen to deal with Reasonable Accommodation requests in the same format as a Special Use Permit. He stated the application is evaluated based on the impact it will have on the surrounding properties and whether there are Conditions the Board can impose that would mitigate any impact. Mr. Minter advised that the basis of most land use regulations is nuisance law and the idea that no one should use their property in such a way as to interfere with the peace and quiet of neighbors. He stated the Board could add a Condition to revisit the request should there be complaints from the neighborhood.

Commissioner Zalak was excused at 2:37 p.m.

Commissioner Curry questioned if a time limit can be imposed. Mr. Minter stated it would be up to the Board to decide if they want the applicant to come back before the Board, but recommended there be no charge to the applicant.

Chairman Stone advised that there is no charge to the applicant for a Reasonable Accommodation request.

Commissioner Bryant stated an administrative review could be required.

Investigator Justin McClure, MCSO Agriculture Unit, advised that he went out to the property and met with the applicant in regards to this case, noting there was nothing wrong with the welfare of the roosters. He stated there is a Nuisance Ordinance under the Animal Control Ordinance that could encompass the roosters if it was to become an issue.

Chairman Stone opened the floor to public comment.

Lynn Reed, NE 37th Street, Silver Springs, advised that there is no need to implement the “no-crow” collars because the roosters make very little noise and do not bother anyone.

Mr. Minter questioned if the rooster’s make any more noise than any other bird flying in the neighborhood. Ms. Reed stated the owls make more noise than the roosters.

Chairman Stone advised that per the internet Silkies are less likely to crow if there are other mature roosters on the site.

In response to Commissioner Curry, Ms. Reed advised that she is only a couple lots over from the applicant.

Chairman Stone advised that public comment is now closed.

In response to Commissioner Bryant, Mr. Odom advised that this was brought to the staff’s attention as a resolute of a Code Enforcement case.

Commissioner Bryant expressed concern with the “no-crow” collar.

Chairman Stone stated she is not in favor of the collars.

Mr. Odom advised that 2 letters were received at 2:00 p.m. this afternoon in objection to this case.

Deputy Director Ken Weyrauch clarified that one of the letters is from an individual who lives on the same road and does not object to the roosters, noting noise is not an issue. He advised the second letter is also in support of the roosters.

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Commissioner Bryant questioned how close to the subject property is the individual who submitted the complaint.

Officer Sapp, Marion County Code Enforcement, advised that the person who filed the complaint lives across the street and to the left of the applicant. He stated the complaint was not about the noise it was that roosters and chickens were being kept in the front yard.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the Reasonable Accommodations Conditions 1 through 5, listed below and to not require "no-crow" collars. The motion was unanimously approved by the Board (4-0). The Reasonable Accommodation Conditions are as follows:

1. The property owner will maintain a well-kept area for the roosters.
2. Waste produced by the animals shall be collected multiple times per week in order to reduce negative impacts to neighbors on surrounding properties.
3. The fencing around the property shall be maintained in good condition.
4. The Reasonable Accommodation runs with the owner, and not the property.
5. The SUP is only for the two Silkie roosters included in this application. If one or more of the becomes deceased than the 'Reasonable Accommodation' application process will have to be enlisted again to replace the animal(s).

15.3.2. 240710ZC - YPSG, Inc., Zoning Change from Regional Business (B-4) to Community Business (B-2), 0.33 Acres, Parcel Account Number 4879-003-001, Site Address 13414 E Hwy 25, Ocklawaha, FL 32179

The Board considered a petition by YPSG Inc., for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Regional Business (B-4) to Community Business (B-2), for all permitted uses, on an approximate 0.56 Acre Tract, on Parcel Account Numbers 4879-003-001 and 4879-003-006, site address 13414 E HWY 25, Ocklawaha, FL. 32179.

P&Z PUBLIC HEARING ON JUNE 24, 2024

240710ZC Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously.

Planner Kathleen Brugnoli, Growth Services, advised that Agenda Items 15.3.2 and 15.3.3 are companion items and will be heard at one time. She provided a brief overview of the request for a zoning change from B-4 to B-2 and the SUP for a warehouse for storage of telecommunication equipment. Ms. Brugnoli opined that the B-2 will be more compatible with the surrounding area.

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

1. 15' wide C-Type buffer will be required along rights-of-way.
2. 6' opaque fencing along the southern property boundary.
3. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.

4. This site shall be developed consistent with the proposed conceptual plan.
5. The properties shall be combined prior to development.
6. Subdividing this property in any way nullifies this special use.
7. The Special Use Permit runs with the property.
8. No outside storage is permitted.

Walter Brown, Mountain Lake Court, Prattville, Alabama, on behalf of the applicant, advised that the applicant does agree to the proposed Conditions from staff.

In response to Commissioner Bryant, Mr. Brown advised that the site will be used to store supplies needed to run fiber optic lines, noting nothing will be housed on site for more than 30 days at a time.

Commissioner Curry questioned if anything will be stored outside. Ms. Brugnoli advised that the Conditions states outside storage is not permitted.

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 Curry, seconded by Commissioner McClain, to approve the Zoning Change from B-4 to B-2, 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 (4-0).

15.3.3. 240711SU - YPSG, Inc., Special Use Permit for a Warehouse for Storage of Telecommunication Equipment in a Community Business (B-2) Zone, 0.56 Acres, Parcel Account Numbers 4879-003-001 and 4879-003-006, Site Address 13414 E Hwy 25, Ocklawaha, FL 32179

The Board considered a petition by YPSG Inc., requests a SUP, Articles 2 and 4, of the Marion County Land Development Code, to allow for a warehouse, in a Community Business (B-2) zone, on an approximate 0.56 Acre Tract on Parcel Account Numbers 4879-003-001 and 4879-003-006, site address 13414 E HWY 25, Ocklawaha, FL. 32179.

P&Z PUBLIC HEARING ON JUNE 24, 2024

240711SU Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously.

This matter was addressed with Agenda Item 15.3.2.

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt resolution 24-R-262 approving the SUP request with Conditions 1 through 8, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (4-0).

Resolution 24-R-262 includes the following Conditions:

1. 15' wide C-Type buffer will be required along rights-of-way.
2. 6' opaque fencing along the southern property boundary.

3. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
4. This site shall be developed consistent with the proposed conceptual plan submitted with the application.
5. The properties shall be combined, to create one parcel, prior to development.
6. Subdividing this property in any way nullifies this special use.
7. The Special Use Permit runs with the property.
8. No outside storage is permitted.

15.3.4. 240704SU - Olivia O'Quinn and Marvin Davis, Special Use Permit to Allow for an Existing Pole Barn Built Without Permit, in a Single-Family Dwelling (R-1) Zone, 0.34 Acres, Parcel Account Number 1072-002-002, No Address Assigned

The Board considered a petition by Olivia O'Quinn and Marvin Davis, for a SUP, Articles 2 and 4, of the Marion County Land Development Code, to allow for an existing Pole Barn built without permit, in a Single-Family Dwelling (R-1) zone, on an approximate 0.34 Acre Parcel on Parcel Account Number 1072-002-002, No Address Assigned.

P&Z PUBLIC HEARING ON JUNE 24, 2024

240704SU Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the SUP request to allow for an existing pole barn built without permit, on a Single-Family Dwelling (R-1) Zone. He advised that staff is recommending denial simply due to the size of the structure, noting a primary structure will not be able to fit on the property.

In response to Chairman Stone, Mr. Weyrauch advised that the SUP process was triggered by the applicant attempting to get electric connection on the site.

It was noted that Growth Services Department staff recommended denial; however, the P&Z Commission recommends approval. If the Board grants the SUP, staff recommends the following Alternate Approval Conditions:

1. Utilities connections will be determined at the time of the permit.
2. Applicant is to maintain a minimal 5-foot no-touch buffer around the north, west, and south perimeter of the property on which the barn is situated, as these boundaries border residential properties.
3. No signs on the property.
4. The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
5. The nonconforming use shall not be expanded.
6. The Special Use Permit is granted for the specific garage submitted by the applicant under this Special Use Permit.
7. The Special Use Permit shall run with the subject property.
8. The Special Use Permit shall expire if the structure is converted to a residence or removed

Olivia O'Quinn, NE 243rd Court, Salt Springs, applicant, advised that she purchased the house across the street to the subject site and the subject parcel and pole barn was included in the purchase. She stated when attempting to have electric turned on at the site she was made aware that the structure was constructed without a permit. Ms. O'Quinn advised that the reason they cannot combine the parcels is due to the road in between the two sites.

Chairman Stone opened the floor to public comment.

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

In response to Commissioner Bryant, Mr. Weyrauch provided a brief overview of staff's proposed conditions.

Ms. O'Quinn advised that she has agreed to staff's proposed Conditions.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Resolution 24-R-263 approving the SUP request with Conditions 1 through 8, disagreeing with Growth Services staff and agreeing with 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 (4-0).

15.3.5. 24-S06 - David Reynolds, Small Scale Future Land Use Change from Rural Land (RL) to Commercial (COM), 2.27 acres, Parcel Account Number 48375-000-00, Site Address 6885 SE Highway 42 US, Summerfield, FL 32113

The Board considered Small Scale Comprehensive Plan Amendment No. 24-S06 by David Reynolds, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Rural Land (RL) to Commercial (COM) on an approximate 2.27 Acre Parcel, on Parcel Account Number 48375-000-00, site address 6885 SE HWY 42, Summerfield, FL. 34491.

P&Z PUBLIC HEARING ON JUNE 24, 2024

24-S06 Planning and Zoning Commission Recommendation

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

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

The Motion passed 5-1 with Mr. Fisher dissenting.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the Small Scale Comprehensive Plan Amendment request for a land use change from Rural Land to Commercial. Growth Services staff is recommending denial and the P&Z Commission recommends approval of the small scale land use amendment.

In response to Commissioner Bryant, Mr. Rison addressed the zoning on the subject parcel and the surrounding area.

Commissioner Curry advised that there are a lot of Commercial properties around the subject parcel, noting the area is being cleaned up as it is developed.

In response to Commissioner Curry, Mr. Rison stated a SUP would be required for any outside storage or a more intense contractor/trades operations.

David Reynolds, SE 73rd Avenue, Summerfield, advised that he has a small irrigation company and is trying to bring the property into compliance with the zoning in order to relocate the company to this site.

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Commissioner Bryant stated the land use does need to come into compliance with the zoning, noting the applicant purchased the property with a B-2 zoning designation. In response to Commissioner Bryant, Mr. Reynolds advised that he is aware no outside storage is permitted.

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 Curry, seconded by Commissioner McClain, to approve Small Scale Comprehensive Plan Amendment No. 24-S06, disagreeing with the Growth Services staff and agreeing with the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with the surrounding land uses, is consistent with Chapter 163, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

15.3.6. 201204ZC - The C-25 Group, LLC, Requests Approval for the Highland Belleview East Planned Unit Development, Final Planned Unit Development Master Plan/Preliminary Plat, Parcel Number 39196-003-01, Current Owner C-25 Group, LLC
The Board considered the following recommendation from Growth Services Deputy Director Ken Weyrauch:

Description/Background: The PUD was originally approved on December 15, 2020 for 174 dwelling units and up to 9.3 acres of commercial use. A condition of approval required the final PUD Master Plan be brought back before the Board for final approval. The applicant is requesting to modify the placement of the buffer on the eastern boundary due to a power line easement.

Budget/Impact: None.

Recommended Action: Staff recommends approval.

Deputy Director Weyrauch, Growth Services, advised that the request is for the final Master Plan approval for the Highland Belleview East Planned Unit Development (PUD). He stated the site is located on East Highway 25 just west of SE 92nd Loop. Mr. Weyrauch advised that the PUD was approved in December of 2020 for 174 Residential lots and 9.3 acres of Commercial. Today's proposed Master Plan contains 170 single family homes and no Commercial. He advised that the lots are 60 feet and 65 feet wide, noting a traffic study has also been completed.

Mr. Weyrauch advised that the applicant is requesting the buffer required along the utility easement on the eastern boundary of the property be allowed to be moved inside the easement so it is closer to the homes and further away from the boundary line. He provided a brief overview of the proposed buffers, noting the applicant is meeting all buffer requirements approved with the PUD.

Mr. Weyrauch advised that all amenities will have to be completed with Phase 1 of the project. He stated a traffic study has been completed and it shows there will be no deficiencies on the road.

Chairman Stone questioned if moving the buffer would impact the open space requirement. Mr. Weyrauch advised that the buffer counts as open space regardless of location.

General discussion ensued relating to the utility easement.

In response to Commissioner Curry, Mr. Weyrauch advised that the number of units is being reduced from 174 to 170, noting no Commercial is being proposed.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, on behalf of the

applicant, presented an 11x17 inch handout containing the layout of the development and provided a brief description of the proposed buffers and amenities.

In response to Chairman Stone, Mr. Tillman stated the easement is currently maintained by the power line company, which would continue. He advised that a gate can be installed to provide access to this area, but it is not part of the current plan.

Mr. Tillman stated originally the PUD contained multifamily units, which have since been removed.

Chairman Stone opened the floor to public comment.

Frank Almeida, SE 114th Lane, Belleview, expressed concern with the proposed lot sizes and the number of homes approved in the area over the last few years.

Tim Melville, SE 121st Place, Belleview, advised that he owns the property to the east along the utility easement and urged the Board to keep the buffer where originally proposed.

Chairman Stone advised that public comment is now closed.

Mr. Tillman advised that the applicant is willing to follow the direction of the Board relating to the placement of the buffer along the utility easement. He stated the plan was to block off that area and not allow public access to the utility easement area, but if the Board feels the need for the open space to still exist they will put the buffer on the outside edge of the property where it was previously proposed.

In response to Commissioner McClain, Mr. Tillman advised that the utility easement through the property can be considered when calculating open space, noting there is no regulation against anything other than buildings being built and stormwater ponds being built within the easement.

Commissioner Curry questioned when this project began. Mr. Tillman stated he was not the one who worked on the original PUD.

Commissioner Bryant advised that the project was approved in 2020.

Mr. Tillman commented on the continued growth in Marion County and the need for housing.

General discussion ensued.

Commissioner Bryant advised that the density was previously approved; therefore, it cannot be removed. She opined that the buffering should remain as previously proposed, noting it will provide more usable open space for the community. Commissioner Bryant stated moving forward the Board is going to want to see something different. She commented on the existing lots available for construction.

General discussion resumed.

Mr. Weyrauch advised that there is approximately 2.5 acres outside the utility easement on the opposite side of the proposed development. When combined with the utility easement there is roughly 11 acres. He stated the Commercial area of the property is approximately 4 acres.

Mr. Tillman clarified that the Commercial area is 3.72 acres.

Mr. Weyrauch stated the utility easement is the same easement that runs up Maricamp Road, noting the owners of the easement are not very willing to allow for activities within their easement. He advised that the County Code does not restrict an easement from being counted as open space.

In response to Chairman Stone, Mr. Weyrauch advised that the easement is 170 feet wide. He stated the easement is owned by Duke Energy.

Chairman Stone questioned if Duke Energy can restrict people from accessing the other side of their property due to the easement. Mr. Tillman advised that an easement limits

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vertical construction, noting nothing can be placed on the easement that would cause restriction of movement to repair the power lines. He stated a fence is allowed as long as there is a gate Duke Energy can access.

Commissioner Bryant advised that Autumn Glenn referenced by Mr. Almeida was not a project approved by the BCC, noting it is located within the City of Belleview.

General discussion ensued.

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

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve the final PUD Master Plan with the buffer location as originally planned along the property line. The motion was unanimously approved by the Board (4-0).

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

15.4. Adoption of Ordinance

15.4.1. 24-S06

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 24-19 adopting Small Scale Comprehensive Plan Amendment No. 24-S06, disagreeing with the Growth Services staff and agreeing with the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (4-0).

Ordinance 24-19 is entitled:

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

2024-S06, DAVID REYNOLDS

+/- 2.27 ACRES

PARCEL NO. 48375-000-00

FROM RURAL LAND TO COMMERCIAL

PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

15.4.2. Zoning

The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Growth Services Director Charles Varadin, Deputy Clerk Ketner and Deputy Clerk Mills-McAllister regarding petitions for rezoning, SUP, and Reasonable Accommodations requests heard earlier in the meeting.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 24-20 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 (4-0).

Ordinance 24-20 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL

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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 3:49 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

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