

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

April 16, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:04 a.m. on Tuesday April 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. Clerk Gregory C. Harrell was absent due to a prior commitment. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart, and Executive Director of Internal Services Mike McCain.

ANNOUNCEMENTS:

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

1. PROCLAMATIONS AND PRESENTATIONS:

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

1.1. PROCLAMATION - Girl Scout Gold Award - Kameryn Knowles (Approval and Presentation)

Executive Assistant Gennifer Medina presented the following recommendation:

Description/Background: The Girl Scout Gold Award is the highest and most prestigious award in Girl Scouting, comparable to the Boy Scouts of America's Eagle Scout merit. Gold Award Girl Scouts in high school complete projects to make the world a better place and earn the highest award available to Seniors and Ambassadors. To earn the award, each girl must complete two Senior or Ambassador journeys or complete one Senior or Ambassador journey and have earned a Girl Scout Silver Award. After completing either of these requirements, a minimum of 80 hours is suggested to complete the steps to earn the Girl Scout Gold Award.

Kameryn Knowles is a member of Troop 3601 and currently a Senior at West Port High School. Her project, "Beat the Heat," educated community members about the signs, symptoms, and treatment of Heat Borne Illness. The goal of the project was to raise awareness and educate to prevent youth and youth athletes from suffering from Heat Borne Illnesses.

Budget/Impact: None.

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Recommended Action: Motion for approval and presentation.

The Board presented the Proclamation congratulating Kameryn Knowles for attaining the Girl Scout Gold Award.

Kameryn Knowles commented on her project "Beat the Heat" relating to sudden heat borne illnesses. She advised that she plans to go into the sports medicine field in college. She introduced Ms. Raelene Morrison (donator), Ms. Shannon Boyer (Gold coach), and her mother Toni Knowles, her troop leader since the first grade.

In response to Commissioner Bryant, Ms. Knowles provided a brief overview of the process involved in obtaining the Gold Award.

Commissioner Bryant commented on the support provided to Girl Scouts by family members.

1.2. PROCLAMATION - Girl Scout Gold Award - Emilie Youmans (Approval and Presentation)

Executive Assistant Medina presented the following recommendation:

Description/Background: The Girl Scout Gold Award is the highest and most prestigious award in Girl Scouting, comparable to the Boy Scouts of America's Eagle Scout merit. Gold Award Girl Scouts in high school complete projects to make the world a better place and earn the highest award available to Seniors and Ambassadors. To earn the award, each girl must complete two Senior or Ambassador journeys or complete one Senior or Ambassador journey and have earned a Girl Scout Silver Award. After completing either of these requirements, a minimum of 80 hours is suggested to complete the steps to earn the Girl Scout Gold Award.

Emilie Youmans is a member of Troop 401 and currently a Senior at West Port High School. Emilie has officially earned her Gold Award for creating a program that aims to help children and adults with autism through horseback riding therapy at Marion Therapeutic Riding Association.

Budget/Impact: None.

Recommended Action: Motion for approval and presentation.

The Board presented the Proclamation congratulating Emilie Youmans for attaining the Girl Scout Gold Award.

Emilie Youmans advised that her project involved a partnership with Marion Therapeutic Riding Association to provide riding therapy to children and young adults with autism, noting she created a sensory trail for the property. She introduced her mother, Sharie Youmans, and her Girl Scout leaders who donated and helped her construct the different parts of her project.

Commissioner Bryant commented on the difficulty associated with attaining the Gold Award, noting she expects great things from the recipients. She requested Marion County pins be provided to both Ms. Knowles and Ms. Youmans to help them remember where they came from. The Gold Award recipients were also presented with a Challenge Coin.

1.3. PROCLAMATION - Litter Awareness Week - Mark Johnson, Solid Waste Director (Approval and Presentation)

The Board presented the Proclamation declaring April 22 through April 26 as "Litter Awareness Week" to Solid Waste Director Mark Johnson.

Mr. Johnson introduced Resource Liaison Lacey Larramore, Solid Waste, and Rubbish the Raccoon (No Horsin' Around with Marion mascot).

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

Human Resources (HR) 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.

The Board of County Commissioners (BCC), along with HR Director Sara Caron presented Employee Service awards to the following:

Employee Service Awards
January - March 2024

<u>35 Years</u>		
<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Mike Bates	Facilities Management	Assistant Director
<u>30 Years</u>		
<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Nancy Jarvis	Utilities	Utilities Business Manager
Kenneth Smithgall	Fire Rescue	Battalion Chief
<u>25 Years</u>		
<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Wayne Noonan	Facilities Management	Building Maintenance Supervisor
Gregory Varnum	Animal Services	Department Dispatcher
<u>20 Years</u>		
<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Lance Long	Fire Rescue	Lieutenant
Emily Merritt	Public Safety Communications	Emergency Telecommunicator Supervisor
Susan Reynolds	Public Library	Senior Library Division Manager
<u>15 Years</u>		
<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Karen Holgate	Fleet Management	Administrative Manager
Wanda Johnson	Solid Waste	Solid Waste Supervisor
Daniel Langer	Fire Rescue	Driver Engineer I
Anthony Lucin	Fire Rescue	Driver Engineer I
Charles Lynch	Fire Rescue	Captain
Scott Shockley	Fire Rescue	Driver Engineer I
Justin Slater	Fire Rescue	Driver Engineer I
Christopher Stevens	Fire Rescue	Captain
Bridget Walker	Animal Services	Animal Compliance Invest

HR Director Sara Caron provided highlights of accomplishments relating to the various individuals celebrating anniversaries ranging from 15 to 35 years of service to Marion County and its citizens.

1.5. PRESENTATION - Employee of the Quarter for January - March 2024 – Sara Caron, Human Resources Director (Presentation)

HR Director Caron presented the following recommendation:

Description/Background: The Employee of the Quarter program recognizes employees that go above and beyond to provide exceptional services to the citizens of Marion County and to reward exemplary employees for their accomplishments and contributions. The Employee of the Quarter can be nominated by co-workers, supervisors, citizens, or County Commissioners and must meet certain criteria in order to be qualified for consideration. The Employee

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of the Quarter is recognized by the Board, receives a day off with pay, and is included in the Ideal Team Player candidate pool. Each year, during Employee Appreciation, the County Administrator awards chosen employees with the Ideal Team Player award.

Budget/Impact: None.

Recommended Action: Presentation of Employee of the Quarter for the quarter ending in March 2024.

Employee of the Quarter Nominees
1st Quarter (January-March 2023)

Beverly Crews	Administration
Kelly Hathaway	Administration
Ann Hernandez	Building Safety
Nicole Sherman	Facilities Management
Cindy Garr	Growth Services
Sarah Bland	Human Resources/Benefits
Nancy LaFlamme	Human Resources/Risk
Michael Rittenhouse	Human Resources/Risk
Nicole Scola	Human Resources
Alicia Savage	Information Technology
Cassandra Li	Marion County Fire Rescue
Christine Crespo	Marion County Fire Rescue/Billing
Scott Chappell	Marion County Fire Rescue
Pete Hodges	Municipal Service Taxing Unit (MSTU)
Don Watson	Office of the County Engineer
Keara Huebner	Parks & Recreation
Ne'Shay Frye	Public Library System
Enel Remy	Utilities
James Gonzales	Utilities

HR Director Caron provided an overview of the accomplishments of the Employee of The Quarter and presented the award to Jail Building Maintenance Supervisor Jack Newport, Facilities Management.

Commissioner Bryant out at 9:37 a.m.

1.6. PROCLAMATION - National Day of Prayer (Approval Only)

The Board approved the Proclamation declaring April 16, 2024 as a "National Day of Prayer".

1.7. PROCLAMATION - Howard Mautner Day (Approval Only)

The Board approved the Proclamation declaring April 16, 2024 as a "Howard Mautner Day".

Commissioner Bryant returned at 9:38 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.

Nathan Whitt, address not provided, presented a 4 page handout relating to Agenda Item 14.1.2, the Dunnellon Trail Project, noting he is the former Dunnellon Mayor. He commented on a letter sent by the City Council of Dunnellon requesting termination of a State funded project that has taken over a decade to be fully vetted, engineered and funded. Mr. Whitt advised that the Dunnellon City Council is made up of just 1 elected member as the rest are now volunteer appointees and another just resigned. He stated the wrong plan (Alternative E) was shown on the screen, which includes on-street parking. Alternative D (provided in the handout) is the plan his administration voted on and approved. This project has been completely engineered and fully funded through State appropriation. Mr. Whitt advised that every business along Pennsylvania Avenue was visited by Transportation Planning Organization (TPO) staff and all concerns were addressed (loading zones areas, loss of on-street parking, etc.). Since 2020, 2 different City Councils have voted to purchase off-street parking to accommodate the expected loss of the on-street parking. He stated County Administrator Bouyounes and County Engineer Cohoon recently visited a City Council meeting to explain and clarify the plan. Mr. Whitt noted as of November 30, 2023, \$306,000.00 has been spent on engineering for the project that will be the responsibility of the City of Dunnellon. The Florida Department of Transportation (FDOT) grant is for \$2,162,000.00 appropriated for the project and the City has \$350,000.00 in Community Redevelopment Area (CRA) funds earmarked. The current plan adds a much needed center turn lane, a multi-use trail, 4 crosswalks and removes the dangerous on-street parking. He reiterated that all concerns have been addressed by County Administration. He expressed concern relating to the actions of a City Council member and urged the Board to direct Administration to move forward with the project.

Joy Rumans, NE 37th Street, commented on Agenda Item 1.3 (Litter Awareness Week). She requested the Board consider reinstating a retired practice relating to recycling plastic.

Commissioner Zalak addressed the removal of bins at the County's 18 convenience centers, noting there is now a compactor that takes single stream. He advised that individuals could bring all their recyclables there and it is free.

Terry Overlock, SW 103rd Loop, commented on the continuation of the request for approval for the SW 100th Street East Planned Unit Development (PUD). Chairman Stone advised that the Item will be heard at 10:00 a.m. and public comment will be taken at that time.

Chairman Stone advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES: (6 sets)

3.1. November 21, 2023

3.2. December 5, 2023

3.3. December 7, 2023

3.4. December 13, 2023 A

3.5. December 13, 2023 B

3.6. December 13, 2023 C

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt the meeting minutes of November 21, December 5, 7 and 13 (3 sets), 2023. The

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

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:

4.1. 2023 - 2024 Edward Byrne Memorial Justice Assistance Grant Program - Marion County Public Schools

Director of Safe Schools Dennis McFatten, Marion County Public Schools (MCPS), made the following recommendation:

Description/Background: The Board of County Commissioners provided approval to the Marion County Public Schools to apply for funding under the Edward Byrne Memorial Justice Grant (JAG) Program through the Florida Department of Law Enforcement. Funding will be used for safety and awareness in education.

Budget/Impact: Neutral; grant revenue of \$10,000 (no local match required).

Recommended Action: Motion to authorize the Chair to sign the agreement.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to authorize the Chairman to sign the Agreement under the Edward Byrne Memorial Justice Grant (JAG) Program through the Florida Department of Law Enforcement (FDLE). The motion was unanimously approved by the Board (5-0).

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

Deputy Clerk Windberg advised that Budget Amendment Resolution 5.1.1. coincides with Consent Agenda Item 7.6.2.

Commissioner Bryant stated she would like to move forward Consent Agenda Item 7.6.2. to be considered at the same time as the Board adopts the Budget Amendment Resolutions. It was the general consensus of the Board to concur.

Upon motion of Commissioner Bryant, seconded by Commissioner McClain, the Board adopted the following Budget Amendment Resolutions transferring funds and approving the coinciding Consent Agenda as presented by Deputy Clerk Windberg:

5.1.1. 24-R-125 – County Transportation Maintenance Fund - Road and Street Facilities - \$898,078

5.1.2. 24-R-126 – General Fund - County Administrator - \$1,500

5.1.3. 24-R-127 – General Fund - Sheriff Emergency Management Transfer - \$319

5.1.4. 24-R-128 – General Fund - Sheriff Jail Transfer - \$510

5.1.5. 24-R-129 – Fine and Forfeiture Fund - Sheriff Regular Transfer - \$3,130

5.1.6. 24-R-130 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$40,320

5.1.7. 24-R-131 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$52,399

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

5.2. Project Adjustment

5.2.1. Transfer Project Funds and Amend the Capital Improvement Program - American Rescue Plan Local Fiscal Recovery Fund - \$150,060

Utilities Director Jody Kirkman presented the following recommendation:

Description/Background: Marion Oaks Water Line Extension American Rescue Plan Act (ARPA) Project - Construction phases 1 and 2 have been approved by the Board on March 19, 2024. Construction Engineering and Inspection for phase 1 was approved by the Board on December 5, 2023. Construction, Engineering and Inspection for phase 2 was approved by the Board on April 2, 2024. This

request is to move ARPA funds which had been originally assigned to the Silver Springs Shores Septic to Sewer project to this project in order to issue this phase 2 purchase order. 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.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the transfer of project funds and amend the CIP. The motion was unanimously approved by the Board (5-0).

5.2.2. Transfer Project Funds and Amend the Capital Improvement Program - Infrastructure Surtax Capital Project Fund - \$80,000

Fire Chief James Banta, Marion County Fire Rescue (MCFR), presented the following recommendation:

Description/Background: Marion County Fire Rescue had an incident that occurred with rescue R621. Risk Management approved to pay \$111,174 towards the purchase of a new ambulance as part of incident #VA2023016974. A portion of the Fire Surtax is being encumbered as there are not enough funds in EMS Surtax to cover this replacement. Funds are being transferred from the Safety Gear project (STC0733SG) to cover the unplanned accident.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the transfer of project funds and amend the CIP.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the transfer of project funds and amend the CIP. The motion was unanimously approved by the Board (5-0).

5.2.3. Transfer Project Funds and Amend the Capital Improvement Program - Infrastructure Surtax Capital Project Fund - \$866,000

County Engineer Steven Cohoon, Office of the County Engineer, (OCE), presented the following recommendation:

Description/Background: The low bid for STC073880 - SE 183rd Ave Rd came in at \$2,827,250.26. The current available budget is \$2,249,209. In order to facilitate the overage as well as 10% contingency and testing, it requires an increase in the construction budget. \$866,000 will be transferred from STC073801 – NW 49th/35th St Ph 2B to fund the increase, as it is currently sufficiently funded.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the transfer of project funds and amend the CIP.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the transfer of project funds and amend the CIP. The motion was unanimously approved by the Board (5-0).

5.3. Clerk of the Court Items

5.3.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 046289 and 050089

Deputy Clerk Windberg presented the following recommendation from Finance Director Jennifer Cole:

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

Budget/Impact: None.

Recommended Action: Approval of Acquisition - Disposition forms.

Mr. Bouyounes stated this Item is being pulled and will be brought back before the Board at a later date.

7. CONSENT:

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

7.1. Administration:

7.1.1. Request Approval of Federally Funded Subaward and Grant Agreement Between Marion County and the State of Florida's Division of Emergency Management for Hurricane Idalia (Budget Impact - Additional Revenue of \$14,097)

The Board accepted the following recommendation as presented by County Administrator Mounir Bouyounes, Administration:

Description/Background: Requesting a review of the proposed Subgrant Agreement with the State. This is the main agreement that includes the (1) and only project for Hurricane Idalia.

The Chairman can be the Representative/Authorized Agent for signing (page 8, 9, 11, and 13).

Budget/Impact: Revenue generating; additional revenue of \$14,096.25.

Recommended Action: Motion to approve and authorize the Chair to execute the Federally Funded Subaward and Grant Agreement between Marion County and the State of Florida's Division of Emergency Management for Hurricane Idalia.

7.1.2. Request Approval for Travel to Savannah, GA for Ocala CEP Annual Quest Trip, April 30 - May 2, 2024 (Budget Impact - Neutral; \$2,000.00 per traveler)

The Board accepted the following recommendation as presented by Executive Assistant Gennifer Medina, Commission Office:

Description/Background: The CEP chose Savannah as a destination where the leadership and citizens have dealt, and are dealing with, similar issues to Ocala/Marion County. For the last decade Savannah, the Hostess City, has been growing at a record pace including infrastructure at their airport and ports. This growth is led by their manufacturing and distribution centers, downtown and waterfront development, as well as tourism. This trip provides our community leaders the chance to discuss challenges and opportunities our community is facing. The visit also provides an opportunity for interaction among community leaders and facilitates an exchange of best practices and lessons learned.

Participants will be able to focus on best practices and experience true peer-to-peer learning. The networking and relationship building through shared experiences will help build a common foundation of understanding and become a more cohesive team working to solve problems on behalf of our community.

A few of the topics that will be discussed during the trip include:

- Economic Development including manufacturing and distribution
- Housing and related issues
- Mobility pattern in the workforce and transportation planning
- Airport expansion including an air cargo ramp
- Waterfront & downtown redevelopment
- Port of Savannah - second largest on the East and Gulf Coasts
- Workforce and talent development

Budget/Impact: Neutral; \$2,000.00 per person, includes transportation, lodging, and most meals.

Recommended Action: Motion to approve Commissioners travel to Savannah, GA for a CEP intercity visit on April 30 – May 2, 2024.

7.2. Community Services:

7.2.1. Recommend Approval for Staff to Draft the Marion County Opioid Settlement Fund Plan (Budget Impact - None)

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

Description/Background: The State of Florida filed an action pending and regarding the National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the "Opioid Litigation") along with a number of Florida Cities and Counties including Marion County and the City of Ocala. As a result, the State of Florida recognized the County as a qualified County and the County has been awarded regional opioid settlement funds. In addition, the County's five municipalities (Ocala, Reddick, Dunnellon, Belleview and McIntosh) received their own opioid settlement funds along with the County receiving its separate share from the regional funds. The County has the option to merge its funds with the regional funds or develop its own plan.

The Opioid Settlement Regional Committee, established per an interlocal agreement between the City of Ocala and Marion County, developed priorities and a plan consistent with the statewide agreement. This plan was submitted to the Department of Children and Families (DCF). It is estimated that the regional funds will receive approximately \$19,321,468 over the next 18 years.

Staff recommends that the County maintain its own share of opioid settlement funds separate from the regional funds. It is estimated that the County will receive approximately \$5,629,617 over the next 18 years of its own share. Staff will need to develop a County plan for submittal to DCF consistent with the statewide agreement. Prior to submittal to DCF, this plan will be brought back to the Board for consensus.

Budget/Impact: None.

Recommended Action: Request approval for Staff to draft the Marion County Opioid Settlement Fund Plan.

7.3. Fire Rescue:

7.3.1. Request Approval of Modification #1 to Subgrant Agreement between the Division of Emergency Management and Marion County Fire Rescue TF8 Contract Number R0614, 2022 State Homeland Security Grant Program (Budget Impact - Revenue of \$78,694)

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The Board accepted the following recommendation as presented by Chief Banta, MCFR: Description/Background: Marion County Fire Rescue (MCFR) has been participating in the State Homeland Security Grant Program (SHSGP) since 2008. This program provides funding to meet training and equipment needs for the Urban Search and Rescue Task Force (FL TF-8), without any matching funds required. Due to this grant, MCFR has been able to purchase specialized equipment and training for the Special Operations teams which otherwise may not have been possible. The contract began February 16, 2024, and the modified end date will be September 30, 2024.

Budget/Impact: Revenue of \$78,694.

Recommended Action: Motion to approve Modification #1 to Subgrant Agreement between the Division of Emergency Management and Marion County Fire Rescue TF8 Contract Number R0614, 2022 State Homeland Security Grant Program.

7.4. Procurement Services:

7.4.1. Request Approval of Bid Award: 24B-098 NW 193rd St Resurface (HWY 329 to US HWY 441) - Anderson Columbia Co., Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$2,897,403 as approved in the FY 2023-24 budget)

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

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. This project includes the following:

- Resurfacing existing pavement
- Sodding shoulders
- Removing/adding cross drain and end treatments
- Placing rip rap
- Grouting
- Installing rip rap pads
- Installing concrete splash pad with dissipaters
- Guardrail and end treatments
- Driveways and side street aprons
- Restriping pavement

Three submittals were received, and the tabulation is listed below:

Vendor - Location	BID
Anderson Columbia Co., Inc. - Ocala, FL	\$2,897,402.67
Superior Asphalt, Inc. - Bradenton, FL	\$2,997,833.05
Art Walker Construction, Inc. - Lowell, FL	\$4,842,458.00

Steven Cohoon, P.E., County Engineer, recommends Anderson Columbia Co., Inc. receive the award as the lowest, most responsive, and most responsible bidder.

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

Budget/Impact: Neutral; expenditure of \$2,897,402.67. Up to a 10% contingency may be added to the purchase order in accordance with the Procurement Manual.

Funding is from BM761541-563221 - 80% Gas Tax Construction Fund and BO762541-563101 - 2nd Local Option Fuel Tax.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 24B-098.

7.4.2. Request Approval of Change Order 1 to Purchase Order 2400360: 18P-021-CA-03, VCB Website Development - Tempest Interactive Media, LLC, Philadelphia, PA (Budget Impact - Neutral; additional expenditure of \$7,000 as approved in the FY 2023-24 budget)

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

Description/Background: On April 3, 2018, the Board awarded a Contract to Tempest Interactive Media, LLC under RFP 18P-021-CA-03 for website development. Purchase Order 2400360 was originally issued for \$96,400. Change Order 2 requests approval to add \$7,000 to the project to include the new back-end platform that is now available as a part of the rebuild of the Tempest platform. This is needed to facilitate all of the updated graphics and functionality of the OcalaMarion.com website. This was addressed in the overall contract, but not previously encumbered. The cost is \$1,000 per month from March - September 2024.

Budget/Impact: Neutral; additional expenditure of \$7,000, bringing the project's total cost to \$103,400. Funding is available in CP155552-548101 (Tourist Development Fund).

Recommended Action: Motion to approve Change Order, authorize the Chairman to execute, and allow staff to process Change Order 1 to PO 2400360 Tempest Interactive Media, LLC for project 18P-021-CA-03.

7.4.3. Request Approval and Contract Renewal of Agreement: 21B-078-CA-01 Bulk Motor Oil and Fluids - Palmdale Oil Company, LLC, Palm Beach Gardens, FL (Budget Impact - Neutral; annual estimated expenditure of \$70,210 as approved in FY 2023-24 budget)

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

Description/Background: On March 2, 2021, the Board approved a contract with Palmdale Oil Company LLC. for bulk motor oil and fluids to be used to maintain county vehicles. Palmdale Oil Company, LLC. has performed in accordance with the agreement since service began and Fleet Management is proposing to renew the contract for the first of the two (2) annual renewal options included in the original agreement.

Attached for review is a draft contract amendment. Pending approval at today's meeting, a copy will be sent to Palmdale Oil Company, LLC. for signatures and upon return, will be routed for signatures by the County Attorney, Clerk, and Chair. Budget/Impact: Neutral; annual expenditure, based on unit costs, is estimated at \$70,210 and may vary depending on amount required. Annual costs will not exceed approved FY budgeted amounts without being brought back to the Board. Funds are available in the following account: AA178519-552101.

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Recommended Action: Motion to approve request and allow staff to issue, and upon approval from Legal, authorize the Chair to execute the First Contract Amendment with Palmdale Oil Company, LLC. under 21B-078.

7.4.4. Request Approval of First Contract Amendment: 23P-082-CA-01 Photography Services - Maven Photo and Film LP., Ocala, FL, Digital Fury, LLC, Ocala, FL (Budget Impact -Neutral; expenditure of \$54,800 as approved in FY 2023-24 budget)

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

Description/Background: On July 18, 2023, the Board approved a contract with MAVEN Photo and Film LP and Digital Fury, LLC for professional and experienced visual storytelling capable of providing high-quality photography and videos that inspire people to travel to Marion County while also reinforcing Marion County as a tourism destination. The scope for this project will need to be expanded to include the work needed to produce four (4) episodes of the Marion Insider's Guide. The Marion Insider's Guide will serve as a new platform to reach visitors, and potential visitors, to bring to life experiences in Ocala/Marion County that may not be easily experienced via written word or imagery. This project will be a video-based program that will exist in both short form (Facebook and Instagram) and longform (YouTube). These videos will also complement blog content on ocalamarion.com and promote the OcalaMarion Travel Guide App.

Attached for review are draft contract amendments for both firms. Pending approval at today's meeting, the contract will be sent to both Maven Photo and Film LP and Digital Fury, LLC for signature and then routed to Legal, Clerk, and Chairman for same.

Budget/Impact: Neutral; expenditure of \$54,800. Funding is from CP1555552-548101.

Recommended Action: Motion to approve contracts and upon approval by Legal, authorize Chairman and Clerk to execute the agreements with Maven Photo and Film LP., and Digital Fury, LLC, under 23P-082-CA-01.

7.4.5. Request Approval of First Contract Amendment Renewal: 21P-115-CA-01 KP Hole Park Livery Services - Rainbow River Kayak Adventures, LLC, Dunnellon, FL (Budget Impact - Neutral; estimated annual expenditure \$186,000 as approved in FY 2023-24 budget)

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

Description/Background: On April 20, 2021, the Board approved a contract with Rainbow River Kayak Adventures, LLC to provide safe and reliable transportation for guests to support the operations of KP Hole Park. The Livery Service also provides return service for our guests and equipment from Blue Run Park of Dunnellon back to KP Hole Park year-round. The Firm has complied with the original agreement's terms and conditions and Parks and Recreation has provided a positive evaluation. Parks and Recreation Director, Jim Couillard, recommends using a one (1) year renewal.

Attached for review is a draft of the contract. Pending approval at today's meeting, it will be sent to Rainbow River Kayak Adventures, LLC for signatures and upon

return, will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; annual estimated expenditure of \$186,000. Funding is from CR362572-534101 (Parks and Rec Fees Fund).

Recommended Action: Motion to approve the first contract renewal amendment and upon approval from Legal, authorize the Chair and Clerk to execute the renewal with Rainbow River Kayak Adventures, LLC under 21P-115.

7.4.6. Request Approval of Piggyback and Contract: 24PB-255 Valve Maintenance, Repair, and Flushing Services - Seminole County Contract IFB-603974-CAR - Hydromax USA, LLC, Evansville, IN (Budget Impact - Neutral; expenditure of \$90,000 as approved in the FY 2023-24 budget)

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

Description/Background: Marion County Utilities requests approval to piggyback Seminole County's contract with Hydromax USA, LLC. to assist field maintenance with valve exercising compliance required by the Florida Department of Environmental Protection (FDEP). These services include valve maintenance, repair, and flushing services. The contract with Hydromax USA is valid through December 13, 2024, with one (1) annual renewal option available. If Seminole County chooses to extend its contract, Marion County will choose to extend as well.

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

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

Budget/Impact: Neutral; expenditure is estimated at \$90,000 annually, however, this will vary based on the actual need for services. Marion County Utilities will pay for services necessary during the term and total expenditures will not exceed funds approved in each year's budget without being brought back before the Board. Funds are available in line ZF448536-563102-UTC000094 (Marion County Utility Fund).

Recommended Action: Motion to approve request to piggyback Seminole County's contract, and, upon approval by Legal, authorize the Chairman and Clerk to execute contract with Hydromax USA, LLC. under 24PB-225.

7.4.7. Request Approval of Selection Committee Recommendation: 24Q-056, Freedom Library Remodel and Addition Construction Manager at Risk - Charles Perry Partners, Inc., Gainesville, FL (Budget Impact - None)

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

Description/Background: On behalf of Facilities Management, Procurement advertised a Request for Qualifications (RFQ) for the Freedom Library & Addition Construction Manager at Risk (CMR) project. The CMR will offer comprehensive

construction management services that includes hiring local professional subcontractors for all aspects of the construction project to provide a 24,000 square foot addition to the existing Freedom Public Library and remodel portions of the existing 8,100 square foot facility. Once completed, the Freedom Public Library will have approximately 32,100 square feet under roof and additional parking spaces. Construction will include a separate entry into a flexible public space to allow off-hour events such as voting and friends of the library events. The CMR will submit to the County a guaranteed maximum price (GMP) and deliver the final project within that proposed GMP. The GMP will be brought back to the Board for final approval. The CMR fee has been negotiated to 4.75% of the project. This fee covers all services from conceptual design to post occupancy. Three (3) of the seven (7) submittals received were shortlisted, evaluated, and scored by Selection Committee members Jim Huber, Julie Sieg, and Josh Kramer with the results as follows:

FIRM - Location	Rank
Charles Perry Partners, Inc. - Gainesville, FL	1
D.E. Scorpio Corporation dba Scorpio - Gainesville, FL	2
Meyer Najem Construction LLC - Jacksonville, FL	3

Attached for review is a draft CMR contract; pending approval today, it will be forwarded to Charles Perry Partners, Inc. for signatures, and upon return, will be sent to the County Attorney, Clerk, and Chair for signatures.

Budget/Impact: None.

Recommended Action: Motion to approve the Selection Committee recommendation, allow staff to issue the CMR contract to Charles Perry Partners, Inc. and upon approval by Legal, authorize the Chair to execute contract with firm under 24Q-056.

7.4.8. Request Approval of Selection Committee Recommendation: 24Q-071, Marion County Sheriff Office Operations Building Remodel Construction Manager at Risk - D.E. Scorpio Corporation dba Scorpio, Gainesville, FL (Budget Impact - None)

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

Description/Background: On behalf of Facilities Management, Procurement advertised a Request for Qualifications (RFQ) for the Marion County Sheriff Office (MCSO) Operations Building Remodel Construction Manager at Risk (CMR) project. The MCSO Operations Building was built in 1987. Since that time the Sheriff's Office has grown exponentially. This project will remodel the interior of the building to increase operational efficiency and meet the existing functions of the Sheriff's Office with adequate room for future growth. Once the design is complete the CMR will advertise for and select qualified local subcontractors to complete the necessary work in a timely manner and within budget. The CMR will be vital to ensuring the success of the this phased project while the building is partially occupied so as not to disrupt the operations of the Sheriff. The CMR will also be responsible for maintaining the security of the occupied portion of the building as well as the portion under construction while coordinating the ingress & egress of MCSO employees, construction workers, and the general public. The CMR will submit to the County a guaranteed maximum price (GMP) and deliver the final

project within that proposed GMP. The GMP will be brought back to the Board for final approval. The CMR fee has been negotiated to 6.75% of the GMP if the project is completed in two (2) stages; if the project is completed in three (3) or more phases, the CM fee will be 7% of the GMP. This fee covers all services from conceptual design to post occupancy.

Two (2) of the three (3) submittals received were shortlisted, evaluated, and scored by Selection Committee members Jason Chesser, Rich McLean, and Katie Freeman with the results as follows:

FIRM - Location	Rank
D.E. Scorpio Corporation dba Scorpio - <i>Gainesville, FL</i>	1
The A.D. Morgan Corporation - <i>Tampa, FL</i>	2

Attached for review is a draft CMR contract; pending approval today, it will be forwarded to D.E. Scorpio Corporation dba Scorpio for signatures, and upon return, will be sent to the County Attorney, Clerk, and Chair for signatures.

Budget/Impact: None.

Recommended Action: Motion to approve the Selection Committee recommendation, allow staff to issue the CMR contract to D.E. Scorpio Corporation dba Scorpio for signatures and upon approval by Legal, authorize the Chair to execute contract with firm under 24Q-071.

7.4.9. Request Approval of Selection Committee Recommendation: 24Q-061, State Attorney Fourth Floor Build-Out and Courtroom Expansion Construction Manager at Risk - Dinkins Construction, LLC, Ocala, FL (Budget Impact - None)

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

Description/Background: On behalf of Facilities Management, Procurement advertised a Request for Qualifications (RFQ) for the State Attorney Fourth Floor Build-Out and Courtroom Expansion Construction Manager at Risk (CMR) project. The CMR will offer comprehensive construction management services, including hiring professional subcontractors for MEP and structural work to build-out the fourth floor shell space in the Marion County Judicial Center. This construction will include additional office space for the State Attorney’s office and a new courtroom. The CMR will oversee the bidding process for all project aspects to ensure qualified subcontractors are selected and capable of completing their work as per the construction plans. The CMR is responsible for finishing all project phases on schedule and within or under budget. The CMR will submit to the County a guaranteed maximum price (GMP) and deliver the final project within that proposed GMP. The GMP will be brought back to the Board for final approval. The CMR fee has been negotiated to 6.5% of the GMP. This fee covers all services from conceptual design to post occupancy.

Three (3) of the five (5) submittals received were shortlisted, evaluated, and scored by Selection Committee members Jim Huber, Bridget Kiefer, and Jennifer Whitehead with the results as follows:

FIRM - Location	Rank
Dinkins Construction, LLC - Ocala, FL	1
Cullison -Wright Construction - Ocala, FL	2
Charles Perry Partners, inc. - Gainesville, FL	3

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Attached for review is a draft CMR contract; pending approval today, it will be forwarded to Dinkins Construction, LLC for signatures, and upon return, will be sent to the County Attorney, Clerk, and Chair for signatures.

Budget/Impact: None.

Recommended Action: Motion to approve the Selection Committee recommendation, allow staff to issue the CMR contract to Dinkins Construction, LLC and upon approval by Legal, authorize the Chair to execute contract with firm under 24Q-061.

7.4.10. Request Approval of Third Amendment to the Service Agreement: 21C-037-CA-03, 800 MHz Radio IQ Networking – CenturyLink Sales Solutions LLC, Ocala, FL (Budget Impact - Neutral; additional expenditure of \$13,600 as approved in FY 2023-24 budget)

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 800 MHz 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 third amendment to the service agreement is to install and support a 1G dedicated connection for Disaster Recovery Enhancements for county use. This connection will be used as a redundant backup connection for PSC and the backup disaster recovery center. Attached for review is a copy of the amendment and an approved LRM from Legal. Pending approval at today's meeting, it will be presented to the Chair for signature. Budget/Impact: Neutral; additional expenditure of \$13,600. There is a monthly recurring charge of \$800/mo. The cost will cover the five (5) remaining months in FY 2024 (\$4,000) and all of FY 2025 (\$9,600) totaling \$13,600. Funding is from AA174516-541101 (General Fund).

Recommended Action: Motion to approve and authorize the Chair to execute the Third Amendment to the Service Agreement with CenturyLink Sales Solutions LLC for work under 21C-037-CA-03.

Mr. Bouyounes advised that this Item is being pulled and will be brought back at a later date.

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

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

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

1. Pending Requisition/Dell Marketing LP. - Marion County Information Technology requests approval to purchase (77) Dell OptiPlex Micro WYSE (\$43,254.75), (31) Dell Latitude 7440 (\$38,564.00), two (2) Dell Docking Station (\$274.98), (41) OptiPlex Micro Desktop (\$28,681.96), (41) Dell Vertical Desktop Stand (\$395.65), for Public Library System. Total expenditure of \$111,171.34; funds are available in line AA375571-552116 (General Fund). This purchase meets competitive bidding requirements under contract 43210000-23-NASPOACS.

Recommended Action: Motion to approve requested purchases

7.5. Tourist Development:

7.5.1. Request Approval of Tourist Development Council Funding Request for American Junior Golf Association, INC. for the Billy Horschel Junior Championships presented by Zurich for 2024, 2025, and 2026 (Budget Impact - Neutral; expenditure of \$30,000 total, \$10,000 per year as approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024, 2025 and 2026 Billy Horschel Junior Championships presented by Zurich to be held October 9-13, 2024; October 8-12, 2025 and October 7-11, 2026 at Adena Golf and Country Club. This event was recommended for funding by the TDC at their regularly scheduled meeting on March 28, 2024. The TDC recommends funding this event for 2024, 2025, and 2026.

Billy Horschel Junior Championships presented by Zurich \$10,000 per year
Budget/Impact: Neutral; expenditure of \$10,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chair and Clerk to execute attached funding agreement.

7.5.2. Request Approval of Tourist Development Council Funding Request for Southeastern Fastpitch Inc. (Budget Impact - Neutral; expenditure of up to \$7,700 approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Rip It to Win It Ocala Super Series April hosted by Southeastern Fastpitch, Inc. to be held April 13-14, 2024 at the Ocala Regional Sportsplex and Shocker Park. This event was recommended for funding by the TDC at their regularly scheduled meeting on March 28, 2024.

Rip it to Win it April \$7,700

Budget/Impact: Neutral; expenditure of up to \$7,700 as approved in the FY 2023-24 budget. Funding from CP155552 -548101.

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

7.5.3. Request Approval of Tourist Development Council Funding Request for Southeastern Fastpitch Inc. for Rip It to Win It Ocala Super Series May (Budget Impact - Neutral; expenditure of up to \$7,700 approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Rip It to Win It Ocala Super Series May hosted by Southeastern Fastpitch Inc. to be held May 18, 2024 and May 19, 2024 at Ocala Regional Sportsplex and Shocker Park. This event was recommended for funding by the TDC at their regularly scheduled meeting on March 28, 2024.

Rip It to Win It Ocala Super Series May \$7,700

Budget/Impact: Neutral; expenditure of up to \$7,700 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

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

7.5.4. Request Approval of Tourist Development Council Funding Request for Hooked on Wild Waters LLC for the Ocalapalooza Kayak Fishing Tournament for 2025 (Budget Impact - Neutral; expenditure of \$17,000 as approved in the FY 2023-24 budget)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2025 Ocalapalooza Kayak Fishing Tournament hosted by Hooked on Wild Waters LLC to be held February 20, 2025 - February 22, 2025. This event was recommended for funding by the TDC at their regularly scheduled meeting on March 28, 2024. The TDC recommends funding this event for 2024.

Ocalapalooza Kayak Fishing Tournament \$17,000

Budget/Impact: Neutral; expenditure of \$17,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chair and Clerk to execute attached funding agreement.

7.6. Transportation - County Engineer:

7.6.1. Request Approval and Execution of Easement Number 33579 Between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Marion County Associated with a Well Monitoring Site on or Across Parcel Numbers 40741-00-00 and 40736-00-00 (Budget Impact - None)

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 and execute the attached Easement Number 33579 between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Marion County.

On December 13, 2022, the Southwest Florida Management District (SWFWMD) approved the Marion County Utilities' (MCU) Water Use Permit Number 20006151.014. Special Condition Number 5 within the Water Use Permit directed MCU to construct a monitoring well and staff gage within Ross Prairie. To satisfy the Special Condition, MCU required an easement from the Division of State Lands, State of Florida Department of Environmental Protection (Board of Trustees of the Internal Improvement Trust Fund of the State of Florida) to construct the required monitoring well and staff gage. The easement presented for consideration provides the area for constructing and maintaining the monitoring well and provides the required access through State lands to the monitoring well site.

Budget/Impact: None.

Recommended Action: Motion to approve Easement Number 33579 and authorize the Chair and Clerk to execute the same.

7.6.2. Request Approval of a Florida Department of Transportation State Funded Grant Agreement and Resolution for Design of the Proposed Cross Florida Greenway Baseline Road to Santos Paved Trail Project in Marion County (Budget Impact - Neutral; expenditure of up to \$898,078)

The Board accepted the following recommendation to adopt Resolution 24-R-132 as presented by County Engineer Cohoon, OCE:

Description/Background: This 6.8-mile project will connect a critical missing link in the Heart of Florida Loop Trail from Baseline Trailhead to Santos Trailhead. The typical section will consist of a paved 12-foot wide trail with a uniform cross slope to drain to one side, providing two-foot sodded shoulders and a 1:2 maximum side slope tying into existing ground. Drainage analysis will be required to determine impacts to the existing conditions throughout the project limits. The trail will have at grade railroad crossings along both SE 80th Street and SE 58th Avenue. This phase of the project involves the design of the trail. Approval of this agreement will provide for reimbursement of 100% of the design costs, up to \$898,078.00.

Budget/Impact: Neutral - Expenditure of up to \$898,078.00 and reimbursement of up to \$898,078.00 to the Transportation Maintenance Fund.

Recommended Action: Motion to approve the attached Agreement and Resolution, and authorize the Chairman and Clerk to execute the same.

Resolution 24-R-132 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION STATE-FUNDED GRANT AGREEMENT, AND AUTHORIZING THE CHAIR AND CLERK TO EXECUTE SAME; PROVIDING AN EFFECTIVE DATE.

(Ed. Note: This Item was approved with Budget Amendment Resolution 22-R-125, Item 5.1.1.).

7.6.3. Request Approval of Amendment 2 to Cooperative Funding Agreement 22CF0003725 Between the Southwest Florida Water Management District and Marion County for the Rainbow Springs 5th Replat Stormwater Retrofit Project (Project Number WR10) (Budget Impact - Neutral; reimbursement of up to \$267,150)

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

Description/Background: The County was approved for Southwest Florida Water Management District (SWFWMD) cooperative funding for a water quality improvement project within the Rainbow Springs 5th Replat subdivision. SWFWMD has awarded funds for the construction of this project. The agreement provides for reimbursement of 50% of the construction costs. The original agreement was approved by the Board on February 17, 2022 (Agenda Item 7.5.7). This amendment modifies the District's Funding share to \$267,150 due to a change in scope.

Budget/Impact: Neutral - Expenditure of \$267,150 and reimbursement of up to \$267,150 to the Stormwater Program Grant Revenue Account.

Recommended Action: Motion to approve and authorize the Chairman to execute Amendment 2 to Cooperative Funding Agreement between SWFWMD and Marion County for the Rainbow Springs 5th Replat Stormwater Retrofit Project (Agreement Number 22CF0003725; Project Number WR10).

7.6.4. Request Approval of the Release of a Subdivision Improvement Agreement with Surety Bond Associated with Stone Creek by Del Webb Saratoga Phase 2 and 3 (Phase 2) (Budget Impact - None)

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

Description/Background: This is a request to approve the Release of a Subdivision Improvement Agreement with Surety Bond associated with Stone Creek by Del Webb Saratoga Phase 2 and 3 (Phase 2). The improvements were inspected on February 22, 2024 and a Certification of Satisfactory Completion letter was sent to the Developer. The release will be recorded in the Public Record for proper satisfaction of the surety bond.

Budget/Impact: None.

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

7.7. Utilities:

7.7.1. Request Approval of Repeal of Resolution 23-R-122 and Approve the Replacement Resolution to Support Short Water Line Extension Program SWL-022 (Applicant - New Build Venture Corporation) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 24-R-133 as presented by Utilities Director Jody Kirkman:

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

Marion County Utilities (MCU) verified parcel number 8007-1038-04 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation. The project provides for 16 benefitting parcels as shown on Exhibit B and total project costs

are shown on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the actual parcel cost of \$4,661.22.

After recording Resolution 23-R-122, one of the benefitting lots split, resulting in an additional parcel subject of being assessed a share. This resulted in the total number of lots served increasing from 15 to 16 and the cost per parcel being reduced from \$4,971.97 to \$4,661.22. Both items are corrected through this new Resolution.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Repeal of Resolution 23-R-122 and approve the Replacement Resolution.

Resolution 24-R-133 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; REPEALING RESOLUTION NO. 23-R-122 AND PROVIDING AN EFFECTIVE DATE.

7.7.2. Request Approval of Short Water Line Extension Program Resolution to Support SWL-111 (Applicant - Booming Homes, LLC) (Budget Impact - Neutral; expenditure of \$26,710 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-134 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel number 8005-0812-12 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. This project is designed to meet only the permitted parcel's code compliance requirements as shown within the Resolution on Exhibit B. The project provides for four (4) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; Project cost is \$26,710, plus up to 10% contingency may be added in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 24-R-134 is entitled:

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

7.7.3. Request Approval of Short Water Line Extension Program Resolution to Support SWL-102 (Applicant - Baxton Homes, LLC) (Budget Impact - Neutral; expenditure of \$186,475 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-135 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8009-1255-08 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for twenty-four (24) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; Project cost is \$186,475, plus up to 10% contingency may be added in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 24-R-135 is entitled:

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

7.7.4. Request Approval of Short Water Line Extension Program Resolution to Support SWL-105 (Applicant - Décor Enterprise Corporation) (Budget Impact - Neutral; expenditure of \$42,640 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-136 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel numbers 8009-1133-25 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for 10 benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$4,334 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; Project cost is \$42,640, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 24-R-136 is entitled:

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

7.7.5. Request Approval of Short Water Line Extension Program Resolution to Support SWL-108 (Applicant - Booming Homes, LLC) (Budget Impact - \$62,418 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-137 as presented by Utilities Director Kirkman:

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

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

Marion County Utilities (MCU) verified parcel number 8011-1398-15 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. This project is designed to meet only the permitted parcel's code compliance requirements as shown within the Resolution on Exhibit B. The project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: Neutral; Project cost is \$62,418, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 24-R-137 is entitled:

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

7.7.6. Request Approval of Short Water Line Extension Program Resolution to Support SWL-131 (Applicant - LogalInvestment LLC) (Budget Impact - \$58,881 as approved in FY 2023-24 budget)

The Board accepted the following recommendation to adopt Resolution 24-R-138 as presented by Utilities Director Kirkman:

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

Marion County Utilities (MCU) verified parcel number 8004-0529-11 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. This project is designed to meet only the permitted parcel's code compliance requirements as shown within the Resolution on Exhibit B. The project provides for four (4) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of

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

Budget/Impact: Neutral; Project cost is \$58,880.84, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program

Resolution 24-R-138 is entitled:

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

7.7.7. Request Approval of Water Main Extension Connection Agreement WME-062-S between Bionatural Solutions Group, LLC and Marion County Utilities (Budget Impact - \$26,077 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 connect to the public water main provided by Marion County Utilities ("MCU") and would be required to install the water main across the entire parcel's frontage and end the system at the farthest end of the property. The County has the necessary funding in place to extend the water main beyond the property owner's obligation to the end of the cul-de-sac and this agreement only assess the property owner the pro rata share of the water main extension obligation. In accordance with Resolution No. 21-R-381, approved by the BOCC on August 17, 2021, the developer/property owner only pays the pro-rata share of the project based upon the MCU contractor's low bid price for the utility work. The 273-foot water main extension will serve the property owner's parcel and creates benefit for four (4) additional parcels along the route of the water main extension; the pro-rata share or per parcel cost is \$5,215.30.

Budget/Impact: Neutral; Project cost is \$26,076.50, plus up to 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-062-S and authorize staff to issue a purchase order for T&C Underground under 22P-146.

8. COUNTY ATTORNEY: NONE

9. COUNTY ADMINISTRATOR:

9.1. Present Update on Water Line Extension Programs

April 16, 2024

Utilities Director Kirkman resented the following recommendation:

Description/Background: Provide an update on the status of the Water Line Extension Programs, as directed by the Board during the April 2, 2024 Board meeting.

Budget/Impact: None.

Recommended Action: Presentation on the County's Water Line Extension Programs.

Utilities Director Kirkman referred to a slide, as seen on the overhead screens. He advised that during the April 2, 2024, BCC meeting a question was asked relating to the Department's water main extension programs, noting today's presentation will offer answers. He provided an overview of programs including Water Main Extension (WME) Program (Classic Program Developer Funded), Share Program (WME-S) (Partially Utility Funded), Short Water Line Program (SWL) (ARPA Grant), and Other Programs (In-House Construction Program, Marion Oaks ARPA Water Project, Silver Springs Shores (SSS) Unit 16 (CDBG/ARPA) and SSS Phase I & II (ARPA).

Mr. Kirkman stated the WME Program provided a pro rata share payback to developers over a 7 year period as long as they entered into an agreement with the County and paid for the project up front. Those developers would be paid back on a pro rata share if individuals connected within that time frame. He advised that since 2018 there were 13 initiators with a total of 18 benefitting lots, noting the total investment at that time was \$82,645.00 to date 6 connections have been made from that project and roughly 2,000 feet (ft) of total linear water mains were installed. Mr. Kirkman compared that with 2021 data which showed 122 initiators, 308 total benefited parcels, total investment of \$1,910,850.50, 64 connections made, and over 10,000 total linear footage of water mains installed (over 2 miles of pipe). He stated the running totals from 2018 through 2024 show 253 initiators, 580 total benefited parcels, total investment of \$3,766,608.53, 125 connections, total reimbursement of \$447,713.62, and more than 51,000 total linear footage of water mains installed (9.74 miles).

Mr. Kirkman provided an overview of data relating to the Share Program (WME-S) (Partially Utility Funded), noting the County would partially fund or provide the up-front funds because of the benefitting aspects of the project. He advised that the total for this project from 2018 through 2024 included 50 initiators, 203 benefited parcels, a total investment of \$1,398,433.86, 36 connections, reimbursement of \$173,778.56 and 17,670 total linear footage installed (3.35 miles). Mr. Kirkman stated there were a couple small projects in 2018 prior to the share concept being created by Resolution; however, they were handled as shares. He advised that the majority of data relating to the table are from 2021 to present.

Mr. Kirkman commented on the SWL Program funded with ARPA dollars, noting it has probably been the most successful project. Between 2022 and 2023 there have been 110 initiators, 822 total benefited parcels, a total investment of \$6,087,181.73, 71 connections, total reimbursement of \$343,335.03 and nearly 57,000 total linear footage installed (almost 11 miles). He clarified that there are approximately 800 lots that will receive benefit and once they connect, the funds will come back into the program. Those dollars will be utilized to open the program back up and keep the process moving forward continuously until everyone is connected.

Mr. Kirkman stated the first project area relating to the In-House Construction Program is within Marion Oaks Unit 4. There are 773 benefitting lots, the project is under design and construction is expected to begin in early summer of 2024. He commented on Agenda

Item 11.4 relating to a public hearing to discuss modifying and amending Ordinance 2022-43 to include the In-House Water Main Extension Program on Tuesday, May 21, 2024 at 10:00 AM. Mr. Kirkman advised that this is necessary to support the In-House Water Main Extension Program. The current Ordinance only addressed the SWL extensions and there needs to be a way to include the In-House Water Main Extension Program so an avenue can be created relating to undeveloped lots. He stated the County can charge accordingly and utilize the dollars collected to continue funding the program moving forward.

Mr. Kirkman addressed the Marion Oaks ARPA Water Project (Marion Oaks Units 7 and 10 including 358 Developed Properties and 835 Undeveloped Properties), noting the project has been awarded and construction is expected to start in the next 30 to 45 days. He advised that SSS Unit 16 (CDBG/ARPA) Project is complete (62 Developed Properties and 57 Undeveloped Properties). Mr. Kirkman stated the third and final letter that starts the 365 day clock will be going out to owners of developed lots within the project boundaries. Individuals have been notified that there is a 90 day window to sign up, noting they will be connected for free.

Mr. Kirkman advised that design is complete relating to the SSS Phase I (ARPA), and construction bids opened on April 12, 2024 and requires a guaranteed maximum price (GMP) or negotiations with the contractor for a GMP. The Department expects to present the Board with the construction contract for consideration and approval in May 2024. He stated the SSS Phase II (ARPA) GMP is under negotiations, noting the Department hopes to have the matter resolved this week. Once that occurs the contract will be brought back before the Board for consideration and approval by May 2024 at the latest.

Chairman Stone expressed appreciation for the detailed presentation and good work performed by the Department.

Commissioner Bryant commented on the ability to assist individuals with getting water to their properties, noting the program is working as it was designed.

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

Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed.

6.1. PUBLIC HEARING: Continuation of a Request for Approval for the SW 100th Street East Planned Unit Development (East PUD, 211009Z, fka New Strategy Holdings, LLC., Coba Homes, Inc.) Final PUD Master Plan/Preliminary Plat, Parcel Number 35695-033-00, Current Owner Ocala SW 100th LLC [Continuation from March 19, 2024]

Growth Services Director Chuck Varadin presented the following recommendation:

Description/Background: On March 19, 2024, the Board continued the consideration of the final SW 100th Street East Planned Unit Development Preliminary Plat, as an equivalent for the Master Plan (East PUD, 211009Z, see attached), as submitted by Michael W. Radcliffe Engineering, Inc., on behalf of Ocala SW 100th LLC (Developer) to April 16, 2024, at 10:00 a.m. The East PUD is a companion project to the SW 100th Street West PUD (West PUD, 211008Z) located approximately 650' west of this project site, that received final Master Plan/Preliminary Plat Approval on February 20, 2024.

During the Board's review of this East PUD, the Developer's attorney, James W. Gooding, III, brought forward information clarifying that the Florida Forest Service is the designated state agency that oversees a Developer's use on-site land

clearing debris burning per Chapter 590, F.S. (see attached) in response to a condition placed on the prior West PUD approval. Additionally, public comment was received from the owner of an adjoining residence east of the site regarding buffering/screening the East PUD's clubhouse and pool from their existing residence. Following these discussions, the Board acted to continue consideration of the request to provide additional time for the Developer's applicant and attorney to address concerns with potential on-site land clearing debris burning and providing for opaque screening for the residence east of the clubhouse and pool. The applicant has submitted revised Master Plan/Preliminary Plat sheets to reflect the provision of opaque privacy fencing, a minimum 6' in height, along 390' of the project's boundary east of clubhouse and pool complex that is shared with the adjoining existing residence and pool on Parcel Identification Number 35695-038-01 (R. M. and C. M. Scruggs, owners). Additionally, the revisions include the addition of notations that no on-site lighting and/or permanent recreation/support facilities (e.g., goals, benches, shelters, etc.) shall be provided on the multipurpose field or in the surrounding drainage retention area (DRA), consistent with the prior West PUD approval.

In conferring with the Florida Forest Service (FFS), that agency's staff noted key items for consideration would be requiring the use of an air curtain incinerator (ACI) encouraging establishing the debris burn pile in a shallow pit-type space to support the effectiveness of the ACI. The FFS requirements then further direct how burning is to be conducted and monitored including the presence of a water supply for fire suppression. Staff also supports that prior to commencing onsite burning, the Developer shall provide a copy of the FFS Burn Permit to the County Engineer and Growth Services Director, which is consistent with the County's practice of receiving copies of other agency issued permits for development activities to complete the County's project records for future reference. The Developer's attorney has provided additional information regarding on-site land clearing debris burning (see attached) and is seeking additional contacts and clarification with FFS staff to bring forth further information for Board reference.

The East PUD's current zoning, approved November 2, 2021 (see attached), enabled the development of 180 single family detached dwelling units and accompanying accessory amenities (e.g., clubhouse, pool, sport/soccer field). In 2021, the East PUD was approved in conjunction with the West PUD. A Chapter 163, F.S., Development Agreement (Agreement) was approved by the Board on May 16, 2023 (see attached) to provide for the construction of SW 100th Street to serve as construction and project access to the East and West PUDs.

Review of the final PUD Master Plan was conducted through Marion County's Development Review Committee (DRC) review process, and review comments have generally been addressed. The proposed plan conforms to the PUD approval, including providing for no access to the south to SW 51st Terrace in the Emerald Point Subdivision. The project amenities will include a minimum 2,500 SF clubhouse, minimum 1,500 SF pool and a multipurpose field within a planned DRA at the southeast corner of the project site. Two access points will connect to SW 100th Street to be constructed for the project, along with an additional access to the Woods and Meadows East Subdivision (SW 101st Place) to the west.

This approval consideration and continuance has been duly noticed as required by the PUD's development conditions and the Land Development Code. Staff has no

objections to the proposed final PUD Master Plan/Preliminary Plat, subject to the final direction determined related to the use of on-site land clearing debris burning, and recommends Board approval.

Budget/Impact: None.

Recommended Action: Receive public comment and provide direction to staff, if any, and motion to approve the SW 100th Street East Planned Unit Development (PUD) Final PUD Master Plan/Preliminary Plat.

Deputy Clerk Windberg presented Proof of Publication Legal ad No. 9998640 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on April 1, 2024. The Notice states the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

Senior Planner Chris Rison, Growth Services, advised that this is the first of 2 public hearings today relating to projects that are ongoing off the SW 100th Street Corridor in what has come to be known as "The Liberty Triangle". These are PUDs that were approved in 2021 and are now coming through for approval of their final Master Plans. In response to Mr. Rison, Chairman Stone stated there are public hearings scheduled for both PUDs, so they will be heard separately.

Mr. Rison commented on the project (211009Z), noting it is a continuation from last month relating to the eastern PUD. Originally the project was approximately 180 units; however, a revised plan has been created in response to questions that came up during the March 19, 2024 meeting. He advised that the continuation was advertised with 3 different sign postings, as well as public Notices and surrounding property owner Notices. Mr. Rison stated the project will have 3 access points; 2 will connect to the brand new SW 100th Street, which will be constructed and there is 1 connection over to the Woods and Meadows East subdivision. Revisions have been made relating to fencing along the eastern boundary and another change associated with potential improvements to the multiple use play fields. He advised of a traffic study, which resulted in a development agreement for the construction of SW 100th Street and that has since been recorded.

Mr. Rison provided an overview of the buffers, noting the applicant is providing 390 feet of linear vinyl, 6 ft. high fencing relating to the adjacent property owner, Mr. Scruggs. He commented on correspondence from Mr. Scruggs approving the plan.

Mr. Rison stated the amenities will include a clubhouse and pool in addition to the sports/play field, noting the play field is a staged area allowing for the play field within the general overall drainage retention area (DRA). The applicant has provided for the additional notation advising that no on-site lighting and/or permanent recreation support facilities (e.g., goals, benches, shelters, etc.) shall be provided on the multipurpose field or in the surrounding DRA.

Mr. Rison addressed the on-site land clearing debris burning relating to this project, noting it is regulated by the Florida Statutes Chapter 590 and is the responsibility of the Florida Forest Service (FFS), unless delegated to local government by FFS. Marion County is not currently delegated to administer. He advised that there are 2 possible options including establishing provisions relating to how to conduct such burning or the County could pursue a no burning provision; however, that may be eligible for a challenge given the current provisions of the Statutes.

Chairman Stone advised that the issue of burning relates to both Items 6.1 and 6.2 (211008Z), and requested the issue be addressed at this time relating to both projects.

Deputy Clerk Windberg presented Proof of Publication Legal ad No. 9998640 entitled,

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“Notice of Intention to Consider adoption of an Ordinance” published in the Star Banner newspaper on April 1, 2024. The Notice states the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

Mr. Rison advised that the applicant has updated the plan after the previous meeting (March 19, 2024), to include the notation relating to the playfield lighting and the additional shrubbery/hedging at the southern end by their proposed cul-de-sac which will face an adjoining home nearby. He clarified there will be a hedgerow at the end of the cul-de-sac to prevent any vehicle lights from impacting the home that was recently constructed there. Mr. Rison stated the same issue relating to burning applies to this Item.

In response to Chairman Stone, Mr. Rison advised that the FFS is the party that can delegate the responsibility to local government, noting there is a process requiring certain criteria and have certain staffing equivalents and activities to be met. FFS has the ability, theoretically, to revoke the delegation if an entity is not meeting those obligations. He advised that the County would request that delegation, because it would essentially be instituting its own version of that program implementing what FFS requires.

Commissioner Curry commented on the impacts of dust, noting this is an infill project.

Mr. Rison stated dust mitigation is included in the overall improvement plans where the applicant is typically required to have water trucks available. He advised that staff noted there should always be a minimum of 1 water truck on the property during burn activities and water trucks for clearing activities until things become stabilized.

Commissioner Curry opined that a back-up water truck should be required due to another project where the water truck broke down and a replacement could not be obtained.

Jimmy Gooding, SE 36th Avenue, attorney on behalf of the applicant, advised that there will be 2 water trucks to ensure at least 1 will always be available.

Chairman Stone passed the gavel to Commissioner Bryant who assumed the chair.

Commissioner Stone out at 10:17 a.m.

Mr. Gooding commented on a February 20, 2024 meeting relating to the SW 100th Street West PUD project, noting the Board motion included that there would be no onsite burning. He advised of a March 18, 2024 letter that he sent to County Attorney Matthew G. Minter that is included in the packet. Mr. Gooding opined that based on Florida Statutes, the Florida Forestry Service (FFS) has exclusive jurisdiction over the matter. He stated he requested a reconsideration of the prior hearing.

In response to Chairman Bryant, County Attorney Matthew G. Minter, Legal, advised that this is the type of burning authorized by the FFS.

Commissioner Stone returned at 10:20 a.m.

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

Commissioner Bryant stated the Board has oversight relating to the Conditions of or overall approval of any requested PUD. She advised that the Board voted on banning burning onsite relating to land clearing for a specific project.

Mr. Gooding referred to F.S. 590.02(10)(a) and opined that the Board cannot adopt a policy regulating burning without violating this Statute.

Commissioner Bryant stated her interpretation is that the Board cannot tell the applicant how to do the burning, but they can tell them if they are allowed to burn onsite.

Mr. Minter commented on the distinction between what Mr. Gooding and Commissioner Bryant are saying, noting it is his belief that Commissioner Bryant is saying Statutes pertaining to the Division of Forestry do not tell local governments what Conditions they

can impose on PUDs. He stated this subject will come up again and this could be a good test case to see how the court rules.

Chairman Stone commented on the possibility of delegation of authority from FFS, noting the Board could take on the oversight of burning without the risk of going to court.

Chairman Stone questioned if staff has checked with the FFS.

Mr. Rison advised that Wildfire Mitigation Specialist Ludie Bond, FFS, believes FFS is in charge of all burning activities unless there is a delegation of their authority. He clarified that delegation would occur by an Interlocal Agreement (ILA) requiring the County to state it would conform to the requirements specified under the Statute, how that would function and how the County would support that activity. Mr. Rison commented on criteria FFS looks for when delegating its authority including a staffing affect to support that activity. He clarified that there is a list of criteria including having staff to perform inspections. Mr. Rison commented on a requirement for individuals with a burn permit to contact FFS daily to see if they will be given clearance to burn on that day.

Commissioner Bryant opined that the FFS does not get to tell Marion County what it can or cannot do relating to this matter.

Mr. Minter reiterated that the County's Code states open burning is allowed if it is authorized by the Division of Forestry.

Scott Homan, NE 52nd Court, Anthony, commented on a slide, as seen on the overhead screens, noting the Conditions listed on the screen under Option A is what his company does currently. He stated the equipment has a fire extinguisher on it, there are typically water trucks onsite when burning. The FFS does not require the water truck but does require a daily call for authorization. The FFS has a computer program that depicts the smoke screen based on location, weather impacts, etc., and is utilized to determine whether burning will be allowed on a particular day. Mr. Homan advised that burning with air curtains takes longer, but they are designed to reduce smoke and ash.

In response to Chairman Stone, Mr. Homan stated he has been involved in burning projects all over, noting he was involved in work at Cherrywood Estates and recent efforts relating to Jumbolair. He clarified that no air curtains were used at the Jumbolair project.

Mr. Homan advised that this site does not require the use of an air curtain because all the setbacks have been met. He opined that the contractor is going the extra mile by agreeing to the air curtain and water trucks.

In response to Chairman Stone, Mr. Homan stated in his professional estimation the air curtain provides significant decreases in smoke and ash.

Commissioner Zalak commented on the process relating to use of air curtains, noting fire can be controlled using the air curtain unlike in open burns that can continue for days.

In response to Chairman Stone, Mr. Homan stated the ditch used with the air curtain is 12 feet (ft) deep, 12 ft wide and can be 30 ft or 40 ft long. He advised that this project would require a couple of 40 ft long ditches. He advised that he has enough equipment to run an air curtain and only 1 box is needed. Mr. Homan stated he will not likely be the one clearing this property but will work with the applicant/developer to oversee the contractor performing the work. He advised that the party performing the work will be certified.

Mr. Homan noted the City of Ocala controls all of their burning due to obtaining the delegation from FFS. He commented on requirements associated with obtaining delegation from FFS.

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In response to Commissioner Curry, Mr. Homan stated there have been times when burn bans have been contested in the County, noting eventually the matter was cleared up and the burning occurred.

Commissioner Bryant stated she does not recall this issue coming before the Board while she has served as a Commissioner.

Mr. Minter advised that he is not aware of the issue coming before the Board as it is today. He stated there has been maybe just 1 Appellate Court decision under the Statute, noting he believes it is not specific enough to this issue.

Carl West, SW 52nd Street, stated he owns West 2 West Construction and has worked with Mr. Homan for 30 years. He stated there are 2 separate issues: dust and burning. Mr. West commented on dry periods when more water trucks are needed onsite for dust control. He advised that after recent projects, a procedure has been developed whereby the clearing occurs from the inside out. Mr. West stated that the process leaves the buffer zone in place until the very end of the clearing process, reducing complaints.

In response to Chairman Stone, Mr. West stated it would take approximately 90 days to clear and burn both properties for development at the same time, noting it could take as long as 120 days with an air curtain. He advised that work would begin on both parcels at the same time, and he has all the necessary equipment.

Commissioner Zalak questioned how many air curtains will be used. Mr. West stated there will be at least 3 air curtains onsite.

Commissioner Bryant stated she received numerous complaints during the land clearing associated with the Highland Homes project located on SW 103rd Street Road and questioned if Mr. West performed that work. He advised that there was a subcontractor performing that work; however, he was the general contractor.

In response to Chairman Stone, Mr. West stated an air curtain was not required and therefore, not used.

Mr. Minter opined that the State rules would not automatically require an air curtain for this project; however, the applicant is offering that they would do that voluntarily. He commented on a developer obtaining a permit from any kind of environmental agency. Mr. Minter stated regardless of obtaining the permit, if the activity is still creating a nuisance, it may be possible for the public or an individual person to seek relief in court. He advised that this occurs sometimes. Mr. Minter stated a nuisance action cannot be maintained in court as a result of smoke unless there is a demonstration of gross negligence on the part of the developer. It would be a very high standard, once a developer has their State permit, to go into court and try to say there is a nuisance occurring.

Commissioner Curry questioned if the Board could require an air curtain for future infill projects as part of the PUD approval process. Mr. Minter advised that chances are the Board could not, noting there are certain listed types of burning that allow for open burning, and others that require an air curtain. He stated it is a negotiated action between the developer and the County. Mr. Minter stated under the Administrative Code Rules that the Division of Forestry deals with there is a rule that talks about when open burning is not allowed, including burning in smoke sensitive areas between an hour before sunset and 9:00 a.m. on the next day, open burning when the Florida Forest Service determines that the fire poses a threat to public health, safety and property protection and when the FFS determines that atmospheric or meteorological conditions indicate improper dispersion of smoke that threatens public health, safety or general welfare. He advised that there are rules intended to protect against the Board's concerns.

Commissioner Zalak stated the thought process is good; however, it has been proven that it does not always work. He stated when a large amount of material is open burned, the fire cannot be extinguished from day to day if the conditions change.

Mr. Homan stated it can be done correctly and the fires can be put out every night. He commented on regulations relating to the size of burning piles.

In response to Chairman Stone, Mr. Homan advised that the FFS inspects frequently relating to non-certified burners, noting the purpose of having certified burners is to put the liability on them. He stated if a certified burner is burning for 90 straight days, the FFS will be out there 4 to 6 times, based on weather conditions and other factors. Mr. Homan commented on software that can identify airports, schools, smoke sensitive areas, etc.

Chairman Stone noted she has been advised that the Division of Forestry identifies the smoke sensitive areas.

Mr. Gooding questioned if the Board should seek an Attorney General (AG) Opinion.

Chairman Stone commented on the nuisance infill projects are having on surrounding neighborhoods, noting there will be more of these instances as density is being pushed inside the Urban Growth Boundary (UGB).

Mr. Gooding commented on the City of Ocala being delegated authority by the FFS. He opined that if the Board makes this a policy, it will be an issue for infill development and possible agriculture. Mr. Gooding stated there may also be projects that are not PUDs where the County would want control over any associated burning, which would be a good reason to go through the delegation process through the FFS. He advised that this developer is willing to utilize air curtains because they are responsible and trying to do the right thing.

Commissioner Bryant out at 10:55 a.m.

Chairman Stone opened the floor to public comment.

Terry Overlock, SW 103rd Loop, stated his property borders the southern edge of the project.

Commissioner Bryant returned at 10:57 a.m.

Mr. Overlock expressed concern relating to burning, possible drainage issues due to the increase in elevation on the subject parcel, and the number of proposed lots on the southern border.

Gary Cockman, SW 103rd Loop, commented on data from the American Heart and Lung Association and the Environmental Protection Agency (EPA) relating to health issues associated with Particulate Matter (PM) 2.5.

David Caldwell, SW 103rd Loop, expressed opposition to onsite burning and addressed the County's Land Development Code (LDC) relating to the matter. He commented on the role of the FFS relating to open burn permits, noting they do not have authority if the clearing is done by another method such as shredding, mulching or trucking it to a County landfill.

Alice Hasseltine, SW 103rd Loop, expressed opposition to open burning near a 55+ community and questioned the cost of burning versus (vs.) hauling.

Chris Lemos, SW 103rd Loop, commented on burning prior to the development of Cherrywood, noting there was nothing around at the time to be impacted by the burning as there is now. He stated the air curtain will reduce, not eliminate the smoke, embers and soot from onsite burning. Mr. Lemos provided examples of controlled burns that got out of control.

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Michele Moore, SW 103rd Loop, requested someone contact her relating to the relocation of wildlife on the property. She expressed concern relating to the health impacts of onsite burning.

Chairman Stone advised that public comment is now closed.

Mr. Gooding addressed concerns relating to drainage, noting when a property is developed, the applicant has to obtain an Environmental Resource Permit (ERP), which ensures the development does not cause problems. He advised that typically stormwater is less of a problem post-development.

Mike Radcliffe, SE Lake Weir Avenue, stated the property will have to meet the current County Code, which is designed for drainage for the 100 year, 24 hour storm. He advised that the Drainage Retention Areas (DRAs) are properly sized. Mr. Radcliffe noted there are rights to overflow pre-existing development, which does occur on undeveloped property; however, they are holding 100% onsite providing a net reduction to any runoff. Mr. Radcliffe addressed concern relating to the size of lots on the southern buffer of the East PUD. He stated the lots are being separated from the adjacent property by a DRA, as well as natural vegetation in excess of 150 ft.

In response to Chairman Stone, Mr. Radcliffe advised that the vegetation located in the shaded portion of the map parcel will be left. He clarified that the development will be 150 ft. from the property, noting there is a minimum 30 ft. wide buffer; however, the applicant is leaving 40 ft. along the south side at the narrowest point.

Mr. Rison commented on the 70 ft. wide lots, which are a companion on the other PUD on the western side against Woods and Meadows.

Mr. Gooding stated the applicant was required to build SW 100th Street, noting this is one of the first projects where the Board was reluctant to allow access onto adjacent public roads. He advised that today is not the time to impose new Conditions relating to lot width. Mr. Gooding commented on other developments that were allowed to burn. He noted fire can be dangerous; however, the applicant is going above and beyond to prevent any problems at this location. He stated this project has done more than a good job of protecting the neighbors, the public and increasing transportation in the area. Mr. Gooding advised that burning is quicker and costs less than hauling, noting any cost increases to the developer will be passed on and result in higher home prices.

Dawson Ransome, Garden Alcove Loop, Wesley Chapel, stated a gopher tortoise survey was performed, noting approximately 50 to 60 burrows were identified and roughly half of that figure is the anticipated gopher tortoise count. He advised that Horner Environmental Professionals Inc., submitted for a permit approximately 45 days ago to relocate the tortoises and the work will commence once the permit is obtained.

Mr. Minter stated he received correspondence from Fire Marshal Ken McCann indicating that local governments may have their own regulations on open burning. Local government Ordinances may include more stringent requirements for open burning or may ban open burning outright. He advised that there was no citation of authority connected to that sentence, noting he is trying to identify where that comes from.

In response to Chairman Stone, Mr. Minter stated he replied to the email and inquired where the information came from.

Commissioner Zalak stated there should be further discussion relating to this topic and the process, noting the need for more information. He opined that the use of an air curtain is a better way to burn and there is no point in going into a lawsuit just to lose. Commissioner Zalak encouraged residents to contact the Board if they experience any

issues relating to the burning. He commented on Conditions that can be required to mitigate impacts relating to this activity.

Mr. Homan stated the burning will take place at the center of the property and water trucks will be onsite. He advised that if there are any issues, he will work it out to make it work for everyone.

In response to Chairman Stone, Mr. Homan stated the burn pile can be moved if needed. Commissioner Zalak advised that the best and cheapest way is to take the pile around the air curtain, dig the hole, burn the material, and move the air curtain to the next spot. He stated the debris is what costs the money to move, noting there should be parameters put in place relating to water trucks, hours of burning, etc., to work with the applicant.

In response to Chairman Stone, Mr. Homan advised that the hole will be dug each day because it will be covered to extinguish the fire. He stated the only time there will be smoke with an air curtain is when it is started up and shut down.

There was a recess at 11:24 a.m.

The meeting reconvened at 11:32 a.m. with all members present.

Mr. Minter emailed the Board a page from DEP that Chief Banta forwarded to him, noting it is an informational bulletin under the heading of Open Burning/Who regulates open burning in Florida. The bulletin states Local governments (counties and municipalities) may also have regulations on open burning. County and municipal Ordinances may include more stringent requirements for open burning or may ban open burning outright. Mr. Minter noted that the paragraphs above provide citations to a specific Florida Administrative Code, Rule, or Statute; however, this paragraph does not cite an individual to any law.

Mr. Gooding requested the second bullet point under Option A, as seen on the overhead screens, be modified to include language which states "pile burning shall be conducted near the middle of the property in a shallow recessed pit".

Mr. Homan advised that regulations prohibit burning prior to 9 a.m. and require the fire to be extinguished one hour before sunset.

General discussion ensued relating to extended burning hours.

Staff included a bullet point under Option A, stating "Hours for burning shall comply with Chapter 590, F.S. requirements."

In response to Chairman Stone, Mr. Rison stated the updated Conditions relating to location and hours of burning have been applied to the correct PUD Master Plan.

Ms. Straub clarified that on the first PUD, the Board would need to include changes to the landscaping and fencing on the east property line in the motion because they did not motion that PUD approval at the previous meeting.

Mr. Rison confirmed that the plan was revised in response to the agreements the Board made for that fencing around the eastern boundary so this would be the formal approval of that plan because the matter was continued from March 19, 2024.

In response to Chairman Stone, Mr. Rison advised that language was also added regarding no permanent structures on the playfield.

Commissioner Bryant stated she agrees this is a problem that will require conversations moving forward about how it will be handled. She advised that she will not be in favor of the Master Plan as presented today.

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Commissioner Zalak opined that if the Board works with the applicant today, there will be the added benefit of regulation relating to where the fire will be, how it will work, and the use of an air curtain.

Commissioner McClain stated he agrees with Commissioner Zalak, noting a possible lawsuit is bad business for the County. He opined that the County may look into having the authority delegated to the County, or work during the Legislative Session through the Florida Association of Counties (FAC), to try changing some of those Statutes.

Mr. Minter provided an overview of options the Board has relating to the PUD Master Plans.

Commissioner McClain advised that in 2020 he worked on a piece of Legislation related to the Statute about certified pile burners, noting it was made clear that this was the Forestry's Statute and the way it is written "exclusive authority" is a preemption Statute. He stated if the Board wants to have that authority, it must be obtained through the delegation process.

General discussion ensued relating to authority and the delegation of authority process for open burning.

Mr. Minter stated Chief Banta provided him with a reference to a Florida Administrative Code provision dealing with open burning allowed, noting there is a paragraph that says the open burning is not prohibited by any local, County or municipal rule or Ordinance or the open burning is conducted in accordance with any such rule or Ordinance to the extent that such rule or Ordinance is stricter than the provision of this subsection.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to approve the SW 100th Street East Planned Unit Development (PUD) Final PUD Master Plan/Preliminary Plat with the Conditions as amended today. The motion passed 3-2 with Commissioners Stone and Bryant dissenting.

(The Deputy Clerk did not receive a copy of the DEP bulletin Mr. Minter referenced).

6.2. PUBLIC HEARING: Reconsideration of a Request for Approval for the SW 100th Street West Planned Unit Development (West PUD, 211008Z, fka Enrique Suarez, New Strategy Holdings, LLC) Final PUD Master Plan/Preliminary Plat, Parcel Number 35695-011-01, Current Owner Ocala SW 100th LLC [Reconsideration Approved and Scheduled March 19, 2024]

Growth Services Director Varadin presented the following recommendation:

Description/Background: On February 20, 2024, the Board granted approval for the SW 100th Street West PUD's final PUD Master Plan/Preliminary Plat (West PUD, 211008Z, see attached), subject to a series of final development conditions including requiring the PUD's residential development land clearing debris be hauled/removed from the site rather than burned on-site. Subsequently, on March 19, 2024, the Board began approval consideration for the final SW 100th Street East PUD final PUD Master Plan/Preliminary Plat (East PUD, 211009Z), a PUD project located ±650' east of this SW 100th Street West PUD that is being developed in common by Ocala SW 100th LLC, (Developer).

During the Board's review of the East PUD, the Developer's attorney, James W. Gooding, III, brought forward information clarifying that the Florida Forest Service is the designated state agency that oversees a Developer's use on-site land clearing debris burning per Chapter 590, F.S. (see attached) in response to a condition placed on the prior West PUD approval. Following discussion, the Board, at the request of the Developer's attorney, motioned and approved reconsidering

the SW 100th Street West PUD's final PUD Master Plan/Preliminary Plat approval granted on February 20, 2024, and scheduling that reconsideration for a public hearing to be held on April 16, 2024 at 10:00 a.m. or as soon thereafter as possible. The Board also acted to continue the SW 100th Street East PUD final PUD Master Plan/Preliminary Plat to April 16, 2024 at 10:00 a.m., to provide additional time for the Developer's applicant and attorney to further review and address concerns regarding burning each PUD's residential land clearing debris on-site. This public hearing represents the requested and approved reconsideration of the SW 100th Street West PUD's final PUD Master Plan/Preliminary Plat approval.

In conferring with the Florida Forest Service (FFS), that agency's staff noted key items for consideration would be requiring the use of an air curtain incinerator (ACI) encouraging establishing the debris burn pile in a shallow pit-type space to support the effectiveness of the ACI. The FFS requirements then further direct how burning is to be conducted and monitored including the presence of a water supply for fire suppression. Staff also supports that prior to commencing on-site burning, the Developer shall provide a copy of the FFS Burn Permit to the County Engineer and Growth Services Director, which is consistent with the County's practice of receiving copies of other agency issued permits for development activities to complete the County's project records for future clearing debris burning (see attached) and is seeking additional contacts and clarification with FFS staff to bring forth further information for Board reference.

The Board's initial February 20, 2024, approval of the SW 100th Street West PUD final PUD Master Plan/Preliminary Plat also included two additional development conditions as follows:

1. No on-site lighting and/or permanent recreation/support facilities (e.g., goals, benches, shelters, etc.) shall be provided on the multipurpose field or in the surrounding drainage retention area (DRA).
2. The Type A Buffer along the southeast boundary, shared with PID 3510-001-003 (Alejandria Estates Subdivision, Block A, Lot 3, per Marion County Plat Book 1, Page 13), shall also include an opaque viburnum hedgerow to achieve, and be maintained at, a minimum 6' in height within three years of planting, wherein the hedgerow shall extend east-to-west and match the full width of the project's planned SW 55th Court cul-de-sac based on the east & west limits of the cul-de-sac projected south to that shared boundary.

Given this scheduled reconsideration, Michael W. Radcliffe Engineering, Inc. (Developer's applicant), submitted revised Master Plan/Preliminary Plat sheets to include the required notations and the Type A Buffer revision along the southeast boundary.

The West PUD's current zoning was approved on November 2, 2021 (see attached), that enabled the development of 222 single family detached dwelling units and accompanying accessory amenities (e.g., clubhouse, pool, sport field, open space with trail). In 2021, the West PUD was approved in conjunction with the East PUD. A Chapter 163, F.S., Development Agreement (Agreement) was approved by the Board on May 16, 2023 (see attached) to provide for the construction of SW 100th Street to serve as construction and project access to the East and West PUDs.

Review of the final PUD Master Plan has been conducted through Marion County's Development Review Committee (DRC) review process, and review comments

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have generally been addressed, and on February 20, 2024, the Board approved an adjustment to the multipurpose field location and the provision of the noted Type A Buffer hedgerow.

This approval reconsideration has been duly noticed as required by the PUD's development conditions and the Land Development Code. Staff has no objections to the proposed final PUD Master Plan/Preliminary Plat, subject to the final direction determined related to the use of on-site land clearing debris burning, and recommends Board approval.

Budget/Impact: None.

Recommended Action: Receive public comment and provide direction to staff, if any, and motion to approve the SW 100th Street West Planned Unit Development (PUD) Final PUD Master Plan/Preliminary Plat.

This matter was discussed with Item 6.1

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to approve the SW 100th Street West Planned Unit Development (PUD) Final PUD Master Plan/Preliminary Plat with the Conditions as amended today. The motion passed 3-2 with Commissioners Stone and Bryant dissenting.

In response to Chairman Stone, Mr. Bouyounes advised that he and Mr. Minter will work to determine what information to bring back to the Board.

Commissioner Zalak requested staff review what is being done by the City of Ocala and bring back recommendations.

Commissioner McClain requested the requirements for delegation of authority be reviewed. Chairman Stone concurred.

10. COMMITTEE ITEMS:

10.1. Housing Finance Authority - Request Appointment of One (1) Full Member for a Full Term Ending April 2028, and One (1) Alternate Member for an Unexpired Term, Ending September 2026

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

Description/Background: There are two (2) member vacancies on the Housing Finance Authority, one (1) seat for a full member on a full term ending April 2028, and one (1) seat for an alternate member on an unexpired term ending September 2026.

Two (2) applications were received during the advertisement period, one of which is an incumbent full member:

- Philip-Henry Culver (Incumbent) - Real Estate
- Karen Hatch (New) - Commercial Banking

Budget/Impact: None.

Recommended Action: Motion to select one (1) applicant as full Member for a full term ending April 2028, and select one (1) applicant as alternate member for an unexpired term ending September 2026.

Deputy Clerk Windberg advised that Philip-Henry Culver received the appropriate votes for the full member on a full term ending April 2028, and Karen Hatch received the appropriate votes for the alternate member on an unexpired term ending September 2026.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to appoint Mr. Philip-Henry Culver as full Member for a full term ending April 2028, and to appoint Ms. Karen Hatch for an alternate member on an unexpired term ending September 2026. The motion was unanimously approved by the Board (5-0).

10.2. Code Enforcement Board - Request Appointment of One (1) Alternate Member for an Unexpired Term, Ending February 2026

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

Description/Background: There is one (1) alternate member vacancy on the Code Enforcement Board for an unexpired term ending February 2026, and only one (1) application was received from Mr. Len Racioppi during the advertisement period.

Budget/Impact: None.

Recommended Action: Motion to appoint Mr. Racioppi as Alternate Member on the Code Enforcement Board for an unexpired term, ending February 2026.

Deputy Clerk Windberg advised that Len Racioppi received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to appoint Mr. Racioppi as Alternate Member on the Code Enforcement Board for an unexpired term, ending February 2026. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

Commissioner Bryant questioned if Item 11.6 relates to the hurricane drill that occurs at the Emergency Operations Center (EOC).

Chairman Stone advised that is the issue and Commissioner McClain has not had the opportunity to attend that exercise previously.

In response to Commissioner Bryant, Chairman Stone stated she confirmed through the County Attorney that the Board would not be at risk by providing a Letter of Support relating to the City of Dunnellon's grant application (Item 11.1).

11.1. Request Approval to Authorize the Chair to Execute Letter of Support for City of Dunnellon's USDA Rural Development Grant Application for Utility Truck and Equipment
County Administrator Mounir Bouyounes, Administration, presented the following recommendation:

Description/Background: The City of Dunnellon has requested a letter of support for their USDA Rural Development grant application. The grant would allow for the purchase of a utility pick-up truck with tools, a sandbag filling machine and a 25-foot lift for tree trimming.

Budget/Impact: None.

Recommended Action: Motion to authorize the Chair to sign the attached letter of support.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to authorize the Chair to sign the attached letter of support. The motion was unanimously approved by the Board (5-0).

11.2. Request Approval to Schedule a Workshop to Discuss the Marion County Silver Springs Community Redevelopment Area (Silver Springs CRA) Draft Master Plan Update (Update) on Wednesday, May 15, 2024, at 2:00 p.m.

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Senior Planner Chris Rison, Growth Services, presented the following recommendation:
Description/Background: The Marion County Community Redevelopment Agency (Agency) in partnership with the Marion County Board of County Commissioners' Community Services Department contracted with Kimley-Horn Associates, Inc. (KHA), as consultants to complete the Silver Springs Community Redevelopment Area (CRA) Master Plan Update to create a more detailed guiding document for the Silver Springs CRA.

The requested workshop is an opportunity to receive Board input regarding the draft Update prior to its finalization and consideration by the Agency.

Staff proposes conducting the workshop on Wednesday, May 15, 2024, at 2:00 p.m. in coordination with an additionally proposed workshop the same afternoon.

Budget/Impact: None.

Recommended Action: Motion to approve a workshop to discuss the Silver Springs Community Redevelopment Area Draft Master Plan Update on Wednesday, May 15, 2024, at 2:00 p.m. or as soon thereafter as possible, in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve a workshop to discuss the Silver Springs Community Redevelopment Area Draft Master Plan Update on Wednesday, May 15, 2024, at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

11.3. Request Approval to Schedule a Workshop to Discuss Land Development Code Buffer Requirements and Designs on Wednesday, May 15, 2024, at 2:00 p.m. or as soon thereafter

Senior Planner Rison, Growth Services, presented the following recommendation:

Description/Background: This workshop is requested to review the current Land Development Code buffer requirements and discuss new alternatives. Growth Services staff has toured the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) Citra Research Facility, and has conferred with UF/IFAS staff and Parks and Recreation staff to formulate design options.

Staff proposes this workshop on Wednesday, May 15, 2024, at 2:00 p.m. or as soon thereafter as possible, in coordination with an additionally proposed workshop the same afternoon.

Budget/Impact: None.

Recommended Action: Motion to approve a workshop to discuss development buffer requirements and designs on Wednesday, May 15, 2024, at 2:00 p.m. or as soon thereafter as possible in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve a workshop to discuss development buffer requirements and designs on Wednesday, May 15, 2024, at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

11.4. Request Approval to Schedule and Advertise a Public Hearing to Discuss Modifying and Amending Ordinance Number 2022-43 to Include the In-House Water Main Extension Program on Tuesday, May 21, 2024 at 10:00 AM or As Soon Thereafter

Utilities Director Kirkman presented the following recommendation:

Description/Background: The following date is being requested for a Public Hearing to consider modifying Ordinance Number 2022-43 to amend Marion

County Code relating to Short Water Line Extension Program and will modify to include the In-House Water Line Extension Program.

Budget/Impact: None.

Recommended Action: Motion to schedule a public hearing to discuss amending Ordinance Number 2022-43 to modify and include the In-House Water Main Extension Program.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule a public hearing to discuss amending Ordinance Number 2022-43 to modify and include the In-House Water Main Extension Program. The motion was unanimously approved by the Board (5-0).

11.5. Request Approval to Schedule and Advertise a Public Hearing for Lake Weir Gardens, Lake Weir Gardens Replat Bk 1, Belleview Oaks Estates and Pinewood Estates Road Improvement on Tuesday, May 28, 2024 at 10:00 a.m. or as Soon Thereafter

MSTU Director Chad Wicker presented the following recommendation:

Description/Background: Bids were received and reviewed by Procurement; STU can now move forward with a Public Hearing. The following date is being requested for a final Public Hearing in accordance with Florida Statutes.

Tuesday, May 28, 2024 at 10:00 a.m. or as soon thereafter

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a final Public Hearing for Lake Weir Gardens, Lake Weir Gardens Replat Bk 1, Belleview Oaks Estates and Pinewood Estates Road Improvement project on Tuesday, May 28, 2024 at 10:00 a.m. or as soon thereafter.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise a final Public Hearing for Lake Weir Gardens, Lake Weir Gardens Replat Bk 1, Belleview Oaks Estates and Pinewood Estates Road Improvement project on Tuesday, May 28, 2024 at 10:00 a.m. The motion was unanimously approved by the Board (5-0).

11.6. Request to Reschedule a Community Services Strategic Plan Workshop for its Five-Year Consolidated Plan Priorities and Community Services Funding Priorities for Wednesday, May 29, 2024 at 3:30 p.m. (Budget - None)

Community Services Director Martin presented the following recommendation:

Description/Background: Community Services is requesting to reschedule a workshop with the Board to discuss and develop Community Services funding priorities for the fiscal year 2024-25 and the five-year consolidated plan (2024-29) that includes funding of Community Development Block Grant, Home Investment Partnership, and Emergency Solutions Grants.

During the February 6, 2024 Board meeting, this item was approved for May 29, 2024 at 1:30 p.m. However due to a conflict, staff is requesting to move the workshop to 3:30pm, or as soon thereafter as possible.

Budget/Impact: None.

Recommended Action: Motion to approve Community Services Workshop on May 29, 2024 at 3:30 p.m., or as soon thereafter as possible.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve Community Services Workshop on May 29, 2024 at 3:30 p.m. The motion was unanimously approved by the Board (5-0).

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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.

Roger Knechtel, SE 97th Terrace Road, Summerfield, did not appear when called upon to speak.

Bill White, Palmetto Way, Dunnellon, expressed support for Nathan Whitt's earlier comments relating to the multi-modal trail in Dunnellon. He advised that at that meeting the attorney stated he had not been asked nor had he legally reviewed the letter.

Mr. White commented on the policing of the Rainbow River, noting the MCSO does not start regular patrol until Memorial Day and concludes it on Labor Day leaving a 45 day period where there is tubing activity at KP Hole Park without scheduled policing of that river. He requested action be taken to provide the necessary funding to allow the MCSO to begin policing in April when tubing activity begins.

Joseph Walker, SE 54th Place, Ocklawaha, provided a map, as seen on the overhead screens, noting he has initiated 5 complaints with Code Enforcement. He commented on confusion relating to his complaint and the need for improved technology to be used during Code Enforcement meetings.

(The Deputy Clerk did not receive a copy of the map Mr. Walker presented.)

Henry Munoz, Marion Oaks Boulevard, advised that he was in Sumter County yesterday, noting there are plans to place solar panels on the south border of Marion Oaks. He expressed concern relating to individuals using the roads to connect to that property. Mr. Munoz opined that the roads will be damaged, and the repairs will be left to Marion Oaks residents to address. He expressed concern relating to the removal of trees.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner McClain advised that he had nothing further to add.

Commissioner Curry advised that he had nothing further to add.

Commissioner Zalak commented on the Proclamation recognizing May 2, 2024 as the National Day of Prayer, noting there will be a related observance held at the Ocala/Marion County Veterans Memorial Park.

Commissioner Bryant advised that she had nothing further to add.

Chairman Stone commented on the Run for the Springs on Saturday, April 27, 2024, at 7:30 a.m. at the Carney Island Recreation and Conservation Area in Ocklawaha.

Chairman Stone stated there was a phone call from a gentleman associated with the Florida Gambler 500, noting they have collected a great deal of waste from the forest. She recognized County Solid Waste staff for their work to assist the 300 volunteers that participated.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of April 16, 2024 through May 7, 2024.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

- 14.1.1. Present Resignation from the Housing Finance Authority Advisory Board - Jose M. Alonso
- 14.1.2. Present Letter from City of Dunnellon Requesting the Dunnellon Trail Project (Florida Department of Transportation Financial Project Numbers: 450918-1-34-01 and 450918-1-54-01) be Terminated
- 14.1.3. Present 2024 Post-session Report from GrayRobinson, P.A.
- 14.1.4. Present Letters dated April 1, 2024 Regarding a Programmatic Request to Support Increasing DHS Grant Funding
- 14.1.5. Present Update on 2022-26 Strategic Plan Empowering Marion for Success II for April 2024
- 14.1.6. Present Monthly Building Safety Productivity Report for the Month of March 2024
- 14.1.7. Present Notification of the Performance Evaluation and Merit Increase for the County Administrator
- 14.1.8. Present Chamber and Economic Partnership March 2024 Activity

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

14.3. General Informational Items:

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

14.4. Clerk of the Court:

- 14.4.1. Present Administrative Budget Transfer Report for FY 2023-24
- 14.4.2. Present Report Number 2024-01 Internal Controls Over the Usage of Driver and Vehicle Information Database - Human Resources Department
- 14.4.3. Present Monthly Report for the Building Department Budget and Actual
- 14.4.4. Present Regular Report of Utilization for Reserve for Contingencies

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

- 14.5.1. Board of Adjustment - March 4, 2024
- 14.5.2. Development Review Committee (DRC) - March 18, 2024
- 14.5.3. Planning and Zoning Commission - February 26, 2024
- 14.5.4. Tourist Development Council - January 25, 2024
- 14.5.5. Central Florida Community Land Trust (HFA Subcommittee) - January 17 and February 21, 2024
- 14.5.6. Housing Finance Authority - February 21, 2024
- 14.5.7. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>
- 14.5.8. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>
- 14.5.9. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>

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

There was a recess at 12:05 p.m.

The meeting reconvened at 2:03 p.m. with all members present.

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

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

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

Deputy Clerk Lewter presented Proof of Publication is Legal ad No. 10005471 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on April 1, 2024. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits.

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

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 (LDC) Section 6.14.2.B(1)(b)(3) - Water Connection for Tommy Tapley regarding Building Safety Permit Number 2023111415 for a New Single-Family Residence, Parcel Number 13535-004-01, Application Number 31201 (Budget Impact - None)

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

Description/Background: The Owner, Tommy Tapley, requests a waiver due to adding living quarters to an existing 30' X 80' barn as a second structure on the property and the existing property has had water at the barn since 1984. The barn is being renovated for a family member to stay in.

Owner also requests, should the waiver request be denied, to have water connection costs deferred to final inspection in order to allow the Building permit to be issued.

The subject property is located in the northwest portion of the County on approximately 2.84 acres.

This Waiver Request was denied by the Development Review Committee (DRC) on March 18, 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 the waiver request. He stated DRC denied the water waiver, but approved the use of a nitrogen reducing system for sewer.

Tommy Tapley, NW 44th Avenue, applicant, advised that there has been water and power at the barn since 1984, noting the request is to connect to a well already existent on the property. He commented on the cost associated with connecting to the County Utilities. In response to Chairman Stone, Mr. Tapley stated the well located on the property supplies water to the barn and the 3 bedroom/2 bathroom home on the property.

Chairman Stone opened the floor to public comment.

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

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

Mr. Kirkman clarified that the waiver is for water connection only.

15.2. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the five (5) 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 March 25, 2024

Motion was made by Mr. Kroiter 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 by unanimous decision.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve Consent Agenda items 15.2.1 through 15.2.5, 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. 240407ZC - Domenic and Marianna Martelli, Zoning Change from Heavy Business (B-5) to General Agriculture (A-1), for All Permitted Uses, 265.28-acre Portion of a 703.98-acre Tract, Parcel Account Number 21317-000-00 (portion) and 21317-000-01 (portion), Site Address 13123 SW 41st Pl, Ocala, FL 34481

The Board granted a petition by Domenic & Marianna Martelli, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Heavy Business (B-5) to General Agriculture (A-1), for all permitted uses, on an approximate 265.28-acre portion of a 703.98 Acre Tract, on Parcel Account Numbers 21317-000-00 and 21317-000-01, site address 13123 SW 41st Pl, Ocala, FL 34481.

15.2.2. 240301SU - Jimmy and Kathleen Bryan, Special Use Permit to Allow for Three Horses in Single Family Dwelling (R-1), 2.97 Acres, Parcel Account Number 1802-017-032, Site Address 4729 SW Floral Court, Dunnellon, FL 34431

The Board adopted Resolution 24-R-139 granting a petition by Kathleen and Jimmy Bryan, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development

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Code, to allow a personal horse and two (2) personal miniature horses to reside at the property, in a Single-Family Dwelling (R-1) zone, on an approximate 2.97 Acre Parcel on Parcel Account Number 1802-017-032, site address 4729 SW Floral Ct., Dunnellon, FL 34431

Resolution 24-R-139 contained the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. This Special Use Permit shall run with the property owner (Jimmy and Kathleen Bryan) and the property.
3. The Special Use Permit is limited to three animals: one (1) de-herded Mustang horse named Stevie Nickers, and two (2) companion miniature horses: one white named Gypsy Rose, and one brown named Mac and Cheese.
4. Manure shall not be allowed to accumulate causing a nuisance or hazard to the health welfare, or safety of humans or animals.
5. The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.
6. Agricultural buildings are allowed, such pole barns and lean-tos.
7. In the event the grass provided to the horses is depleted or not in abundance, the applicant will ensure that there is free-choice quality hay offered to the horses at all times unless otherwise directed by a veterinarian.
8. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property.
9. The Special Use Permit shall expire on April 15, 2029; however, it may be administratively renewed three times for up to 5 years each by written instrument signed and issued by the Growth Services Director (or a position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

15.2.3. 240302SU - Marion County Public Safety Communications, Special Use Permit to Allow for a 250' Tower, Single-Family Dwelling (R-1) Zone, 15.34 Acres, Parcel Account Number 8009-0000-00, Site Address 5950 SW 150th Ln, Ocala, FL 34479
The Board adopted Resolution 24-R-140 granting a petition by Marion County, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a 250' communication tower and equipment compound, in a Single-Family Dwelling (R-1) zone, on an approximate 15.34 Acre Parcel on Parcel Account Number 8009-0000-60, site address 5950 SW 150th Lane, Ocala, FL 34473.

Resolution 24-R-140 contained the following Conditions:

1. This Special Use Permit is specific to Marion County Public Safety, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
2. The area being utilized by Marion County Public Safety consists of 6,400 square feet and will be developed as shown on the conceptual plan provided.
3. The tower shall be placed as proposed in order to meet the 180' setback from the nearest residentially zoned parcel.
4. The tower shall be placed as proposed in order to meet the required minimum setbacks of 150% tower height from Residentially occupied Properties not owned by Marion County.
5. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H).
6. Pending DRC approval, the proposed site plan will comply with any and all buffer requirements as deemed appropriate by County staff.
7. Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 250'.
8. No hazardous/toxic material shall be kept on the site.

15.2.4. 240303SU - Marion County Public Safety Communications, Special Use Permit to Allow for a 250' Tower, Government Use (G-U) and Heavy Business (B-5) Zone, 36.46 Acres, Parcel Account Number 12841-001-00, Site Address 1701 NW 100 St., Ocala, FL 34475

The Board adopted Resolution 24-R-141 granting a petition by Marion County, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a 250' commercial tower and equipment compound, in a Government Use (G-U) and Heavy Business (B-5) zone, on an approximate 36.46 Acre Parcel on Parcel Account Number 12841-001-00, site address 1750 NW 100th St., Ocala, FL 34475.

Resolution 24-R-141 contained the following Conditions:

1. This Special Use Permit is specific to Marion County Public Safety, and the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall terminate. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
2. The area being utilized by Marion County Public Safety consists of 6,400 square feet and will be developed as shown on the conceptual plan provided.
3. The tower shall be required to meet 100% tower height setbacks to agriculturally zoned properties.
4. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H).
5. Pending DRC approval, the proposed site plan will comply with any and all buffer requirements as deemed appropriate by County staff.
6. Chain link fencing is to surround the tower compound. The telecommunication tower shall not exceed a maximum height of 250'.
7. No hazardous/toxic material shall be kept on the site.

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15.2.5. 240404ZC - Hodges, Zoning Change from Regional Business (B-4) to Rural Residential (RR-1), for All Permitted Uses, 1.16 Acres, Parcel Account Number 2003-098-001, No Site Address Assigned

The Board granted a petition by Angela Hodges, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Regional Business (B-4) to Rural Residential (RR-1), for all permitted uses, on an approximate 1.16 Acre Parcel, on Parcel Account Number 2003-098-001, No Address Assigned.

15.3. Planning and Zoning Items for Individual Consideration:

15.3.1. 240402SU - Nicole and Brett Woller, Special Use Permit to Allow for a Kennel and Five Goats, .79 Acres, Single Family Dwelling (R-1) Zone, Parcel Account Number 4218-253-005, Site Address 2735 SE 140 Place, Summerfield, FL, 34491

The Board considered a petition by Nicole & Brett Woller, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow a kennel (10) dogs for breeding animals with sales on site, in addition to (6) goats, (2) roosters, in a Single-Family Dwelling (R-1) zone, on an approximate 0.78 Acre Parcel on Parcel Account Number 4218-253-005, site address 2735 SE 140th PL, Summerfield, FL 34491

P&Z PUBLIC HEARING ON March 25, 2024

240402SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Kroiter, 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 5-1, with Mr. Fisher dissenting.

Planner Marcus Lloyd, Growth Services, provided a brief overview of the Special Use Permit (SUP) request to allow a dog kennel for breeding animals with sales on site, in addition to goats. He advised that the applicant is no longer requesting to have roosters onsite. Mr. Lloyd stated staff has received 5 letters in opposition and 1 letter of support. It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Nicole and Brett Woller) and not the property.
3. The owners/operators shall reside on site.
4. All animal waste shall be collected daily and removed from the site at least weekly.
5. The Special Use permit allows up to 20 adult dogs on the property, and this will include the dogs kept as part of the breeding program.
6. This Special Use Permit will allow for a maximum of 5 goats on this property
7. No outdoor kennel operation will be allowed as part of this SUP.
8. Canines as part of the breeding program shall not be kept outside in run areas before 7:30 AM or after 10:30 PM.
9. This permit allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.

10. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.
11. The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.
12. The Special Use Permit shall expire on April 1st, 2029; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use.

In response to Chairman Stone, Animal Control Supervisor Jenniffer Correnti, Marion County Animal Services (MCAS), advised that the applicant's daughter filed an animal cruelty complaint, which was determined by staff to be unfounded. She stated upon visiting the site it was determined that a kennel license is required. Ms. Correnti commented on the American Kennel Club (AKC) Breeder of Merit Program, noting AKC does provide annual inspections. She stated all puppies purchased from the applicant go to their new homes with a binder outlining health information and breed information.

Commissioner Curry questioned the size of the property. Ms. Correnti advised that the property is 0.798 of an acre and is fully fenced. She provided a brief overview of the site layout and size of dogs.

Commissioner Bryant clarified that the applicant is breeding for show, noting the breeding operation is not to support their way of living. Ms. Correnti concurred.

In response to Commissioner Curry, Ms. Correnti advised that the SUP request is for 5 years.

Commissioner Curry expressed concern with proximity to surrounding neighbors.

Ms. Correnti stated MCAS has not received any complaints relating to noise for this parcel.

In response to Commissioner Curry, Mr. Lloyd advised that 2 letters of opposition were from individuals opposing kennels and the remaining were from neighboring properties, noting one of the property owners does not live onsite.

Commissioner Bryant questioned if there were any letters of opposition from adjoining property owners. Mr. Lloyd referred to the map on the overhead screen, noting the properties in light yellow are vacant and the closest neighbor in opposition was not adjoining.

Nicole Woller, SE 140th Place, Summerfield, applicant, advised that the breeding is not a primary form of income, noting she is a psychologist. She stated this is a show kennel and has been for the past 13 years. Ms. Woller commented on the A-1 zoning surrounding

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the subject parcel. She clarified the complaint was originally filed with MCAS by her daughter's ex-boyfriend after they broke up.

Ms. Woller stated the breeding operation is for show dogs, noting the puppies who do not make the show are placed in homes. There is an extensive contract and prescreening process before a puppy can be purchased. She advised that all the breeding dogs are health and temperament tested. Ms. Woller stated all the animals are microchipped and registered.

In response to Commissioner Bryant, Ms. Woller stated she previously resided on the A-1 property next to the subject parcel and had goats. When purchasing the subject property the goats moved to the new location. She advise that there are no plans to get more goats.

Chairman Stone questioned if the applicant had reviewed all the proposed Conditions. Ms. Woller advised that she is comfortable and willing to follow all Conditions set by the Board. She stated the dogs are Lagotto Romagnolo, which is a rare breed that is kept inside.

In response to Commissioner Bryant, Ms. Woller advised that in 2013 she won best in show and was the number one Lagotto Romagnolo breeder in the Country. She stated her dogs sell for \$4,000.00 and there is never an issue placing the dogs for this amount. Ms. Woller advised that she also has Russian Tsvetnaya Bolonkas, which is only 5 pounds and more rare than the Lagotto Romagnolos.

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 Zalak, to adopt resolution 24-R-142 approving the Special Use Permit request with Conditions 1 through 12, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-142 includes the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Nicole and Brett Woller) and not the property.
3. The owners/operators shall reside on site.
4. All animal waste shall be collected daily and removed from the site at least weekly.
5. The Special Use permit allows up to 20 adult dogs on the property, and this will include the dogs kept as part of the breeding program.
6. This Special Use Permit will allow for a maximum of 5 goats on this property.
7. No outdoor kennel operation will be allowed as part of this SUP.
8. Canines as part of the breeding program shall not be kept outside in run areas before 7:30 AM or after 10:30 PM.
9. This permit allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
10. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with

temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.

11. The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.
12. The Special Use Permit shall expire on April 1st, 2029; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use.

15.3.2. 240408ZC - Baldwin Angus Ranch, Zoning Change from Multiple-Family Dwelling (R-3) to General Agriculture (A-1), for All Permitted Uses, 17.59 Acres, Parcel Account Number 13492-003-00, Site Address 3221 NW 56th Street, Ocala, FL 34475

The Board considered a petition by Baldwin Angus Ranch, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Multiple-Family Dwelling (R-3) to General Agriculture (A-1), for all permitted uses, on an approximate 17.59 Acre Parcel, on Parcel Account Number 13492-003-00, site address 3221 NW 56th St. Ocala, FL 34475.

P&Z PUBLIC HEARING ON March 25, 2024

240408ZC Planning and Zoning Commission Recommendation

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

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

The Motion passed 5-1 with Mr. Fisher dissenting

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the zoning change request from R-3 to A-1, noting the development that is coming to the area in the near future. She stated one of staff's main concerns is that the higher density/intensity is not being utilized. Ms. Brugnoli advised that if approved the property would have an inconsistent land use designation, noting this would be an issue if the property was to be developed in the future.

Commissioner Bryant advised that it would be the responsibility of the property owner to seek an amendment to the land use to make the property compatible with the zoning.

Ms. Brugnoli stated staff is recommending denial and the P&Z Commission recommends approval.

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Commissioner Curry questioned the tax impact the change will have on the property. Commissioner Bryant advised that there is only a building on the property and the owners intent is to place a mobile home on the property.

In response to Commissioner McClain, Ms. Brugnoli stated agricultural activities cannot take place on the property with the R-3 zoning without a SUP. She advised that the Land Development Code (LDC) specifies that if a SUP is approved in R-3 for cows or horses it would not be for commercial use.

Joy Pappi, NW 56th Street, applicant, commented on the history of Baldwin Angus Ranch, Inc. and advised that the intent is to have a mobile home on the property to allow a family member onsite to care for the cattle.

Chairman Stone opened the floor to public comment.

Allen Baldwin, NW 56th Street, commented on the history of Baldwin Angus Ranch, Inc. in Marion County. He urged the Board to approve the zoning change.

Amanda Baldwin, NE 13th Avenue, advised that she will be residing on the property.

Eric Vanwagner, East Highway 329, expressed support for the zoning change.

Chairman Stone advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve the Zoning Change from R-3 to A-1, disagreeing with Growth Services staff and agreeing with the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

15.3.3. 240405ZC - Wanda Roman, Zoning Change from Single-Family Dwelling (R-1) to Mixed Residential (R-4), for All Permitted Uses, 0.33 Acres, Parcel Account Number 9042-1672-01, Site Address 14610 SE 112th Place, Ocklawaha, FL 32179

The Board considered a petition by Wanda Roman, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) to Residential Mixed Use (R-4), for all permitted uses, on an approximate 0.33 Acre Parcel, on Parcel Account Number 9042-1672-01, site address 14610 SE 112th PL, Ocklawaha, FL 32179.

P&Z PUBLIC HEARING ON March 25, 2024

240405ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Kroiter, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the Zoning Change based on the following findings of fact:

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

The Motion passed 5-1 with Mr. Lourenco dissenting

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the zoning change request from R-1 to R-4, noting there was 1 letter in opposition of the zoning change. She advised that there are no R-4 zoning properties in the area. Ms. Brugnoli advised that this matter was brought forward as a result of a Code Enforcement case where a mobile home and deck were placed on the property without permits. She stated the intent for the area of Silver Springs Shores was to have sight built homes and not mobile units. Ms. Brugnoli advised that Growth Services staff and P&Z Commission are recommending denial of the request.

In response to Chairman Stone, Ms. Brugnoli advised that there is an active Code Enforcement case on the property, but she is unsure if it has gone before the Code Enforcement Board.

Wanda Roman, Viola Street, Kissimmee, applicant, advised that she purchased the mobile home to live with her son and was not aware of the process. She stated she paid someone to move the mobile home and take care of the permitting. Ms. Roman commented on other mobile homes in the area.

In response to Chairman Stone, Ms. Roman advised that she paid a company \$3,000.00 to place the home on the property and paid another company \$3,500.00 for the permits. She stated she was not aware this was not allowed.

Ms. Brugnoli stated typically in a Code violation case if the individual begins the SUP process the Code hearing will not be scheduled.

Commissioner Zalak advised that the Code Enforcement case will be suspended until the SUP is resolved.

In response to Commissioner Zalak, Ms. Roman stated the mobile home was purchased from Clearwater and a company was paid to move it to the subject parcel.

Chairman Stone questioned if the applicant had the bill of sale for the mobile home. Ms. Roman advised that she has been paying Brody Pack, BKP Permitting, LLC, to assist with permitting, but she began working with him after the mobile home was already set on the property.

General discussion ensued.

In response to Chairman Stone, Ms. Roman advised that there is electric to the light pole on the property, but the mobile home is not connected. She advised that the well and septic also need to be connected.

Commissioner Bryant questioned if the applicant is going to move from her home in Kissimmee to this mobile home. Ms. Roman commented on the difference between Kissimmee and Ocklawaha.

Commissioner McClain questioned if the applicant is living on the property. Commissioner Bryant advised that the applicant currently lives in Kissimmee.

In response to Commissioner Bryant, Ms. Roman stated she does printing and embroidery, is a licensed public adjuster, a Chaplin, and has volunteered in her community in Kissimmee for many years.

Ms. Brugnoli advised that the Building Safety Department has sent the applicant 2 notices with a clear by date of January 31, 2024. Since the applicant started the SUP process they are not scheduled to go before the Code Enforcement Board at this time. She stated the structural plans reviewed by the Building Safety Department indicate the age of the manufactured home does not meet the current standard.

Commissioner Zalak advised that due to the age of the manufactured home (1965) it would not be permitted to move to this location even if the correct zoning was in place.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the Zoning Change from R-1 and R-4, agreeing with Growth Services staff the P&Z Commission, based on findings and recommendations that the proposed use will adversely affect the public interest, is not consistent with the Comprehensive Plan and is not compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

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15.4. Adoption of Ordinance

15.4.2 Zoning

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

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Ordinance 24-07 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 24-07 is entitled:

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

UPDATE: Deputy Director Ken Weyrauch, Growth Services, advised that structures being moved onto properties without the proper permits has become an increased problem. The Board of Adjustments has expressed interest in writing a letter to the BCC relating to this issue.

General discussion ensued.

It was the general consensus of the Board to pursue legal action against the companies that are moving the structures without proper permitting.

Commissioner Bryant recommended sending a letter to shed companies to advise them of the necessary requirements.

Commissioner Curry was excused at 3:27 p.m.

Mr. Weyrauch advised that Growth Services staff will work with Legal to determine what steps can be taken.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:27 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk