

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

February 4, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:01 a.m. on Tuesday, February 4, 2025 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 Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were Clerk Gregory C. Harrell, Chief Assistant County Attorney Dana Olesky, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Amanda Tart, and Executive Director of Internal Services Mike McCain.

ANNOUNCEMENTS:

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

1. PROCLAMATIONS AND PRESENTATIONS:

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

1.1. PRESENTATION - Recognition of Multiple County Departments – Barry Mansfield (Presentation Only)

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

Description/Background: Barry Mansfield to thank multiple departments for their customer service.

Budget/Impact: None.

Recommended Action: For presentation only.

Councilmember Barry Mansfield, City of Ocala, SE 5th Street, commented on his efforts to close out a project back on Christmas Eve, noting he worked with Building Safety Director Mike Savage, Parks and Recreation Director Jim Couillard, and County Administrator Mounir Bouyounes. He stated the County staff not only were professional, but they displayed a willingness to help. Mr. Mansfield advised that he has been a local contractor for 35 years and has worked throughout the State of Florida and several other States, which gives him a unique perspective on the Building Safety Department. He stated he has worked with many Building Safety Departments and opined that Marion

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County has the best. Mr. Mansfield advised that as an elected official he has his own Building Department under the purview of the City of Ocala and has had the opportunity to see all the innerworkings. He stated the County has an excellent leadership team, noting as a local businessman and elected official, he felt it was important to let the Board, and those leaders know in a public forum that they are a good team and are doing a good job. Mr. Mansfield reiterated these individuals are professional, work hard and display a willingness to help, which is sometimes uncommon in today's world. He presented all three with a Challenge Coin.

Chairman Bryant advised that the Board's philosophy is to always serve the County's constituency and stakeholders in the best possible capacity. She expressed appreciation towards Mr. Mansfield for taking time to come forward and recognize staff for a great job. Mr. Bouyounes expressed appreciation to Mr. Mansfield for being present. He stated Mr. Savage, Mr. Couillard and himself make up a small portion of the number of employees in the field or behind a desk who work towards the goal of serving with a smile and providing a good customer service experience. Mr. Bouyounes advised that he tells staff all the time that any government entity has a monopoly on services, noting people do not choose to come get a permit from the County, it is dictated. Unlike a restaurant, individuals cannot simply choose to go elsewhere, so staff needs to be the best they can every day with every customer.

1.2. PROCLAMATION - Chester C. Weber Day (Approval Only)

The Board approved the Proclamation recognizing the March 16, 2025 as "Chester C. Weber Day".

1.3. PROCLAMATION - Walts Brake & More Day (Approval Only)

The Board approved the Proclamation recognizing the February 13, 2025 as "Walts Brake & More Day".

1.4. CERTIFICATE OF RECOGNITION - Senator Dennis K. Baxley (Approval Only)

The Board of County Commissioners (BCC) approved the Certificate of Recognition for Senator Dennis K. Baxley's decades of public service to the citizens of Marion County.

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 Bryant opened the floor to public comment.

Henry Muñoz, Marion Oaks Boulevard, addressed Agenda Item 9.1 (Request for direction on Lake County's intent to change Medical Examiner Districts). He questioned why Sheriff William "Billy" Woods, Marion County Sheriff's Office (MCSO) is not involved in this process.

Chairman Bryant advised that this Item relates to the actual Medical Examiner facility and not reports, noting Sheriff Woods is not involved in the running of that facility. Chairman Bryant advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES: (5 sets)

3.1. October 1, 2024 A

3.2. October 1, 2024 B

3.3. October 1, 2024 C

3.4. October 6, 2024

3.5. October 15, 2024

A motion was made by Commissioner Curry, seconded by Commissioner Stone, to adopt the meeting minutes of October 1 (3 sets), 6, and 15, 2024. The motion was unanimously approved by the Board (5-0).

**4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:
NONE**

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

Clerk Harrell stated to echo Councilmember Mansfield's earlier sentiments, he would like to recognize ACA Angel Roussel, who had jury duty yesterday.

Mr. Bouyounes stated Item 5.1.3 contained a scrivener's error, noting the information provided to staff later corrected those numbers.

Clerk Harrell concurred.

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

5.1.1. 24-R-46 – Fire, Rescue and EMS Fund - Fire Rescue Services - \$47,948

5.1.2. 24-R-47 – General Fund - Information Technology - \$62,000

5.1.3. 24-R-48 – Infrastructure Surtax Capital Project Fund - Multiple Cost Centers - \$1,360,028

5.1.4. 24-R-49 – Solid Waste Disposal Fund - Solid Waste Disposal - \$100,000

(Ed. Note: EMS is the acronym for Emergency Medical Services.)

5.2. Clerk of the Court Items

5.2.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 033345, 037081, 040752, 040759, 040797 and 042382

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve the disposition of property forms. The motion was unanimously approved by the Board (5-0).

7. CONSENT:

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

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acted on the Consent Agenda as follows:

7.1. Community Services:

7.1.1. Request Approval of Marion County Standard Professional Services Agreement Emergency Solutions Grant Program Between Marion County and City of Ocala (Budget Impact - Neutral; not to exceed \$100,000)

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

Description/Background: On August 6, 2024, the Board approved the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) Fiscal Year 2023-24 Annual Action Plan for Community Services which is associated with the FY 2024-28 Five (5) Year Consolidated Plan.

The City of Ocala has requested Department of Housing and Urban Development (HUD) ESG Program (HESG) funding to provide outreach for homeless person(s). These services include coordinated entry, assessment, planning, referrals, monitoring, and advocacy for individuals enrolled in the Ocala/Marion Joint Office of Homeless Prevention program.

Budget/Impact: Neutral; not to exceed \$100,000.

Recommended Action: Motion to approve and authorize Chairman and Clerk to execute all necessary documents associated with Marion County Professional Services HESG Agreement between Marion County and City of Ocala.

7.1.2. Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Program (CDBG-PS) Between Marion County and Marion County Sexual Assault Center, Inc. (Budget Impact - Neutral; not to exceed \$100,000)

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

Description/Background: On August 6, 2024, the Board approved Marion County's 2024 - 28 Five-Year Consolidated Plan and Action Plan(s) thereafter for the Community Development Block Grant (CDBG) program. These plans allow for distribution of funds to non-profits that assist those with very low to moderate income ranges.

Marion County Sexual Assault Center, Inc. (MCSAC), a non-profit social services organization, applied to Community Services for CDBG funding to hire four (4) Sexual Assault Advocates, to bring on an Executive Director - Therapist and to coordinate with other agencies to assist victims navigating through sexual assault trauma.

This new organization and facility are replacing the previous provider which was closed. The goal of their program is to reduce the incidence of sexual assault and assist victims in their recovery. In addition, MCSAC will be an advocate for those who don't know where to go to recover from an assault.

The project location is in Marion County, and is consistent with the requirements of the CDBG program, and MCSAC will be providing a match of \$478,180.00.

Budget/Impact: Neutral: \$100,000.00.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documentation associated with the Marion County

Standard Professional Services Agreement for the CDBG Program with the Marion County Sexual Assault Center, Inc.

7.2. Development Review Committee:

7.2.1. Request Approval of Waiver Request for Land Development Code Section 2.16.1.B(8)(g) - Agricultural Lot Split Establishment of County Municipal Services Benefit Unit for Dungarven Oaks, Parcel Number 03154-000-00, Application Number 32278 (for Agricultural Lot Split Application Number 32277) (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Michael Savage on behalf of the Development Review Committee (DRC):

Description/Background: Section 2.16.1.B(8)(g) of the Land Development Code (LDC) states a County Municipal Services Benefit Unit (MSBU) shall be established for the maintenance of the improvements created by this division prior to final approval and recordation. A waiver to this provision may only be granted by the Board upon review and recommendation by the Development Review Committee (DRC).

This Agricultural Lot Split is located in the northwest portion of the county containing 10 lots on approximately 128.04 acres. The LDC Section 2.16.1 allows 10 lots of 10 acres each for an Agricultural Lot Split.

The Applicant requests to allow an easement agreement that stipulates maintenance. DRC reviewed the request by the applicant, and after discussion acted on January 13, 2025 to recommend approval to the Board, ensuring the covenants stated access via the common easement would not be maintained by Marion County.

Budget/Impact: None.

Recommended Action: Motion to approve the Agricultural Lot Split without the creation of a MSBU subject to providing the appropriate documentation that the property owners will provide maintenance.

7.3. Fire Rescue:

7.3.1. Request Approval of the First Amendment to Marion/Citrus Mutual-Aid/Automatic-Aid Response Plan (Budget Impact - Neutral)

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

Description/Background: This is the first amendment to a new interlocal agreement for automatic aid with Citrus County Fire Rescue to enhance emergency response across county lines. This amendment will correct a scrivener's error of the contact number that Citrus County will utilize to contact Marion County Public Safety Communications, ensuring timely and effective responses. The previous contact number connected them with the call tree instead of directly to a supervisor, which could ultimately delay requests for service.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the First Amendment to Marion/Citrus Mutual-Aid/Automatic-Aid Response Plan.

7.4. Parks & Recreation:

7.4.1. Request Approval of Disadvantaged Business Enterprise Program as Required by the Federal Aviation Administration Grant Funding Agreement for Parallel Taxiway Alpha Project (Budget Impact - None)

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

Description/Background: The Board of County Commissioners previously approved the Disadvantaged Business Enterprise (DBE) Program on April 2, 2024. Since that time, the Federal Aviation Administration (FAA) has made several updates to the DBE program. After a review by the County Attorney's office, the Parks & Recreation department is presenting the latest version of the DBE program to the Board for their consideration and execution by the Chairman.

Submission of the signed DBE program is required by the FAA as part of the Grant Funding Agreement requirements for the Parallel Taxiway Alpha project. A copy of the DBE program, with changes highlighted in yellow and summarized, is attached with the agenda item, along with a clean copy that is ready for execution by the Chairman.

Budget/Impact: None.

Recommended Action: Motion to approve the Disadvantaged Business Enterprise Program and authorize Chairman to execute the same.

7.5. Procurement Services:

7.5.1. Request Approval of Change Order 1 to Purchase Order 2500216: 22SS-136 Annual Maintenance of Extrication Equipment- Southern Rescue Tools, LLC., Largo, FL (Budget Impact - Neutral; additional expenditure of \$7,500)

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

Description/Background: On April 21, 2022, Administration approved a contract with Southern Rescue Tools, LLC for the annual maintenance of Marion County Fire Rescue's (MCFR) TNT Extrication tools. Southern Rescue Tools is the authorized service rep for TNT products in the state of Florida. MCFR has purchased additional extrication equipment this past year resulting in a cost overage. Due to the additional equipment, the vendor will also need to be sent to each station quadrant which requires moving their equipment daily. Overall, this process has added 1 day to the maintenance schedule so that all fire stations can be covered. Change Order 1 is being presented today requesting approval to add \$7,500 for this cost overage.

Budget/Impact: Neutral; additional cost of \$7,500 bringing the project's total cost to \$55,000.

Recommended Action: Motion to approve, authorize the Chairman to execute, and allow staff to process Change Order 1 to PO 2500216 with Southern Rescue Tools, LLC under project 22SS-136.

7.5.2. Request Approval of First Contract Amendment: 22BE-165, Armed and Unarmed Security Services - Giddens Security Corporation, Jacksonville, FL (Budget Impact - Neutral; estimated additional expenditure of \$15,809)

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

Description/Background: On May 17, 2022, the Board approved a bid exemption to award Giddens Security Corporation (Giddens) a contract for the County's armed and unarmed security services. The initial contract also included money courier services for various county departments, billed at an hourly rate. Since the inception of the contract, the volume of funds being transported by Giddens has increased, necessitating a higher insurance rate to mitigate the associated risks. To address these evolving needs, a standardized rate of \$40.00 per pickup has been negotiated. This rate will be uniformly applied across all relevant county departments. Currently, the Clerk of Courts utilizes Brinks to transport funds from the Judicial Center to the bank. However, the Clerk has expressed a preference to transition this service to Giddens at the newly established rate. The Brinks contract will end on October 1, 2025 and Giddens will take over from that date forward.

Courier services for county departments will be effective upon Board approval, while courier services for the Clerk of Court will begin on October 2, 2025. In addition, this First Contract Amendment renews the agreement for a period of three (3) years, commencing July 1, 2025, and concluding June 30, 2028.

Attached for review is a draft contract amendment; upon approval at today's meeting, it will be sent to Giddens for signatures, and upon return, will be forwarded for the County Attorney's, Clerk's, and Chairman's signatures.

Budget/Impact: Neutral; additional annual estimated expenditure of \$15,809 for money courier services, for a total annual estimated expenditure with security services of \$1,121,550. The funds for this contract are allocated across multiple departments within the county. Each department will contribute to the costs associated with the armed courier services based on its specific needs and usage requirements.

Recommended Action: Motion to approve the First Contract Amendment, and upon execution with Giddens Security Corporation, authorize the Chairman and Clerk to execute the amendment under 22BE-165.

7.5.3. Request Approval of First Contract Amendment: 24Q-054-CA-01, Animal Services New Facility - D.E. Scorpio Corporation d.b.a. Scorpio, Gainesville, FL (Budget Impact - Neutral; expenditure of \$16,455,244)

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

Description/Background: At the February 20, 2024 meeting, the Board approved a contract with D.E. Scorpio Corporation d.b.a. Scorpio for Construction Manager at Risk (CMR) services for the new Animal Services facility. Then, at the October 1, 2024, meeting, the Board approved a task order for the early start package to ensure the project remained on schedule. This initial phase included demolition, site preparation, fencing, irrigation, and installation of mechanical and electrical systems for the Administration building. The work completed under this task order laid the foundation for phase 2, being presented today, which involves a full build-out of the Administration building and the construction of two kennel buildings, each with 50 kennels. Scorpio will oversee the construction administration and manage all aspects of phase 2 to ensure the project's timely and successful completion. A third phase of the project will be brought back to the Board before May 2025, which will include the addition of two more kennel buildings.

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Attached for review is a draft contract amendment. Pending approval at today's meeting, it will be forwarded to Scorpio for execution as written, and upon return, will be processed for signatures from Legal, the Clerk, and Chairman.

Budget/Impact: Neutral; expenditure of \$16,455,244. Up to ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding from:

AA713562-562102 - \$1,000,000 (Partial Project Cost)

VJ731562-562102 - \$15,660,340 (Remaining Project Cost + Contingency)

Recommended Action: Motion to approve and allow staff to issue, and upon return by Legal, authorize the Chairman and Clerk to execute the First Contract Amendment with D.E. Scorpio Corporation d.b.a. Scorpio under 24Q-054.

7.5.4. Request Approval of First Contract Amendment with Firm Name Change: 22Q-228-CA-01 Geotechnical Engineering Services - UES Professional Solutions, LLC, Orlando, FL (Budget Impact - None)

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

Description/Background: Contracts with several firms were approved by the Board at the October 17, 2023, meeting to provide geotechnical engineering services for use by all County departments. Following the contract renewal approved on December 3, 2024, Procurement Services received written notification from Universal Engineering Sciences of a legal name change to UES Professional Solutions, LLC.

Procurement Services seeks approval to process the attached contract amendment reflecting this name change. The firm's updated name was officially registered with Sunbiz on May 3, 2024.

Included for review are the revised contract amendment and documentation verifying the firm's legal name change.

Budget/Impact: None; purchase orders over \$50,000 will be brought back to the Board for review and approval.

Recommended Action: Motion to approve and authorize the Chairman to execute the contract renewal with UES Professional Solutions, LLC under 22Q-228-CA-01.

7.5.5. Request Approval of Fourth Contract Amendment: 20B-102-CA-04 Drainage Retention Area Mowing - C&C Solutions, LLC, Ocala, FL, C&K Clean Cuts Lawn Service and Enterprise, LLC, Reddick, FL, M. Hughes, LLC, Ocala, FL, and Top-Quality Lawn Management, LLC, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$397,165)

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

Description/Background: On March 4, 2020, the Board approved to contract with four contractors to provide routine mowing of drainage retention areas (DRAs), drainage rights-of-way, adjacent rights-of-way, drainage easements, and conveyance swales. The work includes trimming around structures such as pipe ends, discharge structures, signs, trees, and along fence lines which at times, includes the use of specialized equipment and hand work. The contractors have complied with the agreement's terms and conditions, which include the option to extend the contract for its fourth renewal option; pending mutual agreement.

Steven Cohoon, P.E., County Engineer, recommends the fourth, one-year term renewal.

Attached for review is a draft of one contract; the rest are identical. Pending approval at today's meeting, the contracts will be sent to C&C Solutions, LLC, C&K Clean Cuts Lawn Service and Enterprise, LLC, M. Hughes Services, LLC, and Top-Quality Lawn Management, LLC for signatures. Upon return, the contracts will be forwarded for the County Attorney, Clerk, and Chairman's signature.

Budget/Impact: Neutral; annual expenditure is estimated at \$397,165, however, this estimate may vary based on the actual needs of service. Annual expenditures shall not exceed approved fiscal year budget amounts and shall be based on contracted acreage unit pricing without being brought back to the board. Funding comes from EK430538-534101 - Stormwater Program.

Recommended Action: Motion to approve the contract amendment and allow staff to renew the contracts, and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 20B-102-CA-04.

7.5.6. Request Approval of Second Contract Amendment: 24B-084-CA-02 Marion County Drainage Retention Area (DRA) Mowing - Pure Cuts & Lawn Maintenance, LLC, Ocala, FL (Budget Impact; estimated expenditure of \$50,000)

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

Description/Background: On March 19, 2024, the Board approved a contract with Pure Cuts & Lawn Maintenance, LLC for countywide drainage retention area mowing. The contractor has complied with the original agreement's terms and conditions, which include an extension of two, one-year term renewals, pending mutual agreement. Steven Cohoon, P.E., County Engineer, recommends the first, one-year term renewal.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Pure Cuts & Lawn Maintenance, LLC for signatures. Upon return, it will be forwarded to the County Attorney, Clerk, and Chairman for signatures.

Budget/Impact: Neutral; annual expenditure is estimated at \$50,000, however, this estimate may vary based on the actual needs of service. Annual expenditure shall not exceed approved fiscal year budget amounts and shall be based on contracted acreage unit pricing without being brought back to the board. Funding comes from EK430538-534101 - Stormwater Program.

Recommended Action: Motion to approve the contract amendment and allow staff to renew the contract, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 24B-084-CA-02.

7.5.7. Request Approval of Fourth Contract Amendment: 20B-141-CA-04 Drainage Retention Area Mowing Area V - Five Zones - Richard C. Marcinkoski d/b/a Rick's Lawn Service, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$52,217)

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

Description/Background: On May 5, 2020, the Board approve a contract with Rick's Lawn Service for routine mowing of drainage retention areas (DRAs), drainage rights-of-way, adjacent road rights-of-way, and conveyance swales within drainage easements. This work includes trimming around structures such as pipe ends,

discharge structures, signs, trees, and along fence lines, and may, from time to time, include the use of specialized equipment and hand work. The contractor has complied with the agreement's terms and conditions, which include renewal options, pending mutual agreement. Steven Cohoon, P.E., County Engineer, recommends the fourth-year term renewal option.

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

Budget/Impact: Neutral; estimated expenditure of \$58,217. Actual cost may vary and will not exceed the approved annual budgeted amount. Funding comes from EK430538-534101 - Stormwater Program.

Recommended Action: Motion to approve the contract amendment, allow staff to issue a contract renewal, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 20B-141-CA-04.

7.5.8. Request Approval of Selection Committee Recommendation: 25Q-041 Marion Insider's Guide - Digital Fury LLC, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$164,400)

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

Description/Background: On behalf of the Visitors Convention and Bureau (VCB), Procurement issued a Request for Qualifications (RFQ) to identify a qualified agency to produce mini-episodes for the *Marion Insider's Guide*, a web-based travel series. These episodes will feature teaser videos, behind-the-scenes content, and both still and video footage to enhance the series' reach and engagement. Following the RFQ process, one proposal was submitted, reviewed, and evaluated. The Selection Committee comprising Jovanny Arenas, Jessica Heller, and Lee Schwartz, has recommended awarding the contract to Digital Fury LLC.

Tourism Development Director Loretta Shaffer concurs with the selection committee's recommendation and endorses awarding the contract to Digital Fury LLC.

Attached for review is a draft contract, which, upon approval at today's meeting, will be sent to Digital Fury LLC for execution. Once signed and returned, the contract will proceed to Legal, the Clerk, and Chairman for final signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$164,400. Funding comes from CP155552-548101 – Tourist Development Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract with Digital Fury LLC under 25Q-041.

7.5.9. Request Approval of Selection Committee Recommendation: 25Q-042 Combined Brass, PVC Parts and Supplies - Core & Main LP (Budget Impact - Neutral; expenditure of \$500,000)

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

Description/Background: On behalf of the Marion County Utilities Department (MCU), Procurement Services advertised a Request for Qualifications (RFQ) to

contract with qualified suppliers to source MCU's needs for brass, PVC parts and supplies. Core & Main LP was the only supplier that responded to the RFQ, which was reviewed and evaluated by the Selection Committee.

MCU Director Tony Cunningham supports the Selection Committee's recommendation to award to Core & Main LP.

Attached for review is a draft of the contract. Upon approval at today's meeting, it will be sent to Core & Main LP for signatures. Once signed, it will be forwarded to Legal, the Clerk and Chairman for signatures.

Budget/Impact: Neutral; expenditure of \$500,000. Funding is from lines ZF44553-552108 (Marion County Utility Fund) - \$5,000; ZF442533-552108 (Marion County Utility Fund) - \$250,000; and ZF448536-563102 (Marion County Utility Fund), Project UTC000099 - \$245,000.

Recommended Action: Motion to approve recommendation and allow staff to issue, and upon approval from Legal, authorize the Clerk and Chairman to execute the contract under 25Q-042.

7.5.10. Request Approval of Task Order for Civil Site Engineers for Miscellaneous Projects: 23Q-087-TO-32 NE 148th Terrace Over Mill Creek Bridge Repair - JBrown Professional Group, Inc., Gainesville, FL (Budget Impact - Neutral; expenditure of \$55,205)

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

Description/Background: On June 6, 2023, the Board approved contracts with multiple firms to provide various civil site related engineering services for the County. Firms were selected based on area of specialty and equitable distribution of work among all firms in accordance with §287.055 Consultant's Competitive Negotiation Act (CCNA).

JBrown Professional Group, Inc. (JBPro) has been chosen to design the bridge superstructure repairs and roadway element replacements for the project located at the NE 148th Terrace crossing over Mill Creek. Situated within a County-owned right-of-way, the project spans approximately 0.04 miles of a two-lane roadway classified as a rural local street.

Attached for review is a copy of the proposal along with the fee schedule. Pending approval at today's meeting, the requisition will be released for processing.

Budget/Impact: Neutral; expenditure not to exceed \$55,205. Funding comes from BM761541-563221 - 80% Gas Tax Construction Fund.

Recommended Action: Motion to approve the request and authorize the staff to issue the Task Order/Purchase Order to JBrown Professional Group under 23Q-087-TO-32.

7.5.11. Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Projects: 23Q-087-TO-33 - Comprehensive Plan Amendments - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$236,425)

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

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

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of work among all firms in accordance with §287.055 Consultant's Competitive Negotiation Act (CCNA).

Kimley-Horn and Associates, Inc. has been selected to develop amendments to the Comprehensive Plan, including goals, objectives, and policies that comply with the requirements of Chapter 163, Part II. The scope of work also encompasses public engagement activities such as workshops, public hearings, and the preparation of the final draft comprehensive plan.

Attached for your review is the draft contract. If approved during today's meeting, it will be forwarded to the firm for signatures. Once signed and returned, the contract will be routed to the County Attorney, Clerk, and Chairman for final approval.

Budget/Impact: Neutral; expenditure of \$236,425. Funding comes from AA320515-531109 - General Fund.

Recommended Action: Motion to approve and authorize staff to issue a Purchase Order to Kimley-Horn and Associates, Inc. under 23Q-087-TO-33.

7.6. Tourist Development:

7.6.1. Request Approval of Tourist Development Council Request for Room Night Generating Funding for the FACAP 47th Annual Seminar Hosted by the Florida Advisory Committee on Arson Prevention, Inc. (Budget Impact - Neutral; expenditure of up to \$3,500)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Room Night Generating Event Funding program is intended to position Marion County as a must-experience destination in Florida through bringing quality events and initiatives to Marion County. This funding contract is for the FACAP 47th Annual Seminar hosted by the Florida Advisory Committee on Arson Prevention, Inc. to be held on March 5-7, 2025, at the World Equestrian Center. The estimated economic impact for this event is \$151,479 and is anticipated to produce a 10% return on investment. This event was recommended for funding in the amount of \$3,500 by the TDC at their regularly scheduled meeting on November 21, 2024.

Budget/Impact: Neutral; expenditure of up to \$3,500. 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.

7.6.2. Request Approval of Tourist Development Council Request for Room Night Generating Funding for the Live Oak International Hosted by Live Oak Plantation Combined Driving, Inc. (Budget Impact - Neutral; expenditure of up to \$18,200)

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

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

the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Room Night Generating Event Funding program is intended to position Marion County as a must-experience destination in Florida through bringing quality events and initiatives to Marion County. This funding contract is for Live Oak International hosted by Live Oak Plantation Combined Driving, Inc. to be held March 13-16, 2025, at Live Oak Stud. The estimated economic impact for this event is \$1,586,988 and is anticipated to produce an 88% return on investment. This event was recommended for funding in the amount of \$18,200 by the TDC at their regularly scheduled meeting on November 21, 2024.

Budget/Impact: Neutral; expenditure of up to \$18,200. Funding is 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.

7.6.3. Request Approval of Tourist Development Council Request for Room Night Generating Funding for the Grandview Invitational Hosted by Grandview Invitational, Inc. (Budget Impact - Neutral; expenditure of up to \$19,600)

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 program which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Room Night Generating Event Funding program is intended to position Marion County as a must-experience destination in Florida through bringing quality events and initiatives to Marion County. This funding contract is for the Grandview Invitational hosted by Grandview Invitational, Inc. to be held on January 30 - February 1, 2025, at Florida Horse Park. The estimated economic impact for this event is \$969,295 and is anticipated to produce a 17% return on investment. This event was recommended for funding in the amount of \$19,600 by the TDC at their regularly scheduled meeting on November 21, 2024.

Budget/Impact: Neutral; expenditure of up to \$19,600. 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.

7.6.4. Request Approval of Tourist Development Council Request for Room Night Generating Funding for Grandview World Nights Hosted by Grandview World Nights, Inc. (Budget Impact - Neutral; expenditure of up to \$22,400)

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

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

Generating Event Funding Program is intended to position Marion County as a must-experience destination in Florida through bringing quality events and initiatives to Marion County. This funding contract is for Grandview World Nights hosted by Grandview World Nights, Inc. to be held February 5-8, 2025, at the World Equestrian Center. The estimated economic impact for this event is \$1,222,828 and is anticipated to produce a 31% return on investment. The event was recommended for funding in the amount of \$22,400 by the TDC at their regularly scheduled meeting on November 21, 2024.

Budget/Impact: Neutral; expenditure of up to \$22,400. Funding is 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.

7.7. Utilities:

7.7.1. Request Approval of Water Main Extension Connection Agreement WME-072-S Between Brite Properties of Florida, LLC and Marion County Utilities (Budget Impact - Neutral; expenditure of \$109,038)

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

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 interconnect the system, improving the hydraulic benefit to the neighborhood.

Resolution No. 21-R-381 approved by the Board on August 17, 2021, authorizes in certain circumstances to allow MCU to enter into a Share Agreement whereby each parcel connecting to MCU system pays only its share of the project based upon MCU low bid contractor's price for the work. The water main extension, as designed, will serve 17 total parcels along the route.

Total Project Cost	\$ 109,037.50	\$108,337.50 construction + \$700 design
MCU Cost Only	- \$ 8,700.00	Fire Hydrant
Collective Owners' obligation	\$ 100,337.50	
Per Parcel Cost	\$ 5,902.21	

Budget/Impact: Neutral; project cost is \$109,037.50 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

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

7.7.2. Request Approval of Water Main Extension Connection Agreement WME-079-O Between SW 59th Ave Ocklawaha, LLC and Marion County Utilities (Budget Impact - Neutral; expenditure of \$15,272)

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

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 is required to install 84 feet of water main across the parcel's frontage to the end of the property. The water main extension will serve the property owner's parcel and create a benefit for one (1) additional parcel along the route of the water main extension. Total project cost is derived from the construction cost of \$14,572, plus design fee of \$700, totaling \$15,272. The benefitting parcel cost will be \$7,636.

Budget/Impact: Neutral; project cost is \$15,272 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

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

7.7.3. Request Approval of Water Main Extension Connection Agreement WME-081-O Between Roberto DeFreitas and Marion County Utilities (Budget Impact - Neutral; expenditure of \$14,326)

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

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 is required to install 71 feet of water main across the parcel's frontage to the end of the property. The water main extension will serve the property owner's parcel only. Total project cost is derived from the construction cost (\$13,625.50) plus design fee (\$700).

Budget/Impact: Neutral; project cost is \$14,325.50 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

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

8. COUNTY ATTORNEY:

8.1. Request Consideration of Reduction and/or Release of Civil Restitution Lien for Heather Ann Carter

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

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Description/Background: On January 20, 2025, the County Attorney's Office received a request from Heather Ann Carter, requesting a Release/Reduction of their Civil Restitution Lien from Case No. 2013-CT-3495, recorded at OR Book 5920, Page 224 on August 28, 2013 and OR Book 6029, Page 1807 on April 21, 2014. Ms. Carter is requesting a reduction of the Civil Restitution Liens totaling \$7,194.95, with \$4,450.00 remaining in judgments and \$2,744.95 in interest.

On May 4, 2013, Ms. Carter was arrested for Driving Under the Influence Second Offense (First Degree Misdemeanor) in Case No. 2013-CT-3495. On July 22, 2013, she was adjudicated guilty of the amended charge of Reckless Driving Involving Controlled Substance and sentenced to one (1) day in jail, and 12 months probation. The Court imposed a Judgment of Cost of incarceration of \$50.00 (sentence 1-day x \$50 per day). She served one (1) day in the Marion County jail and was not an Inmate Worker. She has paid all other court costs and fines in this case.

On January 16, 2014, she was arrested for Driving Under the Influence with Property Damage Second Offense and posted bail. Subsequently, Ms. Carter was arrested on March 3, 2014 for Driving Under the Influence Third Offense as well as Violation of Probation for Reckless Driving Involving Controlled Substance in Case No. 2013-CT-3495.

On March 14, 2014, she was adjudicated guilty and sentenced to 90 days in jail, with credit for 15 days time served. The Court imposed a Judgment of Cost of incarceration of \$4,500.00 (sentence 90 days x \$50 per day). She served 75 days, of which she was an Inmate Worker for 62 days. She has paid one \$50.00 payment towards this lien. She has paid all other court costs and fines in this case.

For this case, Ms. Carter was sentenced to a total of 91 days. She served 76 days in jail, of which she served 62 days as an inmate worker. Therefore, she was in jail for 14 days where she was not an inmate worker.

Note: Ms. Carter filed a Notice of Homestead regarding these liens on July 20, 2018, recorded in OR Book 6802, pgs. 435-437 and October 17, 2023, recorded in OR Book 8170, pgs. 102-103.

Budget/Impact: None

Recommended Action: Motion to approve or deny Heather Ann Carter's request for a Reduction and/or Release of the Civil Restitution Liens recorded at: recorded at OR Book 5920, Page 224 on August 28, 2013 and OR Book 6029, Page 1807 on April 21, 2014; in Case No. 2013-CT-3495.

Chief Assistant County Attorney Dana Olesky provided an overview of the request for a reduction and/or release of Civil Restitution Lien for Heather Ann Carter.

In response to Chairman Bryant, Ms. Olesky advised that Ms. Carter served 75 days and not 76, noting the Agenda Item does reflect the correct number of days.

Chairman Bryant stated there were only 13 days that she was not an inmate worker, bringing the total to \$650.00 versus (vs.) \$700.00. Ms. Olesky concurred.

In response to Chairman Bryant, Commissioner McClain advised that in staying with what the Board has done in the past, having read the background of this case and how Ms. Carter is trying to improve her life, it is appropriate to reduce the liens to \$650.00.

Heather Ann Carter, NE Jacksonville Road, Anthony, advised that she is a local business owner and has been sober for 11 years. She stated she became addicted to opioids following a surgery, noting she just got her license back last year after raising a 4 year old and 17 year old without one for 10 years. Ms. Carter advised that she is asking for

forgiveness relating to the lien. She stated she is planning to build a harvest market in Anthony for the community, noting she has a 6 acre parcel.

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to approve the request for a reduction of the Civil Restitution Liens to \$650.00. The motion was unanimously approved by the Board (5-0).

In response to Chairman Bryant, Ms. Olesky advised that the County Attorney's Office will follow up with Ms. Carter to ensure she is aware of what to do moving forward.

8.2 WALK-ON: Request Approval Of Two STIPULATED ORDERS OF TAKING AND FINAL JUDGMENTS Related To Two Properties To Be Acquired For The 49th Avenue South Phase Road Improvement Project We Have Reached A Settlement With Attorney Joseph M. Hanratty As To Parcel Nos. 10 AR - Dorothy Anthony, And 42 AL - ACTDT BROWN, LLC Our Road Contractor Is Commencing Work On This Project And These Acquisitions Will Expedite That Work We Are Requesting Board Approval Of These Settlements

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

County Attorney Minter, Legal, presented the following recommendation:

Description/Background: We currently have 4 parcels set for hearing before Circuit Judge Lisa Herndon for a "Quick Take" hearing pursuant to Ch. 74, Florida Statutes. As a result of the two Stipulated Orders of Taking and Final Judgments (copies attached hereto), this will conclude the acquisition of two of the four parcels. Both of these parcels are "whole takes" with the ACTDT BROWN, LLC parcel being unimproved, and the DOROTHY ANTHONY parcel being improved with a single- family residence.

The Parcel No. 10 AR Dorothy Anthony settlement results in a County payment of \$530,000.00, including \$21,000 moving/relocation expenses, and \$65,000 in attorney fees. There are no expert witness fees due, and this settlement will avoid the necessity for both sides to engage additional services from expert witnesses. Ms. Anthony will be allowed extended possession for 90 days pursuant to execution of a separate lease, to remove all of her belongings and vacate the premises.

The Parcel No. 42 AL ACTDT BROWN, LLC settlement results in a County payment of \$49,310.00, including \$2 ,310.00 in attorney fees. As with the Dorothy Anthony parcel, there are no additional expert witness fees.

Budget/Impact: Total budget impact of \$579,310.00 for the two acquisitions

Recommended Action: Motion to approve Stipulated Orders of Taking and Final Judgments as to Parcel Nos. 10 AR and 42 AL. The County Attorney requests approval to make revisions to these settlements that do not revise the payment amounts.

Ms. Olesky stated the County Attorney's Office is requesting approval of two stipulated Orders of Taking and Final Judgments. She advised that the County Attorney's Office is currently scheduled for 4 properties with the court on Thursday, February 6, 2025; however, they have been able to resolve 2 of the properties (Parcel No 10 AR and 42 AL). Ms. Olesky stated Parcel No. 1 AR would result in a County payment of \$530,000.00 including \$21,000.00 for moving/relocation expenses and \$65,000.00 in attorney fees. She advised that Parcel No. 42 AL results in a County payment of \$49,310.00, which includes \$2,310.00 in attorney fees. The total budget impact is \$579,310.00 for the 2

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acquisitions that are part of the 49th Avenue South Phase Road Improvement Project. Ms. Olesky stated the Department is additionally requesting the motion include the ability of the County attorney to make revisions to the settlement documents as long as it does not address the payment amounts.

In response to Commissioner McClain, Ms. Olesky advised that there are 2 parcels that the County Attorney's Office was unable to reach a resolution, leaving at least 2 more parcels.

Commissioner Stone questioned if the remaining 2 parcels will be addressed this upcoming Thursday. Ms. Olesky stated that is her belief.

Chairman Bryant opened the floor for public comment.

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

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve Stipulated Orders of Taking and Final Judgments as to Parcel Nos. 10 AR and 42 AL., and to allow the County Attorney to make revisions to these settlements that do not revise the payment amounts. The motion was unanimously approved by the Board (5-0).

9. COUNTY ADMINISTRATOR

9.1. Request for Direction on Lake County's Intent to Change Medical Examiner Districts
County Administrator Mounir Bouyounes presented the following recommendation:

Description/Background: To seek direction from the Marion County Board of County Commissioners regarding the appropriate course of action in response to Lake County's intention to leave Medical Examiner (ME) District 5 and join District 24 with Seminole County.

In 2018, Seminole County (District 24) requested to join District 5 for Medical Examiner services. Later that year, the District 5 Medical Examiner Advisory Committee agreed to allow Seminole County to join District 5, with Seminole County covering the first-year costs of \$1,513,558. This amount included an annual facility expansion offset charge of \$34,920 to offset any upcoming additional costs to the District 5 counties resulting from the acceleration of the timeline to commence the expansion of the Leesburg facility.

Since early 2020, and at the request of the Medical Examiner and the Advisory Committee, Marion County has been working toward establishing a new facility. This process involved collaborating with architects on conceptual designs and site plans, selecting land parcels for the facility's location, and conducting an extensive RFP process to choose a construction manager. The Medical Examiner Advisory Committee for Districts 5 and 24 have been kept informed and have unanimously approved each step of the process.

At the Medical Examiner Advisory Committee meeting on November 13, 2024, the Lake County representative expressed the County's intent to withdraw from District 5 and join District 24. Seminole County has indicated its willingness to proceed with this change. This development significantly impacts the planned efforts for a new Medical Examiner facility for District 5, which have been placed on hold pending further direction.

Considering the events at the November 13th meeting, we have reviewed ways to recover the costs expended by Marion County for District 24's inclusion. These costs include the design of the proposed new facility, property appraisals, land purchases, and future obligations, totaling \$3,140,152. In the existing Interlocal

Agreement between the counties in Districts 5 and 24, each county contributes a percentage based on its population. We have used this same methodology to present options for recovering Marion County's costs, which are attached to this agenda item.

On January 15, 2025, we were notified by Lake County's Assistant County Attorney that Lake and Seminole counties have been working on a new Interlocal Agreement, reflecting Lake County's desire to leave District 5 and join District 24. This new agreement was approved by Seminole County on January 14, 2025, and will be voted on by Lake County on January 21, 2025. Attached is County Attorney Minter's email with his analysis of the proposed interlocal agreement between Lake County and Seminole County. The next step is for the Medical Examiner's Commission to hear this matter. Their next meeting is on February 4, 2025, at 10:00 a.m., where the issue may be discussed. Marion County representatives will be in attendance.

On November 18, 2024, Marion County Fire Rescue Chief James Banta sent a letter to the Chairman of the Board for each county represented in Districts 5 and 24 requesting their input on the following:

- Makeup of District 5 and the continued partnership with District 24
- Reimbursement from Districts 5 and 24 Counties as to the expenditures Marion County incurred for this project.
- Direction on the status of the halted Medical Examiner facility project

Today we are requesting the Marion County Board of County Commissioners' direction on the items listed above.

Budget/Impact: None.

Recommended Action: Discussion and direction.

Mr. Bouyounes advised that this Item relates to Lake and Seminole Counties' intent to change Medical Examiner (ME) Districts and split from District 5. He stated they are presenting today in front of the Medical Examiner Commission to request approval to leave District 5. Mr. Bouyounes advised that for the last 3-plus years since Seminole County (District 24) joined District 5 there has been talk and work relating to a new ME Office. He stated the County has been able to secure a piece of land to build a new office prior to being surprised by this action on behalf of Lake and Seminole Counties. The project has been placed on hold; no additional work has occurred since this learning of this information. Mr. Bouyounes stated Marion County, as the lead agency, has incurred some costs. The soft costs or what the County has incurred to secure an engineer and an architect to start doing the planning and design work for the new office building totaled \$110,000.00. He advised that the second cost is the acquisition of the land, noting the County paid \$2,960,000.00 to secure a piece of land in Summerfield. Mr. Bouyounes stated the other cost that the County may be exposed to involves the contract with the Construction Manager (CM), noting if the project is cancelled or if the project is terminated, the County may be exposed to a \$69,000.00 cost to pay the CM for hours they have spent working with the design architect to come up with the best and least costly design. He clarified the exact amount is not known; however, the cap is \$69,000.00. Mr. Bouyounes advised that the project is on hold and there are no more expenditures, noting it is his recommendation that when the County goes to the ME Advisory Committee on February 12, 2025, the County request reimbursement for the soft costs (\$110,000.00), with Marion County keeping the land it acquired under the County control until it is determined what will happen Districtwide with the Medical Examiner Office. He

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stated he will remind the Commissioners at the ME Advisory Board that the County is still exposed to the \$69,000.00 and at that time, Marion County will expect that it gets reimbursed for that cost.

Chairman Bryant advised that Commissioner Stone is a member of that Advisory Committee.

Commissioner Stone opined that the request by the County Administrator is the best option for the County to take to the Advisory Board on February 12, 2025. She questioned if the County should expect an answer from the architect relating to costs prior to the meeting. Mr. Bouyounes stated the County is holding off on that, noting they have not canceled the contract due to the many unknowns relating to the project. He opined that more time is needed to allow things to settle down and then evaluate what will happen prior to taking that action.

A motion was made by Commissioner Stone, seconded by Commissioner Curry to approve Option 1 in the amount of \$110,347.53. The motion was unanimously approved by the Board (5-0).

10. COMMITTEE ITEMS:

10.1. Public Safety Coordinating Council - Request to Ratify Additional Members as Required for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant

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

Description/Background: On January 10, 2024, the Marion County Board of County Commissioners designated the Public Safety Coordinating Council (PSCC), established under s. 951.26, F.S., as the planning committee to oversee a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant (CJMHSR Grant) awarded to SMA Healthcare, Inc. This grant aims to demonstrate that investing in treatment for mental illness, substance use disorders, or co-occurring conditions reduces the demand on judicial, correctional, juvenile detention, and health and social services systems.

An additional ten (10) members were required to be added to the PSCC to ensure compliance with the membership requirements outlined in s. 394.657, F.S. Eight (8) of these members were identified and ratified by the Marion County Board of County Commissioners on January 21, 2025. The remaining two members to complete the PSCC roster are as follows:

- Jean Tucker
(Representative of the substance abuse program office and the mental health program office of the Department of Children and Families)
- Barbetta (Bee) Barnes
(Representative of primary consumer of mental health services)

Budget/Impact: None.

Recommended Action: Motion to ratify the appointment of two additional members to complete the PSCC roster and ensure compliance with CJMHSR Grant membership requirements as outlined in s. 394.657, F.S.

Clerk Harrell advised that the remaining two members to complete the PSCC roster are Jean Tucker and Barbetta (Bee) Barnes.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to ratify the appointment of Ms. Jean Tucker and Ms. Barbetta (Bee) Barnes to complete the

PSCC roster and ensure compliance with CJMHSA Grant membership requirements as outlined in s. 394.657, F.S. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11.1. Request Approval to Schedule Eight Additional Workshops Regarding the Comprehensive Plan Evaluation and Appraisal Report on Tuesday, March 11, 2025 at 2:30 p.m.; Thursday, March 27, 2025 at 2:30 p.m.; Tuesday, April 1, 2025 at 2:30 p.m.; Monday, April 21, 2025 at 2:30 p.m.; Thursday, May 1, 2025 at 2:30 p.m.; Wednesday, May 14, 2025 at 2:30 p.m.; Monday, June 9, 2025 at 2:30 p.m. and Monday, June 23, 2025 at 10:00 a.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

Growth Services Director Chuck Varadin presented the following recommendation:

Description/Background: Workshops with the Board have been ongoing to review materials regarding the Evaluation and Appraisal Report (EAR). The first series of eight workshops began in September and continued through January and focused on identifying changes to the Comprehensive Plan. The next series of ten workshops (two for February were already approved) begin in February and run through June. This series consist of targeted workshops that aim to make the identified changes to the specific policies within the Comprehensive Plan.

In addition to the two workshops already approved and scheduled for February 6th at 2:30 p.m. and February 24th at 2:00 p.m., staff is requesting to schedule eight additional workshops (two per month) to be held on the following days and times: Tuesday, March 11th at 2:30 p.m.; Thursday, March 27th at 2:30 p.m.; Tuesday, April 1st at 2:30 p.m.; Monday, April 21st at 2:30 p.m.; Thursday, May 1st at 2:30 p.m.; Wednesday, May 14th at 2:30 p.m.; Monday, June 9th at 2:30 p.m. and Monday, June 23rd at 10:00 a.m., or as soon thereafter.

These workshops are being held in the McPherson Governmental Campus Auditorium.

Budget/Impact: None,.

Recommended Action: Motion to approve additional EAR workshops on Tuesday, March 11, 2025 at 2:30 p.m.; Thursday, March 27, 2025 at 2:30 p.m.; Tuesday, April 1, 2025 at 2:30 p.m.; Monday, April 21, 2025 at 2:30 p.m.; Thursday, May 1, 2025 at 2:30 p.m.; Wednesday, May 14, 2025 at 2:30 p.m.; Monday, June 9, 2025 at 2:30 p.m. and Monday, June 23, 2025 at 10:00 a.m., or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve additional EAR workshops on Tuesday, March 11, 2025 at 2:30 p.m.; Thursday, March 27, 2025 at 2:30 p.m.; Tuesday, April 1, 2025 at 2:30 p.m.; Monday, April 21, 2025 at 2:30 p.m.; Thursday, May 1, 2025 at 2:30 p.m.; Wednesday, May 14, 2025 at 2:30 p.m.; Monday, June 9, 2025 at 2:30 p.m. and Monday, June 23, 2025 at 10:00 a.m., or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.2. Request Approval to Schedule and Advertise a Public Hearing to Consider an Ordinance to Amend Chapter 16-73 of the Marion County Code Related to the Solid Waste Residential Assessment on Wednesday, March 5, 2025, at 2:00 p.m. in the McPherson Government Campus Auditorium

Solid Waste Director Mark Johnson presented the following recommendation:

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Description/Background: The Solid Waste Department is requesting a public hearing to consider an ordinance to amend Chapter 16 of the Marion County Code related to the Solid Waste residential assessment. This ordinance will amend the existing methodology for determining annual rate increases and rate cap.

The following date is being requested for the public hearing:

Wednesday, March 5, 2025, at 2:00 p.m. in the McPherson Government Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve and schedule a public hearing with the Board of County Commissioners on Wednesday, March 5, 2025, at 2:00 p.m. in the McPherson Government Campus Auditorium.

Mr. Bouyounes presented a 2 page handout relating to the Solid Waste assessment. He stated staff are requesting to schedule a public hearing on March 5, 2025, at 2:00 p.m. to consider the Solid Waste Residential Assessment Ordinance. Mr. Bouyounes advised that regardless of the discussion, today's action is only to schedule the public hearing. He commented on the handout he provided, noting during the last workshop and when the Solid Waste presentation occurred there was discussion on the Unrestricted Reserve and the \$40,000,000.00 was utilized in one form or another. Mr. Bouyounes clarified that the \$40,000,000.00 was an Unrestricted Reserve including the Operational Reserve, which was approximately \$11,000,000.00 to \$12,000,000.00 at that time. He stated he was asked to review more options if the Board decides rather than having that Reserve at that level to cover an unforeseen storm or event, what if that Reserve was set at a certain dollar amount, and if there is an emergency situation, the County will borrow those funds and be able to pay the Debt Service for 2 to 3 years from that Reserve until the County is reimbursed from any Federal Agency that may be involved in paying for that emergency. Mr. Bouyounes referred to the first page of his handout, noting it represents what the 6-Month Operating Reserve would be and what the Unrestricted Reserve would be that can be used for any emergency event. He advised that it also lists the Restricted Reserve that is required by law to keep that Reserve in place for future closure of the landfill. Mr. Bouyounes stated the first page contains the 1-time fee adjustment and the phased in fee adjustment that the Board discussed previously. He advised that staff went through a few scenarios, noting one was to have the Storm Reserve Goal at \$30,000,000.00; one is to have it at \$20,000,000.00; and one to have it \$10,000,000.00. Mr. Bouyounes stated for the \$30,000,000.00 the recommended assessment would be \$215.00; for the \$20,000,000.00 the 1-time assessment would be \$210.00; and for the \$10,000,000.00 Reserve, the assessment would be \$205.00. He reiterated that no decision needs to be made today; however, he is more than happy to meet with any Commissioner one-on-one for additional discussion relating to those options.

Chairman Bryant stated she requested staff and Mr. Bouyounes to run these figures.

In response to Chairman Bryant, Mr. Bouyounes stated he does not have a clear answer relating to whether the Federal Emergency Management Agency (FEMA) reimburses the interest relating to borrowing funds for emergency events.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve and schedule a public hearing with the Board of County Commissioners on Wednesday, March 5, 2025, at 2:00 p.m. in the McPherson Government Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.3. Request Approval to Schedule a Workshop to Present the Transportation Improvement Program on Thursday, March 6, 2025 at 2:00 p.m., or as Soon Thereafter, in the McPherson Governmental Campus Auditorium

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

Description/Background: Staff is requesting to schedule a Workshop to present and discuss the Transportation Improvement Program (TIP). With approval of Infrastructure Surtax 3, the 2024/25 - 2028/29 TIP needs to be updated and the draft 2025/26 - 2029/30 TIP can be shared. The date requested for this workshop is Thursday, March 6, 2025 at 2:00 p.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve a Workshop to Present and discuss the TIP on Thursday, March 6, 2025 at 2:00 p.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve a workshop to present and discuss the TIP on Thursday, March 6, 2025 at 2:00 p.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.4. Request Approval of Letters of Support for Hands of Mercy Everywhere Appropriation and Budget Request for the Upcoming Legislative Session

Executive Assistant Jennifer Clark, Commission Office, presented the following recommendation:

Description/Background: Hands of Mercy Everywhere (H.O.M.E.) has requested letters of support from the Board of County Commissioners. They are submitting an appropriation request to the Florida Senate and a budget request to the Florida House of Representatives.

Budget/Impact: None.

Recommended Action: Motion to approve letters of support for Hands of Mercy Everywhere appropriation and budget request for the upcoming legislative session.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve letters of support for Hands of Mercy Everywhere appropriation and budget request for the upcoming legislative session. The motion was unanimously approved by the Board (5-0).

11.5. Request Ratification of Letter for the Vet Resource Center Cancer Screening Program

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

Description/Background: A letter was drafted and signed for the Vet Resource Center's free early warning cancer tests for veterans. The letter will be used to introduce local agencies of the program and its benefits to the community.

Budget/Impact: None.

Recommended Action: Motion to ratify letter for the Vet Resource Center's cancer screening program.

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A motion was made by Commissioner McClain, seconded by Commissioner Stone, to ratify letter for the Vet Resource Center's cancer screening program. The motion was unanimously approved by the Board (5-0).

12. GENERAL PUBLIC COMMENTS:

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

Ted Mangold, SE 159th Court, Silver Springs, commented on the road at Silver Springs Forest behind the Winn Dixie Market, noting he has spoken to Commissioner Curry and Code Enforcement. He advised of a burned trailer, trash, and rats, noting if it were not for the feral cats the neighborhood would be overrun with rats. Mr. Mangold stated he purchased and used a product that got rid of some of the rats. He stated other neighbors are experiencing the same issue and questioned why the matter is not resolved, noting Health and Human Services (HHS) has been onsite in addition to Code Enforcement. Mr. Mangold stated Code Enforcement Supervisor Thomas Sapp is in charge of the matter, and he has spoken to him numerous times including as recently as last week. He commented on Commissioner Curry and others coming out and walking the property. Mr. Mangold addressed the road and his request that Tractor Supply allow residents to enter and exit the area the way they did previously and the response he received.

Commissioner Curry advised that he, the County Engineer and other Department heads went to the site, noting he was unaware that garbage was still an issue. He was more focused on the access issue, noting staff have continued to try to work to get the Forestry Service who owns part of that access to assist. He stated he checked back with the County Engineer roughly a month ago and gave them a contact at the Forestry Service; however, it is moving very slowly. Commissioner Curry advised that staff continue to work on this matter and will continue to work with the Forestry Service to try to get access at the location.

Director Chuck Varadin, Growth Services, stated there is an open Code Enforcement case relating to the trash at the site. He advised that both of the owners are deceased, and the owner's boyfriend is living there with invited "guests". Mr. Varadin stated the issue has been taken to the Code Enforcement Board and there is a lien on the property. He advised that he and Code Enforcement Supervisor Robin Hough have discussed bringing the matter before the Board as a foreclosure opportunity as the next step.

Chairman Bryant directed Mr. Varadin to speak with Mr. Mangold to update and let him know what the proceeding looks like and what they can expect timewise. She commented on the easement issue, noting it is a civil matter.

Commissioner Zalak opined that the residents in the area should not have to live with the garbage for the period of time it will take to foreclose on the property.

Joseph Walker, SE 54th Place, Ocklawaha, stated he is already working in the area that Mr. Mangold spoke of, noting he will look into the matter in an effort to assist. He advised that he is present to discuss 9-1-1 addressing relating to Google's Global Positioning Satellite (GPS), which has an incorrect address on a house a block away. Mr. Walker commented on 9-1-1 Management advising they were going to look into the matter, noting the correct address was removed and the wrong address was left.

Lilly Baron, NE 30th Court, Anthony, commented on issues relating to lost pets and questioned if the Board would agree to allowing 15 of its fire stations to be microchip

scanning stations. She advised that the Society for the Prevention of Cruelty to Animals (SPCA) of Ocala will furnish all 15 stations with an international scanner along with a microchip guide containing toll-free numbers. Ms. Baron stated if the pet is chipped, personnel can provide the microchip number and toll-free number to the finder, who would do the rest. She advised that the SPCA of Ocala will provide each participating fire station with a red heart reflector containing a white paw print to identify that fire station as a microchip scanning station. Ms. Baron stated she spoke to Fire Chief James Banta, who thought the idea was doable.

Chairman Bryant advised that this is a wonderful idea and there will be follow up discussions with Chief Banta to see how to implement this idea. She questioned the cost of the microchip readers.

In response to Chairman Bryant, Ms. Baron stated the microchip readers are priced just under \$3,000.00, noting she will furnish the first 15. She clarified that the readers are approximately \$200.00 each; however, the County gets them cheaper at a cost of \$189.00. Ms. Baron advised that the first 15 reflectors will also be provided.

Mr. Bouyounes requested the Board allow him to speak with Chief Banta, noting he has not received a full report from him. He advised that staff will share the pros and cons and what needs to be done.

Chairman Bryant noted it is the ten o'clock hour. She advised that the Board would continue with the remaining Agenda Items after the public hearing is concluded.

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

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

6.1. PUBLIC HEARING: Consider an Ordinance to Amend Chapter 4 of the Marion County Code Relating to Animal Control

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

Description/Background: A public hearing was held on December 3, 2024, to discuss amendments to Chapter 4 of the Marion County Code relating to Animal Control and Enforcement. Revisions were made based on direction from the Board as well as some additional staff recommendations.

Budget/Impact: None.

Recommended Action: Motion to approve the ordinance.

Deputy Clerk Windberg presented Proof of Publication No. 10767259 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on November 22, 2024. The Notice states the Board will consider the adoption of an Ordinance Amending Chapter 4 of the Marlon County Code relating to Animal Control.

Chief Assistant County Attorney Dana Olesky advised that on December 3, 2024, staff presented an updated Ordinance for the Board's consideration, noting staff were tasked with reviewing and bringing back additional information relating to several items. She advised of a handout, which provides a summary of changes to the Animal Ordinance. Ms. Olesky stated everything highlighted in yellow are any substantive changes that were made since the last public hearing, in addition to grammatical and aesthetics changes. She stated there were 3 main categories that the Board had discussion about including the designation as a no-kill shelter and whether the County wanted to consider any other designation such as a socially conscious shelter. Ms. Olesky advised that after review,

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there were no specific changes made to the Ordinance. She stated there was some discussion regarding mandatory licensing from the veterinarians, noting at this point it is the recommendation from staff that it be a voluntary program at least for the next year. Once the year is up, staff can bring back information relating to how many more license tags have been sold and if there is an uptick. Ms. Olesky advised that at the court citation hearings it has been well received by the judges that the County is making the process of obtaining the licensing easier through a quick response (QR) code or website. She stated the topic that has had the most discussion relates to the land development regulation changes, noting she included the language requested by Commissioner Zalak regarding having a community cat caregiver with a cat sanctuary permit. Ms. Olesky advised that there is an update that the disaster plan would include not only emergency, but death or incapacitation. She clarified that there are no specifics as to what the plan has to look like, but now it is consistent in both sections that an individual would have to provide a plan in case of emergency, death or incapacitation. Ms. Olesky stated there were some specific substantive changes that were not in the Ordinance brought before the Board in December. She advised that one of them is specific to adding a time limit restricting the tethering of an animal for more than 5 hours in a 24 hour time period, which was based on staff discussion, reviewing other Ordinances, and looking at some of the issues the community is experiencing. Ms. Olesky commented on additional Notice clean-ups and creating some violations. She stated the language for the Land Development Regulation Commission (LDRC) has been shared with the Board, it has been workshopped at least 2 times and will also be workshopped tomorrow afternoon and then set for a public hearing with the LDRC on March 5, 2025, prior to coming back before this Board for the first of 2 public hearings. Ms. Olesky advised that one of those public hearings has to occur after 5:00 p.m. She stated all of that language needs to be cleaned up by the beginning of April. Ms. Olesky commented on LDRC feedback, noting there was a specific section outlining the limitation on ownership and possession of dogs and cats. She advised that it would be based on the zoning of the parcel and had numbers addressed for that; however, there is a waiver process only in designated zoning areas that would allow an individual to request a Special Use Permit (SUP). Ms. Olesky clarified that it would not allow an individual to run a rescue in a residential area, nor could they apply for a SUP to exceed the designated numbers.

In response to Commissioner Curry, Ms. Olesky stated it is the County Attorney's position that any of these land development regulations that are imposed would not grandfather anyone in as written. She advised that there is language included in the Animal Ordinance that individuals have to abide by whatever the land development regulations were. Ms. Olesky stated a breeder would have to have the animal permit, in addition to ensuring that if they exceed the numbers they are allowed by right in their designated zoning, that they are applying for the SUP. She advised that it still left the definition of kennel within the LDC so that those businesses that are operating by right in a Commercially zoned parcel would still maintain their ability to do that operation.

Commissioner Curry stated the Ordinance addresses the welfare of the animals and the LDC addresses the land use portion of this issue. Ms. Olesky concurred.

In response to Commissioner Zalak, Ms. Olesky advised that anytime SUPs are being considered, the Board is able to address the total number of animals on the property, due to the applicant requesting to do something they do not have the ability to do by right.

She stated there are instances when the County files petitions for custody and has the individual owner civilly enjoined whether it be a stipulation or a Court Order telling them

that they cannot acquire any more animals in the future. Ms. Olesky commented on enjoinder, noting at some point in the future when an enjoined individual has accumulated more animals the only real mechanism the County currently has is to file a Motion For Contempt. She advised that adding the violation allows County staff to issue the citations and from the citation the irresponsible animal owner process can begin. Ms. Olesky stated the violation/citation process helps staff regulate those individuals a little more. She addressed tethering, noting staff would handle this no different than how the County addresses the citations now when individuals provide affidavits or their own video showing an animal is off property. Ms. Olesky advised that this falls in line with the "at large" citations. She stated the County now uses some of that with temporary tasks (routine household tasks or activities of limited duration where a dog owner needs its dog to be kept outdoors during the performance of the task. Nonexclusive examples of such temporary tasks include cooking, vacuuming carpets, mopping floors, and bathing an infant. Such temporary task shall not exceed thirty (30) minutes.), noting an individual is supposed to be home when tethering, so they are able to observe the animal. Ms. Olesky advised of a recent citation where an individual clearly was not at home, noting Animal Control sat in front of the property for a period of time long enough to determine it was a case of unattended tethering.

Animal Control Manager Stephanie Owens, MCAS, commented on the difficulty related to enforcement of Animal Control violations.

Commissioner Zalak expressed concern relating to a single complaint resulting in a citation, noting the number of issues between neighbors that the Board has seen.

In response to Commissioner McClain, Ms. Owens stated currently most of the citations issued for tethering relate to improper tethering (improper collar, without shelter, etc.). She advised that Animal Control Officers have discretion relating to the issuance of citations. Ms. Owens stated 2 affidavits are required relating to the Ordinance governing barking, which can be an option relating to tethering.

Commissioner Zalak questioned if there is a clearer way to address this issue. Ms. Owens advised that it is possible.

Chairman Bryant questioned the number of calls the County receives relating to tethering. Ms. Owens stated she could have the answer before the end of this public hearing.

Animal Services Director Kyra Lynch commented on calls reporting dogs being tethered outdoors 24/7, noting when animal Control Officers arrive and see the dog is not on a tether the case cannot be pursued. She advised that staff were trying to find some type of middle ground. She opined that she is not sure if 5 hours is the best answer. Ms. Lynch stated MCAS staff do not want to wait another 5 years to come back with another Amendment to the Ordinance and are looking to put as much forward as possible, then bring the Ordinance back in a year for any kind of updates or modifications.

Commissioner Zalak commented on previous discussions, noting there were individuals helping with grants for fencing if the County was running across animals in a 24 hour situation. He questioned if that is part of the solution for individuals that do not have the ability to bring the dog in as much as other animals and if this is a situation found mostly with residential parcels or if it is seen more in agricultural pieces of property. Ms. Lynch advised that it is mostly residential per Ms. Owens.

Ms. Lynch stated specific organizations have been put in place to try and help communities, education, and individuals that lack resources. She advised that there used to be groups and organizations that would assist and help with various things; however, some are no longer operational due to a lack of resources. Ms. Lynch stated as an internal

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policy all animal Control Officers know if there is an instance where someone truly just needs help, staff gets creative to find solutions. She commented on the close working relationship with Pasco County Animal Services (PCAS), noting they specifically had grant funding set aside for repairing and building fences. Ms. Lynch advised that PCAS ended up returning those dollars and repurposing the grant due to the lack of need relating to the way that it was written for that specific funding. She expressed concern regarding securing a specific amount of grant funding for this initiative, noting MCAS helps wherever it can.

Commissioner Zalak stated staff should measure the problem and try to put the correct Ordinance language in place or the right measurement of the problem.

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

Commissioner Bryant out at 10:28 a.m.

Commissioner Curry commented on the definition of dangerous dog and possible changes to this category.

Ms. Olesky stated the discussion was in regard to the definition of bite, noting under Florida Statutes (F.S.) the criteria for declaring a dog dangerous is set by Statute. She clarified that the Board cannot waiver too much from how they classify a dog as dangerous. Ms. Olesky advised that the County can determine the appeal process and some of the hearing procedures, but how a dog is classified is set by Statute. She stated the definition of attack and bite are not defined in FS, which allows the Board more discretion relating to those definitions. Ms. Olesky provided the current definition of "bite", noting a portion of the language is being stricken based on some of the dangerous dog investigations and also mimics the language currently in both Manatee and Hillsborough Counties' Ordinances.

Commissioner Curry commented on calls relating to dogs that get loose.

Commissioner Bryant returned at 10:29 a.m.

Chairman Zalak returned the gavel to Commissioner Bryant who resumed the chair.

Commissioner Curry stated there was a situation where a loose dog was very aggressive and individuals could not leave their homes; however, there was not a bite incident. He advised that the MCSO was called and interceded. He requested guidance relating to those situations.

Ms. Olesky stated in each one of those situations the County is looking at the totality of the facts of that incident as well as if there have been any prior issues with the dog. She advised that under the dangerous dog definition there is language stating, "Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority." Ms. Olesky stated in a scenario like that a dog could potentially be declared dangerous on that fact pattern alone. She advised that there is a lot of subjectivity to that in how a person perceives "menacing fashion or apparent attitude of attack", but that is strictly from F.S. 767.

Commissioner Stone opined that the definition of "attack" was improved upon. She questioned if additional language may be needed to include the need for affidavits.

Ms. Olesky stated she would not recommend including language relating to sworn affidavits in the definitions section. She commented on a recent call where the Animal Control Officer had dogs running to them and they would be the party to issue the citation. She clarified that in areas where the County is utilizing a citation or in the case of a dangerous dog, then an affidavit is needed.

Chairman Bryant opened the floor to public comment.

Dale Kreutzer, Marion Oaks Lane, commented on tethering in residential areas vs. agricultural properties, lack of compliance, proposed changes, Animal Control Officers' workload, prioritization and response, the definition of bite, and euthanasia.

Commissioner Zalak advised that most instances when a dog or puppy scratched and draws blood occur inside an owner's dwelling, noting Animal Control is not likely receiving calls relating to this issue. He opined that most the occasions when animal Control is getting involved are typically when a dog is getting out of the control of the owner and down the street somewhere.

Commissioner Curry out at 10:37 a.m.

Ms. Owens concurred, noting some bites are reported through the Department of Health (DOH) due to mandates when individuals go to a hospital.

In response to Commissioner Zalak, Ms. Owens advised that anytime an individual goes to a doctor's office, emergency room (ER), or hospital and report that they were bitten by a dog, the facility is mandated to report it to DOH, who reports it to Animal Control. She clarified that in minor situations like in home scratches they are often not sent to Animal Control. Ms. Owens stated to her knowledge the County has never designated a dog dangerous in a situation like that. She advised that MCAS is only designating dogs as dangerous per the F.S., which is not changing in the County's Ordinance.

Ms. Kreutzer stated the Ordinance's definition of an attack is very similar to what occurs when a puppy gets loose and scratches an individual in an attempt to play.

Commissioner Zalak opined that the biggest problem is when an owner allows the dog to get out of their control.

Chairman Bryant advised that the puppy scenario may be a moot point, noting the definition of attack within the Ordinance.

Ms. Kreutzer expressed concern relating to the language and how words can be twisted relating to dangerous dogs.

Commissioner Zalak likened it to trusting the discretion of a law enforcement officer.

Ms. Kreutzer stated the officer is not the one that will file the affidavit half the time, it will be a neighbor.

Chairman Bryant questioned the number of individuals that have pursued a dangerous dog complaint over a puppy getting loose and scratching someone. Ms. Owens stated she is not aware of any.

Commissioner Curry returned at 10:41 a.m.

Ms. Kreutzer advised that changes are being made to things that are already working somewhat and questioned why the County is not looking for better ways to improve what the County has already. She opined that this is taking away the animal's rights.

In response to Chairman Bryant, Ms. Kreutzer questioned why there is no language requiring Animal Control to advise an owner that they have the right to appeal the decision relating to a dangerous dog classification. She expressed concern relating to the word cat in regard to dangerous dog, noting it should be clear if that means, feral, domestic or every cat.

Commissioner Zalak stated under dangerous dog the Ordinance states, "Has more than once severely injured or killed a domestic animal while off..."

In response to Commissioner Zalak, Ms. Owens concurred that the language references domestic animal not cat specifically.

Ms. Olesky stated the language states domestic animal, noting if it was a feral, non-domesticated, non-owned cat, it does not trip the dangerous dog classification.

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Ms. Kreutzer advised that she has seen dogs charged this year for attacking a feral cat. She clarified that the Ordinance states if a domestic cat is out in a colony with feral cats, it is considered a feral cat.

Commissioner Zalak questioned how the distinction between a domestic cat out in a colony and a feral cat. Ms. Olesky advised that it is difficult, noting just because a cat is outdoors, does not mean it is a feral cat. She stated in community cat areas where food is out, if a domestic cat gets out it will go to the food. Ms. Olesky advised that relating to the case Ms. Kreutzer is speaking of, the cat was on its owner's property at the time it was attacked and killed. She clarified that the cat may have been feral at some point but was on its owner's property.

Ms. Kreutzer questioned if the current Animal Ordinance has language that after the 3 or 5 day stray hold the animal can be euthanized.

Commissioner Stone out at 10:47 a.m.

Ms. Kreutzer commented on poultry relating to the dangerous dog classification, noting she thought State Statute indicates chickens are not considered for a dog to be classified dangerous. She questioned if the language is being removed relating to the County's current no-kill status.

Chairman Bryant stated that language is not being changed, noting she will allow staff to address how that language is in the Ordinance.

Ms. Kreutzer advised that the Ordinance is not being followed. She stated animals are being euthanized for space.

Chairman Bryant advised that she is vehemently denying what Ms. Kreutzer is saying, noting the County does not kill for space.

Brian Creekbaum, NE 31st Terrace, stated he did not attend the December 3, 2024, public hearing on this matter but did review the video. He commented on language in Section 4-11 relating to control of animals.

Commissioner Stone returned at 10:50 a.m.

Mr. Creekbaum advised that for years Animal Control Officers have informed him they do not know where property boundaries are; however, now there is an Ordinance change being proposed that assumes animals such as dogs know more about the location property boundaries. He opined that keeping the Ordinance the way it is now eliminates arguments about property boundaries. Mr. Creekbaum commented on instances where loose dogs approached him in a menacing fashion. He stated he filled out the dangerous dog affidavit and the former MCAS Director advised that the Department would file the document. Mr. Creekbaum commented on the Animal Control Officer informing him if they issue the control violation, the dog owner will have to pay \$100.00. He opined that the proposed language would allow an owner to leave the dog in the yard uncontrolled. Mr. Creekbaum commented on a fatal dog attack in the County.

Chairman Bryant advised that Section 4-11, Control of animals, the County is clearly stating that it expects individuals to have their animals under control and on their property. Mr. Creekbaum stated he is referring to all of the language that currently requires somebody to have the dog on their own property under control and is being stricken from the Ordinance. He advised that a member of County staff informed him that the change in language means they will not cite control violations they otherwise would have and will probably have to back off.

Chairman Bryant stated Animal Control Officers will be trained relating to identifying property boundaries. She advised that the incident Mr. Creekbaum spoke of earlier occurred under the purview of another Director, noting the County has worked diligently

in the last few years to make sure the County is making individuals, to the best of its ability, and in its Ordinance, be responsible pet owners. Chairman Bryant stated if a Commissioner received a report of an incident like Mr. Creekbaum had where a dog(s) charged him and an Animal Control Officer pushed back on issuing a citation, the Board will not be happy, and very stern conversations will occur. She reiterated that individuals need to be responsible for their pets.

Mr. Creekbaum opined that if the proposed change in language takes place, there will be more risk of animal attacks, dogs being run over in the road, and possible human fatalities. Henry Muñoz, Marion Oaks Boulevard, reiterated when Molly's Law was passed, he advised the Board to be careful. He commented on the fund to help individuals construct fencing to contain their animals, noting that makes sense.

Linda Lear, NW 160th Avenue, Morriston, expressed appreciation toward County staff for their time working on the Ordinance. She stated if the Board determines that a SUP is not compatible, or wishes to deny it, they should be able to do so without individuals claiming all their animals as personal and have unlimited numbers. Ms. Lear commented on agricultural areas, noting agricultural activities and residents must be considered when an individual wishes to have a large scale operation. She opined that kennel operators for the large-scale operations must be screened and documented violations should be reviewed and strongly considered before any decisions are made. Ms. Lear advised that the penalties to constant offenders must be enforced. She opined that enforcement is an issue and the penalties have to be strong enough that individuals will comply.

Jocelyn McKathan, NW Gainesville Road, Reddick, expressed concern relating to an unpermitted dog kennel adjacent to her new farm off of Highway 328 in Ocala. She advised that the kennels are visible from her farm and the dogs bark habitually. Ms. McKathan stated it has been documented by MCAS that there were 32 adult dogs and 19 puppies as of June 5, 2024. She advised that she obtained a copy of the incident reports that begin in March, 2024, with MCAS mailing a kennel license letter, Ordinance books, educational flyers, and an application to the kennel owner.

Ms. McKathan stated the last documented interaction between MCAS and the owner was August 2, 2024, noting it is her understanding that the kennel is still unlicensed. She advised that as a farm owner and horse trainer of 30 years, she believes these large-scale kennels are not compatible with agricultural uses, noting the County should have designated areas such as Commercially zoned properties where the kennels could be permitted. Ms. McKathan stated these kennels should not be permitted by right, but by SUP, thereby allowing for public comment. She advised that kennel owners should be vetted and required to apply for a SUP for both profit and non-for-profit operations. Ms. McKathan requested there be a spay/neuter Ordinance for all unregistered dogs. She commented on individuals who chain dogs to trees, noting if someone cannot afford a fence they cannot afford the vet bill that goes along with caring for a dog.

In response to Commissioner Zalak, Ms. McKathan stated the kennel is unlicensed/unpermitted.

Commissioner Stone advised that the matter is an active Code Enforcement case.

Chairman Bryant stated that means it will come before the Board and Ms. McKathan will be notified.

Ron Ehrie, SW Sea Cliff Avenue, Dunnellon, commented on an unpermitted kennel named Sanctuary to the Maxx located within a couple hundred feet of his property. He advised that during the past 2 years he has reached out to Code Enforcement, MCAS, Rainbow Lakes Estates (RLE) District Office, and even escalated his concerns to the

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State level relating to loose dogs and cats on his property, excessive barking by multiple dogs, day and night, every day. Mr. Ehrie stated due to this he feels the County has failed him as a resident. He commented on the length of time it has taken for the situation to garner the attention of the Board. Mr. Ehrie questioned why the Board was not made aware of the situation sooner, especially considering all the complaints from Dunnellon residents and documented injury reports. He advised that he is in favor of most of the changes in the revised Ordinance, especially concerning community cats, with many coming from this kennel. Mr. Ehrie stated based on what he has dealt with for the last 2 years, he has serious concerns for the residents of Morriston. He requested the Board make the necessary changes to ensure no other community has to endure the negative impacts by any other animals' organization claiming to care for animals.

Chairman Bryant advised that public comment is now closed.

(Ed. Note: The Deputy Clerk was in receipt of a 9 page handout from Ms. McKathan.)

In response to Chairman Bryant, Ms. Owens stated during the current fiscal year (FY) there have been 60 first sequence responses and 113 follow-ups for a total of 173. She advised that in FY 2023/24 there was a total of 747, and for FY 2022/23 the total was 678. Ms. Owens clarified that it is going to be total responses that stem from complaint and the follow up responses that officers have to make.

Commissioner Zalak questioned the number of first time complaints. Ms. Owens stated in FY 2023/24 there were 232, FY 2022/23 there were 237 and in the current FY there are 60.

Chairman Bryant advised that the first time calls are similar to what the County experienced the last 2 years. She questioned if there is data that shows how many of those received citations. Ms. Owens stated she can obtain the information; however, it may take a little longer.

In response to Chairman Bryant, Ms. Owens advised that all of the citations that are processed through MCAS provide information on the back of what an individual needs to do to pay the citation through the Clerk of Court. She commented on the dangerous dog classification process, which includes: MCAS making an initial determination if the dog meets criteria to be classified as dangerous per the 3 criteria set forth in the Statute; MCAS delivers a Notice of Sufficient Cause to the animal owner letting them know throughout the investigation there is reason to believe their dog meets criteria; at that point and throughout the entire process the animal owner is advised of all the rights that they are afforded. Ms. Owens advised that individuals are immediately provided 7 days to request a hearing, which then goes before the Dangerous Dog Board. If the owner does not request a hearing in that timeframe, the dog automatically becomes classified as dangerous. She stated at that point the individual is issued a Final Order of Classification. Ms. Owens addressed the 30 day appeal process, noting the owner of any dog classified as dangerous is still afforded that right for a 30 day appeal in the appellate process. She clarified that the information is on every single piece of paper that the owner is given, in the County Ordinance book, in the State Statute and part of the conversations that are had with those individuals. Ms. Owens stated in practice the information is part of the conversation; however, she cannot say on the record that every single conversation has always consisted of every exact word, but it is how the investigators are trained and part of their conversation with the owners. She advised that in most situations when the County is going forward in a Dangerous Dog Board hearing, the dog owner is provided with that information in the presence of many of the individuals in this room today and they are made aware of the right to appeal the decision of the Board.

Commissioner Zalak questioned if the notification relating to a possible dangerous dog classification gets issued at the time of an incident, or does it occur with the owner during a follow-up visit. Ms. Owens advised that it occurs in the follow-up process, noting Animal Control Officers respond to all initial reports of bites or attacks, conduct a preliminary investigation and collect affidavits and take photographs, after that the case is referred to a Humane Investigator who is specifically trained for dangerous dog investigations and cruelty cases. She stated from that point on the Humane Investigator will make further contacts, determine if the case meets criteria to be classified as dangerous and then contact the animal owner subsequently. In response to Commissioner Zalak, Ms. Owens advised that the average time between an incident and the when the Humane Investigator makes contact with the animal owner varies based on the severity of the incident. She stated if there was someone who was significantly attacked and investigators were notified immediately, on scene and the dogs are being picked and held at MCAS pending the dangerous dog classification due to the likelihood of them getting loose or the owner's inability to keep them confined and the public safe, the time frame is typically 2 to 3 weeks. In a minor incident that may take longer to go through the initial investigation process and the dog remains at home, the process is longer, approximately 30 to 60 days.

In response to Chairman Bryant, Ms. Owens advised that she could get the answer relating to the number of dogs that had to appear before the Dangerous Dog Classification Board.

Chairman Bryant requested the same information in regard to tethering cases over the last couple of FYs. She requested staff address questions asked during public comment in regard to domestic vs. feral cats and poultry relating to Dangerous Dog Classification. Chairman Bryant questioned the number of cat-related instances that were reported as well as whether the County is euthanizing animals once they come off the stray hold.

Ms. Lynch advised that the only animals being euthanized immediately following a stray hold are severe public safety cases or animals that are severely medically compromised. She clarified that staff try to humanely hold the animals to make it through the stray hold; however, some are medically compromised to survive the stray hold period. Ms. Lynch advised of such a case recently that was transferred to University of Florida (UF) and even they said the animal could not humanely be held during the stray period. She stated the entire intention of reducing the legal stray holds to the parameters set are based off of the UF recommendations, noting the Department is not trying to make it faster to euthanize animals, they are trying to make it quicker so they can process animals out to foster homes, rescue partners, and adopters. Ms. Lynch advised that the main intention especially of this Ordinance in particular is focusing on puppies, kittens and other animals (pocket pets) that are the most susceptible to disease, illness, and injury in the shelter environment. She stated currently if a 2 day old kitten comes to the shelter it is subject to a several day stray hold and staff are not able to safely transfer it to one of their rescue partners. Ms. Lynch clarified that MCAS is not changing any processes of noticing rescue partners, reaching out for assistance, noting staff is trying to get them out of the shelter environment quicker.

In response to Chairman, Ms. Lynch stated the County absolutely does not euthanize for space.

Chairman Bryant requested information relating to the poultry aspect within the dangerous dog portion of this Ordinance. Ms. Lynch advised that poultry fall under the same category as livestock. She stated staff will look at a dangerous dog investigation, specifically for instances of a dog that went on to somebody else's property and

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proceeded to get into a chicken coop and slaughter dozens of birds. Ms. Lynch advised that the Dangerous Dog Statute and Ordinance says a domestic animal has to be severely injured or killed on more than one circumstance, so even in a circumstance like this, MCAS would issue a dangerous dog warning and hope the owner takes the appropriate precautions to not let something like that happen again. She commented on a recent case where 2 Great Danes took down a calf, noting the language applies to domestic owned animals in this County and staff want to ensure everyone's owned animals and property kept safe.

Ms. Lynch stated staff is trying to appropriately balance the rights of the dog owner and the rights of the victim (animal or human), noting the County is a very agriculturally heavy area and it is important to ensure that livestock and agricultural clients are also safe in the community. She clarified that if a dog happened to get out and caught a chicken and killed it, the dog would not be declared dangerous based off of that 1 instance. There will still be investigations, possibly citations or a dangerous dog warning in the hopes that it will not occur again.

Chairman Bryant commented on individuals in the urban areas that are keeping chickens as backyard pets, noting a specified number is allowed providing there are no restrictions or covenants preventing an owner in a certain area/neighborhood.

Ms. Lynch advised that if a chicken flies on to the dog owner's property, no declaration of dangerous dog status will occur, noting the dog must be off its owner's property. She stated all dangerous dogs (even when declared dangerous) have the option to go home. Ms. Lynch advised that there is a separate declaration and a pursue for the destruction of a dog, noting those happen in very specific and severe cases. She stated these cases happen maybe once a year, and there is one of those cases right now. Ms. Lynch advised that most of the dangerous dog cases are intended to have the dog declared dangerous, which requires the owner to keep them safer and at home. There are additional requirements when they are out on a leash, such as being muzzled.

Chairman Bryant reiterated that staff is trying to come up with an Ordinance that holds individuals accountable to being responsible pet owners regardless of the type of pet they own.

In response to Chairman Bryant, Ms. Olesky stated the State Statute would override the County Ordinance if it specifically said the County is preempted, noting it would override the Ordinance in the case of a dangerous dog. She commented on past litigation whereby the County had expanded the definition of a dangerous dog to include the first severe injury or death of another animal; however, it was ruled unconstitutional and the Ordinance had to be amended. Ms. Olesky advised that the County is preempted from regulating barking on agriculturally zoned parcels. She stated the County is also limited by Statute relating to how much it can charge relating to violations. Ms. Olesky advised that staff are reviewing the fees to determine if they are set at the maximum rate allowed and that information will be brought back to the Board at its next meeting, noting there were a few violations that by the Ordinance were made to include a mandatory court appearance.

Chairman Bryant commented on Section 4-11 of the Ordinance and requested information relating to how the proposed changes will make it better. Ms. Lynch stated MCAS staff are still regulating any dog that becomes in violation, particularly when they come off property. She advised that staff are trying not to violate property owner rights specifically when the dog remains on the owner's parcel.

Ms. Lynch stated Animal Control Officers have the ability to determine where property

boundaries are located so if an animal is outside of its owner's property they will issue the citation. She advised that Animal Control Officers have discretion in certain circumstances, but when it is proven, when there is evidence, especially when there are true violations, they are being addressed. Ms. Lynch stated staff check the Property Appraiser's website and the only instances she is aware of relating to property boundaries is when the victim or other individual filling out the affidavit cannot confidently say where they were at the time.

Chairman Bryant commented on individuals having their pets in an unfenced area and what physical control actually means. Ms. Lynch advised that the Ordinance contains language that defines physical and direct control.

Chairman Bryant questioned if the County is setting itself up for any kind of liability by not having mandatory leash rule/law when there is no way to keep that dog from running off. Ms. Olesky stated the County has had some of these issues, including a dangerous dog case involving a fenced-in area where dogs ran up and down. She advised that when a citation was issued, the court's response was to stop walking along that fence line. Ms. Olesky stated there is a need to balance the right of the animal owner to keep it on their property and whether or not it is posing a safety risk. She advised that the majority of the time when individuals want a citation issued usually involves a neighbor to neighbor dispute.

Commissioner Stone commented on the definition for physical control; noting it states the animal must be on a leash not to exceed 6 foot in its maximum extension.

Ms. Olesky stated in Section 4-11 staff struck all the language that talks about control on an owner's property, it now only addresses when the dog is off the owner's property and the circumstances/situations when an owner has to have direct control and physical control.

Commissioner Stone commented on language that states physical control vs. direct control throughout Section 4-11.

Commissioner Zalak commented on the language that was stricken from Section 4-11 and questioned if it is located elsewhere in the Ordinance. Ms. Olesky advised that under definitions the term enclosure was enhanced to include at a minimum the enclosure shall be suitable to prevent the escape of the dog or cat or the entry of young children. She stated this allows Animal Control Officers the ability to write citations for failing to have the proper enclosure.

Commissioner Zalak questioned if there is language anywhere in the Ordinance relating to inadequate fencing, noting an individual's fence needs to be able to hold whatever animal is on the property. He opined that it should be included in the Ordinance.

Ms. Lynch stated there was a lot of conversation relating to this, noting it is almost impossible to define fence. She advised that she has seen dogs scale an 8 foot fence.

Ms. Lynch commented on the difficulty associated with trying to provide a definition of what is or is not suitable fencing, noting any little dog can get through a 2 post/rail fence. She questioned if that would qualify as a fence, which is why staff opted for the "enclosure" definition.

Ms. Olesky stated the only time fencing was defined was related to livestock fencing, noting it is per the Statute's description fencing requirements when it comes to livestock. In response to Chairman Bryant, Ms. Owens advised that for FY 23 there were 4 Dangerous Dog Classification Board hearings, in FY 24 there were 6, and so far in FY 25 there have been 2 with another scheduled for this month.

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

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Commissioner Bryant out at 11:42 a.m.

Commissioner McClain commented on the language included in Section 4-11, noting it appears as if there was a requirement that if you were to have an animal on your property there had to be some sort of fence/enclosure, or it had to be on a leash.

Ms. Olesky stated previously an individual had to have the animal secured in their house or if outside, in a fence or pen, humanely tethered as County regulations allow, or leashed under direct control. She clarified that the proposed language would remove any requirements of control while it is on the owner's property under this particular section. Ms. Olesky advised that if a dog routinely lives outside it would have to have the proper enclosure, which could be a fence along with a doghouse. She commented on unintended consequences relating to the current language and being asked to write citation due to a dog being in the front yard and individuals walking past being concerned about the dog chasing them, not that the dog has done so previously.

Commissioner Bryant returned at 11:44 a.m.

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

Ms. Olesky stated there were at least 2 citation hearings where a young woman was walking a dog, another neighbor complained, and the judge dismissed the case.

Commissioner Zalak questioned what is meant by shall provide wholesome food and a continuous supply of visibly clean, fresh water.

Ms. Lynch stated "wholesome" is anything that is nutritionally sound and species appropriate.

In response to Chairman Bryant, Ms. Olesky stated the proposed language would limit the number of dogs and cats that one may own or possess in unincorporated Marion County. She advised that on non-agriculturally zoned property the number of dogs would not exceed 4, and the number of cats would not exceed 8; agriculturally zoned properties under 10 acres are allowed 6 dogs and the number of cats would be 10; and properties that are agriculturally zoned with over 10 acres are allowed 10 dogs and 15 cats on the premise.

Chairman Bryant stated that is without a SUP, noting if an individual is going to have more animals than that they have to come in for a SUP. She clarified that individual cannot claim that the overage is personal pets because there is a number.

Ms. Olesky concurred. She advised that high-volume owners could apply for an exemption if they are in A-1, A-2 or A-3 zoned areas on parcels 10 acres or more.

Commissioner Curry questioned whether the municipalities that the County provides animal services have to approve this Ordinance. Ms. Olesky stated they readopt it via the Interlocal Agreement (ILA).

In response to Chairman Bryant, Ms. Olesky stated the municipalities get to decide if they want to adopt the Ordinance, noting while she has not had specific conversations with them regarding the Ordinance. She advised that some of the tweaks stem from some of the cases the County has had within the city limits.

Commissioner Zalak expressed concern relating to the tethering aspect of the Ordinance, noting he would prefer it be stricken, noting he does not think it is enforceable. He stated he does not want Animal Control Officers at a location for 5 hours. Commissioner Zalak advised that he prefers the use of discretion and perhaps a couple affidavits. He clarified that he does not want a violation issued based off just 1 affidavit. Commissioner Zalak stated he is not sure he fully agrees with the definition of domestic animal.

Ms. Olesky opined that it is in the Statute, noting for MCSO to write citations under the Animal Ordinance, livestock had to be included in the domestic animal language. If the

MCSO Agricultural Unit is having an issue with chickens, goats or sheep they can write citations.

Ms. Olesky advised that domestic animal is defined the exact way in F.S., including the provision of domestic cat, as it is in the County Ordinance.

Commissioner Zalak questioned what the penalties are for animals that get loose and get into a chicken coup and kill them all. Ms. Owens stated a control violation in a case like this would carry a monetary penalty of up to \$250.00 per dog for the first offense citation. She advised that the maximum penalty is \$500.00; however, MCAS tries to start at a lower figure relating to first offenses, so they can be increased. Ms. Owens stated the Resolution of fees is set for first, second and third offenses, noting all third offense citations include a mandatory court appearance.

Commissioner Zalak questioned if the funds from the citation came to the County. Ms. Olesky advised that the County retains a \$5.00 fee that goes to Animal Control training and the rest the Clerk of Court collects on behalf of the County, noting those funds go into a fund under the fines. She stated any restitution is a civil matter.

Commissioner Stone questioned if Commissioner Zalak was requesting the Board strike tethering completely out.

Commissioner Zalak advised that he wants the 5 hour timeframe removed.

Chairman Bryant stated she does not want to give indication to the public that the County is taking any steps backwards relating to tethering. She expressed concern that the new language may give that indication by saying it is okay to tether your dog for 5 hours.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to adopt Ordinance 25-03 as it has been presented except for the 5 hour tethering change. The motion was unanimously approved by the Board (5-0).

Ordinance 25-03 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE MARION COUNTY CODE RELATING TO ANIMAL CONTROL; AMENDING SECTION 4-1, PURPOSE; AMENDING SECTION 4-2, DEFINITIONS; AMENDING SECTION 4-4, ENFORCEMENT AGENCY DESIGNATION AND EMPOWERMENT; AMENDING SECTION 4-5, ENFORCEMENT OFFICER'S IMMUNITY; AMENDING SECTION 4-6, ENFORCEMENT PROCEDURES; AMENDING SECTION 4-7, IMPOUNDING AUTHORITY OF OFFICERS; AMENDING SECTION 4-8, LICENSURE, EXEMPTIONS, REQUIREMENTS; AMENDING SECTION 4-9, RABIES VACCINATION REQUIRED; AMENDING SECTION 4-10, MANDATORY MICROCHIPPING; AMENDING SECTION 4-12, DOMESTIC ANIMALS CREATING A NUISANCE; AMENDING SECTION 4-13, HUMANE TREATMENT; AMENDING SECTION 4-14, ANIMALS IN MOTOR VEHICLES OR VESSELS; AMENDING SECTION 4-15, ESTABLISHING AN ANIMAL ABUSER REGISTRY; AMENDING SECTION 4-16, COUNTY TO MAINTAIN LIST OF PERSONS PRESENTLY ENJOINED FROM POSSESSING ANIMALS; AMENDING SECTION 4-17, IMPOUNDMENT, REDEMPTION AND ADOPTION; AMENDING SECTION 4-18, LOCATION OF THE SALE OF DOGS AND CATS; AMENDING SECTION 4-19, REQUIREMENTS FOR SALE OF DOGS AND CATS; AMENDING SECTION 4-20, COMMUNITY CAT INITIATIVE; AMENDING SECTION 4-21, SPAY/NEUTER PROGRAM; AMENDING SECTION 4-22, DAMAGE

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BY DOGS; AMENDING SECTION 4-23, ATTACK OR BITE BY UNCLASSIFIED DOG THAT CAUSES DEATH; AMENDING SECTION 4-24, ATTACK OR BITE BY UNCLASSIFIED DOG THAT CAUSES SEVERE INJURY OR DEATH; AMENDING SECTION 4-25, ATTACK OR BITE BY DANGEROUS DOG; AMENDING SECTION 4-26, DEPARTMENT OF ANIMAL SERVICES TO MAINTAIN LIST OF DOGS CLASSIFIED AS DANGEROUS; AMENDING SECTION 4-27, PROPERTY OWNER'S LIABILITY; AMENDING SECTION 4-28, IRRESPONSIBLE ANIMAL OWNER; AMENDING SECTION 4-29, KENNEL LICENSES; CREATING NEW SECTION 4-30, STANDARDS OF CARE; PROVIDING FOR RENUMBERING OF SECTIONS NECESSITATED BY CREATION OF NEW SECTIONS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

(Ed Note: The Deputy Clerk did not receive a copy of the handout referenced by Ms. Olesky.)

Commissioner Zalak out at 11:57 a.m.

12. GENERAL PUBLIC COMMENTS: CONTINUED

Chairman Bryant opened the floor to public comment.

Ron Ehrie, SW Sea Cliff Avenue, Dunnellon, questioned when this Ordinance goes into effect.

Ms. Olesky stated as soon as it is filed with the State, so effect immediately. The changes to the LDC (more specific to Mr. Ehrie's issue) will come back before the Board at the end of April.

In response to Mr. Ehrie, Ms. Olesky stated the operator of that Sanctuary has 60 days from the time the Board approves the new LDC changes to reapply for the Morriston location. She clarified that the individual was given time to continue to operate in the RLE parcel.

Chairman Bryant advised that the Animal Ordinance does not completely address the issue Mr. Ehrie has been experiencing. She stated the matter must also be addressed with some changes through the County's LDC, which should be back before the Board in April.

Mr. Ehrie advised of the multiple violations the sanctuary was issued. He commented on the operation continuing while this matter is resolved. Mr. Ehrie questioned whether he could call MCAS to bring out traps since the Ordinance is effective immediately after it is received by the State.

Commissioner Zalak returned at 11:59 a.m.

In response to Chairman Bryant, Mr. Ehrie stated cats from the sanctuary are on his property daily.

Chairman Bryant directed staff to meet with Mr. Ehrie to further discuss his concerns.

Virginia Kilmer, NW 73rd Terrace, advised that she runs a non-profit for animals whose owners have passed away. She provided an overview of her work with numerous animal organizations and on legislation relating to the subject. Ms. Kilmer expressed concern relating to the 5 hour period, noting the only time she has witnessed a tethering law work and being enforceable is when the timeframe is set at 30 minutes.

Linda Lear, NW 160th Avenue, Morriston, commented on the aggressive dogs that pose a threat to public safety and tethering of animals on a daily basis. She urged the Board to take the Dangerous Dog Classification portion of the Ordinance very seriously. Chairman Bryant advised that public comment is now closed.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner Curry advised that he had nothing further to add.

Commissioner Stone stated Run for the Springs is only 19 days away and encouraged individuals to register. She advised that there is an employee discount (MC Employee) for those that have not yet registered. Individuals can obtain additional information relating to the event at the following website:

<https://marioncountyrfts2025.itsyourrace.com/event.aspx?id=16424>

Commissioner Stone commented on the recent Florida Association of Counties (FAC) conference, noting the National Association of Counties (NACo) has an Artificial Intelligence (AI) Leadership Academy that she is looking at doing. She commented on possibly getting a policy in place for the County to utilize and perhaps get an AI Executive Committee put together with a Commissioner, the County Administrator, and the County Attorney. Commissioner Stone advised of a conversation with Mr. Bouyounes, noting staff are working to do something and will possibly include time parameters of 6 months to get the executive AI group together, put the parameters in place, and bring the matter back to the Board so priorities can be identified. She reiterated that she plans to participate in the AI Leadership Academy and is willing to help with that initiative.

Chairman Bryant commented on the importance of the Board educating themselves and getting as much information as possible. She stated regarding the AI Executive Committee staff need to ensure the County is not creating too many bureaucratic layers to get things accomplished. Chairman Bryant opined that Information Technologies (IT) staff should probably be the ones to guide that AI conversation and policy.

In response to Chairman Bryant, Mr. Bouyounes advised that his role would be related to a steering committee. Chairman Bryant expressed concern relating to multiple committees and too many layers of bureaucracy. She opined that Legal should be involved relating to creating a policy, IT and the County Administrator, noting those parties can identify guidelines to bring back to the Board.

Commissioner Stone stated she will be in the conversation regardless of whether or not there is a committee.

Mr. Bouyounes advised that anything brought back to the Board will be vetted by Administration, Legal and IT.

Commissioner Stone provided information relating to the course for any other Commissioners interested in participating.

Commissioner Stone encouraged individuals to spay and neuter pets.

Commissioner McClain advised that he has nothing further to add.

Commissioner Zalak advised that he has nothing further to add.

NEW BUSINESS: Mr. Bouyounes stated he just received a text message that the Medical Examiner Commission denied the request from Lake and Seminole Counties.

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Commissioner Bryant expressed appreciation towards the County's Legal and Animal Services Departments for their work on the Animal Ordinance, noting she believes the work will pay off. She encouraged individuals to spay/neuter their pets and obtain the proper license, noting it is the law.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of February 4, 2025 through February 18, 2025.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Letters Dated January 22, 2025 Expressing Support for Citrus County's Barge Canal Boat Ramp Project Appropriations Request

14.1.2. Present Resignation from Parks & Recreation Advisory Council - Kathleen Kelley

14.1.3. Present Resignation from Rainbow Lakes Estates Municipal Services District Advisory Council - Paula Gawlik

14.1.4. Present Resignation from Rainbow Lakes Estates Municipal Services District Advisory Council - Omar Rodriguez

14.1.5. Present Letter Dated January 22, 2025 Supporting the College of Central Florida's Legislative Funding Request Related to Its Vintage Farm Campus

14.1.6. Present Letter From Chairman Kathy Bryant to Seminole Electric Cooperative, Inc. in Support of the Dunnellon Solar Project

14.1.7. Present Letter to Florida Department of Commerce, Bureau of Community Planning and Growth Regarding the Marion County Comprehensive Plan Evaluation and Appraisal Notification

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

14.3. General Informational Items:

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

14.4. Clerk of the Court:

14.4.1. Present Administrative Budget Transfer Report for FY 2024-25

14.4.2. Present Annual Habitat Letter Dated December 10, 2024, From the Southwest Florida Water Management District

14.4.3. Present Memorandum From Gregory C. Harrell, Clerk Of The Circuit Court And Comptroller, Regarding The Filing Of Ordinances 24-32, 24-33 and 24-34 With The Secretary Of State's Office

14.4.4. Present Regular Report of Utilization for Reserve for Contingencies

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

14.5.1. Code Enforcement Board - December 11, 2024

14.5.2. Dog Classification Board - October 14, 2024

14.5.3. Development Review Committee - December 16, 23 and 30, 2024, and January 6, 2025

- 14.5.4.** Land Development Regulation Commission - December 18, 2024
14.5.5. Marion Oaks MSTU Advisory Board for Recreation Services and Facilities - August 13, 2024
14.5.6. Planning and Zoning Commission - November 25, 2024
14.5.7. Rainbow Lakes MSD - November 21, 2024
14.5.8. Tourist Development Council - October 24, 2024
14.5.9. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>
14.5.10. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>
14.5.11. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>
14.5.12. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There being no further business to come before the Board, the meeting thereupon adjourned at 12:12 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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