

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

November 19, 2024

OATHS: The Honorable Timothy McCourt, Circuit Judge of the Fifth Judicial Circuit, administered the Oath of Office to Commissioners Matthew McClain, Craig Curry, and Michelle Stone.

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:03 a.m. on Tuesday, November 19, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

The Marion County Memorial Honor Guard posted the colors.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The meeting opened with invocation by Commissioner McClain 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, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart, and Executive Director of Internal Services Mike McCain.

ANNOUNCEMENTS:

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

1. PROCLAMATIONS AND PRESENTATIONS:

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

1.1. PRESENTATION - Recognition of Agriculture Volunteers - Caitlin Justesen, Livestock Agent, Cooperative Extension Services (Presentation Only)
Cooperative Extension Services Director Lynn Nobles presented the following recommendation:

Description/Background: The UF/IFAS Marion County Extension Department would like to formally recognize the volunteers who contribute hundreds of hours of service to our agricultural community through their participation in three programs: Master Gardeners, 4-H Youth Development, and the Southeastern Youth Fair. Their dedication contributes to the development of youth, nutrition and food systems, environmental education, and sustainable agriculture. National Farm-City Week is the perfect time to celebrate these individuals for the lucrative partnership between rural and urban communities, complementing the economy

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with jobs and providing a rich harvest to feed the population. Restaurants, grocers, and producers ensure the expanded use of agricultural products. Whether they provide consumers with food, medicine, or textiles, they economically impact their cities and rural communities.

The 2024 UF/IFAS Extension Marion County Department volunteer list includes:

- Master Gardeners - 150 volunteers with 20,306 hours served, valued at \$597,051
- 4-H Volunteers - 113 volunteers with 5,500 hours served, valued at \$161,755
- Southeastern Youth Fair Volunteers - 400 volunteers with 9,862 hours served, valued at \$289,943

Total value of volunteer services returned to the community in Food and Agriculture Sciences was \$1,048,749.

Budget/Impact: None.

Recommended Action: Presentation only.

Livestock Agent Caitlin Justesen, Cooperative Extension Services, expressed her appreciation to the Board for recognizing these multiple organizations.

Extension Agent Crystal McCazzio advised that the UF/IFAS Marion County Extension Department would like to formally recognize the volunteers who contribute hundreds of hours of service to the agricultural community through their participation in three programs: Master Gardeners; 4-H Youth Development; and the Southeastern Youth Fair. She stated National Farm-City Week is the perfect time to celebrate these individuals for the lucrative partnership between rural and urban communities. Ms. McCazzio noted agriculture is not only one of the top economic drivers in the State, but also a crucial part of everyday lives. She stated these volunteers give their time, talent, and energy to keeping agriculture thriving in Marion County.

Urban Horticulture Extension Agent Jeremy Rhoden provided a brief overview of the Master Gardner program, noting Master Gardner volunteers are dedicated to educating and assisting the community with sustainable gardening practices. He stated the volunteers go through extensive horticultural training and provide research based advice to help residents grow healthy landscapes, manage pests, and enhance their home gardens. Mr. Rhoden advised that through workshops, plant clinics, and educational programs, volunteers share best practices for everything from vegetable gardening to lawn care by using environmentally friendly techniques that align with Florida's unique climate, ecology, and pollinated gardening. In addition to education, the volunteers actively participate in community projects and maintain demonstration gardens at the UF/IFAS Marion County Extension Office, where locals can see firsthand how different plants thrive in the area. These gardens serve as a living classroom, teaching visitors about native plants, water conservation, and pollinator friendly gardening. The volunteers participate in outreach efforts such as guiding schools, community groups, and individuals in starting their gardens and improving local greenspaces. He advised that there are approximately 150 volunteers who generally outrank every County throughout the State with the highest average of volunteer hours per volunteer, noting last year the volunteers contributed an average of 150 hours each (over 20,300 total hours) equating to nearly \$600,000.00 in services provided to the community.

Katie Davis, 4-H Youth Development, advised that the Marion County 4-H Youth program has over 113 dedicated volunteers who collectively contribute 5,500 hours of service each year from September 1st through August 31st, noting the value of their commitment to the

youth is estimated at \$161,755.00, but the actual impact goes far beyond monetary figures. She stated the volunteers create a nurturing environment by mentoring youth throughout the County including school based clubs. Their guidance helps young people develop essential knowledge and life skills, empowering them to become responsible and productive citizens. In addition, there are 2 volunteer organizations, the Marion County 4-H Foundation and the Marion County 4-H Association, that further enhance these efforts by ensuring that youth have access to scholarships and guidance within the 4-H program. Ms. Davis commented on the diverse expertise of the volunteers, especially agriculture, noting the volunteers share insights from equine science, crop production, nursery and landscape, livestock production, forestry, and conservation. The Marion County 4-H Office manages these incredible volunteers, ensuring they receive the necessary training and resources for success. She encouraged citizens who want to volunteer to get in touch with the Marion County Extension Office.

Executive Director Sara LeFils, Southeastern Youth Fair (SEYF), advised that SEYF is an organization that serves the agricultural industry, as well as community youth. It is the oldest all youth fair in the Country that operates without a midway. She stated the event does not operate on ticket sales or carnival rides, but is 100 percent (%) dedicated to youth showing livestock projects and participating in other skill contests. Ms. LeFils noted all exhibitors participate in either 4-H, Fure Farmers of America (FFA), or both. She provided a brief overview of the financial impact of the SEYF, noting over the past 6 years there have been 2,518 market lambs, goats, steers, and hogs sold at the fair for an estimated cost of \$7,108,929.72. These funds go directly to the youths, 4-H Clubs, and FFA Chapters. Ms. LeFils stated last year a record was broken with 141 steers selling for over \$1,020,000.00. She advised that there is so much more to the Fair than just the market sales, noting the SEYF holds a total of 24 different shows and contests (photography, home arts, woodworking, horticulture, etc.). Ms. LeFils provided an overview of the other exhibits held at the SEYF (livestock judging contest, etc.). She advised that the SEYF also awards scholarships yearly to graduating seniors, noting in 2024 approximately \$19,500.00 was giving out to 14 different Marion County students, as well as 5 other Mark Shuffitt Scholarships in the amount of \$1,000.00 each were awarded. Ms. LeFils commented on other programs/events that are hosted during the Youth Fair week, noting one of the programs exposes over 1,100 second graders to the local agricultural industry. This program involves 65 volunteers who devote over 1,200 hours to the event. She advised that another program is the Ambassador Leadership program, noting this group of eighth graders and high schoolers are responsible for working at least 50 hours of volunteer time during the fair and throughout other community events. Ms. LeFils stated except for herself, every other person involved in the SEYF operations are volunteers, noting there are 26 Executive Board members, 39 General Board members, organizational volunteers, safety volunteers, announcers, scholarship committee, etc. Last year the SEYF logged in 400 volunteers with 9,862 hours served and their time was valued at \$289,943.00.

Chairman Bryant invited the volunteers who were present to come up on the stage for a round of applause and a group picture. She expressed her appreciation to the volunteers for giving their time and energy to the youth of the community.

1.2. PROCLAMATION - Farm City Week - Caitlin Justesen, Livestock Agent, Cooperative Extension Services (Approval and Presentation)

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The Board presented the Proclamation designating the week of November 20 through 27, 2024 as “Farm City Week” to Caitlin Justesen, Livestock Agent, Cooperative Extension Services, Scott Seiler, Harrell Phillips, and several other representatives.

Chairman Bryant advised that Dr. Harrell Phillips and Mr. Scott Seiler will be inducted into the Marion County Agriculture Hall of Fame for their contributions to the agriculture industry.

Livestock Agent Justesen, Cooperative Extension Services, noted Farm City Week always occurs the week leading up to Thanksgiving. She stated Marion County ranked first in the State for small ruminants (sheep, goats, etc.) and tenth in the State in the number beef cattle. Ms. Justesen noted Marion County has over 700,000 acres of farm and ranch land, including the Marion County State Forest. She stated the Marion County Agriculture Hall of Fame will be held on Thursday, November 21, 2024.

Jim Boyer, Director of Research, Plant Science and Education Unit, UF/IFAS, advised that he is also the President of the Marion County Farm Bureau and expressed his appreciation to the BCC for participating in Farm City Week.

Scott Seiler expressed his appreciation to the Board for supporting agriculture in Marion County.

Dr. Harrell Phillips stated he is proud to be a businessman in Marion County, where the value of agriculture is recognized. He expressed his appreciation to those who supported the Ocala Bull Sale, which is the longest, continuous, pre-graded bull sale in the Nation. Dr. Phillips expressed his appreciation for keeping Marion County green.

1.3. PROCLAMATION – Community Paramedicine Recognition Day – Chief James Banta, Fire Chief and Erika Skula, AdventHealth CEO (Approval and Presentation)

The Board presented the Proclamation designating November 19, 2024 as “Community Paramedicine Recognition Day” to Chief James Banta, Marion County Fire Rescue (MCFR), CEO Erika Skula, AdventHealth, and several representatives.

AdventHealth Chief Executive Officer (CEO) Erika Skula advised that the Community Paramedicine program was initiated to deliver services to the medically underserved, including those without access, those with limited resources, and patients who truly require medical care, but lack the means to receive that care. This program has enhanced patient outcomes through intentional care planning for those who are most vulnerable. She stated the program serves as a valuable resource for everyone living in Marion County. Ms. Skula expressed her appreciation to Chief Banta and the Community Paramedicine team, noting without their dedication, none of this would be possible. She stated the program exemplifies the true definition of partnership between the County and AdventHealth by joining forces for the betterment of the community. Over the past 3 years, the program has successfully grown and expanded its services.

Chairman Bryant expressed her appreciation to Ms. Skula and Fire Chief James Banta for partnering to bring this wonderful program to the citizens of Marion County.

1.4. PROCLAMATION – GIS Day - Tom Northey, IT Director (Approval and Presentation)

The Board presented the Proclamation designating November 20, 2024 as “GIS Day” to Information Technology (IT) Director Tom Northey and several County GIS staff members.

IT Director Tom Northey presented a pamphlet entitled “GIS, Geographic Information System”, which provided information relating to the interactive GIS map. He expressed his appreciation to the Board for allowing IT staff to highlight GIS Day. Mr. Northey

introduced GIS Coordinator Natasha Thompson and GIS Programmer Analyst Asir Kahn. He advised that GIS is a specialized niche skillset, noting staff have been working with the College of Central Florida (CF) and the City of Ocala to develop a GIS certification program and create a pipeline of skilled professionals into the workforce.

Mr. Northey presented a short video on GIS and its pathways into tomorrow.

Commissioner Zalak expressed his appreciation to staff for providing the necessary tools to help Commissioners make better decisions for the community.

WALK-ON: PROCLAMATION – The Board presented the Proclamation designating the year of November 2023 through November 2024 as “Chair Michelle Stone Year” to Commissioner Michelle Stone.

Commissioner Curry expressed his appreciation for the professional leadership of Commissioner Stone during her term as BCC Chair.

Commissioner Stone stated it was her honor to work with her fellow Commissioners, Marion County staff, as well as Constitutional Officers.

A brief video was presented reflecting on the many activities and events over the past year under Commissioner Stone.

1.5. CERTIFICATE OF RECOGNITION - Steve Rogers, Town of Reddick (Ratification Only)

The Board ratified the Certificate of Recognition to Steve Rogers, Town of Reddick.

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.

Honor Guard Captain Steve Petty, SW 83rd Lane, addressed the Board in regard to Consent Agenda Item 7.3.3. (Vet Resource Center). He commented on the financial and emotional effects that cancer has on patients and their families. Captain Petty advised that the Honor Guard proudly serves to honor those who have served to guard our Country by providing the honors due at the time that veterans leave their family and friends. He noted since 2001 when the Marion County Honor Guard was formed, it has performed over 6,000 funeral services at the Florida National Cemetery in Bushnell, Florida. Captain Petty advised that the Marion County Honor Guard performs approximately 6 to 7 funeral services per week, along with other presentations throughout Marion County without any charge or fee, noting the Honor Guard relies completely on donations. He expressed his appreciation to the BCC for its support of the Vet Resource Center, which was created after the passing of Memorial Guard member Lewis Alston.

Captain Petty addressed cancer rates relating to veterans and active service men and women, noting there is an early cancer detection blood test known as Galleri that can help detect 50 different types of cancer. He commended the Community Services Department for finding grant monies to help provide this test to veterans for free. Captain Petty stated over 500,000 service members who served in the Gulf War have already been diagnosed with cancer and of that, over 100,000 have already died. He requested the Board approve Consent Agenda Item 7.3.3.

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Chairman Bryant advised that the Board would address Consent Agenda Item 7.3.3. at this time.

7.3.3. Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Program (Public Service) Between Marion County and Vet Resource Center, Inc. (Budget Impact - Neutral; not to exceed \$50,000)

The Board considered the following recommendation as presented by Community Services Director 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.

Vet Resource Center is a local non-profit social services organization that provides direct services to Marion County Veterans who may be at higher risk for cancer due to their service-related disabilities throughout our nation's conflicts. The funding requested will be used to address the critical need of providing early cancer detection test to these veterans with low-to-moderate income status. These tests are able to identify over 50 types of cancers. This necessary testing is not currently provided by the Veterans Administration.

Budget/Impact: Neutral; not to exceed \$50,000.00.

Recommended Action: Motion to approve and authorize the7 Chairman and the Clerk to execute all necessary documentation associated with the Marion County Standard Professional Services Agreement for the CDBG Program with Vet Resource Center, Inc.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve and authorize the Chairman and the Clerk to execute all necessary documentation associated with the Marion County Standard Professional Services Agreement for the CDBG Program with Vet Resource Center, Inc. The motion was unanimously approved by the Board (5-0).

Chairman Bryant noted it is the ten o'clock hour. She advised that the Board would continue with the Item 2. (public comment) after the public hearings are 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 to Consider Adoption of a Resolution to Close and Abandon a Portion of SE 174th Place also known as Sunset Avenue, Belleview Hills Manor, Plat Book UNR, Page 115

County Engineer Steven Cohoon, OCE, presented the following recommendation:

Description/Background: This is a request to consider approval of a Resolution by Petitioners Joseph and Sherry True and Joshua and Jessica Dunkerly to close and abandon a portion of SE 174th Place also known as Sunset Avenue, Belleview Hills Manor, Plat Book UNR, Page 115 and to renounce and disclaim any right of the County and the general public. No person or entity is dependent upon the platted roads for access or for any other purpose. The Development Review Committee considered this request on September 9, 2024 and it was the committee's recommendation that the petition be granted.

Budget/Impact: None.

Recommended Action: Motion to adopt the Resolution closing and abandoning a portion of SE 174th Place also known as Sunset Avenue, Belleview Hills Manor, Plat Book UNR, Page 115 and authorize the Chair and Clerk to execute the same. Deputy Clerk Windberg presented Proof of Publication Legal ad No. 10715953 entitled, "Notice of Public Hearing to Close and Abandon Road(s)" published in the Star Banner newspaper on October 31, 2024. The Notice states the Board will consider the Petition by Marion County to close and abandon certain road(s).

County Engineer Steven Cohoon, Office of the County Engineer (OCE), referred to the plat for Belleview Hills Manor, which is included in the Agenda packet. He advised that the applicant, as well as the neighbors in this area have had issues with loitering and illegal dumping, etc., being left at the end of this dead-end road and is the reasoning behind the request. Mr. Cohoon stated there are multiple roadway connections to the north and one to the south that still remain and would provide any kind of future access to the parcel to the west (SE 58th Avenue). He noted staff have not received any objection to the request. Mr. Cohoon stated the County will maintain easements through this section of abandonment for public utility purposes.

Chairman Bryant opened the floor to 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 adopt Resolution 24-R-492 closing and abandoning a portion of SE 174th Place, also known as Sunset Avenue, Belleview Hills Manor, Plat Book UNR, Page 115. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-492 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; INCORPORATING RECITALS; PROVIDING A FINDING THAT CHAPTER 336, FLORIDA STATUTES, AUTHORIZES AND EMPOWERS THE BOARD TO ACT ON THE PETITION TO VACATE, ABANDON, DISCONTINUE AND CLOSE A CERTAIN ROAD(S) AND TO RENOUNCE AND DISCLAIM ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD(S); PROVIDING A FINDING THAT SAID CERTAIN ROAD(S) IS NOT A PORTION OF FEDERAL OR STATE HIGHWAY SYSTEM; PROVIDING A FINDING THAT THE ROAD(S) IS NOT BEING USED BY THE GENERAL PUBLIC AS A ROAD(S); PROVIDING A FINDING THAT IT IS NOT THE INTENT OF THE BOARD TO VACATE ANY EASEMENTS FOR PUBLIC UTILITIES THAT MAY EXIST WITHIN SAID CERTAIN ROAD(S); PROVIDING A FINDING THAT VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID CERTAIN ROAD(S) AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD(S) WOULD BENEFIT THE GENERAL PUBLIC WELFARE AND WOULD BE IN THE BEST INTEREST OF THE PUBLIC; VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID CERTAIN ROAD(S); RENOUNCING AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD(S); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF

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CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

6.2. PUBLIC HEARING to Consider Revisions to the Marion County Land Development Code Section 6.8.6. - Technical Standards and Requirements Regarding Landscaping, Table 6.8-2 Land Use Categories for Buffers

Deputy Growth Services Director Kenneth Weyrauch presented the following recommendation:

Description/Background: Attached is the proposed update to Land Development Code (LDC) Section 6.8.6 – Technical Standards and Requirements, Table 6.8-2 Land Use Categories for Buffers. The changes are intended to improve consistency and efficiency with identifying and implementing buffer requirements. Staff along with the Board of Commissioners have identified the need to clarify the best buffers to be applied in various instances. Staff hopes to achieve this with the proposed table update.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on October 16, 2024, per LDC Section 1.4.3.A and B. The LDRC voted to recommend approval of an amended version of the proposed LDC amendments. Attached are Staff's and LDRC's final proposed Ordinance materials to be considered by the Board of Commissioners in public hearings scheduled for November 19, 2024, and December 9, 2024, per LDC Section 1.4.3.A and B.

Budget/Impact: None.

Recommended Action: Take public comment, provide direction to Growth Services Planning Staff, and confirm the second public hearing scheduled for December 9, 2024.

Deputy Clerk Windberg presented Proof of Publication Legal ad No. 10721971 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on November 8, 2024. The Notice states the Board will consider the proposed amendment related to Marion County Land Development Code (LDC), Article 6, in Marion County, Florida.

Deputy Growth Services Director Kenneth Weyrauch presented 1 page (11x17) handout entitled, "Buffer Table Proposed by Staff". He stated this is the first of 2 public hearings regarding changes to Buffer Table 6.8-2 Land Use Categories for Buffers as contained in the LDC.

Mr. Weyrauch commented on concerns relating to buffers for new single-family development versus (vs) existing single-family communities, noting newer single-family communities often have smaller lot sizes. He addressed buffer concerns with multi-family developments that are adjacent to single-family developments, especially those that are 55+ communities. Mr. Weyrauch stated staff are currently working with a consultant to rework overall buffering requirements for new development. He noted what is currently being recommended would be a temporary fix until work with the consultant has been completed. Mr. Weyrauch referred to the handout and stated there are two buffer proposals, one is being recommended by staff and the other is being recommended by the LDRC. He provided a brief overview of buffering recommendations by staff, which include a Type "C" buffer for a new single-family residential (SFR) subdivision up against an existing SFR subdivision (currently no buffers are required); and should the adjacent existing SFR subdivision be age restricted (55+) then a Type "D" buffer is being recommended (including a 6 foot (ft) opaque/concrete wall). If the new development is

multi-family next to existing SFR, then staff recommends the buffer change from Type "A" (30 ft wide tree buffer) to Type "B" buffer (20 ft wide tree buffer and a 10 ft wall).

Mr. Weyrauch provide a brief overview of buffer recommendations from the LDRC, which include a Type "E" buffer (5 ft wide buffer with 4 shade trees every 100 ft) where new SFR is adjacent to existing SFR, or a 6ft opaque fence without the vegetation. He stated for a multi-family next to existing SFR the LDRC recommends going from Type "A" buffer (30 ft shade tree buffer) to Type "D" buffer (15 ft shade trees and 6ft opaque wall). Mr. Weyrauch advised that the LDRC also recommends moving the separation distance from the Planned Unit Development (PUD) Section of the LDC (if within 100 ft of the boundary line, the new development cannot be more than twice the height of the existing structures) and adding it as an addition to R-3 zoning for multi-family development as a special requirement.

LDRC Chairman David Tillman, SE 41st Place, commented on the makeup of the LDRC Board, noting there are technical designers, a realtor, as well as a Bishop (as a member of the community). He noted the LDRC was unanimous in regard to not wanting the Board to require a 10 ft wall (Type "B" buffer) as recommended by staff. Mr. Tillman stated the LDRC is instead proposing additional separation criteria, similar to what is already required for PUDs. In regard to SFR development, the LDRC recommends and Type "E" buffer against existing SFR.

General discussion ensued regarding buffering for different elevation heights and topographies of adjoining properties.

Commissioner Zalak reiterated that what is being recommended is just a short term resolution and not the full buffer plan.

General discussion resumed.

Commissioner McClain opined that there is no situation where a 10 ft wall would fix anything a 6 ft wall could not, noting he is not in favor of building 10 ft walls in between developments.

Commissioner Stone opined that Marion County does not want to look like Orlando, which requiring 10 ft walls could create.

Chairman Bryant expressed concern that if the language regarding the 10 ft wall condition was not in the Code, then it would become extremely difficult for the Board to require it under circumstances when it is appropriate, noting developers can always ask for a waiver from that requirement.

General discussion ensued.

Chairman Bryant reiterated her support of staff's recommendation relating to the 10 ft wall requirement, noting it would cut down on noise and sight/light from traffic.

Commissioner McClain opined that a berm with an opaque fence would accomplish the same thing as a concrete wall.

General discussion resumed.

Chairman Bryant opened the floor to public comment.

Branko Dimovski, SE 120th Street, advised that he owns and will be developing a multi-family property in Silver Springs Shores, noting the property is zoned R-3 (Multiple Family Dwelling). He stated it is a very difficult property to develop as there are 3 roads that abut the property. Mr. Dimovski stated he is required to have a Type "C" buffer on the south and east side of the property; however, it is not possible on this property.

Chairman Bryant advised that public comment is now closed.

Commissioner McClain reiterated his objection to requiring 10 ft concrete walls.

Commissioner Zalak referred to the information provided in the Agenda packet as it

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relates to “Section K – Descriptions of buffer classifications”. He advised that Subsection (5) contains language that states “Shrubs shall be planted in a double-staggered row and be capable of reaching a maintained height of six feet within three years”, noting the Board may want a better planting that can be done in a shorter timeframe (i.e., planting that can reach opacity within 12 months).

Mr. Tillman expressed concern with Commissioner Zalak’s suggestion of a requirement that planting must reach opacity within 12 months, noting it sets development up for failure. He opined that setting the size of the plant material would make more sense.

General discussion resumed.

Chairman Bryant recommended bringing Parks and Recreation Director Jim Couillard and staff into that discussion relating to plantings and what to expect. It was the general consensus of the Board to concur.

In response to Mr. Weyrauch, Chairman Bryant stated her preference was to keep the 30 ft wide buffer between SFR and multi-family subdivisions.

General discussion resumed.

Chairman Bryant confirmed the second public hearing is scheduled for December 9, 2024 at 5:30 p.m.

6.3. PUBLIC HEARING to Consider Proposed Marion County Land Development Code Amendments as a Result of the Passing of Senate Bill 812 to Revise Section 2.18.4. Construction, Completion, and Close Out

Deputy Growth Services Director Weyrauch presented the following recommendation:

Description/Background: Attached is the proposed language to update the Land Development Code (LDC) related to Section 2.18.4, Improvement Plan, Construction, Completion, and Close Out. This change is necessary due to the passing of Senate Bill 812, “an act relating to expedited approval of residential building permits.” While Marion County already allowed building permits to be issued before final platting, the Senate Bill requires an increase in the number of units allowed and some changes in overall processes.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on October 16, 2024, per LDC Section 1.4.3.A and B. The LDRC voted to recommend approval of the proposed LDC changes. The proposed Ordinance materials are scheduled to be considered by the Board of Commissioners in public hearings scheduled for November 19, 2024, and December 9, 2024.

Following consideration by the LDRC, staff found that some additional clarification was necessary. This information was discussed with the David Tillman, LDRC Chairman, but is being presented publicly for the first time during this meeting.

Budget/Impact: None.

Recommended Action: Take public comment, provide direction to Growth Services Planning Staff, and confirm the second public hearing on December 9, 2024.

Deputy Clerk Windberg presented Proof of Publication Legal ad No. 10721984 entitled, “Notice of Public Hearing” published in the Star Banner newspaper on November 8, 2024. The Notice states the Board will consider the proposed amendment related to Marion County Land Development Code (LDC), Article 2, Division 18, Section 2.18.4, in Marion County, Florida, providing for revisions as directed by 2024 Senate Bill 812, Laws of Florida Chapter No. 2024-210.

County Engineer Steven Cohoon, OCE, presented a 3 page red-lined handout entitled,

“Sec. 2.18.4. Construction, completion, and close out”; a 2 page highlighted handout entitled, “Sec. 2.18.4. Construction, completion, and close out”; and a 2 page copy of the current LDC language in “Sec. 2.18.4. Construction, completion, and close out”.

Mr. Cohoon advised that the proposed language change in the LDC (Sec. 2.18.4. Construction, completion, and close out) is necessary due to the passing of Florida Senate Bill (SB) 812, which includes language as follows “an act relating to expedited approval of residential building permits.” He clarified that the intent of the Bill was to expedite the approval of residential building permits, and noted while Marion County already allowed building permits to be issued before final platting, the SB requires an increase in the number of units allowed and several other changes in overall processes. Mr. Cohoon provided a brief overview of the 3 handouts, noting the red-lined handout reflects the recommended changes that have gone through the LDRC and staff.

Commissioner Stone out at 10:56 a.m.

Mr. Cohoon advised that Paragraph F of the red-lined handout is what will be most applicable to the changes that came through SB 812, noting everything else will clean up language to ensure consistency with SB 812 and the County’s Code. He referred to Paragraph D, noting there are some changes that will make it clear what the requirements are as it relates to filing of the final plat prior to completion of the improvements. Mr. Cohoon stated other changes to this paragraph also included the acceptable security (Irrevocable Letter of Credit, Bond, etc.). He referred to Paragraph E, which has been updated to include “sales offices” to the list of structures that can be included in expedited permits. An Indemnification Agreement is also being required when Improvements Agreements have been approved. Mr. Cohoon advised that there were also some changes made to Utility requirements (connection to utilities); references to State Fire Code; limitations to the number of permits and number of lots; as well as a Restrictive Covenant requirement in the instance that the developer wants to construct a sales office (i.e., ensure the sales office cannot be transferred prior to the conversion back to a residential structure).

Commissioner Stone returned at 10:58 a.m.

In response to Commissioner Zalak, County Administrator Mounir Bouyounes advised that when a developer begins pulling permits, they are usually at the Improvement Plan stage of the process, noting this would come after the finalized Master Plan and not at the finalized plat stage.

General discussion ensued in regard to the possibility of issuing Certificates of Occupancy during this process (i.e., multiple phase projects).

Commissioner Zalak referred to Paragraph F, subsection 5, which states “Permits being issued for no more than 50 percent of the density on a per lot or unit basis (inclusive of permits approved under Paragraph E.)” and questioned whether this means 50% of a phase or 50% of the entire development project. Mr. Cohoon clarified that it refers to 50% of the density of the entire project.

In response to Commissioner Zalak, Mr. Cohoon stated the applicability of the bond does not specifically layout amenities and landscaping; however, it does specifically state “included but not limited to”, which applies to paving, etc. He noted amenities and landscaping will be formalized in a separate Code update.

General discussion ensued regarding amenities and landscaping during the development phase.

ACA Tracy Straub advised that SB 812 is focused on Paragraph F, noting Paragraphs E and D existed in the Code prior to SB 812 being passed.

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General discussion resumed.

In response to Chairman Bryant, Ms. Straub stated no additional funding is being provided to Counties by the State to help pay for the additional staff and time that will be necessary to keep up with the expedited requirements in SB 812. She opined that the Board may need to re-evaluate associated fees.

In response to Commissioner Zalak, Ms. Straub advised that a language update will be needed to ensure that infrastructure closeout also includes amenities and landscaping.

General discussion resumed.

Mr. Cohoon addressed other substantial changes, including the change in Paragraph G from two sets to one set of an "As-Built/Record Survey", which shall be submitted prior to final inspection. He noted language was also added that further outlined the transfer of public roads from the applicant to the County. Mr. Cohoon referred to the 2 page highlighted handout, noting the highlighted language is recommended by staff for Board consideration. He commented on current Code and advised that staff is recommending the removal of subsection 5 and 6 (page 636 of Agenda packet) under Paragraph F "Approval by the Board", noting the intent of expedited permitting under SB 812 is to move permits as quickly as possible at an administrative level.

In response to Commissioner Zalak, Mr. Cohoon advised that staff will provide in its Master Plan report their recommendations relating to the right-of-way (ROW) plan, recommended number of lot counts for Certificate of Occupancies (COs), start of amenities, start of landscaping plan, etc.

Chairman Bryant opened the floor to public comment.

David Tillman, SE 41st Place, opined that HB 812 was shaped very close to what Marion County already had in place. He expressed his appreciation to staff for their hard work on this matter. Mr. Tillman commented on Master Plans, noting the developer has to have full Improvement Plans completed in order to start construction. He stated there is nothing in the SB that addresses amenities; however, the PUD criteria placed by the BCC can require a developer to do those things prior to selling any homes.

General discussion ensued.

Branko Dimovski, SE 120th Street, commented on the struggles he is facing trying to develop properties located in Silver Springs Shores.

Chairman Bryant advised that public comment is now closed.

Chairman Bryant confirmed the second public hearing is scheduled for December 9, 2024 at 5:30 p.m.

Commissioner Stone requested staff email her the highlighted handout, noting she is having difficulty reading the handout provided.

2. AGENDA ITEM PUBLIC COMMENTS: CONTINUED

Chairman Bryant opened the floor to public comment.

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

3. ADOPT THE FOLLOWING MINUTES (5 sets):

3.1. July 2, 2024

3.2. July 8, 2024

3.3. July 9, 2024

3.4. July 10, 2024

3.5. July 16, 2024

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to adopt the meeting minutes of July 2, 8, 9, 10 and 16, 2024. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:

4.1. Billy Woods, Sheriff - Letter of Funding Request Regarding FY 2023-24 Excess Funds Returned to the Board of County Commissioners

The Board considered the following letter dated October 25, 2024 from Marion County Sheriff William “Billy” Woods, Marion County Sheriff’s Office (MCSO):

Dear Chair Stone:

The un-audited amounts returned to the Board of County Commission for fiscal year 2023-2024 are as follows:

Total County-Wide Budgets	\$	2,265,247
Less Grant Funds	\$	(266,612)
Total County-Wide Funds	\$	1,998,635
MSTU Budget	\$	1,560,440
Less Grant Funds	\$	(279,115)
Less Law Enforcement Trust Fund	\$	(0)
Total MSTU Funds	\$	1,281,325
Total Unexpended Funds Returned	\$	3,279,960

Per my conversations with the County Administrator, I am respectfully requesting for the total general fund balance of \$1,405,231 to be used for the Jail Capital improvement project. My Staff has been working with County Facilities on this project to assist with the needs and design of expanding the Marion County Jail. Your consideration and support in this matter is greatly appreciated.

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

Respectfully,
Sheriff Billy Woods

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

4.2. Gregory C. Harrell, Clerk - Letter of Funding Request Regarding FY 2023-24 Excess Funds Returned to the Board of County Commissioners for Digitalization of Files

The Board considered the following letter dated November 7, 2024 from Gregory C. Harrell, Clerk of Court and Comptroller:

Dear Commissioner Bryant:

The un-audited funds to be returned to the Board of County Commissioners (“Board”) for Fiscal Year 2023-24 are as follows:

“Clerk to Board” Fund (052): \$310,471.67

“Clerk – Office General” Fee Fund (051): \$103,121.98

From the “Clerk to Board” Fund I am requesting \$96,760, for a contract with Instream for imaging of documents for both Official Records and Commission Records. Upon Board approval a budget amendment will be placed on the

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12/03/2024 Board agenda for this request. That would leave a balance of \$213,731.67 in unspent budget returned to the Board from the "Clerk to the Board" Fund.

The Clerk's Office is committed to enhancing public access to historical records through digital preservation. The requested funding includes \$71,740 which will expedite the digitization of 211 Official Records books (1959-1965) and \$25,000 which will digitize an additional 40 cubic feet of boxes for Commission Records. By outsourcing the scanning process to Instream, the Clerk's Office can significantly accelerate the project while maintaining its regular operations. This strategic approach will enable the office to make substantial progress in digitizing its records collection, ultimately providing greater convenience and accessibility for Marion County citizens.

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

Sincerely,

Gregory C. Harrell

Clerk of Court and Comptroller

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve the request for the return of excess "Clerk to Board" Fund (052) for Fiscal Year (FY) 2023-24 in the amount \$96,760.00. The motion was unanimously approved by the Board (5-0).

4.3. WALK-ON: Request Approval of Grant Award Acceptance for the BJA FY24 Adult Treatment Court Program, Award Number 15PBJA-24-GG-03923-DGCT for the Project Titled Marion County Pre-Plea Diversion Drug Courts

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

Trial Court Administrator Jeffery Fuller presented the following recommendation:

Description/Background: On March 1, 2024, then Chairman Michelle Stone designated Regina Lewis to serve as the lead applicant for the BJA FY 2024 Adult Treatment Court Program on behalf of the of the Marion County Pre-Plea Diversion Drug Courts. On September 27, 2024, notification was received of \$1,000,000 from the department of Justice award.

Budget/Impact: Grant revenue in the amount of \$1,000,000. Matching funds are not required.

Recommended Action: Motion to approve and execute on the Award Acceptance by the Marion County Board of Commissioners Chairman, Kathy Bryant for the BJA FY 2024 Adult Treatment Court Program, award number 1 5PBJA-24-GG-03923-DGCT for the project titled Marion County Pre-Plea Diversion Drug Courts.

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

Commissioner Bryant out at 11:22 a.m.

County Administrator Mounir Bouyounes advised that the request is to approve and execute on the Award Acceptance for the project titled Marion County Pre-Plea Diversion Drug Courts in the amount of \$1,000,000.00.

Chairman Zalak opened the floor for public comment.

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

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve and execute on the award acceptance by the Marion County BCC Chairman, Kathy Bryant for the BJA FY 2024 Adult Treatment Court Program, award number 1

5PBJA-24-GG-03923-DGCT for the project titled Marion County Pre-Plea Diversion Drug Courts. The motion was unanimously approved by the Board (4-0).

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

Clerk Harrell advised that Item 5.1.6. relates to Agenda Item 11.1.

Commissioner Bryant returned at 11:23 a.m.

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

Upon motion of Commissioner Stone, seconded by Commissioner Curry, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Clerk Harrell; as well as approved the ratification of the Memorandum of Understanding (MOU) between District Board of Trustees of the College of Central Florida (CF) and Marion County BCC (Agenda Item 11.1.):

- 5.1.1. 24-R-493 – Fine and Forfeiture Fund - Sheriff Regular Transfer - \$11,110
 - 5.1.2. 24-R-494 – Fine and Forfeiture Fund - Sheriff Regular Transfer - \$43,490
 - 5.1.3. 24-R-495 – Fire, Rescue and EMS Fund - Fire Rescue Services - \$7,728
 - 5.1.4. 24-R-496 – General Fund - Fleet Management - \$4,000
 - 5.1.5. 24-R-497 – General Fund - Fleet Management - \$9,800
 - 5.1.6. 24-R-498 – General Fund - Human Resources - \$1,938
 - 5.1.7. 24-R-499 – General Fund - Sheriff Emergency Management Transfer - \$1,929
 - 5.1.8. 24-R-500 – General Fund - Sheriff Emergency Management Transfer - \$86,306
 - 5.1.9. 24-R-501 – General Fund - Sheriff Emergency Management Transfer - \$99,503
 - 5.1.10. 24-R-502 – General Fund - Sheriff Jail Transfer - \$2,684
 - 5.1.11. 24-R-503 – Marion County Utility Fund - Multiple Cost Centers - \$138,792
 - 5.1.12. 24-R-504 – Marion County Utility Fund - Utilities Wastewater System - \$255,000
 - 5.1.13. 24-R-505 – Marion County Utility Fund - Utilities Water System - \$183,725
 - 5.1.14. 24-R-506 through 24-R-516 – Multiple Funds - Sheriff Grant Reappropriations - \$532,375
 - 5.1.15. 24-R-517 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$8,172
 - 5.1.16. 24-R-518 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$21,740
 - 5.1.17. 24-R-519 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$40,306
 - 5.1.18. 24-R-520 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$53,240
 - 5.1.19. 24-R-521 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$63,962
 - 5.1.20. 24-R-522 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$119,397
- (Ed. Note: EMS is the acronym for Emergency Medical Services; MSTU is the acronym for Municipal Service Taxing Unit; and CID is the acronym for Criminal Investigation Division.)

5.2. Project Adjustment

5.2.1. Transfer Project Funds and Amend the Capital Improvement Program - Infrastructure Surtax Capital Project Fund - \$1,060,400

Executive Director Michael McCain presented the following recommendation:

Description/Background: STC073813 - SW 49th Ave South Segment F requires an increase to the ROW budget in order to facilitate impending acquisitions. \$860,400 will be transferred from STC073812 - NW 80th/70th Ave to STC073813 to cover the shortfall. Additionally, STC073814 - SW 49th Ave North Phase requires an increase in funding to cover asbestos testing and demolitions for purchased properties.

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\$200,000 will be transferred from STC073812 to cover the shortfall. STC073812 is not in active ROW acquisition and its funding can be replaced at a later date.

Budget/Impact: Neutral.

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

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

5.3. Clerk of the Court Items

5.3.1. Request Approval of Tax Increment Financing District Payment Requests (Budget Impact - Neutral; expenditure of \$2,721,675)

Finance Director Jennifer Cole presented the following recommendation:

Description/Background: Tax Increment Financing District (TIFD) Payment Requests of \$1,961,024 to the City of Ocala, \$204,998 to the City of Dunnellon, \$112,309 to the City of Belleview, and \$443,344 to the Silver Springs CRA Trust Fund.

Budget/Impact: Neutral; expenditure of \$2,721,675.

Recommended Action: Motion to Approve TIFD Funding Payments.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve TIFD Funding payments. The motion was unanimously approved by the Board (5-0).

5.3.2. Request Adoption of the Following Budget Amendments to the Prior (2023-24) Fiscal Year Budget

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

5.3.2.a. 24-R-523 – General Fund – Clerk to County Commission TR - \$126,109

5.3.2.b. 24-R-524 – General Fund – Tax Collector – TR - \$507,240

5.3.2.c. 24-R-525 – General Fund – Supervisor of Elections – TR - \$559,054

5.3.2.d. 24-R-526 – General Fund – Property Appraiser – TR - \$49,380

5.3.2.e. 24-R-527 – County Transportation Maintenance Fund – Road & Street Facilities - \$174,435

5.3.2.f. 24-R-528 – Street Light Doublegate General Services – Doublegate Subdivision General Services - \$96

5.3.2.g. 24-R-529 – 2012A Debt Service Fund – Series 2012A - \$126,872

5.3.2.h. 24-R-530 – 2013A Debt Service Fund – Series 2013A - \$47,563

5.3.2.i. 24-R-531 – 2016A Debt Service Fund – Series 2016A - \$107,163

5.3.2.j. 24-R-532 – 2017A Debt Service Fund – Series 2017A - \$115,945

5.3.2.k. 24-R-533 – 2019A Debt Service Fund – Series 2019A - \$97,217

5.3.2.l. 24-R-534 – 2021A Debt Service Fund – Series 2021A - \$286,902

5.3.2.m. 24-R-535 – 2022A Debt Service Fund – Series 2022A - \$67,216

5.3.2.n. 24-R-536 – 2022A Capital Project Fund – Series 2022A - \$28,359

5.3.2.o. 24-R-537 – 2024A Capital Project Fund – Series 2024A - \$1,311,624

5.3.2.p. 24-R-538 – 2024B Capital Project Fund – Series 2024B - \$2,426,563

5.3.3. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 209640, IT List

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve the Acquisition or Disposition of Property Forms for 209640 and the IT List. The motion was unanimously approved (5-0)

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

County Administrator Bouyounes requested Consent Agenda Items 7.5.2.; 7.7.2.; and 7.12.4. be removed from consideration, noting staff will bring these Items back at a later date. It was the general consensus of the Board to concur.

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

7.1. Administration:

7.1.1. Request Approval to Donate a Marion County Vehicle to Sheltering Hands (Budget Impact - None)

The Board accepted the following recommendation as presented by ACA Angel Roussel:

Description/Background: On December 20, 2022, the Marion County Board of County Commissioners approved the donation of a surplus vehicle, a 2007 Chevrolet Impala, to Sheltering Hands. During Hurricane Helene, this vehicle was crushed by a falling tree, and Sheltering Hands does not currently possess the funds to replace the vehicle.

On October 21, 2024, a request was received from Sheltering Hands for a vehicle to replace the one that was destroyed. As per Administrative Policy 4.3 and Florida State Statutes 274.05, the Board has the discretion to donate equipment to governmental agencies and non-profit entities. This request is being made to address the transportation needs for spay/neuter appointments, adoption services and donation-based revenue programs. Fleet has identified a 2006 Chevy Express cargo van, asset number 039474, to be considered for donation. Disposition of this vehicle was approved by the Board on October 15, 2024.

Sheltering Hands is a 501(c)(3) nonprofit located in Ocala, comprised mainly of dedicated volunteers. Their mission is to improve the lives of cats through humane care, low-cost spay/neuter surgery, comprehensive cat adoption programs, education, and support services for the community.

Budget/Impact: None.

Recommended Action: Motion to approve donation of the 2006 Chevy Express cargo van, asset number 039474, to Sheltering Hands.

7.2. Attorney:

7.2.1. Request Authorization to Engage Services of Outside Counsel for Defense of Workers' Compensation Case (Budget Impact - None)

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

Description/Background: Due to a possible conflict of interest with my office, it is my recommendation that Marion County engage outside counsel for the defense

of this case. I have considered a number of possible firms, and it is my recommendation that Marion County engage the services of the Dean, Ringers, Morgan & Lawton firm of Orlando for this matter.

Budget/Impact: The firm's fees will be billed on an hourly basis, based on the following rates: Shareholders: \$165; Associates: \$150; and Paralegals: \$110.

Recommended Action: Motion to authorize County Attorney to engage Dean, Ringers, Morgan & Lawton for defense in Workers' Compensation case.

7.3. Community Services:

7.3.1. Request Approval of Marion County Standard Professional Services Agreement State Housing Initiative Partnership New Construction Project Between Marion County and Saving Mercy Corporation (Budget Impact - Neutral; not to exceed \$1,764,265)

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

Description/Background: Saving Mercy Corporation's mission is to provide affordable housing and case management services to at-risk families, veterans, and vulnerable individuals in a faith-based environment.

Saving Mercy submitted a proposal on September 3, 2024 to assist with Phase 2 of construction for 10 duplex units at 3601 West Silver Springs Blvd., Ocala, FL 34475. These units will house individuals and families with the end goal to become self-sufficient. Saving Mercy's program will provide case management and supportive services tailored for each individual's need.

Staff recommends funding the 10 duplexes as follows: two (2) units set aside as permanent supportive housing, nine (9) units at 50% AMI, and nine (9) units at 80% AMI at initial tenancy; current monthly rents for the units to range between \$445 and \$1,085 based on household income and number of bedrooms per unit; the County's State Housing Initiative Partnership (SHIP) grant will not exceed \$1,764,265; and a SHIP mortgage will be recorded against the property for 30 years.

Phase 1 is currently underway and will consist of 59 Supportive Housing units in partnership with CarrFour Supportive Housing that is expected to be completed by the end of 2025. Both Phases will be built on the same parcel owned by Saving Mercy Corporation. The roads and infrastructure for this project are completed and construction of the duplexes in Phase 2 will be completed by June 30, 2025.

This project aligns with the Empower Marion for Success II plan "incentivizing and addressing infill projects for lands within the urban growth boundary" and the Community Services' goals to increase affordable housing and permanent supportive housing for Marion County's most vulnerable population.

Budget/Impact: Neutral; not to exceed \$1,764,265.00.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documentation associated with Marion County Standard Professional Services Agreement between Marion County and Saving Mercy Corporation.

7.3.2. Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Program (Public Service) Between Marion County and Ocala Symphony Orchestra, Inc. (Budget Impact - Neutral; not to exceed \$25,000)

The Board accepted the following recommendation as presented by Community Services Director 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 Ocala Symphony Orchestra, Inc., is a local non-profit organization that provides a program through the Marion County School's for underserved communities to inspire young students to discover the joy of music by promoting music education and accessibility. The Ocala Symphony Orchestra provides scholarships to underprivileged youth to better receive high quality music education through workshops, masterclasses and camps.

Music Education has been shown to positively impact an individual's health and learning. The Ocala Symphony Orchestra will target schools in low to low-moderate income census tracts and go into the community to enhance the importance of music.

Budget/Impact: Neutral: \$25,000.00.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documentation associated with the Marion County Standard Professional Services Agreement for the CDBG Program with Ocala Symphony Orchestra, Inc.

7.3.3. Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Program (Public Service) Between Marion County and Vet Resource Center, Inc. (Budget Impact - Neutral; not to exceed \$50,000)

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

Vet Resource Center is a local non-profit social services organization that provides direct services to Marion County Veterans who may be at higher risk for cancer due to their service-related disabilities throughout our nation's conflicts. The funding requested will be used to address the critical need of providing early cancer detection test to these veterans with low-to-moderate income status. These tests are able to identify over 50 types of cancers. This necessary testing is not currently provided by the Veterans Administration.

Budget/Impact: Neutral; not to exceed \$50,000.00.

Recommended Action: Motion to approve and authorize the Chairman and the Clerk to execute all necessary documentation associated with the Marion County Standard Professional Services Agreement for the CDBG Program with Vet Resource Center, Inc.

(ED. Note: This Item was addressed earlier in the meeting.)

7.4. Development Review Committee:

7.4.1. 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 Two Pond Farms, Parcel Number 00108-000-00, Application Number 32017 (for Agricultural Lot Split Application Number 32018) (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 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 northeast portion of the county containing 10 lots on approximately 114.10 acres.

The Applicant requests to allow an easement agreement that stipulates maintenance. DRC action on October 21, 2024 was to recommend approval.

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.

7.4.2. Request Approval of a Final Plat for Stone Creek by Del Webb Solaire Phase 1, Parcel Number 34899-018-00, Application Number 31209 (Budget Impact - None)

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

Description/Background: This is a request to approve the Final Plat for Stone Creek by Del Webb Solaire Phase 1, a Planned Unit Development.

This subdivision is located in the southwest portion of the County containing 150 lots, six (6) tracts and 1.18 miles of road on approximately 41.97 acres.

This Final Plat was approved by the Development Review Committee on November 4, 2024.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat for Stone Creek by Del Webb Solaire Phase 1 and authorize the Chair and Clerk to execute the same.

7.5. Fire Rescue:

7.5.1. Request Approval of the Interlocal Agreement for Automatic Aid with Citrus County Fire Rescue (Budget Impact - Neutral)

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

Description/Background: Marion County Fire Rescue requests approval of a new interlocal agreement for automatic aid with Citrus County Fire Rescue to enhance emergency response across county lines. This agreement will enable dispatch centers to assign the closest appropriate units to high-priority incidents, ensuring timely and effective responses. The previous agreement expired on September 30, 2022, and renewing it will provide mutual operational benefits, including improved resource availability during concurrent emergencies and contributions to

Insurance Services Offices (ISO) ratings. This partnership will ultimately enhance service delivery for the residents of both counties.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the interlocal agreement for automatic aid with Citrus County Fire Rescue.

7.5.2. Request Approval of the Interlocal Agreement for Mutual Aid with Levy County Department of Public Safety (Budget Impact - Neutral)

The following recommendation by Chief Banta, MCFR, was withdrawn for consideration by Administration:

Description/Background: Marion County Fire Rescue requests approval of a new interlocal agreement for mutual aid with Levy County Department of Public Safety to enhance emergency response across county lines. This agreement will enable each department to request assistance to high-priority incidents, ensuring timely and effective responses. This agreement will provide mutual operational benefits, including improve resource availability during concurrent emergencies and contributions to Insurance Services Offices (ISO) ratings. This partnership will ultimately enhance service delivery for the residents of both counties.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the internal agreement for mutual aid with Levy County Department of Public Safety.

7.6. Growth Services:

7.6.1. Request Approval of a Community Planning Technical Assistance Grant Agreement Between the State of Florida Department of Commerce and Marion County Board of County Commissioners for Reimbursement of Costs Related to Completion of the Evaluation and Appraisal Report and Planned Service Areas Study Project, Agreement #P0516 (Budget Impact - Revenue; grant award of \$75,000)

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

Description/Background: Florida Department of Commerce (Florida Commerce) offers the Community Planning Technical Assistance Grant (CPTA) Program, funded under the Florida Commerce's Fiscal Year 2024-25 Budget, to local governments for planning activities as a reimbursement grant for up to a maximum amount of \$75,000. Staff submitted a Florida Commerce CPTA Application in May 2024, seeking funding related to completion of the County's Evaluation and Appraisal Report and Planned Services Area Study Project (Project).

Florida Commerce approved the submitted CPTA Application for the maximum eligible award amount of \$75,000, subject to the submission of the deliverables outlined in the Agreement. The initial Project estimate was \$220,150, and the \$75,000 maximum award represents 35% of that estimate.

The CPTA Agreement has been reviewed by the County Attorney's Office and staff recommends approval of the Agreement.

Budget/Impact: Neutral; Grant revenue/offset, up to \$75,000 in AA320515-531109 (General Fund).

Recommended Action: Motion to approve and authorize the Chairman to execute the CPTA Agreement and all necessary documents associated with this agreement.

7.7. Human Resources:

7.7.1. Request Approval of the Reclassification of Two Project Assistant Positions, Pay Grade 107 Non-Exempt, to Two Project Assistant Positions, Pay Grade 107-110 Non-Exempt, within the Budget of Parks & Recreation AA360572 (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 24-R-539, as presented by Human Resources (HR) Director Sara Caron:

Description/Background: Requesting a reclass of the Parks & Recreation Project Assistant job description to a matrix position. Implementing a matrix will allow for better recruitment of employees who desire to move up in the field and will increase incentives for additional training and development that will facilitate future succession planning for the position.

Budget/Impact: None.

Recommended Action: Motion to approve the Reclassification of Two (2) Project Assistant Positions, Pay Grade 107 Non-Exempt, to Two (2) Project Assistant Positions, Pay Grade 107-110 Non-Exempt, within the Budget of Parks & Recreation AA360572.

Resolution 24-R-539 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE RECLASSIFICATION OF TWO (2) PROJECT ASSISTANT POSITIONS, PAY GRADE 107 NONEXEMPT, TO TWO (2) PROJECT ASSISTANT POSITIONS, PAY GRADE 107-110 NON-EXEMPT, WITHIN THE BUDGET OF PARKS & RECREATION AA360572, ALONG WITH THE CORRESPONDING JOB DESCRIPTION AND PAY GRADE AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7.7.2. Request Approval to Increase the Minimum of Pay Grade 112 to \$58,656 and Change Pay Grades for 60 Positions, in Compliance with The United States of Department of Labor Overtime Regulations

The following recommendation by HR Director Caron was withdrawn from consideration by Administration:

Description/Background: On April 23, 2024, the US Department of Labor (Wage and Hour Division) announced the final rule updating the overtime regulations.

The Department of Labor's final overtime rule updates the salary level required for exempt (salaried) level workers to ensure that the Fair Labor's Standards Act intended overtime protections are fully implemented, including state and local governments.

The final rule updates the salary threshold under which most exempt workers are entitled to overtime. Based on the new rule employers have the option of raising workers' pay to the new minimum and leaving the employee exempt from overtime or changing the workers status to non-exempt (hourly).

Prior to July 1, 2024, the overtime threshold amount was \$35,568 annually. Any employee making less than that amount would earn overtime or compensatory time. The new changes have two phases:

Effective July 1, 2024, the threshold was increased to \$43,888 annually. 17 positions were affected by this change, with no budget impact.

Effective January 1, 2025, the threshold will increase to \$58,656 annually. This threshold will affect 183 positions.

Over the past several months the Human Resources Director, together with the Fiscal Manager, Administration and Department Directors have evaluated the exempt positions within Marion County. The recommendations from the findings are detailed in the attachments.

Based on analysis and feedback, 64 positions will transition from Exempt status to Non-Exempt status.

For positions currently in pay grade 112, the most cost effective and strategic approach is to increase the minimum of pay grade 112 to \$58,656, which would affect 59 positions. The budget impact of this change would only affect 14 positions, as most are currently paid above the new threshold.

Specifically, four filled positions, and 10 new vacant positions (total of 14 positions), would increase to the new minimum of the pay grade, for a loaded cost of \$24,132. All other pay grade 112 positions, are either vacant or currently paid over the new overtime threshold. Budget impact is \$18,471 to General Fund, and \$5,661 to other funds.

An additional 51 positions below the pay grade of 112, will have a pay grade change to pay grade 112 and remain exempt and 9 positions will have a pay grade change to address compression. Of the 60 positions, only 21 positions will have a budget impact of \$88,223. Budget impact is \$57,112 to General Fund, and \$31,112 to other funds.

These changes would need to be in effect on the December 28, 2024 pay period start date.

Budget/Impact: \$112,355 (General Fund: \$75,583; Other Funds: \$36,773)

Recommended Action: Motion to Approve Increase Minimum of Pay Grade 112 to \$58,656, and Motion to Approve Pay Grade Changes of Listed Positions.

7.8. Library Services:

7.8.1. Request Approval of State Aid to Libraries Grant Agreement (Budget Impact - Neutral; grant revenue of \$100,000)

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

Description/Background: Each year a State Aid to Libraries Grant Agreement must be completed and signed prior to October 1, in order for the library to continue to qualify for the State Aid to Libraries grant. However, this year is different in that the State Aid online portal was not opened by the State until September 27th immediately before hurricane Helene struck Florida. As a result, State Aid receiving libraries were permitted to upload placeholders until an executed document could be secured.

The Certification of Hours, Free Library Service and Access to Materials form has been added to the process. Our library system meets these hours, service and access requirements. The library has met eligibility requirements and received this annual grant since 1965. The full eligibility requirements are identified in Florida Statutes, Chapter 257.

The total state funding allocation is dependent upon the amount appropriated by the State Legislature, annually, matching up to 25 cents on each local dollar

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expended. The local grant award is calculated based on local expenditures from two years prior.

The grant agreement and certification of hours have been approved as to form by the County Attorney. Attached is a copy of the Legal Request Memorandum, the State Aid to Libraries grant agreement and the Certification of Hours, Free Library Service and Access to Materials form.

Budget/Impact: Neutral; actual State Aid to Libraries revenue has not been determined at this time; however, revenue is estimated to be approximately \$100,000.

Recommended Action: Motion to authorize the Chairman and Clerk of the Courts to execute the State Aid to Libraries Grant Agreement and the Chairman to sign the Certification of Hours, Free Library Service and Access to Materials form.

7.8.2. Request Approval of Marion County Public Library System Annual Plan of Service FY 2024-25 (Budget Impact - Neutral; grant revenue of approximately \$100,000)

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

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

Attached is the proposed Marion County Public Library System Annual Plan of Service, FY 2024-25. The proposed annual plan of service is adapted from the approved Marion County Public Library System Operational Plan of Service, FY 2020-24. As noted, the Operational Plan of Service ends this calendar year. The Library is currently in the process of updating the long-range plan of service.

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

Budget/Impact: Neutral; the revenue from the State Aid to Libraries grant for Marion County for FY2024-25 is estimated to be approximately \$100,000. Costs associated with the implementation of the Annual Plan of Service have already been reflected in the approved budget.

Recommended Action: Motion to approve the attached Marion County Public Library System Annual Plan of Service, FY 2024-25.

7.9. Parks & Recreation:

7.9.1. Request Approval of Athletic Facility Agreement with Belleview-South Marion Football and Cheerleading, Inc. for Use of Belleview Sports Complex (Budget Impact - Revenue; estimated \$4,300 per season)

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

Description/Background: The Parks & Recreation department previously utilized Non-Exclusive Fee Agreements to manage private recreational leagues that use

County sports facilities. Department staff have significantly revamped this agreement, which is now titled Athletic Facility Agreement. Improvements made during the process include clarifying league and County obligations, establishing park rules, refining field usage requirements and updating various fees associated with the Agreement.

The attached Athletic Facility Agreement, for use of Belleview Sports Complex, has been reviewed and approved by board members of Belleview-South Marion Football and Cheerleading, Inc.

Budget/Impact: Revenue; estimated \$4,300 per season.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Athletic Facility Agreement with Belleview-South Marion Football and Cheerleading, Inc.

7.9.2. Request Approval of Athletic Facility Agreement with Ocala Little League, Inc. for Use of Ralph Russell Park (Budget Impact - Revenue; estimated \$530 per season)

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

Description/Background: The Parks & Recreation department previously utilized Non-Exclusive Fee Agreements to manage private recreational leagues that use County sports facilities. Department staff have significantly revamped this agreement, which is now titled Athletic Facility Agreement. Improvements made during the process include clarifying league and County obligations, establishing park rules, refining field usage requirements and updating various fees associated with the Agreement.

The attached Athletic Facility Agreement, for use of Ralph Russell Park, has been reviewed and approved by board members of Ocala Little League, Inc.

Budget/Impact: Revenue; estimated \$530 per season.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Athletic Facility Agreement with Ocala Little League, Inc.

7.10. Procurement Services:

7.10.1. Request Approval of Bid Award: 24B-297 Silver Spring Shores Odor Control Upgrades - Odyssey Manufacturing Company, Tampa, FL (Budget Impact - Neutral; expenditure of \$993,380)

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

Description/Background: On behalf of Marion County Utilities (MCU), Procurement Services advertised a bid for Silver Spring Shores Odor Control Upgrades. The contractor will be responsible for furnishing and installing a Heyward HIBOCS-150 biological odor control system to remove odors (primarily hydrogen sulfide or H₂S) from the Silver Spring Shores Wastewater Treatment Plant's headworks and digester basins. The contractor will also be responsible for covering and sealing the large openings over the two digester basins with a substantially airtight aluminum cover. These upgrades will assist with the potential of increased odors as a result of future growth and the increase of wastewater coming into the facility in the future. MCU requests to contract with the lowest bidder based on the tabulation below:

VENDOR - LOCATION	BID
Odyssey Manufacturing Company – Tampa, FL	\$993,380
Razorback LLC – Tarpon Springs, FL	\$1,539,000

Attached for review is a draft contract; pending approval at today’s meeting, it will be sent to the vendor and upon return, will be forwarded to Legal, the Clerk and Chairman for signatures.

Budget/Impact: Neutral; project cost is \$993,380. Funding for this project is from line ZF448536-563102 (Marion County Utility Fund), with Project Code UTC000098.

Recommended Action: Motion to approve recommendation, and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute the contract with Odyssey Manufacturing Company under 24B-297.

7.10.2. Request Approval of Bid Award: 25B-010 Rainbow Park Unit 1&2 Road Grading - John L. Finch Contracting Corp, Belleview, FL (Budget Impact - Neutral; expenditure of \$52,686)

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

Description/Background: On behalf of the Municipal Services Department, Procurement advertised a bid to perform grading and compacting services for unpaved Marion County maintained roadways located within the boundaries of Rainbow Parks Units 1 & 2 only. Four (4) contractors submitted bids; the tabulation is below:

Firm Name – Location	Bid/Per Cycle
John L. Finch Corp – Belleview, FL	\$13,171.41
2K Property Services, LLC – Ocala, FL	\$18,999.995
Integrity Site Development – Anthony, FL	\$30,000.00
Southern Times Service, LLC – Candler, FL	\$48,899.98

Municipal Services Department Director, Chad Wicker, recommends that John L. Finch Contracting Corp. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a draft of the contract; pending approval at today’s meeting, it will be sent to John L. Finch for signature and upon return, it will be forwarded for the County Attorney’s Clerk’s, and Chairman’s signatures.

Budget/Impact: Neutral; project shall not exceed \$52,685.64 for four cycles annually; up to five percent (5%) contingency may be added to the purchase order per the Procurement Manual.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval to Legal, authorize the Chairman to execute contract with John L. Finch Contracting Corp. the lowest responsive bidder for 25B-010.

7.10.3. Request Approval of Contract: 24C-001-CA-01, Stretcher, Power-Load, and Stair Chair Service Agreement – Stryker Corporation, Chicago, IL (Budget Impact - Neutral; expenditure of \$312,262)

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

Description/Background: On November 7, 2023, the Board approved a contract with Stryker Corporation for their ProCare Program Agreement that provides preventative maintenance as required for Marion County Fire-Rescue (MCFR) stretchers, power loads, and stair chairs. The ProCare program agreement being presented today renews the service for FY 2024-25. The ProCare program includes parts, labor, travel, and one (1) annual preventative maintenance inspection. Proper maintenance of the equipment ensures that they are safe and ready to use in the care of the citizens and visitors of Marion County. Procurement and Fire Rescue worked together to negotiate a 15% decrease on each line item as shown in the attached agreement.

Attached for review is a draft of the contract; pending approval at today's meeting, it will be sent to the contractor for signature and upon return, will be forwarded to Legal, Clerk, and Chairman for signatures.

Budget/Impact: Neutral; expenditure shall not exceed \$312,261.60. Funds are available in line AA305526-546301 (General Fund).

Recommended Action: Motion to approve and allow staff to issue and authorize the Chairman and Clerk to execute contract with Stryker Corporation under 24C-001-CA-01.

7.10.4. Request Approval of Contract Agreement: 25C-032, Server Maintenance - Davenport Group, Inc., Lewisburg, TN (Budget Impact - None)

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

Description/Background: On behalf of Information Technology (IT), Procurement requests approval of Davenport Group, Inc.'s (Davenport) Master Services Agreement (MSA) to perform essential server work for Marion County. This agreement establishes a framework for services only and does not imply any immediate financial commitments from Marion County. This MSA will enable Davenport Group to prepare necessary quotes and allow for future installation (rack and stack) and training for County IT staff. This will include work on three significant server project sites:

- ERP Site (3-year Lease) - estimated annual cost of \$155,314.63
- PCS Site (5-year Lease to Purchase) - estimated annual cost of \$69,807.95
- MCBCC ESXI Site (5-year Lease to Purchase) - estimated annual cost of \$261,724.73
- VM Ware (Software Maintenance) - estimated annual cost of \$57,120.00

Davenport utilizes NASPO Contract 43210000-23-NASPO-ACS, ensuring competitive and compliant service pricing aligned with NASPO guidelines.

This agenda item also seeks Board approval to authorize the County Administrator to approve and sign Lease/Lease to Purchase agreements directly, regardless of dollar amount, provided the costs do not exceed the approved FY budgeted amounts. All lease agreements will continue to be sent to Legal for review and approval prior to finalization. This authorization will streamline future procurement processes, eliminating the need to bring each lease agreement back to the Board for approval.

Attached for review is the vendor-signed MSA and Additional Terms and Conditions, with an approved Legal Request Memo from Legal. Upon approval at today's meeting, it will be presented to the Clerk and Chairman for signatures.

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Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to execute the Contract Agreement with Davenport Group, Inc. under 25C-032 and motion to approve the County Administrator to have signature authority for any items that fall under the Contract Agreement.

7.10.5. Request Approval of Contract Renewal: 21B-255-CA-02 Supply of Standard Size Solid Waste Compactors and Containers - Baler & Compactor Hydraulic Service LLC, Jacksonville, FL (Budget Impact - Neutral; estimated expenditure of \$223,300)

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

Description/Background: On December 21, 2021, the Board approved a two (2) year contract with Baler & Compactor Hydraulic Service LLC (BCHS) to provide and deliver standard solid waste compactors and containers, which included two (2) annual renewal options. On January 10, 2024, the Board approved a one (1) year annual renewal with a 3% price increase for the life of the contract. BCHS has continued to perform well, and Solid Waste has provided positive vendor evaluations. At this time, Solid Waste Director Mark Johnson would like to renew the final one (1) year renewal, which would begin on January 1, 2025.

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

Budget/Impact: Neutral; estimated annual expenditure of \$223,300. Annual expenditures may vary depending on the needs of the department, but will not exceed the approved FY budgeted amount without being brought back to the Board for approval. Funding is from line ZA427534-564101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve the contract renewal and allow staff to issue, and upon approval by Legal, authorize the Clerk and Chairman to execute the second contract amendment, under contract 21B-255.

7.10.6. Request Approval of Contract Renewal: 23B-009-CA-02 Guardrail Installation, Maintenance, and Repair - Turtle Infrastructure Partners, LLC, Largo, FL (Budget Impact - Neutral; estimated expenditure of \$50,000)

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

Description/Background: On December 6, 2022, the Board approved a contract with Turtle Infrastructure Partners, LLC for the installation, maintenance, and repair of guardrails, encompassing both emergency and nonemergency repairs. All specifications and standards adhere strictly to the latest requirements set forth by the Florida Department of Transportation (FDOT) standard plans. The contract has been executed in accordance with the original terms and conditions, which include an initial term with the option for two one-year renewals, subject to mutual agreement.

Steven Cohoon, P.E., County Engineer, recommends proceeding with the final renewal of the contract. A draft of the contract is attached herewith for your review. Pending approval at today's meeting, it will be promptly forwarded to the

contractor. Upon its return, the document will undergo routing for signatures from the County Attorney, Clerk, and Chairman.

Budget/Impact: Neutral; expenditure of \$50,000. Actual cost will vary and will not exceed the approved annual budget amount. Funding comes from BM761541-563221 - 80% Gas Tax Construction Fund.

Recommended Action: Motion to approve the contract renewal, allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract renewal under 23B-009-CA-02.

7.10.7. Request Approval of Contract Renewal: 23C-218, Work Order Scheduling and Asset Management Module - OpenGov, Inc., San Jose, CA (Budget Impact - Neutral; annual expenditure of \$125,583)

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

Description/Background: On September 19, 2023, the Board approved a contract with OpenGov, Inc. for work order scheduling and asset management, benefiting Facilities Management, Transportation, and the Office of the County Engineer (OCE)/Stormwater. IT Director Tom Northey recommends Board approval to renew this contract for FY 2024-25, ensuring continued support for these departments. Cost allocation for each department is outlined below:

Facilities Management - \$43,738.76

OCE/Transportation - \$71,495.28

OCE/Stormwater - \$10,348.56

Additionally, it is requested that future renewals of this contract not require further Board approval, provided the renewal costs remain within the budgeted amounts for each fiscal year. This change would streamline the renewal process, allowing for uninterrupted service while maintaining budgetary oversight.

Attached for review is a quote from OpenGov, Inc. Upon approval at today's meeting, a purchase order will be issued to formalize the renewal. This purchase order will then be included in the project file as part of the official documentation for this contract.

Budget/Impact: Neutral; annual expenditure of \$125,582.60. Funding from:

AA174516-552106 (General Fund) - \$43,738.76

BL400541-552106 (Cnty Trans Maint Fund) - \$71,495.28

EK430538-552106 (Stormwater Program) - \$10,348.56

Recommended Action: Motion to approve the contract renewal and allow staff to issue purchase order to OpenGov, Inc. under 23C-218.

7.10.8. Request Approval of Fourth Contract Amendment: 18BE-002-CA-04; Non-Recreational Mowing - Extreme Enterprises of Marion County, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$205,650)

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

Description/Background: On September 17, 2017, the Board approved a three (3) year contract to Extreme Enterprises of Marion County, Inc. (Extreme) to provide mowing services for non-recreational county properties. On November 20, 2018, the first amendment was approved by the Board to change service areas.

Contract Amendment two was to renew the contract under the first five (5) year renewal option, which was approved by the Board on January 21, 2020, and the third contract amendment addressed a rate increase, and was approved on November 15, 2022. Extreme has continued to perform well, and Facilities Director Jared Goodspeed would like to move forward with the fourth contract amendment, to renew Extreme's contract for the final five (5) year renewal option, which would begin on January 1, 2025.

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

Budget/Impact: Neutral; estimated annual expenditure of \$205,650. Funding will come from lines AA180519-534101 (Contract Services) and AA181519-534101 (Contract Services Health Dept).

Recommended Action: Motion to approve and allow staff to issue and upon approval by Legal, authorize the Chair and Clerk to execute the fourth contract amendment with Extreme Enterprises of Marion County, Inc. under contract 18BE-002.

7.10.9. Request Approval to Issue a Purchase Order: 14ST-142 Neptune Water Meters - Ferguson US Holdings dba Ferguson Enterprises LLC, Newport News, VA (Budget Impact - Neutral; estimated expenditure of \$850,000)

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

Description/Background: On August 5, 2014, the Board approved the standardization of Neptune Water Meters under 14ST-142. Marion County Utilities requests approval to encumber the funds to purchase water meters for new installations and replacement of outdated meters as part of the Automated Meter Reading program.

In addition to the above request, Procurement Services proposes that after approval of this Purchase Order, future orders of the same type be automatically approved as long as they stay within the Board approved budget for each fiscal year. This will streamline the process while ensuring fiscal oversight.

Budget/Impact: Neutral; estimated annual expenditure of \$850,000. Annual expenditures shall not exceed approved budget amounts without being brought back for Board approval. Funding is from line ZF448536-563102 (Marion County Utility Fund) with project code UTC000120.

Recommended Action: Motion to approve and allow staff to issue the Purchase Order under 14ST-142.

7.10.10. Request Approval of Not-to-Exceed Expenditures for the Re-Roof and Interior Remodel of the Worksite Employee Clinic Healthcare Services Facility (Budget Impact - Neutral; total expenditure not-to-exceed \$2,875,000)

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

Description/Background: On November 5, 2024, the Board approved a contract with Medical Risk Solutions, LLC dba My Health Onsite to provide Worksite Employee Clinic Healthcare Services. This clinic will serve employees,

dependents, and retirees covered under the Marion County Board of County Commissioners and Constitutional Officers' group health plan.

The County has a designated building available for this clinic. To expedite the clinic's readiness and ensure services are available to employees without delay, this agenda item requests approval for a combined not-to-exceed budget of \$2,875,000 to cover both the building re-roof and interior remodel. This combined budget provides flexibility, allowing any cost savings from the roofing portion to be allocated toward potential additional needs in the remodel. The detailed breakdown for each portion of the project is below:

Re-Roof:

This project is currently advertised to the County's pre-qualified roofing contractors under Contract 22Q-056 for Roofing Trades Services. Bids are scheduled for submission by November 26, 2024. The not-to-exceed (NTE) cost for this portion is \$325,000.

Interior Remodel:

This project will be managed by one of the County's Construction Managers, Ausley Construction Company, LLC, under Contract 20Q-161 for Construction Manager Services. The not-to-exceed (NTE) cost for this portion is \$2,550,000.

Additionally, this agenda item requests authorization for the Chairman to execute both contracts associated with these projects without bringing back to the Board for approval; one for the re-roofing work and the other for the Guaranteed Maximum Price (GMP) construction contract. Execution of both contracts will occur upon determination of the re-roof and GMP costs, provided they do not exceed the established combined not-to-exceed (NTE) amount of \$2,875,000.

Budget/Impact: Neutral; expenditure not-to-exceed \$2,875,000, up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from ZK711519-562102 with project code RBC000002.

Recommended Action: Motion to approve the Not-to-Exceed expenditure and authorize the Chairman and Clerk to execute both contracts under 22Q-056 - Re-Roof, and 20Q-161- Interior Remodel, without being brought back to the Board for approval.

7.10.11. Request Approval to Reject All Bids: 24B-283 Marion County Sheriff's Office Martel Phase 2 Driving Pad (Budget Impact - None)

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

Description/Background: On behalf of Facilities Management, Procurement Services issued a bid solicitation for the construction of a 400' by 800' driving pad, including multiple access roads and intersections, to support emergency vehicle operator training. The project scope encompassed various trades, including sitework, asphalt paving, thermoplastic striping, electrical, plumbing, landscaping, surveying, and fencing.

Procurement received five (5) responses to the solicitation. However, all submitted bids significantly exceed the allocated budget for this project. Therefore, Facilities Management requests approval to formally reject all bids.

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

Recommended Action: Motion to reject all bids under 24B-283.

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7.10.12. Request Approval of Task Order: 23Q-173-CA-01 Pre-Qualified AXIS Security Video Surveillance Systems, Marion County Judicial Center Surveillance System Infrastructure Installation – DAB Consulting, Inc., Gainesville, FL (Budget Impact - Neutral; expenditure of \$86,548)

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

Description/Background: At the October 3, 2023, meeting, the Board approved contracts with seven (7) qualified contractors to install and maintain the AXIS brand security video surveillance systems. The services under the contract will provide installation, maintenance, and/or repairs for security surveillance system network cameras and video recorders. The proposed task order covers the installation of new surveillance system infrastructure at the Marion County Judicial Center. Key components of the project include a 4-post server cabinet, configuration and mounting of AXIS recording servers with necessary licensing, mounting of Uninterruptable Power Supply (UPS), and Power Distribution (PDU), and the rack and stacking of hardware, equipment grounding, and knowledge transfer. To secure the best cost savings, Procurement solicited bids from all seven (7) qualified contractors, receiving three (3) responses. Based on the bid tabulation below, Marion County Information Technology Director, Tom Northey, recommends awarding the project to DAB Consulting, Inc.

Contractor – Location	Bid
DAB Consulting, Inc. – Gainesville, FL	\$86,548.00
Miller Electric Company – Altamonte Springs, FL	\$113,692.94
Archis, Inc. – Winter Garden, FL	\$195,308.78

A copy of DAB Consulting's proposal is attached for review and will be included in the project file as backup documentation for the purchase order.

Budget/Impact: Neutral; project cost is \$86,548. Funding is from line AA174516-564101 (General Fund).

Recommended Action: Motion to approve recommendation and authorize staff to release the purchase order to DAB Consulting, Inc. under 23Q-173.

7.10.13. Request Approval of Task Order for Utilities Engineering Design Support Services: 20Q-074-TO-33 Silver Springs Shores Water Reclamation Facility Spray Field Cure Plan Design - Tillman & Associates Engineering, LLC., Ocala, FL (Budget Impact - Neutral; expenditure of \$68,714)

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

Description/Background: On July 21, 2020, the Board approved contracts with five (5) firms to provide various Utilities Engineering Design Services for Marion County. Marion County Utilities (MCU) has selected Tillman & Associates Engineering, LLC (TA), to provide construction phase services for reconfiguring the Silver Springs Shores Wastewater Treatment Plant spray field to accommodate construction of a new road extending from Emerald Road to SE 92nd Loop. As designed, the roadway will impact a portion of the existing spray field. This project will relocate a portion of the spray field outside of the future road right-of-way.

A copy of TA's proposal and scope of work is attached for review and will become part of the project file and back up to the purchase order.

Budget/Impact: Neutral; estimated project cost is \$68,714. Funding for this project is from line ZF448536-563102 (Marion County Utility Fund) under Project UTC000138.

Recommended Action: Motion to approve the recommendation and authorize staff to release the Purchase Order to Tillman & Associates Engineering, LLC, under 20Q-074.

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

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

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

1. Pending Requisition/Deere & Company - Marion County Municipal Services Department requests approval to purchase one (1) John Deere 5095M Utility Tractor (\$63,245.60), one (1) John Deere 540M Loader (\$7,306.53), one (1) 2024 John Deere Gator TH 6x4 Gas (\$11,171.16), and one (1) 2024 Bishop Kutting Edge (\$4,757.82). Total expenditure of \$86,481.11. Funds are available in line HH512541-564101 (SL MO Gen Services MSTU Fund). This purchase meets the competitive bidding requirements under FL AG & Lawn Equip 25101900-21-STC.

2. Pending Requisition/Garber Chevrolet Buick GMC, Inc. - Marion County Code Enforcement requests approval to purchase three (3) 2025 Chevrolet Silverado 1500 4WD Double Cab 147" (\$42,955.70/each). Total expenditure of \$128,987.10. Funds are available in line AA317524-564101 (General Fund). This purchase meets the competitive bidding requirements under Sheriffs Contract #FSA24-VEL32.0

3. Pending Requisition/Harben Florida, Inc. - Marion County Utilities requests approval to purchase one (1) 4018 DTK 375 E-180 Remote - Kubota 4 Cylinder Water Cooled Diesel Engine High Pressure Water Jetting, Pipeline TV Inspection, Pipe Locator in the amount of \$86,586.13. Total expenditure of \$86,586.13. Funds are available in line ZF445535-564101 (Machinery and Equipment). This purchase is exempt from the competitive bidding requirements under HGAC Buy Cooperative Contract SC06-24

4. Pending Requisition/Cumberland International Trucks - Office of the County Engineer is seeking approval to purchase one (1) 2026 International MV-Pro Patch TMC425 Pothole Patcher in the amount of \$231,763, to include all specifications detailed on the quote attached. This purchase will replace Asset #37706 (APT-5), which has met the Fleet Department's replacement criteria. Total expenditure of \$231,763.00; funds are available in line BL400541-564101 (County Transportation Maintenance Fund). This purchase is exempt from competitive bidding requirements under Sheriffs Contract FSA23-VEH21.

5. Pending Requisition/Cumberland International Trucks - Marion County Solid Waste requests approval to purchase two (2) 2026 International HX X15 Roll Off Trucks at a cost of \$247,026 per unit, to include all specifications detailed on the quote attached. This purchase will replace Asset #47116 (RO-0) and Asset #47115 (RO-2), which has met the Fleet Department's replacement criteria. Total

expenditure of \$494,052. Funds are available in line ZA425534-564101 - Solid Waste Disposal Fund. This purchase is exempt from competitive bidding requirements under Sheriffs Contract FSA23-VEH21.

6. Pending Requisition/Cumberland International Trucks - Marion County Fleet Management requests approval to purchase one (1) 2024 International CV Service Truck in the amount of \$96,121. Total expenditure of \$96,121. Funds are available in line AA178519-564101 (Machinery and Equipment). This purchase is exempt from the competitive bidding requirements under Florida Sheriffs Association (FSA) Cooperative Purchasing Program #FSA23-VEH21.

7. Pending Requisition/Safe Air Corporation - Marion County Fire Rescue requests approval for Safe Air to retrofit vehicles and stations with the Plymovent system to remove exhaust from the bay area and increase air quality. This is part of the cancer prevention initiative. Total expenditure of \$120,000. Funds are available in line EF300522-546101 (\$100,000) (Fire, Rescue and EMS Fund), & EF300522-546301 (\$20,000) (Fire, Rescue and EMS Fund). This purchase is an approved standardization under 18ST-109.

8. Pending Requisition/Duval Ford - Marion County Utilities requests approval to purchase one (1) 2025 Ford Explorer Active, 4x4 in the amount of \$42,028.92 and one (1) 2025 Ford F-550 Extended chassis cab, 4x2 in the amount of \$90,965.23. Total expenditure of \$132,994.15. Funds are available in line ZF440536- 564101 and line ZF442533-564101 (Utility Fund, Machinery and Equipment). This purchase is exempt from the competitive bidding requirements under Bradford County Sheriff's Office Vehicle Contract 22-27-1.0.

9. Pending Requisition/Alan Jay Ford Lincoln Mercury INC. - Crime Prevention requests approval to purchase one (1) 2025 Ford F-350 Super Crew Cab Pickup 4WD DRW 176" WB XLT 8' Bed in the amount of \$72,584. Total expenditure of \$72,584. Funds are available in line BB250529-564101 (Machinery and Equipment). This purchase is exempt from the competitive bidding requirements under Sourcwell Cooperative Contract #2025 091521-NAF & 032824-NAF

10. Pending Requisition/Garter, Inc. - Information Technology requests approval to purchase Executive Program Member Basic for Midsize Enterprises, IT Leaders Individual Access Advisor, IT Symposium/Xpo Ticket-North America in the amount of \$112,116. Total expenditure of \$112,116. Funds are available in line AA174516-531109 (Professional Services). This purchase is exempt from the competitive bidding requirements under Sourcwell Cooperative Contract #811419-02-VITA-18 -ACS.

11. Pending Requisition/Dell Technologies - Information Technology requests approval to purchase Sonic Firewall Support with a 3-year subscription in the amount of \$134,048. Total expenditure of \$134,048. Funds are available in line AA174516-546301 (Repairs/Maintenance Equipment). This purchase is exempt from the competitive bidding requirements under Dell NASPO Computer Equipment PA-Florida C000001116132 23026/43210000-23-NASPO-ACS

12. Pending Requisition/Matheny Motor Truck Co - Marion County Fire Rescue requests approval to purchase one (1) 2024 Rescue Bursh Truck on a Ford F550 2 door chassis (\$168,553). Total expenditure of \$168,553. Funds are available in line VJ732522-564101-STC0732VE (Infrast Surtax Cap Proj Fund). This purchase is exempt from the competitive bidding requirements under Sheriffs Contract #FSA23-VEF17.0

13. Pending Requisition/Everglades Equipment Group - Marion County Office of the County Engineer is seeking approval to purchase one (1) John Deere 5100E Cab Tractor at a cost of \$67,768.39 per unit, to include all specifications detailed on the quote attached. This purchase will replace Asset #44602 (T-44), which has met the Fleet's replacement criteria. Total expenditure of \$67,768.39; funds are available in line BL400541-564101 (County Transportation Maintenance Fund). This purchase is exempt from competitive bidding requirements under Sourcewell Contract 0311121-DAC.

14. Pending Requisition/Cumberland International Trucks - Marion County Office of the County Engineer is seeking approval to purchase one (1) 2026 International HX-Grapple Truck at a cost of \$327,678.50 per unit, to include all specifications detailed on the quote attached. This purchase will replace Asset #36058 (GR-4), which has met the Fleet Management's replacement criteria. Total expenditure of \$327,678.50; funds are available in line BL400541-564101 (County Transportation Maintenance Fund). This purchase is exempt from competitive bidding requirements under Sheriffs Contract FSA23-VEH21

Recommended Action: Motion to approve requested purchases

7.11. Tourist Development:

7.11.1. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Epic Consulting Services, LLC, d.b.a. Big Lee's - Serious About Barbecue (Budget Impact - Neutral; expenditure of \$5,000)

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

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

Epic Consulting Services, LLC, d.b.a. Big Lee's - Serious About Barbecue \$5,000 Budget/Impact: Neutral; expenditure of \$5,000. Funding from CP155552-548101.

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

7.12. Transportation - County Engineer:

7.12.1. Request to Approve a Grant of General Utility Easement, Ingress/Egress and Utility Easement, and Public Cross Access Easement for Parcel Numbers 23194-008-00, 23194-008-01, and 21630-003-00 between Marion County and RLR Investments, LLC in Association with the Parcel Donation for Animal Services (Budget Impact - None)

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

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Description/Background: Request to approve a Grant of General Utility Easement, Ingress/Egress and Utility Easement, and Public Cross Access Easement for parcels numbers 23194-008-00, 23194-008-01, and 21630-003-00 between Marion County and RLR Investments, LLC, in association with the parcel donation for Animal Services. At the request of the donating property owner, these easements are necessary because the parcel being donated is cut out from other surrounding parcels.

Budget/Impact: None.

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

7.12.2. Request Approval of Subdivision Improvement Agreement with Surety Bond for Stone Creek by Del Webb Solaire Phase 1, Application Number 31209 (Budget Impact - None)

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

Description/Background: The project developer desires approval of their Final Plat prior to completing all improvements associated with the subdivision. Land Development Code Section 2.18.4.D states that if the improvements are not completed, an Improvement Agreement shall be provided and approved by the Board, as well as a security, limited to an irrevocable letter of credit or bond only, in the amount of 120 percent of the estimated cost of remaining improvements.

The County Attorney's office has reviewed and approved the Subdivision Improvement Agreement with Surety Bond in the amount of \$4,949,574.60. This subdivision is located in the southwest portion of the County and contains 150 lots and six (6) tracts on 41.97 acres with 1.18 miles of private roads.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Subdivision Improvement Agreement with Surety Bond and to authorize the Chair and Clerk to execute the same.

7.12.3. Request Approval to Declare Parcel Number 3184-001-041 as Surplus and Approve Sale and Purchase Agreement and Statute 125 Deed Between Marion County and Qaisouni Babikir (Budget Impact - Revenue of \$7,300)

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

Description/Background: This is a request to declare Parcel Number 3184-001-041 as surplus, authorize staff to proceed with the sale to Qaisouni Babikir in the amount of \$7,300 plus closing costs, and execute the Statute 125 Deed. This is a vacant parcel that is approximately 0.11 acres located in Section 18 Township 15 Range 23 that was acquired as a Tax Deed and staff recommends approval of this bid.

Budget/Impact: Sale of Surplus Land AA00364 - 364022 - \$7,300

Recommended Action: Motion to approve the request to declare Parcel Number 3184-001-014 as Surplus, authorize staff to proceed with the sale, and authorize the Chair and Clerk to execute Sale and Purchase Agreement and Statute 125 Deed.

7.12.4. Request Approval of Developer's Agreement for SW 57th Avenue Road (North of CR 484) (Budget Impact - None)

The following recommendation by County Engineer Cohoon, OCE, was withdrawn from consideration by Administration:

Description/Background: The Developer (484 Road Runner Resources, LLC) proposes to construct the SW 57th Avenue Road improvements to connect CR 484 with SW 49th Avenue.

Road right-of-way will be conveyed to Marion County forty-five days after Developer provides an asbuilt survey. The SW 57th Avenue Road improvements will provide an alternative connection corridor between SW 49th Avenue and SW HWY 484, as well as permit Marion County to provide utilities to the property (and adjacent parcels) upon their development.

The County Attorney's office has reviewed and approved the Developer's Agreement.

Budget/Impact: None.

Recommended Action: Motion to approve and have the Chairman and Clerk execute the attached Developer's Agreement.

7.12.5. Request to Approve a Permanent Drainage Easement, a Temporary Construction Easement, and a Quit Claim Deed between Marion County and HP Ocala 40th Avenue, LLC in Association with the SW 49th/SW 40th Avenue Road Construction Project (Budget Impact - None)

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

Description/Background: Request to approve a Permanent Drainage Easement, a Temporary Construction Easement, and a Quit Claim Deed between Marion County and HP Ocala 40th Avenue, LLC for portions of tax parcels 2390-000-000 and 2390+006-000. These easements and deed are associated with the widening of SW 40th Avenue as part of the overall SW 49th/SW 40th Avenue road construction project.

Budget/Impact: None.

Recommended Action: Motion to approve the Permanent Drainage Easement, Temporary Construction Easement, and Quit Claim Deed, and authorize Chair and Clerk to execute the same.

7.13. Utilities:

7.13.1. Request Approval of Water Main Extension Connection Agreement WME-066-S Between Quick Flip Rentals, Inc. and Marion County Utilities (Budget Impact - Neutral; estimated expenditure of \$62,902)

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 350 feet of eight-inch water main, which includes the parcel's frontage ending at

the farthest end of the property. This extension project will create a benefit for six (6) additional parcels along the route.

A Board approved Resolution No. 21-R-381 authorizes certain circumstances to permit MCU to enter into a Share Agreement whereby each parcel connection to MCU centralized water system pays only a share of the project cost based upon MCU low bid contractor's price for the work. The total project cost is \$62,901.50, which includes construction (\$62,201.50) and design (\$700) costs. The fire hydrant cost of \$8,700 will be at MCU sole expense. The total share cost is \$54,201.50, which is divided by six (6) benefitting parcels totaling \$9,033.58 per parcel.

Budget/Impact: Neutral; project cost is \$62,901.50 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-066-S and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.13.2. Request Approval of First Amendment to Marion County Water Main Extension Connection Agreement WME-014-O Between Holiday Builders, Inc. and Marion County Utilities (Budget Impact - None)

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

Description/Background: During the September 4, 2024, Board meeting, the underlying Water Main Extension Connection Agreement WME-014-O was approved with four (4) parcels identified as benefitting lots. It was discovered that one of the benefitting lots in Section 2 contained a typo. This Amendment corrects the benefitting parcel; incorrect parcel 8009-1237-26, corrected parcel 8009-1237-27; and will adjust the correct pro-rata payback share within the Agreement.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to sign the First Amendment to WME-041-O.

7.13.3. Request Approval of Grant Agreement WG064 Change Order Number 2 Between Florida Department of Environmental Protection and Marion County Utilities (Budget Impact - None)

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

Description/Background: On April 4, 2022, the Board approved the Florida Department of Environmental Protection (FDEP) Grant Agreement WG064 to complete an additional phase of the septic-to-sewer initiative in Silver Springs Shores (SSS). The Master Wastewater Feasibility Study prioritized septic-to-sewer project areas within the SSS area because of the proximity to Silver Springs and proximity to existing sewer service. Eliminating septic systems in this area of Marion County would reduce the nutrient loading into Silver Springs. On October 17, 2023, the Board approved Change Order No. 1 to the FDEP Grant Agreement WG064, which eliminated Task 1 Contractor Selection, reallocated funds to construction, and added the GIS web interface of the DEP's data collection tool.

For the new fiscal year, the FDEP is updating the grant year allocation of the Wastewater Grant funding from FY 2023-24 to FY 2024-25. To comply with these

updates, Change Order No. 2 replaces Attachment 5-2 with Attachment 5-3, Revised Special Audit Requirements. All other terms and conditions of the Agreement shall remain unchanged.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to execute the Grant Agreement WG064 Change Order No. 2.

8. COUNTY ATTORNEY:

8.1. Request Authorization to Proceed with Foreclosure Action against the Code Enforcement Liens recorded against the Estate of Jack Summerville

County Attorney Minter presented the following recommendation:

Description/Background: This matter involves what may be described as a property that is in chronic nuisance condition. There have been code enforcement cases beginning six years ago in November 2018 (see attached back up materials). The property owner is deceased. The owner's daughter is reportedly deceased. The record owner's grandson is currently incarcerated in the County Jail on a number of serious charges. There is no evidence that he has any legal claim to this property. Squatters currently occupy the structure and are maintaining the property in a public nuisance condition. We request the Board approval to foreclose on outstanding liens.

Budget/Impact: None.

Recommended Action: Motion to authorize County Attorney to proceed with foreclosure action.

County Attorney Matthew G. Minter advised that this is a request for authorization to proceed with a foreclosure action regarding Code Enforcement liens on a property located in Orange Blossom Hills. He commented on the distinction between a foreclosure action and a nuisance abatement action.

Code Enforcement Manager Robin Hough clarified that the request is to foreclose on 3 County liens against the subject property. She advised that when Code Enforcement is faced with non-compliant property owners, the usual method of enforcement is to take those cases to the Marion County Code Enforcement Board, which can result in liens placed against those properties. Another option, especially in the case where the property owner is deceased, is to abate the violations, which also can result in a lien. One problem when abating junk from an occupied property is that the violation can recur after the cleanup, and when the property is occupied by squatters the lien for the cleanup has no impact against those people. One of the ways staff can approach a case that involves unidentified residents occupying abandoned, unsafe structures on properties, coupled with junk violations, is to go through the injunction process. She advised that in this case when the property owner of record is deceased and the primary structure is not dilapidated or unsafe, and the occupants are uncooperative, unidentified and/or squatters, and continue to perpetuate the violations, then an abatement is only a temporary solution. Ms. Hough advised that foreclosing on the liens is a strategy that would only be utilized in isolated cases and could result in a 3rd party buying the property at the foreclosure sale, which provides the Code Enforcement Department with a living entity to deal with to try to get the property into compliance. Otherwise, the County would become the owner of the property and could have the occupants ejected or trespassed off the property in order for the County to clean up the property. She stated the property owner, Mr. Summerville, passed away in 2011 and his daughter passed away in 2023.

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Ms. Hough stated staff is looking for Board approval to move forward with the foreclosure on the liens against the property.

In response to Commissioner Stone, Ms. Hough clarified that foreclosure surplus funds are available through an application process offered by the Clerk of Court up to a year from the date of the sale, after that those funds would be transferred to the State of Florida.

Mr. Minter advised that if the property is homesteaded, then the County could not foreclose on code enforcement liens, noting it is his understanding that this particular property would not fall under that category.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to authorize the County Attorney to proceed with the foreclosure action. The motion was unanimously approved by the Board (5-0).

Mr. Minter referred to the Agenda Item, noting staff included a proposed Policy that contains language that if a property meets certain criteria, then the County can proceed with a foreclosure action without having to come before the BCC for authorization.

Ms. Hough clarified that staff is looking for direction as to whether or not the BCC wanted staff to bring these actions to the Board for consideration on a case by case basis or would it prefer staff rely on a Policy procedure that would outline all the criteria as presented today.

Chairman Bryant opined that for the time being, she would prefer staff bring the matter back to the Board, so Commissioners are aware it is happening. It was the general consensus of the Board to concur.

Commissioner Curry stated he has been working with Robin and staff on some ongoing issues in his District, noting these matters are very time consuming. He expressed his appreciation to Ms. Hough for all of her hard work helping the County get cleaned up.

8.2. Request Approval to Execute the Interlocal Agreement Regarding Public School Site Development for Parcels 44849-000-00 and 44844-000-00

County Attorney Minter presented the following recommendation:

Description/Background: The Florida Legislature has carved out distinct areas of responsibility and jurisdiction, as between a board of county commissioners and the local school board, in the context of selection and development of new public-school sites and construction of school buildings and facilities on those sites. Generally, new school sites must be consistent with the local government comprehensive plan. The construction of school buildings and facilities, however, are not subject to County building codes, fire codes and landscaping codes. Otherwise, county land development codes are applicable to the development of new school sites. Florida statutes require that an interlocal agreement be adopted between a board of county commissioners and a school board to delineate the spheres of responsibility between the two agencies. This interlocal agreement is between the Marion County Board of County Commissioners and the School Board of Marion County regarding the Parcels 44849-000-00 and 44844-000-00 south of Summer Glen near Marion Oaks for a new high school "CCC" which relate to a site that received a Special Use Permit for the construction of a new high school, by Marion County Resolution No. 13-R-387. The School Board has approved the attached agreement, and it is presented for Board approval.

Budget/Impact: None.

Recommended Action: Motion to approve and execute the Interlocal Agreement Regarding Public School Site Development for Parcels 44849-000-00 and 44844-000-00.

Mr. Minter advised that the request is for an Interlocal Agreement between the Marion County School Board (MCSB) and the County, noting it carves out distinct areas of responsibility and jurisdiction/authority as it relates to reviewing the new high school "CCC" site in Marion Oaks. He stated per Florida Legislature, the County cannot require the School Board to follow the standard building code, noting the MCSB has its own building and fire codes. Otherwise, the MCSB must comply with the County's Comprehensive and the LDC.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve and execute the Interlocal Agreement Regarding Public School Site Development for Parcels 44849-000-00 and 44844-000-00.

Commissioner Zalak questioned whether enough ROW had been acquired to accomplish the road project. Ms. Straub advised that it has been acquired, noting the School Board has been very amenable to the necessary setback for the ROW for the future 4-laning.

Chairman Bryant commented on a recent meeting with SummerGlen residents, noting some residents were very concerned relating to access to the subdivision's back gate. She stated County staff has assured her that there will be no closures to the gate and residents will not lose that access before, during, or after construction.

Mr. Minter advised that the County may have to pay the MCSB for the ROW, but the Agreement provides that the payment would be no greater than what the School Board itself paid for that ROW.

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

8.3. Request Approval to Execute the Second Amendment to Amended and Restated Interlocal Agreement Between Bay Laurel Center Community Development District and Marion County

County Attorney Minter presented the following recommendation:

Description/Background: The Bay Laurel Community Development District ("CDD") has been providing water and sewer service to the On Top of the World DRI pursuant to an interlocal agreement originally adopted on May 4, 2004. The Interlocal Agreement contains a map that delineates the "OTOW Utility Service Area." The interlocal agreement facilitates the efficient planning of the provision of utility services between the CDD and Marion County Utilities. The interlocal agreement has been previously amended in 2016 and 2022. The purpose of this agenda item is the approval of the Second Amendment to Amended and Restated Interlocal Agreement, attached hereto as Ex. A. The Second Amendment adopts a new OTOW Utility Service Area map that reflects the inclusion of "ADDITIONAL LANDS" in the southwest quadrant, and the exclusion of the "REDUCED LANDS" along the eastern boundary, which will be served by Marion County Utilities. This amendment is consistent with the purpose of having the utility system best able to timely serve a given area to have that jurisdiction.

Budget/Impact: None.

Recommended Action: Motion to approve and execute the Second Amendment to Amended and Restated Interlocal Agreement Between Bay Laurel Center Community Development District and Marion County.

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Mr. Minter advised that the request is to approve the Second Amendment to the Amended and Restated Interlocal Agreement Between Bay Laurel Center CDD and Marion County, noting the Statutes provide for these type of Special Districts to provide for, among other things, water and sewer services within designated areas. Bay Laurel Center CDD currently provides utility services within the OTOW utility service area, which is beneficial to Marion County Utilities (MCU) and Bay Laurel Center CDD by helping both parties to plan more efficiently for the provision of basic utilities in their respective areas. He stated this Amendment provides for some deletion of territory within the existing service area (as depicted on the map in the Agenda packet), which will now be covered by MCU.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve and execute the Second Amendment to Amended and Restated Interlocal Agreement Between Bay Laurel Center CDD and Marion County. The motion was unanimously approved by the Board (5-0).

8.4. Request Approval to Execute the First Amendment to Right-of-Way and Signalized Intersection Improvement Agreement

County Attorney Minter presented the following recommendation:

Description/Background: The development of the On Top of the World Communities, LLC, and Colen Built Development, LLC properties, and the design, planning and construction of County arterial roadways, intersections, and related transportation facilities, have in the past, and will in the future require agreements between those parties and Marion County. The attached First Amendment to Right-of-Way and Signalized Intersection Improvements Agreement SW 38th Street, is one such agreement. This agreement provides terms for the dedication of right of way for the "First Phase" of SW 38th Street ROW; a recognition of a future "Second Phase" right of way dedication; providing for the County's grant of transportation impact fee credits in the amount of \$766,000.00 based on the appraised value of the "First Phase" dedication; and provides for cash reimbursements by the County for \$169,200.00 for cost of relocation of a billboard; and for \$8,380.00 for utility relocation expenses, both of which were related to the dedication of the "First Phase" ROW.

Budget/Impact: Transportation Impact Fee Credits of \$766,000.00, and cash payments totaling \$774,380.00

Recommended Action: Motion to approve and execute the First Amendment to Right-of-Way and Signalized Intersection Improvement Agreement.

Mr. Minter advised that the request relates to the ROW and Signalized Intersection Improvements Agreement between Marion County, OTOW, and Colen Built Development, LLC, for the donation of ROW at the intersection at SW 38th Street, as well as other contractual provisions. He advised of a scrivener's error relating to the cover memo for this Item, noting the memo states the budget impact totals \$774,380.00; however, it should read that the total budget impact is \$943,380.00.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve and execute the First Amendment to Right-of-Way and Signalized Intersection Improvement Agreement. The motion was unanimously approved by the Board (5-0).

9. COUNTY ADMINISTRATOR:

County Administrator Bouyounes clarified that the 3 Items that were pulled from the Consent Agenda were Items 7.5.2., 7.7.2., and 7.12.4.

Commissioner Curry out at 11:44 a.m.

9.1. Present Milton Debris Removal Update

County Engineer Steven Cohoon provided a brief update on storm debris removal, noting the County is currently at day 26 of the 90 day deadline for debris removal efforts. He clarified that as long as all debris removal is completed within that 90 day timeframe the County will be 100% reimbursed by the Federal Emergency Management Agency (FEMA), noting the deadline is January 12, 2025. So far, the County has collected 53,590 cubic yards of debris for an average of 5 truckloads per day. Mr. Cohoon stated the debris monitoring contract is currently working/chipping at the Belleview site. He advised that the County is currently looking at \$836,582.94 of reimbursable activities, noting the County has also received 6 private property debris removal request forms. Mr. Cohoon opined that all debris removal will conclude prior to the 90 day deadline for reimbursement.

Commissioner Curry returned at 11:47 a.m.

9.2. Present Medical Examiner District 5 Update

Mr. Bouyounes provided an update relating to the District 5 Medical Examiner Committee meeting held on November 13, 2024. He stated at that meeting staff learned that Lake County, who is a member of District 5 and Seminole County, who is District 24, are exploring an option to branch out on their own and provide a separate Medical Examiner (ME) facility for their operations. The discussion was lengthy, to the point, and at this time everything else is on hold. Mr. Bouyounes provided an overview of the process required for those Counties to submit their request to the State Medical Examiner Commission for evaluation and recommendation. He advised that the next District 5 Medical Examiner Committee meeting will be held on February 12, 2025, which will be a follow-up meeting regarding this matter.

Mr. Bouyounes referred to the handout he provided to the Board, which is a summary of a letter that was sent by the Fire Chief to all District 5 Counties asking for Committee members to be prepared to have a discussion relating to reimbursement to Marion County for the funding it had advanced in order to move the new facility project forward. He stated the letter requested information from all District 5 Counties as to whether they are committed to staying with District 5 or thinking about leaving. Mr. Bouyounes addressed District 5's partnership with District 24, noting more discussion is needed to determine whether Marion County wants to keep that partnership. He provided a brief overview of how the partnership was formed, noting in 2018 Seminole County approached District 5 and requested ME services be provided. Mr. Bouyounes stated the District 5 ME was open to the request and recommended approval. He noted all 5 Counties of District 5 agreed to allow District 24 to join the partnership as a full member to the ME Committee through Interlocal Agreements. Mr. Bouyounes advised that each County was provided with a summary of the financial costs Marion County has incurred so far, noting Marion County advanced \$6,000,000.00 to expedite the new facility project as recommended by the ME Committee. He stated the biggest expense out of the \$6,000,000.00 was the acquisition of the property in Summerfield (US 301 and County Road (CR) 42). Mr. Bouyounes requested direction from the Board as to whether it wants to put the property on the table so that every County shares in the cost and ownership of that property or would it prefer to keep the property in the ownership of Marion County. He noted if the Board decided later on that there is no need for a new ME facility, the property could be liquidated or utilized for a different project. Mr. Bouyounes provided an overview of the

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other costs associated with the ME facility project (evaluating different properties, design process, conceptual design, etc.). He commented on the ME budget, noting there is approximately \$5,285,000.00 available for capital improvements.

Commissioner Stone expressed her appreciation to Mr. Bouyounes and staff, noting Marion County is the administrator for both Districts 5 and 24. She stated Section 24 of the Interlocal Agreement with District 24 addresses the termination process. Commissioner Stone stated it would be her recommendation that District 5 and District 24 separate from the Interlocal Agreement of providing services together, noting District 24 has continued to question the County's ability to provide the information to make a good decision. She opined that District 24 cannot seem to understand the cost of services being provided, noting the costs have been verified by the Construction Manager. Commissioner Stone advised that the exit of Seminole and Lake Counties, would reduce the volume of services being provided by the ME Office by approximately one-third, which would also slow down the need to move forward with building the new facility at this time. She questioned if the BCC would like to invite District 24 to leave or actually terminate the Interlocal Agreement, noting her recommendation would be to terminate.

Commissioner McClain questioned if District 5 terminates the Interlocal Agreement, would that hinder the District from collecting costs that have already been incurred. Commissioner Stone opined that District 24 was under the Conditions of the Interlocal Agreement and it is her belief that they would need to share in any costs associated with moving forward with building a new facility, noting they voted in favor of constructing the new facility. Commissioner McClain noted his support for terminating the Interlocal Agreement.

County Attorney Minter requested the Board allow him to prepare a written Memorandum describing the issues involved. Commissioner Stone advised that all members of District 5, with the exception of Lake County, intended to ask their Boards for the exact same request. She stated it is the belief of Committee members that District 24 is not providing any value to being a participant. Commissioner Stone stated Committee members requested District 24 share any information it had relating to a better, more cost-efficient method for providing these services, which they were unable to provide.

General discussion ensued.

Chairman Bryant noted the Board will address this matter again once Mr. Minter has the opportunity to draft his Memo.

Commissioner Zalak advised that it is his understanding that there are other Board members in District 24 that were reviewing their Minutes to determine when a vote was taken to leave District 5 and whether or not Marion County was proceeding at its own risk prior to taking out the bond. He requested Mr. Minter reach out to the County Attorneys from Seminole and Lake Counties.

General discussion resumed.

(Ed. Note: The Deputy Clerk did not receive a copy of the handout (letter) from the County Administrator for the record.)

10. COMMITTEE ITEMS:

10.1. Industrial Development Authority - Request Appointment of Two (2) Members for Full Terms, Ending November 2028

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

Description/Background: Two members of the Industrial Development Authority have terms expiring at the end of November 2024. Both incumbents are eligible for reappointment and have applied.

- Kyle Yancey (Incumbent)
- Susie Crabb (Incumbent)

Budget/Impact: None.

Recommended Action: Motion to re-appoint Kyle Yancey and Susie Crabb to the Industrial Development Authority for full terms, ending November 2028.

Clerk Harrell advised that Susie Crabb and Kyle Yancey received the appropriate votes. A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to re-appoint Kyle Yancey and Susie Crabb to the Industrial Development Authority (IDA) for full terms, ending November 2028. The motion was unanimously approved by the Board (5-0).

10.2. Land Development Regulation Commission - Request Appointment of One Full Member for a Full Term, Ending November 2028

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

Description/Background: The Land Development Regulation Commission has one position with a term expiring at the end of November 2024. The incumbent is eligible for reappointment and has applied. A total of seven applications were received during the advertisement period:

- Richard V. Busche - Civil Engineer (Incumbent)
- Robert W. Batsel, Jr. – Attorney
- Steve Koch - Agricultural Economics/FTBOA
- Daniel D. Balys – Attorney
- Trusten “Holland” Drake - Building Contractor, Rancher, Developer
- Joan Keefe - Retired Business Owner - Landscaping Design
- Sarah Dennis - Real Estate

Budget/Impact: None.

Recommended Action: Motion to select one (1) applicant as full member for a full term, ending November 2028.

Clerk Harrell advised of a revision to the Memo relating to this item.

Mr. Bouyounes clarified that incumbent seeking reappointment would need a conflict waiver by the Board should he be selected.

Clerk Harrell advised that Richard V. Busche received the appropriate votes.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve the Conflict of Interest Waiver and to reappoint Richard V. Busche to the Land Development Regulation Commission (LDRC) for a full term, ending November 2028. The motion was unanimously approved by the Board (5-0).

10.3. WellFlorida Council - Request Appointment of One (1) Full, Provider Member for a Full Term, Ending November 2028

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

Description/Background: The Provider member on the WellFlorida Council has a term expiring at the end of November 2024. The incumbent, Jeremiah Alberico, is

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eligible for re-appointment and applied accordingly. There were no other applications received during the advertisement period.

Budget/Impact: None.

Recommended Action: Motion to re-appoint Jeremiah Alberico to the WellFlorida Council as the Provider Member for a full term ending November 2026.

Clerk Harrell advised that Jeremiah Alberico received the appropriate votes.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to re-appoint Jeremiah Alberico to the WellFlorida Council as the Provider Member for a full term, ending November 2028. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

Commissioner Stone noted she may have a conflict relating to the time of 9:30 a.m. on December 11, 2024 for the SW 38th/40th Street from SW 80th Avenue to SW 43rd Court Preliminary Engineering Report (PER) workshop (Item 11.4.); however, she will make arrangements to attend.

Chairman Bryant advised that she will not be able to attend the workshops scheduled for Wednesday December 11, 2024 (Items 11.3 and 11.4).

11.1. Request Ratification of Memorandum of Understanding between the District Board of Trustees of the College of Central Florida and Marion County Board of County Commissioners for the Cybersecurity Grant (Budget Impact - Neutral)

HR Director Caron presented the following recommendation:

Description/Background: Marion County Human Resources works very closely with the College of Central Florida (CF) to build a strong pipeline to recruit full-time employees, part-time employees and interns seeking to gain real world knowledge about the career path they have chosen. Marion County has seen several of the CF interns apply, interview and become onboarded as full-time employees as a result of their internship with Marion County.

CF applied for and is the recipient of the "National Science Foundation - Cybersecurity Grant" which will underwrite the cost of one (1) information technology student intern for a total of five semesters beginning Spring 2025. The grant will provide 120 hours at \$15 per hour for each intern. As a result of Marion County's relationship and success with CF, a signed Memorandum of Understanding is being presented for Marion County to manage and utilize the funds on behalf of CF.

Budget/Impact: Neutral; funding utilized to be reimbursed by CF to AA170513-366090 (Grants from Private Sources).

Recommended Action: Motion to ratify the Memorandum of Understanding between District Board of Trustees of the College of Central Florida and Marion County Board of County Commissioners

(Ed. Note: This Item was addressed with Budget Amendment Resolution 5.1.6.)

11.2. Request Approval to Schedule a Workshop Regarding the Comprehensive Plan Evaluation and Appraisal Report on Monday, December 9, 2024 at 3:00 p.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

Growth Services Director Varadin presented the following recommendation:

Description/Background: Workshops with the Board have been ongoing to review materials regarding the Evaluation and Appraisal (EAR) and public response. The

first workshop took place on Thursday, September 12th at 2:00 p.m.; the second workshop took place on Tuesday, October 1st at 1:30 p.m.; the third workshop took place on Tuesday, October 29th at 2:00 p.m.; and the fourth workshop took place on Thursday, November 7th at 3:00 p.m. If approved, this will be the fifth workshop and it would be held on Monday, December 9th at 3:00 p.m.

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

Budget/Impact: None.

Recommended Action: Motion to approve an additional EAR workshop on Monday, December 9, 2024 at 3:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve an additional EAR workshop on Monday, December 9, 2024 at 3:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.3. Request Approval to Schedule a Workshop to Discuss the Intersection Design for SW 80th Avenue at SW 38th Street for the SW 80th Avenue - Segment 1 Project (from SW 80th Street to 1/2 Mile North of SW 38th Street) on Wednesday, December 11, 2024 at 10:30 a.m. or as Soon Thereafter, in the McPherson Governmental Campus Auditorium
County Engineer Cohoon, OCE, presented the following recommendation:

Description/Background: The Office of the County Engineer is requesting to schedule a workshop on Wednesday, December 11, 2024, at 10:30 a.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium. During this workshop, Marion County Staff and their consultant team, Guerra Development Corporation/Kimley Horn and Associates, Inc., will provide an update regarding the design of the SW 80th Avenue and SW 38th Street intersection. This intersection is included in the SW 80th Avenue - Segment 1 Project (from SW 80th Street to 1/2 Mile North of SW 38th Street).

Budget/Impact: None.

Recommended Action: Motion to approve scheduling a Workshop to discuss the intersection design for SW 80th Avenue at SW 38th Street for the SW 80th Avenue - Segment 1 project (from SW 80th Street to 1/2 Mile North of SW 38th Street), on Wednesday December 11, 2024 at 10:30 a.m. or as Soon Thereafter, in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to schedule a Workshop to discuss the intersection design for SW 80th Avenue at SW 38th Street for the SW 80th Avenue - Segment 1 project (from SW 80th Street to 1/2 Mile North of SW 38th Street), on Wednesday December 11, 2024 at 10:30 a.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 to Schedule a Workshop to Discuss the SW 38th/40th Street (from SW 80th Avenue to SW 43rd Court) Preliminary Engineering Report on Wednesday, December 11, 2024 at 9:30 a.m. or as Soon Thereafter, in the McPherson Governmental Campus Auditorium

County Engineer Cohoon, OCE, presented the following recommendation:

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Description/Background: The Preliminary Engineering Report for SW 38th/40th Street from SW 80th Avenue to SW 43rd Court was previously presented to the Board of County Commissioners (BCC) on January 16, 2024. Following that workshop, a community meeting was held on January 30, 2024 at West Port High School.

The Office of the County Engineer is requesting to schedule a Workshop on Wednesday, December 11, 2024, at 9:30 a.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium. During this Workshop, Marion County Staff and Kimley Horn and Associates, the consultant, will provide an update to Board based on the feedback received and additional engineering analysis completed.

Budget/Impact: None.

Recommended Action: Motion to approve scheduling a Workshop to discuss the SW 38th/40th Street from SW 80th Avenue to SW 43rd Court Preliminary Engineering Report on Wednesday, December 11, 2024 at 9:30 a.m. or as Soon Thereafter, in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to schedule a Workshop to discuss the SW 38th/40th Street from SW 80th Avenue to SW 43rd Court Preliminary Engineering Report on Wednesday, December 11, 2024 at 9:30 a.m. or as Soon Thereafter, in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.5. Request Adoption of a Resolution to Declare a Public Hearing Date for Consideration of a Road Closure Petition Associated with a Portion of NW 54th Court, December 17, 2024 at 10:00 a.m., or as Soon Thereafter in the McPherson Governmental Campus Auditorium

County Engineer Cohoon, OCE, presented the following recommendation:

Description/Background: This is a request for approval and execution of a Resolution declaring that a Public Hearing be held to consider a petition made by Harold F. Feaster and Kimberly A. Feaster to close and abandon of a portion of NW 54th Court located in Section 28 Township 12 Range 21 to renounce and disclaim any right of the County and the general public.

Budget/Impact: Revenue of \$700 - Transportation - BL400341 - 341902

Recommended Action: Motion to approve and adopt the Resolution declaring a Public Hearing date to consider closing a portion NW 54th Court located in Section 28 Township 12 Range 21 on December 17, 2024 at 10:00 a.m., or as soon thereafter as possible in the McPherson Governmental Campus Auditorium, and authorize the Chair and Clerk to execute the same.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt Resolution 24-R-540 declaring a Public Hearing date to consider closing a portion NW 54th Court located in Section 28 Township 12 Range 21 on December 17, 2024 at 10:00 a.m., or as soon thereafter as possible in the McPherson Governmental Campus Auditorium, and authorize the Chair and Clerk to execute the same. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-540 is entitled:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MARION COUNTY, FLORIDA, TO DECLARE A PUBLIC HEARING DATE

& TIME FOR CONSIDERATION OF CLOSING AND ABANDONMENT OF ROAD(S)

11.6. Request Adoption of a Resolution to Declare a Public Hearing Date for Consideration of a Road Closure Petition Associated with Cedar Shores Industrial Park, December 17, 2024 at 10:00 a.m., or as Soon Thereafter in the McPherson Governmental Campus Auditorium

County Engineer Cohoon, OCE, presented the following recommendation:

Description/Background: This is a request for approval and execution of a Resolution declaring that a Public Hearing be held to consider a petition made by Jay Thomas Trust to close and abandon of a portion of the 20' wide Drainage Right-of-Way (DROW) lying north of and adjacent to Lot 6, Block A, Cedar Shores Industrial Park, Plat Book U, Page 51 and to renounce and disclaim any right of the County and the general public.

Budget/Impact: Revenue of \$700 - Transportation - BL400341 - 341902

Recommended Action: Motion to approve and adopt the Resolution declaring a Public Hearing date to consider closing a portion of the 20' wide ROW lying north of and adjacent to Lot 6, Block A, Cedar Shores Industrial Park, Plat Book U, Page 51 on December 17, 2024 at 10:00 a.m., or as soon thereafter as possible in the McPherson Governmental Campus Auditorium, and authorize the Chair and Clerk to execute the same.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt Resolution 24-R-541 declaring a Public Hearing date to consider closing a portion of the 20' wide ROW lying north of and adjacent to Lot 6, Block A, Cedar Shores Industrial Park, Plat Book U, Page 51 on December 17, 2024 at 10:00 a.m., or as soon thereafter as possible in the McPherson Governmental Campus Auditorium, and authorize the Chair and Clerk to execute the same. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-541 is entitled:

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

11.7. Request Approval to Schedule Workshop to Discuss the Parks & Recreation Capital Improvement Program on Thursday, December 19, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium

Parks & Recreation Director Couillard presented the following recommendation:

Description/Background: The Parks & Recreation Department is requesting to schedule a workshop to discuss the Department's Capital Improvement Program on Thursday, December 19, 2024 at 1:30 p.m. in the Commission Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve proposed Workshop date for Thursday, December 19, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Stone seconded by Commissioner Zalak, to approve proposed workshop date for Thursday, December 19, 2024 at 1:30 p.m. in the

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McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.8. Request Approval to Schedule a Joint Workshop with the Marion County School Board on Wednesday, March 12, 2025 at 9:00 a.m. in the Southeastern Livestock Pavilion Auditorium

Growth Services Director Varadin presented the following recommendation:

Description/Background: Per the Interlocal Agreement for Public School Facility Planning, a Joint Planning Workshop for the Public Schools Planning Officials (PSPO) is to be held annually in the first quarter of the calendar year. The Joint Planning Workshop provides opportunities for the PSPO to discuss mutual issues of concern, as well as to review the Technical Working Group's annual report regarding residential housing activity, development approvals and trends, population projections, vacant land, underutilized land, and student projections and enrollment.

The PSPO members are comprised of the elected officials from the Marion County School Board, the Cities of Belleview, Dunnellon, McIntosh, Ocala and Reddick Boards and/or Councils, and the Marion County Board of County Commissioners. The following date is being requested for the Joint Planning Workshop with the School Board:

Wednesday, March 12, 2025 at 9:00 a.m.
in the Southeastern Livestock Pavilion Auditorium

Budget/Impact: None.

Recommended Action: Motion to approve and schedule joint workshop with the Marion County School Board on Wednesday, March 12, 2025 at 9:00 a.m. in the Southeastern Livestock Pavilion Auditorium.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to schedule a joint Workshop with the Marion County School Board on Wednesday, March 12, 2025 at 9:00 a.m. in the Southeastern Livestock Pavilion Auditorium. The motion was unanimously approved by the Board (5-0).

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

Florence Charbonneau, SW 49th Court, addressed the Board in regard to the traffic issues on CR 484. She stated residents in Marion Oaks are requesting the Board hold off on anymore home building permits until the road infrastructure is improved. Ms. Charbonneau expressed her appreciation to the Transportation Planning Organization (TPO) for agreeing to attend Marion Oaks Advisory Board meeting to be held on January 11, 2025 to discuss road infrastructure going into and out of Marion Oaks.

Roger Knechtel, SE 97th Terrace Road, addressed the Board in regard to pro-life and the "reverse pill" to help save the lives of unborn babies.

Mr. Knechtel opined that citizens should have election day off as a holiday.

Commissioner Curry excused at 12:10 p.m.

Mr. Knechtel commented on various gun laws throughout the United States (US).

Branko Dimovski, SE 120th Street, addressed the Board in regard to a building project he is constructing in Silver Springs Shores, noting because of the shape of his lot the process

has been very difficult for him. He stated he spoke with the Engineering Department back in April 2024 relating to the issue. Mr. Dimovski advised that in April he also received a landscaping buffer waiver due to the buildings being so close to the property line; however, he was recently informed that he had to apply for another landscaping waiver, which was denied by the DRC. He commented on the Silver Springs Protection Act, noting the Marion County Land Development Code requires small business builders to be called developers, which triggers all kinds of stringent restrictions. Mr. Dimovski addressed the costs associated with utility infrastructure.

Chairman Bryant requested staff meet with Mr. Dimovski after the meeting to try and resolve his issues.

Chairman Bryant advised that public comment is now closed.

Chairman Bryant commented on Ms. Charbonneau's request regarding the possibility of the Board holding off on issuing building permits (i.e., moratorium) and expressed concern that taking that type of action could lead to legal issues for the County.

Mr. Minter advised that there are certain zoning Ordinances that are exempt from the regulatory Statute.

Chairman Bryant commented on the roadwork that is being performed by FDOT in the Marion Oaks area, as well as across the State. She questioned if it was possible for staff to reach out to FDOT to request some kind of priority for the work being performing in this area due to the undo burden being placed on residents in this community and surrounding area.

General discussion ensued.

Mr. Minter advised that if the Board declared a moratorium, there is law that supports limited time period moratoriums (i.e., 12 months) without incurring a Bert Harris claim; however, the Board cannot get to a point where it denies people the right to develop their property over an infinite period of time.

General discussion resumed.

Chairman Bryant questioned whether the BCC Could place a moratorium on a specific geographical area and not the entire County. Mr. Minter opined that it is possible that the Board has the authority to do that; however, a study may need to be performed in order to justify that action.

General discussion resumed.

ACA Tracy Straub advised of recent action taken by the Board to move the Marion Oaks Flyover project into a Project, Development and Environment (PD&E), which opens the door for staff to discuss this matter with FDOT to try and get the project expedited. The Board has also given direction to staff to hold off issuing Certificates of Occupancy (COs) for new development projects approved in this area dependent upon interchange improvements being completed. She noted the Marion Oaks community has 28,000 vested units, which has now become a high growth area of the County.

Chairman Bryant questioned if the County could place a moratorium on vested units. Mr. Minter advised that what he stated earlier regarding a moratorium related to new land use approvals only, noting he would need to perform more research in regard to moratoriums on vested properties.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

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Commissioner Stone wished everyone a very Happy Thanksgiving, noting she is grateful for all the blessings, including a thriving economy that continues to help this community move forward.

Commissioner McClain stated he is grateful to be able to continue to serve with the BCC.

Commissioner Zalak advised that this time of year is a reminder that no matter what challenges we face, our days can still be filled with family and peace.

Chairman Bryant wished staff a Happy Thanksgiving and expressed her appreciation for all their hard work to provide necessary services to the community. She stated she is looking forward to the upcoming new year and expressed her appreciation to Commissioners for allowing her to serve as Chairman over the course of the next year.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of November 19, 2024 through December 3, 2024.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Memorandum from County Administrator Regarding Approved Holiday Schedule for 2025 Dated November 5, 2024

14.1.2. Present Chamber and Economic Partnership October 2024 Activity

14.1.3. Present Florida Job Growth Grant Fund Quarterly Report Submitted to Florida Commerce on October 31, 2024

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

14.3. General Informational Items:

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

14.4. Clerk of the Court:

14.4.1. Present Memorandum of Unaudited FY 2023-24 Excess Funds Returned to the Board of County Commissioners by Constitutional Officers (Budget Impact - Unaudited Carry Forward; \$4,757,875 includes funding for grant commitments and restricted funds)

14.4.2. Present Memorandum From Gregory C. Harrell, Clerk Of The Circuit Court And Comptroller, Regarding The Filing Of Ordinance 24-28 With The Secretary Of State's Office

14.4.3. Present Marion Soil And Water Conservation District Performance Review dated August 19, 2024 as prepared by Mauldin & Jenkins CPAs for the Office of Program Policy Analysis and Government Accountability

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

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

14.4.6. Present Sample Bank Signature Cards and Deposit Resolution to Update the New Chair to the Designated Depository of Marion County Board of County Commissioners

effective November 19, 2024 - Resolution 24-R-542 relating to facsimile signatures of the Chairman and Clerk to the designated depository of Marion County.

14.4.7. 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 - September 11, 2024

14.5.2. Development Review Committee - October 14, 21 and 28, 2024

14.5.3. Planning and Zoning Commission - September 30, 2024

14.5.4. Rainbow Lakes Estates Advisory Committee - September 19, 2024

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

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

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

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

There was a recess at 12:31 p.m.

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

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

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

15. PLANNING & ZONING AND DRC WAIVER REQUESTS – REQUEST PROOF OF PUBLICATION (AT 2:00PM):

Deputy Clerk Mills-McAllister advised that there are two Proofs of Publication to be presented for this afternoon's meeting.

The first Proof of Publication is Legal ad No. 10718153 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on November 4, 2024. The Notice stated the Board will consider adopting an ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits (SUP).

The second Proof of Publication is Legal ad No. 10718138 entitled, "Notice of Public Hearing by Marion County Board of County Commissioner to Consider Requests for Reasonable Accommodations" published in the Star Banner newspaper on November 4, 2024. The Notice stated the Board will consider requests for Reasonable Accommodations.

County Attorney Matthew G. Minter provided a brief overview of the process for today's DRC Waiver requests, Reasonable Accommodations, zoning and Special Use Permit hearings. Mr. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

15.1. DRC Waiver Requests and Public Hearings:

15.1.1. Request for Waiver from Land Development Code Section 6.11.4.B. for Farm Credit Building Addition, a Major Site Plan in Review, Parcel Number 21585 001 00, Application Number 31389 (Budget Impact - None)

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

Description/Background: Land Development Code (LDC) Section 6.11.4.B states the following regarding Cross Access (Parallel Access):

- 1) Cross access is required to reduce the use of the public street system, provide for movement between adjacent and complementary land uses, limit access to Arterial and Collector roads, and minimize full median openings. Cross access shall be shown on the plans and shall be established through a public easement.
- 2) Cross access shall be provided and constructed for all commercial, industrial, and multifamily residential development on arterial and collector roads unless it is determined by the County Engineer to not be practical or reasonable due to adjacent features, specific type of development, or the potential development of the adjacent property.

For this project and site, the County Engineer agreed that cross access to the east was not necessary, but that a cross access easement to the west be provided with a covenant for construction at a future date when deemed necessary. The applicant appealed the requirement for the western cross access to the Development Review Committee (DRC), and during their meeting of October 28, 2024, DRC upheld the County Engineer's decision.

The applicant, Davis Dinkins Engineering, is appealing this decision indicating that the project will connect to City water, requiring annexation to the City, and that the property to the west (also currently in development review) is a self-storage facility with a dissimilar use, not compatible to cross access. The owner/developer of the self-storage facility has indicated they will also seek a waiver to cross access and will provide a letter in support of this request.

The subject property is approximately 4.11 acres and is located in the northwest portion of the County, on the north side of US 27.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's motion that cross access to the west be provided with a covenant for future construction.

County Engineer Steven Cohoon, Office of the County Engineer (OCE) provided an overview of the waiver request by Farm Credit Building Addition and the DRC recommendation that cross access to the west be provided with a covenant for future construction.

Davis Dinkins, NE 1st Avenue, referred to a map as seen on the overhead screens and advised that on NW 49th Avenue (intersection on east side of sketch) is a signalized intersection. He stated moving west, the first driveway is the driveway Mr. Cohoon pointed out serves the west half of the existing shopping center and beyond that is the Farm Credit building. Mr. Dinkins advised that it is a right in, right out with an existing turn lane that was built in the 1980's. The Farm Credit building is a financial institution, but does not have retail banking, drive-throughs, or deposits; however, it has offices for the Farm Credit Officers to provide loans for farmers. He stated there are rarely meetings onsite, but when they occur, they are larger, noting this addition will add conference room space

and roughly 7 offices. Mr. Dinkins advised that moving west is the existing driveway that serves the pending Neighborhood Storage property that was issued a SUP in 2020. He stated that SUP showed access at that location on Highway 27. Mr. Dinkins commented on the hard work Mr. Rudnianyn performed with adjacent property owners to keep access for that full median opening with Department of Transportation (DOT), doing studies and coordinating efforts with DOT, who controls access. He advised that he has also permitted with DOT for the Farm Credit property, submitted permit applications for Neighborhood Storage, and they have confirmed in writing that they are fine with the spacing. There are no plans in the Transportation Improvement Program (TIP) for an improvement to this road section. Mr. Dinkins addressed the necessity of full median access relating to the Neighborhood Storage operation. He commented on a meeting with DRC staff earlier this year relating to Farm Credit, noting he presented a plan that he felt was consistent with the agreements that were made. Mr. Dinkins advised of County staff changes since that time. He stated he understands why the County has directed to limit the corridor access to the arterial and collector roads, which he agrees with when in a Rural area and a Rural section where parcels and additional connections are being created and there is an opportunity to plan for coordinated access. He stated this is a Rural section that is becoming more Urban, noting as one moves further and further west it is going to become urbanized. Mr. Dinkins advised that the speed limit change is right at the property and while the applicant does not meet the 660 foot spacing, if that speed limit sign had moved 300 feet it would have been acceptable. He stated the County LDC allows the Board to waive the cross access requirement unless it is not practical by layout. Due to the large drainage retention area (DRA) located on the south side of that site any reasonable cross access across Mr. Rudnianyn's site would require significant revisions. Mr. Dinkins advised that there has been no issue to date with the existing driveways and opined that the request not to provide parallel access is reasonable. He noted he met with Mr. Cohoon who suggested they provide an easement; however, he does not agree with encumbering a piece of property with an easement if no access would be provided. Mr. Dinkins advised that subsequent to that meeting he received comments back on the first review for Neighborhood Storage. One of the comments made by DRC states "the cross access to be entered into the agreement that should anything develop to the west, the applicant will be required to construct the cross access", noting County staff made the same comment. Mr. Dinkins advised that while he is present for the Farm Credit building appeal, he is requesting the waiver be amended to include a waiver for parallel access for these two facilities.

Todd Rudnianyn, NE 3rd Street, advised that when he had originally submitted the SUP application, he planned on having shared access with the property to the west (Spires 27); however, the purchaser (Davis Companies), explained that because of the topography and the desire for a gated community, they would prefer not to have shared and cross vehicular access. He stated he supported it and did not feel it was detrimental to either development, noting at this point there is no vehicular cross access to Spires 27. Mr. Rudnianyn commented on an agreement with a development to the north (Quail Meadow), which specifically prohibits the applicant from supporting future cross access to residential to the west. He noted his access on Highway 27 is also the construction access to the rear residential component of Long Leaf Park, to prevent construction traffic from going through the existing residential community. Mr. Rudnianyn advised that he is a huge advocate for cross access, but there has been a lot of work done in this area and

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requiring these 2 parcels would be detrimental to all who have worked on this project, including County staff.

Commissioner Stone stated the request is that the Board also remove any encumbrances to the parcels in question.

Mr. Dinkins concurred.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to disagree with the DRC and approve the waiver request.

In response to Commissioner Zalak, Mr. Cohoon advised that this does not change the traffic on Highway 27, noting it will be a protection for DOT in the future. He clarified that there is nothing that would be catastrophic and this affords an additional avenue for DOT to streamline closing access in the future if they so decide.

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

(Ed. Note: The Deputy Clerk was in receipt of the map referenced by Mr. Dinkins.)

15.1.2. Request for Waiver from Land Development Code Section 2.12.8. for Freedom Commons SW 85th Street Extension, an Improvement Plan in Review, Parcel Number 35623-920005, Application Number 31709 (Budget Impact - None)

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

Description/Background: The Land Development Code (LDC) requires a current boundary and topographic survey (one-foot contour intervals extending 100 feet beyond the project boundary) based upon accepted vertical datum. Surveys will be less than 12 months old and accurately reflect current site conditions, meeting standards set forth in Ch. 5J 17 FAC. Alternate topographic data may be accepted if pre-approved by the Marion County Land Surveyor.

The Applicant, Tillman and Associates Engineering, requests a waiver to use a survey last revised September 21, 2022, stating the survey accurately reflects the site and construction is active around the site.

The subject property is located in the southwest portion of the County on approximately 3.28 acres.

This waiver request was denied by the Development Review Committee (DRC) on October 28, 2024 but is scheduled for reconsideration on November 18, 2024.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's action for the waiver request.

Mr. Cohoon stated this Item was reheard by the DRC on Monday, November 19, 2024, and it has been resolved, noting the surveyor is satisfied with the survey requirements and what has been provided.

15.2. Planning and Zoning Consent Items:

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

P&Z PUBLIC HEARING ON OCTOBER 28, 2024

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

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

The Motion passed unanimously.

Chairman Bryant opened the floor to 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 Consent Agenda items 15.2.1 through 15.2.4, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda items as follows:

15.2.1. 241101SU - Homero Garcia Mollinedo, Special Use Permit for Parking for One (1) Commercial Vehicle [Truck/Cab and Trailer (Logging)] in a General Agriculture (A-1) Zone, 2.84 Acres, Parcel Account Number 13994-000-00, Site Address 10530 NE 41st Terrace, Anthony, FL 32617

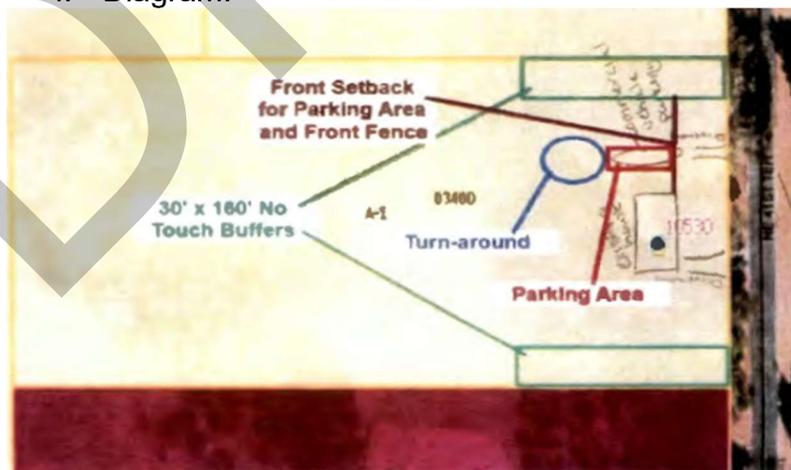
The Board adopted Resolution 24-R-543 granting a petition by Homero Garcia Mollinedo, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow parking of one commercial vehicle with a logging trailer, in A-1 zone, on an approximate 2.84 Acre Parcel, on Parcel Account Number 13994-000-00, site address 10530 NE 41st Terrace, Anthony, FL 32617

Resolution 24-R-543 contained the following Conditions:

1. The site shall be developed and operated consistent with the conceptual plan that was submitted with this application and Special Use Permit conditions as provided.
2. The owner and operator of the commercial vehicles (truck/cab and trailer units) shall reside onsite.
3. The special use permit shall run with the property owner, not the parcel.
4. The SUP is solely for the parking/storage of a commercial vehicle to consist of one truck/cab unit and one trailer un it (logging trailer) with vehicle identification numbers as follows:
 - a. Truck/Cab - QFUJA6CKX5LU78796 and
 - b. Logging Trailer - 995433063194071.
5. No mechanical repairs/maintenance on the commercial vehicle (truck/cab and trailer) shall take place on the subject property.
6. Trash collection and disposal shall be addressed by property owner. on at least a weekly basis, by private contracted haul service or the owner's self-disposal at a Marion County Solid Waste Collection Facility consist with Marion County LDC and Code of Ordinances.
7. A stabilized concrete driveway apron shall be provided for the parking location of the commercial vehicle meeting right-of-way permitting requirements.
8. The commercial vehicle shall enter the site from NE 41st Terrace and then loop/turn-around in the northwest of the existing residence to the parking area, and be parked so the vehicle is facing and exiting forward to NE 41st

Terrace; access to NE 41st Terrace shall *not* be provided by using a "backing up" maneuver in either accessing direction.

9. The commercial vehicle parking location shall be setback and screened as follows, as reflected in the accompanying diagram:
 - a. The truck/cab and trailer shall be parked on the north side of the property and west of the front setback functionally established by the front/east wall of the existing residence extended to the north ($\pm 40'$ from the NE 41st Terrace right-of-way), wherein the truck/cab and trailer shall not extend or protrude eastward of that functional setback when the commercial vehicle is parked.
 - b. An undisturbed / "no touch" buffer area extending a minimum of 160' east-to-west in length from the NE 41st Terrace right-of-way and a minimum 30' in width north-to-south shall be established and maintained along the site's north and south boundaries.
 - c. A minimum 6' high vinyl opaque fence shall be established and maintained parallel to NE 41st Terrace across the front of the commercial vehicle parking area and extend an additional 10' north and south of the commercial vehicle parking area; and shall be kept closed to obscure the appearance of the vehicles when parked.
 - d. The minimum 6' high vinyl opaque fencing shall be installed *within six (6) months* of approval of this SUP.
 - e. The owner/applicant is not prohibited from further extensions of the 6' high opaque fencing, such as to provide for an enclosed fenced area around the commercial vehicle parking area and/or other portions of the site's side and/or rear yards. Any such additional fencing shall not compromise and/or replace the undisturbed / "no touch" buffer required in preceding item b.; further, the six month deadline for installation of the 6' fencing across the parking area required in preceding item d. may not be delayed based on the desire/intent to provide additional fencing beyond the minimum required.
 - f. Diagram:



10. The Special Use Permit shall expire on November 19, 2027: At which point, it may be renewed administratively for up to three times for a period not to exceed 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Department/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).
11. Attachments:
 - a. Submitted Concept Plan.
 - b. Commercial Vehicle Photos

15.2.2. 241102SU - Valdria and Wallace Baker JR., Special Use Permit, to Allow Parking of One Commercial Vehicle with a Dump Trailer, in General Agriculture (A-1) Zone, 5.0 Acres, Parcel Account Number 08367-000-00, Site Addresses 3295, 3305, and 3309 NE 127th Place, Anthony, FL 32617

The Board adopted Resolution 24-R-544 granting a petition by Valdria and Wallace Baker JR., for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow parking of one commercial vehicle with a dump trailer, in General Agriculture (A-1) zone, on an approximate 5.0 Acre Parcel, on Parcel Account Number 08367-000-00, site address 3295 NE 127th Place, Anthony, FL 32617

Resolution 24-R-544 contained the following Conditions:

1. Ingress/Egress shall continue to utilize NE 127th Place only.
2. The Applicant shall construct a driveway apron that will be acceptable to the Office of the County Engineer in order to protect the ingress/egress point onto NE 127th Place.
3. No unloading or loading of materials/junk shall take place on the subject property.
4. No mechanical repairs or maintenance on the commercial vehicle(s) shall take place on site.
5. Lighting on the exterior of any accessory structure related to the commercial vehicles shall be placed in a way that is non-obtrusive and will not be pointed directly at residential units within this neighborhood.
6. There shall be no advertising signs on the subject property.
7. This special use permit runs with the owner and not property. Any sale of the property will void this special use.
8. This special use permit will allow for one (1) commercial tractor and one (1) commercial trailer, with a weight of 16,000 pounds or more.
 - Tractor: 2022 Mack, VIN# 1M1AN2GY3NM029795.
 - Trailer: Open Dump VIN# MAD52436GC037132.

9. The Special Use Permit shall expire on November 19, 2029; however it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit or
 - c. The Growth Services Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

15.2.3. 241103SU - Fernando Morales and Alina Rodriguez, Special Use Permit to Allow Parking of Seven (7) Commercial Vehicles with Seven (7) Trailers in General Agriculture (A-1) Zone, 10.0 Acres, Parcel Account Number 08486-001-00, Site Address 11530 NE 36th Avenue, Anthony, FL 32617

The Board adopted Resolution 24-R-545 granting a petition by Fernando Morales and Alina Rodriguez, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow parking of seven commercial vehicle with seven trailers, in General Agriculture (A-1) zone, on an approximate 10.0 Acre Parcel, on Parcel Account Number 08486-001-00, site address 11530 NE 36th Avenue, Anthony, FL 32617

Resolution 24-R-545 contained the following Conditions:

1. The Ingress/Egress shall continue to come from NE 36th Place.
2. The commercial vehicles shall be parked near the home and barn located at the rear of the property.
3. The existing apron connecting NE 36th Avenue is degraded and shall be upgraded, with sufficient radii, to accommodate the proposed commercial usage. The physical characteristics of the commercial apron shall be dictated by the Office of the County Engineer and the Marion County Building Department. The applicant shall be required to initiate this process within ninety days of approval of this SUP.
4. Unloading or loading wood shavings of shall be permitted on site. Storage of shaving materials onsite shall be limited to the existing facilities. No new storage areas shall be permitted. No other load materials shall be permitted on site.
5. No mechanical repairs, washing, or maintenance on the commercial vehicle(s) shall take place on-site.
6. The existing tree line buffers shall be maintained on the subject property's southern, western and northern boundaries.
7. This special use permit runs with the operator of the commercial vehicles, who resides on-site (Fernando Morales & Alina Rodriguez) and not with the property.
8. The property owners, Fernando Morales & Alina Rodriguez, shall also reside onsite.

9. Commercial vehicles permitted to operate from this site shall be limited to:
 - 1XKAXR9X6NJ573303
 - 1XKADB9X3RR633786
 - 1FUJA6AV12LJ68979
 - 1FVACXDC36HW68267
 - 1XKADR9X1MS565580
 - 1FV3GFFC7SL542781
 - 1XP5DR9X31N527743
 - 1PLA04526CPL57170
 - 13N1482C4Y5990689
 - 13N1482C0W1583246
 - 13N1482C9Y5995497
 - 1PLE04527PPD130101
 - 1R1F94824XK990189
 - To Be Determined
10. Operating Hours shall be limited to 5:00 AM to 7:30 PM, Monday through Saturday.
11. This special use permit will allow for seven (7) commercial vehicles with a weight of 16,000 pounds or more and seven (7) trailers. VIN numbers are provided in condition 9.
12. The Special Use Permit shall expire on November 19th, 2029; and will not be eligible for administrative renewal and a new application will need to be submitted at that time. However, any violations of these conditions will be the basis for a revocation of this SUP initiated by the Growth Services Director, additionally the following items may result in the potential revocation of this SUP:
 - a) There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the permit,
 - b) Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit.

15.2.4. 241105ZC - Dylan and Kaitlyn Deming, Zoning Change from Community Business (B-2) and General Agriculture (A-1) to Residential Estate (R-E), 5.45 Acres, Parcel Account Number 14152-002-00, No Address Assigned

The Board granted a petition by Dylan and Kaitlyn Deming, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) and General Agriculture (A-1) to Residential Estate (R-E), for all permitted uses, on an approximate 5.45 Acre Parcel, on Parcel Account Number 14152-002-00, No Address Assigned

15.3. Planning and Zoning Items for Individual Consideration:

15.3.1. 241109RA - Consideration for Kathy Werner, Reasonable Accommodation for Two (2) Pot-Bellied Pigs, in a Residential Mixed Use (R-4) Zone, ±0.34 Acres, Parcel

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Account Number 11241-003-14, Site Address 14211 NE 208th Court, Salt Springs, FL 32134

The Board considered a petition by Kathy Werner, for a Reasonable Accommodation under the Fair Housing Act, providing the opportunity for neighboring property owners to present any factual information that should be considered with respect to any adverse impacts that may affect neighboring properties by the application to keep two potbelly pigs, on the subject property, and what reasonable conditions might improve the effect of those situations, in a Residential Mixed Use (R-4) zone, on an approximate 0.34 Acre Parcel, on Parcel Account Number 11241-003-14, site address 14211 NE 208th Court, Salt Springs, FL 32134

Deputy Director Ken Weyrauch, Growth Services, presented a 1 page letter from UF Health Physicians and provided a brief overview of the request for two (2) pot-bellied pigs in a Residential Mixed Use (R-4) Zone.

It was noted Growth Services Department is recommending approval upon observance of the following Conditions:

1. The property owner shall maintain a well-kept area for the pot-bellied pigs.
2. Waste produced by the animals must be collected weekly and disposed of at an approved waste management facility to minimize impacts on neighboring properties.
3. Fencing around the pen must be kept secure and in good condition at all times.
4. The area between the pen and the adjacent parcel to the east shall always be maintained and open and clear.
5. The applicant has ninety (90) days to add vertical supports to the wire panel fence joints to enhance its stability and safety.
6. The applicant acknowledges that only two (2) pot-bellied pigs, as prescribed by her doctor, are permitted on the property.
7. The applicant agrees that this permit applies solely to the two (2) pot-bellied pigs listed.
8. The applicant must notify Growth Services Planning and Zoning if either potbellied pig passes away.
9. Under this Reasonable Accommodation, Marion County Code Enforcement may access the property for inspections as necessary, with prior notification provided to the applicant.
10. The pot-bellied pigs must be supervised whenever they are outdoors during the day.
11. The Reasonable Accommodation is attached to the applicant, not the property, and does not transfer with ownership.

In response to Commissioner Stone, Mr. Weyrauch advised that the vertical supports referenced in Condition 5 are for the pen seen on the overhead screens, noting the supports will help to keep the pen structurally sound so the pigs do not get out during the day and not to provide any opacity.

Chairman Bryant opened the floor to public comment.

Michaëlle Bordis, NE 142nd Street, Salt Springs, expressed opposition to the request, noting the pigs run loose and have chased her and her dog and have also knocked her down.

Robert Bordis, NE 142nd Street, Salt Springs, stated the applicant feeds the pigs well, takes care of them and does not abuse them; however, they are a nuisance.

In response to Mr. Minter, Mr. Bordis advised that the pigs do get out of Ms. Werner's yard at times, noting the pen is very small.

Commissioner Stone commented on proposed Condition 10, which requires the pigs to be supervised whenever they are outside during the day. She questioned if Mr. Bordis has an issue with that Condition. Mr. Bordis stated he does not see an issue relating to that Condition.

In response to Chairman Bryant, Mr. Bordis stated the applicant does let the pigs loose when there is nobody in the Airbnb and they go wherever they want, noting there is no fence between the yards.

Patricia Moon, NE 209th Court, Salt Springs, addressed the lack of fencing in the area. The applicant has a tiny mesh fence in the back, but the pigs are large and have come onto her property. She expressed opposition to the request.

Commissioner Bryant advised that public comment is now closed.

Kathy Werner, NE 208th Court, Salt Springs, applicant, advised of a situation over a year ago where her oldest permitted pig broke out of her pen when in heat, noting she has since been spayed. She stated she has not left the yard since that time unless she is by her side. Ms. Werner advised that the pigs are let out every evening from 4:30 p.m. until 6:30 p.m., to graze in the yard, noting she sits in a chair with them and supervises. She stated the pigs are well behaved, know how to sit and shake, come when called and sleep in the house. Ms. Werner advised that the pen has been reinforced with mobile home tiedowns so it cannot be lifted by the pigs and is agreeable to Condition 5 relating to the vertical supports.

Commissioner Zalak out at 2:48 p.m.

In response to Chairman Bryant, Ms. Werner stated she acquired the second pig in the fall of 2022 and the SUP for the first pig was granted in April, 2022. She advised that the second pig belonged to a friend of her fiancé and was going to be surrendered to a shelter, so she took the animal.

Chairman Bryant questioned if this request was triggered by a Code Enforcement case. Investigator Justin McClure, Marion County Sheriff's Office (MCSO), stated prior to coming here today he contacted Marion County Animal Services (MCAS) and checked records at the Sheriff's Office, noting there are no complaints in reference to the animals roaming at large. He stated currently in the LDC under Section 4-2 there is a definition in regard to livestock minimum fencing requirements, so regardless of the Conditions set forth today, the fencing has to be at least 4 feet in height and the posts cannot be more than 15 feet apart. Mr. McClure advised that MCSO is comfortable from an animal welfare point of view; however, he was unable to perform a site visit due to scheduling conflicts. He stated the pigs are held to the same standard as dogs and cats relating to going for walk, noting they must be under direct control.

Commissioner Zalak returned at 2:49 p.m.

Code Enforcement Officer Tom Sapp advised that he received this complaint on June 5, 2024, and has been onsite twice (June 6 and August 2, 2024). He stated both times the pigs were in the enclosure, there was no smell, and the applicant was sitting on the porch. In response to Commissioner Stone, Mr. Weyrauch advised that the applicant did provide a letter from a doctor stating these are emotional support animals.

Commissioner Stone questioned if the letter stating the applicant needs 2 pot-bellied pigs for emotional support helps the Board in making a decision.

Mr. Minter stated it provides some basis for the request to begin with. He advised that the question for the Board is whether or not it feels additional Conditions are appropriate if

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the decision is to grant the request. He commented on balancing the applicant's request while not adding to the annoyance of the neighbors as a result of the request.

Ms. Werner stated she has not had any conversations with neighbors regarding issues with the pigs except for once or twice with Mr. Bordis.

In response to Commissioner Stone, Ms. Werner advised that she is not currently in compliance with the Conditions, noting she was given 90 days. Ms. Werner stated she is able to come into compliance within that timeframe.

Commissioner Stone requested Mr. Sapp confirm that the size of the pen is adequate for 2 pot-bellied pigs. Mr. Sapp stated the fencing falls under the purview of an Agriculture Deputy with the MCSO; however, Code Enforcement will also follow up and ensure any Conditions are satisfied. He noted in his opinion the area is large enough to safely and humanely treat the pigs when they are in the pen.

Commissioner Zalak advised that he does not usually grant requests for individuals when they knowingly fail to adhere to the SUP procedure, noting the neighbors have reported issues. He opined that pigs do not belong here.

Commissioner Bryant stated she believes in second chances and questioned if Ms. Werner would be agreeable to fencing in her entire backyard to keep both pigs.

Ms. Werner advised that she is willing to do so; however, she is unsure if she can afford to add the fencing. She stated she could do a partial fence.

Commissioner McClain opined that a Condition can be added to ensure the animals do not run free and must be penned up when outdoors.

In response to Ms. Werner, Commissioner Zalak advised that the pigs have to be in the house, in a pen, or on a leash even in the applicant's own yard.

Commissioner McClain questioned if the pen counts as a fenced-in area. Mr. McClure stated the pen would count but must be at least 4 feet in height with posts no more than 15 feet apart.

In response to Commissioner Zalak, Mr. McClure advised that until the pen is built over the next 90 days, the only time that the pigs are allowed to be outside is when they are on a leash.

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to approve the Reasonable Accommodations Conditions 1 through 11, as amended below with a requirement that Condition 3 reference Section 4-2 of the County's LDC and Condition 10 include language stating the pot-bellied pigs must be in direct control of the owner when they are outdoors outside of their pen. The motion was unanimously approved by the Board (5-0).

The Reasonable Accommodation Conditions are as follows:

1. The property owner shall maintain a well-kept area for the pot-bellied pigs.
2. Waste produced by the animals must be collected weekly and disposed of at an approved waste management facility to minimize impacts on neighboring properties.
3. Fencing around the pen must be in conformance with Section 4-2 of the Land Development Code and kept secure and in good condition at all times. The fence must be 4 feet tall, with vertical supports spaced no more than 15 feet apart.
4. The area between the pen and the adjacent parcel to the east shall always be maintained and open and clear.
5. The applicant has ninety (90) days to add vertical supports to the wire panel fence joints to enhance its stability and safety.

6. The applicant acknowledges that only two (2) pot-bellied pigs, as prescribed by her doctor, are permitted on the property.
7. The applicant agrees that this permit applies solely to the two (2) pot-bellied pigs listed.
8. The applicant must notify Growth Services Planning and Zoning if either pot-bellied pig passes away.
9. Under this Reasonable Accommodation, Marion County Code Enforcement may access the property for inspections as necessary, with prior notification provided to the applicant.
10. The pot-bellied pigs must be supervised whenever they are outdoors during the day. Additionally, under the Marion County Land Development Code, Chapter 4 (Animal Control and Enforcement), the pigs must be on a leash, or otherwise under direct control whenever they are outside the designated pen area.
11. The Reasonable Accommodation is attached to the applicant, not the property, and does not transfer with ownership.

15.3.2. 241104ZC - Castaneda, Jonny, Jaziel, Juan and Annie, Zoning Change from Multiple-Family Dwelling (R-3) to Single-Family Dwelling (R-1), 0.57 Acres, Parcel Account Number 3126-005-001, Site Address 2280 SE 40th Street Road, Ocala, FL 34480
The Board considered a petition by Castaneda, Jonny, Jaziel, Juan and Annie, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Multiple-Family Dwelling (R-3) to Single-Family Dwelling (R-1), for all permitted uses, on an approximate 0.57 Acre Parcel, on Parcel Account Number 3126-005-001, site address 2280 SE 40th Street Road, Ocala, FL 34480

P&Z PUBLIC HEARING ON OCTOBER 28, 2024

241104ZC Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously.

It was noted that Growth Services Department staff recommend denial, and the P&Z Commission recommends approval of the zoning change.

Planner Kathleen Brugnoli, Growth Services, commented on the request for a zoning change from R-3 to R-1 with the intent to convert an existing detached garage to a guest residence. She advised that there is other R-1 to the northeast of the subject parcel; however, there is a lot of multi-family in the area (triplexes and quadraplexes). Ms. Brugnoli stated based on the intent of the zoning classifications, this change would result in down zoning and spot zoning. She clarified that if the change to R-1 zoning was granted, there would need to be a supplemental change to the land use because it would need to be medium density residential land use. Ms. Brugnoli provided a brief overview of alternative solutions to assist the applicant including the construction of a livable space between the existing home and garage to connect the two structures making this an expansion of the single-family dwelling or the reconfiguration of the two structures to create a duplex.

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In response to Commissioner Stone, Ms. Brugnoli advised that to construct a livable space between the home and garage the applicant would need to connect by a habitable space (e.g., create a second living, media room, office, etc.) that is an air conditioned space and part of the residence at that point. She clarified that a connection via a breezeway would still be considered 2 separate structures (primary and guest home).

Chairman Bryant questioned if the space is an enclosed and conditioned breezeway would it be considered habitable. Ms. Brugnoli opined that it must be a room rather than a transitional space but would verify that with the Building Department.

Jaziel Castaneda, NE 2nd Court, commented on the request, noting the additional expense relating to connecting the spaces with a conditioned room rather than just converting the garage.

Chairman Bryant stated Mr. Castaneda's parent do not have a homestead exemption on their property and should go to the Property Appraiser's Office (PAO) when they leave here today and have the exemption added.

Chairman Bryant opened the floor to public comment.

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

Chairman Bryant advised that this property backs up to Citrus Park, which contains a mixture of single family and multi-family dwellings. She opined that it is compatible. She clarified that if the Board goes against staff's recommendation and approves the request, the property will not have proper land use.

Commissioner Stone opined that the request is appropriate.

Chairman Bryant commented on a previous Comprehensive Plan update, noting properties were included for updates to the land use to make them compliant with the zoning. She questioned if this is approved today and there is another update, can it be noted that this property would be one that the Board would change the land use on to ensure the zoning and land use are compatible. Chairman Bryant requested there be a Condition added to address this proposed change.

Ms. Brugnoli stated no Conditions can be added because this is a straight zoning change, but a note can be added that an administrative change is needed to ensure the land use is compatible with the zoning for this property.

Mr. Weyrauch advised that the Board can authorize staff to process an application (signed by the property owner) for a land use amendment and waive the fee.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve the zoning change from R-3 to R-1, and allow submission of an application to bring the land use and zoning into compliance and waive the fee, disagreeing with Growth Services staff and agreeing with the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Commissioner McClain out at 3:20 p.m.

ACA Tracy Straub stated staff felt this was a unique issue and sees an opportunity as County staff work through the LDC. She advised that staff view this as an important type of item to capture as the community grows and is looking for an opportunity to right situations like this moving forward.

Commissioner Stone out at 3:21 p.m.

15.3.3. 240904SU - Bissoondial and Krissondatt Bisram, Special Use Permit to Allow for a Food Truck Park in Community Business (B-2) Zone, 1.14 Acres, Parcel Account Number 41200-079-02, No Address Assigned

The Board considered a petition by Bissoondial and Krissondatt Bisram, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a food truck park, in Community Business (B-2) zone, on an approximate 1.14 Acre Parcel, on Parcel Account Number 41200-079-02, No Address Assigned

P&Z PUBLIC HEARING ON OCTOBER 28, 2024

240904SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, to agree with staff's findings and recommendation, and recommend denial of the zoning change based on the following findings of fact:

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

The Motion passed unanimously.

Deputy Director Ken Weyrauch, Growth Services, commented on the SUP request to allow for a food truck park in B-2 zoning, noting staff received an email requesting to continue this matter. He advised that the applicant is present.

Commissioners McClain and Stone returned at 3:23 p.m.

Austin Dailey, Klein and Klein, LLC, SE 11th Avenue, attorney on behalf of the applicant, stated he is prepared to proceed today.

It was noted that Growth Services Department staff, and the P&Z Commission recommend denial of the SUP. If the Board approves the SUP staff recommends the following Conditions:

1. The project shall be developed in a manner consistent with the conceptual plan that was submitted with this application.
2. All existing Code Enforcement cases must be satisfied and cleared before a site plan through the Development Review Committee may be applied for.
3. A major site plan approval from the Development Review Committee is required for all development on the subject property. A major site plan must be submitted within 6 months of approval of this Special Use Permit.
4. Cross access to adjacent properties, when required, must be paved.
5. The buffer along the northern boundary, adjacent to the RV Park, shall be a modified Type A buffer, the modification shall include a 6' opaque vinyl fence. All other boundaries must provide a 6' fence to prevent spill-over onto neighboring properties. The applicant would like to have other options to delineate the boundaries.
6. Parcel ID 41200-079-00 may not be used for any part of this project, including garbage receptacles, or visitors' parking.
7. Garbage shall not be allowed to accumulate and overflow the dumpsters. Garbage shall be removed from the site regularly and in a timely manner.
8. Owner/Applicant to work with Marion County Utilities during DRC process to install grease traps to the county's standards.
9. Hours of Operation limited to 9am - 10pm.
10. Lighting standards: A photometric plan shall be provided during Site Plan development through Development Review Committee (DRC)

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11. Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms. *The applicant would like to use portable toilets on the site for up to three years.
12. The site shall be immediately connected to central water.
13. Sanitary sewer shall be determined during the Development Review Process for connection distance, however, a septic tank may not be used for more than the temporary three year period.
14. Concrete pads for the food trucks shall be installed with no food trucks parking on open ground without a concrete pad. The applicant does not want to install concrete pads.
15. Fire truck access – During DRC site plan approval, if it's found that the requested number of food trucks will not allow required emergency services circulation through the site, the number must be reduced to provide necessary space in the event that emergency services must access the property.
16. The Special Use Permit will terminate in the event there is a division or subdivision of the site, or if and when Luis Betances terminates his tenancy on the subject property (Parcel ID 41200-079-02), or on November 18, 2027, whichever is sooner.
17. The Special Use Permit shall run with Luis Betances and not with the property.

Mr. Dailey provided an overview of the SUP request, noting this is temporary (3 years) to maintain operations while the future, long-term parcel is developed.

Commissioner Curry out at 3:37 p.m.

He commented on the unique nature of the request, noting there are currently no food truck parks in Marion County.

Commissioner Curry returned at 3:38 p.m.

Mr. Dailey addressed the plan for operations including compliance with all health and safety regulations, temporary structures, and proactive management of traffic, noise and waste. He provided an overview of the conceptual plans relating to the two parcels, noting the property in the middle is not subject to the application and is not owned or leased by Mr. Betances. Mr. Dailey addressed the proposed Conditions, noting the applicant would like to utilize other options to delineate the boundaries and keep individuals on this property preventing spill-over to neighboring parcels. He stated the applicant can provide semi-permanent restroom facilities that require pumping or a permanent restroom with septic as long as they are not required to connect to sewer. Mr. Dailey advised that the applicant is requesting not to install concrete pads at the temporary location due to the logistics involved in moving all the trucks, which can result in a loss of business preventing the applicant from continuing the project. He stated the applicant is agreeable to discuss any Conditions that will allow this project to continue with minimal interruptions.

Commissioner Curry questioned the 3 year time frame. Mr. Dailey advised that the acquisition of the other property, tree surveys, traffic studies, site plan approval process, etc., are contributing factors relating to the 3 year period.

Commissioner Curry stated he has received telephone calls relating to traffic backing up on Highway 484 when the operation is open.

Mr. Dailey advised that the applicant anticipates going through the site plan process, noting the major site plan must be submitted within 6 months of approval of this SUP in addition to a traffic study.

Commissioner Zalak expressed concern relating to the current set up of operation, likening it to a fair that utilizes generators. He opined that the applicant should come into compliance with everything, noting it is not fair to others that have had to comply with Commercial standards. He opined that the operation should be 1 truck with a roadside permit, not 20 trucks.

Commissioner Curry out at 3:52 p.m.

Chairman Bryant opened the floor to public comment.

Kevin Camp, SE 36th Lane, did not appear when called upon to speak.

Manuel Galindo, Azolla Street, Orlando, expressed support for the project.

Commissioner Curry returned at 3:53 p.m.

Jorge Luis Padilla Pacheco, SE 38th Court, Belleview, advised that he is a member of the food truck project and is willing to do what is needed to make it possible.

Pastor Luis DeJesus, SW 45th Street, interpreted for Mr. Pacheco

Commissioner Stone questioned if the food court were closed down until it is brought into compliance would Mr. Pacheco return.

Mr. Pacheco stated he would return.

Pastor DeJesus expressed support for the project.

Yerandi Iglesias Miranda, SW 20th Avenue, Hialeah, did not appear when called upon to speak.

Milton Williamson, SW 135th Street Road, commented on the variety of food offerings, family atmosphere and convenience for residents of Marion Oaks.

Shayla Benitez, SE 160th Street, Summerfield, addressed the benefits the food truck business provides her family.

Cristina German, SW 150th Loop, commented on how her food truck business connects her to the community, provides revenue, and creates a sense of belonging while providing individuals with diverse food offerings. She addressed concerns relating to traffic, noting it is not being affected by the food truck park.

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

Commissioner Bryant out at 4:07 p.m.

Ms. German advised that she will be translating for the next speaker.

Rosemarie Pena Meza, SE 137th Street, Summerfield, expressed support for the food truck park.

Commissioner Bryant returned at 4:09 p.m.

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

Hector Benitez, SE 160th Street, Summerfield, advised that he is a food truck owner and commented on the diverse food options and family atmosphere offered via the food truck park.

Andre James, SW 41st Circle, stated he owns the mobile salon currently at the site. He commented on improvements made to the property, the permitting and inspection processes, and traffic concerns.

In response to Commissioner Stone, Mr. James advised that he has a mobile barbershop; however, frequent movement of his generators and other equipment would be difficult to do on a routine basis.

Alejandro Reyes, South Magnolia Avenue, advised he owns a food truck and expressed support for the project.

Chairman Bryant advised that public comment is now closed.

Mr. Dailey commented on the number of individuals impacted by this project, noting the benefit of this property is that it provides a central location where customers can come.

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He stated the trucks are inspected at least twice a month according to the applicant. Mr. Dailey requested the Board identify acceptable Conditions rather than deny this application. He addressed the time frame relating to the major site plan approval, noting the traffic study is a minimum of 6 months if rushed and nothing goes wrong. Mr. Dailey stated it could be a lengthy process that keeps the food trucks shut down for that period. He requested there be a compromise where the term is significantly reduced to 1 year and the applicant must have the site plan approval by the end of the year prior to it coming back for renewal. Mr. Dailey advised that the compromise would allow the operation to continue while moving forward with the site plan. He stated there can be other parameters to provide steps through this process.

Commissioner Stone commented on Mr. Dailey's request to implement necessary measures in order to continue the operation, noting he has pushed back on some proposed Conditions already.

Mr. Dailey stated the big issues for the applicant relate to the Conditions that would require shutting down the operation while the site plan and traffic study go through and the requirement to connect to sewer.

In response to Commissioner Stone, Mr. Dailey advised that the calculation for the fire trucks was a distance that the fire truck had to get within approximately 150 feet of the food trucks. He stated the whole interior of the property is parking and driveway access. David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, stated there is a criteria relating to back up distance and hose length reach for firetrucks. He advised that the applicant is able to meet those criteria, noting firetrucks currently access the location to eat and then leave.

Commissioner Stone commented on the Condition requiring permanent restrooms rather than the trailers that are currently utilized.

Mr. Tillman stated he spoke to Building Safety Director Michael Savage, noting as long as there is a deadline, it can be labeled as temporary to continue to use the trailers/porta toilets that are in place now. He stated a bathroom on a septic tank can be installed; however, it is not affordable to build the infrastructure on this site and then relocate to the other site to connect to the centralized water and sewer that exists.

Building Safety Director Mike Savage advised of a conversation with Mr. Tillman about this project, which was presented as a temporary facility for 2 years until the applicant moves into a permanent location. He clarified that Section 31-03 of the Florida Building Code allows for temporary installations to take place not to exceed 180 days, and the only way Building Safety would even come close to being able to sign off, approve or review any of this is that permitting has to be done every 180 days. Mr. Savage commented on the photographs as seen on the overhead screens, noting Building Safety would prefer trailers over the porta toilets as has been requested at other locations.

In response to Chairman Bryant, Mr. Weyrauch advised that the trailer was the proposal from the applicant, but as of today they have porta toilets.

Commissioner Zalak questioned the status relating to the Code Enforcement issues. Mr. Weyrauch referred to the photographs shown on the overhead screens, noting they were taken at 10:10 a.m. this morning. He advised that the pictures do not show fryers on top of the generators as were previously identified.

Commissioner McClain questioned how the food trucks are regulated and how that compares to restaurants. Luis Betances, South U.S. Highway 301, Summerfield, applicant, stated there is an individual that comes to the site more frequently than a restaurant, noting she may be onsite for an entire week or as much as twice a month. He

advised that restaurants are only inspected every six months or annually. Mr. Betances stated when the individual identifies an issue it is shared with Mr. Betances and his business partner, and they follow up to remedy the problem(s). He advised that there are no current issues relating to the handling of food.

Mr. Dailey stated under the Florida Department of Agriculture and Consumer Services (FDACS) there is a mobile food establishment requirement and different types of criteria for different types of things that they would sell.

Chairman Bryant stated the County regulates the rest of the operation. Mr. Dailey concurred.

In response to Commissioner Zalak, Mr. Dailey advised that the applicant is currently using generators; however, that will end once they get electricity.

Commissioner Zalak questioned the process for reporting Sales Tax. Mr. Betances stated every food truck has to register and pay taxes.

In response to Commissioner Stone, Mr. Dailey advised that the applicant was unaware of all the requirements until they were issued a Code violation, at which time they contacted the County and were advised that a SUP was needed.

Mr. Betances stated once he and his partner became aware of what was required for the SUP, they have been working with County Departments to get to this point.

Mr. Weyrauch advised that staff spoke to the applicant in March and advised that they cannot have this business in the current location, and it must cease. He stated the Code Enforcement Department first visited the location in April.

In response to Chairman Bryant, Mr. Betances advised that the first food truck started operations at the beginning of 2023 and was okay with the County.

Commissioner Zalak out at 4:38 p.m.

Chairman Bryant commented on the applicant's failure to obtain the proper permitting and without having the proper hook up, water and sewer. She expressed concern relating to how the operation has been handled so far.

Commissioner Zalak returned at 4:49 p.m.

Commissioner McClain expressed support for the project, noting this is a temporary fix while the applicant works on the permanent solution. He commented on the Conditions, which can be revised to allow for better oversight.

Commissioner Stone stated there needs to be a good site plan, appropriately approved, prior to the Board allowing something like this for safety and health reasons. She commented on the many cords stretched across the site.

In response to Chairman Bryant, Commissioner McClain advised that the Board could make the SUP 180 days in duration and allow staff to renew it administratively for up to a year prior to bringing it back before the Board. He clarified that there can be a maximum time limit of up to 3 years on the SUP, noting it will take that long for the applicant to secure the permanent location. Commissioner McClain stated once they get to the permanent location, there can be more discussion relating to ensure the site is done the right way.

Mr. Dailey advised that there can be measures taken to address the main problems with the temporary site, noting the applicant would have to have whatever kind of bathroom the Board wants except for connecting to sewer. He stated the applicant would love to add water and electricity; however, they do not have the ability to get permits on the property right now.

Chairman Bryant questioned if it is better to have multiple trailers or 1 restroom on a septic tank relating to the food truck park. Mr. Savage stated each trailer is set up to handle a

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certain number of occupants for that trailer, noting the applicant would have to perform a calculation based off the number of food trucks, parking spots and estimated number of customers and then determine how many trailers are needed for that number of customers. He advised that once that is determined, a maintenance schedule has to be set up for pumping out of those trailers.

Commissioner Curry out at 4:45 p.m.

Commissioner McClain stated the applicant should be required to utilize the nice, air conditioned trailers and have them pumped when appropriate.

Chairman Bryant advised that the trailers must be pumped when they are supposed to be and there has to be a calculation that determines how many are needed. She noted the SUP will require the applicant hook up to water and electricity.

Mr. Dailey stated there is a water connection adjacent to the property and there is electricity. He advised that the plan is to utilize recreational vehicle (RV) type connections for the water and electricity for each one of the food trucks, eliminating the generators and cords.

In response to Mr. Dailey, Mr. Tillman stated this will have to go through the site plan process and Utilities will have to approve it, noting it should be an expedited process. He advised that all facilities may not be in the ground in six months, but all the permitting should be complete, and construction should be started by that time.

Chairman Bryant requested an additional Condition that stipulates if the applicant cannot accomplish the plan relating to the new site, this does not get to remain permanently if approved on a temporary basis.

Commissioner Curry returned at 4:47 p.m.

Commissioner McClain opined that if the applicant does not meet the Conditions of the SUP, it will end in six months.

Chairman Bryant stated the applicant should have a year based on the testimony from Mr. Tillman relating to the site plan, noting at that time the project should be far enough along to know if the applicant will be moving forward with the project being brought forward next December. She advised that when this comes back in a year the Board will also get an update on the project coming in December if it passes. If it does not pass, the operation will go away.

Commissioner Stone stated if this passes today, it will be conditioned upon the result of the next project, noting if the Board votes against the next project, this will have 90 days to wrap up and close down.

Commissioner Zalak opined that 20 food trucks are too many. He stated staff should identify the number of trucks onsite now and if any of them leave the vacancy should not be backfilled.

Chairman Bryant requested staff provide a recommendation relating to the number of trucks to be allowed.

Mr. Savage provided an overview relating to temporary permits, noting the first permit is good for 180 days through Building Safety and then the applicant would have to reapply prior to the expiration of the first permit for a new permit for an additional 180 days.

In response to Commissioner Stone, Mr. Savage advised that each application is a separate permit, and they are at the discretion of the building official. He stated when working in tandem with Growth Services staff, it is determined the applicant has failed to meet any Conditions of the SUP: therefore, he is not obligated to issue the permit. Mr. Savage stated the Department can remove utilities under Section 112.1 of the Florida Building Code.

In response to Chairman Bryant, Mr. Weyrauch provided a recap of the Conditions as amended.

Commissioner Stone questioned if staff has anyone onsite at the location today. Mr. Weyrauch advised that the Code Enforcement Officer who took the pictures is present in the audience.

In response to Commissioner Stone, Mr. Weyrauch stated Code Enforcement can be back at the site and provide vehicle identification numbers (VINs) for every food truck on the property and provide that information no later than mid-morning.

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to adopt Resolution 24-R-546 with Conditions 1 through 20, as amended below, approving the Special Use Permit request, disagreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was approved by the Board by a vote of 4-1, with Commissioner Curry voting nay.

Resolution 24-R-546 contains the following Conditions:

1. The project shall be developed in a manner consistent with the conceptual plan that was submitted with this application.
2. All existing Code Enforcement cases must be satisfied and cleared before a site plan through the Development Review Committee may be applied for.
3. A major site plan approval from the Development Review Committee is required for all development on the subject property. A major site plan must be submitted within 6 months of approval of this Special Use Permit.
4. Cross access to adjacent properties, when required, must be paved.
5. The buffer along the northern boundary, adjacent to the RV Park, shall be a modified Type A buffer, the modification shall include a 6' opaque fence. All other boundaries must provide at least 6' chain link fence to prevent spill-over onto neighboring properties.
6. Parcel ID 41200-079-00 shall not be used for any part of this project, including garbage receptacles, water sources, electrical sources, or visitors' parking.
7. Garbage shall not be allowed to accumulate and overflow the dumpsters. Garbage shall be removed from the site regularly and in a timely manner.
8. Owner/Applicant to work with Marion County Utilities during DRC process to install grease traps to the county's standards.
9. Applicant shall immediately supply a list of the food trucks currently on site, as of the date of this Board Hearing (November 19, 2024), with VIN numbers, or other identifying license number (Attachment A). The number of food trucks on site is limited to the twenty (20) trucks existing on site as of the November 19, 2024, Hearing. The Board shall allow the existing barber shop food truck to be counted amongst the existing twenty (20) trucks. As these original twenty (20) trucks vacate, no new trucks shall be permitted until the maximum number of trucks existing on site are fifteen (15) of the original food trucks. Fifteen (15) food trucks becomes the new maximum number of trucks permitted on site at that time, in perpetuity.
10. Hours of Operation limited to 9am - 10pm. Exception: those food trucks currently on-site serving breakfast, may continue to do so, however, if those

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particular food trucks vacate, they shall not be replaced on site with another food truck that wants to serve breakfast.

11. Lighting standards: A photometric plan shall be provided during Site Plan development through Development Review Committee (DRC)
12. Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms. The applicant may use temporary toilets with air conditioning on the site for up to two years, renewing their permit with the Building Safety Department every 180 days. These temporary restroom facilities shall have (four) 4 restrooms in each trailer. These trailers must be pumped regularly as determined is sufficient by the Building Safety and Growth Services Departments. The applicant has two weeks to get at least two of these trailers on site. By the end of 2024, the applicant shall have all restroom trailers on site and operational. The applicant shall have a calculation of how many trailers are needed and a clean out schedule to ensure the trailers are clean and in good working order at all times.
13. The site shall be immediately connected to central water.
14. The applicant shall work with the Building Official to immediately provide electricity on site.
15. Sanitary sewer shall be determined during the Development Review Process for connection distance, however, a septic tank may be used for up to three years, or when the new project (240809SU) is completed, whichever is sooner. This condition shall not renew.
16. Within one year, concrete pads for the food trucks shall be installed, with no food trucks parking on open ground without a concrete pad.
17. Fire truck access – During DRC site plan approval, if it's found that the requested number of food trucks will not allow required emergency services circulation through the site, the number must be reduced to provide necessary space in the event that emergency services must access the property.
18. The Special Use Permit will terminate in the event there is a division or subdivision of the site, or if and when Luis Betances terminates his tenancy on the subject property (Parcel ID 41200-079-02), or if any new Code Violations arise on site, or on November 18, 2025, whichever is sooner. However, if the Tigo Investment Group LLC application is denied (240809SU), then the food truck operations on this property must cease, and Mr. Betances has 90 days to completely vacate the property. This application is scheduled to be heard by the Board on December 17, 2024, at 2:00 PM.
19. Either Mr. Betances, Mr. K. Bisram, or Mr. B. Bisram shall notify the Growth Services Department in writing of any termination of Mr. Betances' tenancy.
20. The Special Use Permit shall run with Luis Betances and not with the property.

There was a recess at 5:01p.m.

The meeting reconvened at 5:06 will all members present except Commissioner Zalak.

15.3.4. 241107ZP - Castro Plaza, LLC and Austin International Realty, LLC, Zoning Change from General Agriculture (A-1), Community Business (B-2), and Rural Activity

Center (RAC) to Planned Unit Development (PUD), 43.62 Acre Tract, Parcel Account Numbers 13676-001-00 and 13675-000-00, Site Addresses 6850 and 6998 N US Highway 27, Ocala FL 34482

The Board considered a petition by Castro Plaza, LLC and Austin International Realty, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1), Community Business (B-2), and Rural Activity Center (RAC) to Planned Unit Development (PUD) for a maximum of 140 dwellings (single-family and townhomes) and up to 100,000sf of commercial use, on an approximate 43.62 Acre Tract, on Parcel Account Numbers 13676-001-00 and 13675-000-00, site address 6850 N US Highway 27, Ocala, FL 34482

P&Z PUBLIC HEARING ON OCTOBER 28, 2024

241107ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Gaekwad, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the zoning change based on the following findings of fact:

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

The Motion passed unanimously.

Planner Kathleen Brugnoli, Growth Services, provided an overview of the request for a zoning change from A-1, B-2 and RAC to a PUD, noting the PUD master plan includes B-1 and B-2 uses, outdoor market and retail sales, and event uses. The applicant has also provided a list of prohibited uses. She commented on the Residential portion of the project containing up to 100 townhomes and 40 Single Family Residential (SFR) units. Ms. Brugnoli stated a change has been made since the P&Z Commission meeting relating to the southern buffer. She advised that it was originally going to be a 20 foot wide landscaped buffer with a split rail fence; however, the applicant is going to include opaque fencing along that area to provide some further buffering between the single family homes and the neighbors to the south. Ms. Brugnoli commented on the proposed signage, design and development standards and approved traffic study, noting increases to the AM and PM peak hour trips. She addressed the access points, noting the right in, right out in the northwesternmost corner is temporary and will be going away. Additional access will be added if deemed necessary by the Department of Transportation (DOT). Ms. Brugnoli stated the only requirement resulting from the traffic study is the need for additional green time for the southbound left-turn movement on County Road (CR) 225A/NW 70th Avenue at US 27.

It was noted that Growth Services Department staff, and the P&Z Commission recommend approval of the zoning change with the following Conditions.

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

TABLE 2. SETBACKS (IN FEET)			
Direction	Adjoining Use	Proposed	Recommended
North	ROW	40'	40'
South	ROW	30'	30'
East	Agriculture	30'	40'
West	ROW	40'	30'

2. Development signage may be permitted within perimeter landscape buffers provided they are integrated into the required buffer design.
3. The 3500 square foot amenity center including fitness center, multipurpose room, café' area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50th residential unit.
4. The PUD shall comply with the PUD Development Buffers listed in Table 3 below and as listed within the buffering plan provided.

Direction	Adjoining Use	Required	Proposed	Recommended
North	ROW	Type "C"	Buffer IV (15' wide landscaped buffer with split rail farm fencing)	Proposed Buffer
South	ROW	Type "C"	Buffer II (20' wide landscaped buffer with proposed fencing)	Proposed Buffer
East	Agriculture	Type "E"	Buffer I (20' wide landscaped buffer with existing fencing)	Proposed Buffer
West	ROW	Type "C"	Buffer III (15' wide landscaped buffer with proposed fencing)	Proposed Buffer

5. The PUD shall be limited those uses, special or permitted, in Neighborhood Business (B-1) and Community Business (B-2) with the addition of outdoor markets and retail sales as well as event venues.
6. Prohibited uses include those listed out by the PUD Development Standards.
7. The PUD shall be developed consistent with the PUD Plan, and the development conditions provided. In the event an alternative use other than those listed individually or within the B-1 and B-2 zoning classifications is proposed; the site shall go through the PUD Rezoning Application process to ensure due public notice is provided.
8. Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.
9. Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
10. Sidewalk to be provided internally as shown in the PUD site plan.
11. Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.
12. Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.

13. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.

Matthew Brockway, Icard Merrill, Main Street, Sarasota, on behalf of the applicant, stated this is a legacy project (Martingale) being driven by different factors and motivations than others that come before the Board.

Terri Keogh, East Silver Springs Boulevard, applicant, commented on the history of the property, noting her family has owned the property since the 1970s and it was developed as country village stores, and gathering place for the community. She addressed other locations her grandparents developed.

Bernard Austin, East Silver Springs Boulevard, stated in 2017 there was a renovation of the existing shopping center, noting the family first tried to find examples and the precedence of the architectural style that spoke to them relating to sense of place. He advised that it is very much drawing on the equestrian vernacular, but most importantly for this site is trying to capture the right size, bulk and scale. Mr. Austin stated the project is being designed to create a community that utilizes green spaces, broad sidewalks, promotes connection from both the outside environment and the layering of spaces to get into the indoor environment. He advised that the site plan includes broad, planted boulevards for the two main entrances (US 27 and NW 70th Avenue Road). Mr. Austin stated these are meant to bring people together in both the Commercial and Residential areas, noting the retail areas are being wrapped around the outdoor green/active spaces to achieve the goal.

Mr. Brockway addressed zoning criteria, noting the application is in the public interest and is consistent with the Marion County Comprehensive Plan. He advised that the remainder of the presentation will focus on compatibility with land uses in the surrounding area.

Richard Busche, Kimley-Horn and Associates (KHA), SE 17th Street, stated this is a PUD Master Plan application as opposed to a Conceptual Plan application, noting all the information staff needs from a Master Plan application (environmental and traffic studies, tree surveys, etc.) has all been done and submitted, allowing the applicant to bring a more detailed project for the Board to review tonight. He advised that the project density includes 100,000 square feet (sf) of Commercial and 140 Residential dwelling units (DU), which is well below land use densities. Mr. Busche stated this project was never about designing to the maximum density, but rather to design the right project and ensure it was under the density limitations. He advised that the project steps down the density from the northwest corner where the Commercial is located, to the townhomes, and keep stepping down until reaching the single family product to the south. Mr. Busche stated there are 3 homes abutting NW 35th Street. He advised that access connections to US 27 and NW 70th Avenue are where they should be based on Marion County and FDOT, with no connection to NW 35th Street. Mr. Busche stated the driveway on the northwest corner goes right in front of Horse and Hounds restaurant and is integral to the operation of the plaza. He noted there is a Condition stating when the plaza is redeveloped or the applicant has substantial other access possibilities, the driveway has to be removed. Mr. Busche provided an overview of the amenities, noting the package is suitable for many more units than the applicant is requesting. He opined that in a mixed-use community like this one, all the Commercial space is an amenity for the residents. Mr. Busche provided an overview of the buffers on all four sides of the subject parcel. He advised that the project will be connecting to central water and sewer.

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In response to Commissioner Zalak, Mr. Busche stated every tree on the property has been surveyed, noting the arborist has flagged those that have been determined are suitable for preservation. He advised that there has been consideration given relating to areas where trees can be saved in clusters and still look good. Mr. Busche stated there is a good opportunity to preserve trees located on the southwest corner around NW 35th Street and around the west side of that area.

Amber Gartner, KHA, SE 17th Street, stated there is an approved traffic study that was conducted according to Marion County Traffic Impact Analysis Guidelines. She advised that the amount of site traffic the project will generate was estimated based on the Institute of Transportation Engineers (ITE), which is the industry standard methodology utilized. Ms. Gartner referred to the slide as seen on the overhead screen, noting the figures contained in the table are reflective of the total development and the buildout does not take credit for the existing approximately 30,000 sf plaza. She stated the actual net new traffic from what is there today will be slightly less than what is being presented. Ms. Gartner advised that due to this being a mixed-use development the applicant gets to take advantage of the fact that there will be some internal capture of those trips. She stated not everything generated on the site will be external, there will be some internal connection between the Residential and Commercial uses. Ms. Gartner commented on the project's access to 2 major roadways, noting traffic is further dispersed upon the transportation network. She advised that residents and neighbors have raised concerns relating to the amount of traffic this project will generate on NW 70th Avenue Road. Ms. Gartner stated based on the transportation modeling, she is showing roughly 19 percent (%), or 1,300 daily trips with 64 PM peak hour directional trips. She advised that it is a minimal (less than 5%) impact on an adjacent segment and there is plenty of capacity to support this development. Ms. Gartner commented on access to this site, noting the traffic study conclusions are that the site does not generate new needs for transportation improvements within the study area. She commented on the additional green time at the adjacent signalized intersection, which occurs as traffic increases over the years. Ms. Gartner stated it is a function of traffic prior to the addition of this site; however, providing the additional green time will accommodate traffic from this development. She provided a recap of the proposed access points relating to the project, noting they are sufficient. Ms. Gartner advised that there have been discussions with FDOT relating to the access located at US 27. She stated FDOT has communicated that existing access can remain as is while the existing center is operational. Ms. Gartner advised that as soon as other portions of the project begin to develop, and connect up to that access, KHA will submit permit applications. She stated there has already been discussion relating to what future access will look like, noting there could be a need for secondary access to the east. Ms. Gartner advised that the applicant is committed to providing any of those improvements as required by FDOT. She stated the County commissioned the West Marion Planning Study, which looked out in 2027 and 2045 and assumed development on this property; however, the amount of development assumed in that study exceeds what is being proposed.

Mr. Brockway advised that the property currently has a Future Land Use (FLU) designation of Commercial, which has been the case for more than a decade. He stated properties to the north, northwest, west and southwest are also in the Commercial FLU classification. Mr. Brockway advised that the largest neighbor to the south is Golden Ocala and everything west of NW 68th Avenue is owned by them. He stated those properties are either in their existing approved PUD or those 3 lots in the Low Residential

area that will likely be annexed into the PUD. Mr. Brockway advised that the project is directly abutted only by 3 Residential lots to the south. He stated there are 3 zoning classifications; 1) 5 acres of B-2; 2) 14 acres are RAC; and 3) the 24 acre balance is A-1. Mr. Brockway advised that this rezoning would unify all 3 zoning classifications into a single PUD with a Master Plan. He stated the RAC and A-1 zoned properties are not implementing zoning districts for their Commercial FLU, noting the inconsistency needs to be rectified as part of the application. Mr. Brockway advised that nobody is complaining about the compatibility of the existing center, which is vibrant and bustling. He clarified that the applicant is seeking to expand on those uses and integrate a true mixed-used project with the townhomes and the detached SFR. Mr. Brockway provided a summary of the proposed project.

Chairman Bryant opened the floor to public comment.

Ellie Trueman, NW 68th Avenue, expressed appreciation relating to the lack of access to the project from NW 35th Street. She expressed concern relating to the timeframe during which the traffic study was conducted.

Louis Traiforos, NW 68th Avenue, commented on the impact of construction noise relating to his horses and increased traffic.

Genevieve Busher, NW 68th Avenue, expressed concern relating to traffic.

Chairman Bryant stated NW 70th Avenue will be 4-laned.

Chairman Bryant advised that public comment is now closed.

Mr. Brockway stated there will be no construction access on NW 35th Street, noting the timeline is not definitive due to the phased approach to the construction.

Mr. Busche confirmed that the construction will occur in phases.

Mr. Cohoon advised that once the PUD is approved and there are certain access points within the PUD, it backs OCE into a corner. He stated the applicant will now be allowed to have those access points as a Condition of the PUD, so if they do not conform with items in the Code, those are overruled by the PUD approval. Mr. Cohoon advised that relating to the FDOT roadway the current driveway meets the minimum spacing requirements for Access Class 3, but the full access opening does not. He stated it is at FDOT's discretion when to close that down. Mr. Cohoon advised that there is an opening of sorts planned where applicant's full access is currently located. He commented on the fire station to the west and the need for full access, or the ability for Fire Rescue personnel to be able to travel in any direction. Mr. Cohoon stated there are ways to directionalize an opening that also allows emergency vehicles to egress while restricting everyone else. He stated the design is based on Access Class 3 (full access spacings are closer to the 2,600 feet scenario) and this one does not conform with that criterion. Mr. Cohoon advised that it is acceptable if the PUD is approved with this access, but it is necessary to ensure there is a full access opening here. He stated this does not meet current access requirements and does not conform with the way the County is trying to design this roadway.

Commissioner Zalak advised that it would be better if the Conditions states the access points are contemplated here but need to be approved by the County Engineer.

Mr. Cohoon concurred. He opined that a connection should be made at NW 35th Street, noting he is aware the applicant and surrounding residents do not want that connection.

Mr. Cohoon commented on the PUD directly south of this and stated having the interconnection opportunity between these different developments in lieu of having traffic go out on NW 80th Avenue, then cut back into the developments makes sense from an engineering perspective.

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Commissioner Stone advised that there will be multi-modal paths on NW 70th Avenue Road for those individuals in the PUD, noting this is designed to be a somewhat walkable community. She questioned if Mr. Cohoon is referring to the access located directly across from the fire station.

Mr. Cohoon stated the proposed full access opening does not meet the County's design spacing standards; however, OCE is reviewing it, noting they are designing to Access Class 3 (every 1,320 feet should have directional opening and every 2,640 feet should have a full access opening).

Commissioner Zalak questioned if Mr. Cohoon is saying there should only be the furthest access point to this development. Mr. Cohoon advised that based on the County's design standards there should be a directional access at the location. He clarified that by directional access he is talking about a right-in, right out with the opportunity in the southbound direction to make a left-in, noting that is using Access Class 3. Mr. Cohoon stated it is okay to deviate from that from time to time where there are full accesses on corridors. He advised that he is addressing the matter now, prior to going to design. Mr. Cohoon stated it could be appropriate, but further coordination is needed with the engineers. He advised that the access circled in green does not meet spacing standards as it stands today, noting it is on the cusp.

In response to Commissioner Stone, Mr. Cohoon stated the access circled in green could be made a right-out only exit.

Ms. Gartner stated the location of the right-in, right-out was discussed with staff, noting the distance to the full access is slightly less than the County's requirement (within 10%). She advised that a variance can be submitted for review at a staff level, noting the access is in that location to keep it outside of the northbound right turn lane. Ms. Gartner commented on the connection located on NW 70th Avenue Road, which aligns with what is currently shown in the adopted Preliminary Engineering Report (PER) for this corridor for a full median opening. She stated from a traffic standpoint looking at the queues, there is no indication that queues would extend to the proposed full median access.

In response to Commissioner Zalak, Ms. Gartner advised that based on the evaluations KHA has conducted, traffic will not queue all the way down to the right-out exit. She stated the data is valid through 2030.

Commissioner Stone commented on the volume of Commercial development that has already been approved in the area, noting there is 4,000,000 sf of Commercial approved at the World Equestrian Center (WEC).

Ms. Gartner stated the PUD on the westside has an approved full access connection at this location as well.

In response to Commissioner McClain, Mr. Cohoon advised that he believes the west PUD has full access proposed across from NW 72nd Court.

Chairman Bryant reiterated the access must be approved by the County Engineer.

Commissioner Stone requested she be included in the conversation with OCE relating to traffic.

Commissioner McClain expressed appreciation for the proposed development, noting since he has been on the Board, this is one of the best projects he has seen.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Resolution 24-R-547 approving the zoning change from A-1, B-2 and RAC to PUD, with Conditions 1 through 14 as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and

will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-547 contains the following Conditions:

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below:

Direction	Adjoining Use	Proposed	Approved
North	ROW	40'	40'
South	ROW	30'	30'
East	Agriculture	30'	30'
West	ROW	40'	40'

2. Development signage may be permitted within perimeter landscape buffers provided they are integrated in to the required buffer design.
3. The 3500 square foot amenity center including fitness center, multipurpose room, cafe area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50th residential unit
4. The PUD shall comply with the PUD Development Buffers listed in Table 3 below and as listed within the buffering plan provided.

Direction	Adjoining Use	Required	Proposed	Approved
North	ROW	Type "C"	Buffer IV (15' wide landscaped buffer with split rail farm fencing)	Proposed Buffer
South	ROW	Type "C"	Buffer II (20' wide landscaped buffer with proposed fencing and opaque fencing along residential area)	Proposed Buffer
East	Agriculture	Type "E"	Buffer I (20' wide landscaped buffer with existing fencing)	Proposed Buffer
West	ROW	Type "C"	Buffer III (15' wide landscaped buffer with proposed fencing)	Proposed Buffer

5. The PUD shall be limited to those uses, special or permitted, in Neighborhood Business (B-1) and Community Business (B-2) with the addition of outdoor markets and retail sales as well as event venues.
6. Prohibited uses include those listed out by the PUD Development Standards.
7. The PUD shall be developed consistent with the PUD Plan, and the development conditions provided in this resolution. In the event an alternative use other than those listed individually or within the B-1 and B-2 zoning classifications is proposed, the site shall go through the PUD Rezoning Application process to ensure due public notice is provided.

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8. Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.
9. Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
10. Sidewalk to be provided internally as shown in the PUD site plan.
11. Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.
12. Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.
13. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.
14. Access on NW 70th Avenue Rd. to be approved by the County Engineer.
(Ed. Note: The Deputy Clerk did not receive the list of prohibited uses.)

Commissioner Zalak out at 6:10 p.m.

15.3.5. 241108ZP - GUT Einhaus, LLC, Zoning Change from General Agriculture (A-1) to Planned Unit Development for a Proposed 213 Residential Units (Single Family Detached), Total Not to Exceed 236 Units, 59.11 Acres, Parcel Account Number 21615-000-00, Site Address 2486 NW 60th Avenue, Ocala, FL 34482

The Board considered a petition by GUT Einhaus, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Planned Unit Development (PUD) for a proposed 213 residential units (single family detached), total not to exceed 236 units, on an approximate 59.11 Acre Parcel, on Parcel Account Number 21615-000-00, site address 2486 NW 60th Avenue, Ocala, FL 34482

P&Z PUBLIC HEARING ON OCTOBER 28, 2024

2411078P Planning and Zoning Commission Recommendation

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

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

The Motion failed due to a tied vote of 3 to 3 with Messrs. Lord, Bonner and Heller dissenting.

Chairman Bryant questioned if the handout provided contains information that the Board has not previously seen. Senior Planner Xinyi "Cindy" Chen, Growth Services, advised that the handout contains the new recommendation based on the new Concept Plan that was submitted on November 4, 2024. She stated the applicant requested a full review by all Departments involved, which takes 2 weeks. Ms. Chen advised that staff were able to complete the request yesterday.

David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, applicant, presented a 7 page handout entitled, "Renderings" and five 11x17 handouts. He advised that he received comments just a few days before the public hearing last time, noting once received he addressed all the requests for the Conditions that were listed.

Commissioner Zalak returned at 6:13 p.m.

Mr. Tillman stated he is upset about the fact that he received the data at the last minute, noting he received the information at 10:00 a.m. today when he was before the Board addressing the Land Development Regulation Commission (LDRC) changes. Mr. Tillman stated he has not really looked at the document due to the time constraints; however, there were no changes to his plan that substantiated the modification of Conditions that occurred. He advised that these comments could have been made the first time. Mr. Tillman stated the fact he attempted to address the comments from the County to meet the Conditions is not a negative thing he has done, noting he returned the document within 2 to 3 days of receiving the comments. He clarified that he tried to address the staff's request and did not request a full review of everyone in the County.

Chairman Bryant advised of conversation that this Item would be continued, then a revised concept plan is turned in 2 weeks prior to the meeting and the Board is handed updated Conditions on the fly just before considering an Item. She opined that it is unfair to everyone. Chairman Bryant commented on future requests, noting it may be better to move something to a different date rather than pushing things to the last minute.

Ms. Chen provided an overview of the request for a zoning change from A-1 to PUD. Chairman Bryant passed the gavel to Commissioner Zalak who assumed the Chair. Commissioner Bryant out at 6:29 p.m.

Ms. Chen provided a comparison between the previous PUD application and the current proposal.

Commissioner Bryant returned at 6:31 p.m.

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

Ms. Chen noted staff's recommendation is denial.

It was noted that Growth Services Department staff recommend denial, and the P&Z Commission did not provide a recommendation. If the Board grants the zoning change staff recommend the following revised Development Conditions.

1. The PUD is restricted to a total of 213 dwellings units single-family residential with maximum total not exceed 236 units, consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A). ~~The development shall be limited to 100 units until a secondary access to the north and/south is provided.~~
2. Access shall be provided as required below:
 - a. Provide the full access and emergency access to NW 60th Ave as shown in the concept plan.
 - b. Provide a 40'-wide right-of-way (ROW) dedication along the northern boundary, aligned with the quarter section line.
 - c. Provide a secondary full ~~access following along the quarter section line~~ to the north, contingent upon the future development of the ROW along the quarter section line. Show the north access dedication in the Master Plan for final Board of County Commissioners' approval. ~~Provide additional access to the properties to the north and south. The easement agreement with the property owners to use the cross access through adjacent and surrounding properties shall be obtained before the site plan is approved.~~
 - d. A developer agreement for the proposed secondary emergency access shall be approved by the BCC prior to final plat approval and shall include language that formalizes the transferring of the existing Drainage Retention Area and associated infrastructure operation

and maintenance responsibilities to the applicant. Maximum capacities for the drainage retention in the County's existing DRA shall be maintained by the applicant.

- e. All access point locations and easements shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the ~~Site Plan~~ development plan approval.
3. Buffers shall be provided as required below: ~~Two options for the Board to discuss and consider:~~
- ~~Option 1 staff recommendation: Buffers shall be provided as shown in the concept plan. Buffers along the perimeter shall use 7 gallon, 3 foot high plants, at the time of planting, and use 4 inch caliper trees at the time of planting.~~
- ~~Option 2 previous Board recommendation: For the buffers between the proposed development and agricultural lands, provide 30' wide buffers, including a 5' high berm with landscaping on top of the berm. Use a fast growing type of landscaping.~~
- a. Buffers between the PUD and agriculture uses (except the most northern boundary identified in Condition 3.b): Provide 40'-wide buffer with 3'-high planted berms. The buffer shall contain at least four shade trees for every 100 lineal feet or fractional part thereof. Shrubs shall be planted in a double-staggered row and be capable of reaching a maintained height of six feet within three years. Use 7-gallon, 3-foot high shrubs or hedge at the time of planting and use 4-inch caliper trees at the time of planting to form a layered landscape screen. The shrubs or hedge should be planted about 1' or 18" down from the top of berm.
 - b. Along the south side of the 40'-wide ROW dedication (located on the most northern boundary), a 15'-wide Type C buffer shall be provided. Type C buffer shall consist of a 15-foot wide landscape strip without a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer and form a layered landscape screen with a minimum height of three feet achieved within one year.
 - c. Install an irrigation system for the maintenance of buffer. Maintenance of the planted areas and irrigation shall be in perpetuity. Submit a landscaping and irrigation maintenance agreement during development plan phase.
 - d. Buffer type and its illustration shall be submitted with the site development plan phase for approval. The buffer design, irrigation system design, and maintenance agreement shall meet the satisfaction of County's Parks and Recreation during the time of Development Review before development plan approval.

~~If the revised concept plan requires an updated traffic methodology and operational traffic study, both studies shall be completed to the satisfaction~~

~~of the County Traffic Engineer and Growth Services Director, and adequate provision shall be made for the coordination of improvements with the PUD. Depending on the study result and recommendation in the Traffic Method Study and Traffic Operational Study, the ingress/egress through the county maintained parcel may or may not be necessary to the development of the subject parcel. If the Traffic Method Study and Traffic Operational Study indicate the necessity for cross access and drive in/out at county's and adjacent properties, the developer must secure agreement with the property owners prior to Site Plan approval. The Traffic Method Study and Traffic Operational Study are subject to the review and approval by the County Traffic Engineer.~~

4. All internal and external vehicle circulation shall be paved.
5. Show multi-modal facilities on the PUD Master Plan. Include multimodal path for pedestrians and bikes externally and internally.
6. Show accessible pedestrian connections from PUD area to adjacent land uses on the site plan.
7. Show accessible sidewalks along at least one side of internal roads. --1-0-
8. Provide additional right-of-way along NW 60th Ave to put required sidewalk.
9. Show parking calculation on the site development plan.
10. The developer shall coordinate with the State or Federal agency on the investigation and permit on the possibility of cemetery and human remained remains on site, at the cost on developer, not County.
11. The PUD shall connect to Marion County Utilitiesy. Developer shall work with Marion County Utilitiesy regarding water and sewer connection extension and construction of lift station during the site development plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.
12. Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site development Pplan .
13. The developer shall coordinate with the County to address the operation and maintenance of the existing County-maintained DRA if they wish to include this DRA as part of the development. The operation and maintenance plan shall be submitted to the satisfaction of the County Engineer and Growth Services Director. The design and maintenance shall meet the requirements of the Development Review Committee Land Development Code- during the Development Review phase, prior to Site development pPlan approval. Submit a developer's agreement that establishes a drainage easement over the combined DRAs and identify how maintenance and any cost sharing will be handled during the development plan phase. The agreements between the Office of the County Engineer and the applicant relating to the combining of the DRAs shall be noted on the Master Plan for final Board of County Commissioners' approval.
14. The Environmental Resource Permit (ERP) associated with County maintained DRA with the Southwest Water Management District (permit 44026170.00) would need to be updated with any changes to the pond's design, ownership, and maintenance entity.

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15. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the residential zoning classification of the LDC.
16. On the PUD Master Plan or equivalent, provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
~~A Master/Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.~~
17. The final PUD Master Plan or equivalent (Major Site Plan) shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

Commissioner McClain out at 6:31 p.m.

Ms. Chen advised that 2 letters of opposition have been received. She commented on correspondence relating to a possible cemetery onsite, noting a Condition has been added to address this matter.

Commissioner McClain returned at 6:33 p.m.

In response to Commissioner Stone, Ms. Chen advised that the applicant received a copy of the updated Conditions.

Mr. Tillman stated he has reviewed the Conditions and has identified a number of them he would like to see modified; however, there are a number of Conditions that the applicant agrees upon. He expressed concern relating to the 40 foot buffer, noting as part of the project he has to dedicate right-of-way (ROW) and make cross-parallel access. Mr. Tillman commented on being required to look at the property like it will be developed (need for cross parallel access) and also as if it will not (buffer requirements for individuals who reside around the subject parcel). He referred to an 11x17 aerial photo included in his handouts. He advised that everything to the north of the property is owned by Stancils Pineywoods, LTD., and another neighbor has access all the way to US 27. Mr. Tillman stated the parcels to the south have access to the roadway to the south, so there are no access concerns for them. He advised that he was agreeable to provide a 30 foot ROW for a local community road, and now he is being asked for 40 feet and a 15 foot buffer adjacent to that in addition to 40 feet on the south side. Mr. Tillman stated this removes the width of a full row of lots from the development. He reiterated that the surrounding property owners have access through their own lots. Mr. Tillman opined that a Type E buffer is appropriate here, noting nobody's home is built there, there has been no significant investment made that he is impacting by putting homes in this location.

Commissioner Stone commented on the development across the street (Ocala Palms) and questioned the buffering requirements relating to that location.

Mr. Weyrauch advised that he will attempt to obtain that information.

Mr. Tillman stated there is no type of dedicated tract shown for a buffer, which is what is typically seen. He reiterated there is nothing to buffer in this location and a 40 foot buffer request is not reasonable.

Mr. Tillman addressed the Concept Plan included in his handouts, noting the plan shows the 30 foot ROW dedication and the applicant can still put the 5 foot buffer on the outside. He advised that there was a walking trail that went all the way around the development in his initial application because he did not anticipate including sidewalks within the development. If internal sidewalks are to be included, the applicant wants to limit the amount of walking trail provided. Mr. Tillman stated the applicant has also provided the

cross-parallel access easement, which will provide pedestrian access to the north and traffic access if the adjacent neighbor develops and want to make that connection.

Commissioner Curry out at 6:40 p.m.

In response to Commissioner Stone, Mr. Tillman referred to the overhead screens and identified the cross-parallel access he spoke of providing. He commented on the request for additional ROW near the northwest corner of the property, noting there is a gap where there was partial ROW dedicated on the other side. Mr. Tillman advised that if that is provided by an adjacent developer, it would provide that half ROW through that section. He stated he is comfortable with using the northernmost access point to NW 60th Avenue as an emergency only if that is staff's preference, or it can be a full connection, non-gated. Mr. Tillman stated the separation requirements are limited based on the availability of space.

Commissioner Stone questioned if this will be a gated community. Mr. Tillman advised this will not necessarily be a gated development.

Commissioner Curry returned at 6:43 p.m.

Mr. Tillman commented staff's proposed Conditions, noting he is requesting a 30 foot ROW dedication rather than 40. He requested clarification relating to the secondary full access.

Mr. Weyrauch clarified that the buffer across the street is approximately 10 to 12 foot high hedge and roughly 20 feet wide. He noted the second full access staff spoke of would potentially be to the north, if that ROW ever develops with the 30 or 40 foot dedication. Mr. Weyrauch advised that this is really the only option for a second full access that would disperse the traffic.

Chairman Bryant questioned if there is a road that comes down and can be connected to if the applicant provides the ROW, or if it is an easement. Mr. Weyrauch stated it is currently half of a ROW to the west.

In response to Chairman Bryant, Mr. Weyrauch commented on the 2003 corridor study of the area, noting in 2003 it was anticipated by the County that an actual ROW linked east to west would follow the section line to the north. He advised that the ROW does not exist today, but this area will be one of the hot beds of development moving forward. Mr. Weyrauch stated this plan did not contemplate the interchange at NW 49th Street, which is coming. He advised that as that comes in and connects to NW Highway 225A, this area could be a more sought after area for development.

Commissioner Zalak questioned whether staff want additional connections to NW Highway 225A. Mr. Weyrauch stated more connections between NW 60th Avenue and NW 80th Avenue, and north and south out there so there are not just cul-de-sac communities putting all the traffic on NW 60th Avenue and NW 70th Avenue.

Mr. Tillman advised that there is no issue with dedicating ROW: however, it is the amount of ROW requested plus the additional buffer on top that was starting to get excessive.

Chairman Bryant questioned why the County did not have the applicant work something out with the property owner to the south to connect to NW 21st Street. Mr. Weyrauch stated when working with OCE, the preferred ROW potential was the dedication to the north (on the north boundary going east to west). He advised that there likely should be discussion relating to a north/south on the western boundary and/or something on the north. Mr. Weyrauch stated if staff were to concede something relating to ROW vs. buffer, he would prefer conceding some of the buffer to prioritize the ROW for future connectivity in the area. He advised that whether or not this project is approved today, staff may want to conduct an area plan or study looking at what type of connectivity there will be in the

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future. Mr. Weyrauch commented on including area landowners in discussions about where the roads will go and what kind of land uses and development might happen.

Commissioner Zalak addressed Objective 3.1.2 of the Comprehensive Plan, noting the applicant has proposed a reduced 40 foot ROW rather than the required 50 foot. He questioned if that is because there is no sidewalk or is it just 10 feet smaller. Mr. Weyrauch stated based on the LDC, it is supposed to be 50 feet with 5 foot easements on each side. He advised that this relates back to the issue discussed in the last case where if a PUD that is approved with a 40 foot ROW does that overpower the LDC requirement of a 50 foot ROW with 5 feet on each side.

In response to Commissioner Zalak, Mr. Weyrauch advised that the two should match; however, if the applicant was going to get a waiver they would ideally go through the DRC and do it the proper way, so OCE is making their comments known through the County Engineer.

Mr. Bouyounes advised that what gets approved in the PUD is setting new standards and the Board will have to abide by those new approvals. He clarified that not everything is addressed in the PUD and in those instances, it would refer back to the LDC.

Mr. Tillman stated he has been including this ROW standard in a multitude of his PUDs for approximately the past ten years. He advised that this is not anything new being proposed, noting it has not caused any issues to date, nor does he expect it will in the future.

In response to Commissioner Zalak, Ms. Straub stated this has been an ongoing point of contention with staff because at the PUD stage, there is no engineering level review of that detail that really exists. She opined that it should occur at the improvement plan, but at that point the applicant can request waivers. Ms. Straub noted applicants are trying to set their densities at this stage. She stated Mr. Tillman has routinely come in, relating to smaller communities, and asked for a smaller ROW than Code standard. Ms. Straub advised that staff find there is some difficulty when issuing ROW permitting for private utilities coming into the area. She stated there is a need to come up with a new plan of action rather than being reactive to each project individually.

Mr. Tillman advised that he still provides the easements outside of the ROWs that add up to the ROW requirement in the LDC. He stated he met with the Utilities Department and established a criterion for separation, noting he has managed to keep those separations with all his projects and avoid any problematic conflicts. Mr. Tillman stated the 40 foot ROWs are more than adequate to do the design within and to build a subdivision that functions fine.

Ms. Straub stated the LDC standard for a private subdivision, local road is 50 feet plus 5 feet of ROW on each side, noting staff has agreed in some of the County's well-maintained, historical subdivisions to work it out with a lesser standard. She stated Mr. Tillman cannot necessarily get his lot sizes in without setting that ROW as well. Ms. Straub advised that she is uncomfortable that County staff are looking at it at that detail of a level during this PUD stage. She clarified that Directors need to be aware those are the things they need to be keying up on relating to these matters.

Commissioner Zalak questioned how to resolve the issue to ensure the County is getting the right amount of sidewalk, multi-modal paths, etc. He opined that at the PUD level, the County should stick with the LDC language. He stated allowing a 40 foot ROW does not appear to be consistent with the Comprehensive Plan.

Mr. Tillman advised that this is the same stuff he has done for 10 years. He stated the request is due to the possibility that during the stormwater design process, it may be

discovered that the soils are fantastic, and he may be able to add units to the development.

Commissioner Zalak advised that if Mr. Tillman wants to reduce the footage, there needs to be a way to ensure staff have enough information to make that decision at this point in the process.

Mr. Tillman stated staff has seen it for 10 years and it has worked every time.

Chairman Bryant opined that it has not always worked, noting there have been issues at times relating to utilities and parking. She advised that the lots are being made smaller and smaller and there are multiple family members who live in these homes and have numerous vehicles, they end up without enough places to park. Chairman Bryant stated the vehicles end up on the street and there is only 40 feet. She advised that this goes back to the discussion relating to what the Board wants the community to look like in 10 to 20 years.

In response to Commissioner Zalak, Mr. Tillman stated the proposed walking trail was around the outside and not adjacent to a ROW anywhere, noting he planned to reduce the amount of trail due to agreeing to the inclusion of sidewalks internal to the project. He advised that the internal sidewalks fit within the 40 foot ROW.

Commissioner Zalak stated the consultant for the EAR should come back and make a decision on this, so the Board will not be in conflict with the Comprehensive Plan when these projects come forward.

Mr. Weyrauch advised that the DRC staff comments from OCE pointed out that the ROW is substandard, and they are unsure how everything that needs to fit in drainage, sidewalks and utilities is going to fit in the 40 foot ROW with 5 feet on each side and requested it be demonstrated.

In response to Commissioner Zalak, Mr. Tillman stated it has already been built, and it is in the ground throughout the County, and he can provide examples.

Mr. Bouyounes stated those products exist in the field already and the Board can visit some of them and make their own judgement.

Mr. Tillman commented on an issue where there was a setback created, causing vehicles to hang over the sidewalk when parked. He advised that it is necessary to provide enough setback between the sidewalk and the front of the home.

Commissioner Zalak opined that Millwood Estates does not have enough setbacks, and there are issues at the location.

Mr. Bouyounes stated that specifically on the sidewalk, it does not matter how much easement is provided, the setback is from the ROW.

Mr. Tillman concurred and added that it is necessary to address the sidewalk, in some subdivisions where the sidewalk is, additional depth was created in the setback.

Commissioner Zalak opined that if a setback is changed by 10 feet, it provides room for a car.

Mr. Tillman advised that it is generally 5 feet or less of an additional setback needed to ensure vehicles are not overlapping the sidewalk. He stated that is the one conflict individuals would see when it comes to home setbacks vs. sidewalk with the reduced ROW, and that has been addressed in his design a multitude of times.

In response to Commissioner Zalak, Mr. Tillman advised that it will not be an issue even with the 40 foot ROW.

Ms. Straub stated the Board needs to be clear about where the setback is being measured from (5-foot easement line or from the hard ROW line).

Mr. Tillman advised that it is being measured from the hard ROW line.

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Ms. Straub stated this means the utility easements are within that setback, which can cause concern for homeowners relating to utility work. She clarified that it is not a critical issue at the beginning of the project during construction but is more of an issue during restoration and repair work in the future.

Mr. Tillman advised that to meet densities it is necessary to meet these alternative designs.

General discussion ensued relating to developments in Orlando, Tampa and The Villages.

Commissioner Zalak stated the matter was in conflict with some of the Comprehensive Plan issues, noting he is not sure all the ROW should be fully surrendered at the PUD.

Mr. Tillman advised that he prefers to work through a standard that is established and expected in a PUD. He stated when he leaves here today there are some standards that need to be set, so he knows what parameters he will be able to design within. Mr. Tillman commented on the DRC process and how far into the engineering design process he has to go to start requesting the waivers. He advised that if DRC denies the waivers, it sends him back to the drawing board and he has to change everything.

Mr. Bouyounes stated it may be possible to get the density and reduce the back setback, while increasing the front setback. He advised that there are different scenarios to consider.

Ms. Straub stated she understands that the applicant knows they will not be in full agreement with what staff want, but if staff can approach the applicant they can identify issues to negotiate. She requested that the applicant be aware that he needs to work with her and her team to come back and determine what can be adjusted, recognizing there are concerns relating to ROW, access, and sidewalks. Ms. Straub requested input from the Board relating to what they want this community to look like and then allow staff to go back and negotiate. She advised that bringing a Master Plan back to the Board at a later stage offers some of that, but she is not sure the Board wants to do a full approval of all the details that have been provided at this early stage.

Mr. Tillman expressed concern relating to negotiations, noting he feels like he did that the first round when he agreed to almost every Condition inside the package and put all the things in place. He commented on differences between the first and second reports he received relating to buffer requirements despite there being no changes in his plan to warrant asking for a 40 foot buffer. Mr. Tillman stated it seems that everything he has been doing that has worked well is now under fire to be modified significantly.

Ms. Straub advised that a technical issue has occurred relating to the live stream; however, the audio is being fully recorded. She stated there will be a fully recorded item published, but staff are not sure if the live stream will resume tonight.

Commissioner Stone commented on the architectural designs shown by the applicant and questioned if there will truly be this type of variation throughout the community. Mr. Tillman stated he would not anticipate all three styles, noting the barrel tile roof design does not fit with the other two designs.

Mr. Minter commented on page 2,308 of the Agenda Packet. He advised of language stating, "The internal vehicle circulation within commercial area shall be paved and connected." Mr. Minter stated everywhere else, it says this is only a Residential PUD. He requested clarification.

Chairman Bryant directed staff to remove the language.

Mr. Tillman advised that Condition 3a is the 40 foot buffer he does not agree with and Condition 3b is the 40 foot ROW, which he felt should be 30 feet with an adjacent 5 foot buffer for a total of 35 feet of separation between the subject parcel and the adjacent neighbors. He addressed Condition 3d, noting he has not been supplying irrigation design plans, he provides irrigation notes on the plans that dictate the design.

In response to Commissioner Stone, Mr. Tillman stated irrigation system design would be left out of the language for the Condition. He advised that an irrigation system will be provided. Mr. Tillman commented on Condition 5, noting the applicant will be limiting the multi-modal facilities. He requested clarification relating to what staff are looking for with this Condition. Mr. Tillman addressed Condition 6, noting the cross parallel access the applicant provided will be adequate; however, if it is not enough then he requests it be specified where staff are asking for that to be added. He stated if the ROW dedication discussed earlier is the desired location, the applicant can move over to that for the cross parallel connection. Mr. Tillman provided an overview of concerns relating to the additional Conditions. He requested Condition 12 be struck, noting the applicant is not asking for any special Conditions with the stormwater with this PUD. He opined that additional language should be added to Condition 13 and is agreeable to the remaining Conditions.

In response to Commissioner Stone, Mr. Tillman stated he did not realize the word "if" was contained in Condition 13 and is comfortable with the language.

Chairman Bryant opened the floor to public comment.

Lynne Bottomley, NW 23rd Place, expressed concern relating to a foreign entity profiting from the sale of this property, senior residents in Ocala Palms selling their homes at a 10% loss, accidents and traffic.

Commissioner Stone stated there are two ingress/egress points to Ms. Bottomley's community, noting there is a signalization on NW 60th Avenue. She advised that she is unsure how this would be a disservice to those residents.

Louis Traiforos, NW 68th Avenue, did not appear when called upon to speak.

John Renyhart, NW 59th Terrace, did not appear when called upon to speak.

Chairman Bryant advised that public comment is now closed.

Mr. Tillman clarified that the request is for medium density. He commented on the 10% reduction in home values since 2023 that Ms. Bottomley spoke of, noting the home values have not gone down over the past 5 years. Mr. Tillman advised that this project will not negatively impact home values in Ocala Palms.

Commissioner Zalak stated he appreciates the amenities included with the project.

Commissioner Curry commented on the location of the proposed project, noting an approval will cause the start of the fall of that area. He opined that this is not the right time for this development and the larger parcels need to come to the table to determine what they will do with their land prior to dividing it into smaller parcels.

Mr. Tillman advised that he is in favor of preserving a lot of farm areas; however, individuals are moving to Marion County and either the tracts get divided, or the County can put density in the Urban Growth Boundary (UGB) as planned.

In response to Commissioner Curry, Mr. Tillman stated he is unsure when the applicant plans to break ground, noting he was led to believe it was an immediate project.

Commissioner Curry advised that over 50% of the projects approved by the Board never get built.

Commissioner Curry questioned if the applicant owns the land. Mr. Tillman advised that Mr. Einhaus owns the property.

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In response to Chairman Bryant, Mr. Tillman stated the property is under contract to sell. Commissioner Stone commented on living in that area of the County, noting there has not been new development of this type of property or subdivisions that have come before anybody to have an opportunity to move out that way. She advised that the WEC and other areas have grown, and individuals need a place to live out there also.

In response to Commissioner Stone, Mr. Tillman clarified that he was requesting the internal ROWs be 40 feet with 5 foot easements, and the dedication of ROW across the north section be 30 feet instead of 40 feet.

Commissioner Zalak stated Ms. Straub opined that it should be negotiable.

Ms. Straub advised that relating to the external ROW, based on today's LDC standard, an 80 foot road would be appropriate, and she would request 40 feet to be secured on the external boundary. She stated internally staff can work on that ROW, with it to be no less than what Mr. Tillman has shown (40 feet of ROW with 5 foot easements on either side). Ms. Straub advised that the LDC is 50 foot ROW with 5 foot easements for inside subdivision roads. She stated staff would work that out as well as appropriate setbacks for the building structures and where the sidewalk would go during the improvement plan stage.

In response to Commissioner Stone, Mr. Tillman advised that he could live with Ms. Straub's recommendation.

Commissioner McClain questioned where additional future access would be located. Mr. Tillman stated it ties into the ROW dedication. He advised that if the Board approves a 5 foot buffer on the south side, he has room to shift the entire project down and make the 40 foot dedication on the north side. Mr. Tillman clarified that it would mean he would not be providing a trail all the way around that loop.

Chairman Bryant commented on the access going west, noting there is no plan for that and the County will just dedicate ROW and hope it happens eventually. She stated that is the problem with this project.

Mr. Tillman stated he understands the request for the ROW, noting he feels 30 feet is adequate. He advised that there is a 4 lane roadway in front of The Villages in 80 feet, which is tight. Mr. Tillman stated a 2 lane is not tight within 60 feet. He advised that he agreed to do the 40 feet dedication but needs some leeway relating to the buffer on the south side.

Commissioner McClain stated he is okay with giving the applicant the buffer he is requesting on the south, and taking the 40 foot ROW, but there needs to be some sort of access provided to the north for a future connection.

Mr. Tillman referred to the blue square as seen on the overhead screens, noting he agreed to provide a stub out of a road in that region. He requested clarification relating to whether it should be paved now, but opined that it should be a dedicated ROW for a future connection.

Commissioner Zalak advised that if the project is approved there needs to be a way to indicate the easement is in place for future connection. He commented on previous attempts to connect roads in the right way that have led to residents coming out against those connections.

Mr. Tillman stated it can be added to the plans and recorded.

Chairman Bryant commented on receiving updated Conditions at the last minute, no sidewalks, minimal ROW, and the unknowns relating to the rest of that corridor. She advised that while she was previously in favor of the project, she sees a bigger plan for the area.

Commissioner McClain questioned how the Board can guide that when they are all different property owners.

Chairman Bryant commented on the very nice retirement community across the street that has sidewalks and a clubhouse.

Mr. Tillman clarified that he agreed to the sidewalks.

Chairman Bryant stated she goes back to what does the County want the community to look like in 10 to 20 years. She advised that she finds it hard, unless it is a development like Martingale that has everything outlined, to continue to approve things when the Board is trying to go through its Comprehensive Plan and LDC to shore up different things.

Commissioner Stone stated the Board does want a step down; however, it could be behind this. She reiterated that there is no housing like this in that area.

Chairman Bryant advised that there is not new housing like that in this area but there is this type of housing.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the zoning change from A-1 to PUD, agreeing with Growth Services staff's recommendation, based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and will adversely affect the public interest. The motion was approved by the Board by a vote of 3-2 with Commissioners McClain and Stone dissenting.

15.4. Adoption of Ordinance

15.4.1 Zoning

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

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 24-49 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 24-49 is entitled:

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

Chairman Bryant questioned if the Board, Mr. Bouyounes, and staff would prefer to start having a dedicated day for zoning to allow for a break in between the items that are taking so long.

Mr. Bouyounes stated he would look into it and questioned if there is a preferred day of the week. He advised that staff could bring back options that work with the Board's schedules and give it a try.

Commissioner McClain expressed concern relating to the public and their expectation that zoning occurs on the same day as the regularly scheduled BCC meetings.

Chairman Bryant stated the public will be educated and provided notice.

Mr. Bouyounes requested the Board allow him to bring back some recommendations.

It was the general consensus of the Board to agree.

Mr. Bouyounes expressed concern relating to staff bringing back alternative Conditions,

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the applicant agreeing to the Conditions and then being denied by the Board. He questioned if that is the practice the Board wants staff to continue. Mr. Bouyounes stated staff is providing the Board an option to approve with Conditions but is still recommending denial. He advised that it causes friction between staff and the applicant.

Chairman Bryant opined that applicant's need to understand that when staff provides the Board with Conditions if they are going to approve the request, it does not mean staff is saying it will be approved if the Conditions are met.

Mr. Tillman advised that his biggest issue is that he met all the Conditions and then was given a whole new set. He clarified that he understood staff were maintaining their position relating to not recommending approval. Mr. Tillman commented on moving zoning cases to another night, noting he had to leave here to go to the City of Ocala meeting to hear a case, and then rush back.

Chairman Bryant clarified that she is talking about starting at 9:00 a.m., breaking for lunch, and then going into the afternoon until 5:00 p.m. She stated if the Board is not done at 5:00 p.m., that case has to be continued.

There being no further business to come before the Board, the meeting thereupon adjourned at 7:43 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk