

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

October 15, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in regular session in Commission Chambers at 9:03 a.m. on Tuesday, October 15, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The meeting opened with invocation by Commissioner Curry and the Pledge of Allegiance to the Flag of our Country.

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Vice-Chairman Kathy Bryant, District 2; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were Clerk Gregory C. Harrell, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart and Executive Director of Internal Services Mike McCain.

ANNOUNCEMENTS:

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

1. PROCLAMATIONS AND PRESENTATIONS:

Upon motion of Commissioner Bryant, seconded by Commissioner McClain, the BCC approved and/or ratified the following:

1.1. PROCLAMATION – Eagle Scout Court of Honor - Julien “Jules” Ryan (Approval and Presentation)

The Board presented the Proclamation recognizing Julien “Jules” Ryan for attaining the status of Eagle Scout in the Boy Scouts of America Organization.

It was noted that Mr. Ryan’s Eagle Scout project included construction of hydroponic and upright gardens for the Ocala Wildlife Sanctuary, Inc., “OWLS” to help feed the animals.

1.2. PROCLAMATION – Central Florida Community Action Agency Day – Tiffany McKenzie, Compliance and Reporting Officer, Central Florida Community Action Agency, Inc. (Approval and Presentation)

The Board presented the Proclamation recognizing November 21, 2024 as “Central Florida Community Action Agency Day” to Tiffany McKenzie, Compliance and Reporting Officer, Central Florida Community Action Agency (CFCAA).

Compliance and Reporting Officer Tiffany McKenzie, CFCAA, expressed her appreciation to the Board and provided a brief overview of the programs offered by CFCAA including the Utility Assistance Program, Weatherization Assistance Program, and the Raising and Improving Self-Sufficiency Expectations (R.I.S.E.) program. She noted the organization has offices in Gainesville, Chiefland, and Ocala. Ms. McKenzie advised that citizens could

October 15, 2024

find out more information about the organization's programs on its website www.cfcaa.org.

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

ACA Amanda Tart, presented the following recommendation on behalf of Sara Caron:

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

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

Budget/Impact: None

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

40 Years

<u>Name</u>	<u>Department Position</u>	<u>Title</u>
Julia Sieg	Public Library	Library Director

35 Years

<u>Name</u>	<u>Department Position</u>	<u>Title</u>
Suzanne Archer	Office of the County Engineer	Transportation Administrative Manager

30 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Pamela Driggers	Fire Rescue	Battalion Chief Community Risk Reduction
Larry Waldren	Fire Rescue	Lieutenant
Rita Wileman	Information Technology	Master Applications Manager

25 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Brian Lilly	Fire Rescue	Battalion Chief
Scott Brandlein	Fire Rescue	Battalion Chief
Todd Hime	Fire Rescue	Battalion Chief
Kyle Bagwell	Fire Rescue	Lieutenant
Leilani Locke	Utilities Management	Utilities CMMS Technician
Albert Talavera	Solid Waste	Hazardous Waste Spotter

20 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Peter Hodges	MSTU	Projects Coordinator II
Raymond Stump	Public Safety Communications	Emergency Telecommunicator Supervisor

15 Years

<u>Name</u>	<u>Department</u>	<u>Position Title</u>
Robert Tarbox	Fire Rescue	Firefighter
Christopher Grant	Utilities Management	Utilities Plant Technician
Randall Dyal	Utilities Management	Utilities Maintenance Supervisor
Regina Lewis	Court Administration	Administrative Manager

Library Director Julie Sieg and several of her family members joined Commissioners on stage in recognition of Ms. Sieg's 40 years of dedicated service to the citizens of Marion County.

Ms. Sieg advised that it has been a wonderful 40 years, noting she has depended on her family for their love, support, and encouragement. She expressed her appreciation to Library staff, who are creative, dedicated, and talented, making every day special. Ms. Sieg thanked County staff and Commissioners for all their support. Commissioner Bryant out at 9:31 a.m.

NEW BUSINESS: Administrator Mark Lander, Florida Department of Health (DOH), advised of the Florida Breast and Cervical Cancer Early Detection Mammography Bus Program.

Commissioner Bryant returned at 9:32 a.m.

Mr. Lander advised that DOH has operated this program in partnership with the County over the past 2 years, noting the next event will be on Wednesday, October 23, 2024 and flyers are located in the lobby for anyone who is interested in the program. This program is also known as the Mary Brogan Breast and Cervical Early Detection Program and was established in the Florida Statutes (FS) in honor of the wife of former Lieutenant Governor Frank Brogan. He stated the program is designed to provide services to eligible women with incomes below federal poverty levels who have no health insurance to pay for breast and cervical cancer screenings. Mr. Lander clarified that the Florida Breast and Cervical Cancer Early Detection Mammography Bus Program offers screenings for anyone (no eligibility requirements necessary) through an agreement with DOH. He noted the bus will be located at the Mary Sue Rich Center from 10:00 a.m. until 3:00 p.m. on October 23, 2024. Citizens can also visit the website at www.marion.floridahealth.gov. or schedule their appointment at www.3Dmobilemammography.com.

NEW BUSINESS: Emergency Management Director Preston Bowlin, Marion County Sheriff's Office (MCSO), provided a brief update on post storm events from Hurricane Milton. He commented on the wonderful partnerships between the County, Marion County School Board (MCSB), DOH, municipalities, and other partners working together at the Emergency Operations Center (EOC) during this storm event. Mr. Bowlin advised that Hurricane Milton made landfall as a Category 3 Hurricane with 120 miles per hour (mph) winds that produced tornados, noting Marion County was spared again. He stated Marion County experienced 33 mph winds with 44 mph gusts, and 9.42 inches of rain. Mr. Bowlin provided a brief overview of the planning that went into preparing for this storm, noting Marion County received 26 pre-missioned requests from the State in preparation due to having assets on the ground prior to the storm (ambulance strike teams, law enforcement strike teams, base camps, etc.) and then missioned requests after the storm. He advised that the Property Appraiser's Office (PAO) reported 57 homes have been assessed with approximately \$1,900,000.00 in damages. Mr. Bowlin noted there were 75,000 power outages reported. He stated the County opened its shelters, which were utilized by 1,488 citizens and 192 pets. Mr. Bowlin advised that there were approximately 37,000 non-local residents in Marion County during the storm, noting 102,074 sandbags were distributed throughout the County. The Citizens Information Line took in about 1,384 calls. The Florida Horse Park opened up allowing for local state of emergency assets, as well as State and Federal partners during the two back-to-back storms. He advised that he met with Federal Emergency Management Agency (FEMA) staff yesterday to receive information on how residents can apply for FEMA benefits. Mr. Bowlin stated during the event, between the hours 9:00 a.m. through the night until 6:00 a.m. the next day, EOC received approximately 718 calls for service and on the day of the storm there were 1,676

October 15, 2024

calls for service. He noted the World Equestrian Center (WEC) housed/sheltered 2,400 large animals, and the Southeastern Livestock Pavilion (SELP) shelter housed approximately 200 animals. Mr. Bowlin requested citizens keep their sandbags until the end of hurricane season.

In response to Commissioner Curry, Mr. Bowlin advised that all employees that were deployed to other Counties have returned.

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

Chairman Stone opened the floor for public comment.

Henry Munoz, Marion Oaks Boulevard, addressed the Board relating to Consent Agenda Item 7.10.3. (improvement project for County Road (CR) 484 onto SW 135th Street Road). He expressed his appreciation to County staff for getting this project moving forward.

Chairman Stone advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES: (1 set)

3.1. June 11, 2024

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt the meeting minutes of June 11, 2024. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES: NONE

NEW BUSINESS: Clerk Harrell commented on the newly adopted budget book for fiscal year (FY) 2024-25, noting the hard copy books have been published. He stated staff is working on the American with Disabilities Act (ADA) compliance aspects and the budget information will be up in its totality on the Clerk's website by tomorrow. Clerk Harrell noted this year the budget book contains a 50 page introduction that provides a complete overview of the budget for all funds. He expressed his appreciation to Budget Director Audrey Fowler and her Department for their hard work in this matter.

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

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

5.1.1. 24-R-460 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$49,120

5.1.2. 24-R-461 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$50,700

5.1.3. 24-R-462 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$99,000

5.1.4. 24-R-463 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$111,000

5.1.5. 24-R-464 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$116,466

5.1.6. 24-R-465 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$246,686

5.1.7. 24-R-466 - General Fund - Public Safety Communications - \$35,060

5.1.8. 24-R-467 - General Fund - Public Safety Communications - \$523,284

5.1.9. 24-R-468 - Infrastructure Surtax Capital Project Fund - Infrastructure Tax Medical Service - \$3,126,500

5.1.10. 24-R-469 - Infrastructure Surtax Capital Project Fund - Multiple Cost Center - \$696,000

5.1.11. 24-R-470 - Impact Fees East District Fund - Impact Fees East District - \$23,379

5.1.12. 24-R-471 - Impact Fees West District Fund - Impact Fees West District - \$23,379

5.1.13. 24-R-472 - Medical Examiner Fund - Medical Examiner - \$20,000

5.1.14.a. 24-R-473 - General Fund - Multiple Cost Centers - \$34,750

5.1.14.b. 24-R-474 - MSTU for Law Enforcement - Sheriff Insurance & Tax Fees - \$1,733

5.1.14.c. 24-R-475 - Fire Rescue and EMS Fund - Fire Rescue Services - \$532

5.1.15. 24-R-476 - Parks and Recreation Fees Fund - Parks and Recreation Fees - \$63,300

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

5.1.16. WALK-ON:

Clerk Harrell noted this is a one-time adjustment to the budget as additional funds are needed for debris removal from Hurricane Milton.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to consider the Walk-On Item.

Chairman Stone opened the floor to public comment.

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

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

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

Description/Background: Additional funds are needed in Solid Waste GL account Contract Services Other Miscellaneous (534101). \$1,540,000 is needed to cover the costs associated with debris removal following Hurricane Milton. Storm damage and response costs were not budgeted for fiscal year 2024-2025. Excess funds are available in the GL account Reserve for Capital Outlay (599302).

This is a one-time adjustment to the budget.

Budget/Impact: Neutral.

Recommended Action: Approve attached Budget Amendment Resolution.

Mr. Bouyounes stated the funds are being transferred from one account into the appropriate account.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Resolution 24-R-477 transferring \$1,540,000.00 within the Solid Waste Disposal Fund - Solid Waste Disposal. The motion was unanimously approved by the Board (5-0).

5.2.1. Transfer Project Funds and Amend the Capital Improvement Program - Infrastructure Surtax Capital Project Fund - \$17,000

The Board considered the following recommendation as presented by Executive Director Michael McCain, County Administration:

Description/Background: STC073880 - SE 183rd Avenue Rd Resurfacing requires an increase to the construction budget in order to facilitate additional geotechnical testing. \$17,000 will be transferred from STC073882 – SE Sunset Harbor Rd

October 15, 2024

Resurfacing as this project is nearing completion and its current budget is sufficient.

Budget/Impact: Neutral.

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

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

5.3.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 29157, 030885, 30892, 034059, 034305, 036105, 036869, 037041, #37565, 037590, 37596, 038747, 038786, 38787, 039413, 039474, 040718, 040723, 040793, 040839, 042278, 42394, 042410, 042429, 043888, 043983, 043984, 044219, 045302, 45741, 046396, 047034, 047786, 047907, 048622, 049383, 049412, 049428, 049449, 049505, 049507, 049511, 049676, 050660, 052090, Clerk List, and Fire List Attached.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve the Acquisition or Disposition of Property Forms for 29157, 030885, 30892, 034059, 034305, 036105, 036869, 037041, #37565, 037590, 37596, 038747, 038786, 38787, 039413, 039474, 040718, 040723, 040793, 040839, 042278, 42394, 042410, 042429, 043888, 043983, 043984, 044219, 045302, 45741, 046396, 047034, 047786, 047907, 048622, 049383, 049412, 049428, 049449, 049505, 049507, 049511, 049676, 050660, 052090, Clerk List, and Fire List Attached. The motion was unanimously approved (5-0).

6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: NONE

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 Mounir Bouyounes advised that he would like to withdraw Consent Agenda Item 7.7.3., noting staff will bring this matter back to the Board for consideration at a later date. He commented on 3 revisions relating to the Consent Agenda Items 7.4.1., 7.7.4., and 7.7.6. Mr. Bouyounes commented on a scrivener's error on Consent Agenda Item 7.4.1., noting the date should read March 4, 2023 and not March 4, 2034 on batch 62632. He advised that Consent Agenda Item 7.7.4. also has a scrivener's error, noting the correct funding account number is CP155552-531109 and not CP155552-548101. Mr. Bouyounes addressed the revision to Consent Agenda Item 7.7.6., noting the correct expenditure amount for the Contract Amendment (expand Scope of Service) is \$46,240.00 and not \$42,740.00.

Commissioner Zalak referred to Agenda Items 7.2.1. and 7.2.2. and expressed his appreciation to Chairman Stone for her phenomenal work with the Continuum of Care (CoC) affordable housing projects. He referred to Agenda Item 7.7.6., and expressed his appreciation to Richard Busche, Kimley-Horn and Associates, for his work on the Land Development Code (LDC) updates.

Upon motion of Commissioner Bryant, seconded by Commissioner Zalak, the Board acted on the Consent Agenda, including approval of the revisions to Consent Agenda

Items 7.4.1, 7.7.4., and 7.7.6., as follows:

7.1. Administration:

7.1.1. Request Approval of the COVID Healthcare Incentive Program Grant Award to Ocala Metro Catalyst Fund, Inc. (Budget Impact - Neutral; not to exceed \$75,000):

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

Description/Background: Marion County has received funds allocated by Section 9901 of the American Rescue Plan Act (ARPA) from the Coronavirus Local Fiscal Recovery Fund. It is the intent of the Board of County Commissioners to promote value-added economic development activities by providing financial incentives to new and expanding target industries which create new jobs and capital improvements within Marion County. To facilitate the COVID response and ongoing issues due to COVID, the County has created the COVID Healthcare Incentive Program (CHIP) grant to assist businesses who are facilitating resolutions to some of these issues.

Ocala Metro Catalyst Fund, Inc. (Fund), is a 501(c)3 non-profit created to serve as a Community Development Financial Institution (CDFI) that provides loans to disadvantaged entrepreneurs. This Fund's programming assists underserved communities in Marion County through microlending and technical support. The CHIP grant will be used to expand the capacity of the Fund's CDFI program and respond to the public health emergency with respect to the continuing negative economic impacts of COVID-19.

Attached is the CHIP Grant Agreement for consideration.

Budget/Impact: Neutral; not to exceed \$75,000.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the CHIP Grant Award to Ocala Metro Catalyst Funding, Inc.

7.2. Community Services:

7.2.1. Request Approval of the First Amendment to Marion County Standard Professional Services Agreement Challenge Grant Between Marion County and Project Hope of Marion County, Inc. (Budget Impact - Neutral; not to exceed \$45,844)

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

Description/Background: Marion County administers grant funding on behalf of the Ocala/Marion Joint Office on Homelessness for the Continuum of Care (CoC) FL-514. Funding is awarded and received through the U.S. Department of Housing and Urban Development (HUD) and the Florida Department of Children and Families (DCF) which includes, but not limited to Emergency Solutions Grant (ESG), Challenge, and Temporary Assistance for Needy Families (TANF) grants. DCF has an approved Unified Contract with the Board of County Commissioners (BCC) to distribute the allocation of each funding source to homeless service organizations.

This first amendment to the original agreement is for the County to provide increased funding for the period starting July 1, 2024, through June 30, 2025, between CoC and Project Hope. The original agreement allocated \$9,156.00 which was a partial amount of the initial application request. With additional funds received from the Department of Children and Families (DCF), the total funding

October 15, 2024

has increased by \$45,844.00 to accommodate the full requested funding amount. The amendment will increase the total awarded amount to \$55,000.00 designated to provide homeless prevention services to eligible single mothers with children within Marion County.

Budget/Impact: Neutral; not to exceed \$45,844.00.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the First Amendment to the Agreement between Marion County and Project Hope to include all necessary documents associated with this agreement.

7.2.2. Request Approval to Submit the Notice of Funding Opportunity for FY2024 and FY2025 Continuum of Care Competition and the Renewal and Replacement of Youth Homeless Demonstration Program Grants to the Department of Housing and Urban Development and Execute Form 2991 Certification of Consistency with Marion County's Five (5) Year Consolidated Plan (2024-28) (Budget Impact - Neutral; grant request for \$143,307)

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

Description/Background: Marion County is the approved Collaborative Applicant for the Continuum of Care 514 (CoC), also known as "The Ocala/Marion County Joint Office of Homelessness (JOOH)." The Department of Housing and Urban Development (HUD) published the FY2024 - FY2025 CoC Competition and Noncompetitive Award of Youth Homeless Demonstration Program Renewal and Replacement Grants on July 31, 2024. The JOOH applies for the HUD Notice of Funding Opportunity (NOFO) grant annually, this year HUD has combined FY2024 and FY2025 (two years) together allowing for a continuous renewal in FY2025. This process requires the County to certify that the CoC projects submitted for the NOFO are consistent with the County's Consolidated Plan.

On October 2, 2024 the CoC Rank and Review Committee reviewed and scored the applications received, which prioritized both new and renewal projects for local initiatives that serve the homeless population. The following projects are being submitted for HUD's consideration; the CoC is required to submit a HUD Form 2991 Certification of Consistency Plan with the Consolidated Plan on behalf of each project being funded. All information must be submitted by October 30, 2024, to be considered for the funding competition and to continue work as a CoC. Attached are the 2991 Forms along with the Planning Grant Sample.

Current proposed applications being submitted to HUD on behalf of the CoC are:

<u>New Projects</u>	<u>Renewal Projects</u>
Saving Mercy	CASA Marion (DV Shelter)
Interfaith	City of Ocala (HMIS/CE)

Ocala Housing Authority (OHA)

Staff is requesting that the Chair of the Board of County Commissioners be authorized to execute the HUD Certificate of Consistency Form 2991 and future HUD agreement(s) associated with this grant submission. The NOFO requires Certification of Consistency Form 2991 to be signed and submitted with each application.

Budget/Impact: Neutral; grant request for \$143,307.

Recommended Action: Motion to approve submission of FY2024 and FY2025 NOFO for the CoC and authorize the Chair to execute the HUD Certification of

Consistency Form 2991 and associated HUD agreement(s) associated with the NOFO and all necessary documents.

7.2.3. Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Program Between Marion County and Marion County Veterans Helping Veterans, Inc. (Budget Impact - Neutral; not to exceed \$100,000)

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

Description/Background: On August 6, 2024, the Board approved the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Fiscal Year 2023-2024 Annual Action Plan for Community Services, which is associated with the FY 2024-2028 Five (5) Year Consolidated Plan.

Marion County Veterans Helping Veterans, Inc. is a local non-profit social services organization that provides direct services to low - moderate income veterans and their families by providing financial assistance, medical needs, food and other essential services. It is a diverse initiative that maximizes its relationships with veterans in our community and assists them through coordination with other non-profits when necessary to leverage services for veteran assistance.

Marion County Veterans Helping Veterans applied to Community Service's CDBG program to continue assisting in preventing homelessness of veterans in Marion County by providing homeless prevention and wrap-around services. Last fiscal year, Veterans Helping Veterans served seventy new veterans with its program.

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

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 CDBG Program with Marion County Veterans Helping Veterans, Inc.

7.2.4. Request Approval of Marion County Standard Professional Services Agreement Community Development Block Grant Program (CDBG-Public Service) Between Marion County and Saving Mercy Corporation (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.

Saving Mercy Corporation is a local non-profit social services organization that provides direct services to homeless individuals and families in Marion County. In addition to the many families that are currently being served, Saving Mercy has partnered with CARRFOUR to build fifty-nine units, and with Marion County to build 10 duplex units. With these partnerships there is an anticipated rise in case management and wrap-around service needs; this grant will assist them in providing these needs.

October 15, 2024

Saving Mercy is a diverse initiative that maximizes its relationships with other non-profits in this area to prevent homelessness or assist those at risk of becoming homeless.

Budget/Impact: Neutral: \$50,000.00.

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 Saving Mercy Corporation.

7.2.5. Request Approval of the First Amendment to Marion County Standard Professional Services Agreement Community Development Block Grant Program - Cares Act (CDBG – Public Facility) Between Marion County and Marion County Children’s Advocacy Center, Inc. (AKA Kimberly Center) (Budget Impact - Neutral; not to exceed \$325,000)

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 2023-2024 Annual Action Plan for Community Services, which is associated with the FY 2024-2028 Five (5) Year Consolidated Plan.

On March 21, 2023 the Board approved a grant of \$175,000.00 CDBG-CV funds to Marion County Children’s Advocacy Center to expand their overall square footage of the building being built to mitigate the spread of COVID-19 and to provide exceptional services.

Marion County Children’s Advocacy Center has requested additional funding through the CDBG Program to avoid having to obtain a commercial loan, thus allowing their valuable resources to be better utilized in the prevention of child abuse in Marion County. In addition, they are seeking an extension of time of the agreement due to some unforeseen construction circumstances extending the length of time to complete the project.

Budget/Impact: Grant award of \$325,000.00.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documentation associated with the First Amendment to Marion County Standard Professional Services Agreement CDBG Program with Marion County Children’s Advocacy Center.

7.3. Development Review Committee:

7.3.1. Request Approval of Waiver Request for Land Development Code Section 2.16.1.B(8)(g) - Agricultural Lot Split Establishment of County MSBU for Tangra Farms, Parcel Number 00108-004-00, Application Number 31771 (for Agricultural Lot Split Application Number 31769) (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Michael Savage:

Description/Background: Section 2.16.1.B(8)(g) of the Land Development Code states a County 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 eight lots on approximately 101.55 acres.

The Applicant requests to allow an easement agreement that stipulates maintenance. DRC action on September 23, 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. Fire Rescue:

7.4.1. Present Fire Rescue Ambulance Billing Write-offs for Fiscal Year 2022-23

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

Description/Background: Attached for informational purposes is the fiscal year 22-23 ambulance write-off report for Marion County Fire Rescue.

Past due accounts are historically written off from the billing software system following one (1) year with the County's contracted collections agency, as the fiscal year has closed. However, payments are still being made to the accounts and are part of the current open fiscal year's revenues moving forward.

The current write-off total is \$6,284,862.55

Budget/Impact: None.

Recommended Action: Informational purposes only.

(Ed. Note: A revision was made to correct a scrivener's error noting the correct date should be read as March 4, 2023 and not March 4, 2034 on batch 62632.)

7.5. MSTU:

7.5.1. Request Adoption of Initial Assessment Resolution for Dunnellon Oaks Improvement Area Pursuant to Capital Improvement Ordinance Number 09-10 (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 24-R-478 as presented by Municipal Services Director Chad Wicker (formally known as Municipal Services Taxing Unit (MSTU) Department):

Description/Background: On December 6, 2022, the Board agreed that design and bidding for construction of the Dunnellon Oaks Improvement Area could proceed. During a Final Public Hearing scheduled for November 21, 2024 at 2:00 p.m., the Board will be asked to consider the annual special assessment for approval and to award the construction bid for road and drainage improvements. An informational meeting will be scheduled with property owners prior to the Final Public Hearing.

Pursuant to the Capital Improvement Ordinance (Number 09-10), the attached Initial Assessment Resolution has been prepared for the following project:

Dunnellon Oaks Improvement Area

This project is inclusive of 2.2 miles of road and 5 drainage retention areas totaling 1.17 acres.

Budget/Impact: None.

Recommended Action: Motion to adopt the Initial Assessment Resolution and authorize the Chair and Clerk to execute same.

Resolution 24-R-478 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED DUNNELLON OAKS IMPROVEMENT AREA AND THE ROAD IMPROVEMENTS TO BE CONSTRUCTED THEREIN; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE ROAD IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

7.6. Parks & Recreation

7.6.1. Request Approval of Athletic Facility Agreement with Ocala/Marion County Girls Softball, Inc. for Use of Shocker Park (Budget Impact - Revenue Generating; estimated \$2,100 per season)

The Board accepted the following recommendation as presented by Parks and 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 Shocker Park has been reviewed and approved by board members of Ocala/Marion County Girls Softball, Inc.

Budget/Impact: Revenue generating; estimated \$2,100 per season.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Athletic Facility Agreement with Ocala/Marion County Girls Softball, Inc.

7.7. Procurement Services

7.7.1. Request Approval of Bid Award: 24B-263 Almond Road and Teak Road Resurface – Superior Asphalt, Inc., Bradenton, FL (Budget Impact - Neutral; expenditure of \$1,651,456)

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

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project at Almond Road (SE 58th Avenue) and Teak Road (from Banyan Road to Cherry Pass). The work includes resurfacing, milling, overlaying the existing pavement, constructing driveway aprons, replacing/adding cross drains and end treatments, sodding shoulders, and restriping pavement markings.

The length of this project is 1.6 miles for Almond Road and 1.1 miles for Teak Road. Four (4) submittals were received; the tabulation is listed below.

Vendor – Location	BID
Superior Asphalt, Inc. – Bradenton, FL	\$1,705,700.70
Anderson Columbia Co., Inc. – Ocala, FL	\$1,759,249.50
C.W. Roberts Contracting, Inc. – Ocala, FL	\$1,796,079.74
Art Walker Construction, Inc. – Ocala, FL	\$1,878,337.86

Because the low bidder did not claim Local Vendor Preference and was within 10% of the local second low bidder, a Best and Final Offer (BFO) was requested. Both Superior Asphalt, Inc. and Anderson Columbia Co., Inc. responded and the responding BFO is listed below:

Vendor – Location	BID
Superior Asphalt, Inc. – Bradenton, FL	\$1,651,455.85
Anderson Columbia Co., Inc. – Ocala, FL	\$1,704,000.00

Steven Cohoon, P.E., County Engineer, recommends that Superior Asphalt, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

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

Budget/Impact: Neutral; expenditure of \$1,651,455.85. Up to a 10% contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from BM761541-563221 (TIP075833 and TIP075843) - 80% Gas Tax Construction Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 24B-263.

7.7.2. Request Approval of Contract Renewal: 20P-151-CA-03, Disposition of Unclaimed Bodies - Gratitude and Compassion, LLC dba Roberts of Ocala Funerals and Cremation, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$46,000)

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

Description/Background: On October 6, 2020, the Board approved an agreement with Gratitude & Compassion, LLC dba Roberts of Ocala Funerals and Cremation (Roberts) for the disposition of unclaimed bodies in Marion County. The service includes pick-up, storage, cremation, disposition of cremains, and all related functions, including legal work and document processing. The firm has performed the work outlined in the agreement satisfactorily and Community Services Director, Cheryl Martin, requests to exercise the last of three (3) annual renewal options.

Attached for review is a contract draft; upon approval at today’s meeting, it will be sent to Roberts for signature, and upon approval by Legal, will be forwarded for the Clerk’s and Chair’s signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$46,000. Funds are available in line AA335564-531109.

Recommended Action: Motion to approve and allow staff to issue, and upon approval by Legal, authorize the Chair and Clerk to sign the Third Contract Amendment with Gratitude and Compassion, LLC dba Roberts of Ocala Funerals and Cremation under 20P-151.

October 15, 2024

7.7.3. 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)

Description/Background: On December 21, 2021, the Board approved a two-year contract with Baler & Compactor Hydraulic Service LLC, 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. Baler & Compactor Hydraulic Services LLC 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 with a 4.5% negotiated price increase.

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 return, will be forwarded to Legal, the Clerk and Chair for signatures.

Budget/Impact: Neutral; estimated expenditure of \$223,300. Annual expenditures may vary depending on the needs of the department; however, they will not exceed the approved FY budgeted amount without being brought back to the Board for approval. Funding is from 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 Chair to execute the second contract amendment under 21B-255.

(Ed. Note: This Item was withdrawn from consideration.)

7.7.4. Request Approval of Contract Renewal: 21P-166-CA-01 Media Planning and Buying – Miles Partnership, LLLP, Sarasota, FL (Budget Impact - Neutral; expenditure of \$1,500,000)

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

Description/Background: On October 19, 2021, the Board approved a contract with Miles Partnership, LLLP, for media and campaign promotions aimed at driving online traffic and increasing the conversion of potential visitors into tourists. The agency has met all the terms and conditions of the original agreement, which includes the option for two additional three-year renewals, subject to mutual agreement. Tourist Development Director Loretta Shaffer recommends renewing the agreement for its first three-year extension.

Attached for review is a draft contract. Pending approval at today's meeting, it will be sent to Miles Partnership, LLLP, for signatures and upon return, will be forwarded to Legal, the Clerk, and Chair for signatures.

Budget/Impact: Neutral; expenditure of \$1,500,000. Funding from CP155552-548101 - Tourist Development Fund. Future expenditures may vary but shall not exceed the approved budget for the duration of the contract.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract renewal, and upon approval from Legal, authorize the Chair and Clerk to execute the contract renewal under 21P-166-CA-01.

(Ed. Note: This Item was revised to correct the funding account number to CP155552-531109, as discussed earlier in the meeting.)

7.7.5. Request Approval of First Contract Amendment Renewal: 23P-143-CA-01 Ultrasound Screening and Firefighter Annual Physicals - Occupational Health Centers Southwest, P.A. d/b/a Concentra Medical Centers, Ocala, FL (Budget Impact - Neutral; estimated annual expenditure of \$166,000)

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

Description/Background: On September 9, 2023, the Board approved an agreement with Occupational Health Centers Southwest, P. A. d/b/a Concentra Medical Centers to provide ultrasound screening services as part of the Collective Bargaining Agreement (CBA) article 31.3 where Marion County is required to offer ultrasound testing to their firefighters, every two years. The Firm has complied with the original agreement's terms and conditions and Fire Rescue has provided a positive evaluation. Marion County Fire Rescue Chief, James Banta, recommends using a one (1) year renewal.

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

Budget/Impact: Neutral; estimated annual expenditure of \$166,000. Funding is from AA305526-531339 (EMS Fund)

Recommended Action: Motion to approve the first contract renewal amendment and upon approval from Legal, authorize the Chair and Clerk to execute the renewal with Concentra Medical Centers under 23P-143.

7.7.6. Request Approval of First Contract Amendment for Task Order: 23Q-087-TO-14 Evaluation and Appraisal Report and Planned Service Area Study and to Approve Waiver of Conflict for Richard Busche and Gene Losito - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; additional expenditure of \$42,740)

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

Description/Background: On April 14, 2024, the Board awarded a Task Order to Kimley-Horn and Associates, Inc. (KHA) to provide professional consulting services to prepare the Marion County Evaluation and Appraisal (EAR) as mandated by Florida State Statutes Chapter 163, and a Planned Service Area (PSA) study. Due to changes that need to be implemented to Land Development Code (LDC), the attached proposal is being presented today for approval. The scope of work of said proposal includes LDC updates, coordination, and meetings. As KHA staff, Richard Busche and Gene Losito, are also current members of the County's Land Development Regulation Commission and have submitted the attached Conflict of Interest requesting a Waiver under section 112.313(12), Florida Statutes. Section 112.313(3) and 112.313(7), Florida Statutes, prohibits certain business relationships on the part of public officers and employees, including persons serving on advisory board. However, section 212.313(12), Florida Statutes, allows the conflict to be waived in a particular instance by the body appointing the person to an advisory board, upon full disclosure of the relationship constituting the conflict and affirmative vote in favor of waiver by a two-thirds majority. The waiver, if granted, would permit both Mr. Busche and Mr. Losito to continue to serve as advisory board members of the Land Development

October 15, 2024

Regulation Commission and allow KHA to engage in professional consulting services for Marion County.

Attached for review is a draft of the contract amendment. Pending approval at today's meeting, it will be sent to Kimley-Horn and Associates, Inc. for signatures. Once returned, the contract will be routed for appropriate County signatures.

Budget/Impact: Neutral; additional expenditure of \$42,740, bringing the total value of the purchase order to \$285,690. Funding comes from AA320515-531109 - General Fund.

Recommended Action: Motion to approve the contract amendment and allow staff to issue the contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 23Q-087-TO-14 and to approve Waiver of Conflict under Section 112.313(12), Florida Statutes for Richard Busche and Gene Losito.

(Ed. Note: The Item was revised to correct the expenditure amount to \$46,240.00 and not \$42,740.00 as discussed earlier in the meeting.)

7.7.7. Request Approval of Funding Agreement: 25C-013, Operation of Marion County Health Department - State of Florida Department of Health, Tallahassee, FL (Budget Impact - Neutral; not to exceed \$3,150,000)

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

Description/Background: This item represents the annual agreement for operation and funding for the Marion County Health Department (MCHD) for FY 2024-25, including a breakdown of the County's portion of the agreement. The agreement also contains separate provisions for termination at will, termination because of breach, and termination due to lack of funds.

Attached for review is a copy of the agreement. If approved at today's meeting, three (3) originals, approved by Legal, will be presented for the Clerk's and Chair's signatures. The proposed budget covers all services identified in the attached agreement.

Budget/Impact: Neutral; the County's portion of the agreement shall not exceed \$3,150,000. This figure is based on a 'Not to Exceed' amount.

Recommended Action: Motion to approve the attached agreement under 25C-013 and authorize the Chair and Clerk to execute same.

7.7.8. Request Approval of Rejection of All Bids: 24B-250 Security Fence Contract (Budget Impact - None)

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

Description/Background: On behalf of Marion County Utilities (MCU), Procurement advertised a bid for a Security Fence Contract. Contractors were to provide security fence equipment, installation and repair services for the department's wastewater treatment plants, facilities and lift stations owned by the County.

The County received four (4) submittals on the bid, which erroneously stated that a General Contractor license was required for any fencing over 6'. Due to this error, two contractors were deemed non-responsive. MCU and Procurement has determined that the best course of action for this solicitation is to reject all bids, with the intention to readvertise this bid without the General Contractor licensing requirements.

Budget/Impact: None; rejecting all bids carries no budget impact.
Recommended Action: Motion to reject all bids under 24B-250.

7.7.9. Request Approval of a State of Florida Department of Management Services State-Funded Agreement for Next Generation Core Services Implementation Project (Budget Impact – Grant Revenue of \$475,049)

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

Description/Background: On August 20, 2024, the Board approved a Bid Exemption for an emergency voice and text call routing services software called Next Generation Core Services (NGCS) for Marion County 9-1-1 Management. This software provides emergency voice and text call routing, location information database services, network integration, and disaster recovery all delivered via a redundant, private, and secure IP network.

The State of Florida Department of Management Services Agreement, being presented today, pertains to the reimbursement costs of NGCS implementation and services in the amount of \$475,048.30 incurred by 9-1-1 Management for FY 2024-25, as outlined in the terms of the contract. The agreement aims to ensure that all relevant costs are reimbursed in accordance with applicable policies and procedures.

Attached for review is the Agreement, which has been reviewed and approved by Legal; pending approval today, it will be presented to the Clerk and Chair for signatures.

Budget/Impact: Grant Revenue of \$475,048.30.

Recommended Action: Motion to approve the Agreement for reimbursement and allow the Clerk and Chair to execute the same.

7.7.10. 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/ETR, LLC- Marion County Fire Rescue requests approval to purchase four (4) New 2024 Int'l CV515 4x4 AEV Type 1 Ambulances. Total expenditure of \$1,428,448. Funds available in lines VJ33526-564101 (Infrast Surtax Cap Proj Fund). *This purchase meets competitive bidding requirements under Sheriffs Contract #FSA23-VEF17.0.*

2. Pending Requisition/Garber Chevrolet Buick GMC, Inc - Marion County Building Safety requests approval to purchase five (5) 2025 Chevrolet Silverado 1500 4WD Double Cab 147" Trucks (\$45,005.50/each) Total expenditure of \$225,027.50. Funds are available in lines EP318524-564101 (Building Safety Fund). *This purchase meets competitive bidding requirements under Sheriffs Contract #FSA-VEL32.0*

Recommended Action: Motion to approve requested purchases.

7.8. Solid Waste:

October 15, 2024

7.8.1. Request Approval for State of Florida Department of Environmental Protection Standard Grant Agreement Amendment No.1 (Budget Impact - None)

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

Description/Background: During the July 16, 2024, Board of County Commissioners meeting, The Florida Department of Environmental Protection (FDEP) grant agreement No. HW504 was approved for the purpose of establishing a hazardous waste (HW) cooperative arrangement with Sumter County.

On September 16, 2024, FDEP notified Solid Waste that a change to grant number HW504 was being made, and the new assigned number would be HW509.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair to execute the State of Florida Department of Environmental Protection Standard Grant Agreement Amendment No. 1.

7.9. Tourist Development:

7.9.1. Request Approval of Tourist Development Council Funding Request for Marketing Assistance Funding Program Reimbursement for Grandview Clydesdale Tours, Inc. (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 the Grandview Clydesdale Tours, Inc. This program was recommended for funding by the TDC at their regularly scheduled meeting on August 22, 2024.

Grandview Clydesdale Tours, Inc. \$5,000

Budget/Impact: Neutral; expenditure of \$5,000. Funding is 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.

7.9.2. Request Approval of Tourist Development Council Funding Request for Joseph Volleyball Camps, Inc. (Budget Impact - Neutral; expenditure of up to \$25,000)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2025 Nike First in Show hosted by Joseph Volleyball Camps, Inc. to be held January 18-20, 2025, at World Equestrian Center. This event was recommended

for funding by the TDC at their regularly scheduled meeting on September 26, 2024.

2025 Nike First in Show \$25,000

Budget/Impact: Neutral; expenditure of up to \$25,000. 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.

7.9.3. Request Approval of Tourist Development Council Funding Request for Joseph Volleyball Camps, Inc. (Budget Impact - Neutral; expenditure of up to \$10,010)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Nike Winner's Circle hosted by Joseph Volleyball Camps, Inc. to be held April 12-13, 2025 at World Equestrian Center. This event was recommended for funding by the TDC at their regularly scheduled meeting on September 26, 2024.

Nike Winner's Circle \$10,010

Budget/Impact: Neutral; expenditure of up to \$10,010. 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.

7.9.4. Request Approval of Tourist Development Council Funding Request for The Sun Conference, Inc. (Budget Impact - Neutral; expenditure of up to \$8,400)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2025 Sun Conference Swimming and Diving Championships hosted by The Sun Conference, Inc. to be held February 5-8, 2025, at Florida Aquatics Swimming and Training (FAST).

This event was recommended for funding by the TDC at their regularly scheduled meeting on September 26, 2024.

2025 Sun Conference Swimming and Diving Championships \$8,400

Budget/Impact: Neutral; expenditure of up to \$8,400. 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.

October 15, 2024

7.9.5. Request Approval of Tourist Development Council Funding Request for the HITS Ocala Holiday Series Hosted by HITS, LLC (Budget Impact - Neutral; expenditure of up to \$25,000)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the HITS Ocala Holiday Series hosted by HITS, LLC, to be held November 27-December 1, 2024, December 11-15, 2024, and December 18-22, 2024, at the HITS Post Time Farm. This event was recommended for funding by the TDC at their regularly scheduled meeting on September 26, 2024.

HITS Ocala Holiday Series \$25,000

Budget/Impact: Neutral; expenditure of up to \$25,000. 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.

7.9.6. Request Approval of Tourist Development Council Funding Request for the HITS Post Time Farm Premier Hosted by HITS, LLC (Budget Impact - Neutral; expenditure of up to \$25,000)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the HITS Post Time Farm Premier hosted by HITS, LLC, to be held January 1-12, 2025, at the HITS Post Time Farm. This event was recommended for funding by the TDC at their regularly scheduled meeting on September 26, 2024.

HITS Post Time Farm Premier \$25,000

Budget/Impact: Neutral; expenditure of up to \$25,000. 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.

7.9.7. Request Approval of Tourist Development Council Funding Request for Ocala International Horse Show, Inc. (Budget Impact - Neutral; expenditure of up to \$25,000)

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

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

Inc. to be held October 22-26, 2024, at World Equestrian Center. This event was recommended for funding by the TDC at their regularly scheduled meeting on September 26, 2024.

Ocala International Horse Show \$25,000

Budget/Impact: Neutral; expenditure of up to \$25,000. Funding from CP155552-548101.

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

7.10. Utilities

7.10.1. Request Approval of an Amendment to Assignment, to Acknowledgement of Assignee, and to Acknowledgement of Marion County in Association with Ocala Crossings South, LLC (Budget Impact - None)

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

Description/Background: This is a request to approve an Amendment to Assignment, to Acknowledgement of Assignee, and to Acknowledgement of Marion County due to scrivener's errors regarding references to previously recorded documents. Within the original Assignment document associated with Ocala Crossings South, LLC and recorded in official record (OR) book 6193, page 472, the Developer Agreements for both the Ocala Crossings North Planned Unit Development (PUD) and the Ocala Crossings South PUD were referenced. However, the provided OR book and page numbers were inadvertently switched between the two. This Amendment corrects those references.

Budget/Impact: None.

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

7.10.2. Request Approval to Declare Parcel Number 3287-003-016 as Surplus and Approve Sale and Purchase Agreement and Statute 125 Deed Between Marion County and Qaisouni Babikir (Budget Impact - Revenue of \$5,200)

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

Description/Background: This is a request to declare Parcel Number 3287-003-016 as surplus, authorize staff to proceed with the sale to Qaisouni Babikir in the amount of \$5,200 plus closing costs, and execute the Statute 125 Deed. This is a vacant parcel that is approximately 0.30 acres located in Section 19 Township 15 Range 25 that was acquired as a Tax Deed and staff recommends approval of this bid.

Budget/Impact: Sale of Surplus Land AA00364 - 364022 - \$5,200.

Recommended Action: Motion to approve the request to declare Parcel Number 3287-003-016 as Surplus, authorize staff to proceed with the sale, and authorize the Chair and Clerk to execute the Sale and Purchase Agreement and Statute 125 Deed.

October 15, 2024

7.10.3. Request Approval of an Amendment to the Florida Department of Transportation Local Agency Program Agreement for a Left Turn Lane Addition on County Road 484 at SW 135th Street Road, Project FPN: 449317-1-58-01 (Budget Impact - None)

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

Description/Background: The Board approved the Florida Department of Transportation (FDOT) Local Agency Program Agreement with supporting Resolution (24-R-203) during their regular Board of County Commissioners meeting on June 4, 2024. The agreement provides funding for an intersection improvement project which includes roadway widening for a westbound left turn lane from County Road 484 onto SW 135th Street Road. This amendment specifically concerns Exhibit "A" and identifies items that are not eligible for reimbursement which are isolated to the minor roadway of SW 135th Street Road. The Florida Department of Transportation (FDOT) has programmed \$263,886 of the estimated \$462,205 cost for construction. The Agreements and Resolution provide for the funding, as well as for Marion County to fund the \$198,319 difference and any additional shortfall. The County is to deposit funds into a Three (3) Party Escrow account.

The FDOT has programmed \$105,719 for the federal-aid participating costs of the estimated Construction Engineering Inspection (CEI) services. The County will be responsible for the federal-aid non-participating costs required, in the amount of \$15,858.

Budget/Impact: None.

Recommended Action: Motion to approve the amendment and authorize the Chair and Clerk to execute the amended agreement.

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

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

Description/Background: This is a request to approve the Release of a Subdivision Improvement Agreement with Surety Bond associated with Stone Creek by Del Webb Sundance Phase 3. The improvements were inspected on September 9, 2024 and a Certification of Satisfactory Completion letter was sent to the Developer. The release will be recorded in the Public Record for proper satisfaction of the Surety Bond.

Budget/Impact: None.

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

8. COUNTY ATTORNEY: NONE

8.1. WALK-ON:

County Attorney Matthew Minter advised that the Walk-On Item relates to a request for adoption of an Emergency Ordinance.

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

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

Description/Background: Request Approval of an Emergency Ordinance Providing for a Declaration of Emergency; providing regulations for the removal of storm debris from public and private property and roadways in the aftermath of Hurricane Milton in October, 2024; providing for precedence over conflicting ordinances; providing for implementing regulations; providing for an effective date.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute an Emergency Ordinance Providing for a Declaration of Emergency and Providing Regulations for the Removal of Storm Debris from Public and Private Property and Roadways in the Aftermath of Hurricane Milton In October, 2024.

Mr. Minter advised that the Emergency Ordinance would need to be approved by at least a 4/5^{ths} vote, noting the request relates to storm debris removal specifically from private roads and private property under particular circumstances. Generally speaking, State and County governments cannot go onto private property to perform tasks, work, or debris removal, as it is not deemed to be a "public purpose". Mr. Minter clarified that generally speaking private property owners are supposed to assume the obligation to take care of their own property; however, the State of Florida, Division of Emergency Management (DEM), recently revised their own rules to authorize debris removal from private property under specific circumstances and also to provide for FEMA reimbursement for such removal. He stated the proposed Emergency Ordinance is consistent with the changes to DEM regulation changes. Mr. Minter advised that the Ordinance does not provide for removal of debris from everyone's private property throughout the County, but it does provide for particular circumstances and findings would have to be made by the County Administrator or his designee that would justify the County conducting these removal activities. Ultimately the task has to be for the benefit of the public at large (i.e., debris removal from private roads to allow for emergency vehicle access). Another example would be a large amount of debris on private property that could create hazards for public health. He advised that the Ordinance provides the authority for the County and County contractors to perform those tasks, noting the Ordinance will automatically repeal by April 15, 2025. Mr. Minter clarified that FEMA regulations have some criteria for reimbursement that are a little different than what is in the proposed Ordinance, which would allow for the County to decide to conduct removal activities even if those activities are not reimbursable.

In response to Commissioner Curry, Mr. Minter stated if the Ordinance is approved, the plan would be for the Homeowners Association (HOA) to give permission for the County to go into the subdivision and collect debris from in front of the houses (on private road rights-of-ways (ROWS)).

In response to Commissioner Zalak, Mr. Minter advised that the Ordinance provides for private property owners to give consent to come onto their property and sign a form, which includes an indemnification provision to protect the County from any damage to the private roads.

Mr. Bouyounes clarified that County would not be going onto the private lots, only the private roads, noting the HOAs usually have the responsibility for those roads. He stated if there is no HOA then the private owners would need to give consent.

Chairman Stone opened the floor to public comment.

October 15, 2024

Henry Munoz, Marion Oaks Boulevard, expressed concern that there are properties throughout the County that are owned by people who live out of State and questioned how staff would contact those property owners to get consent if they are in a subdivision without a HOA.

Mr. Minter advised that the Ordinance provides for obtaining consent from the owner or the owner's representative, when available; however, there may be occasions where a property owner is not available. He clarified that if the circumstances are creating a "public health hazard", then County staff would be able to go onto the private property.

Chairman Stone advised that public comment is now closed.

In response to Commissioner Curry, ACA Tracy Straub advised that if the County meets the qualifications, then FEMA will reimburse the County at 100% for the first 90 days, noting after the 90 days, the percentages of reimbursement will reduce.

Chairman Stone stated the Emergency Ordinance has an expiration date of April 15, 2025; however, the Board can set an expiration date after 90 days and repeal the Ordinance themselves. Mr. Minter concurred.

General discussion ensued.

Commissioner Bryant opined that it would be prudent for the Board to have the Ordinance expire in 90 days. She stated the 90 day timeline for debris pickup needed to be made very clear to the public.

In response to Commissioner Bryant, Mr. Minter stated the Ordinance could be worded to include debris pickup from Hurricane Milton would expire in 90 days and should another storm event take place, then the Ordinance could be extended.

General discussion resumed.

Commissioner Bryant requested staff provide a 30 day, 60 day and 90 day update on the debris removal progress.

In response to Commissioner Curry, Ms. Straub advised that staff is still assessing the amount of debris pickup from private property along with the associated costs, noting it is estimated to total \$5,000,000.00, which would be reimbursed by FEMA.

General discussion ensued.

A motion was made by Commissioner McClain, seconded by Commissioner Bryant, to adopt Ordinance 24-27 declaring a State of Emergency and providing regulations for the removal of storm debris from public and private property and roadways in the aftermath of Hurricane Milton. The motion was unanimously approved by the Board (5-0).

Ordinance 24-27 is entitled:

AN EMERGENCY ORDINANCE OF MARION COUNTY, FLORIDA, PROVIDING FOR A DECLARATION OF EMERGENCY; PROVIDING REGULATIONS FOR THE REMOVAL OF STORM DEBRIS FROM PUBLIC AND PRIVATE PROPERTY AND ROADWAYS IN THE AFTERMATH OF HURRICANE MILTON IN OCTOBER, 2024; PROVIDING FOR PRECEDENCE OVER CONFLICTING ORDINANCES; PROVIDING FOR IMPLEMENTING RESOLUTIONS AND COUNTY ADMINISTRATOR DIRECTIVES; PROVIDING FOR DURATION AND AUTOMATIC REPEAL, AND PROVIDING AN EFFECTIVE DATE.

9. COUNTY ADMINISTRATOR:

9.1. Request Approval of Commission Policy 24-05: Affordable Housing County-Owned Surplus Properties (Budget Impact - None)

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

Description/Background: The Affordable Housing County-Owned Surplus Properties Policy shall outline the process to ensure surplus properties are effectively used for affordable housing in accordance with statutory requirements. All properties are confirmed by the Office of the County Engineer, advertised by a Public Hearing, and a Resolution recorded in Commission Records at least every three years. Appropriate properties will be considered for affordable housing for single family and/or multifamily residential.

The disposition process for Surplus Property includes offering properties for sale to a developer with a restriction for affordable housing, selling properties to an adjacent landowner, or donating properties to nonprofit housing organizations.

Proceeds from the sale of Affordable Surplus Properties shall be placed in the established Affordable Housing Assistance Trust Fund account in accordance with Marion County Ordinance 98-11 and Chapter 420 of Florida Statutes. These funds will be used for future affordable housing projects.

This Policy does not apply to properties that were purchased with restricted funds. Budget/Impact: None.

Recommended Action: Motion to approve Commission Policy 24-05: Affordable Housing County-Owned Surplus Properties.

Mr. Bouyounes advised that the request is for a Commission Policy relating to the disposal of surplus properties, noting the new policy will give a preference to affordable housing efforts. He stated if a property is not suitable for affordable housing, then the County can put the property up for sale and the monies generated would go into an Affordable Housing Trust Fund. In addition, there is language that addresses if property is acquired by the Utilities Department, then those monies would go back to the appropriate fund from which it was purchased. Mr. Bouyounes referred to page 3 of the draft policy, which contains the following language "In case of multiple qualifying developers, the parcel will be awarded to the highest bidder", noting it was suggested that the language be amended to include "with preference to a local developer". He expressed concern that there may be a legal issue if that language is changed; therefore, his recommendation would be to approve the Policy as proposed and he would work with the Legal Department to determine whether it would be possible to give local preference in this matter.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to approve Commission Policy 24-05 relating to Affordable Housing County-Owned Surplus Properties. The motion was unanimously approved by the Board (5-0).

9.2. Request Approval to Revise Commission Policy 24-06 for Naming and Renaming of County Properties (Previously Commission Policy 14-02) (Budget Impact - None)

The Board considered the following recommendation as presented by County Administrator Mounir Bouyounes:

Description/Background: Commission Policy 14-02 for Naming and Renaming of County Properties is being revised to Commission Policy 24-06 with format changes, including the addition of a policy history and signature line for the Board Chair. It authorizes the County Administrator to bring forward a request to the Board for consideration that may not specifically fit the procedure of this policy but it is deemed to be of value to the county operation to address a specific situation or circumstance.

October 15, 2024

Budget/Impact: None.

Recommended Action: Motion to approve the revised Commission Policy 24-06 for Naming and Renaming of County Properties (previously Commission Policy 14-02).

County Administrator Bouyounes advised that request is to revise an existing County Policy relating to the naming and/or renaming of County properties. The proposed Policy would include the following language "Notwithstanding the aforementioned Policy, the County Commission authorizes the County Administrator to bring forward a request to the Board for consideration that may not specifically fit the instructions of this Policy, but is deemed to be of value to the County operation to address a specific situation or circumstance". He clarified that the current Policy requires the County to convene a committee, open to public for input, short list to 3 recommendations, and to bring those recommendations to the BCC for approval. Mr. Bouyounes opined that there are cases where this criteria does not apply.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the revised Commission Policy 24-06 for Naming and Renaming of County Properties. The motion was unanimously approved by the Board (5-0).

9.3. Dedication of Newton Radio Tower in Honor of the Late Alphonso Gordon

The Board considered the following recommendation as presented by Fire Chief Banta:

Description/Background: Mr. Alphonso Gordon, a distinguished Army veteran who served his country with unwavering pride and dedicated his life to public service, worked for Marion County Public Safety Communications for nearly 17 years. He was a steadfast advocate for the needs of dispatchers, first responders, and all users of the Marion County public safety radio system, ensuring that communication remained seamless and reliable.

The Newton Tower Site was personally selected by Mr. Gordon to enhance coverage between the existing tower sites in the Marion County ASTRO Network, connecting Pinnacle and Fort McCoy. This site will significantly benefit the communities of Anthony and Sparr, as well as all transports along the Highway 301 corridor to Shands Hospital-an area that holds special meaning for Mr. Al, as it is where he grew up.

Budget/Impact: None.

Recommended Action: Recommendation for approval and presentation.

County Administrator Bouyounes stated staff is recommending the designation of the Newton Radio Tower in honor of Al Gordon, who was the County's Radio Manager for years.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve dedication of Newton Radio Tower in honor of the late Alphonso Gordon. The motion was unanimously approved by the Board (5-0).

Commissioner Zalak stated he was very excited that Mr. Gordon's legacy would live on through this dedication.

Mr. Bouyounes expressed his appreciation to Public Safety Communications (PSC) staff for their help in this matter.

9.4. Request Approval of Delegation of Authority for Sale of Alcoholic Beverages at the Southeastern Livestock Pavilion

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

Description/Background: The Marion County Code of Ordinances section 3-5 outlines the following in regards to sale of Alcoholic Beverages.

“Sec. 3-5. - Sale on county property.

The sale of alcoholic beverages, as defined herein, shall be prohibited on any county-owned property or any property leased by the county, except for the southeastern livestock facility, being more accurately described in Exhibit A to Ordinance No. 85-11. The sale of alcoholic beverages is prohibited at the southeastern livestock facility, subject to the following exception: Any person or group leasing the southeastern facilities may apply to the agency designated by the county to manage the southeastern facilities for an exception to the above rule. This application must be made at a board meeting preceding the proposed event. The proposal must specify a security plan, a plan for the enforcement of local and state alcoholic beverage laws, proof of compliance with alcoholic beverage licensing requirements, the purpose of the event, the use of the profits from the sale of alcoholic beverages, and must include proof of liability insurance protecting the county and the management agency from liability in an amount to be specified by the agency.

(Ord. No. 77-7, § 2, 4-26-77; Ord. No. 85-11, § 1, 8-6-85)”

The Board is being requested to consider delegation of signature authority to the County Administrator for events that desire to sell alcoholic beverages per the above section 3-5 in lieu of an applicant appearing before the Board.

At this time, staff is seeking guidance from the Board on this facility as well as others regarding the sale or consumption of alcoholic beverages. In the future, a policy will be drafted based on this discussion and brought before the Board.

Budget/Impact: None.

Recommended Action: Motion to delegate and provide signature authority to County Administrator for events that request the sale of alcoholic beverages subject to and in compliance with the Marion County Code of Ordinances section 3-5.

Assistant Parks and Recreation Director Kelsey Mears presented a brief PowerPoint presentation and advised that staff is still working on this matter and is requesting direction from the Board on a few items. She stated staff is looking for direction relating to prioritization of which locations to allow for the sale of alcoholic beverage, designation of authority, types of distribution, types of alcohol providers, and proposed fees. Ms. Mears noted the biggest hurdle at this time relates to Marion County Code of Ordinances Section 3-5, which currently prohibits sale or possession of alcoholic beverages on all County property. She advised that staff would like to allow for alcohol sales at specific locations (SELP and several other specific parks), noting the SELP is the first priority as it has the highest volume of requests. Ms. Mears stated staff will also be updating a second Ordinance relating to prohibition of alcohol within the parks system. She commented on proposed language that would give authority to the County Administrator or his designee so that event holders would not have to come in front of the BCC to get approval. Ms. Mears noted if the BCC approves the designation of authority, a Resolution would also be presented for Board consideration that would explain the approval process

October 15, 2024

and guidelines for that authority. She provided a brief overview of how the application process would work.

Commissioner Bryant commented on the proposed language “A County approved provider” and questioned why the County would want to be involved in that process, noting there are plenty of private providers, caterers, and other businesses that offer that service, and event organizers should be able to contract with the private sector if they choose. She expressed concern that the County could take on liability.

Commissioner Zalak opined that one of the goals for the SELP was to be able to make it an entrepreneurial type of place, noting one of the key elements would be to have some control over food and beverage. He opined that the County could make a percentage off of those sales. Commissioner Zalak stated the County would not have any more liability by having a provider than anyone else would.

General discussion ensued.

Mr. Bouyounes stated there are 2 options, the County can provide a list of prequalified vendors for food, beverage and alcohol or it can set standard fees (i.e., percentage of sales, number of attendees, etc.) for those additional services. He clarified that there are several events that have been “grandfathered in” that are still allowed at this facility.

Chairman Stone recommended staff hold one-on-ones with Commissioners to answer questions. It was the general consensus of the Board to concur.

In response to Mr. Bouyounes, Commissioner Bryant stated she did like the idea of an approved vendor’s list, but was not opposed to a flat fee rate.

Commissioner Curry stated he would like to continue to offer the service to those organization that are already grandfathered in.

General discussion ensued.

It was the general consensus of the Board to allow the County Administrator to review event applications (before changes are made to the County’s Policy) as based on current criteria in the Ordinance, and place the matter on the Consent Agenda for Board consideration without requiring the event holder to appear before the BCC and provide a presentation.

Commissioner Zalak clarified that if an organization is grandfathered in for a specific event, it does not automatically allow them to add additional days or events.

Commissioner McClain questioned if there were any opportunities for alcohol sales at other County parks. Ms. Mears commented on previous Board discussions relating to this matter, noting the other parks discussed were the Forest Community Center, Gores Landing and campground, Horseshoe Lake Park, Kiwanis Beach, and the Ma Barker House.

Commissioner Zalak opined that all of Carney Island should be considered as well.

In response to Commissioner McClain, Mr. Bouyounes stated the Ordinance does not apply to MSTU facilities.

Mr. Bouyounes stated staff will bring this matter back to the Board after the one-on-ones.

9.5. WALK-ON:

Mr. Bouyounes advised that this is a request for approval of four Change Orders for Purchase Orders associated with debris management for Hurricane Milton.

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

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

Description/Background: On October 7, 2024, four (4) purchase orders were opened for emergency services due to Hurricane Milton: 2500286, 2500287, 2500288, and 2500289. The associated contracts are as follows: 18P-148 Debris Management Operations - Response (Miller Pipeline); 18P-150 Debris Management Operations - Recovery (Miller Pipeline); 21P-060 Debris Response Operations - Response (Tetra Tech); and 21P-061 Debris Management Operations - Recovery (Tetra Tech). Four change orders are being presented to the Board for approval to increase funds, which is in connection with a Budget Amendment Request (BAR) also being presented.

Budget/Impact: Neutral; PO #2500286 adds \$350,000, PO #2500287 adds \$10,000, PO #2500288 adds \$50,000, and PO #2500289 adds \$950,000. Funds will come from ZA423534-534101 - MILTON10.

Recommended Action: Motion to approve the change orders attached and authorize the Chair and Clerk to execute.

Mr. Bouyounes provided a brief overview of the change order requests.

ACA Straub advised there are 4 different contracts the County operates off of, noting the contracts are for different phases of the debris removal (i.e., cut and toss operations to clear roadways, debris collections, monitoring, etc.). She clarified the costs associated with cut and toss are different than costs associated with debris removal.

In response to Chairman Stone, Ms. Straub stated these are FEMA reimbursable costs. Chairman Stone opened the floor to public comment.

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

In response to Commissioner Zalak, Ms. Straub stated if a larger private subdivision (i.e., On Top of the World (OTOW)) cleans up their property, they can bring their debris to the collection site, noting it would have to be well documented, coordinated, and monitored so that there is no confusion between that landscape cleanup operation and a commercial operation.

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to approve the change orders and authorize the Chair and Clerk to execute the same. The motion was unanimously approved by the Board (5-0).

Commissioner Bryant out at 10:49 a.m.

UPDATE:

ACA Straub provided a brief update on cleanup operations relating to Hurricane Milton. She stated over 57,000 sandbags were given out to the community, not including the 18,000 that were given out during Hurricane Helene. Ms. Straub stated the Dunnellon Airport has T-Hangars without power, but staff is working to get the power restored today. She advised that the Solid Waste Department staff were awesome and assisted OCE before the event (debris cleanup from Hurricane Helene) and immediately after the storm. Ms. Straub commented on the hard work performed from Utilities staff, who dealt with numerous power outages at multiple water and wastewater treatment plants, and had to issue 49 precautionary boil water notices. She stated there were no sanitary overflows, which is extremely important as the County was losing power and noted all systems were on back on generator power by late Friday and on commercial power by Sunday afternoon. Ms. Straub advised that the debris operation is a combined operation with both the Solid Waste Department and OCE. She expressed appreciation to the Public Relations (PR) Department, who reached out and sent messages throughout the storm event. Ms. Straub advised that huge adjustments were made to the County's emergency

October 15, 2024

operations program after Hurricane Irma, noting local contractors were able to meet the demands of a FEMA National level contract. She noted the OCE team worked late into Wednesday night and began over again first thing the next morning with 19 contractors and 13 OCE crews clearing the roads. Ms. Straub stated it is her belief that everything is off the roads as of today; however, if a citizen is aware of a downed tree across a County public road to please contact OCE at (352) 671-8686. She advised that there are 3 receiving sites for debris for citizen drop-off (NE Jacksonville Road, Marion Oaks, and a location adjacent to the Belleview Library). These sites are operating from 8:00 a.m. until 7:00 p.m. at this time. Beginning tomorrow, the County's contractor will begin roadside collection.

Commissioner Bryant returned at 10:52 a.m.

Ms. Straub commented on the process for private, gated communities. She advised that the Building Department is working with the Property Appraiser's Office (PAO) relating to property damage assessments.

County Attorney Minter clarified that the Emergency Ordinance the Board adopted earlier stipulates that even if a citizen has a HOA and is willing to sign the consent, the County still has to make a determination that it is in the best interest of the public to perform clearing services on private properties.

Chief Robert Kruger, MCFR, expressed his appreciation to local utility companies and County Departments that assisted in clearing debris off of roadways in order to help emergency responders. He advised that October 9, 2024 was the biggest part of the storm for MCFR, noting the Department received 400 calls for service (120 power line calls, 30 calls for trees on houses, etc.). Chief Kruger stated there were 8 fire stations that lost power, 5 of those also lost computer systems and phone lines. He provided a brief overview of units that are still deployed, noting Chief Robert Graff, PIO James Lucas, and Task Force 8 are slated to return sometime this week. Chief Kruger advised that Chief Graff has been deployed since October 5, 2024 and has managed over 2,600 missions, coordinated 23 Urban Search and Rescue (USR) teams, and 10 swift water teams. He stated PIO Lucas is part of the Incident Management Team (IMT) handling media relations for the State, historical documentation, and coordinated VIP visits. Task Force 8's mission began at 5:00 a.m. on October 10, 2024 when they were deployed to Hernando County to perform swift water recovery and assisted 350 civilians, 48 animals, and are in the process of working with another 164 people to ensure they are clear of any debris. Chief Kruger stated Chaplain Joe LaCognata was deployed to St. Lucie County to assist with mental health wellness during the tornados, and Fire Marshal Ken McCann deployed along with a 25 person team to Pinellas County to ensure as that County gets power back up and running and that there are no electric issues. All local and State assets should be back this week. He noted the Ocala Police Department (OPD) Strike Team should return no later than tomorrow. Chief Kruger advised that MCFR appreciates the opportunity to serve and are grateful for the support of the BCC and the community for allowing them to be so prepared for these incidents.

Chairman Stone expressed her respect and appreciation for the good work from all the men and women of the MCFR Department.

In response to Commissioner Curry, Chief Kruger advised that Task Force 8 is comprised of 48 team members from MCFR, Gainesville Fire Rescue (GFR), and Ocala Fire Rescue (OFR), noting 27 members are still deployed at this time. He stated there is a team of 9-1-1 Communications staff that were deployed to Ashville, North Carolina.

10. COMMITTEE ITEMS:

10.1. Code Enforcement Board - Request Appointment of Incumbent Alternate Member to Full Member, for an Unexpired Term Ending August 2026

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

Description/Background: There is a full member vacancy on the Code Enforcement Board due to the recent resignation of one of its members. Mr. Len Racioppi, one of the two incumbent alternate members, would like to be considered for this vacancy. No other applications were received during the advertisement period. If selected, an alternate member vacancy for an unexpired term ending in February 2026 will be advertised.

Budget/Impact: None.

Recommended Action: Motion to appoint Mr. Len Racioppi as full Member of the Code Enforcement Board for an unexpired term ending August 2026.

Clerk Harrell advised that Len Racioppi received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to appoint Len Racioppi as a full member to the Code Enforcement Board for an unexpired term ending August 2026. The motion was unanimously approved by the Board (5-0).

10.2. Hills of Ocala MSTU for Recreation Advisory Council - Request Appointment of One (1) Full Member for a Full Term, Ending October 2028

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

Description/Background: The Hills of Ocala MSTU for Recreation Advisory Council has one (1) full member term expiring at the end of October 2024. The incumbent would like to be considered for reappointment. An additional application was received during the advertisement period:

- Jeffrey Hart (Incumbent) - Retired Realtor
- Lorraine Morales (New) - Retired Office Administrator

Budget/Impact: None.

Recommended Action: Motion to select one (1) applicant as full Member for a full-term ending October 2028.

Clerk Harrell advised that Jeffrey Hart received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to appoint Jeffrey Hart as a full member to the Hills of Ocala MSTU for Recreation Advisory Council for a term ending October 2028. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11.1. Request Approval to Schedule a Board of County Commissioners Workshop Regarding the Comprehensive Plan Evaluation and Appraisal Report on Thursday, November 7, 2024 at 3:00 p.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

Growth Services Director Chuck Varadin, presented the following recommendation:

Description/Background: Staff recommends scheduling an additional Evaluation and Appraisal Report (EAR) workshop on Thursday, November 7, 2024 at 3:00 p.m.

October 15, 2024

Workshops with the Board have been ongoing to review materials regarding the EAR and public response. The first workshop took place on Thursday, September 12th at 2:00 pm; the second workshop took place on Tuesday, October 1st at 1:30 pm, and a third workshop is scheduled for Tuesday, October 29th at 2:00 pm. These workshops are being held in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve an additional EAR workshop on Thursday, November 7, 2024 at 3:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve and schedule an additional EAR workshop on Thursday, November 7, 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).

11.2. Request Adoption of a Resolution to Declare a Public Hearing Date for Consideration of a Road Closure Petition Associated with Belleview Hills Manor, November 19, 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 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.

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

Recommended Action: Motion to approve and adopt the Resolution declaring a Public Hearing date to consider closing a portion of SE 174th Place also known as Sunset Avenue, Belleview Hills Manor, Plat Book UNR, Page 115 on November 19, 2024 at 10:00 a.m., or as soon thereafter in the McPherson Governmental Campus Auditorium, and authorize the Chair and Clerk to execute the same.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to adopt Resolution 24-R-479 declaring a Public Hearing date to consider closing a portion of SE 174th Place also known as Sunset Avenue, Belleview Hills Manor, Plat Book UNR, Page 115 on November 19, 2024 at 10:00 a.m., or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.3. Request Approval to Schedule and Advertise Public Hearings to Consider an Ordinance to Amend the Marion County Land Development Code on Tuesday, November 19, 2024 at 10:00 a.m., or as Soon Thereafter, in the McPherson Governmental Campus Auditorium, and Monday, December 9, 2024 at 5:30 p.m., or as Soon Thereafter, in the McPherson Governmental Campus Auditorium

County Engineer Cohoon, OCE, presented the following recommendation:

Description/Background: Staff has submitted a Land Development Code (LDC) Amendment Application proposing revisions to LDC Section 8.6 - Technical Standards and Requirements, Table 6.8-2 Land Use Categories for Buffers (the

buffer table) to improve consistency and efficiency with identifying and implementing buffer requirements as necessary.

Staff has also submitted an LDC Amendment Application proposing revisions to LDC Section 2.18.4. Construction, Completion, and Close Out due to the passing of 2024 Senate Bill 812, an act relating to expedited approval of residential building permits. While Marion County already had much of this language in our LDC, amendments are necessary to match the new statutory requirements.

The proposed revisions are to be considered by the Land Development Regulation Commission (LDRC) in a public hearing being held on October 16, 2024 at 5:30 p.m. consistent with LDC Section 2.4.3.

LDC Section 2.5.5.A(1) requires the Board consider the adoption of the proposed amendments in two advertised public hearings for each revision to the LDC. At least one hearing is to be held after 5:00 p.m. on a weekday, unless the Board, by a majority plus one vote elects to conduct that hearing at another time of day. Further, the second public hearing shall be held at least ten days after the first hearing. The following dates and times are being requested to conduct each of the required public hearings and accommodate the required advertising to consider the proposed Amendments:

- Tuesday, November 19, 2024 at 10:00 a.m., or as soon thereafter as possible, in the McPherson Governmental Campus Auditorium and
- Monday, December 9, 2024 at 5:30 p.m., or as soon thereafter as possible, in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise Board of County Commissioners Public Hearings to consider revisions to LDC Section 8.6, Table 6.8-2 and revisions to LDC Section 2.18.4 on Tuesday, November 19, 2024, at 10:00 a.m. and Monday, December 9, 2024 at 5:30 p.m. or as soon thereafter as possible in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise Public Hearings to Consider an Ordinance to Amend the Marion County Land Development Code on Tuesday, November 19, 2024 at 10:00 a.m., or as Soon Thereafter, in the McPherson Governmental Campus Auditorium, and Monday, December 9, 2024 at 5:30 p.m., or as Soon Thereafter, in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.4. Request Approval to Schedule and Advertise a Public Hearing to Consider Resolutions Adopting the Intent to Authorize Use of the Uniform Method of Collecting for Non-Ad Valorem Assessments on Tuesday, December 3, 2024 at 10:00 a.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

Municipal Services Director Chad Wicker presented the following recommendation:

Description/Background: The Public Hearing is required to consider adoption of resolutions authorizing use of the Uniform Method of Collecting Non-Ad Valorem Assessments to be placed on the tax bills of property owners owning property within the affected areas. Section 197.3632, Florida Statutes, requires that the local government publish a notice of its intent to use the uniform method of collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for four (4) consecutive weeks preceding the hearing. The following are proposed

October 15, 2024

improvement areas and proposed and existing municipal service benefit units in which the Board proposes to levy special assessments to be collected utilizing the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as described in Section 197.3632, Florida Statutes, pending approval from the Board at a final Public Hearing.

- BAHIA OAKS UNIT NO. THREE AKA WEST WIND TRAILS
- BAHIA VILLA MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BASELINE VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BEAR LAKE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BECKET PLANTATION – 29th AVE
- BEL LAGO WEST HAMLET MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BELLEVIEW HEIGHTS ESTATES UNIT 4
- BELLEVIEW HEIGHTS ESTATES UNIT NO. 5
- BELLEVIEW HILLS
- BELMAR ESTATES
- BRADFORD FARMS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BROOKHAVEN PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- BROOKHAVEN PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- CEDAR VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- CHERRYWOOD PRESERVE PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- CLEARLAKE RANCHES HAMLET SUBDIVISION MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- COUNTY GAITE
- COUNTRY GARDENS
- COUNTRY ESTATES BUFFINGTON ADDITION MSBU FOR STREET LIGHTING
- DALTON WOODS-DALTON WOODS 1ST ADDITION
- DEER PATH NORTH MSBU FOR ROAD MAINTENANCE
- DEER PATH NORTH PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- DERBY FARMS MSBU
- DOUBLEGATE MSBU FOR STREET LIGHTING
- DUNNELLON OAKS
- EAST LAKE - WOODMAR - SE 143rd STREET AND PORTION OF SE 145th AVE.
- EDGEWATER ESTATES REPLAT
- EDWARD REEVES – 126th PL.

- EL DORADO DRAINAGE MSBU
- FLORIDA HIGHLANDS
- FORESTS' EDGE
- FOUNTAIN VILLAS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- FREEDOM CROSSINGS PRESERVE PHASE 1 & PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- GREY OAKS MSBU FOR ROAD MAINTENANCE
- GREYSTONE HILLS PHASE ONE & PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- HEATHER ISLAND MARKET CENTER MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- HEATHER ISLAND MARKET CENTER PARTIAL REPLAT
- HENDERSON YELLOW BLUFF
- INDIAN MEADOWS MSBU FOR STREET LIGHTING
- INDUSTRIAL 35
- JB RANCH SUBDIVISION PHASE 2A MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- JOG ACRES
- JOG ACRES 1ST ADDITION
- KINGSLAND COUNTRY ESTATES FOREST GLENN - SW 64th COURT
- LAKE WEIR GARDENS
- LAND FAIR UNIT 1
- LAUREL COMMONS MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- LEONARDO ESTATES – 2nd LOOP, 47th – 50th CT.
- LIBERTY VILLAGE PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- LIBERTY VILLAGE PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- LONG LAKE HEIGHTS EXTENSION MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MARICAMP MARKET CENTRE MUNICIPLE SERVICE BENEFIT UNIT FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MARICAMP MARKET CENTRE REPLAT PHASE 1 & PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MARION COUNTY MUNICIPAL SERVICE BENEFIT UNIT FOR FIRE RESCUE SERVICES
- MARION COUNTY MUNICIPLE SERVICE BENEFIT UNIT FOR RESIDENTIAL SOLID WASTE SERVICES
- MARION OAKS MSTU FOR GENERAL SERVICES
- MARION RANCH PHASE 1 & PHASE 2 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- MILLWOOD ESTATES MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- NICHOLAS ESTATES

October 15, 2024

- OAK HAMMOCK PRESERVE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OAKS AT OCALA CROSSINGS SOUTH PHASE ONE AND PHASE TWO MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OCALA CROSSINGS SOUTH PHASE ONE MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- OCALA HIGHLANDS ESTATES/OCALA HIGHLANDS ESTATES 1st ADDITION STREET LIGHTS MUNICIPAL SERVICE BENEFIT UNIT
- UNIT ONE OF OCALA OAKS
- OCALA OAKS UNIT 2
- OCALA RANCHETTES
- OCALA RIDGE (BILTMORE PARK UNIT NO. 7 NO. 10 NO. 11 - NW 52nd AVENUE
- PEPPER TREE VILLAGE
- PINE RIDGE ESTATES
- PINE RUN ESTATES
- PIONEER RANCH PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- PONDEROSA ADDITION TWO
- PONDEROSA TALL PINES
- QUAIL CREEK
- RAINBOW LAKES ESTATES MSTU FOR ROAD IMPROVEMENTS
- RIVER ACRES - SE 27th ST. - SE 28th ST.
- ROLLING HILLS UNIT 2 - SW 73rd STREET
- ROLLING HILLS UNIT ONE 1-A, UNIT TWO, REPLAT OF A PORTION OF ROLLING HILLS UNIT 2-A, UNIT THREE, UNIT FOUR, UNIT FIVE
- ROOSEVELT VILLAGE UNIT 1
- SHERWOOD HILLS ESTATES DRAINAGE MSBU
- SILVER CREEK
- SILVER SPRING ACRES
- SILVER SPRINGS SHORES - UNITS 31, 35, 36, 37, 38, 42, 44 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- SLEEPY HOLLOW
- STONE HILL
- STORMWATER SERVICES AND STORMWATER MANAGEMENT PROGRAM
- SUGAR PLUM ESTATES
- SUN COUNTRY ESTATES
- SUN TREE
- SUNSET HILLS PHASE 1 MSBU FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS
- THOROUGHbred ACRES MSBU
- TOMPKINS & GEORGES ADDITION TO DUNNELLON MSTU
- TRADEWINDS VILLAGE
- WEST MARION FARMS

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a Public Hearing to consider resolutions adopting the intent to authorize use of the Uniform Method of Collecting for Non-Ad Valorem Assessments for four (4) consecutive weeks as required by Florida Statute on Tuesday, December 3, 2024 at 10:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise Public Hearing to consider resolutions adopting the intent to authorize use of the Uniform Method of Collecting for Non-Ad Valorem Assessments for four (4) consecutive weeks as required by Florida Statute on Tuesday, December 3, 2024 at 10:00 a.m. The motion was unanimously approved by the Board (5-0).

11.5. Request Approval to Schedule a Joint Workshop with the Board of County Commissioners and Belleview City Commission on Tuesday, December 3, 2024, at 2:00 p.m. in the McPherson Government Campus Auditorium

Parks and Recreation Director Couillard presented the following recommendation:

Description/Background: The Parks and Recreation department is requesting a joint workshop between the Board of County Commissioners and Belleview City Commission to discuss plans for the Belleview Sports Complex, as well as any additional needs for the foreseeable future.

The following date is being requested for the workshop:

- Tuesday, December 3, 2024, at 2:00 p.m. in the McPherson Government Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve and schedule a joint workshop with the Board of County Commissioners and Belleview City Commission on Tuesday, December 3, 2024, at 2:00 p.m. in the McPherson Government Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve and schedule a joint workshop with the Board of County Commissioners and Belleview City Commission on Tuesday, December 3, 2024, at 2:00 p.m. in the McPherson Government Campus 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.

Chairman Stone opened the floor for public comment.

Busy Shires, Horse Farms Forever (HFF), NW 90th Avenue, advised of the upcoming Conservation Summit, noting the theme of this year's event is "Springs Forever". She stated the event will be celebrating Marion County's 3 first magnitude springs with art, science, and storytelling. Ms. Shires advised that two-time Emmy Award Filmographer Mark Emery will be present, noting he is also a photographer, who has done work with National Geographic, the British Broadcasting Center (BBC), Public Broadcasting System (PBS), and the Smithsonian Network. She stated International renown springs artist Margaret Ross Tolbert and University of South Florida (USF) Geology Professor Dr. Jason Gulley will also be in attendance. Ms. Shires commented on the importance of protecting Farmland Preservation Area (FPA) for the agricultural and equine industries.

October 15, 2024

The event is scheduled for Thursday, November 14, 2024 from 5:00 p.m. until 7:00 p.m. at the Ocala Breeders Sale Arena.

Legislative and Broadband Manager Matthew Cretul, Administration, provided a brief update on Marion County's broadband project. He advised that earlier this year Marion County soft-launched a series of digital literacy events around the County, noting the events were hosted by Extension Services Director Lynn Nobels and her staff. Mr. Cretul stated the focus was on basic digital literacy skills (how to avoid phishing emails, safe online banking practices, etc.) with those events being attended by Marion County residents. He noted their survey post-events indicated that citizens were very glad they attended. Mr. Cretul advised that the next series of events is planned for late November and early December, 2024, noting staff will be partnering with local law enforcement for these events for citizens to learn how to avoid online scams during the holidays.

Mr. Cretul advised that staff took part in the Florida Office of Broadband's recent Summit, which was held last month in Orlando, Florida, noting it brought together local leaders, internet service providers (ISPs), and other broadband stakeholders to discuss the current state of broadband in Florida. He stated Marion County was selected as one of five Counties to sit on a local technology planning team panel.

Mr. Cretul stated staff are working with ISPs to bring matching funds for grant funding for broadband expansion. He clarified that when the public sees a press release that states the County was awarded grant funding for broadband expansion, what it means is that a service provider operating within Marion County was awarded that funding and the County does not get to choose where the infrastructure is built.

Chairman Stone advised of the local Technology Planning Team that has been put together with various people across the community to help bring communications to the public, as well as communicating with the State on how those dollars get funded.

Chairman Stone advised that public comment is now closed.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner McClain expressed his appreciation to staff for their hard work in responding to recent hurricanes.

Commissioner Curry stated he would like to see members of Task Force 8 be recognized at the County Commission level, noting every time there is a State, or even out of State issue, Task Force 8 is there. He stated he is very proud to be a County Commissioner and working with staff. Commissioner Curry commented on the lives of citizens throughout the Country that have forever been affected by recent storm events.

Commissioner Zalak commented on the great job staff did communicating with citizens throughout the recent storm events.

Commissioner Zalak commented on Amendment 4, which will be on the upcoming ballot, and urged citizens to read the Amendment language and perform research on how it would affect taxpayer funded abortions.

Commissioner Bryant stated she had nothing further to add.

Chairman Stone reminded everyone of an upcoming groundbreaking event for the new Animal Shelter to be held on October 30, 2024 at 10:00 a.m. at the new site on SW 60th

Avenue and State Road (SR) 40. She advised of the grand opening for the EMS Central Center.

Chairman Stone expressed her appreciation to the public for allowing staff to bring forward the Walk-Ons from today's meeting, noting due to the storm event staff had to bring forward many items after the Agenda was published.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of October 15, 2024 through November 5, 2024.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present letter to the Florida Green Finance Authority dated September 5, 2024 regarding the receipt and agreement of compliance related to SB770

14.1.2. Present Monthly Building Safety Productivity Report for the Month of September 2024

14.1.3. Present Commissioner Stone's Appointment to the Board of Directors of the Institute for County Government

14.1.4. Present Chamber and Economic Partnership September 2024 Activity and Quarterly Financials - July Through September 2024

14.1.5. Present Letter from Bay Laurel Center Community Development District Dated September 04, 2024 Regarding the Fiscal Year 2025 Meeting Schedule

14.1.6. Present Update on 2022-26 Strategic Plan Empowering Marion for Success II for October 2024

14.1.7. Present Letter from the City of Belleview Dated September 18, 2024 Regarding the Fiscal Year 2024-25 Annual Budget for the Downtown Belleview Community Redevelopment Agency

14.1.8. Present Letter from the City of Ocala Growth Management Department Dated October 2, 2024 Regarding the Fiscal Year 2024-25 Annual Budget for the Ocala Community Redevelopment Agency

14.1.9. Present Invitation to the Groundbreaking Ceremony of the New Animal Services Shelter Location

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

14.3. General Informational Items:

14.3.1. Marion County Evaluation and Appraisal Report and Planned Service Area Study Update

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

14.4. Clerk of the Court:

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

14.4.2. Present Memorandum from Gregory C. Harrell, Clerk of The Circuit Court and Comptroller, Regarding the Filing of Ordinances 24-25 And 24-26 with the Secretary of State's Office

14.4.3. Present Regular Report of Utilization for Reserve for Contingencies

October 15, 2024

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

14.5.1. Development Review Committee - September 16 and 23, 2024

14.5.2. Planning and Zoning Commission - August 26, 2024

14.5.3. Tourist Development Council - August 22, 2024

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

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

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

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

There being no further business to come before the Board, the meeting thereupon recessed at 11:20 a.m.

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

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Eryn Mertins, Xinyi "Cindy" Chen, Administrative Manager Sage Dick, 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 (AT 2:00PM):

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

The first Proof of Publication is display ad No. 10617148 entitled, "Notice of Public Hearing to Consider a Developer's Agreement Between 140 MHC, LLC., and Marion County Related to Rezoning Application 240505ZC" published in the Star Banner newspaper on October 8, 2024. The Notice stated the Board will consider a proposed Developer's Agreement, pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes (F.S.), between, 140 MHC, LLC., (Owner) and Marion County, Florida (County), Case No. 24-03DA, as related to rezoning application 240505ZC.

The second Proof of Publication is Legal ad No. 10605530 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on September 30, 2024. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits. Commissioner Bryant out at 2:08 p.m.

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

Commissioner Bryant returned at 2:10 p.m.

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

15.1. DRC Waiver Requests and Public Hearings:

15.1.1. Request for Waiver from Land Development Code Section 6.8.6.K(4) - Buffers for a Major Site Plan for RaceTrac Summerfield, Parcel Number 45976-000-00, Application Number 31043 (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: The Applicant, Paolo Mastroserio with Mastroserio Engineering, requested a waiver to the Land Development Code (LDC) requirement of a Type D buffer consisting of a 15-foot wide landscape strip with a buffer wall. The LDC states 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 25 percent of the required buffer.

The waiver sought to provide 15-foot-wide Type D buffer along the east and south property lines with the following criteria: 1) a 6-foot-high opaque fence in lieu of a wall and 2) to utilize existing vegetation which is to be preserved and not to be disturbed. Applicant proposes where vegetation does not fill, infill landscape to be provided with similar plant material that is currently on site. Applicant states buffer is to be maintained in perpetuity.

The subject property is located in the southeast portion of the County on approximately 13.06 acres.

This waiver request was denied by the Development Review Committee (DRC) on August 12, 2024.

Budget/Impact: None.

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

Growth Services Director Chuck Varadin commented on the waiver request to allow a 6-foot opaque fence and to utilize the existing vegetation in place of the required buffer wall. Chairman Stone questioned the plan for the existing trees on the property that are not included in the site plan. Mr. Varadin stated those trees will be removed.

Paolo Mastroserio, Mastroserio Engineering, Inc, SE 32nd Place, on behalf of the applicant, advised that the adjacent property is zoned A-1, but the land use is Commercial. He stated if a wall is constructed a lot of the larger trees will have to be removed, noting the intent is to preserve some of the trees.

In response to Chairman Stone, Mr. Mastroserio advised that there will be a 15 foot no touch barrier of trees.

Chairman Stone opened the floor to public comment.

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

Commissioner Zalak opined that the no touch buffer should be 50 feet.

Mr. Mastroserio advised that due to the drainage retention area (DRA) a 50 foot no touch buffer is not possible. He commented on the future land use of the property being Commercial.

Commissioner Bryant advised that the adjacent property is currently a Homesteaded Residential property. She stated due to this she is unable to support the waiver request.

Mr. Mastroserio opined that the fence with the existing trees is a better option than removing the trees and installing a wall.

Commissioner McClain expressed opposition to the wall, noting he would much rather see a fence and trees.

Chairman Stone stated the fence would be on the property line and not 15 foot inside the property.

October 15, 2024

Commissioner Bryant opined that a wall would protect the homeowner more than a vinyl fence.

Mr. Varadin clarified that the fence or wall would be 15 feet inside the property line.

General discussion ensued relating to the buffers and DRA location.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve the waiver request allowing a 15 foot no touch buffer with an opaque fence. The motion passed 3 to 2 with Commissioner Zalak and Commissioner Bryant dissenting.

15.1.2. Request for Waiver from Land Development Code Section 6.14.2.B(2)(a)1. - Wastewater Connection for Erick Freytes, Parcel Number 3682-009-001, Application Number 31346 (Budget Impact - None)

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

Description/Background: The Land Development Code states new development, including single family residential structures, in the Urban or Rural areas shall connect to an existing central sewer system if a sewer line from a decentralized sewer system with available capacity is within a connection distance of 400 feet times the total number of ERCs and permission to connect is granted by the owner of the decentralized system.

The Owner, Erick Freytes, requests a waiver because of funding, stating the property is more than 400 feet away from the City of Bellevue's connection and that according to Environmental Health the property is large enough to avoid the nitrogen reducing requirements.

The subject property is located in the southeast portion of the County on approximately 2.20 acres.

This waiver request was originally approved by the Development Review Committee (DRC) on April 8, 2024 with the condition that a nitrogen reducing septic system be installed in lieu of connection to the City of Bellevue.

This waiver request was reaffirmed by DRC on September 9, 2024 with the condition to connect to the City of Bellevue or to install a nitrogen reducing septic system.

Budget/Impact: None.

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

Utilities Director Jody Kirkman provided a brief overview of the request to waive the requirement for wastewater connection. He stated the applicant was given the option to install an enhanced septic system, which he agreed to and filed for the necessary permits. In September the applicant came back to the DRC and requested the matter be reconsidered to allow a conventional system on site.

Chairman Stone advised that the applicant is not present today.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the waiver request and require the applicant to either connect to central sewer or install an enhanced septic system. The motion was unanimously approved by the Board (5-0).

15.1.3. Request Approval of Waiver Request for Land Development Code Section 4.2.11.D. Multiple-Family Dwelling (R-3) Classification for Moon Homes Duplex, Parcel Number 9007-0089-33, Application Number 31989 (Budget Impact - None)

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

Description/Background: Section 4.2.11.D. of the Land Development Code (LDC) states development standards for this classification shall have a minimum lot width of 100 feet for multi-family dwellings, or 70 feet when for a new residential subdivision development where central water and central sewer services are utilized.

The applicant, Paolo Mastroserio with Mastroserio Engineering, requests a waiver to allow a duplex to be constructed on an existing platted 50-foot-wide lot in Silver Springs Shores stating the lot was platted in July of 1969. The duplex will connect to the Marion County central water system. However, the duplex will be on a septic system until central sewer is available for connection. The owner will construct a 6-inch gravity sewer service to the right-of-way in order to connect to the Marion County central sewer system in the future. The proposed lateral/service will be constructed along with the duplex construction.

This waiver request was denied by the Development Review Committee (DRC) September 30, 2024.

Section 4.2.11. of the LDC allows smaller lot sizes to be approved through the waiver process, including DRC recommendation and approval by the Board.

Budget/Impact: None.

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

Growth Services Director Varadin provided a brief overview of the request to allow a duplex on the subject parcel. He advised that DRC's recommendation is to deny the waiver request because the applicant does not meet the minimum lot width and is not connecting to central sewer.

Paolo Mastroserio, Mastroserio Engineering, Inc, SE 32nd Place, on behalf of the applicant, advised that a minor site plan was created for a duplex on the property with an enhanced septic system, noting permits have been issued for the septic system from the Department of Health (DOH). He stated the applicant is connecting to the water line and installing the enhanced septic system, as well as adding a sanitary sewer gravity line that will ultimately connect to central sewer when it becomes available.

Mr. Mastroserio stated the issue is the lot width, noting the lots were platted back in 1969 and the plat contains language that states the owner has the right to develop those lots per the plat at the time it was recorded. The County has since updated their Code.

In response to Chairman Stone, Mr. Mastroserio advised that the applicant has not owned the property since 1969.

Commissioner Zalak stated typically multiple lots are purchased and assembled in order to meet the required building requirements.

Dr. Shahbaz Yousaf, Pearl Estates Lane, Sanford, commented on the due diligence process he took prior to purchasing the property, noting Growth Services Department informed him in writing that 2 to 4 units were allowed on the site. He stated there is nothing in the County records showing the vested rights on these lots were revoked.

Mr. Minter provided an overview of vested rights. He stated the zoning on the property at the time of purchase is what zoning the owner is subject to, irrespective of the 1969 plat. He stated in some cases staff has made an allowance for someone who owns just one lot to develop 1 unit on the property. Mr. Minter advised that he was unaware of any email correspondence provided by staff to the applicant permitting this use.

October 15, 2024

Mr. Varadin advised that an email did take place approximately 1 year or more ago. He stated the other properties developed in the area contain multiple lots.

In response to Commissioner Zalak, Mr. Varadin advised that he does not have the email sent to the applicant at this time.

Dr. Yousaf presented a 5 page copy of the emails between himself and County staff indicating his intent for the property and the number of units permitted.

Chairman Stone read the contents of the emails into the record.

Commissioner Zalak advised that due to the misinformation provided to the applicant he will support the waiver request. He directed staff to ensure in the future correct information is being provided to customers.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the waiver request.

In response to Commissioner Curry, Mr. Minter addressed equitable estoppel. He stated if prior to incurring financial obligation someone comes to the government and asks for information about the property and the person relies on that information to their detriment the government may be estopped from denying a permit.

Commissioner Zalak stated just because the Board grants this waiver request does not mean it has to approve future requests.

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

15.2. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the 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 SEPTEMBER 30, 2024

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

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

The Motion passed unanimously.

Mr. Varadin advised that Item 15.2.1 will be pulled to be considered individually.

Commissioner Bryant advised that citizens had reported the required signage not being onsite for this application.

Mr. Varadin advised that the sign was posted, but had either blown off or been removed by a citizen. Staff did not remove the signage. He stated the item was advertised and did not rely on that one sign to notify residents.

In response to Chairman Stone, Mr. Minter advised that the Board can move forward with Item 15.2.1, noting in addition to the sign the meeting was advertised. He stated the person who submitted the compliant was aware of the matter.

Commissioner Bryant advised that the person who made the Board aware of the missing sign is on the Planning & Zoning Commission Board and has been driving past the site since October 3, 2024 and did not see the sign posted.

Chairman Stone opened the floor to public comment.

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

Commissioner Zalak out at 2:56 p.m.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve Consent Agenda items 15.2.2 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 (4-0).

The motion approved the consent agenda items as follows:

15.2. Planning and Zoning Consent Items:

15.2.2. 241003SU - Aldana Land Development, LLC, Special Use Permit for Commercial Development of Enclosed Storage Warehouse in a Community Business (B-2) Zone, ±2.74 Acres, Parcel Account Number 41489-001-00, No Address Assigned

The Board adopted Resolution 24-R-481 granting a petition by Aldana Land Development, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for construction of a Storage Warehouse, in Community Business (B-2) zone, on an approximate 2.74 Acre Parcel, on Parcel Account Number 41489-001-00, No Address Assigned

Resolution 24-R-481 contained the following Conditions:

1. All commercial activity of all owners and possessors of the subject property must occur inside the enclosed warehouse building at all times.
2. Outside storage is prohibited.
3. A separate Special Use Permit will be required for the parking of any commercial vehicle in excess of 16,000 lbs on the premises, which is not used specifically for the permitted business, the commercial warehouse subject to this request.
4. There shall be no waste accumulated at this property.
5. Central utility connection requirements, including water and sewer, will be determined at the time of the commercial site plan, and again with any expansion of the site, in accordance with LDC 6.14.2, which would require extensive offsite main extensions at developer's expense.
6. The site will adhere to the following buffer requirements, and is not eligible for waivers through the DRC review process:
 - a. Type D buffer along the Eastern, and Southern parcel boundaries; and
 - b. Type C buffer along the Western parcel boundary which borders the WRA, and also the Northern parcel boundary along the ROW.
7. Signs must adhere to all applicable regulations, including the LDC.
8. Any lighting shall be planned, using the lowest wattage of lamp as possible to provide the amount of light needed according to standards provided by the Illuminating Engineering Society of North America (IESNA).
9. Any lighting for the signage on the property shall be arranged to illuminate only the signs directly, with the source of the light not aimed or casting light off the property in any way, so as to avoid spillage of light and glare onto adjacent streets and properties.
10. To avoid conflicts, locations of light fixtures must be coordinated with the location of all trees and landscaping whether existing or proposed as shown on the landscape plan. Glare control shall not be achieved solely through

- landscape vegetation, but through shielding, fixture mounting height, wattage, aiming angle, and fixture placement.
11. Controls shall be employed that automatically extinguish all outdoor lighting when sufficient daylight is available.
 12. Signage lighting fixtures will not be installed higher than 15 feet high. No neon, flashing, or scrolling signs will be permitted on this site.
 13. Required yards and other green space will be analyzed in the review of the commercial site plan. This site must meet all applicable regulations, and is not eligible for waivers through the DRC review process on this requirement.
 14. The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
 15. An approved major site plan which is consistent with this concept plan is required.
 16. The Special Use Permit shall run with the land.

15.2.3. 241004SU - Finney's Pro Pressure Washing, LLC, Special Use Permit to Amend 221104SU by Increasing the Size of the Proposed Storage Building from 30'x50' to 36'x55' with a 12'x55' Lean-to in a Rural Commercial (RC-1) Zone, 2.79 Acres, Parcel Account Number 50063-001-01, Site Address 17900 S Hwy 25, Weirsdale, FL, 32195
The Board adopted Resolution 24-R-482 granting a petition by Finney's Professional Pressure Washing, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to modify existing Special Use Permit (221104SU) for storage of equipment from 30' x 50' to 36' x 55' with an additional 12' x 55' lean-to, in Rural Commercial (RC-1) zone, on an approximate 2.79 Acre Parcel, on Parcel Account Number 50063-001-01, Site Address 17900 S Highway 25, Weirsdale, FL 32195
Resolution 24-R-482 contained the following Conditions:

1. Parking areas shall be paved with screening and buffering requirements provided in LDC Sections 6.8.7 and 6.8.9 being met.
2. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this requirement. (LDC Section 6.8.7.A)
3. Utility areas and loading/unloading areas shall be screened as follows:
 - (1) A planting area a minimum of three feet wide and shall form a continuous three-foot high landscape screen, or
 - (2) Buffer fencing with a minimum height of three feet.
4. If signage is proposed, all necessary Building permits must be obtained.
5. Screening and buffering shall be maintained in perpetuity.
6. Screening and buffering for the existing storage structure must meet requirements of previously approved Special Use Permit conditions, listed herein, before construction of the proposed building may take place.
7. The newly proposed structure must also adhere to the above screening and buffering requirements.
8. The applicant must notify Planning staff once the buffering is installed. Upon staff confirmation that buffering is in place, the address hold will be removed and permits for the proposed building may be pulled.

9. At a minimum, waste shall be removed weekly from the property with screening complying with requirements provided in LDC Section 6.8.9.
10. Fencing and vegetative buffers must meet Land Development Code requirements.
11. The site shall be developed and operated consistent with the original conditions, included herein, duly adopted December 20th, 2022 as Resolution 22-R-668 as well as the additional conditions imposed with this modification to the Special Use Permit.
12. This Special Use Permit runs with the property.
13. An office may be permitted on-site.
14. The Special Use Permit shall expire on November 15, 2027; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)

15.2.4. 241005ZC - TLC Group Services, LLC, Zoning Change from Regional Business (B-4) to Rural Residential (RR-1), 0.50 Acres, on Parcel Account Number 2002-057-001, No Address Assigned

The Board granted a petition by TLC Group Services, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Regional Business (B-4) to Rural Residential (RR-1), for all permitted uses, on an approximate 0.50 Acre Parcel, on Parcel Account Number 2002-057-001, No Address Assigned

Commissioner Zalak returned at 2:59 p.m.

15.2.1. 240902SU - Dinkins & Dinkins, LLC c/o Kimberly Davis, Special Use Permit for Outside Storage for a 10'x10'x14'-tall Chlorine Bleach Containment Tank in a Community Business (B-2) Zone, Tenant - Justin's Belleview Pool Supply, ±1.83 Acres, Parcel Account Number 29850-000-06, Site Address 3751 SE 36th Avenue, Ocala, FL

The Board considered a petition by Dinkins & Dinkins, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for outdoor storage tank, in Community Business (B-2) zone, on an approximate 1.83 Acre Parcel, on Parcel Account Number 29850-000-06, Site Address 3751 SE 36th Avenue, Ocala, FL 34471

Planner Eryn Mertens, Growth Services, provided a brief overview of the Special Use Permit for outside storage for a 10'x10'x14'- tall chlorine bleach containment tank in a B-2 zone. She stated 23 of the surrounding property owners were notified and 4 letters of opposition were received, noting the signs were posted on the property on August 13,

October 15, 2024

2024 and reposted on August 30, 2024. Ms. Mertens advised that the matter was also advertised in the Ocala Star Banner newspaper on September 16, 2024 and the surrounding property owner letters were sent out on September 13, 2024.

Ms. Mertens advised that the concrete pad where the applicant is proposing to place the chlorine tank currently has a grease trap. She stated the pad was originally for the dumpster, but the dumpster has been moved to the middle of the ingress/egress on the southside of the parcel. Ms. Mertens commented on the land use and zoning of the subject parcel and surrounding area.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. Prior to the commencement of construction of the chlorine tank, Applicant shall restore dumpster to an appropriate location consistent with all applicable regulations.
2. Prior to the commencement of construction of the chlorine tank, Applicant shall restore displaced grease trap receptacle to an appropriate location consistent with all applicable regulations
3. A revised major site plan, or waiver, is required before project may commence if, in pursuit of restoring all refuse receptacles to their appropriate and compliant locations, any impervious surface is added to this site.
4. A revised major site plan or waiver is required before project may commence if, in pursuit of providing sufficient parking ancillary to the requested use, the project requires any new additional impervious surface.
5. Dumpster, Grease Trap receptacle, as well as any other refuse receptacle, must be provided an appropriate, dedicated location which meets all applicable regulations, including but not limited to proper visual screening.
6. A 6' opaque fence shall be installed around the chlorine tank area.
7. A landscape plan shall be provided prior to the construction of the tank.
8. Applicant shall install four (4) accent/ornamental trees on the south side of the project site, consistent with the area indicated in Exhibit A (Figure 7 of the staff report; depicting area identified as priority need for screening and buffering). Applicant is to work with the County Arborist to determine the appropriate types and suitable mixture of vegetation for this location to satisfy this condition. No waivers shall be granted for this requirement.
9. The chlorine tank shall remain well-lit from dusk to dawn, and in view of operational, monitored security camera on south side of building.
10. All lighting shall be arranged to illuminate only the chlorine tank area directly, with the source of the light not aimed or casting light off the property in any way, so as to avoid spillage of light and glare onto adjacent streets and properties.
11. To avoid conflicts, locations of light fixtures must be coordinated with the location of all trees and landscaping, whether existing or proposed to meet other screening and buffering conditions provided herein.
12. Controls shall be employed that automatically extinguish all outdoor lighting for the chlorine tank area when sufficient daylight is available.
13. This site shall be developed consistent with the proposed conceptual plan and the allowance for the installation of a chlorine tank is limited to one tank, only.

14. A permit will be required for the chlorine tank from Marion County Building Safety.
15. Applicant shall meet all applicable regulations imposed by the Florida Building Code, as well as any applicable Fire Safety regulations.
16. Applicant must meet all Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) spill reporting requirements.
17. Applicant must meet the Hazardous Substance Tank registration requirement imposed by the state through agencies such as, but not limited to Florida Department of Environmental Protection, and Florida Department of Health, as well as any other applicable state regulations, such as, but not limited to reportable quantities regulations. Tank registration criteria is found in the Florida Administrative Code.
18. The Special Use Permit shall run with the applicant, Justin's Belleview Pool Supply, LLC; and the owner, Dinkins and Dinkins, LLC, and not the property.
19. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property, or if the applicant vacates the property.
20. The Special Use Permit shall expire on October 14, 2027, and it will be eligible for administrative renewal up to 3 consecutive times for up to 5 years each, by written instrument signed and issued by the Growth Services Director (or a position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, The Florida Building Code, any other applicable regulations, 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, Building Safety, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

In response to Chairman Stone, Ms. Mertens advised that the applicant proposed a 19,000 gallon tank and one of the opposing letters from the public suggested a 15,000 gallon cap. She stated the applicant did not request to go to smaller tanks.

Commissioner McClain questioned if there are smaller tanks available. Ms. Mertens advised that depending on the type of Chlorine being used it is not regulated by the Department of Environmental Protection (DEP) the applicant just has to register the tank. In response to Commissioner Curry, Ms. Mertens stated there are not any bollards in place at the moment to protect the tank from a car running into it, but the proposal from the applicant was that a 6 foot fence be constructed around the tank.

Kimberly Davis, SE 36th Avenue, applicant, clarified that the containment tank is 1,500 gallons, not 15,000.

In response to Chairman Stone, Ms. Davis stated the tank is approximately 10 feet tall. Ms. Davis advised that the tank is regulated by the Environmental Protection Agency (EPA) and Federal Government. She stated the company has been in business

October 15, 2024

approximately 34 years and they are looking to be relocated to this site, noting the intent is to improve the property at the new site.

Ms. Davis stated the Chlorine/Bleach is contained in a tank within another tank sitting on a slab, noting all precautions are being taken.

Chairman Stone questioned if a barrier is required. Ms. Davis advised that the EPA will determine what is required. She stated at the current location there is a tank on site, noting it is protected by a fence. Any leaks within the inner tank holding the Chlorine will go into the outer tank; therefore, it would be self-contained.

In response to Commissioner Curry, Ms. Davis clarified that the tank size is a 10'x10'x14'. Commissioner Bryant advised that letters of opposition were received. The letters were not against the company being there, but were against the tank. She questioned if two smaller tanks could be utilized rather than one large tank. Ms. Davis advised that the smallest tank available is 1,500 gallon, which is what they are currently using.

In response to Commissioner Zalak, Ms. Davis advised that the distributor provides the tank, noting a horizontal tank is not an option. She stated the business is willing to make accommodations deemed necessary to buffer the tank.

Chairman Stone commented on the possibility of tabling this matter until later in the meeting to allow the applicant time to review possible changes to the tank to determine what is possible.

Ms. Straub stated page 1,255 of the Agenda Packet shows the tank dimensions.

General discussion ensued.

Chairman Stone opened the floor to public comment.

Ryan Goble, SE 38th Street, expressed concern with potential health impact that may be caused should the tank leak.

Chairman Stone advised that public comment is now closed.

Chairman Stone stated the Board will move on to the next matter and allow time for the applicant to speak with the supplier, noting once the applicant is ready they will readdress the matter.

Commissioner Curry requested the applicant address the protection of the tanks from a collision standpoint when the matter comes back.

15.3. Planning and Zoning Items for Individual Consideration:

15.3.1. 241002SU - Kingsland Land Holdings, LLC., Special Use Permit to Install a New 123' Monopole Cell Tower and Ground Equipment In a Single-Family Dwelling (R-1) Zone, 21.56-Acres, Parcel Account Number 3506-000-005, No Address Assigned (CONTINUED TO OCTOBER 28, 2024 PLANNING and ZONING MEETING)

The Board considered a petition by Kingsland Land Holdings, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a new 123' monopole cell tower and ground equipment, in a Single-Family Dwelling (R-1) zone, on an approximate 21.56 Acre Parcel, on Parcel Account Number 3506-000-005, No Address Assigned

Mr. Varadin advised that this Agenda Item was continued at the P&Z Commission meeting, noting it was only included on the Agenda for informational purposes because it was included in the legal advertisement. He stated there is no action required.

Chairman Stone opened the floor to public comment.

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

15.3.2. PUBLIC HEARING: First of Two Public Hearings for Presentation and Discussion Regarding a Proposed Developer's Agreement (Agreement, 24-03DA) between Marion County, Florida and 140 MHC, LLC., Related to Rezoning Case 240505ZC; and Request to Confirm the Second Public Hearing to Consider the Agreement on Tuesday, November 5, 2024, at 10:00 a.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

The Board considered the following recommendation from Senior Planner Chris Rison, Growth Services:

Description/Background: James W. Gooding, III, Esq., submitted a proposed Developer's Agreement (Agreement), on behalf of 140 MHC, LLC., related to Rezoning Case 240505ZC (Hidden Little Lake Weir, LLC.) for Parcel Identification Number (PID) 45509-000-00, totaling ± 10 acres; no address is currently assigned to the parcel, and the legal description is contained within proposed Agreement (See Attachment A).

On May 21, 2024, the Board approved Rezoning Application 240505ZC, Hidden Little Lake Weir, LLC., granting a Manufactured Housing Park (P-MH) zoning for Parcel Identification 45509-000-00, that is a ± 10 -acre property surrounded by the Del Webb Spruce Creek Country Club and Little Lake Weir Subdivision projects (See Attachments C and D). With the proposed rezoning request, the applicant proposed, and the Board concurred with, providing a Developer's Agreement to establish development and design standards for the anticipated manufactured housing park project. Staff has also attached the applicant's initial letter of intent regarding the project and the concept plan illustration provided at the May 21, 2024, hearing; however, the concept plan is not identified as an exhibit to the Agreement.

The Agreement addresses the items raised with consideration of the zoning request consistent with the Board's discussion. The Agreement provides for an age-restriction for persons 55 and older per State and Federal requirements, the community's ownership and rental operation, buffers, access maintenance, type/size of units, amenities, and providing for project review, with a 30-year Agreement duration consistent with the then discussion.

The maximum number of units was a staff and community concern due to the site's limited access (a single dead-end roadway stub-out) and Land Development Code (LDC) requirements for a second access for residential developments of 50 units or more. The Agreement inadvertently omitted a limit of 49 units for the project and the applicant's attorney will revise the Agreement for the final consideration to include the limit. Further, the developer's obligation to maintain the dead-end roadway stub-out is listed in the Agreement, but does not provide specific details. Following discussion with the County Engineer, the applicant's attorney will revise the Agreement for the final consideration to provide greater detail on addressing maintenance of the dead-end roadway stub-out.

This public hearing represents the first of two (2) public hearings regarding the Agreement. During the October 1, 2024 Board meeting, November 5, 2024, at 10:00 a.m. was approved for the second public hearing. However, Statute requires the second public hearing date to be confirmed during the first public hearing.

Budget/Impact: None.

October 15, 2024

Recommended Action: Receive public comment, provide direction to staff, and motion to confirm the second public hearing to consider the Agreement on Tuesday, November 5, 2024, at 10:00 a.m. or soon thereafter in the McPherson Governmental Campus Auditorium.

Senior Planner Chris Rison, Growth Services, advised that the public hearing is relating to rezoning application 240505ZC, which was heard in May 2024. The owners at the time were Hidden Little Lake Weir LLC, but now the current property owners are 140 MHC, LLC. He stated the property is surrounded by the Del Webb Country Club to the north, east and west, noting to the south is the Little Lake Weir subdivision. The property is accessed by a dead end stub out street that comes out of the Little Lake Weir Subdivision. Mr. Rison advised that the property is currently a high density residential designated site, noting the BCC did grant a P-MH for the site.

Mr. Rison presented a 9 page revised Developer's Agreement provided by the applicant, noting staff has not had a chance to fully review the document due to the recent hurricane. He stated this public hearing is to consider and discuss the agreement, but no action will be taken until the second public hearing. Mr. Rison advised that the revised agreement does address the limit of 49 units on the site. He stated staff had some concern relating to the maintenance of the stub out, but the applicant has proposed some language for staff review.

Mr. Rison advised that the applicant has provided for compliance with the different conditions that were discussed by the Board.

Jimmy Gooding, SE 36th Avenue, attorney on behalf of the applicant, referred to the language added in paragraph 2.4 of the revised agreement relating to the maintenance of the stub out.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Curry, seconded by Commissioner Bryant, to approve and schedule the second public hearing regarding this matter on Tuesday, November 5, 2024 at 10:00 a.m. The motion passed unanimously (5-0).

Commissioner Bryant and Commissioner McClain out at 3:31 p.m.

15.3.3. 241001SU - Sanctuary to the Maxx, Inc, Special Use Permit to Allow for a Rescue Kennel in General Agriculture (A-1) Zone, 5.03 Acres, Parcel Account Number 0577-030-000, Site Address 13250 NW 160th Avenue, Morriston, FL 32668

The Board considered a petition by Sanctuary to the Maxx, Inc, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a rescue kennel, in General Agriculture (A-1) zone, on an approximate 5.03 Acre Parcel, on Parcel Account Number 0577-030-000, Site Address 13250 NW 160th Avenue, Morriston, FL 32668

P&Z PUBLIC HEARING ON SEPTEMBER 30, 2024

241001SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Lourenco, seconded by Mr. Gaekwad, to agree with staff's findings and recommendation, and recommend approval of the SUP 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 4 to 3, with Mr. Behar, Mr. Bonner, and Mr. Fisher dissenting.

Transportation Planner Ken Odom, Growth Services, provided a brief overview of the Special Use Permit (SUP) request for a feline rescue kennel in A-1 Zone. He advised that 15 neighbors were notified by mail in the area and staff received over 120 responses in opposition to the SUP.

Commissioner Bryant returned at 3:32 p.m.

Commissioner McClain returned at 3:33 p.m.

Mr. Odom advised that the subject property is located in the Morriston area and is zoned A-1, noting the majority of the properties surrounding the subject parcel are residential with some agricultural uses onsite. There are other properties that have agricultural production. He provided an overview of the structures located on the property at this time and the proposed site plan.

Mr. Odom stated Sanctuary to the Maxx currently exists in the Dunnellon area on Seaclyff Avenue, noting it is a 1 acre, R-1 parcel. The case was brought before the Board due to a Code Enforcement violation reported by neighbors. He advised that Diana Durbin was the Code Enforcement Officer who visited the Dunnellon site on a number of occasions, noting Code Enforcement Officer Maureen Bennett has visited the Morriston site.

Mr. Odom advised that the subject property is located within the Farmland Preservation Area (FPA). There are 5 elements within the FPA that have to be considered when there is any kind of proposed development in order to maintain the elements of the preservation and the character of that area, which are the following: 1. scenic views; 2. open space protection; 3. rural lighting; 4. transportation; and 5. infrastructure. He stated upon review of the proposal supplied by the applicant the requested use does not appear to infringe upon any of these elements.

Mr. Odom commented on the existing sanctuaries/animal rescues within the FPA.

Chairman Stone advised that one of the animal rescues in the area (Sheltering Hands) is located within a RAC.

Commissioner Bryant stated that location is more than a rescue, it provides spay and neuter services and is a clinic.

Mr. Odom stated staff has concerns with the number of animals that will be on site, noting at the time of staff's count there were approximately 175 animals residing as wards of the sanctuary.

In response to Commissioner Bryant, Mr. Odom advised that the 175 animals are residing at the 1 acre Dunnellon location, noting they are a combination of personal and wards of the sanctuary.

Mr. Odom advised that the Land Development Code (LDC) does not address the maximum number of domestic animals allowed on a property, regardless of the zoning. He recommended the Board consider addressing this during the LDC updates.

Mr. Minter advised that in 2013, when the County was amending the Animal Control Ordinance, he had recommended considering placing limitations on the number of permitted animals, but there was public outcry against it at that time.

Mr. Odom advised that this SUP request was analyzed by 4 separate departments (Code Enforcement, Growth Services, Legal and Animal Services). He stated a 501(c)(3) typically does not require a kennel license if it is serving as a rescue or sanctuary; however, this is a unique situation in the fact that the applicant does accept donations for the animals and funds for rehoming the animals. Per the Legal Department due to these transactions, it is considered to be commerce; therefore, it is a business subject to the need of a SUP. Mr. Odom advised that the applicant would require a kennel license for

October 15, 2024

her personal animals because there are more than 15, but would not require a kennel license for the animals that are wards of the sanctuary.

Mr. Odom stated the animals onsite have been well cared for and the facilities are in good shape, noting there are no smells coming from the property or signs of feces. The Board will be able to monitor the activities at Sanctuary to the Maxx in to the future as long as the sanctuary is operational and under the SUP. Without the SUP there is not a mechanism in place to monitor the use. He advised that if this was no longer a rescue and all the animals were considered to be personal animals, under the current LDC, there is not a reasonable mechanism to continue to monitor the site.

General discussion ensued.

Stephanie Owens, Animal Services, advised that an SUP allows the Board to place additional conditions, which are not currently in the Animal Code today. She provided a brief overview of the added Conditions.

In response to Commissioner Bryant, Ms. Owens advised that if the applicant were to apply for a kennel license these conditions could not be added without the SUP, due to these requirements not being included in the Animal Code.

Commissioner Curry stated there is no limit on the number of animals allowed onsite, noting the trigger for the need to have a SUP is the compensation aspect. Mr. Odom concurred.

Mr. Odom advised that the donations and rehoming fees constitute commerce and require the SUP, which was determined by Legal.

In response to Commissioner Curry, Mr. Odom stated when the applicant moves to the new site, the dogs that are wards of the sanctuary will be rehomed and only her personal dogs will be on site. He advised that going forward only elder infirmed felines will be accepted to the sanctuary, noting there will be no kittens or middle aged cats. Mr. Odom stated the applicant has expressed the want to reduce the number of felines over time that are wards of the sanctuary. He advised that as part of the conditions there are no dogs that will be allowed to be permitted on this property that are wards of the sanctuary, but the County cannot limit the applicants personal dogs.

Commissioner Bryant questioned the number of animals that are listed as personal and wards of the sanctuary. Ms. Odom advised that there are 6 personal cats and 11 personal dogs in Morriston, for a total of 17 animals. At the Dunnellon location there are 2 personal dogs and 156 total other animals, which include 19 sanctuary dogs and 135 sanctuary cats.

In response to Commissioner Bryant, Mr. Odom advised that 135 sanctuary cats would be transferred to Morriston and 19 of her personal animals would also be onsite for a total of 153 animals. He stated the applicant's mother lives onsite at the Dunnellon location and the applicant lives in Morriston.

Mr. Odom stated if the SUP is approved there are necessary requirements that need to be met prior to the opening of the Morriston location, which are as follows: 1.) an emergency/contingency plan will have to filed with Animal Services and Growth Services to address a breach of the catteries whether it is natural, physical or malicious to ensure the animals are retrieved and the facilities are maintained and repaired; 2.) Buffering to all adjacent residential utilized parcels; 3.) Kennels/runs shall be constructed; 4.) All animals vaccinated and licensed within 2 weeks of acquisition; and 5.) Flood plain mitigation completed. He stated if approved the applicant will have 90 days to begin the Major Site Plan process and 120 days to have all the animals micro-chipped and spayed/neutered.

Commissioner Bryant questioned if all the animals on site now are spayed and neutered. Mr. Odom advised that the animals currently onsite are the applicant's personal animals, noting the animals that are wards of the Sanctuary are not all spayed/neutered at this time.

Commissioner Bryant questioned if the reason for the large number of cats is because they had been breeding. Mr. Odom stated he was unsure, noting Animal Services has been handling the communication with the applicant regarding the animals.

Mr. Odom advised that if approved the applicant will have 150 days to acquire permitting for kennel construction and to have the kennel septic system operational. After 5 years the SUP will be reconsidered for renewal.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval. Upon the initiation of the site plan process, all flood plain changes must be approved and mitigated.
2. The Special Use permit only allows for felines. It allows up to one-hundred and thirty-five cats (135) felines to be wards of the sanctuary within the kennels that are to be constructed on site. No other kennels shall be constructed on site to increase capacity.
3. This Special Use Permit shall run with the applicant (Dori Lopriore) and not the property.
4. Signage shall not be permitted at this location.
5. Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shielded to mitigate glare impacting surrounding properties.
6. All animal waste shall be collected daily and removed from the site at least weekly.
7. Prior to wards of the rescue/sanctuary being housed on the subject parcel, the applicant shall provide to the Marion County Animal Services Department an emergency contingency plan for the care/reacquisition of all animals in the event that there is a major breach of the feline kennels.
8. All animals, that are wards of the sanctuary, shall be micro-chipped and spayed or neutered within one-hundred and twenty (120) days.
9. The applicant must remain current on required rabies vaccines and county licensure on all Sanctuary animals and any new elder, infirmed felines shall be current within 2 weeks of intake. This list shall also indicate exactly which animals are personal pets of the operators and which animals are wards of the rescue/sanctuary.
10. The applicant must maintain a working relationship with licensed veterinarian.
11. The applicant must comply with the most updated version, as may be amended and updated, of The Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelters, published through the Journal of Shelter Medicine & Community Animal Health.
12. The applicant shall follow vaccination schedule for all sanctuary animals recommended by a license veterinarian.
13. Vegetative buffering on the southern and eastern boundaries of the parcel, in the form of Ligustrum or Viburnum, shall also be planted immediately.

- Shrubs shall be planted in a singular row and be capable of reaching a maintained height of six feet within three years.
14. Enclosed kennels shall be constructed in order to house all felines. Feline runs shall be enclosed on all sides and the top.
 15. No commercial boarding of any animals shall occur on-site. This does not include the boarding for the purpose of assisting with temporary care of animals of family members or friends, as may be requested from time to time, without compensation.
 16. A separate septic system shall be installed to accommodate the kennel areas. It shall be large enough to accommodate solid and liquid wastes for all wards as well as the daily wash for maintenance of the kennels. The applicant shall have one year to install this system.
 17. A contingency plan shall be submitted to animal services within sixty (60) days of the approval of this SUP. This plan shall outline the applicant's planned course of actions to mitigate any breach of the catteries during natural storm events and to address the health and maintenance of all animals should the applicants become infirmed.
 18. The applicant shall begin the Development Review process for the construction of the kennels within ninety-day (90) days of the approval of this SUP.
 19. The applicant shall begin the permitting process for construction of the kennels within one-hundred fifty (150) days of the approval of this SUP. Should supply situations hinder this timeline, the applicant must immediately contact Growth Services staff in order to request a modification.
 20. Animal Services shall conduct two inspections per year.
 21. The Special Use Permit shall expire on October 15, 2029; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)

In response to Chairman Stone, Ms. Owens provided a brief overview of the Animal Services report relating to any complaints received involving Sanctuary to the Maxx or the applicant (Attachment E in the Agenda Packet).

Dorie Lopriore, NW 160th Avenue, applicant, advised that the only time they have kittens is when a cat is abandoned on the property with kittens, noting once the babies are weened, they hand them off to another rescue to adopt them out.

Chairman Stone questioned what other partners does Sanctuary to the Maxx work with. Ms. Lopriore advised that Sheltering Hands does some spay/neutering on new intakes, but mostly the organization's vet will handle that care.

In response to Chairman Stone, Mr. Odom advised that staff did not obtain a list of partners the organization works with, but were aware the applicant works with a number of different Counties.

Ms. Lopriore advised that she works with "A Kitten Place", which is in the Bradenton area for kitten placement should she have one onsite. She stated she also works with Peggy Majors from Citrus County and Gwen Austin from Naples. Ms. Lopriore advised that the preference is to have senior or special needs cats onsite.

Ms. Lopriore presented a 21 page handout to the Board and referred to a photograph in the handout of the condition of a dog, Betty Boop, when she first arrived at the Sanctuary and how she currently looks.

In response to Chairman Stone, Ms. Lopriore advised that the neighbors claimed Betty Boop went in their yard and chased them. She stated JD is the big white dog in the pictures and is the one who was accused of getting out of the yard 2 times.

Ms. Lopriore advised that at the P&Z Commission meeting the focus was on the dogs, but the request is for a SUP for a cat sanctuary. She clarified that there are 4 personal dogs at the sanctuary, which are licensed.

Mr. Odom advised that the numbers he provided are what was verified with Animal Services.

Ms. Lopriore stated the animals are all located in buildings, which will be made bigger. She advised that there are new Animal Control guidelines for the amount of space needed per cat, which will be met. The animals are taken care of and the organization has never denied anyone from coming on the property to inspect. Ms. Lopriore stated not one neighbor has expressed concerns directly to her or reached out to ask questions about the operation.

Chairman Stone questioned if Sanctuary to the Maxx had a Board. Ms. Lopriore stated the Board consists of Brandy Holmes, Katherine Fisher, her mother and herself, noting her mother is the honorary president.

Ms. Lopriore advised that she moved to Morriston with the intent of building a bigger and better location for the animals, noting she is not looking to increase the number of animals. She commented on the services and supplies she has provided to the community.

In response to Chairman Stone, Ms. Lopriore stated the veterinarian she uses is Dr. Matthew Fox at Withlacoochee Animal Hospital. She advised that she also utilizes Levy Animal Clinic as a backup. Ms. Lopriore stated there are 3 full time staff members, 3 full time volunteers, and individuals who need community services hours that will help onsite, as well as special needs children who come with their parents to spend time with the animals.

Commissioner Bryant questioned what the applicant's plans are to scale back on the number of animals. Ms. Lopriore stated the organization has been actively working to adopt out the animals, noting many of the dogs have been adopted. She advised that some of the animals are placed with permanent foster homes where Sanctuary to the Max provides supplies and support to the foster home for the animal. Ms. Lopriore stated within the next 3-4 years she would like to see the number of animals reduced to approximately 50 animals. She advised that there are 3 cats onsite that are not spayed/neutered, noting they are senior cats with major health issues.

October 15, 2024

In response to Commissioner Bryant, Ms. Lopriore advised that she does take in animals from outside Marion County.

Commissioner Curry questioned what percentage of the current animals are from outside of Marion County. Ms. Lopriore stated most of the cats are from Marion County, but would have check records to provide that information.

In response to Commissioner Curry, Ms. Lopriore advised that the prior year's budget was \$120,000.00, noting all animals receive veterinarian care and food, as well as flea and tick prevention medications.

Commissioner Bryant requested the number of animals onsite and for the plan to address the dogs that are wards of the sanctuary.

Ms. Lopriore advised that she has 9 personal dogs and 6 personal cats in Morriston. At the Dunnellon location there are 4 personal dogs.

In response to Commissioner Bryant, Ms. Lopriore stated there are 135 sanctuary cats.

Ms. Lopriore commented on the harassment received from neighbors.

Chairman Stone opened the floor to public comment.

Linda Lear, NW 160th Avenue, Morriston, commented on the past Code Enforcement cases and Animal Service reports, as well as the negative impact this SUP would have on the surrounding area. She urged the Board to deny the SUP.

Donna Natale, NW 130th Street, Williston, yielded her time to Ms. Lear.

James Hartley, Gooding & Batsel, PLLC, SE 36th Avenue, attorney on behalf of John Berkeley, Allison Remsburg, Brad Pagh, Esther Pagh, Deb Gibboney, Marilyn Gruber and Janie Bray, presented a 4 page handout entitled, "Alternative Proposed Conditions". He commented on the deficiency in the Code relating to ownership of personal animals within the County, noting there is an opportunity to rectify this with the SUP. Mr. Hartley advised that the subject property is within the FPA and in order for an SUP to be approved the use has to be consistent with and preserve, protect, support and enhance the rural equestrian and farmland character of the FPA. He stated the Conditions of the SUP need to be in place to ensure the compatibility with the equestrian nature of the area.

Mr. Hartley opined that the history of the applicant and how they have operated in the past needs to be considered when determining approval of the SUP. He expressed concern with the number of animals that will be on site and the condition of the applicant's previous properties. Mr. Hartley provided a brief overview of his proposed Conditions.

In response to Chairman Stone, Mr. Hartley advised that his proposed Conditions were provided to staff before the P&Z Commission meeting. He stated the first 2 pages are a clean version and the last two pages are redlined to show the difference between his proposed Conditions and Staff's Conditions.

Mary Ball, NW 160th Avenue, Morriston, commented on the impact the SUP will have on the community.

Diane Marchand, NE 47th Place, opined that a reputable rescue should know the local laws and regulations. She commented on the impact this type of operation has on County resources.

Heather Hall, NW Highway 335, Williston, presented a 1 page handout containing a letter address to the Board from Osvaldo Ornia Pacher, which she read into the record.

In response to Chairman Stone, Ms. Hall advised that the paragraph of the letter that has been crossed out can be disregarded by the Board.

Commissioner Curry out at 4:53 p.m.

Patti Kuehl, Kings Highway, Port Charlotte, advised that she lived next door to Ms. Lopriore in Bonita Springs. She stated Ms. Lopriore rented a 2 bedroom 1 car garage

home with 67 cats and 4 dogs on site. Ms. Kuehl commented on the conditions in which the animals were kept and the impact it had on her quality of life as a neighbor. She urged the Board to deny the SUP.

James Warren Jr., SE Bella Road, Port St. Lucie, presented a 6 page handout containing background investigation results relating to Ms. Lopriore and Sanctuary to the Maxx. He commented on conversations he had with previous neighbors who experienced issues with Ms. Lopriore not controlling the animals or maintaining the property.

Commissioner Curry returned at 5:00 p.m.

Cherri Fowler, NW 160th Avenue, Morriston, expressed concern with the number of animals and questioned if the applicant is required to carry liability insurance.

Carmelita Halchak, NW 160th Avenue, Morriston, expressed concern with the quality of life of the animals that will be onsite and the impact this use will have on the surrounding area.

William Halchak, NW 160th Avenue, Morriston, commented on the number of animals allowed on site and questioned how the deceased animals are disposed.

Cecily Zuidema, NW 160th Avenue, Morriston, expressed safety concerns relating to loose and aggressive dogs. She stated there is a long standing pattern in other communities of issues with the applicant, noting past lack of compliance has made her skeptical on whether the Conditions will be followed.

Kathleen Corona, NW 160th Avenue, Morriston, opined that the proposed use is incompatible with the area. She commented on the impact this will have on the quality of life of the surrounding residents should this be approved. Ms. Corona urged the Board to deny the SUP request.

Jennifer Souders-Boyle, NW 160th Avenue, Morriston, expressed opposition to the SUP request. She commented on safety, odor and health concerns if this is approved.

Commissioner Zalak out at 5:13 p.m.

Lianne Young, NW 160th Avenue, Morriston, commented on another neighbor in the area with more than 20 cats, noting the smell coming from the property is overwhelming. She expressed concern with the number of cats and the impact they will have on the quality of life and property values of existing residents.

Patricia Baumgardner, NW 146th Avenue, Williston, presented a 1 page letter addressed to the Board from Christine Reagan in opposition to the SUP, which she read into the record.

Chairman Stone advised that public comment is now closed.

Commissioner Zalak returned at 5:20 p.m.

Commissioner McClain out at 5:20 p.m.

Ms. Lopriore advised that Ms. Kuehl was a neighbor in Bonita Springs and Ms. Kuehl's husband was arrested for animal cruelty for abusing her cats. She stated the feral cats were not hers, but she did put food out for them. Ms. Lopriore advised that she did not move to the Morriston property to cause a problem, noting the cats on site are not free roaming.

Commissioner McClain returned at 5:22 p.m.

In response to Chairman Stone, Ms. Lopriore stated funds are raised from grants, raffles, auctions, yard sale fundraisers, and donations from supporters, noting the organization has an accountant that manages funds. She advised that if an animal passes away it may be placed in a freezer until arrangements are made with the veterinarian for cremation. Ms. Lopriore stated the subject parcel does not have liability insurance. She advised that there is currently only one outstanding citation.

October 15, 2024

Ms. Lopriore advised that the day Animal Services came out to inspect the property she did not have all the records with her, but as of today staff has been provided all the documentation and all the animals are up to date on their vaccinations.

Chairman Stone questioned if the cats wear a collar with their name. Ms. Lopriore stated the cats are housed in enclosed area, noting due to choking hazards the cats do not wear collars.

In response to Commissioner Bryant, Ms. Lopriore advised that nothing has been built at the Morriston location, but Central Florida Steel has been hired to erect the building. She stated the dirt has been delivered already.

Chairman Stone questioned how long the organization's website has been active. Ms. Lopriore stated it has not been long and is not well maintained. She stated people locate her through word of mouth from other organizations.

In response to Commissioner Bryant, Ms. Lopriore advised that the length of time a cat is at the sanctuary depends on its health, some will stay for years and some only a few months.

Commissioner McClain questioned if the applicant had reviewed the Conditions presented by Mr. Hartley. Ms. Lopriore stated she has reviewed the Conditions and as a homeowner in Marion County she has the right to her dogs onsite and visitors to the property. She advised that she has never denied any County entity access to the property.

There was a recess at 5:32 p.m.

The meeting reconvened at 5:48 p.m. with all members present.

Chairman Stone advised that the Deputy Clerk is in receipt of all the emails for and against the proposed SUP.

Commissioner Curry questioned if the Board were to adopt a new Ordinance limiting animals would this matter be considered grandfathered. Mr. Minter advised that the animals are not on the Morriston property; therefore, it would not be grandfathered.

In response to Chairman Stone, Mr. Minter advised that it would take time to amend the LDC to adopt a new Animal Ordinance; therefore, the Board would want to implement an interim moratorium stating no new approvals will occur with respect to new animal operations or numbers of animals until the new LDC provisions have been adopted.

In response to Commissioner Curry, Mr. Odom advised that the noise Ordinance does not apply to animals on A-1 zoned property.

Commissioner Curry stated the only way the Board can control what takes place on the property is with the SUP. If the SUP is denied the applicant can declare the animals as personal and the Board cannot limit them.

Mr. Odom advised that the SUP would give the County oversight and recourse should an issue arise.

In response to Chairman Stone, Mr. Odom advised that the only site being considered today is the Morriston location, noting the applicant does not have a SUP for the Dunnellon location, nor is there a kennel license on file for either location.

Commissioner Bryant questioned the number of active citations. Animal Services Director Kyra Lynch advised that there were 93 citations that were complied with and 49 pending.

In response to Commissioner Bryant, Ms. Owens advised that the rabies and County license citations were issued in 2024. She stated Animal Services has been interacting with Ms. Lopriore since 2020.

In response to Commissioner Bryant, Ms. Lynch advised that the ability to care for 135 cats is dependent on the support and resources available. She stated there has been no concern relating to the welfare or condition of the cats in the applicant's care. Ms. Lynch advised that should Marion County have to take over care of the cats the Department would have to call around for extra support. She stated currently Animal Services has roughly 90 cats onsite.

Commissioner Curry questioned if the Board could limit the number of cats allowed in the SUP Conditions. Mr. Odom advised that limiting the number of animals is not included in the Conditions, but it is something the Board can consider. He stated staff is recommending a maximum of 135 cats, noting it was staff's opinion that it would be best for the Board to provide direction on the drawdown number.

In response to Chairman Stone, Ms. Lynch advised that a kennel license requires 2 annual inspections.

Ms. Owens stated while conducting the inspections staff verified that the site was in compliance with all current Marion County Ordinances. Prior to the inspection and at the time of the application a written inventory must be submitted along with verification of all rabies vaccines and County licenses.

Chairman Stone questioned the difference between the oversight of a kennel license and oversight of a SUP. Ms. Owens stated the Conditions and the violation process are the differing factor.

In response to Commissioner Bryant, Ms. Owens advised that it is mandatory to microchip any animal that is sold, adopted or rehomed in Marion County. She stated under the SUP staff is requesting all animals be microchipped upon intake to Sanctuary to the Maxx to allow staff the ability to have an accurate inventory of the animals at all times.

Chairman Stone clarified that the microchipping upon intake is with the SUP and not with the kennel license.

In response to Mr. Bouyounes, Ms. Owens stated a kennel license cannot limit the number of animals permitted onsite. A kennel license requirement is triggered when there is more than 15 animals and the SUP is triggered when the entity is breeding, boarding or selling the animals.

Chairman Stone questioned how staff knows someone needs a kennel license. Ms. Owens advised that if the Department receives a report or one of the Animal Services officers is working a case where a kennel license is warranted, a letter will be sent to the violators to try and determine if they meet the criteria and which criteria they meet. Most people are honest and willing to comply, but there are some that are not as willing or honest.

In response to Mr. Minter, Ms. Owens stated the Dunnellon property does not have a kennel license, noting staff documented 156 animals onsite. She advised that a kennel license is not required for the sanctuary animals because it is under a 501(c)(3). Ms. Owens stated the open 49 citations are related to the Dunnellon property and the Morrison property, noting it is possible that the applicant has already obtained the rabies and County license. Animal Services has not been provided the proof as of today; therefore, the citation is still active. She advised that from staff's observations all animals are visibly in good health and have adequate shelter and water.

Mr. Minter questioned if staff was able to discern any offsite effects of the Dunnellon operation. Ms. Owens advised that she did review the list of complaints, noting the majority of the complaints were allegations of lack of care towards the animals. She stated

October 15, 2024

the cats are kept in catteries, but there are community cats in the area. Ms. Owens advised that the all the animals currently on the Morriston property are personal.

General discussion ensued.

In response to Chairman Stone, Ms. Lopriore advised that should anything happen to her she has made a plan with Castaway Animal Rescue Efforts, Inc. (CARE) and Brandy Holmes to take over care of the animals. She stated the Morriston property is listed under Sanctuary to the Maxx and her name.

Commissioner Curry questioned what part of the \$120,000.00 in revenue is designated for payroll. Ms. Lopriore advised that the \$120,000.00 does not go towards payroll, noting workers are paid by her and friends that support her operation.

Commissioner Curry stated a moratorium is needed until the Board can address the Animal Ordinance.

General discussion ensued.

Chief Assistant County Attorney Dana Olesky commented on the difference between Animal Service's kennel license and SUP for a kennel. She stated 501(c)(3) organizations are exempt from kennel licenses, noting there will be language in the updated proposed Animal Ordinance to remove that exemption. As of today, the applicant does not trigger a kennel license for any of the sanctuary animals under Animal Services. Ms. Olesky advised that the kennel process is informing staff of the number of animals and allowing staff onsite twice a year to inspect the property. She stated under a SUP a kennel is defined under the LDC as 4 or more animals that are being bred, boarded, raised or trained for compensation or income. In this case because the applicant is adopting the animals and making a significant amount of income it triggers the need for a SUP.

Ms. Olesky advised that the Board does not typically support an SUP kennel on residential property, noting the applicant was told when she first went through the Code Enforcement process the Board will not likely support a SUP for this number of animals on a small residential parcel. She stated the applicant sought out an agricultural property in order to be able to apply for a SUP.

Commissioner McClain stated if the SUP is denied the applicant cannot continue operating in the same manner.

Ms. Olesky stated if Ms. Lopriore decided to close the sanctuary and have 135 personal cats and dogs, she would be able to have them on the Morriston property, but a kennel license would be required.

Commissioner McClain clarified that in this scenario the applicant would no longer be able to accept donations and would not be able to operate.

Ms. Olesky stated if the Board denies the SUP on the Morriston property that will still leave the applicant with all of the personal and sanctuary animals on the Dunnellon property. The Dunnellon property has already gone through the Code Enforcement process and liens have been placed on the property. Ms. Olesky advised that in order to prevent the applicant from running a sanctuary on that property other measures would be necessary, such as an injunction through the courts.

Commissioner Bryant opined that is unlikely the applicant will close the 501(c)(3) as that is what is generating the income.

In response to Commissioner Bryant, Ms. Olesky advised that the Dunnellon property did go through the Code Enforcement process, which is why the applicant sought out the Morriston location.

Code Enforcement Officer Diana Durbin provided a brief overview of the Code Enforcement case timeline.

Chairman Stone clarified that the Dunnellon property has maxed out fines because the applicant is operating without a SUP, but the organization is still being operated onsite.

Ms. Durbin advised that Code Enforcement has paused enforcement on the Dunnellon property pending the results of this SUP request.

In response to Chairman Stone, Ms. Olesky advised that Ms. Lopriore will need a kennel license if there are more than 15 dogs or cats, not part of a 501(c)(3) organization on either parcel.

General discussion ensued.

Ms. Olesky advised that proposed revisions to the Animal Ordinance will be brought before the Board for consideration in November 2024.

In response to Commissioner Zalak, Ms. Olesky commented on the different areas of the Animal Ordinance that need to be modified, for example more regulation for 501(c)(3) organizations, mandatory microchipping upon intake, clarifying the language relating to SUP kennel requirements, and regulating breeders. She stated limits on the number of pets would need to be included in the LDC. Ms. Olesky advised that in the last 15 years there have been over 400 petitions for custody cases and it is very seldom that there are more than 20 animals on site. She stated the capacity to care is what drives how many animals someone can have.

Mr. Minter advised that a majority of the complaints are related to the offsite impacts of this operation. He commented on the law of nuisance and questioned if there is any evidence of current offsite impacts that are adversely affecting the surrounding property owners. Ms. Olesky stated based on her meetings and review of the records no evidence has been seen. She advised that there have been a lot of complaints about the dogs, but there has been no offsite impacts from the cats.

Mr. Minter stated the current Animal Ordinance regulates the dogs should they be off property.

Ms. Olesky advised that the County is preempted from regulating domestic animals and noise emanating from an A-1 zoned property. She stated the applicant needs the SUP because she is operating for compensation or income, noting the Conditions allow the Board to mitigate concerns. Ms. Olesky opined that sometimes it is better to regulate than to deny.

Chairman Stone questioned if the dogs have been removed does the Board still have the ability to place requirements on the personal dogs. Ms. Olesky stated there is nothing precluding the Board from doing that; however, the Board has never in the past limited personal animals.

In response to Commissioner McClain, Mr. Minter advised that if an applicant is denied they cannot reapply for a SUP for 1 year, noting the Board cannot waive that time limit.

Commissioner McClain suggested this matter be considered after the Board has the ability to update the LDC and Animal Ordinance.

Commissioner Bryant questioned if the applicant had considered finding a better location.

Ms. Lopriore stated the property is A-1, which she thought was the appropriate location.

General discussion ensued.

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to approve the SUP for 1 year, require 6 inspections per year and limit the number of felines to 135, as well as proposed Conditions by Mr. Hartley.

Commissioner Zalak expressed concern with the 1 year time limit and commented on the financial investment the applicant will have to make to meet the conditions. He suggested the Board stop fining the applicant in Dunnellon and allow her to stay in Dunnellon until

October 15, 2024

the language is updated. Commissioner Zalak stated moving the problem does not solve the problem.

Commissioner Bryant advised that the SUP is specifically for the Morriston property.

In response to Commissioner Zalak, Ms. Olesky advised that the Board cannot grant an SUP on the Dunnellon property because it has not been properly noticed, but the Board can stop all Code Enforcement activities and work with the applicant to ensure all animals are properly licensed and vaccinated, while working on language for the LDC and Animal Ordinance. She stated staff can work with Ms. Lopriore to determine where in the County by right she can operate the sanctuary.

Commissioner McClain withdrew his second.

Commissioner Curry withdrew his motion.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to deny the SUP request, stop Code Enforcement activity at the Dunnellon property while the Board work through updating the LDC and Animal Ordinance. The Motion passed unanimously (5-0).

In response to Commissioner Zalak, Ms. Olesky advised that the modified LDC language could come back to the Board in approximately January/February 2025, noting changes to the Animal Ordinance will come back to the Board in November 2024. She stated once the LDC has been modified the Board can bring the applicant back within 30 days for consideration.

Chairman Stone advised that the Board would waive the fees associated with the new SUP. She stated as of today the Sanctuary cannot operate on the Morriston property.

Ms. Olesky advised that due to advertising it will take until the end of February/early March to complete the LDC changes.

Mr. Minter advised that the applicant would not be able to reapply for 12 months. He suggested the Board reconsidered the denial of the SUP and continue the matter pending the adoption of new regulations.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to reconsider the denial of the SUP. The motion passed unanimously (5-0).

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to continue this matter until the new Codes are in place and the Board can advertise. The motion passed unanimously (5-0).

15.2.1. Continued:

Ms. Davis advised that the chlorine tank has to be a 1,500 gallon tank because it is gravity fed, noting a viburnum and bollards can be placed around the tank. She stated the city moved the dumpsters and the grease trap is going to be moved by the existing restaurant onsite.

Chairman Stone clarified that the tank will be located on the concrete pad and has to remain vertical for the gravity feed. Bollards will be placed around the tank to prevent it from being knocked over.

Ms. Mertens advised that earlier she had referenced the tank size as 19,000 gallons and it should have been 1,900 gallons. She stated the proposed tank is 1,500 gallons and 10 feet, noting the blocks the tank sits on are 2.8 feet. Ms. Mertens advised that there are different tank sizes available, and staff is unclear why smaller tanks cannot be utilized. She requested direction from the Board on the viburnum specifications.

In response to Chairman Stone, Ms. Davis stated she is unsure if the tank at the current location will be relocated to this site or if a new tank will be installed. She stated some of the smaller tanks are actually taller than the current tank.

Commissioner Zalak stated the requirement should be that the applicant has to fence the tank to the height of the tank.

Utilities Director Jody Kirkman advised that the tank cannot be placed on the same pad as the grease trap, noting the grease trap is tied into the County system and needs to remain assessable.

ACA Tracy Straub advised that the additional impervious coverage is likely to trigger the need to have a major site plan; however, for this small amount the Board could waive that requirement.

Ms. Mertens stated the site is already over the size to require a major site plan; therefore, staff recommended if any new impervious coverage is added a revised major site plan be required.

Ms. Straub advised that the Board has the authority to determine a major site plan is not necessary. She stated the site is overbuilt, it does not have any drainage and is a problematic corner.

General discussion ensued.

In response to Chairman Stone, Ms. Davis advised that she has reviewed the proposed Conditions and does agree to all of them.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to adopt Resolution 24-R-483 approving the Special Use Permit request with Conditions 1 through 22, as amended, 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-483 contained the following Conditions:

1. Prior to the commencement of construction of the chlorine tank, Applicant shall restore dumpster to an appropriate location consistent with all applicable regulations.
2. Prior to the commencement of construction of the chlorine tank, Applicant shall restore displaced grease trap receptacle to an appropriate location consistent with all applicable regulations.
3. A revised major site plan, or waiver, is required before the project may commence if, in pursuit of restoring all refuse receptacles to their appropriate and compliant locations, any impervious surface is added to this site.
4. A revised major site plan or waiver is required before the project may commence if, in pursuit of providing sufficient parking ancillary to the requested use, the project requires any new additional impervious surface.
5. Dumpster, Grease Trap receptacle, as well as any other refuse receptacle, must be provided an appropriate, dedicated location which meets all applicable regulations, including but not limited to proper visual screening.
6. The tank shall not be installed on or near a grease trap.
7. An opaque fence shall be installed around the chlorine tank area, and the fence shall be at least one (1) foot taller than the total collective height of the chlorine tank, and the stand on which the chlorine tank is to be installed.

8. Bollards shall be placed around the chlorine tank, outside of the fence to prevent vehicles from making contact with the tank.
9. A landscape plan shall be provided prior to the construction of the tank.
10. Applicant shall install four (4) accent/ornamental trees, and a viburnum hedge reaching three (3) feet tall within one (1) year of construction, on the south side of the project site along the right of way, consistent with the area indicated in Exhibit A (Figure 7 of the staff report; depicting area identified as priority need for screening and buffering). Applicant is to work with the County Arborist to determine the appropriate types and suitable mixture of vegetation for this location to satisfy this condition. No waivers shall be granted for this requirement. The applicant shall maintain this landscaping.
11. The chlorine tank shall remain well-lit from dusk to dawn, and in view of operational, monitored security camera on south side of building.
12. All lighting shall be arranged to illuminate only the chlorine tank area directly, with the source of the light not aimed or casting light off the property in any way, so as to avoid spillage of light and glare onto adjacent streets and properties.
13. To avoid conflicts, locations of light fixtures must be coordinated with the location of all trees and landscaping, whether existing or proposed to meet other screening and buffering conditions provided herein.
14. Controls shall be employed that automatically extinguish all outdoor lighting for the chlorine tank area when sufficient daylight is available.
15. This site shall be developed consistent with the proposed conceptual plan and the allowance for the installation of a chlorine tank is limited to one tank, only.
16. A permit will be required for the chlorine tank from Marion County Building Safety.
17. Applicant shall meet all applicable regulations imposed by the Florida Building Code, as well as any applicable Fire Safety regulations.
18. Applicant must meet all Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) spill reporting requirements.
19. Applicant must meet the Hazardous Substance Tank registration requirement imposed by the state through agencies such as, but not limited to Florida Department of Environmental Protection, and Florida Department of Health, as well as any other applicable state regulations, such as, but not limited to reportable quantities regulations. Tank registration criteria is found in the Florida Administrative Code.
20. The Special Use Permit shall run with the applicant, Justin's Belleview Pool Supply, LLC; and the owner, Dinkins and Dinkins, LLC, and not the property.
21. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property, or if the applicant vacates the property.
22. The Special Use Permit shall expire on October 14, 2027, and it will be eligible for administrative renewal up to 3 consecutive times for up to 5 years each, by written instrument signed and issued by the Growth Services Director (or a position equivalent to the Growth Services Director at that time), unless:

- a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, The Florida Building Code, any other applicable regulations, 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, Building Safety, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
- c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

Commissioner Zalak out at 7:02 p.m.

15.3.4. 241007ZP - Optimum Dealership Group, LLC, et.al., Zoning Change from General Agriculture (A-1), Community Business (B-2), Regional Business (B-4), and Heavy Business (B-5) to Planned Unit Development (PUD), ±81.85 Acres, Parcel Account Numbers 36474-000-00, 36474-001-00, 36475-000-00, 36547-000-00, 36547-001-00, 36547-002-00, and 36514-000-00, 2916 SE 73rd ST, 2700 SE 73rd ST, 2920 SE 73rd ST, 7392 S US Hwy 441, 7400 S US Hwy 441, and 7680 S US Hwy 441, Ocala FL 34480

The Board considered a petition by Optimum Dealership Group, LLC, Florida Investment Fund of Birmingham, LLC, Investment Company of Florida, LLC, Simeon Holdings, LLC, and Gary and Pamela Turnley, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1), Community Business (B-2), Regional Business (B-4), and Heavy Business (B-5) to Planned Unit Development (PUD), on an approximate 81.85 Acre Tract, on Parcel Account Numbers 36475-000-00, 36474-000-00, 36474-001-00, 36547-001-00, 36547-000-00, 36547-002-00, and 36514-000-00, Site Address 2916 SE 73rd S, 2920 SE 73rd ST, 2700 SE 73rd ST, 7350 S US Hwy 441, 7392 S US Hwy 441, 7400 S US Hwy 441, and 7680 S US Hwy 441, Ocala FL 34480

P&Z PUBLIC HEARING ON SEPTEMBER 30, 2024

241007ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Lourenco, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend approval of the PUD 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 6 to 1 with Mr. Gaekwad dissenting.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the PUD request.

Commissioner Zalak returned at 7:05

In response to Commissioner Bryant, Mr. Rison advised that the applicant had previously requested a zoning change on one of the properties, which was declined by the Board. The Recreational Vehicles (RV) were not removed from that site.

Mr. Rison advised that the surrounding uses in the region include a combination of single family homes, vacant lots, subdivisions, agricultural production parcels and other various commercial properties. He provided a brief overview of the proposed uses throughout the

PUD, including specific information regarding phasing of how the development will work. Mr. Rison stated the applicant did submit a Major Site Plan in relation to the northern area and has been working through the system since fall of 2021. The PUD does propose a series of setback requirements, which would govern overall for the property. Also proposed is a maximum building height of 75 feet. He commented on the proposed buffers and signage. Mr. Rison advised that the traffic methodology has been approved, but a complete traffic study will be required with the site plan. He stated there will be a net increase of approximately 92 trips for the morning and 103 in the evening. The final traffic study is subject to review and the applicant would be required to complete any necessary improvements.

Mr. Rison advised that the site is within the Urban Growth Boundary (UGB), it is designated Commercial, the proposed uses reflect the zoning classes, a reduced floor area ratio (FAR) is being proposed, the road way buffers will comply with the Codes and the adjusted buffer to the west boundary will also comply along with the 30 foot natural no touch buffer. The final traffic study does need to be completed, and the applicant will be subject to LDC provisions regarding development.

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

1. The PUD shall be developed consistent with the PUD Concept Plan, as revised, and the development conditions provided with this approval.
2. The PUD's uses shall conform to the authorized uses and maximum floor area ratio (FAR) standards as listed and illustrated on the PUD Conceptual Master Plan Sheet C004.
3. No on-site public address (PA) systems shall be utilized.
4. All vehicle repair and/or service work shall be required to take place in a fully enclosed building with closed doors, wherein no repair work shall occur in open bays or bays with open doors.
5. The PUD shall comply with the following design and development standards listed in Table B below:

TABLE B. PROPOSED DESIGN & DEVELOPMENT STANDARDS	
<i>Minimum Setback Direction/Yard</i>	<i>Setback Distance (Feet)</i>
Minimum Front Setback	40'
Minimum Side Setback	25'
Minimum Rear Setback	25'
Accessory Structure Setback	25'
Building Height Restriction Setback per LDC Section 4.2.31E(4)(b)1	100'
Maximum Building Height	75 Feet

6. The PUD shall comply with the PUD Development Buffers listed in Table D below:

TABLE D. BUFFER COMPARISON AND RECOMMENDATION		
Direction	Adjoining Use	Required
NORTH PARCEL		
North	COM: MHP/RVP Auto Sales	No Buffer

South	COM: Dollar General No	No Buffer
	SE 73 rd Street	Type-C
East	US Hwy 441	Type-C
West	COM: Church Vacant Ag/Com	<u>Modified Type-B</u> 20' wide without wall with 3 shade trees and 3 accent/orn. trees OR 15' Type-B (reduced width) with Wall
SOUTH PARCEL		
North	COM: Church PUD Comm.	Type-C
South	COM: RV Sales, Shed Sales	No Buffer
	SE 73 rd Street	Type IV – 30' Undisturbed ("No touch")
East	US Hwy 441	Type-C
	COM: RV Sales, Shed Sales	No Buffer
	RVP/MHP	Type IV – 30' Undisturbed ("No touch")
West (overall)	Ag/Residential Tracts Legendary Trails	Type IV – 30' Undisturbed ("No touch")

7. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the final Traffic Study and any supplemental study information as required by the County Engineer, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
8. The PUD's vehicular access shall be provided as follows:
 - a. North PUD – SE 73rd Street, and cross access consistent with the PUD Concept Plan and LDC;
 - b. South PUD – S. US Hwy 441, SE 73rd Street, and cross access consistent with the PUD Concept Plan and LDC. No access to SE 80th Street.
9. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
10. 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.
11. The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.
12. The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.

October 15, 2024

13. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second/separate submittal.

In response to Commissioner Bryant, Mr. Rison referred to a list of approved B-4 uses as shown on the overhead screen. He confirmed that a campground is not a permitted use in B-4.

General discussion ensued relating to buffering.

Fred Roberts, SE 11th Avenue, attorney on behalf of the applicant, advised that the previous zoning change on the property near the church was a straight zoning change; therefore, the buffers could not be modified from what was allowed by Code. He advised that previous discussion did take place relating to what buffer would be required, which was 20 feet or 15 feet with a wall for the segment adjacent to the church. Mr. Roberts opined that placing a wall in this section is preferable and it should not be an issue.

Mr. Roberts advised that the Board previously requested the applicant come back before the Board with a PUD in connection with the entirety of the project, which would allow for one unified Master Plan associated with the development. He stated the conceptual plan establishes a series of things, 1) a reduced Floor Area Ratio (FAR); 2) enhanced buffering; 3) limitations on points of access; 4) allows for RV sales and service on two properties within the PUD that have commercial land uses, but do not have a corresponding zoning.

Mr. Roberts advised that an RV park is not being proposed within the PUD, noting a Large Scale Comprehensive Plan Amendment would be required in order to have an RV park onsite, as well as a rezoning or modification to this PUD. He stated the applicant agrees with all conditions proposed by staff.

Chairman Stone opened the floor to public comment.

Ana Martinez, SE 73rd Loop, requested the Board put the prohibition of a camp ground in writing as one of the Conditions. She opined that the proposed PUD is against the public interest and commented on traffic concerns. Ms. Martinez expressed opposition to allowing service of the RVs onsite. She advised of concerns relating to access and impact to wildlife and urged the Board to limit the access to SE 73rd Street.

Silka Gonzalez, SE 73rd Loop, did not appear when called upon to speak.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, presented a 20 page handout containing photographs of the subject site and a notice of Code Enforcement violation. He commented on the buffers, access points, signage, and stormwater concerns. Mr. Tillman expressed concern with the development that has taken place without permission and what will happen in the future. He requested the Board require a double staggered hedge row with 7 gallon plant material that grows to 10 feet along SE 73rd Street. Also for the trees to be installed at a 4 inch caliber size on both sides of the road in the 15 foot type "C" buffer along the roadway.

Mr. Tillman requested the outdoor lighting be shielded and remain onsite. He commented on the buffers and requested the 30 feet no touch buffer be increased to a 100 foot no touch buffer.

Mr. Tillman advised that he would like to ensure the entryway currently on the corner of SE 73rd Street and Highway 441 is closed and the roadway is brought up to a current roadway standard and turn lanes are added into SE 73rd Street.

Mr. Tillman commented on the recent Code Enforcement case, noting development has not been done appropriately.

General discussion ensued relating to Conditions and buffering.

Bill Gladston, NW 1st Avenue, expressed traffic and lighting concerns.

Chairman Stone advised that public comment is now closed.

Mr. Roberts advised that the Code Enforcement case is related to a property owned by the Turnley family, noting the Turnley Family applied for rezoning for the entirety of their parcel. Optimum RV had originally leased that property. He stated the Property Appraiser's website showed that property to be zoned B-4 and B-5. There was no reference to A-1 and a Commercial Land Use; therefore, when the property was leased it was assumed by all that it was usable. Mr. Roberts advised that when the rezoning request was denied the Turnley's decided to sell the property to Optimum RV.

Commissioner Bryant advised that the parking of the RVs on the A-1 property has been an issue since the Board denied the rezoning and Optimum RV continued to contain the RV's on that site with no regard to the zoning or the Board decision.

General discussion ensued.

Mr. Roberts advised that the applicant has agreed to a 50 foot no touch buffer along the entire west boundary of the south portion of the property, which is part of phase 2. He stated the phasing plan will be brought back for Board review with the Master Plan. Mr. Roberts advised that along both boundaries of SE 73rd Street everything lying west of the newly proposed entrance will go to a 20 foot wide buffer, Type "2". He stated there was no buffer shown to the east of the driveway, but the applicant is proposing a Type "1", 15 foot wide buffer corresponding to Mr. Tillman's request relating to plantings. Mr. Roberts presented a 1 page handout and an 11x17 inch map and advised that the buffer types are identified on the 11x17 inch map containing the buffer plan provided.

General discussion ensued relating to buffers.

Mr. Roberts stated a traffic study is required, but the applicant is anticipating the need to widen SE 73rd Street with approximately 500 feet of depth to include a turn lane and to bring SE 73rd Street up to current standards and beyond the driveway entrances. He stated there will not be any access from the six acres that is not currently zoned for this use. The access will be aligned to what is north and south of SE 73rd Street to allow for interconnectivity between the two sites. In addition, the service center will not be allowed a dedicated entrance onto Highway 441. Mr. Roberts advised that from an operational perspective the goal is to have people through the main location to purchase new RVs.

Mr. Roberts stated a photometric plan is required during the site plan process.

Commissioner Zalak expressed concerns with the lighting not being contained on site, noting he drove by the previous night to double check. He stated everything the Board has requested from the applicant in the past has not been done.

Mr. Roberts advised that a majority of the property can be developed under the current zoning and land use without coming before the Board.

General discussion ensued.

In response to Commissioner Zalak, Mr. Roberts advised that the Master Plan will be brought back to the Board within 1 year for review. Once the Master Plan is approved it will be approximately 6 months for the site plan approval. He stated the applicant will

October 15, 2024

agree to a Condition requiring the Master Plan to contain a time frame for phasing and commencement of construction for each phase.

Commissioner Zalak recommended approving the PUD on the property north of SE 73rd Street and allowing time for the applicant to prove to the Board that they will follow the Conditions.

Mr. Roberts advised that the northern property is already fully entitled.

Commissioner Zalak questioned why the site has not been developed. Mr. Roberts stated the site plan was submitted and the applicant is waiting on the cross access to be opened. There is a covenant with the County. The Dollar General owner will submit notice and within 180 days the County would open that up. He advised that staff sent a notice to Dollar General approximately 7 months ago and the Dollar General has not responded. Commissioner Bryant expressed concern with allowing the applicant more property and the B-4 zoning without knowing what use will take place in the B-4.

Mr. Roberts clarified that there is no expansion of the B-4 zoning involved in this PUD request.

General discussion resumed.

In response to Commissioner Bryant, Mr. Tillman advised that increased buffer proposed by Mr. Roberts is agreeable, but requested 4 inch caliber trees and 7 gallon material for the double staggered hedge row. He stated the 50 foot no touch buffer is acceptable. Mr. Tillman stated the proposed plan does have RV sales, services or uses permitted under B-5 zoning classifications on a portion along Highway 441, noting the Board may want to restrict some of the B-5 uses.

Mr. Roberts advised that the applicant is in agreeance to the proposed plant materials for the buffers. He stated if there are specific uses under the current zoning the Board would like to limit, the applicant is willing to comply.

In response to Chairman Stone, Mr. Roberts advised that the service center will be to the north.

Mr. Rison stated staff did have some discussions with the applicant relating to the phasing of the southern portion. He advised that the double staggered hedge row is not required in the buffer types, but will be an added Condition.

Mr. Robert advised that the applicant has agreed to limit the northwest corner 6 acres on the south side of SE 73rd Street to sales only. He stated the applicant would like to move forward with installing the buffers along SE 73rd Street now.

Chairman Stone advised that the applicant has agreed to the additional buffering on SE 73rd Street as requested by Mr. Tillman and to bring SE 73rd Street roadway up to standard. She stated the entrance at SE 73rd Street and Highway 441 will be closed as well.

Ms. Straub stated staff has been requesting the SE 73rd Street entrance be closed for a while.

Mr. Roberts clarified that the SE 73rd Street/Highway 441 entrance will be closed.

In response to Chairman Stone, Mr. Roberts advised that the applicant has a maximum of 1 year to submit the Master Plan for Board review and then 6 months from the approval of the Master Plan to submit the site plan.

Commissioner Bryant advised that the SE 73rd Street/Highway 441 entrance can be closed now.

Ms. Straub stated the property immediately south of SE 73rd Street does not have an approved plan; therefore, the millings and the placement of the units on that site do not meet any standard given.

General discussion ensued.

In response to Chairman Stone, Mr. Rison advised that the Code requires a type "D" buffer (15 foot wide with a wall) adjacent to the church property. The applicant is proposing a type "B" buffer, which contains more plantings, or they are willing to make it a 20 foot wide buffer with additional trees consisting of 3 shade trees and 3 ornamental trees, but no wall.

General discussion ensued related to buffering.

Ms. Straub opined that the photometric plan should be updated and submitted for review within 60 days and recommended the SE 73rd Street submittal be provided to staff within 60 days.

Mr. Roberts advised that the applicant does not have an approved traffic study.

Ms. Straub stated the traffic methodology has been approved and questioned when the traffic study will be completed. Mr. Roberts advised that the traffic study will be submitted within a month for review and requested the Board allow 180 days for SE 73rd Street.

Ms. Straub recommended 90 days from the time staff receives the information from the applicant.

Mr. Roberts requested 90 days from the approval of the traffic study.

Mr. Tillman opined that the request for 180 days to submit the site plan is not unreasonable.

Commissioner Bryant advised that the Board could allow 180 days for the traffic plan, but not on the photometric plan.

General discussion ensued relating to the Conditions.

In response to Commissioner Zalak, Mr. Roberts advised that the Master Plan will come back before the Board for review and show the exact designation of areas, as well as the phasing plan. He stated modifications to the Master Plan would have to come back before the Board.

Chairman Stone commented on the zoning exclusions for B-5, noting there will not be an RV park on this site.

Mr. Rison advised that a notation can be made that there will not be an RV park or adult entertainment facility onsite.

Mr. Roberts addressed the B-5 uses that will not be considered for this location.

Chairman Stone advised that the excluded B-5 uses can be discussed during the Master Plan approval.

In response to Mr. Rison, Commissioner Bryant advised that the timing of the buffer installation will be addressed with the Master Site Plan.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Resolution 24-R-484 approving the Special Use Permit request with Conditions 1 through 20, as amended, 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-484 includes the following Conditions:

1. The PUD shall be developed consistent with the PUD Concept Plan, as revised (9/2024, Attachment A), and the development conditions provided with this approval.
2. The PUD's uses shall conform to the authorized uses and maximum floor area ratio (FAR) standards as listed and illustrated on the PUD Conceptual Master Plan Sheet C004, further detailed in Table A below:

Table A. PUD Uses and Maximum Floor Area Ratios (FAR) (by Parcel/Area)	
Parcel Identification No.	Eligible Uses & Maximum Floor Area Ratio (FAR)
NORTH AREA	
36474-000-00	RV Sales and Service or uses permitted under B-4 zoning classification; maximum 0.4 FAR
36474-001-00	RV Sales and Service or uses permitted under B-2 zoning classification; maximum 0.4 FAR
36475-000-00	RV Sales and Service or uses permitted under B-4 zoning classification; maximum 0.4 FAR
SOUTH AREA	
36547-000-00 - up to 500-foot depth along west side of S. Hwy 441 frontage (aligns with existing prior B-5)	RV Sales and Service or uses permitted under B-5 zoning classification; maximum 0.25 FAR
36547-000-00 - remaining west portion of parcel	RV Sales and Service or uses permitted under B-4 zoning classification; maximum 0.25 FAR
36547-001-00	RV Sales Only; use only for sales/display of RVs, with no buildings; 0.0 FAR _{current}
36547-002-00 - up to 500-foot depth along west side of S. Hwy 441 frontage (aligns with existing prior B-5)	RV Sales and Service or uses permitted under B-5 zoning classification; maximum 0.25 FAR
36547-002-00 - remaining west portion of parcel	RV Sales and Service or uses permitted under B-4 zoning classification; maximum 0.25 FAR
36514-000-00 - 500-foot depth along west side of S. Hwy 441 frontage (aligns with existing prior B-4 and B-5)	RV Sales and Service or uses permitted under B-5 zoning classification; maximum 0.25 FAR
36514-000-00 - remaining west and southwest portions of parcel	RV Sales and Service Only; maximum 0.25 FAR
36514-000-00 - southwest portion of parcel along SE 80 th Street	No Development (existing former Limerock Quarry)

3. No campground, camping, and/or overnight stays shall occur in any area of the PUD.
4. No on-site public address (PA) systems shall be utilized.
5. All vehicle repair and/or service work shall be required to take place in a fully enclosed building with closed doors, wherein no repair work shall occur in open bays or bays with open doors.
6. The PUD shall comply with the following design and development standards listed in Table B below:

TABLE B. PROPOSED DESIGN & DEVELOPMENT STANDARDS	
<i>Minimum Setback Direction/Yard</i>	<i>Setback Distance (Feet)</i>

Minimum Front Setback	40'
Minimum Side Setback	25'
Minimum Rear Setback	25'
Accessory Structure Setback	25'
Building Height Restriction Setback per LDC Section 4.2.31E(4)(b)1	100'
Maximum Building Height	75'

7. The PUD shall comply with the PUD Development Buffers listed in Table D below:

TABLE D. BUFFER COMPARISON AND RECOMMENDATION		
Direction	Adjoining Use	Required
NORTH AREA		
North	COM: MHP/RVP Auto Sales	No Buffer
South	COM: Dollar General	No Buffer
	SE 73 rd Street* PUD Comm.	Modified Type-C with all trees installed to be a minimum 4" caliper, and including a double-staggered hedgerow consisting of sweet viburnum (Viburnum odoratissimum) a minimum 7 gallon/3- feet height size at installation to achieve and be maintained at a 10' height.
East	US Hwy 441	Type-C
West	COM: Church Vacant Ag/Com	Option 1: Modified Type-B 20' wide without wall with 3 shade trees and 3 accent/om. trees OR Option 2: 15 ' Type- D with Wall; the specific buffer option provided along the parcel boundary shared with the Calvary Missionary Baptist Church on Parcel Id. No. 36479- 000-00 shall be determined by the Church with the final buffer option identified on the Final PUD Master Plan or equivalent.
SOUTH AREA		

North	SE 73 rd Street* COM: Church PUD Comm.	Modified Type-C with all trees installed to be a minimum 4" caliper, and including a double-staggered hedgerow consisting of sweet viburnum (Viburnum odoratissimum) a minimum 7 gallon/3- feet height size at installation to achieve and be maintained at a 10' height.
South	COM: RV Sales, Shed Sales	No Buffer
	SE 80 th Street	Type IV - 30' Undisturbed ("No touch")
East	US Hwy 441	Type-C
	COM: RV Sales, Shed Sales	No Buffer
	RVP/MHP	Type IV - 30' Undisturbed ("No touch")
West (overall)	Ag/Residential Tracts Legendary Trails	Type IV -50' Undisturbed ("No touch")
*The SE 73 rd Street buffers for the north and south areas shall be completely installed prior to, or in conjunction with, the PUD developer's obligation to reconstruct SE 73 rd Street as provided in Condition #9 below.		

8. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the final Traffic Study and any supplemental study information as required by the County Engineer, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
9. The PUD developer shall be responsible for the removal of the existing driveway connection located at the southwest corner of the S. Hwy 441 and SE 73rd Street intersection, and the reconstruction and improvement of SE 73rd Street, consistent with the findings of the Traffic Study, in accordance with the County's LDC provisions and the following:
 - a. Within 60 days of receiving approval of the PUD Traffic Study, the PUD developer shall submit the construction/improvement plans for the SE 73rd Street improvements to include removal of the S. Hwy 441 /SE 73rd Street intersection driveway,
 - b. Within 180 days of this PUD approval, the construction of the required improvements to SE 73rd Street and removal of the driveway at the southeast corner of the S. Hwy 441/SE 73rd Street intersection shall be completed.

- c. SE 73rd Street shall be reconstructed to meet a current County standard and off-site improvement plans shall be provided for review and approval by the County Engineer and in accordance with the Traffic Study.
10. The PUD's vehicular access shall be provided as follows:
 - a. North PUD - SE 73rd Street, and cross access consistent with the PUD Concept Plan and LDC;
 - b. South PUD - S. US Hwy 441, SE 73rd Street, and cross access consistent with the PUD Concept Plan and LDC.
 - c. No access shall be provided to SE 80th Street.
11. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
12. The PUD site must comply with the County's LDC site lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan shall be provided within 60 days of this PUD's approval. The plan shall demonstrate how the PUD site lighting complies, or will be modified to comply, with the County's LDC site lighting standards, and there shall be immediate implementation by the PUD developer for the existing lighting and then shall provide for phased development of the site to ensure no negative impacts to neighboring parcels.
13. The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.
14. The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.
15. Within one (1) year of this PUD's approval, the full PUD-wide final PUD Master Plan, or equivalent, shall be submitted for review through the appropriate County development application review process.
16. The Major Site Plan(s) for the PUD shall be submitted within six (6) months of the approval of the PUD Master Plan, or equivalent.
17. The final PUD Master Plan, or equivalent, shall further identify the PUD developer's proposed list of prohibited uses ordinarily permitted in the site's eligible B-2, B-4, and B-5 areas.
18. The final PUD Master Plan, or equivalent, shall identify the maximum number of recreational vehicles allowed for sales/display on the PUD site.
19. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense.
20. The PUD shall expire in three (3) years, rather than five (5) years, as provided in LDC Section 4.2.31.L(1).

Commissioner McClain out at 8:33 p.m.

15.3.5. Revocation Hearing Regarding 211216SU - Bissoondial Bisram (Landowner), Ricardo Rosales Sanzo and Dunia Ruiz Aguila (Agents), Special Use Permit for Parking of One Semi-Truck and One Dry-Van Trailer, in a General Agriculture (A-1) Zone, 1.14 Acres, Parcel Account Number 2331-009-019, Site Address 7745 SW 15th PL, Ocala, FL 34474, with 240603SU

October 15, 2024

Deputy Growth Services Director Ken Weyrauch presented the following recommendation:

Description/Background: Ricardo and Dunia Rosales, property owner and applicant, filed a request for a Special Use Permit (SUP Number 240603SU) of three commercial vehicles on their A-1 zoned property that is 1.14 acres in size. The property is located in a subdivision of residential/agricultural lots. The applicant was previously granted a SUP for one commercial vehicle on the same property. The property is located inside of the secondary spring's protection zone. During the June 18, 2024 BCC hearing for a new SUP (240603SU) request, the Board requested the applicant's existing SUP (211216SU) be brought back for revocation.

Budget/Impact: None.

Recommended Action: Board of County Commissioners recommended Revocation Hearing for SUP number 211216SU

Transportation Planner Ken Odom advised that Agenda Items 15.3.5 and 15.3.6 are companion items. He provided a brief overview of the existing SUP and the Code Enforcement violations. Mr. Odom advised that staff has not received any letters of opposition, but have received 9 letters of support. He stated the original SUP was approved in 2021 for 1 tractor and 1 trailer. The applicant violated the SUP by having 3 tractor trailers onsite on multiple occasions.

Mr. Odom advised that the area is A-1/Low Residential, noting majority of the area is single family or multifamily homes.

Commissioner McClain returned at 8:35 p.m.

Commissioner Zalak out at 8:35 p.m.

Mr. Odom reiterated that staff's recommendation was to allow 1 vehicle onsite and the Board agreed. He provided a timeline of the events leading up to this point. Mr. Odom stated being considered today is the revocation of 211216SU, noting the companion item is essentially a denial of the modification of the SUP for the current case.

Commissioner Zalak returned at 8:28 p.m.

In response to Commissioner Bryant, Mr. Odom advised that staff has provided alternative approval Conditions should the Board decide not to revoke the SUP, which are as follows:

1. The Ingress/Egress shall continue to come from SW 15th Street.
2. The commercial vehicles shall be parked on a concrete pad connected to a paved driveway that connects to the driveway apron.
3. No unloading or loading of materials shall not take place on the subject property.
4. No mechanical repairs, washing, 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. This special use permit runs with the owner and not property. Any sale of the property will void this special use.
7. This special use permit will allow for one (1) commercial vehicle with a weight of 16,000 pounds or more, and will allow the dry van trailer associated with that truck. The original approved commercial vehicle is

associated with VIN #HSRUAHR2VH430617 & the dry van trailer is associated with VIN #1GRAA06253G327988.

8. The Special Use Permit shall expire on February 1st, 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).

Mr. Odom stated the most important point is the Conditions are limiting the applicant to 1 tractor and trailer, not 3.

Dunia Rosales, SW 15th Place, applicant, advised that she agrees with the staff's proposed conditions.

Commissioner Bryant stated if there is more than 1 tractor/trailer onsite when Code Enforcement goes to the property the Board will have to revoke the SUP.

Ms. Rosales advised that she is working to find a property within the next year that can be purchased for this use.

Chairman Stone opened the floor to public comment.

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

In response to Commissioner Zalak, Mr. Odom advised that Code Enforcement went to the property multiple times and there were multiple trucks onsite.

Code Enforcement Officer Diana Durbin stated she first noticed the additional trucks on January 9, 2024, noting when she went back for reinspection on January 22, 2024 she spoke with the applicant who indicated that a new SUP application was going to be submitted. She advised that when she went back out to the subject property on February 16, 2024 the 3 semis were on the property, but since that date the trucks have not been on site.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to deny the revocation request. The motion passed 4-1 with Commissioner Zalak dissenting.

15.3.6. 240603SU - Ricardo and Dunia Rosales, Special Use Permit for Parking Three Commercial Vehicles in a General Agriculture (A-1) Zone; 1.14 Acres, Parcel Account Number 2331-009-019; Site Address 7745 SW 15th PL, Ocala, FL 34474, with Revocation Hearing 211216SU

The Board considered a petition by Ricardo and Dunia Rosales, for a Special Use Permit for parking three commercial vehicles in a General Agriculture (A-1) Zone; 1.14 Acres, Parcel Account Number 2331-009-018; Site Address 7745 SW 15th PL, Ocala, FL 34474, with Revocation Hearing 211216SU

This matter was addressed with Agenda Item 15.3.5.

October 15, 2024

A motion was made by Commissioner Bryant, seconded by McClain, to deny the SUP request. The motion passed 4-1 with Commissioner Zalak 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 Mills-McAllister regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to adopt Ordinance 24-28 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 24-28 is entitled:

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

There being no further business to come before the Board, the meeting thereupon adjourned at 8:43 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk