

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

December 17, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, December 17, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were 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. Clerk Gregory C. Harrell was absent due to a prior commitment.

ANNOUNCEMENTS:

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

1. PROCLAMATIONS AND PRESENTATIONS:

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

1.1. PRESENTATION - Peace on Earth by the Marion County Volunteer Employee Choir (Presentation)

ACA Amanda Tart invited everyone in the audience to join along with the Marion County Choir to share in the joy of singing collectively, and celebrating the true meaning of Christmas.

(Ed. Note: members of the Marion County Volunteer Employee Choir include Tommy Tieche; Glenn Meyers; Jenny Johnson; Loretta Shaffer; Kristie Wright; Jaymi Waldron; Lynn Nobles; and Jeffrey Askew. Choir member Chelsey Brooks was unable to attend.).

1.2. PRESENTATION - "Litter Hero Award" to Multiple Agencies for Investigation and Cleanup in an Illegal Dumping Case That Lead to an Arrest – Lacey Larramore, Resource Liaison, Solid Waste (Presentation Only)

Description/Background: Marion County Growth Services, Solid Waste, and the Marion County Sheriff's Office partnered together in an illegal dumping case that took place in multiple locations in Marion Oaks of more than 1,200 pounds of trash.

Budget/Impact: None.

Recommended Action: Presentation Only

Solid Waste Resource Liaison Lacey Larramore advised that when the Litter Task Force was formed in 2021, the County recognized the importance of honoring those in the

community who have made a significant impact in the fight against litter. She noted since then, every quarter the BCC has recognized those in the community who have made a difference to create a cleaner, healthier Marion County. Ms. Larramore presented the fourth quarter "Litter Hero Award" Certificate of Appreciation to several outstanding organizations, including representatives from the Marion County Code Enforcement Department; Marion County Sheriff's Office (MCSO); and Marion County Solid Waste Department. She advised that these organizations partnered together in an illegal dumping case that took place in multiple locations throughout Marion Oaks resulting in more than 1,200 pounds of trash being abandoned. Ms. Larramore stated the dump sites were not only cleaned up, but through their collective efforts and hard work a litter arrest was made.

Ms. Larramore introduced Rubbish and Debris, the lovable mascots of the "No Horsin' Around with Marion" anti-littering campaign.

Ms. Larramore expressed appreciation to Marion County Code Enforcement Officers Jeremy Walker, Tracy Gilyard, Kristine Martin, Scott Anderson, and Erica Nash, as well as Deputy Hunter Corne, MCSO.

Chairman Bryant expressed her appreciation for the outstanding job being performed everyday for the citizens of Marion County. She thanked Commissioner Curry for putting together the Litter Task Force, noting he has been the driving force behind this effort.

1.3. PRESENTATION – Publix, Coca Cola Florida, Express Care of Belleview and HTM Developers/D.R. Horton Donations to Litter Awareness Campaign - Lacey Larramore, Resource Liaison, Solid Waste (Presentation Only)

Description/Background: Publix, Coca Cola Beverages Florida, Express Care of Belleview and HTM Developers/D.R. Horton donated as Silver Sweepers Level Sponsors. Representation from each organization will be recognized as they deliver checks to the Board donating funds to the Litter Awareness Campaign.

Budget/Impact: None.

Recommended Action: Presentation Only.

Solid Waste Resource Liaison Larramore advised that the County's amazing business partners have helped spread the word to "Step it up and Pick it up" by encouraging everyone in Marion County to be litter free. She announced the 4 newest members of the Silver Sweepers Level sponsors: Publix, Coca Cola Beverages of Florida, Express Care of Belleview and HTM Developers/D.R. Horton.

(Ed. Note: It was noted for the record that representatives from each of the businesses presented a check to the Board in the amount of \$2,500.00 to be utilized for the Litter Awareness Campaign. It was also noted that representatives from Publix Grocery Stores could not be present at today's meeting.)

1.4. PROCLAMATION – Animal Abuser Registry Awareness Month - Lilly Baron, SPCA of Ocala (Approval and Presentation)

The Board presented the Proclamation designating the Month of January 2025 as "Marion County Animal Abuser Registry Awareness Month" to Lilly Baron, President of the Society for the Prevention of Cruelty to Animals (SPCA) of Marion County, Florida Senator Stan McClain, and several representatives.

Chairman Bryant expressed her appreciation to former Commissioner David Moore, who presented the idea to create the Animal Abuser Registry and to Senator Stan McClain who championed for "Molly's Law" when he was a member of the Florida House of

Representatives. She advised that the Public Broadcasting System (PBS) created a "Molly's Law" documentary.

SPCA of Ocala President Lilly Baron stated the documentary can also be viewed on the SPCA's website at www.spcaofocala.org. She expressed her appreciation to all who supported and sponsored this movement. Ms. Baron also expressed her appreciation to Evelyn Kelly who recently wrote a book "Have a Love Affair with Travel" that brings light to Ambassador Molly's story in the "Dedicated Dogs throughout the World" section and placed Molly in the book to represent the United States of America (USA). She advised that she is working with Senator McClain to push for a Statewide Animal Abuser Registry. Ms. Baron noted she will be donating a statue of Molly to the new Animal Shelter.

Senator Stan McClain wished everyone a Merry Christmas.

Ms. Baron expressed her appreciation to Lamar Advertising, noting for the entire month of January 2025, the company will be advertising the Animal Abuser Database Awareness Month on their digital boards for the eighth year in a row.

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

Chairman Bryant opened the floor to public comment.

Bronson Mosley, NE 7th Street, addressed the Board in regard to Agenda Item 1.4 and advised that he is the Media Director for Sheltering Hands, Inc., noting the organization works tirelessly to do what it can for the animals that depend on them and other animal organizations. He expressed his appreciation to the BCC for its support.

Chairman Bryant advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES (5 sets):

3.1. September 5, 2024 A

3.2. September 5, 2024 B

3.3. September 5, 2024 C

3.4. September 9, 2024

3.5. September 12, 2024

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt the meeting minutes of September 5 (3 sets), September 9, and September 12, 2024. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:

4.1. Request Approval of a Grant Award Acceptance by the Marion County Board of Commissioners for the BJA FY 2024 Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program, Award Number 15PBJA-24-GG-04506-COAP for the Project Titled Marion County (Florida) Family Treatment Court

The Board considered the following recommendation as presented Trial Court Administrator Jeff Fuller, Court Administration:

Description/Background: On July 2, 2024, the Board designated Regina Lewis to serve as the lead applicant for the BJA FY 2024 Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program for the project titled Marion County (Florida) Family Treatment Court. On November 16, 2024, Trial Court

December 17, 2024

Administration received notification from the Department of Justice that they have been selected for an award of \$1,300,000.

Budget/Impact: Grant revenue in the amount of \$1,300,000. Matching funds are not required.

Recommended Action: Motion to approve the acceptance and authorize the Chairman to execute the Award Acceptance by the Marion County Board of County Commissioners for BJA FY 2024 Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program, award number 15PBJA-24-GG-04506-COAP for the project titled Marion County (Florida) Family Treatment Court.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve the acceptance and authorize the Chairman to execute the Award Acceptance by the BCC for BJA FY 2024 Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program, award number 15PBJA-24-GG-04506-COAP for the project titled Marion County (Florida) Family Treatment Court. The motion was unanimously approved by the Board (5-0).

4.2. 2023-27 Edward Byrne Memorial Justice Assistance Grant Program - \$65,805

The Board considered the following recommendation as presented by Caitlin Rath, Grants Coordinator, Marion County Sheriff's Office (MCSO):

Description/Background: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and units of local government. The US Department of Justice has made \$65,805 available to Marion County that may be used for law enforcement programs, prosecution and court programs, technology improvements, and more. In years past, the Board has delegated application authority to the Sheriff's Office to prepare and submit the JAG grant application. The funds for the 2023-2027 grant period are requested to support the following programs:

Marion County Sheriff's Office - Investigations - \$55,805

The Marion County Sheriff's Office will utilize grant funds for equipment in the Detective Bureau. Detectives from Major Crimes, Property Crimes, Drug Unit and the Intelligence Unit will utilize surveillance equipment for operations to combat violent crimes and conduct surveillance to mitigate crime.

Marion County 5th Judicial Court - Drug Court Program - \$10,000

The Marion County Drug Court Program will utilize grant funds for drug screens, which are required of participants enrolled in the program.

On November 5, 2024, the Board approved the motion to delegate application authority for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program as described to the Sheriff's Office and to authorize the County Administrator to sign the Certifications and Assurances form for electronic submission.

Budget/Impact: Grant revenue of \$65,805 (No local match required)

Recommended Action: Motion to approve the acceptance and authorize the Chairman to execute the award acceptance document for electronic submittal.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve the acceptance and authorize the Chairman to execute the award acceptance document for electronic submittal. The motion was unanimously approved by the Board (5-0).

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

Deputy Clerk Windberg advised that Budget Amendment Resolution 5.1.5. coincides with Consent Agenda Item 7.6.1.; and Budget Amendment Resolution 5.1.7. coincides with Agenda Item 9.1.

County Administrator Mounir Bouyounes advised of a revision to the Agreement for Agenda Item 7.1.1. as published in the Agenda packet, noting Community Services Director Cheryl Martin would provide more information.

Community Services Director Cheryl Martin commented on the changes to Consent Agenda Item 9.1. She clarified that there was an original Agreement with the Marion County Hospital District (MCHD) to vet and monitor projects with the Opioid Settlement Committee. Ms. Martin stated those recommendations would then be brought back for BCC approval. She advised that soon after the process began staff realized that the current process was too cumbersome so the suggestion in the First Amendment to the Interlocal Agreement (ILA) is to allow MCHD to distribute funds to the projects and they would enter into Agreements, review, and monitor those funds. Ms. Martin noted this will be an annual Agreement, so as funding is needed for new projects that Agreement would be amended for those additional funds.

In response to Chairman Bryant, Ms. Martin stated the revision will designate the MCHD as the disbursement agent responsible for distribution of the funds, as well as vetting, monitoring and reporting of expenditures. The Amendment will also provide that the MCHD receive 4.5 percent (%) in administrative costs.

In response to Chairman Bryant, Mr. Bouyounes advised that the updated ILA will be added to the published After Action Agenda on the County's website.

Upon motion of Commissioner Stone, seconded by Commissioner Curry, the Board adopted the following Budget Amendment Resolutions transferring funds, as well as approving coinciding Consent Agenda Items 7.6.1. and 9.1. as follows:

5.1.1.a. 24-R-650 – Budget Transfer from Tourist Development Fund to General Fund - \$500,000

5.1.1.b. 24-R-651 – General Fund – Other Recreational Programs - \$500,000

5.1.2. 24-R-652 – General Fund - County Administrator - \$25,000

5.1.3. 24-R-653 – General Fund - Fleet Management - \$11,250

5.1.4. 24-R-654 – General Fund - Supervisor of Elections Transfer - \$472,000

5.1.5. 24-R-655 – Infrastructure Surtax Capital Project Fund - Infrastructure Tax Fire - \$30,000

5.1.6. 24-R-656 – Infrastructure Surtax Capital Project Fund - Multiple Cost Center - \$51,000,000

5.1.7. 24-R-657 – Opioid Settlements Fund - Opioid Regional Settlements - \$3,709,750

5.1.8.a. 24-R-658 – General Fund - Capital Project Re-appropriation Reconciliation - \$171,725

5.1.8.b. 24-R-659 – Marion County Airport Fund – Marion County Airport – CIP - \$253,021

5.1.8.c. 24-R-660 – Parks & Rec Fees Fund - Parks & Rec Fees CIP - \$61,904

5.1.8.d. 24-R-661 – Medical Examiner Fund - Medical Examiner CIP - \$16,824

5.1.8.e. 24-R-662 – Fire Rescue and EMS Fund - Fire Rescue Services CIP - \$11,801

5.1.8.f. 24-R-663 – Marion County Utility Fund - Utilities Capital Construct - \$4,563,509

5.1.8.g. 24-R-664 – Infrac Surtax Cap Proj Fund - Transportation Improvement Project Re-appropriation Reconciliation - \$10,737,341

5.1.8.h. 24-R-665 – MC Health Unit Trust Fund - Marion County Health Unit - \$70,000

5.1.9.a. 24-R-666 – 80% Gas Tax Const Fund - 80% Gas Tax Const Fund Department Open Balances Fwd – Cash - Regular - \$2,702,273

5.1.9.b. 24-R-667 – 2nd Local Opt Fuel Tax - 2nd Local Opt Fuel Tax Department Open Balances Fwd-Cash – Regular - \$4,209,856

5.1.9.c. 24-R-668 – Sidewalk Construction Fund - Sidewalk Construction Fund Department Open Balances Fwd - Cash-Regular - \$21,426

5.1.9.d. 24-R-669 – Impact Fee - East District - \$276,557

5.1.9.e. 24-R-670 – Impact Fee - West District - \$3,728,190

(Ed. Note: CIP is the acronym for Capital Improvement Projects; and EMS is the acronym for Emergency Medical Services.)

5.2. Project Adjustment

5.2.1. Transfer Project Funds and Amend the Capital Improvement Program - General Fund - \$185,101

Facilities Management Director Jared Goodspeed presented the following recommendation:

Description/Background: Facilities Management is requesting a one-time transfer of project funds from FMC000020 (JC2 Replacement of Air Handlers) to SAC000001 (JC3 4th Floor Expansion). Both of these projects are courthouse capital improvements. FMC000020 is in the final stages of completion and will not be utilizing the remaining \$185,101 where as SAC000001 is in need of additional funds in order to have contingency on the project.

Budget/Impact: Neutral.

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

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

5.2.2. Transfer Project Funds and Amend the Capital Improvement Program - Marion County Utility Fund - \$1,435,954

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

Description/Background: Funds for the Marion County Utilities (MCU) portion of the American Rescue Plan Act (ARPA) funds are freeing up as projects on SW 60th Ave, and design phases of Silver Springs Shores (SSS) are completed. There is a need to move some of these funds to SSS phase 1 for Septic to Sewer construction, and to move some to SSS phase 2 for contingency and a possible change in scope. This request is connected to a change order to Purchase Order 2401396 which is also on the agenda. This is a one-time request.

Budget/Impact: Neutral.

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

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

5.3. Clerk of the Court Items

5.3.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 025555, 039716, 041679, 041680, Clerk Disposition List

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve the Acquisition or Disposition of Property Forms 025555, 039716, 041679, 041680, as well as the Clerk Disposition List. The motion was unanimously approved (5-0).

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

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

7.1. Administration:

7.1.1. Request Approval of Second Amendment to Grant Agreement Between Voices of Change Animal League, Inc. and Marion County (Budget Impact - Neutral; expenditure of \$60,000)

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

Description/Background: On December 19, 2023, the Board approved a grant agreement to provide Voices of Change Animal League, Inc. (VOCAL) with \$50,000 to be used for spay and neuter services, vaccination and microchipping, among other services.

On August 20, 2024, the Board approved the first amendment to the agreement to release the remaining funds of \$10,000.

The second amendment being presented for approval today is to provide VOCAL with grant funding in the amount of \$60,000 for continuing their services to Marion County residents and their pets.

Budget/Impact: Neutral; expenditure of \$60,000.

Recommended Action: Motion to authorize Chairman and Clerk to approve and execute the second amendment to grant agreement for VOCAL.

7.1.2. Request Approval of Second Amendment to Grant Agreement Between Humane Society of Marion County, Inc. and Marion County (Budget Impact - Neutral; expenditure of \$60,000)

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

Description/Background: On December 19, 2023, the Board approved a grant agreement to provide Humane Society of Marion County, Inc. with \$50,000 to be used for spay and neuter services, vaccination and microchipping, among other services.

On August 20, 2024, the Board approved the first amendment to the agreement to release the remaining funds of \$10,000.

The second amendment being presented for approval today provides Humane Society of Marion County, Inc., with grant funding in the amount of \$60,000, to continue their services to Marion County residents and their pets.

Budget/Impact: Neutral; expenditure of \$60,000.

Recommended Action: Motion to authorize the Chairman and Clerk to approve and execute the second amendment to grant agreement for Humane Society of Marion County, Inc.

7.1.3. Request Approval of Second Amendment to Grant Agreement Between Sheltering Hands, Inc. and Marion County (Budget Impact - Neutral; expenditure of \$30,000)

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

Description/Background: On December 19, 2023, the Board approved a grant agreement to provide Sheltering Hands, Inc. with \$25,000 to be used for spay and neuter services, vaccination and micro-chipping, among other services.

On August 20, 2024, the Board approved the first amendment to the agreement to release the remaining funds of \$5,000.

The second amendment being presented for approval today provides Sheltering Hands, Inc. with grant funding in the amount of \$30,000 to continue their services for Marion County citizens and their pets.

Budget/Impact: Neutral; expenditure of \$30,000.

Recommended Action: Motion to authorize the Chairman and Clerk to approve and execute the second amendment to grant agreement for Sheltering Hands, Inc.

7.2. Community Services:

7.2.1. Request Approval of State Housing Initiatives Partnership Marion County Affordable Housing Advisory Committee Affordable Housing Incentive Strategies Recommendations (Budget Impact- None)

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

Description/Background: State Housing Initiatives Partnership (SHIP) funding is allocated annually to Marion County based on available documentary stamp revenues. These funds are dedicated to supporting affordable housing initiatives outlined in the County's Local Housing Assistance Plan (LHAP). The Florida Housing Finance Corporation (FHFC) mandates that local governments receiving SHIP funding review 11 housing incentives through the County's appointed Affordable Housing Advisory Committee (AHAC). The Marion County AHAC was appointed and reconfirmed by Resolution 24-R-414 on September 17, 2024.

The purpose of the Incentive Plan is to outline the deliberations and recommendations for both monetary and non-monetary incentives aimed at regulatory reform for affordable housing. This includes evaluating existing County policies, procedures, ordinances, land development regulations, and the comprehensive plan. All recommendations should promote or facilitate affordable housing while ensuring the property's potential for value appreciation is preserved. On December 11, 2024, the Affordable Housing Advisory Committee held a Public Hearing to take public comment and vote on the below incentives and their implementation:

- a. Expedited process of development approvals
- b. Impact fee modifications, waivers, or reimbursements
- c. Flexibility in density
- d. Reservation of infrastructure capacity
- e. Accessory dwelling units
- f. Reduction of parking and setback requirements

- g. Flexible lot considerations
- h. Modification of street requirements
- i. Ongoing regulatory review process
- j. Surplus lands inventory
- k. Transportation hubs and transit-oriented development

The AHAC has reviewed and recommends approval of the attached 2024 recommendations and their implementation for each of the above listed 11 incentives.

Budget/Impact: None.

Recommended Action: Motion to approve the State Housing Initiatives Partnership (SHIP) Affordable Housing Advisory Committee (AHAC) Affordable Housing Incentive Strategies.

7.3. Fire Rescue:

7.3.1. Request Approval of the Federally Funded Subaward and Grant Agreement between the Division of Emergency Management and Marion County Fire Rescue for Agreement Number R1144, 2024 State Homeland Security Grant Program (Budget Impact - Revenue of \$47,948)

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

Description/Background: Marion County Fire Rescue (MCFR) has been participating in the State Homeland Security Grant Program (SHSGP) since 2008. This program provides funding to meet training and equipment needs for the Urban Search and Rescue Task Force 8 (FL TF-8) without any matching funds required. Due to this grant, MCFR has been able to purchase specialized equipment and training for the Special Operations teams which otherwise may not have been possible. Once executed, the agreement will provide reimbursable funds available for the equipment. The total amount of this grant is \$47,948.

Budget/Impact: Revenue of \$47,948.

Recommended Action: Motion to approve the federally funded Subaward and Grant Agreement between the Division of Emergency Management and Marion County Fire Rescue for agreement number R1144, 2024 State Homeland Security Grant Program.

7.4. Parks & Recreation:

7.4.1. Request Approval of Athletic Facility Agreement with Belleview Girls Softball Association, Inc. for Use of Belleview Sports Complex (Budget Impact - Revenue; estimated \$3,000 per season)

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

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

The attached Athletic Facility Agreement, for use of Belleview Sports Complex, has been reviewed and approved by board members of Belleview Girls Softball Association, Inc.

Budget/Impact: Revenue; estimated \$3,000 per season.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Athletic Facility Agreement with Belleview Girls Softball Association, Inc.

7.5. Procurement Services:

7.5.1. Request Approval of Bid Award: 25B-008 Reddick Park Improvements - Foundation Services of Central Florida, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$287,913)

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

Description/Background: On behalf of the Parks & Recreation Department, Procurement advertised a bid to hire a qualified general contractor to remove a portion of an existing road, construct a two stall restroom, sidewalks, fencing, and restripe an existing parking lot at Reddick Park. Five (5) submittals were received and the tabulation is below:

Firm Name - Location	Bid Price
Foundation Services of Central Florida, Inc. - Ocala, FL	\$287,913.14
ER Rooter, Inc. - Jacksonville, FL	\$319,195.00
Decker Construction - Gainesville, FL	\$362,363.27
Blackwater Construction Services - Gainesville, FL	\$409,790.35
Daly & Zilch - Lecanto, FL	\$511,564.00

Parks & Recreation Department Director, Jim Couillard, recommends that Foundation Services of Central Florida, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a draft of the contract. Upon approval at today's meeting, it will be sent to Foundation Services of Central Florida, Inc. for signature and upon return, it will be forwarded to Legal, the Clerk and Chairman for signatures.

Budget/Impact: Neutral; expenditure of \$287,913.14. Up to ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from AA715572-563102-IMPROV175 PRC202202 (General Fund) - \$138,938.14, and AA715572-563102-IMPROV715RPRC202202 (Town of Reddick) - \$148,975.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chairman and Clerk to execute the contract under 25B-008.

7.5.2. Request Approval of Bid Award: 25B-024 Security Fence Contract - Charles White Fence, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$100,000)

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 seeking a qualified and experienced contractor for security fencing at the MCU facilities. The work includes installation of security fencing and repairs

to fencing and gate controllers at the MCU facilities on an as needed basis. Bids were based on unit pricing. Four (4) submittals were received and the tabulation is listed below:

Vendor – Location	BID
E. Gomez Construction, Inc. – Hialeah, FL	\$14,796.10
Charles White Fence, Inc. – Ocala, FL	\$15,423.50
Peter Built Fence, LLC – Summerfield, FL	\$40,815.25
Ocala, Fence, LLC – Ocala, FL	\$42,305.89

Because the low bidder did not claim Local Vendor Preference, and was within 10% of the second lowest bidder, a Best and Final Offer (BFO) was requested. Both E. Gomez Construction, Inc. and Charles White Fence, Inc. responded and the BFO is listed below:

Vendor – Location	BID
Charles White Fence, Inc. – Ocala, FL	\$13,629.00
E. Gomez Construction, Inc. – Hialeah, FL	\$15,222.00

MCU Director, Tony Cunningham, recommends that Charles White Fence, Inc. receive the award as the lowest, most responsive, and most responsible bidder. Attached for review is a draft contract, and upon approval at today's meeting, it will be sent to Charles White Fence, Inc. for signatures. Upon return, it will be forwarded to the County Attorney, Clerk and Chairman for signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$100,000. Funding is from lines ZF442533-546101 and ZF445535-546101 (Marion County Utility Fund, Repairs and Maintenance). Purchases shall not exceed the approved FY budgeted amount without being brought back to the Board for approval.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Clerk and Chairman to execute the contract under 25B-024.

7.5.3. Request Approval of Change Order 2 to Purchase Order 2401396: 22P-173 Silver Springs Shores Phase II Septic-to-Sewer Project - Wharton-Smith, Inc., Sanford, FL (Budget Impact - Neutral; additional expenditure \$832,571)

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

Description/Background: As part of the American Rescue Plan Act (ARPA) guidelines, all ARPA funds have to be encumbered by December 31, 2024. Staff identified several contracts near completion to reduce contingencies and remove tasks no longer needed, which unencumbered approximately \$2.1 million of ARPA funds. The last ARPA Septic-to-Sewer project was awarded with the County funding approximately \$1.3 million from the Utility fund due to depletion of available ARPA funds at the time. Staff recommends appropriating the unencumbered portion of the funds by refunding the Utility fund for the last Septic-to-Sewer project awarded and increasing the contingency of the Phase II Septic-to-Sewer project by \$797,944.19. As Phase II progresses, if the contingency is not utilized within the current scope, staff will adjust scope for the other phases of Septic-to-Sewer projects in Silver Springs Shores.

On September 20, 2022, the Board of County Commissioners approved a contract with Wharton-Smith, Inc. for a progressive design-build of the Silver Springs Shores Phase II Septic-to-Sewer Project, funded through the ARPA Grant. Change

Order 1 amended the contract to reduce ARPA Grant funding and incorporate state funding into the project.

Today, Change Order 2 is being presented for approval to reallocate ARPA funds to the Silver Springs Shores Phase II Water Lines and Septic-to-Sewer components. If approved, this change will add \$34,626.78 in grant funding to line 2 of the Purchase Order and establish a contingency line item not to exceed \$797,944.19. The total adjustment under Change Order 2 amounts to \$832,570.97.

Attached for review is a copy of Change Order 2. Upon approval at today's meeting, the Change Order will be presented to the Chairman and Clerk for signatures.

Budget/Impact: Neutral; additional expenditure of \$34,626.78 in grant funding, with a contingency amount not-to exceed \$797,944.19, bringing the total amount of the purchase order to \$26,529,435.97. Funding is from FF449536-563102 (American Rescue Plan - SLFRF) and ZF448536-563102 (Marion County Utility Fund) under project codes UTCEXT004B, UTCEXT004DG, and DGS.

Recommended Action: Motion to approve Change Order 2, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 2 to Purchase Order 2401396.

7.5.4. Request Approval of Change Order 3 to Purchase Order 2401661: 18P-017 Utilities Financial Consultant - Stantec Consulting Services, Inc., Denver, CO (Budget Impact - Neutral; expenditure of \$19,690)

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

Description/Background: On March 6, 2018, the Board approved a contract with Stantec Consulting Services, Inc. to provide comprehensive analysis updates. These updates encompass revenue sufficiency assessments, rate design strategies, preparation of loan and bond documentation, debt capacity evaluations for future acquisitions, and financial forecasting. To accommodate additional scenarios requested by county staff for the development of a comprehensive multi-year financial management plan, including associated meetings and workshops for the Solid Waste Department, Change Order 3 is being submitted for the Board's approval. This change order proposes an increase of \$19,690 to the existing Purchase Order. Previously, Change Order 1 extended the project timeline, while Change Order 2 provided funding for the meetings and workshops conducted by the firm.

A copy of the Change Order and the proposal is attached for review. Upon approval at today's meeting, the Change Order will be presented to the Chairman and Clerk for signatures.

Budget/Impact: Neutral; additional expenditure of \$19,690, bringing the Purchase Order total to \$69,685. Funding comes from ZA423534-531109 - Solid Waste Disposal Fund.

Recommended Action: Motion to approve the change order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 3 to PO 2401661.

7.5.5. Request Approval of Contract Renewal: 24BE-032-CA-01, Cleaning Products, Dispensers and Paper/Soap Products – GEM Supply Company, Orlando, FL (Budget Impact - Neutral; estimated expenditure of \$143,000)

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

Description/Background: On October 17, 2023, the Board approved a one (1) year contract with the option of four (4) annual renewal options for the purchase of cleaning products, dispensers, and paper/soap products for countywide departments on an as-needed basis. GEM Supply Company (GEM) has agreed to reduce their pricing for the renewal period for liners but has requested a 3% increase for their soap products for the renewal period. The original contract with GEM did allow for the supplier to request up to a 3% increase each year.

GEM has been the supplier of these products for the county since 2015 and has continued to perform well. Facilities Management has provided positive vendor evaluations and agrees with the vendor's request for a 3% increase on soap products. At this time, Facilities Director, Jared Goodspeed would like to move forward with the first annual renewal option, which would begin on January 1, 2025. Attached for review is a draft of the contract amendment. Pending approval at today's meeting, it will be forwarded to the vendor for signatures, and upon return, will be forwarded to the County Attorney, Clerk and Chairman for signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$143,000.

AA180519-552108-180RAMP25 (General Fund) \$65,000

AA180519-552108-180RAMP25 (General Fund - Jail) \$1,000

AA180519-552108-180RAMP25 (General Fund - PSC) \$11,000

Recommended Action: Motion to approve the contract renewal and allow staff to issue, and upon approval by Legal, authorize the Clerk and Chairman to execute the first contract amendment under 24BE-032.

7.5.6. Request Approval of NASPO State Contract: 43230000-NASPO-16-ACS Public Engagement Software - Carahsoft Technology Corp., Reston, VA (Budget Impact - Neutral; expenditure of \$93,500)

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

Description/Background: On behalf of Information Technology (IT), Procurement requests approval for the purchase of Public Engagement Software "Engagement Plus - Enterprise" for a three-year term. The software will be used by Public Relations, Community Services, and Municipal Services to enhance outreach, streamline communication, and improve engagement with underserved communities. Our internal auditors have reviewed the software and endorsed its implementation. Their approval stems from observed challenges with traditional methods, such as limited responses to mailed notifications regarding land use changes and Municipal Service petitions. The software offers a modernized solution to address these gaps effectively.

The proposed package includes:

- Twelve months of services per year for three years.
- 50 authorized users of the "Engagement Plus - Enterprise" platform.
- 24,000 text message credits annually to facilitate communication.
- Onboarding and training services for effective implementation.

Attached for review is the Carahsoft Price Quotation, with the cost breakdown below. Year 1 will be funded by IT, while Public Relations will cover the costs for Years 2 and 3.

- Year 1: \$93,500
- Year 2: \$89,250
- Year 3: \$93,712.50
- Three-year total: \$276,462.50

If approved today, this purchase will be made through NASPO Contract 43230000-NASPO-16-ACS, which satisfies competitive bidding requirements. Additionally, we are requesting approval for all three years of the agreement upfront, eliminating the need to bring subsequent years back to the Board for approval.

Budget/Impact: Neutral; Year 1 (\$93,000) will be funded by Information Technology from line AA174516-552106 (General Fund), and Public Relations will cover the costs for Years 2 and 3.

Recommended Action: Motion to approve the purchase through the NASPO State Contract for a three-year term, with authorization to proceed without requiring additional Board approvals for subsequent years.

7.5.7. Request Approval of Not-to-Exceed Expenditure: 20Q-161 Fire Station 13 Interior Demo and Preparation - Dinkins Construction LLC, Ocala, FL (Budget Impact - Neutral; total expenditure not-to-exceed \$425,000)

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

Description/Background: On April 6, 2021, the Board of County Commissioners approved contracts with six (6) Construction Managers (CM), which allow the County to select a CM depending on their area of expertise, capacity, and availability. Facilities Management has assigned the work for Fire Station 13 interior demolition and preparation to Dinkins Construction LLC (Dinkins). Fire Station 13 is converting from a volunteer station to a fully manned facility. This transformation will feature designated sleeping quarters, a kitchen, and restrooms. The renovation will ensure that the station is fully equipped to accommodate the needs of the dedicated staff who will be on duty around the clock. This transformation is not only about updating the physical space but also enhancing the station's capacity to provide efficient and timely emergency services to the County.

This agenda item requests approval for a not-to-exceed (NTE) budget of \$425,000. Additionally, it seeks authorization for the Chairman to execute the contract for this project without requiring further Board approval. Execution of the contract will occur upon determination of the demolition and preparation costs, provided they do not exceed the established NTE amount of \$425,000.

Attached for review is the proposal submitted by Dinkins, which outlines the associated costs and drawings.

Budget/Impact: Neutral; expenditure not-to-exceed \$425,000, inclusive of contingency. Funding is from EF300522-562102 (Fire, Rescue and EMS Fund) with project code FRC000031.

Recommended Action: Motion to approve the Not-to-Exceed expenditure and authorize the Chairman and Clerk to execute the contract under 20Q-161 without being brought back to the Board for approval.

7.5.8. Request Approval of Not-to-Exceed Expenditure: 24Q-061 State Attorney Fourth Floor Build-Out and Courtroom Expansion - Dinkins Construction LLC, Ocala, FL (Budget Impact - Neutral; expenditure not-to-exceed \$5,884,750)

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

Description/Background: On April 16, 2024, the Board of County Commissioners approved a Construction Manager at Risk (CMR) contract with Dinkins Construction LLC for the State Attorney Fourth (4) Floor Build-Out and Courtroom Expansion. This project entails the transformation of the vacant fourth floor of the Judicial Center into new office space and a fully equipped courtroom. The scope of work includes contributions from all trades, such as plumbing, mechanical systems, electrical installations, and data service integration. The expansion aims to address the spatial limitations currently impacting the State Attorney's Office by providing additional, functional work areas to enhance operational efficiency. It will also include the construction of a modern courtroom featuring state-of-the-art technology to support streamlined and effective legal proceedings. The courtroom will accommodate a full jury and ensure accessibility to advanced amenities and resources for all parties involved. This project is a critical step in meeting the growing demands of the Judicial Center while improving the infrastructure to support justice administration.

This agenda item requests approval for a not-to-exceed (NTE) budget of \$5,884,750. Additionally, it seeks authorization for the Chairman to execute the contract for this project without requiring further Board approval. Execution of the contract will occur upon determination of the construction costs, provided they do not exceed the established NTE amount of \$5,884,750.

Attached for review is the proposal submitted by Dinkins, which outlines associated costs and drawings.

Budget/Impact: Neutral; expenditure not-to-exceed \$5,884,750, inclusive of contingency. Funding is from AA707712-562102 (General Fund) with project code SAC000001.

Recommended Action: Motion to approve the Not-to-Exceed expenditure and authorize the Chairman and Clerk to execute the contract under 24Q-061 without being brought back to the Board for approval.

7.5.9. Request Approval of Selection Committee Recommendation: 24P-264 SELP Bailie Arena Public Address Sound System - EZYP Operations, LLC (Budget Impact - Neutral; expenditure of \$179,200)

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

Description/Background: On behalf of the Parks & Recreation Department, Procurement advertised a Request for Proposal for qualified contractors to install and upgrade the 20-year-old sound system at the Southeastern Livestock Pavilion (SELP). The work will be performed in the announcer tower, where the sound equipment is stored, and the three arena areas. One (1) firm responded, the Selection Committee evaluated the proposal, ranking them per the tabulation below:

Firm-City	Score (Rank)
EZYP Operations, LLC - Miami, FL	825 (1)

The Parks & Recreation and Information Technology Departments have reviewed and are in support of the Selection Committee's recommendation to award to the EZYPA Operations, LLC.

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

Budget/Impact: Neutral; expenditure of \$179,200. Up to a 10% contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from AA718572-563102 LPC202304 (General Fund).

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute contract with EZYPA Operations, LLC under 24P-264.

7.5.10. Request Approval of Selection Committee Recommendation: 24Q-108 SW 49th Avenue North - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$2,452,450)

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

Description/Background: On behalf of the Office of the County Engineer (OCE), the Procurement Department issued a Request for Qualifications (RFQ) to secure professional engineering and consulting services. The scope of work encompasses the development of comprehensive engineering plans, specifications, cost estimates, bid packages, and permitting documents for the project to widen SW 49th Avenue from two lanes to four lanes, spanning the segment between Marion Oaks Trail and SW 95th Street.

After receiving and evaluating two (2) submissions, the Selection Committee, comprised of Doug Hinton, Jack Dingman, Sky Wheeler, Taylor Benson, and Zachery Jacobson, recommends awarding the contract to Kimley-Horn and Associates, Inc (KHA).

Vendor - Location	RANK
Kimley-Horn and Associates, Inc. - Ocala, FL	1 - 3,195
Infrastructure Consulting & Engineering, LLC - Tampa,	2 - 2,545

Steven Cohoon, P.E., County Engineer, concurs with the selection committee's recommendation and endorses awarding the contract to Kimley-Horn and Associates, Inc. Enclosed for review is a draft contract, which, pending approval at today's meeting, will be sent to KHA for execution. Once signed and returned, the contract will proceed to the County Attorney, Clerk, and Chairman for final authorization.

Budget/Impact: Neutral; expenditure of \$2,452,450. Funding comes from GB772541-563512 - Impact Fee – West District.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract with KHA under 24Q-108.

7.5.11. Request Approval of Selection Committee Recommendation: 25Q-002 SW 40th Avenue/SW 49th Avenue Phase I - Art Walker Construction, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$15,353,772)

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

Description/Background: On behalf of the Office of the County Engineer (OCE) and under the direction of the Marion County Board of County Commissioners, Procurement issued a design-build Request for Qualifications (RFQ) to engage a qualified and experienced contractor for this project. The project scope includes completing the existing 90% design plans and constructing Phase 1 of the SW 40th Avenue/SW 49th Avenue corridor (SW 66th Street to SW 43rd Street Road). Key efforts involve finalizing plans for a four-lane divided urban roadway, stormwater conveyance systems, and a drainage retention area, as well as implementing intersection improvements at SW 49th Avenue and SW 66th Street. The selected contractor will oversee the construction of all improvements as outlined in the finalized plans.

After receiving and evaluating three (3) submissions, the Selection Committee, comprised of Joey Amodo, Wilken Morestant, and Zachery Jacobson, recommends awarding the contract to Art Walker Construction, Inc.

Contractor – Location	Rank
Art Walker Construction, Inc. – Ocala, FL	1-2,975
Commercial Industrial Co., Inc. – Ocala, FL	2-2,245
CWR Contracting – Ocala, FL	Withdrew

Steven Cohoon, P.E., County Engineer, concurs with the selection committee's recommendation and endorses awarding the contract to Art Walker Construction, Inc. (AWC). Enclosed for review is the draft contract along with the approved Legal Request Memorandum, which, pending approval at today's meeting, will be sent to AWC for execution. Once signed and returned, the contract will proceed to the Clerk and Chairman for final authorization.

Budget/Impact: Neutral; expenditure of \$15,353,772.00. Up to a 10% contingency may be added to the purchase order in accordance with the Procurement Manual. Funding comes from VJ738541-563220 (STC073804) - Infrastructure Surtax Capital Project Fund - and GB772541-563512 (TIP073804) Impact Fee - West District. The proposal includes an optional service that will be brought back to the Board for approval if required.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract and authorize the Chairman and Clerk to execute the contract with Art Walker Construction, Inc. under 25Q-002.

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

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

Description/Background: The items below have been received by Procurement Services and is approved in conformance with the Procurement Code/Manual, pending approval at today's meeting.

1. Pending Requisition/Matheny Motor Truck Company - Fire Rescue requests approval to purchase two (2) 2026 E-One Pumpers on Typhoon chassis in the amount of \$1,463,474. Total expenditure \$1,463,474, which includes a pre-payment discount of \$122,931.00 (\$731,737/unit); funds are available in line STC0732VE - VJ732522-564101 (Infrastructure Surtax

Capital Project Fund) *This purchase is exempt from the competitive bidding process requirements under Sourcewell Contract #113021-RVG-1.*

2. Pending Requisition/Insight Public Sector, Inc. - Marion County Information Technology requests approval to purchase the renewal of the KnowBe4 Platinum Tier and Phisher Subscription for an additional three (3) years. This agreement is for the time period of December 22, 2024, to December 21, 2027. KnowBe4 User Security Training and Testing is a comprehensive cybersecurity platform designed to educate and test employees to recognize and mitigate potential security threats. Total expenditure of \$66,443.46; funds are available in line AA174516-552106 (General Fund). *This purchase meets the competitive bidding requirements under OMNIA Partners Contract #23-6692-03.*

Recommended Action: Motion to approve purchases over \$50,000.

7.6. Transportation - County Engineer:

7.6.1. Request Approval of a Purchase Agreement in the Amount of \$719,665 for Parcel Number 23867-000-00 for Future Fire Station Project (Budget Impact - Neutral; expenditure of \$719,665)

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

Description/Background: This is a request for approval of a Purchase Agreement in the amount of \$719,665.27 for Parcel Number 23867-000-00 for the Marion County Fire Rescue Department. This is a vacant tract of land that is approximately 5 acres. The negotiated agreement is inclusive of any and all cost associated with this transaction.

The property is strategically located within the designated area for optimal Emergency Medical Services (EMS) service delivery and will become the future home of EMS West. This new station will eliminate the need to lease space from Ocala Fire Rescue and provide rapid access to the surrounding areas.

Budget/Impact: Neutral; expenditure of \$719,665.27 plus closing costs (FRC000018-VJ733526-561102).

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

(Ed. Note: This Item was approved with Budget Amendment 5.1.5.)

7.6.2. Request Approval of a Purchase Agreement Associated with SW 38th/40th Street - Phase A Road Improvement Project for Parcel Number 23866-001-00 (Budget Impact - Neutral; expenditure of \$656,335)

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

Description/Background: This is a request for approval of a proposed Purchase Agreement in the amount of \$656,334.73 for a future water retention area associated with SW 38th/40th Street - Phase A project (from SW 80th Avenue to SW 60th Avenue) on Parcel Number 23866-001-00. This is a vacant tract of land that is approximately 4.56 acres. The negotiated agreement is inclusive of any and all cost associated with this transaction.

Budget/Impact: Neutral; expenditure of \$656,334.73 plus closing costs (STC073891-TIP075110-561301 ROADSEXPANS ROW-772)

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

7.6.3. Request Approval of a Purchase Agreement Associated with the Country Gardens Flood Relief Project for Parcel 3058-009-000, Located in Country Gardens, Plat Book G, Page 84 (Budget Impact - Neutral; Expenditure of \$250,470)

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

Description/Background: This is a request to approve a Purchase Agreement associated with the Country Gardens Flood Relief Project in the amount of \$250,470 plus closing costs for parcel 3058-009-000. This parcel is an improved lot of approximately 0.25 acres. The 1,300 square foot single family residence consists of three (3) bedroom, two (2) bath. The proposed use of parcel 3058-009-000 is for the construction of a drainage retention area since it has been determined to be a more suitable site and has known historic flooding issues.

Budget/Impact: Neutral; Expenditure of \$250,470 plus closing cost (E-SMC0006FL-CIPSTORMW-EXPANSLND-430 EK430538-563102)

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

7.7. Utilities:

7.7.1. Request Approval of Water Main Extension Connection Agreement WME-063-O Between Velmaui Moon Investments, LLC and Marion County Utilities (Budget Impact - Neutral; expenditure of \$14,125)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU), which will result in installing 58 feet of water main across the parcel's frontage to the end of the property. The water main extension project will not create any additional benefits for parcels along the route. The total project cost is derived from the construction cost of \$13,425 plus the design fee of \$700, totaling \$14,125.

Budget/Impact: Neutral; project cost is \$14,125 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-063-O and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.7.2. Request Approval of Water Main Extension Connection Agreement WME-080-O Between Holiday Builders, Inc. and Marion County Utilities (Budget Impact - Neutral; expenditure of \$19,658)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU), which will result in installing 174 feet of water main across the parcel's frontage to the end of the property. The water main extension project will also create a benefit for three (3) additional parcels along the route. The total project cost is derived from the construction cost of \$18,958 plus the design fee of \$700, totaling \$19,658.

Budget/Impact: Neutral; project cost is \$19,658 and construction purchase order includes 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-080-O and authorize staff to issue a purchase order for T&C Underground under 22P-146.

8. COUNTY ATTORNEY:

8.1. Request Consideration of Reduction and/or Release of Civil Restitution Lien for Merally Torres Pastrana

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

Description/Background: On October 25, 2024, the County Attorney's Office received a request from Merally Torres Pastrana, requesting a Release/Reduction of their Civil Restitution Lien from Case No. 2020-MM-7445, recorded at OR Book 7326, Page 1573 on December 2, 2020. Ms. Torres Pastrana is requesting a reduction of the Civil Restitution Lien totaling \$317.42 in Case No. 2020-MM-7445 as of December 17, 2024.

On October 21, 2020, Ms. Torres Pastrana was arrested for Petit Theft (\$100 or more but less than \$750) in Case No. 2020-MM-7445. On October 22, 2020, she pled guilty and was sentenced to 5 days in the Marion County Jail with credit for two (2) days time served. The Court imposed a Judgment of Costs of Incarceration of \$250.00 (sentence of 5 days x \$50 per day). She has paid all other court costs and fines in this case.

No monies have been paid toward the Civil Restitution Lien, and it remains with the original amount of judgment being \$250.00, plus elapsed interest of \$67.42, totaling \$317.42.

Budget/Impact: None.

Recommended Action: Motion to approve or deny Merally Torres Pastrana's request for a Reduction and/or Release of the Civil Restitution Lien recorded at: OR Book 7326, Page 1573 on December 2, 2020; in Case No.: 2020-MM-7445.

County Attorney Mathew G. Minter advised that the lien has been paid off, so the request is being withdrawn.

8.2. Present Update on Jeremy Hayden Request for Consideration of Reduction and/or Release of his Civil Restitution Lien (Budget Impact-None)

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

Description/Background: On June 4, 2024, Jeremy Scott Hayden appeared before the Board for Consideration of a Reduction and/or Release of his Civil Restitution Lien in Case No. 2013-CT-5548, recorded at OR Book 5961, Page 1827 on November 19, 2013.

The Board approved the waiver (in the amount of \$4,500) of the Civil Restitution Lien with the caveat that Mr. Hayden must fulfill the \$4,500 debt by performing approved community service. On December 6, 2024, our office received the documentation establishing that Mr. Hayden has completed the required service hours to have his Civil Restitution Lien released.

Budget/Impact: None.

Recommended Action: Motion to Approve and Execute Release of Lien for Jeremy Hayden's Civil Restitution Lien recorded on November 13, 2013 in Official Records Book 5961, Page 827

County Attorney Minter advised that this matter previously came before the BCC and the Board indicated that it would reduce or eliminate the lien for Mr. Hayden subject to him completing Community Service hours, noting Greg Cronmiller, Logos Lodge for Men, provided the necessary documentation reflecting that Mr. Hayden performed 234.5 community service hours satisfying his commitment to complete those hours.

Commissioner Zalak expressed his appreciation to Mr. Cronmiller and his organization for helping folks get a second chance in life.

Chairman Bryant congratulated Mr. Hayden, noting this is a very special day for him and his family. She invited Mr. Hayden and Mr. Cronmiller up to the stage to have a picture taken with the Board.

Mr. Hayden stated Jesus Christ is the reason he was able to get his life back together. He expressed his appreciation to Mr. Cronmiller, Commissioner Zalak and the rest of the BCC.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve and execute the Release of Lien for Jeremy Scott Hayden's Civil Restitution Lien. The motion was unanimously approved by the Board (5-0).

Chairman Bryant noted it is the ten o'clock hour. She advised that the Board would continue with the County Attorney Items after the public hearings are concluded.

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

6.1. PUBLIC HEARING to Consider Adoption of a Resolution to Close and Abandon a Portion of the 20' wide Drainage Right-of-Way Lying North of and Adjacent to Lot 6, Block A, Cedar Shores Industrial Park, Plat Book U, Page 51

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

Description/Background: This is a request to consider approval of a Resolution by Petitioners, Jay Thomas Trust to close and abandon a portion of the 20' wide Drainage Right-of-Way (DROW) lying north of and adjacent to Lot 6, Block A, Cedar Shores Industrial Park, Plat Book U, Page 51 and to renounce and disclaim any right of the County and the general public. No person or entity is dependent upon the platted roads for access or for any other purpose. The Development Review Committee considered this request on October 7, 2024 and it was the committee's recommendation that the petition be granted.

Budget/Impact: None.

Recommended Action: Motion to adopt the Resolution closing and abandoning a portion of the 20' wide Drainage Right-of-Way (DROW) lying north of and adjacent to Lot 6, Block A, Cedar Shores Industrial Park, Plat Book U, Page 51 and authorize the Chair and Clerk to execute the same.

Deputy Clerk Windberg presented Proof of Publication of a Legal ad entitled, "Notice of Public Hearing to Close and Abandon Road(s)" published in the Voice of South Marion newspaper on November 28, 2024. The Notice states the Board will consider the petition by Marion County to close and abandon certain road(s).

County Engineer Steven Cohoon, OCE, stated the request is to close and abandon that certain portion of a 20 foot DROW. He advised that the matter first came to the Board on July 2, 2024, noting there were some concerns from a citizen relating to improvements that had occurred along this area, noting those improvements were approved through the Building Department and pre-date any kind of drainage permitting requirements. Mr. Cohoon stated the Board was presented 3 options and chose Option 3 (work with the property owner for lots 5 and 6 and then inform them of this process), noting the Department has received no objections. He advised that the utility easements would remain and noted that the concerned citizen was advised of today's meeting.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Resolution 24-R-671 closing and abandoning a portion of the 20' wide DROW lying north of and adjacent to Lot 6, Block A, Cedar Shores Industrial Park. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-671 is entitled:

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

AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD(S); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

6.2. PUBLIC HEARING to Consider Adoption of a Resolution to Close and Abandon a Portion of NW 54th Court Located in Section 28 Township 12 Range 21

Description/Background: This is a request to consider approval of a Resolution by Petitioners, Harold F. Feaster and Kimberly A. Feaster to close and abandon a portion of NW 54th Court, located in Section 28 Township 12 Range 21 and to renounce and disclaim any right of the County and the general public. No person or entity is dependent upon the platted roads for access or for any other purpose. The Development Review Committee considered this request on October 7, 2024 and it was the committee's recommendation that the petition be granted.

Budget/Impact: None.

Recommended Action: Motion to adopt the Resolution closing and abandoning a portion of NW 54th Court, located in Section 28 Township 12 Range 21 and authorize the Chair and Clerk to execute the same.

Deputy Clerk Windberg presented Proof of Publication of Legal ad No. 10800563 entitled, "Notice of Public Hearing to Close and Abandon Road(s)" published in the Star Banner newspaper on November 29, 2024. The Notice states the Board will consider the petition by Marion County to close and abandon certain road(s).

County Engineer Cohoon, OCE, referred to a map as shown on the overhead screen and stated the request is to close and abandon a certain portion of NW 54th Court. He advised that the property to the north has direct access to the State roadway, noting this sliver of NW 54th Court has never been developed. Mr. Cohoon stated the applicant owns both west and east sides of what is being proposed today. He noted the Department has received no objections. Mr. Cohoon stated the County would reserve all current easements.

Commissioner Curry noted this request is somewhat related to an Item on this afternoon's Agenda (Agenda Item 15.1.5.)

Mr. Cohoon opined that he did not believe that approving this request would adversely impact the other request; however, it would be beneficial to that other request.

In response to Commissioner Zalak, Mr. Cohoon advised that he is not aware of any other easements in this area.

Chairman Bryant opened the floor to public comment.

Shirley Smith-Fountain, NW 56th Terrace, Reddick, advised that she did not receive a letter of notification relating to this matter due to her property being located outside of the 300 feet requirement; however, she does live nearby. She stated there is a 92 year old woman (Juanita Haskins) that lives close by the affected roadway and that by closing part of that road would require her to give up some of her property for the easement. Ms. Fountain expressed concern that closing part of NW 53rd Court Road would be a hindrance to surrounding property owners trying to get to and from their residences (i.e., Joe L. Williams).

In response to Commissioner Zalak, Mr. Cohoon advised that there is a historical dirt path that runs by the proposed section of roadway.

General discussion ensued.

December 17, 2024

Chairman Bryant clarified that the proposal would not affect Mr. Williams getting to or from his property on NW 54th Court.

Ms. Fountain stated she understood now and would let her neighbors know they would not be affected.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to adopt Resolution 24-R-672 closing and abandoning a portion of NW 54th Court, located in Section 28 Township 12 Range 21 and authorize the Chair and Clerk to execute the same. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-672 is entitled:

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

8.3. Request Acceptance of Plaintiff's Offer of Settlement and Corresponding Resolution in the Civil Action, Mark Fielding v. Marion County BOCC & Geico, Case No. 2020-CA-1950

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

Description/Background: The claimant, Mark Fielding, is a 75-year-old male. On November 7, 2018, Mr. Fielding was the driver of a 2014 Ford Expedition which was rear-ended by a County owned 2012 GMC 2500 operated by David Capel (Animal Services). Mr. Capel was traveling on SE 80th Street near the intersection

of SR 441 when he glanced at his computer. Unfortunately, traffic had slowed and Mr. Capel's vehicle impacted the rear of Mr. Fielding's vehicle.

Mr. Fielding underwent treatment and complained of pain and discomfort in his left shoulder, neck and back as a result of the accident. Significantly, Mr. Fielding received numerous cervical and lumbar epidural injections and underwent a lumbar surgery (laminectomy), generating medical expenses in excess of \$114,000. If this case were to proceed with a jury trial, Marion County faces exposure for Mr. Fielding's past and future medical(s) as well as non-economic damages which could easily exceed the sovereign immunity cap of \$200,000 if a jury were to favorably consider Mr. Fielding's claims that his quality of life has been compromised due to this accident.

The claimant is represented by Morgan & Morgan. The Claimant's original demand was for our maximum sovereign limits of \$200,000. On March 5, 2024, mediation was held, which resulted in an impasse. It is my recommendation that Marion County settle this auto liability claim in the amount of \$175,000 inclusive of attorney fees and cost(s) to be paid from the Auto Liability insurance fund.

Budget/Impact: \$175,000.00 from Self-Insurance Fund

Recommended Action: Motion to Approve and Accept Plaintiff's Offer of Settlement for \$175,000.00 and Execution of Corresponding Resolution.

County Attorney Minter advised that the request is for the Board to approve a personal injury automobile accident settlement of a lawsuit in the amount of \$175,000.00. He provided a brief over of the accident, as well as injuries sustained by the claimant.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to adopt Resolution 24-R-673 approving and accepting the Plaintiff's Offer of Settlement for \$175,000.00. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-673 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING SETTLEMENT FOR ALL CLAIMS IN THE CIVIL ACTION, MARK FIELDING V. MARION COUNTY BOARD OF COUNTY COMMISSION & GEICO, CASE NO. 2020-CA-1950

9. COUNTY ADMINISTRATOR:

9.1. Request Approval of the First Amendment to the Interlocal Agreement to Distribute, Monitor and Review the Expenditure of Opioid Settlement Funds Between Marion County and Marion County Hospital District (Budget Impact - Neutral; expenditure of \$3,709,750)

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

Description/Background: The State of Florida filed an action in reference to the National Prescription Opiate Litigation, No. 2804 in which Marion County and the City of Ocala are litigating participants. Under the Memorandum of Understanding with the State of Florida, in order to be considered a "Qualified County" and be entitled to receive its share of the regional funds, the County adopted an abatement plan and entered into an interlocal agreement with the City of Ocala relating to the expenditure of opioid funds. It is estimated that the regional opioid settlement fund will receive approximately \$19,321,468 over the next 18 years.

On November 5, 2024 the BCC approved an agreement between Marion County Hospital District (MCHD) and the County to vet, monitor, and report on expenditures from the regional opioid settlement fund. This first amendment recommends revising the interlocal agreement to list MCHD as the disbursement

agent responsible for distribution of the funds, as well as vetting, monitoring and reporting of expenditures. In addition, this amendment includes a breakdown of the initial disbursement of regional settlement funds as approved in the Regional Opioid Abatement Plan. The total amount of this disbursement is \$3,709,750. Breakdown of this amount is below.

Abatement Strategy:	Provider/ Vendor:	Amount:
Centralized Receiving System	SMA Healthcare, Inc.	\$2,300,000
CORE & Peer Programs	County & City Paramedicine, CORE	\$750,000
Transitional Housing	SMA Healthcare, Inc.	\$500,000
Administrative Allocation	Marion County Hospital District	\$159,750
	Total:	\$3,709,750

Budget/Impact: Neutral; expenditure of \$3,709,750.

Recommended Action: Motion to approve the First Amendment to the Interlocal Agreement to Distribute, Monitor and Review the Expenditure of Opioid Settlement Funds with Marion County Hospital District.

(Ed. Note: this Item was approved with Budget Amendment Resolution 5.1.7.)

9.2. Request Approval to Schedule Additional Board of County Commissioners Planning and Zoning Public Hearings and Update the 2025 Schedule of Meetings

The Board considered the following recommendation as presented by ACA Straub:

Description/Background: Based on case load, additional meeting time is needed each month to hear the Planning and Zoning cases. The Board regularly meets the first and third Tuesday of each month, with the Planning and Zoning cases presented in the afternoons of the third Tuesday (the 2nd Board meeting of the month). Upon careful review of the Commissioner's calendars, considering other routine Board and committee meetings, an additional meeting can be accommodated on Mondays, before the 2nd Board meeting of each month, with exceptions for January and July because of known conflicts.

The dates and times proposed throughout 2025 are as follows:

Monday, January 13 th at 9:00 a.m. ¹	Monday, July 21 st at 1:30 p.m. ²
Monday, February 17 th at 1:30 p.m.	Monday, August 18 th at 1:30 p.m.
Monday, March 17 th at 1:30 p.m.	Monday, September 15 th at 1:30 p.m.
Monday, April 14 th at 1:30 p.m.	Monday, October 20 th at 1:30 p.m.
Monday, May 19 th at 1:30 p.m.	Monday, November 17 th at 1:30 p.m.
Monday, June 16 th at 1:30 p.m.	Monday, December 15 th at 1:30 p.m.

1. Meeting to be scheduled from 9:00 a.m. to 5:00 p.m. because of known case load.

2. The 2nd Board meeting in July is July 15th; Commissioners are anticipated to be at the National Association of Counties (NACo) Annual Conference July 11th - July 14th.

All meetings are to be held in the McPherson Governmental Campus Auditorium unless approved and advertised otherwise.

The Marion County Board of County Commissioners 2025 Schedule of Meetings was approved during the November 5, 2024 regular Board meeting. Upon approval, the schedule will be updated and included in the January 21, 2025 agenda as a Notation for Record.

Budget/Impact: None.

Recommended Action: Motion to approve additional Board of County Commissioners Planning & Zoning Public Hearing as proposed in the McPherson Governmental Campus Auditorium and update the 2025 Schedule of Meetings.

Mr. Bouyounes provided an overview of the request for additional Planning & Zoning meetings. He referred to pages 631 and 632 of the Agenda packet, which shows a revised calendar of the 2025 schedule of BCC meetings, noting the dates that are circled would be the extra day for Planning & Zoning meetings.

Commissioner Zalak advised that he is available in the afternoon on those dates, but would need to leave by 5:00 p.m.

General discussion ensued.

In response to Commissioner Curry, Mr. Bouyounes clarified that Development Review Committee (DRC) waiver requests are not considered part of the maximum of 10 P&Z Items to be heard at the extra P&Z meetings.

General discussion resumed.

In response to Commissioner Curry, Mr. Bouyounes clarified that at the time an application is filed, staff does not know whether that Item would qualify as a Consent Agenda Item (i.e., no objections).

General discussion resumed.

Commissioner McClain opined that the Board could raise the number of applications that are heard on the extra day, noting he is in favor of not including Master Plans as part of the 10 application maximum.

Chairman Bryant questioned whether Master Plans could be heard at regularly scheduled BCC meetings during the 10:00 a.m. public hearing process. Mr. Bouyounes advised that it could be done at the Board's direction.

General discussion resumed.

Commissioner Zalak commented on the importance of having the application totally completed prior to coming in front of the Board, including buffer requirements, so that citizens can visualize what the development would look like next to their properties.

General discussion resumed.

Mr. Bouyounes reiterated that staff cannot predict how controversial a request will be at the application stage.

Chairman Bryant opined that the process would go faster if Master Plans were heard in the morning and DRC Waivers are not considered in the maximum numbers of applications to be heard in the afternoons.

General discussion resumed in regard to limiting the number of applications to be heard in one day.

In response to Commissioner McClain, Growth Services Director Chuck Varadin advised that the 10 application limit has been pretty fair, noting staff is currently accepting applications for the March 2025 cycle. He stated staff have been trying to limit the number of applications that can be heard at one time since September 2024. Mr. Varadin noted there are applications that come into the Department that are not complete. He advised that staff have not yet had to tell someone that the 10 application limit has been reached and that they would have to wait until the next cycle, noting the deadline for cycles is usually the last Wednesday of the month.

General discussion resumed.

Mr. Bouyounes commented on a discussion he had with Commissioner Zalak, noting there are times when the BCC approves a Planned Unit Development (PUD) and after construction has begun the developer then wants to make changes to that PUD. He advised that Commissioner Zalak would like to have a summary of any concessions,

exemptions, or waivers the Board made when it originally approved the PUD, so the Board has full knowledge when the request for more changes are made.

Commissioner Zalak addressed the possibility of adding language to the PUDs that would allow the County Administrator to address de-minimis changes.

Mr. Minter advised that the Board would need to specify in the Land Development Code (LDC) certain things that could be dealt with by staff and not have to go back to the BCC, noting by virtue of the language being in the LDC the public would be on notice. He clarified that it would be a Policy decision by the Board what specific items would be on the list.

Chairman Bryant expressed concern that by allowing staff to address changes without the matter going back in front of the Board at a hearing, it may cause the public to lose faith in the process.

General discussion ensued.

Chairman Bryant clarified that Master Plans are to be heard during the morning portion of the meetings; and the DRC Waiver requests will not be included in the 10 application limit. It was the general consensus of the Board to concur.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to approve the additional BCC Planning & Zoning Public Hearings as proposed and to update the 2025 Schedule of Meetings. The motion was unanimously approved by the Board (5-0).

9.3. Present Hurricane Milton Debris Removal Update

County Engineer Cohoon provided a brief update on storm debris removal, noting the County is currently at day 64 of the 90 day deadline for debris removal efforts. He clarified that as long as all debris removal is completed within that 90 day timeframe the County will be 100% reimbursed by the Federal Emergency Management Agency (FEMA), noting the deadline is January 12, 2025. Mr. Cohoon stated the County did receive an extension to close the debris collection sites no later than January 31, 2025. He stated the County has collected 79,000 cubic yards of debris thus far, which averages to about 4 truckloads per day. Mr. Cohoon opined that the County should conclude debris pick up by the end of this week, excluding the non-reimbursable 6 private property sites. He advised that staff have begun hauling grinding materials out of the Jacksonville Road site, noting grinding operations at this site should be completed by the end of this week. Mr. Cohoon commented on grinding operations at the McGinley site, noting grinding operations there should be concluded by December 29, 2024. He stated the projected date to have all debris collection completed is January 5, 2025. Mr. Cohoon advised that debris collection costs to date are \$1,300,000.00, which is all reimbursable. He reminded citizens that no more debris is to be brought to the rights-of-way (ROWs), noting anything that is missed after the January 12, 2025 deadline will be reviewed by staff to determine whether debris pick up had previously been done at that site.

10. COMMITTEE ITEMS:

10.1. Marion County Historical Commission - Request Appointment of One (1) Full At-Large Member, for a Full Term Ending December 2028

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

Description/Background: The incumbent alternate at-large member of the Marion County Historical Commission, who is in a term that expires at the end of December 2024, is eligible for re-appointment and has applied accordingly.

- Dr. Richard Cardinali (Incumbent) - Retired College Professor

Budget/Impact: None.

Recommended Action: Motion to re-appoint Dr. Richard Cardinali as full at-large member to the Marion County Historical Commission, for a full term ending December 2028.

Clerk Harrel advised that Richard Cardinali received the appropriate votes.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to re-appoint Dr. Richard Cardinali as full at-large member to the Marion County Historical Commission, for a full term ending December 2028. The motion was unanimously approved by the Board (5-0).

10.2. Rainbow Lakes Estates Municipal Services District Advisory Committee - Request Appointment of Two (2) Members: One (1) Member for a Full Term Ending December 2028, and One (1) Member for an Unexpired Term Ending May 2027

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

Description/Background: There are two (2) seats available on the Rainbow Lakes Estates Municipal Services District (MSD) Advisory Committee: one (1) seat for a full member on a full term ending in December 2028 for which the incumbent will not seek reappointment and one (1) seat for a full member on an unexpired term ending in May 2027.

Two (2) applications have been received for the Board's consideration:

- Omar Rodriguez
- Michael Hassenfelt

Budget/Impact: None.

Recommended Action: Motion to appoint one applicant to serve as a full member for a term ending in December 2028, and another applicant to serve as a full member for an unexpired term ending in May 2027.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to appoint Omar Rodriguez to serve as a full member for a term ending in December 2028, and Michael Hassenfelt to serve as a full member for an unexpired term ending in May 2027. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11.1. Request Approval to Schedule and Advertise a Public Hearing to Consider an Ordinance Amending Chapter 3 and Chapter 14 of the Marion County Code Relating to The Consumption of Alcohol on Marion County Property on Tuesday, January 21, 2025 at 10:00 a.m. or soon thereafter in the McPherson Governmental Campus Auditorium

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

Description/Background: Public Hearing to Consider an Ordinance Amending Chapter 3 and Chapter 14 of the Marion County Code Relating to The Consumption of Alcohol on Marion County Property on Tuesday, January 21, 2025 at 10:00 a.m. or soon thereafter in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

December 17, 2024

Recommended Action: Motion to schedule and advertise a Public Hearing date for Tuesday, January 21, 2025 at 10:00 a.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to schedule and advertise a Public Hearing date for Tuesday, January 21, 2025 at 10:00 a.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.2. Request Approval to Schedule the Budget Strategic Planning Workshop on Wednesday, January 29, 2025 at 9:00 a.m. in the McPherson Governmental Campus Auditorium

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

Description/Background: The annual Budget Strategic Planning Workshop is an opportunity for the Board to establish the County's future goals, initiatives, and appropriate budget planning. Staff has proposed the date for the workshop to be Wednesday, January 29, 2025 at 9:00 a.m. in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to schedule the Strategic Planning Workshop on Wednesday, January 29, 2025 at 9:00 a.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to schedule the Strategic Planning Workshop on Wednesday, January 29, 2025 at 9:00 a.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.3. Request Approval to Schedule a Workshop to Present the Impact Fee Studies for Fire Rescue and Transportation on Wednesday, January 29, 2025 at 1:30 p.m., or as Soon Thereafter, in the McPherson Governmental Campus Auditorium

The Board considered the following recommendation as presented by ACA Straub:

Description/Background: Staff is requesting to schedule a Workshop to present and discuss the findings of the Impact Fee Studies for both Fire Rescue and Transportation. Benesch is currently updating past study efforts and will provide presentations and draft reports for consideration. The date requested for this workshop is Wednesday, January 29, 2025 at 1:30 p.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium.

Budget/Impact: None.

Recommended Action: Motion to approve a Workshop to Present the Impact Fees Studies for Fire Rescue and Transportation on Wednesday, January 29, 2025 at 1:30 p.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve the workshop to present the Impact Fees Studies for Fire Rescue and Transportation on Wednesday, January 29, 2025 at 1:30 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 Additional Workshops Regarding the Comprehensive Plan Evaluation and Appraisal Report on Thursday, February 6, 2025 at 2:30 p.m. and Monday, February 24, 2025 at 2:00 p.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

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

Description/Background: Workshops with the Board have been ongoing to review materials regarding the Evaluation and Appraisal (EAR) and public response. The workshops have taken place on September 12th, October 1st, October 29th, November 7th, and December 9th. An additional three workshops are scheduled to be held in January: Thursday, January 9th at 3:00 p.m., Wednesday, January 15th at 10:00 a.m. and Thursday, January 16th at 2:30 p.m. Staff is requesting to schedule two workshops for February: Thursday, February 6, 2025 at 2:30 p.m. and Monday, February 24, 2025 at 2:00 p.m.

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

Budget/Impact: None.

Recommended Action: Motion to approve additional EAR workshops on Thursday, February 6, 2025 at 2:30 p.m. and Monday, February 24, 2025 at 2:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve additional EAR workshops on Thursday, February 6, 2025 at 2:30 p.m. and Monday, February 24, 2025 at 2:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

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 Bryant opened the floor to public comment.

Bob Schmidt, SW 82nd Court Road, advised that he was present representing residents from the Oak Run subdivision, noting on the evening of December 8, 2024 he took the back road to Walmart and was hit by a tremendous stench coming from the Oak Run sewage treatment plant. He stated there are about 300 homes that are being affected by this smell. Mr. Schmidt noted he sent a letter to Commissioner Bryant about this issue and received a response back from one of the County engineers. He stated he understood that this was an anomaly; however, the issue needs to be addressed.

Anna Ortiz, SW 115th Street, presented a 1 page (double sided) handout relating to issues from the waste management treatment facility at the Oak Run subdivision, noting this has been an ongoing problem for the past 17 years. She advised that this matter had previously come in front of the BCC, noting the odor permeates residents' homes. Ms. Ortiz opined that the system is antiquated and expressed concern that the utility company is getting ready to expand the facility to add another community to the system. She stated nothing had ever been done to minimize the noise coming from the facility. Ms. Ortiz requested staff meet with residents from Oak Run to address this matter and try to achieve some resolution.

December 17, 2024

Chairman Bryant advised that she and Utilities Director Tony Cunningham, would set up a time to meet with the Oak Run community.

Jason Martin, SE 58th Avenue, addressed the Board relating to issues he was having with a neighboring commercial property known as the "Stump Dump" and also known as (aka) "D&G Solution Group, LLC.". He advised that the company holds the Marion County contract to accept yard trash for processing and disposal, noting the Stump Dump operates a tree recycling transfer station located at 5451 SE Maricamp Road. Mr. Martin stated his property shares a boundary of approximately 700 feet with this business. He advised that according to the Marion County Code Enforcement Department, all of their activity is allowed under a 1987 Special Permit, wherein, one of the Conditions for approval is that it must be a Class III landfill and that only the owner's construction material is allowed to be put in that landfill. Mr. Martin clarified that "Stump Dump" purchased the property in 2018 and expanded what was previously a small operation.

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

Commissioner Bryant out at 11:07 a.m.

Mr. Martin referred to photos as shown on the overhead screens and advised that this expansion included the clearing of all natural screening and buffering between his home and the business, which immediately led to offsite migration of saw dust from the tree grinding. He stated the saw dust has severely impacted the free use and enjoyment of his home, as well as nearby businesses for the past 7 years. Mr. Martin requested the BCC enforce the terms of the 1987 permit, which required buffering and screening. He questioned who arbitrarily approved adding these uses (grinding, transfer stations, etc.) to that 1987 permit. Mr. Martin requested the BCC intervene and stop the illegal trespass on his property emitted by Stump Dump and to re-review the 1987 permit and all related Board of Adjustment minutes to obtain the facts and then urge the Code Enforcement Department to require Stump Dump to either obtain the Florida Department of Environment Protection (FDEP) Class III landfill permit or file a new permit to allow for the continuation of the current operations. He advised that in May 2022 there was a large fire at the facility, which actually caused damage to his home and July 2022 the Code Enforcement Department submitted a letter to the company highlighting their "out of pocketness" and then one month later the Department rescinded that letter, as well as their directive to file for a new permit to include the current activities.

Commissioner Bryant returned at 11:09 a.m.

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

Mr. Martin noted that both Commissioner Curry and ACA Straub came out to his house and saw that there was no buffering in place. He stated the only trees that were there for separation belonged to him and were destroyed by the fire.

In response to Commissioner Zalak, Mr. Martin commented on the projectiles that shot out of the grinder and onto his property.

ACA Straub advised that she and Commissioner Curry did visit Mr. Martin in September 2024 and opined that his matter does fall under FDEP, who has also been out and visited the site. She clarified that County staff can request that the owner of the commercial business reposition the grinder, noting there is a requirement for the grinder to have a 20 foot clear space around that grinder. Ms. Straub stated FDEP did site the owner and explained to them that they needed a 20 ft clear buffer and not a landscape buffer. She estimated there is approximately 50 feet from where the operation is occurring to Mr. Martin's property. Ms. Straub clarified the operation is FDEP regulated, noting the permit given by the County in 1987 was very non-descriptive with very few definitions. She stated

FDEP has not requested that the company shut down its operations. Ms. Straub clarified that the County has no authority over the damage that occurred to Mr. Martin's property from the fire.

Commissioner Curry opined that the issue started when the County allowed Mr. Martin to build his home next to a commercial business.

In response to Commissioner Zalak, Mr. Minter commented on the "Nuisance Law", noting there are property rights; however, a person is required to use their property in such a manner that it does not adversely affect their neighbor. He opined that there may be a case for private nuisance due to the company not keeping its activities confined to their property.

General discussion ensued.

In response to Commissioner Stone, Commissioner Zalak clarified that the business did not receive a Special Use Permit (SUP) from the County and is operating as permitted (grandfathered in), noting Mr. Martin received a SUP to build his house there.

Mr. Minter suggested that Mr. Martin may want to consider consulting with a private attorney.

(Ed. Note: The Deputy Clerk did not receive a copy of the photos as shown by Mr. Martin.) Judith Viveiros, NE 63rd Street, advised that her Mom lived in Ocala and passed away in 2012 leaving the home in Ocala to her children, noting she has been paying the property tax on the home since that time. She stated she and her son moved into the home on January 6, 2021. Ms. Viveiros advised that she waited until January 1, 2022 to file for homestead exemptions since they did not occupy the home as of January 1, 2021. She stated when she received the tax bill it had gone up by \$2,000.00. Ms. Viveiros advised that the Property Appraiser's Office informed her that the transfer of homestead exemption from her mother to her triggered a reassessment of the home. She questioned whether there is anything that can be done to lower her taxes.

Chairman Bryant clarified that the BCC does not assess property or set the rules for it, noting that process is governed by State Statute. She recommended Ms. Viveiros contact the Property Appraiser's Office and reinstate the homestead exemption that was removed in 2023.

Roger Knechtel, SE 97th Terrace Road, Summerfield, addressed the Board regarding pro-life issues, and the "reverse pill" to help save the lives of unborn babies. He stated the "reverse pill" has saved the lives of at least 60,000 babies. Mr. Knechtel noted it is his hope that Planned Parenthood shifts from providing abortions to actually helping people plan for their parenthood.

Kathy O'Connell, SW 89th Avenue, advised that she has lived in Oak Run since 2019 and has to deal with the odor coming from the treatment facility, noting the issue has still not been resolved. She stated residents have to go inside of their homes to get away from the stench.

Steve Stazak, SW 89th Terrace, advised that he is having the same issue as other residents relating to the odors coming from the waste management treatment facility at the Oak Run subdivision. He expressed his appreciation to Chairman Bryant for trying to help residents in the community.

Chairman Bryant advised that public comment is now closed.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner Curry wished everyone a Merry Christmas and a blessed holiday season. He noted the Marion County Christmas parade was fantastic. Commissioner Curry

December 17, 2024

commented on the popularity of litter mascots “Rubbish” and “Debris” among the children attending the parade.

Commissioner Stone advised that yesterday was the groundbreaking ceremony for the new high school out at Marion Oaks.

Commissioner Stone wished her fellow Commissioners a Merry Christmas, noting she is looking forward to the year ahead. She wished Marion County employees a very Merry Christmas and a Happy New Year.

Commissioner McClain wished everyone a Merry Christmas. He expressed his appreciation to MCFR for letting him and his children ride on a fire truck during the Christmas parade and thanked the Christmas parade organizers for all their hard work. Commissioner McClain advised that if there is anyone in the community that does not have family or any place to go on Christmas day, they are welcome to join him and his family.

Commissioner Zalak also expressed his appreciation to the Christmas parade organizers and the MCFR team. He advised that it is Christmas in the heart that puts Christmas in the air.

Chairman Bryant advised that there was over 30,490 pounds of food and \$20,550.00 in donations accepted during the 2024 “Bring the Harvest Home” campaign to help fill the local food pantries (Interfaith Emergency Services, Salvation Army, Brothers Keeper, and Vets Helping Vets).

Chairman Bryant referred to the video as shown on the overhead screens, which provided a recap of the 2024 “Bring the Harvest Home” campaign.

Chairman Bryant commented on the Evaluation and Appraisal Review (EAR) survey as shown on the overhead screens, noting every 7 years the County evaluates its Comprehensive Plan to help shape Marion County’s future. She invited the public to share feedback during this process on how best to manage growth, guide our community vision, and keep Marion County an amazing place to live.

Chairman Bryant expressed her appreciation to her fellow Commissioners for covering for her while she was away this past week.

Chairman Bryant noted this is the time of year to spend some extra time around families and make wonderful memories. She reminded everyone to be kind and to remember the reason we celebrate this season. Chairman Bryant stated it is a time of peace and unity, and wished everyone a Merry Christmas.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of December 17, 2024 through January 21, 2025.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Letter from the City of Ocala Office of the City Manager Dated September 30, 2024, and Letter from Marion County Dated December 6, 2024, Regarding Support for the 2025 Patriotic Skies Fourth of July Drone Show

- 14.1.2. Present Chamber and Economic Partnership November 2024 Activity
- 14.1.3. Public Safety Coordinating Council - Notification of Member Designation - Sasha Kidney, Assistant State Attorney
- 14.1.4. Present Update on Errol Todd Matthews Request for Consideration of Reduction and or Release of his Civil Restitution Lien (Budget Impact-None)
- 14.1.5. Present Approved District Office Lease Agreements

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 Letter from Florida Department of Revenue - Rainbow Lakes Estates Truth in Millage Compliance
- 14.4.2. Present Letter from Florida Department of Revenue - County Truth in Millage Compliance
- 14.4.3. Present Administrative Budget Transfer Report for FY 2024-25
- 14.4.4. Present Memorandum from Gregory C. Harrell, Clerk of The Circuit Court And Comptroller, Regarding The Filing of Ordinance 24-29 With The Secretary of State's Office
- 14.4.5. Present Monthly Report for the Building Department Budget and Actual
- 14.4.6. Present Regular Report of Utilization for Reserve for Contingencies

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

- 14.5.1. Board of Adjustment - October 7, 2024
- 14.5.2. Development Review Committee - November 18, 2024
- 14.5.3. Marion County Fire Rescue and EMS - August 21, 2024
- 14.5.4. Parks & Recreation Advisory Council Minutes - June 19, 2024
- 14.5.5. Planning & Zoning Commission - October 28, 2024
- 14.5.6. Rainbow Lakes Estates Advisory Committee - November 21, 2024
- 14.5.7. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>
- 14.5.8. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>
- 14.5.9. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>
- 14.5.10. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 11:46 a.m.

The meeting reconvened at 2:01 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,

December 17, 2024

Administrative Manager Sage Dick, Staff Assistant Rebecca Brinkley, 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 2:00 PM):

Deputy Lewter presented Proof of Publication of Legal ad No. 10804948 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on December 2, 2024. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits.

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

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

15.1. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the six (6) 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 NOVEMBER 25, 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, based on the following findings of fact:

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

The Motion passed unanimously.

Chairman Bryant advised that Agenda Item 15.1.1 is being pulled for individual consideration.

Commissioner Zalak requested Agenda Items 15.1.5 and 15.1.6 be pulled for individual consideration.

Chairman Bryant opened the floor to public comment.

Debra Mintz, NW Gainesville Road, applicant for Agenda Item 15.1.2, questioned if approved how long it will take to go into effect. Chairman Bryant directed staff to meet with Ms. Mintz after the proceedings to answer any questions.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve Consent Agenda items 15.1.2 through 15.1.4, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda items as follows:

15.1.2. 241208ZC - Deborah Mintz, Zoning Change from Rural Industrial (R-I) and General Agriculture (A-1) to General Agriculture (A-1), 4.16 Acre Portion of a 6.69 Acre

Parcel, on Parcel Account Number 12812-000-00, Site Address 9664 NW Gainesville Road, Ocala, FL 34482

The Board granted a petition by Deborah Mintz, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Rural Industrial (R-I) and General Agriculture (A-1) to General Agriculture (A-1), for all permitted uses, on an approximate \pm 4.16 Acre Portion of a 6.69 Acre Parcel, on Parcel Account Number 12812-000-00, Site Address 9664 NW Gainesville Road, Ocala, FL 34482

15.1.3. 241202SU - Stephen J. Fredriksen, Jr., Special Use Permit to Allow Three (3) Goats in Single-Family Dwelling (R-1) Zone, 1.38 Acre Parcel, on Parcel Account Number 4707-087-029, Site Address 9300 SE 157th Place, Summerfield, FL 34491

The Board adopted Resolution 24-R-674 granting a petition by Stephen J Fredriksen, JR., for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow three (3) goats, in Single-Family Dwelling (R-1) zone, on an approximate 1.38 Acre Parcel, on Parcel Account Number 4707-087-029, Site Address 9300 SE 157th Place, Summerfield, FL 34491

Resolution 24-R-674 contained the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit will allow for a maximum of three (3) goats on this property wherein a minimum of 21,000 gross square feet of open pasture/forage area shall be provided for the goats, consistent with LDC Section 4.2.6.F; resulting goat kids, if any, may be kept on site until weaned.
3. This Special Use Permit shall run with the property owner/applicant (Steve J. Fredriksen, Jr.) and not the property.
4. The owner/applicant (Steve J. Fredriksen, Jr.) shall reside on site.
5. In the event the property is divided or subdivided into separate ownership(s) from its current \pm 1.38 acre size, the Special Use Permit shall terminate.
6. All animal waste shall be collected and removed from the site at least bi-weekly, or suitably composted on-site.
7. The Special Use Permit shall expire on December 17, 2027; At which point, it may be renewed administratively for up to three times for a period not to exceed 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

15.1.4. 241207ZC - Margery Ann Longstreet, Zoning Change from General Agriculture (A-1) to Residential Estate (R-E) for All Permitted Uses, 3.24 Acres, on Parcel Account Number 03428-000-00, Site Address 1853 E Hwy 318, Citra, FL 32113

December 17, 2024

The Board granted a petition by Margery Ann Longstreet, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Residential Estate (R-E), for all permitted uses, on an approximate 3.24 Acre Parcel, on Parcel Account Number 03428-000-00, Site Address 1853 E Highway 318, Citra, FL 32113

15.1.1. 241203SU - CMD & G Investments, LLC, Raymundo and Pricilla Mallari, and SMA Healthcare, Inc, Special Use Permit to Allow for Operation of a Residential Rehabilitation Facility and Parking Area with No Primary Structure in a Community Business (B-2) Zone, 0.85 Acre Tract, on Parcel Account Numbers 8001-0247-01 and 8001-0252-01, Site Address 3590 SW 137th Loop, Ocala, FL 34473

The Board considered a petition by CMD & G Investments, LLC, Raymundo & Pricilla Mallari, and SMA Healthcare, Inc, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the operation of a Residential Rehabilitation Facility and parking area with no primary structure, in Community Business (B-2) zone, on an approximate 0.85 Acre Tract, on Parcel Account Numbers 8001-0247-01 and 8001-0252-01, Site Address 3590 SW 137th Loop, Ocala, FL 34473

Transportation Planner Kenneth Odom, Growth Services provided a brief overview of the Special Use Permit (SUP) request to allow for operation of a residential rehabilitation facility and parking area with no primary structure in a B-2 zone, noting there has been no opposition received, and staff is recommending approval. He advised that there was a minor change to a site plan and staff would like to ensure the Board is clear on what is being proposed.

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 Applicant shall upgrade the alley road to 'Subdivision' street standards, pursuant to the Marion County Land Development Code, from the property driveways to SW 137th Loop.
2. The development of the subject parcels must remain consistent with the submitted conceptual plan. The orientation of amenities and required infrastructure on Parcel 2 are interchangeable, but any deviation from the allowed uses will require modification to the SUP.
3. The business model must be maintained as presented in that women are the primary patients and their children are permitted to live on site with them. No male patients are to be admitted at this location.
4. This special use permit runs with the owner and not the property. Any sale of the property will void this special use.

Mr. Odom advised that the applicant has modified the site configuration, which removed the need for proposed Condition 1.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt resolution 24-R-675 approving the zoning change request with Conditions 1 through 3, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-675 contained the following Conditions:

1. The development of the subject parcels must remain consistent with the submitted conceptual plan. The orientation of amenities and required infrastructure on Parcel 2 are interchangeable, but any deviation from the allowed uses will require modification to the SUP.
2. The business model must be maintained as presented in that women are the primary patients and their children are permitted to live on site with them. No male patients are to be admitted at this location.
3. This special use permit runs with the owner and not the property. Any sale of the property will void this special use.

Chairman Bryant expressed appreciation to SMA Healthcare, Inc. for their positive impact on the community and the improvements made relating to mental health and substance abuse.

15.1.5. 24-S10 - Harold and Kimberly Feaster, Land Use Change from Rural Land (RL) to Rural Activity Center (RAC), 6.20 Acre Tract, on Parcel Account Numbers 03101-000-00 and 03114-000-00, Site Addresses 5591 W Highway 318, Reddick, FL 32686 and 18080 N US Highway 441, Reddick, FL 32686

The Board considered a petition by Harold and Kimberly Feaster, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Rural Land (RL) to Rural Activity Center (RAC), on an approximate 6.20 Acre Tract, on Parcel Account Numbers 03101-000-00 and 03114-000-00, Site Addresses 5591 W Highway 318, Reddick, FL 32686 and 18080 N US Highway 441, Reddick, FL 32686

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the land use change request from RL to RAC. He advised that based on staff's analysis the request does meet the criteria to expand the RAC.

In response to Commissioner Zalak, Mr. Weyrauch advised that proof of justification was provided by the applicant. He stated upon review of the information provided by the applicant and staff's analysis it was determined that there is justification to expand the RAC.

Commissioner Zalak stated when he drove by the area most of the RAC looked vacant. Mr. Weyrauch advised that everything west of Highway 441 does have some kind of developed use, but property to the east is not developed. He stated the east property looks to be under common ownership and they do not want to sell, which is why the applicant has proposed the land use and zoning change on the subject parcels to expand the RAC.

In response to Commissioner Zalak, Mr. Weyrauch advised that access would be off Highway 441.

Commissioner Zalak expressed concern with approving straight zoning.

Mr. Weyrauch advised that buffers will be required.

Commissioner Zalak stated the buffers will be addressed with Agenda Item 15.1.6.

Chairman Bryant advised that the applicant is present, but did not wish to speak at this time.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to approve Small Scale Comprehensive Plan Amendment No. 24-S10, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with the surrounding land uses, is consistent with Chapter 163, Florida Statutes (FS) and the

Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

15.1.6. 241106ZC - Harold and Kimberly Feaster, Zoning Change from General Agriculture (A-1) and Community Business (B-2) and Community Business (B-2) to Rural Activity Center (RAC), 6.20 Acre Tract, on Parcel Account Numbers 03101-000-00 and 03114-000-00, Site Addresses 5591 W Highway 318, Reddick, FL 32686 and 18080 N US Highway 441, Reddick, FL 32686

The Board considered a petition by Harold and Kimberly Feaster, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) and Community Business (B-2) and Community Business (B-2) to Rural Activity Center (RAC), for all permitted uses, on an approximate 6.20 Acre Tract, on Parcel Account Numbers 03101-000-00 and 03114-000-00, Site Addresses 5591 W Highway 318, Reddick, FL 32686 and 18080 N US Highway 441, Reddick, FL 32686

Deputy Director Weyrauch, Growth Services, provided a brief overview of the request to rezone two parcels from A-1 to B-2. He advised that staff is recommending approval.

In response to Chairman Bryant, Mr. Weyrauch advised that a Type B buffer is required between Commercial and Residential properties, which is 20 foot (ft) wide with a 6 foot concrete wall, 2 shade trees, 3 ornamental trees, with shrubs and ground cover and 50 percent (%) of the ground cover and shrubs in width.

Commissioner Zalak questioned if the buffer will be around the entire property. Craig Brashier, CHW, Research Drive, Alachua, on behalf of the applicant, presented an 11x17 inch map containing the topography of the subject parcels. He stated 25% to 30% of the west end of the site will be low lying stormwater, which will add to the required buffer. The developed portion of the site will be further to the east.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve the zoning change request, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with the 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).

15.2. Planning and Zoning Items for Individual Consideration:

15.2.1. 241210ZC - GPK Ocala One, LLC - Rezoning from General Agriculture (A-1) (Expired PUD) to Planned Unit Development (PUD) to Allow for a Total Maximum Proposed 158 Single-Family Detached Units, 39.36 Acres, on Parcel Account Number 36640-004-00, No Address Assigned

The Board considered a petition by GPK Ocala One, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, to rezone from General Agriculture (A-1) to Planned Unit Development (PUD) to allow for a total maximum proposed 157 single-family detached units, on an approximate 39.36 Acre Parcel, on Parcel Account Number 36640-004-00, No Address Assigned

P&Z PUBLIC HEARING ON NOVEMBER 25, 2024

241210ZC Planning and Zoning Commission Recommendation

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

1. Will not adversely affect the public interest

2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion passed 5-1, with Mr. Behar dissenting.

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

Commissioner Bryant out at 2:34 p.m.

Transportation Planner Kenneth Odom, Growth Services, provided a brief overview of the zoning change request from A-1 to PUD. He advised that this is the second iteration of a residential development that is located in the southern portion of Silver Springs Shores, immediately adjacent to Legacy Elementary School, noting it is referred to as Juniper Loop PUD. Mr. Odom stated the first iteration was multifamily with approximately 135 units. What is being proposed today is single family with 157 units.

Commissioner Bryant returned at 2:36 p.m.

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

Mr. Odom commented on the expired multifamily PUD, noting there was a significant park and conservation area on the west side. Legacy Elementary is located immediately adjacent to the south. He commented on the differences between the expired PUD and the current proposed PUD, noting the minimum number of units allowed for High Residential is 158.

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

1. The PUD shall develop 158 detached single-family dwelling units, and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 9/20/2024; attached).
2. The PUD shall be restricted to one-story homes along the boundaries of the project.
3. All residential structures shall meet the 10' rear setback.
4. Accessory structures are limited to 20' in height.
5. A Type C Buffer shall be installed along all property lines. Existing vegetation may be counted toward the buffer requirements if approved by the the Marion County Landscape Architect or designee.
6. Sidewalks are required along Juniper Road and along the emergency access with a crosswalk and connection to the sidewalk at the school entrance. No waivers shall be granted to this requirement.
7. Sidewalks shall be provided internally along one side of the roads.
8. The PUD shall connect to the City of Belleview's Utility System for centralized water and sewer.
9. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single-Family Dwelling (R-1) zoning classification of the LDC.
10. Single-Family homes shall be a maximum of 40' in height.
11. Amenities shall be developed and finalized prior to the 79th residential Certificate of Occupancy (CO). or Amenities shall be developed and finalized within one year after the first Certificate of Occupancy.
12. Buffers and landscaping be installed before the first CO.
13. The size of the ROWs and easements shall be determined during the Development Review phase and depicted on the Master Plan for Board of County Commissioners' final approval.

14. 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 Land Development Codes notice provisions at the Applicant's expense.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, on behalf of the applicant, presented a 13 page handout, entitled "Juniper Loop PUD Residential Application". He advised that the applicant could accommodate the 158 units to meet the High Residential requirement. Mr. Tillman stated there is a proposed 15 ft buffer on the Concept plan, but there is approximately 25 feet along the north and south boundaries adjacent to any property lines. He advised that the Type C buffer proposed is a 15 ft buffer, noting the north and south boundaries will have a fence instead of shrubs to provide for 100% opacity.

Mr. Tillman commented on the proposed right-of-way (ROW), noting in the past the only Condition that was placed on the ROW was that the developer maintain a 20 foot separation in between any structure and the utility lines. He stated in the past he has met with Utilities staff and put together a separate drawing showing the separations had been met. Mr. Tillman advised that when planning the project, he ensured that there is the 25 feet needed to separate the house from the sidewalk to avoid issues with vehicles overlapping the sidewalk and stopping people from being able to utilize the sidewalk. He stated the goal is to be approved today so the project can immediately move forward knowing the design criteria, noting the ROW Conditions have not been required in the past.

Mr. Tillman advised that to the rear of the property there is sensitive karst areas; therefore, that portion of the property will be a passive area that will provide for additional amenities space such as a dog park, walkable pathway, small pavilion, as well as benches.

Mr. Tillman stated staff has requested the perimeter of the project be single story homes, but the proposed lots are smaller and in order to meet the square footage the homes will need to be 2 story homes. He advised that on the property that is adjacent to a school and to the north there is one small section adjacent to home, noting the applicant has agreed to have lots 29 through 33 be limited to single story. Mr. Tillman commented on the elevation differences between the subject property and the surrounding properties.

Mr. Tillman addressed the amenities, noting they would be completed within one year of the very first Certificate of Occupancy (CO) on the site. He stated a Type C buffer with the shrubbery is being proposed on the side near Juniper Road.

Mr. Tillman presented 2 brief videos showing similar developments to the one being proposed.

In response to Commissioner Zalak, Mr. Tillman advised that the depths of the lots are 120 feet, noting the maximum building size would use an 85 foot pad.

General discussion ensued relating to lot size and layout.

Commissioner Zalak requested the buildings be staggered and the façade and height vary between houses.

Mr. Tillman advised that request could be accommodated.

Commissioner Curry questioned if there were any ball fields on the school property and expressed concern with any light being cast from the school onto the subject parcel. Mr. Tillman advised that the school is an elementary school and does not contain any lighted sports fields.

Chairman Bryant opened the floor to public comment.

Maureen Merrick, Juniper Road, referred to a 17 page email she sent to Commissioners

in opposition to the proposed project. She commented on the elevation differences between her property and the subject parcel, noting a 6 foot fence will not provide adequate buffer between the properties. Ms. Merrick expressed concern with the proposed density. She provided a copy of page 17 from the email showing the location of her property in comparison to the proposed project.

Chairman Bryant commented on the elevation difference between Ms. Merrick's property and the subject property.

Grant Merrick, Juniper Road, addressed the topography and lot sizes of the surrounding area. He expressed concern with the impact this development will have on existing neighbors quality of life and water quality.

Mr. Merrick advised that when he purchased his property 5 years ago the subject parcel had a Medium Density Residential land use and questioned how it is now High Density Residential.

Julia Keck, Juniper Road, expressed concern with the proposed lot size and the number of homes, as well as the impact the development will have on existing roads and water quality.

Raymond Amos, SW 16th Avenue Road, opined that the subject property should be utilized to expand the existing school on the adjacent site.

Chairman Bryant advised that the MCBCC does not have any provision over the Marion County School Board (MCSB), noting they are two separate political entities.

Chairman Bryant advised that public comment is now closed.

In response to Chairman Bryant, Mr. Tillman addressed the elevation differences and advised that there is not something that could immediately be done for a view shed change, noting the law does not give an individual the right to a view shed of someone else's property. He stated the 6 foot fence is something that can be provided immediately. The typical criteria for the buffer between agricultural and single family homes is a 5 foot Type E buffer. Mr. Tillman advised that there is a significant separation between the neighboring properties and the project. He stated the applicant has agreed to limit the homes across the street from the Merricks to single story.

Mr. Tillman advised that the subject property is High Density Residential and has been for years, noting the minimum density is 158 units.

Chairman Bryant question how unusable acreage is factored into the density on a property. Mr. Tillman advised that the 20% open space requirement is not buildable, but is still calculated in the density.

Mr. Minter stated he is unaware of a case that has had a similar scenario. He opined that it could be considered in the same way as undevelopable wetlands.

Mr. Odom advised that the County does provide a 25% credit towards open space calculations for a Drainage Retention Area (DRA). He stated the number of allowable units is determined by the entirety of the property, noting the non-buildable area is either considered open space or not built upon.

Mr. Tillman stated the karst area on the property does not qualify as property that is completely unusable, noting it acts as open recreational space and amenities area.

Chairman Bryant opined that this area should not be factored into the density and the project is not compatible with the surrounding area.

Mr. Tillman questioned what would be considered compatible for the area. Chairman Bryant advised that the lot size is not compatible with that area of Silver Springs Shores. In response to Chairman Bryant, Mr. Tillman advised that there are 5 foot setbacks on each lot line; therefore, it is not defined as zero lot lines. He stated there are multifamily

December 17, 2024

units directly in the vicinity of the subject property. Mr. Tillman advised that the previously approved PUD was for a multifamily product.

In response to Commissioner McClain, Mr. Odom advised that in 2016 there was a land use change from Medium Density Residential to High Density Residential. He stated the previously approved PUD expired in 2021, but the land use change remained.

Mr. Tillman advised that the roads and the amenities would be maintained by the Homeowners Association (HOA).

Commissioner McClain questioned if the applicant is willing to install a sweet viburnum hedge across the northern boundary. Mr. Tillman advised that if it is a Condition of the Board the applicant will, but they were proposing the fence in lieu of the vegetation.

In response to Chairman Bryant, Mr. Tillman stated the applicant had agreed to the fence and the trees, but were excluding the shrubs.

Commissioner McClain expressed support for the vegetation, which would provide an approximate 20 foot height buffer.

Mr. Tillman stated the sweet viburnum is typically 15 feet and takes many years to reach that height.

Commissioner Zalak stated installing the fence first will make the immediate difference. He opined the Board should review the boundary to determine the right amount and size of the trees.

In response to Commissioner Zalak, Mr. Tillman advised that if too many trees are placed together they will stunt each other's growth and will not reach the maximum height. He advised that the developer can plant larger vegetative material in that region to help it grow in at a quicker rate.

Mr. Odom stated if approved today, this matter will be coming back before the Board for Master Plan approval. He opined that it would be beneficial for Susan Heyen, Arborist for Marion County, Parks and Recreation, to review and make suggestions as it relates to the trees and vegetation.

In response to Commissioner Zalak, Mr. Tillman provided a brief overview of the proposed amenities.

General discussion ensued.

County Engineer Steven Cohoon, OCE, advised that staff's concern would be vehicles backing into the road way and overall maintaining that minimum width, noting as long as the easements do not restrict any of that potential issue or encroach on utilities, staff does not have an issue with ROW and easements being determined during the Development review phase of the project.

Commissioner Zalak questioned if it is better to finalize at the Master Plan phase when staff has time to review. Mr. Cohoon advised that it affords the technical teams from the various departments time to review and provide comments. He opined that as long as nothing is placed in those utility areas/easements staff would not have any concerns.

Chairman Bryant stated if this PUD was denied, and the developer decided to move forward with straight zoning and was unable to reach the max units it would not be the Board's fault. Mr. Minter concurred.

Chairman Bryant advised that the previous PUD has expired and the zoning is currently A-1. She stated the Board is not obligated to grant anything because the applicant has the ability to move forward with straight zoning, noting they would be required to meet the Code on everything.

Commissioner Curry expressed concern with the limited infrastructure in the area and the number of proposed units. He advised that he will not be voting in favor of the project.

In response to Mr. Minter, Mr. Odom advised that if the application were to move forward with straight zoning R-3 would be compatible with the High Density Residential, noting 4-8 units per acre is considered High Density and 8-16 would be considered Urban Density. He stated currently the property is zoned A-1, which is not compatible with the High Density Residential. In order to meet the minimum threshold for this density the developer would have to request R-3 at this location.

General discussion ensued comparing the previously approved PUD and the proposed PUD.

Brian Mihelich, Virginia Lee Circle, Brooksville, advised that the back area of the property currently being preserved is a high area for karst activity. He stated it is buildable, but does not know if it is advisable to build multiple structures in that area. Mr. Mihelich opined that the open space in this area does provide a benefit. He commented on compatibility of this project with the surrounding area, noting he is willing to meet with staff to discuss further ways to mitigate any issues. Mr. Mihelich advised that the goal is to provide the area with a quality development.

Chairman Bryant expressed opposition to the number of proposed units and the impact it will have on the already overburdened infrastructure. She opined that this property should have 40 units less than what is being proposed based on the usable land, noting the proposed project is not compatible with the area.

Mr. Tillman advised that the 10 acres that are not being built on can be utilized towards the open space.

Commissioner McClain commented on the current housing costs. He stated the Board could mitigate concerns with Conditions and planning, noting in today's market this is what it takes to make homes affordable for the younger generation.

Commissioner Zalak opined that the Board should have never changed the land use, noting if the Board removes the land use it would be considered a "Taking". He advised that he is more in favor of single family rather than multifamily, noting staff can work with the applicant to create the proper buffer.

General discussion ensued.

Mr. Tillman advised that if the application came back to the Board with straight R-3 zoning the only limitations would be what is allowed by Code. He stated R-3 has a height limitation of 50 feet, but does not limit the number of stories.

In response to Chairman Bryant, Mr. Odom advised that R-3 is multifamily dwellings, noting apartments are associated with this category.

Chairman Bryant reiterated her opposition to the density.

Mr. Minter advised that the issue is the land use on the property, but the land use cannot be taken away.

In response to Chairman Bryant, Mr. Minter advised that the County does not have a Code that requires features (karst, wet lands, lakes, etc.) to be removed from the property when considering density.

General discussion ensued.

In response to Commissioner Stone, Mr. Odom advised that Condition 11 states the following: "Amenities shall be developed and finalized prior to the 79th residential Certificate of Occupancy (CO) or Amenities shall be developed and finalized within one year after the first Certificate of Occupancy."

Commissioner Zalak expressed support for whichever happens first, the 79th unit or 1 year.

Mr. Odom requested direction from the Board relating to Condition 2, which restricts one-story homes along the boundaries of the project.

December 17, 2024

Commissioner McClain advised that the staggering will not be able to take place if that Condition remains.

Commissioner Zalak concurred, noting he would prefer variation in both spacing and height.

Chairman Bryant stated if approved, the north boundary should be restricted to single story homes.

Commissioner Stone clarified that the applicant is proposing lots 29 through 33 be limited to single story only.

General discussion resumed.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt resolution 24-R-677 approving the zoning change request with Conditions 1 through 14, 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.

Chairman Bryant commented on the unlikelihood of development taking place if the Board had denied this application.

The motion was approved by the Board by a vote of 3-2, with Chairman Bryant and Commissioner Curry dissenting.

Commissioner Zalak out at 4:01 p.m.

15.2.2. 240809SU - Tigo Investment Group, Special Use Permit for Food Truck Park in a Community Business (B-2) Zone, 2.0 Acres, Parcel Account Number 41200-079-03, No Address Assigned

The Board considered a petition by Tigo Investment Group, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a proposed development of a food truck park, in a Community Business (B-2) zone, on an approximate 2.0 Acre Parcel, on Parcel Account Number 41200-079-03, No Address Assigned

P&Z PUBLIC HEARING ON JULY 29, 2024

240809SU Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously, 7-0.

Deputy Director Ken Weyrauch, Growth Services, stated the request is for a SUP to allow development of a food truck park, in a B-2 zone. He advised that the Board previously approved this use on a temporary basis for a parcel two lots over. If the proposed SUP is denied today the temporary SUP will have 90 days to vacate the existing site. Mr. Weyrauch advised that as of today there are restrooms at the site, but they are not installed and the applicant does not have a permit for electricity. He stated staff have been conducting weekly inspections and there have been no additional trucks brought on or to the site.

Commissioner Zalak returned at 4:02 p.m.

In response to Chairman Bryant, Mr. Weyrauch advised that everything is outside; therefore, an additional SUP would be required to sell alcohol for onsite consumption or for someone to bring their own alcohol to consume onsite. He stated staff received a report that the Division of Alcoholic Beverages and Tobacco (ABT) was undercover onsite and they were unable to purchase alcohol from any of the food trucks. Mr. Weyrauch advised that patrons cannot bring their own alcohol onsite to consume, noting if they did it would be considered a bottle club and require a separate SUP. He stated at this time they have not found evidence of this taking place.

Mr. Weyrauch advised that over the last year there have been 6 responses from MCSO to the site and all of those were relating to noise. He stated there should not be any amplified music outside, noting that was not part of the SUP request.

Commissioner Zalak questioned the number of units currently onsite. Mr. Weyrauch stated there are 20, but if 5 leave and do not come back it will remain at the maximum of 15. Additional trucks cannot be added to the site.

Chairman Bryant advised that there should be no amplified music or alcohol consumption on site, noting if there is then the applicant would be in violation of the SUP.

Luis Betances, S US Highway 301, advised that there are no speakers on site for music, but the food trucks may have speakers in the front. The trucks do not have the ability to have loud music because they are utilizing generators. He stated there have not been any noise complaints in the last 6 months. Mr. Betances advised that no alcohol is being sold onsite, noting he will monitor to ensure no consumption is taking place either.

Commissioner Zalak questioned when the trailer with the restrooms was supposed to be onsite. Mr. Weyrauch advised that it would have to be onsite, installed and running before the end of the year. He stated the applicant has informed staff the restrooms are on site, but have not been installed and connected.

Commissioner Zalak advised that he was onsite yesterday and the trailer was not present. Austin Dailey, SE 11th Avenue, attorney on behalf of the applicant, stated the applicant has ordered the restroom trailers and are awaiting electric and water connection.

Commissioner Stone questioned if a manager is onsite. Mr. Weyrauch advised that Mr. Betances and Mr. O'Neal are the managers and one of them is onsite .

Mr. Dailey advised that there is a manager onsite during operating hours. He commented on issues with neighbors blocking access to the dumpster, which hinders the waste removal. This has since been resolved.

Mr. Betances provided a brief overview of the issues with the neighbor relating to dumpsters and access.

Mr. Weyrauch provided a brief overview of the location of the subject property and the proposed PUD.

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 project shall be developed in a manner consistent with the conceptual plan that was submitted with this application and the Marion County Land Development Code.
2. A Major Site Plan approval from the Development Review Committee is required for all development on the subject property.
3. Cross access to adjacent properties, when required, must be paved.
4. The buffer along the northern boundary, adjacent to the RV Park, shall be a modified Type A buffer, the modification shall include a 6' opaque vinyl fence. Buffer along HWY 484 shall be a Type C Buffer.

5. Garbage shall not be allowed to accumulate and overflow the dumpsters. Garbage shall be removed from the site regularly and in a timely manner.
6. Owner/Applicant to work with Utilities during DRC process to install grease traps to the county's standards.
7. Hours of Operation: 9am - 10pm
8. Lighting standards: A photometric plan shall be provided during Site Plan development through the Development Review Committee (DRC)
9. Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms.
10. The site shall be connected to central water and sewer services.
11. Concrete pads for the food trucks shall be installed with no food trucks parking on open ground without a concrete pad.
12. Fire truck access – During DRC site plan approval, if it's found that the requested number of food trucks will not allow required emergency services circulation through the site, the number must be reduced to provide necessary space in the event that emergency services must access the property.
13. The Special Use Permit will terminate in the event there is a division or subdivision of the site.
14. The Special Use Permit shall run with Luis Betances and not with the property.

Mr. Dailey provided a brief project overview to follow along with the PowerPoint presentation shown on the overhead screens. He requested Condition 14 be amended to run with Mr. Betances' LLC, which is ELB Housing, LLC. Mr. Dailey advised that the estimate for sewer connection was between \$400,000.00 and \$450,000.00. He urged the Board to postpone the sewer connection requirement until sewer is closer to the property. Chairman Bryant advised that an LLC can be sold, noting typically when an SUP is approved they run with the applicant.

Chairman Bryant opened the floor to public comment.

Milton Williamson, SW 135th Street Road, expressed support for the proposed SUP. He stated he has been to the site over 75 times and he has never seen alcohol onsite.

In response to Chairman Bryant, Mr. Williamson advised that he has been assisting with the project and may join as a property manager.

Chairman Bryant advised that public comment is now closed.

Commissioner Zalak expressed concern with the water and sewer connections, number of trucks and limited parking. He opined that it is not fair that other restaurants have to make large investments into brick and mortar locations, but 30 restaurants can collocate and are not held to the same standard or pay the same taxes.

In response to Commissioner Zalak, Ms. Straub advised that when a project gets through with their land use and zoning, then they submit an application to the DRC, who identifies all of the site improvements. She stated a fast food restaurant typically generates over 50 peak hour trips; therefore, 15 food trucks would generate roughly 100 peak hour trips.

Commissioner Zalak questioned how staff is going to estimate the number of necessary parking spaces. Chairman Bryant stated the applicant is requesting 60 parking spots for patrons and 8 for employees.

Ms. Straub advised that staff is guessing on the number of necessary spots, noting there is not a good study on this type of use.

Commissioner Zalak expressed concern with the limited number of parking spaces in relation to the number of food trucks onsite.

Mr. Dailey advised that other locations with this type of use have a ratio of 2 parking spaces per food truck. He stated it is unclear how much traffic this type of business will create.

General discussion ensued relating to parking and traffic.

Commissioner Zalak advised that OCE staff can determine the necessary number of parking spots. He opined that the biggest issue for the Board to address is whether or not the applicant will be allowed to operate without water or sewer.

Mr. Dailey stated water is within connecting distance to the site; therefore, the applicant is only requesting the sewer connection be delayed. He advised that the hope is the lines become available sooner rather than later.

Commissioner Zalak questioned if the applicant could temporarily utilize the Recreational Vehicle (RV) park's sewer system. Mr. Tillman advised that the RV Park is a private facility and when the applicant asked the business declined.

Mr. Dailey advised that if the connections are not within reasonable distance the applicant is requesting that they be allowed to have an onsite system. He stated the property will be purchased under an LLC and requested that be permitted as long as Mr. Betances is the majority owner.

Mr. Minter stated based on the pictures he saw of the dumpsters, which were taken early morning, it looks as if other people are using the dumpsters besides the people associated with the food trucks. He recommended the applicant take measures to ensure the dumpsters are only being used by the actual food trucks onsite.

Commissioner Zalak opined that the dumpsters were not dumped over the weekend and due to the gate issue the trash was also not picked up on Monday morning.

Mr. Tillman recommended the Board determine at what distance the applicant will be required to connect to central sewer.

Utilities Director Tony Cunningham advised that the current requirement is 400 feet per Equivalent Residential Connection (ERC), noting the subject property is within connection distance due to the number of ERCs.

General discussion ensued.

Mr. Bouyounes advised that the subject property is within 1,100 feet of a connection point, which is less than 3 ERCs.

Mr. Dailey advised that the applicant does expect the other developments around the subject property to bring the connection point closer to the site.

Commissioner Zalak recommended limiting the number of food trucks onsite until it connects to water and sewer.

Chairman Bryant opined that the proposed use is very innovative and does offer something that is lacking in the area as it relates to variety. She stated requesting the maximum buildout without being able to meet the minimum requirements that anyone else would have to meet is a bit much. Chairman Bryant suggested reducing the number of food trucks to 20 and allowing the temporary restroom trailers onsite. She stated the applicant would be required to connect within whatever timeframe is approved by the Board, noting they would not be allowed to request additional time.

Commissioner Stone stated the food trucks would need electricity and could not be running off of extension cords.

Chairman Bryant advised that the applicant would have to meet all of the other requirements except for sewer.

December 17, 2024

In response to Commissioner Stone, Chairman Bryant stated currently the applicant does not have to reduce the number of food trucks to 15, but if a truck leaves they cannot replace it. She advised that the new site would allow 20, noting once the site connects to central sewer they will be allowed to increase the number of food trucks. Chairman Bryant stated the SUP will expire in 3 years and the applicant will have to come back before the Board at that time. She stated this timeframe will also give time to identify any issues that will need to be addressed.

In response to Commissioner Curry, Mr. Dailey advised that this concept started out small and grew organically much faster than anticipated. It became a necessity to find a quick alternative that did not require much of a change and that is how this site was chosen. He stated the people who eat at this site live and work in this area.

Chairman Bryant opined that this is an innovative concept, noting there is nothing like it in Marion County.

Commissioner McClain expressed support for limiting it to 20 food trucks, noting this can be increased in the future pending any traffic issues and connection to centralized water and sewer.

Ms. Straub advised that a site plan will be required with a traffic study before the business can begin operating on the new site.

Chairman Bryant advised that if parking and traffic becomes an issue the number of trucks permitted may be reduced.

Commissioner Zalak commented on the access point for the subject property and opined that it will work better from a traffic perspective.

Commissioner Stone requested "No Alcohol" signs be posted throughout the site, as well as the name of a manager posted to ensure people know there is management of the facility.

Commissioner Zalak advised that the applicant will be required to follow the sign Ordinance.

In response to Commissioner Zalak, Mr. Weyrauch advised that the existing SUP is 18 months and the applicant has to come back before the Board for renewal. The proposed SUP location would have to be developed within 2 to 3 years.

General discussion ensued.

Mr. Weyrauch requested the Board require the applicant to come back before the BCC should there be any Code violations. It was the general consensus of the Board to require all Code violations for any SUP to come back before the BCC for review.

In response to Mr. Cunningham, Chairman Bryant advised that if sewer connection becomes available within 400 feet of the site within 4 years the applicant will be required to connect.

Mr. Betances advised that he would like to connect now, but it is not financially feasible. A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt resolution 24-R-676 approving the zoning change request with Conditions 1 through 20, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was approved by the Board by a vote of 4-1, with Commissioner Curry dissenting.

Resolution 24-R-676 includes the following Conditions:

1. The project shall be developed consistent with the conceptual plan submitted with this application and the Marion County Land Development Code.
2. The site shall be limited to 20 food trucks/vendors until the entire site is connected to centralized water and sewer. Once the connections to centralized water and sewer are complete and both Growth Services and the Office of the County Engineer agree that the site has ample parking to expand, the site may increase to 30 food trucks.
3. A Major Site Plan approval from the Development Review Committee is required for all development on the subject property.
4. Cross access to adjacent properties, when required, must be paved.
5. The buffer along the northern boundary, adjacent to the RV Park, shall be a modified Type A buffer, the modification shall include a 6' opaque vinyl fence. Buffer along HWY 484 shall be a Type C Buffer.
6. Garbage shall not be allowed to accumulate and overflow the dumpsters. Garbage shall be removed from the site regularly and in a timely manner.
7. Any Code Enforcement issues found in violation are subject to revocation of this Special Use Permit.
8. Owner/Applicant to work with Utilities during DRC process to install grease traps to the county's standards.
9. Hours of Operation: 9am - 10pm
10. Lighting standards: A photometric plan shall be provided during Site Plan development through the Development Review Committee (DRC)
11. Permanent restroom facilities shall be provided meeting FL Building Code for Commercial bathrooms. However, the site may utilize temporary restrooms until the site is connected to centralized sewer. Temporary restrooms shall be subject to permitting and inspections by the Building Safety Department (based on the information shared during public workshops, reinspection's are required every 180 days. The applicant shall have a calculation, approved by the Department of Health, of how many temporary restrooms are needed on site for the number of trucks and cleaning schedule. Temporary restrooms shall be emptied/pumped weekly at a minimum.
12. The site shall be connected to Marion County Utilities central water and sewer services. Connection to central water is required before operations may commence. The site must connect to centralized sewer when the centralized sewer becomes available within 400' of the site or no later than December 17, 2028.
13. Concrete pads for the food trucks shall be installed with no food trucks parking on open ground without a concrete pad.
14. Fire truck access - During DRC site plan approval, if it's found that the requested number of food trucks will not allow required emergency services circulation through the site, the number must be reduced to provide necessary space in the event that emergency services must access the property.
15. No on-site consumption of alcohol.
16. Signs shall be posted plainly visible on site stating that alcohol is not allowed. Signs shall be posted plainly visible on site stating the manager's name and contact information.

December 17, 2024

17. The site is subject to Section 4.4.4 of the Marion County Land Development Code for On-site Signs.
18. The site is subject to Chapter 13 of the Marion County Code of Ordinances for Noise and Vibration Control. Outdoor music is prohibited.
19. The Special Use Permit will terminate if there is a division or subdivision of the site.
20. The Special Use Permit shall run with Luis Betances, not the property. If the property is put into an LLC, then Luis Betances must be the primary owner.

Commissioner Zalak out at 5:10 p.m.

There was a recess at 5:11 p.m.

The meeting reconvened at 5:18 p.m. with all members present.

UPDATE: Mr. Minter referred to a case relating to the Village of Wellington where there was a situation regarding a preserve area called Big Blue within the Wellington PUD. The result was a portion of the holdings were set aside as a reserve area and the owner was compensated by allocating the development rights to the reserve to the other property. Mr. Tillman advised that there is criteria either in the Comprehensive Plan or the LDC limiting the densities that can be accounted for in some of the wetland areas and open water bodies.

15.2.3. 241206SU - Eastrock LLC and Summur Limited Liability Co, Special Use Permit to Allow for a Sand Mine Operation in General Agriculture (A-1) Zone, 166.64 Acre Tract, Parcel Account Numbers 44844-000-00, 44854-000-00, 44855-000-00, 44863-000-00, 44863-001-00, and 4135-011-000, No Address Assigned

The Board considered a petition by Eastrock LLC and Summur Limited Liability Co, request a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a Sand Mine Operation, in General Agriculture (A-1) zone, on an approximate 166.64 Acre Tract, on Parcel Account Numbers 44844-000-00, 44854-000-00, 44855-000-00, 44863-000-00, 44863-001-00, and 4135-011-000, No Address Assigned

P&Z PUBLIC HEARING ON NOVEMBER 25, 2024

241206SU Planning and Zoning Commission Recommendation

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

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

The Motion passed 5-1, with Mr. Lourenco dissenting.

Deputy Director Weyrauch, Growth Services, provided a brief overview of the Special Use Permit (SUP) request to allow for a Sand Mine Operation in an A-1 Zone. He advised that there is a conformity letter/policy 120 letter for a sand mine on 40 acres south of the high school site.

Commissioner Stone out at 5:23 p.m.

Mr. Weyrauch advised that staff's primary concerns are compatibility with the surrounding residential uses and traffic, noting the roads in Marion Oaks are not developed for significant heavy truck traffic.

Commissioner Stone returned at 5:25 p.m.

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

1. An approved Mass Grading Plan from the Marion County Development Review Committee is required.
2. A reclamation plan shall be submitted with the Mass Grading Plan.
3. A Site Plan, either Minor or Major is required, and all buffers and onsite and offsite improvements are required to be completed before any mining activity may take place.
4. A commercial driveway apron shall be installed and permitted prior to resource extraction operations commencing.
5. To avoid potential stacking within the public right-of-way, the approved Mass Grading Plan shall demonstrate the location within the property of a gated, minimum 24' wide driveway with a length sufficiently deep enough to accommodate at least ten (10) heavy trucks.
6. There shall be no access to SW 18th Avenue Rd.
7. No activities associated with this Special Use Permit shall be permitted on parcel 4135-011-000.
8. To mitigate potential economic impacts on adjacent properties off-street parking areas shall be located a minimum 150' away from any property line and a minimum of 500' from any residential property line (zoned or existing use).
9. To mitigate impacts associated with lighting and glare, exterior lighting is prohibited.
10. To mitigate noise impacts on the surrounding areas: !The days and hours of operation shall be Monday through Saturday from 30 minutes after sunrise to 30 minutes before sunset; !Vehicles shall not operate with loud backup alarms; !Sound monitors shall be installed along the property line and the noise data collected from such monitors shall be provided weekly to the Code Enforcement Division to ensure conformance to the County's noise ordinance.
11. The approved Mass Grading Plan shall display the location of a refuse and service area for the temporary storage of such materials. Such area shall be located at least 150 feet away from adjacent property lines and shall be removed on at least a weekly basis.
12. No vehicle repairs shall be conducted on site.
13. No tree debris shall be stored on site.
14. Applicant has 60 days from the date the SUP is granted to remove the existing piles of tree debris.
15. A minimum 25' wide temporary buffer shall be installed along the north and west side of the two northern 20-acre parcels (44854-000-00, and 44855-000-00). This buffer shall require a minimum 10' high berm with a 5' width at the top of the berm and covered with ground cover, which landscaping may include turf grass. The buffer may allow the installation of drainage pipes with grated covers to facilitate stormwater management.
16. A minimum 25' wide temporary Type B buffer shall be installed along the east side of 44855-000-00, along the north and east side of 44863-001-00, and along the east, south, west and southwest sides of the 100-acre tract,

including the western boundary that borders residential properties. This buffer shall require a minimum 10' high berm with a 5' width at the top of the berm and covered with ground cover, which landscaping may include turf grass. The buffer may allow the installation of drainage pipes with grated covers to facilitate stormwater management.

17. Upon completion of the extraction activities within each tract, the temporary berms may be removed, or if retained, two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof shall be installed on top of the berm.
18. The Special Use Permit is issued solely to Eastrock, LLC, and Summur, LLC, and shall automatically become null and void should the subject property be transferred to another person or entity.
19. The Special Use Permit shall expire on December 16, 2027. Within three months of approval, the applicant shall notify the Growth Services Director in writing of the start date for excavation.
20. Roadway reinforcement of SW 165th Street, shall be coordinated through the Office of the County Engineer. The roadway shall be improved to the structural requirements of a 'Major Local' roadway. Roadway reinforcement shall be completed prior to the commencement of mining operations.
21. Prior to commencing activities, water trucks shall daily spread water along the driveway to eliminate dust clouds from leaving the property.
22. The minimum elevation for the site shall be ##-feet.
23. The hours of operation shall be from 30 minutes after sunrise to 30 minutes before sunset, Monday-Saturday.
24. An approved DRC Mass Grading Plan is required before operations may start.
25. An environmental assessment is required with the Mass Grading Plan.
26. A reclamation plan is required to be submitted with the Mass Grading Plan and such plan must be approved before operations may begin.
27. The applicant shall provide copies of all permits (SJWMD, FDEP) related to this application to the Marion County Growth Services Department prior to the commencement of activities.
28. No dewatering shall be performed at the sand mine.
29. There will be no burning of materials or asphalt milling storage onsite.

Ms. Straub clarified that the road the project would be connecting to (Marion Oaks Manor/SW 165th Street) is outside the MSTU for maintenance.

In response to Commissioner McClain, Ms. Straub stated the access point is just west of the gate into SummerGlenn, noting the pavement ends just east of the gate of SummerGlenn. She commented on the location of the school's driveway.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, on behalf of the applicant, presented a 72 page handout. He commented on the volume of materials being removed from the site, noting mining would not be required daily to reach the maximum capacity. Mr. Tillman advised that a discussion took place with the County Engineer to determine the best route for the site.

Mr. Tillman referred to the handout and advised that it contains aerial photographs of the subject property and surrounding area, noting the mitigation conditions that can be put in place to address neighbors concerns. He stated if the proposed emergency access is

being utilized the mining operation will stop until the main ingress/egress is open and operational.

Mr. Tillman requested the Board consider allowing the applicant to burn the debris currently on the site, noting new debris will not be hauled to the site for burning.

Mr. Tillman advised that the developer for the school site had reached out to the applicant to inquire about approximately 18,000 truckloads of dirt for their project. This would be 18,000 trucks that would not have travel on the roadway. He stated the intention is to supply sand for the construction that is occurring in the local region; therefore, it will reduce trucks coming from outside this region bringing dirt. Mr. Tillman advised that the McGinley sand mine is near its end of life and a replacement is needed in the area. He stated a sand mine has to be located where the natural resources exist.

Mr. Tillman opined that a sand mine can be a good neighbor and commented on dust mitigation efforts that can be made.

Chairman Bryant opened the floor to public comment.

Marjorie Santini, SW 168th Loop, presented a petition containing signatures in opposition to the sand mine. She expressed concern with possible risks associated with the dust from the site.

Triso Santini, SW 168th Loop, concurred with Ms. Santini.

Stacy Mirabile, SW 17th Circle, commented on the existing debris on site, air pollution, possible sink holes, displacement of wildlife and the impact this use will have on quality of life for existing residents.

Tristan Mirabile, SW 17th Circle, addressed the impact on existing residents, water quality and the displacement of wildlife.

Raymond Amos, SW 16th Avenue Road, advised that he has the same concerns as the previous speakers and urged the Board to consider the information provided.

Bob Chambers, SW 14th Avenue Road, expressed concern relating to air quality, dust, traffic and safety.

Judy Wojcik, SW 14th Avenue Road, commented on noise, traffic, safety and dust concerns.

Mary Anne Chambers, SW 14th Avenue Road, stated there are existing dust issues due to the construction of the school and expressed concern with how this project will impact the value of the existing homes. She urged the Board to deny the SUP.

Chairman Bryant advised that public comment is now closed.

Mr. Tillman advised that that core borings were performed on the Marion Oaks Manor/SW 165th Street and the thinnest section of asphalt was 4 inches; therefore, the road was built to maintain heavy truck traffic. He stated the sand mine will make less of a noise and traffic impact than the new school.

Mr. Tillman advised that buffers would be put into place to protect the neighbors from noise and dust, noting there will very little impact on citizens of SummerGlenn. He referred to the handout provided which contains 2 different studies relating to silica and sand mining. Mr. Tillman advised that radon gas is something that exists underneath a home and not an issue related to this site. He stated blasting will not be taking place onsite.

Mr. Tillman addressed the request to burn the existing debris located on the site and commented on the steps that will be taken to mitigate the impact on the surrounding area. He advised that an environmental assessment is required prior to any additional excavation onsite, noting any necessary wildlife mitigation measures will be done. Mr. Tillman stated sand mines have been done in the past near residential developments and there has been no impact to adjacent wells, but annual water quality testing can be performed. He advised that if a sinkhole were to occur it would be on their property.

December 17, 2024

Mr. Tillman advised that the applicant has agreed to buffers along the west side and south side of a property where the neighbors are located, but there is nobody to buffer to the north or east of the property.

In response to Commissioner McClain, Mr. Tillman advised that any gopher tortoise onsite would have to be relocated, or the developer would have to maintain a minimum separation from the tortoise as approved by the Fish and Wildlife Commission (FWC).

Chairman Bryant questioned the number of trips per day. Mr. Tillman stated there will be approximately 60 trips per day.

In response to Commissioner McClain, Mr. Tillman advised that the trucks are tarped when leaving the site. The proposed hours of operation are 30 minutes after sunrise and 30 minutes before sunset, Monday through Saturday.

Commissioner McClain questioned what the Policy 120 letter covers. Mr. Weyrauch advised that the letter covers the north 40 acres and allows for sand mining, noting it is vague and there are no conditions. He stated there is not an active DEP mining permit on the site at this time.

Commissioner McClain stated with the Policy 120 letter and a permit from DEP the applicant can mine on those 40 acres without an SUP. Mr. Weyrauch concurred.

Mr. Minter advised that the Policy 120 letters are somewhat vague, noting it is possible to lose a vested right through lack of use or abandonment of use. If the site has not been used in many years as a sand mine it may not give them a current right to keep using the mine.

Chairman Bryant questioned when the property was last used for mining. Ms. Straub advised that based on the aerial photographs the property has not changed in at least 5 years.

Mr. Minter opined that 5 years is a sufficient length of inactivity that there is not a vested right.

General discussion ensued.

Commissioner Stone questioned if there was a contract in place with the school for sand.

Mr. Tillman advised that an inquiry regarding the cost was made, but a contract was not entered into because they do not have the authority to dig.

Commissioner Zalak advised that he spoke with a representative from the school and was told the dirt was not needed.

Mr. Bouyounes clarified that a representative from the school did reach out to the developer early on during the school project, but then the school balanced the site and there was no further need for the dirt.

Mr. Tillman reiterated the benefits of having the resources available within the region, where there is a need, noting the existing site in the area is about to close.

In response to Commissioner Stone, Mr. Tillman stated the access point was chosen because it will affect the fewest people. He stated another option would be to have an ingress/egress on SW 17th Circle.

Chairman Bryant opined that this is not the right time for this activity and expressed concern with the access point.

Commissioner Stone questioned how many other sand mines are available in the area.

Mr. Weyrauch advised that the McGinley site is the only one from what staff is aware of.

In response to Commissioner Stone, Mr. Tillman provided a brief overview of the mitigation efforts that would be taken to address the dust.

General discussion ensued.

It was the general consensus of the Board not to support moving forward with the SUP.

Mr. Tillman advised that the applicant would like to withdraw the application at this time. Chairman Bryant advised that the application has been withdrawn.

15.3. Adoption of Ordinance

15.3.1. 24-S10

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 24-32 adopting Small Scale Comprehensive Plan Amendment No. 24-S10, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

Ordinance 24-32 is entitled:

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

24-S10, HAROLD AND KIMBERLY FEASTER
+/- 6.20 ACRES

PARCEL NOS. 03101-000-00 AND 03114-000-00
FROM RURAL LAND TO RURAL ACTIVITY CENTER
PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR
FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.

15.3.2. Zoning

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

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 24-33 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 24-33 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.

15.3.3. Zoning

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

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 24-34 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 24-34 is entitled:

December 17, 2024

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A REZONING FOR A PLANNED UNIT DEVELOPMENT 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 6:28 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk