

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

August 1, 2023

**CALL TO ORDER:**

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:05 a.m. on Tuesday, August 1, 2023 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The meeting opened with invocation by Commissioner Bryant 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 Craig Curry, District 1; Vice-Chairman Michelle Stone, District 5; Commissioner Kathy Bryant, District 2; and Commissioner Carl Zalak, III, District 4. (The District 3 Commissioner seat was vacated effective June 6, 2023.) Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Amanda Tart, ACA Angel Roussel and Executive Director of Internal Services Mike McCain.

**ANNOUNCEMENTS:**

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

**1. PROCLAMATIONS AND PRESENTATIONS:**

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

**1.1 PRESENTATION – Mission: Bus Brigade, School Supply Drive – Amanda Tart, Assistant County Administrator and Dr. Diane Gullett, Marion County Superintendent of Schools (Approval and Presentation)**

ACA Amanda Tart, Administration, presented the following recommendation:

Description/Background: The Marion County Board of County Commissioners continues its longstanding support of local education with this annual School Supply Drive. The County's employees and the Constitutional Offices have shown their commitment to empowering students in our community for success by providing supplies to local children in need. The goal of this campaign is to make sure every student is prepared with the necessary resources to learn on the first day of school.

As in past years, all proceeds and donations received during this campaign will be given to the Marion County Public School's (MCPS) Homeless and Needy Children's Program for distribution to students through the various elementary, middle, and high schools.

As part of the County's competition, the following awards will be presented to the winning departments:

Design-A-Bus Contest:

- Most Unique Bus

August 1, 2023

- Most Realistic Bus
- Funniest Bus

School Supply Drive Contest:

- 2023 Golden Ruler Award, presented to the department with the most points
- 2023 Division Champion Trophy, presented to the division with the most points

Additionally, Dr. Diane Gullett, Marion County Superintendent of Schools, will be present to address the Board and receive donations on behalf of the School Board. MCPS has arranged for a school bus to be parked outside and Commissioners will have the opportunity to place some of the donated supplies inside the bus.

Budget/Impact: None.

Recommended Action: Motion to approve presentation of the awards and to present the Marion County School Board with the donation of received school supplies from this year's School Supply Drive.

Ms. Tart advised that this morning the County will wrap up its annual Mission: Bus Brigade, School Supply Drive with highlights from this year and a presentation for some Department awards. She commented on the number of supplies donated, noting a grand total of 17,572 items to give to students in need.

Ms. Tart advised that there were 2 internal contests. The first was the "design a bus" contest with three bus categories judged by the Commissioners: 1) most unique bus; 2) most realistic bus; and 3) funniest bus. Ms. Tart announced the award for the most unique bus goes to Solid Waste for their Litter Task Force themed bus.

Solid Waste Director Mark Johnson accepted the award on behalf of the Department.

Ms. Tart stated the award for the most realistic bus goes to Administration for their theme "All of Administration".

Mr. Bouyounes and representatives accepted the award on behalf of the County Administration Department.

Ms. Tart announced the award for the funniest bus goes to Community Services for their "surfing" themed bus.

Community Services Director Cheryl Martin accepted the award for the Department.

Ms. Tart stated the second contest was for school supplies drive, noting this year there are 2 awards to present. Ms. Tart advised of the coveted "Golden Ruler Award", which is presented to the Department that brings in items worth the most points. She stated this award goes to Public Safety Communications (PSC) who collected 3,138 items for a total 21,940 points.

PSC Director Kyle Drummer and representatives accepted the award for the Department.

Ms. Tart stated there is a "Division Champion Award" presented to the Division with the most total points. This year the division champion is Administration, led by Mr. Bouyounes, which collected 3,848 items for a total of 24,301 points.

Commissioner Bryant advised that the Marion County Tax Collector's Office has also dropped off a check for \$2,500.00.

Marion County School Board (MCSB) Superintendent Diane Gullett expressed appreciation toward the Board and congratulated the winners. She commented on the difference these supplies will make in children's lives and their readiness to learn.

MCSB Chairman Allison Campbell expressed appreciation on behalf of the MCSB for the partnership and collaboration with Marion County government.

There was a recess at 9:20 a.m.

The meeting resumed at 9:29 a.m. with all members present.

**1.2. PROCLAMATION - Eagle Scout Court of Honor - Dominic M. Berk (Approval Only)**  
The Board approved the Proclamation congratulating Dominic M. Berk upon attaining the status of Eagle Scout in the Boy Scouts of America organization.

**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](http://www.marionfl.org).

Chairman Curry opened the floor for public comment.

There being no public comment, Chairman Curry advised that public comment is now closed.

**3. ADOPT THE FOLLOWING MINUTES: (5 sets)**

**3.1.** March 21, 2023

**3.2.** March 28, 2023

**3.3.** April 4, 2023

**3.4.** April 5, 2023 A

**3.5.** April 5, 2023 B

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt the meeting minutes of March 21 and 28, 2023, April 4, 2023 and April 5, 2023 (2 sets). The motion was unanimously approved by the Board (4-0).

**4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:**

**4.1.** Billy Woods, Sheriff - Request Approval of 2022 - 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Countywide

The Board considered the following recommendation from Grants Coordinator Caitlin Edwards, Marion County Sheriff's Office (MCSO):

Description/Background: The Edward Byrne Memorial Justice Grant (JAG) Program is the primary provider of criminal justice funding states and unites of local government. The Florida Department of Law Enforcement has set aside \$106,203 for Marion County. The following programs will be funded through this allocation:

- Marion County Sheriff's Office - \$46,203
- Ocala Police Department - \$30,000
- Marion County Courts - \$10,000
- Dunnellon Police Department - \$10,000
- Marion County Public Schools - Safe Schools - \$10,000

Budget/Impact: Grant revenue of \$106,203 - no local match required.

Recommended Action: Motion to approve and authorize the Chair's signature on the Certificate of Participation.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to approve and authorize the Chair's signature on the Certificate of Participation. The motion was unanimously approved by the Board (4-0).

**5. CLERK OF THE CIRCUIT COURT:**

August 1, 2023

### **5.1. Budget Amendment**

Commissioner Bryant requested Items 15.1.17 and 15.1.20 be pulled for discussion. Upon motion of Commissioner Stone, seconded by Commissioner Bryant, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by the Deputy Clerk on behalf of Clerk Harrell.

- 5.1.1.** 23-R-270 - County Transportation Maintenance Fund - Transportation - \$150,000
- 5.1.2.** 23-R-271 - Fine and Forfeiture Fund - Sheriff Regular Transfer - \$19,851
- 5.1.3.** 23-R-272 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$147,500
- 5.1.4.** 23-R-273 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$174,000
- 5.1.5.** 23-R-274 - General Fund - Emergency Medical Services - \$15,000
- 5.1.6.** 23-R-275 - General Fund - Multiple Cost Centers - \$50,372
- 5.1.7.** 23-R-276 - General Fund - Multiple Cost Centers - \$60,000
- 5.1.8.** 23-R- 277 - General Fund - Sheriff Emergency Management Transfer - \$26,411
- 5.1.9.** 23-R-278 - General Fund - Sheriff Jail Transfer - \$77,689
- 5.1.10.** 23-R-279 - Marion County Utility Fund - Utilities Capital Construction - \$534,698
- 5.1.11.** 23-R-280 - Marion County Utility Fund - Utilities Capital Construction - \$1,000,000
- 5.1.12.** 23-R-281 - Marion County Utility Fund - Utilities Wastewater System - \$15,000
- 5.1.13.** 23-R-282 - Medical Examiner Fund - Medical Examiner - \$19,347
- 5.1.14.** 23-R-283 - MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$10,000
- 5.1.15.** 23-R-284 - MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$90,096
- 5.1.16.** 23-R-285 - Parks and Recreation Fees Fund - Parks and Recreation Fees - \$950
- 5.1.17.** Rainbow Lakes Estates Community Recreation Facility MSBU - Rainbow Lakes Estates Recreation - \$2,800
- 5.1.18.** 23-R-286 - Rainbow Lakes Estates Community Recreation Facility MSBU - Rainbow Lakes Estates Recreation - \$900
- 5.1.19.** 23-R-287 - Rainbow Lakes Estates Municipal Service District - Rainbow Lakes Estates General Government - \$239
- 5.1.20.** Rainbow Lakes Estates Municipal Service District - Rainbow Lakes Estates General Government - \$2,800

**5.1.17.** Rainbow Lakes Estates Community Recreation Facility MSBU - Rainbow Lakes Estates Recreation - \$2,800

**5.1.20.** Rainbow Lakes Estates Municipal Service District - Rainbow Lakes Estates General Government - \$2,800

In response to Commissioner Bryant, MSTU Director Matt Leibfried stated increasing electric and utilities rates were taken into consideration in the upcoming budget.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt Resolution 23-R-268 transferring \$2,800 from the Rainbow Lakes Estates Community Recreation Facility MSBU to Rainbow Lakes Estates Recreation account (5.1.17), and to adopt Resolution 23-R-269 transferring \$2,800 from Rainbow Lakes Estates Municipal Service District to the Rainbow Lakes Estates General Government account (5.1.20). The motion was unanimously approved by the Board (4-0).

(Ed. Note: EMS is the acronym for Emergency Medical Services; MSTU is the acronym for Municipal Service Taxing Unit; and CID is the acronym for Criminal Investigation Division; and MSBU is the acronym for Municipal Service Benefit Unit.)

## **5.2. Clerk of the Court Items**

### **5.2.1. Present Property Appraiser FY 2023-24 Tentative Budget from the Department of Revenue, Property Tax Oversight**

Budget Director Audrey Fowler presented the following recommendation:

Description/Background: Under Section 195.087, Florida Statutes, the Property Appraiser submitted the FY 2023-24 Proposed Budget to the Department of Revenue. The Department of Revenue has calculated the final personnel amounts and adjusted the June 1, 2023, Property Appraiser request by \$1,150. The Budget Department has appropriately reflected the changes to the FY 2023-24 budget as revised by the Department of Revenue.

Budget/Impact: None.

Recommended Action: Information only.

Budget Director Audrey Fowler advised that this Item is the budget the Department of Revenue (DOR) has returned to the Property Appraiser, noting there are minor adjustments showing to the schedule (Item 5.2.3). The General Fund impact is \$896.00 and all the Ad-Valorem millage rates were minorly impacted by the final change from DOR.

In response to Chairman Curry, Ms. Fowler stated the additional 5 Correctional Officers (CO) for MCSO have not been included. She stated there was discussion, but the Board did not move forward at that time because Ms. Fowler did not yet have revenue estimates from the State of Florida. Ms. Fowler advised that there is additional funding relating to the State Shared Revenue, but the Half-Cent Sales Tax revenue projection is \$1,500,000.00 below her estimate. She commented on the difference in the Office of Economic and Demographic Research (EDR) estimate and the actual revenue the County is receiving. Ms. Fowler advised that her budget projection estimate is \$36,900,000.00 with growth, noting that while some of that can be mitigated with additional revenues, using the EDR figure will impact what the County has as recurring revenue for next year. She stated the Board must decide whether to use the State's figure knowing it will result in taking funds from the recurring Reserve for Contingencies and impact the ability to fund that. There are one-time funds that will mitigate it and prevent any impact to the millage rate. Ms. Fowler advised that additional information can be provided at the Community Services Financial Overview Workshop on August 16, 2023, which will allow her to provide more accurate figures.

In response to Chairman Curry, Ms. Fowler stated the additional Deputies can be added, but the Sheriff must submit a revised budget request. She advised that the proposed millage rates for the maximum millage are at the same rate that was adopted in FY22 (except for Rainbow Lakes Estates (RLE), and the RLE MSD), noting this action today would direct her to certify it into the truth in millage (TRIM) notification system, and send it to the Property Appraiser's Office. This is what will go out on the TRIM Notices and at this point the values can only go down.

Ms. Fowler stated she will request the Sheriff submit a revised budget to include the additional positions at the jail.

### **5.2.3. Request Approval of Proposed (Maximum) Millage Rates and Scheduling of First Public Hearings for FY 2023-24**

Budget Director Audrey Fowler presented the following recommendation:

Description/Background: On or before August 4 of each year, the Board of County Commissioners shall advise the Property Appraiser of the proposed millage rates,

August 1, 2023

the rolled-back rates, and the date, time, and place at which the public hearings will be held to consider the proposed millage rates and the tentative budget. {Florida Statutes Section 200.065(2)(b)}

Budget/Impact: Ad valorem millage rates to fund the fiscal year 2023-24 tentative budget.

Recommended Action: Consider approval of the proposed millage rates and the date, time, and place for the first public hearings related to the budgets of both the Marion County Board of County Commissioners and the Rainbow Lakes Estates Municipal Service District; and authorize the Chairman to execute the related documents.

This Item was discussed with Agenda Item 5.2.1.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt the maximum millage at the millage rates proposed today for the Countywide, Special Districts and Municipal Service District (MSD) budgets. The motion was unanimously approved by the Board (4-0).

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the first public hearing on Thursday September 7, 2023 at 6:00 p.m. related to the budgets of the Marion County Board of County Commissioners and Thursday September 7, 2023 at 5:50 p.m. for the Rainbow Lakes Estates MSD. The motion was unanimously approved by the Board (4-0).

**5.2.2.** Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 040742, 040810, 047816, 048446, 048447, 048454, 049607, 049608 and 050288.

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

Budget/Impact: None.

Recommended Action: Approval of Acquisition.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to approve the Acquisition or Disposition of Property Forms. The motion was unanimously approved (4-0).

## **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 Bryant, seconded by Commissioner Stone, the Board acted on the Consent Agenda as follows:

### **7.1. Administration:**

#### **7.1.1. Development Review Committee:**

**7.1.1.** Request Approval of a Final Plat for Ocala South Logistics at Florida Crossroads, Project Number 2023030041, Application Number 29882 (Budget Impact - None)

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

Description/Background: This is a request to approve the Final Plat for Ocala South Logistics at Florida Crossroads. This is a replat of lot 7, Florida Crossroads Commerce Park as recorded in Plat Book 15, Pages 52 through 53.

This subdivision is located in the southwest portion of the County containing four (4) lots, three (3) tracts and zero miles of road on approximately 93.67 acres.

This Final Plat/Replat was approved by the Development Review Committee on July 17, 2023.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat/Replat for Ocala South Logistics at Florida Crossroads and authorize the Chairman and Clerk to execute the same.

## **7.2. Fleet Management:**

### **7.2.1. Request Approval to Declare as Surplus and Donate Vehicle to Marion County Memorial Honor Guard (Budget Impact - Neutral)**

The Board accepted the following recommendation as presented by Fleet Director Mark Williams:

Description/Background: The Fleet Department has received a request for a surplus vehicle donation for Marion County Memorial Honor Guard. As per Administrative Policy 4.3 and Florida State Statutes 274.05, the Board has the discretion to donate equipment to governmental agencies and non-profit entities. Marion County Memorial Honor Guard is a 100% volunteer war veterans' organization, that proudly provide military funeral honor ceremonies for military veterans and comfort to their families in their time of need. All services are conducted with respect, dignity and military honors. They have never charged for the more than 5,000 funeral services.

Budget/Impact: Neutral.

Recommended Action: Motion to approve and declare as surplus and donate Asset Number 37679, 2004 Ford E-350 Van to Marion County Memorial Honor Guard.

## **7.3. Human Resources:**

### **7.3.1. Request Approval of Employer Insurance Renewal for FY2024 (Budget Impact - Expenditure of \$4,197,407)**

The Board considered the following recommendation as presented by Interim Director Jessica James, Human Resources:

Description/Background: The county's comprehensive employer insurance agent, Brown and Brown, has generated premium renewal estimates for the county's property/casualty and miscellaneous employer insurance coverage as shown on attached spreadsheet to be effective October 1, 2023. Brown and Brown shops the market annually to obtain the most competitive coverage and rates for Marion County.

Property rates in the Florida public sector have increased steadily with average increases of 60% for October property renewals. Losses from hurricane Ian are expected to top \$65B pushing reinsurance rates, restricting coverage terms, and causing many insurers to non-renew Florida risk. Marion County's property premium is increasing \$920,708 or 48%.

General Liability, Public Officials Liability, Crime and Excess Workers' Compensation premiums increased a total of approximately \$185,747 due to a 23% increase in total payroll. Coverage terms, limits, and retentions remain unchanged.

August 1, 2023

The Auto Liability insured values increased by approximately \$4 million including the addition of several high value vehicles including two (2) Fire Rescue vehicles exceeding \$1,000,000 for a total premium increase of \$61,806.

The total estimated payroll is \$121 million, insured auto values at \$42 million, and values for buildings, contents, and mobile equipment is in excess of \$570 million.

Budget/Impact: Expenditure of \$4,197,407 to be paid from the Self-Insurance fund, which has been included in the FY2024 proposed budget.

Recommended Action: Motion to approve the estimated Employer insurance renewal in the amount of \$4,197,407 to be paid from the Self-Insurance Fund, and authorize Risk and Benefit Services to execute the required documents.

Chairman Curry advised that he will be abstaining from the vote due to a conflict of interest, noting he still has a relationship with the County's comprehensive employer insurance agent, Brown and Brown.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve the estimated Employer insurance renewal in the amount of \$4,197,407 to be paid from the Self-Insurance Fund, and authorize Risk and Benefit Services to execute the required documents. The motion was approved by the Board by a vote of 3-0, with Chairman Curry abstaining.

(Ed. Note: Form 8B appears on the following 2 pages.)

**\*\*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK\*\***

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <b>CURRY, DENNIS CRAIG</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>COUNTY COMMISSION</b>
MAILING ADDRESS <b>2021 SE 25TH ST</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <b>OCALA FL</b>	COUNTY <b>MARION</b>
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION: <b>BOARD OF COUNTY COMMISSION</b>
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

**WHO MUST FILE FORM 8B**

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
  - The form must be read publicly at the next meeting after the form is filed.
- IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:
- You must disclose orally the nature of your conflict in the measure before participating.
  - You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

CRAIG CURRY, hereby disclose that on AUGUST 1, 20 23:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of BROWN & BROWN, INC., by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MARION COUNTY FLORIDA PURCHASES PROPERTY AND LIABILITY FROM BROWN & BROWN INSURANCE WHICH I AM ASSOCIATED WITH.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

AUGUST 1, 2023  
Date Filed

Craig Curry  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**7.3.2. Request Approval of Firefighter Cancer Presumption Policy Renewal for FY2024 (Budget Impact - Expenditure of \$78,730)**

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

Description/Background: Marion County Fire Rescue is requesting to acquire a Firefighter Cancer Presumption Policy pursuant to the Florida Firefighter Cancer & Death Benefit Laws. The policy premiums are being funded out of the General Fund and Fire, Rescue and EMS Fund and paid out of the Insurance Fund.

Per 112.1816 Florida Statutes, a Firefighter may elect to receive a one-time lump sum payout in the amount of \$25,000 in lieu of filing a Workers' Compensation claim. Employees must meet certain statutory requirements to be deemed eligible to receive said payout.

The approval of this renewal will transfer funds from Gasoline, Oil & Lubricants to cover 40% of the cost of the insurance premium (\$31,492), based on the allocation of those that would qualify under the coverage.

The approval of this renewal will transfer funds from Reserves for Contingencies in the Fire, Rescue and EMS Fund to cover 60% of the cost of the insurance premium (\$47,238), based on the allocation of those that would qualify under the coverage.

The approval of this renewal will transfer funds from the Fire, Rescue and EMS Fund to the Insurance Fund to cover the one-time lump sum payout plus the requested out of pocket costs for treatment.

The Renewal establishes the Firefighter Cancer Policy that will provide coverage for Firefighters who meet the statutory requirements if an eligible diagnosis is received after the insurance policy effective date. This premium is a pro rata for the policy for coverage starting 10/01/2023 to 9/30/2024, at which time we will renew on an annual basis. The future cost for the policy is subject to change per number of covered personnel fulfilling the statutory requirements.

Budget/Impact: Expenditure of \$78,730

Recommended Action: Motion to approve the estimated Firefighter Cancer Presumption Policy Renewal in the amount of \$78,730 and to authorize Budget to update the FY 24 Proposed Budget to fund the increase from the Reserves for Contingencies in the Fire, Rescue, and EMS Fund and the Gasoline, Oil & Lubricants in Emergency Medical Services of the General Fund and authorize Risk and Benefit Services to execute the required documents.

**7.4. Procurement Services:**

**7.4.1. Request Approval of Bid Award: 23B-084 SE Maricamp Road Resurface (Southeast 58th Avenue to Oak Road) – Anderson Columbia Co., Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$8,238,179.51 as approved in the FY 22/23 budget)**

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

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. This project includes widening and overlaying existing pavement, milling in selected areas, adding curb & gutter in selected areas, constructing side street and driveway aprons, extending cross drains and adding end treatments, replacing/constructing sidewalk sections and detectable warning

surfaces, sodding shoulders, new pavement markings, and upgrading/updating traffic detection devices, guardrails, and traffic delineators. Three (3) submittals were received; the tabulation is listed below:

Vendor - Location	BID
Anderson Columbia Co., Inc. - <i>Ocala, FL</i>	\$8,238,179.51
CW Roberts Contracting - <i>Ocala, FL</i>	\$8,928,897.40
Superior Asphalt, Inc. - <i>Bradenton, FL</i>	\$10,595,598.29

Office of the County Engineer Deputy County Engineer, Doug Hinton, recommends Anderson Columbia Co., Inc. receive the award as the lowest, most responsive, and most responsible bidder.

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

Budget/Impact: Neutral; expenditure of \$8,238,179.51. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from VJ738541-563220 - STC073883 - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 23B-084.

**7.4.2. Request Approval of Bid Award: 23B-147 2023 Silver Springs Shores Resurfacing Project - Superior Asphalt, Inc., Bradenton, FL (Budget Impact - Neutral; expenditure of \$1,898,559.00 as approved in the FY 22/23 budget)**

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

Description/Background: On behalf of the MSTU department, Procurement advertised a bid seeking qualified and experienced contractors for a resurfacing project. This project involves resurfacing approximately 7.80 miles of minor, local road sections in Silver Springs Shores. The project also involves 3.6 miles of reclaim and 4.2 miles of overlay of minor, local road sections in Silver Springs Shores. Resurfacing work is to include roadway preparation, crack sealing, leveling, shoulder removal, minor clearing and grubbing, temporary striping, permanent thermoplastic striping, and stabilizing all areas disturbed during construction. Reclaim and resurface work involves all items described per the scope of work with the addition of imported limerock to re-establish a 2% roadway slope and driveway preparation. Two (2) submittals were received; the tabulation is listed below:

Vendor - Location	BID
Superior Asphalt, Inc. - Bradenton, FL	\$1,898,559.00
CW Roberts Contracting, Inc. - Ocala, FL	\$2,268,417.00

MSTU Director, Matt Liebfried, recommends Superior Asphalt, Inc, receive the award as the lowest, most responsive, and most responsible bidder.

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

Budget/Impact: Neutral; expenditure of \$1,898,559.00. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual. Funding is from HN522541-563220 - RM Silver Springs Shores MSTU Road Improvements.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract; and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 23B-147.

**7.4.3.** Request Approval of Change Order 1 to Purchase Order 2301104: 17Q-081-TO-153 - Northwest 49<sup>th</sup> /35<sup>th</sup> Street Phase 2B - Universal Engineering Sciences, LLC., Gainesville, FL (Budget Impact - Neutral; additional expenditure of \$24,991 as approved in FY 22/23 budget)

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

Description/Background: On September 19, 2017, the Board approved multiple contracts with several firms to provide Geotechnical Services for all County departments. The Office of the County Engineer is requesting additional services for exploration for boring between depths of 0' - 110'. The resulting Change Order, being presented today, requests to add \$24,991 to the Purchase Order.

Budget/Impact: Neutral; additional expenditure not to exceed \$24,991.00. Funding comes from VJ738541-563220 - STC073801 - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the change order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 1 to Purchase Order 2301104.

**7.4.4.** Request Approval of Change Order 8 to Purchase Order 2000659: 09Q-036-PA-23 Southwest 49<sup>th</sup>/40<sup>th</sup> Avenue Phase 1, Additional Civil Site Engineer Services, Miscellaneous Projects - Tillman and Associates Engineering, LLC, Ocala, FL (Budget Impact - Neutral; additional expenditure of \$208,540 as approved in FY 22/23 budget)

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

Description/Background: On July 21, 2009, the Board approved contracts with six (6) firms for Civil/Site Engineering work as needed by County Departments. The Office of the County Engineer selected Tillman & Associates Engineering, LLC to provide design and management under 09Q-036-PA-23 SW 49<sup>th</sup>/40<sup>th</sup> Ave Phase 1. The project has been significantly changed due to private development projects that require additional services for coordination and re-design. Specifically, elements of access management, DRA location and sizing, drainage easements, right-of-way, and temporary traffic control plans have been changed and added. The resulting Change Order, being presented today, requests to add \$208,540.00 to the Purchase Order for new design work and coordination and to extend the project time through December 31, 2023.

The change order, proposal, along with the fee schedule, is attached for review. Pending approval at today's meeting, the Change Order will be presented to the Chairman for signatures.

Budget/Impact: Neutral; additional expenditure not to exceed \$208,540. Funding comes from VJ738541-563220 - Infrastructure Surtax Capital Project Fund.

August 1, 2023

Recommended Action: Motion to approve of change order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 8 to PO 2000659.

**7.4.5.** Request Approval of Contract Amendment: 19B-265-CA-02, Bulk Chlorine - Odyssey Manufacturing Company, Tampa, FL (Budget Impact - Neutral; estimated annual expenditure of \$441,859 pending approval of FY 23/24 budget)

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

Description/Background: On September 17, 2019, the Board approved a contract with Odyssey Manufacturing Company to supply bulk liquid chlorine and high-test calcium hypochlorite granules for use in the County's water/wastewater operations. On September 20, 2022, the Board approved the first of three (3) available annual renewals, which included a vendor requested rate increase of \$0.36/gal for the bulk liquid chlorine. Marion County Utilities (MCU) requests to renew the agreement, utilizing the second available annual renewal option. The vendor has requested a \$0.40/gal increase for the bulk liquid chlorine with this renewal, citing continued manufacturer and transportation cost increases over the past 12 months. MCU also requests approval of this increase, which brings the price of bulk chlorine to \$1.65/gal. The cost for HTH calcium hypochlorite granules will remain at the current cost of \$400 per 100 lb. pail. Liquid Chlorine composes 98% of the purchases under this contract.

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

Budget/Impact: Neutral; estimated annual expenditure of \$441,859. Future annual expenditures will vary based on actual need, be based on contracted unit costs and shall not exceed approved budgeted amounts without being brought back to the Board for approval. Funding is from Marion County Utility Fund, lines ZF442533-552108 (\$147,759) and ZF445535-552108 (\$294,100).

Recommended Action: Motion to approve and allow staff to issue, and upon approval by Legal, authorize the Chairman and Clerk to execute the Second Contract Amendment with Odyssey Manufacturing Company, under 19B-265.

**7.4.6.** Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Project: 23Q-087-TO-03, Lake Weir Gardens Roadway Reclamation - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$64,600 as approved in FY 22/23 budget)

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

Description/Background: On June 6, 2023, the Board approved contracts with 10 engineering firms to provide various civil/site related engineering services for the County. Firms are selected based on area of specialty and equitable distribution of work among all firms in accordance with §287.055.

Kimley-Horn and Associates were selected for engineering design services that include assessment plat, traffic county calculations, permit requests, public meetings, construction meetings, and warranty inspections for the road improvement project in the Lake Weir Gardens and surrounding subdivisions. The project area is approximately six (6) miles of proposed reclaim and resurface.

Attached for review is the proposal from Kimley-Horn and Associates, Inc. Pending approval at today's meeting, it will be forwarded to the department for signatures. Budget/Impact: Neutral; expenditure of \$64,600. Up to a ten percent (10%) contingency may be added to the purchase order in accordance with the Procurement Manual Funding is from BL765541-563400 - Project Code 765LWG558 - County Transportation Maintenance Fund

Recommended Action: Motion to approve the recommendation and authorize staff to issue the Task Order/Purchase Order to Kimley-Horn and Associates, Inc. under 23Q-087-TO-03.

**7.4.7.** Request Approval for Task Order for Civil/Site Engineers for Miscellaneous Projects: 23Q-087-TO-05 Water Main and Force Main Design for Northwest 49<sup>th</sup> Street PH3 - Guerra Development Corp., Ocala, FL (Budget Impact - Neutral; expenditure of \$165,800 as approved in FY 22/23 budget)

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

Description/Background: At its June 6, 2023 meeting the Board approved contracts with 10 engineering firms to provide various civil engineering services for the County under 23Q-087. Firms can be selected based on area of specialty or on a rotating basis. Guerra Development Corp. has been selected by Marion County Utilities (MCU) to prepare design and bid documents for approximately 2.74 miles of 16" water main and 10" force main from NW 44<sup>th</sup> Avenue to CR 225A to US Hwy 27, in conjunction with the roadway and drainage improvements currently under design for NW 49<sup>th</sup> St. Phase 3. This project is part of the 35<sup>th</sup> – 49<sup>th</sup> St. corridor which will incorporate a new interchange at I-75.

Attached for review is a draft Task Order Agreement which includes a copy of the firm's complete scope of work. Upon approval at today's meeting, it will be sent to the firm for signatures, as written, and upon return and approval by Legal, will be presented for the Clerk's and Chairman's signatures.

Budget/Impact: Neutral expenditure shall not exceed \$167,800.

Recommended Action: Motion to approve and authorize staff to issue, and upon approval by Legal, authorize the Chairman to execute the Task Order Agreement with Guerra Development Corp. under 23Q-087-TO-05.

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

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

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

Pending Requisition/CDW Government, Inc. - Marion County Sheriff's Office requests approval to purchase (62) Panasonic Toughbook, FZ-55, 14" Core i5-1145G7, Windows 10 Pro (\$2,675/each), (62) Panasonic FZ-VDM551W DVD Writer-Plug-In Module (\$85/each), (62) Panasonic Public Sector Service Package 2-year Service Agreement (\$515/each) and (62) Panasonic Docking Station with Dual Pass-Through Antenna (\$815/each) for Patrol Cars. Total expenditure of \$253,580; funds are available in line STC0736IT-VJ737521-564101 (Infrastructure

August 1, 2023

Surtax Capital Project Fund). *This purchase meets competitive bidding requirements under Sourcewell Contract #081419.*

Pending Requisition/On Scene Repairs & Maintenance - Marion County Fleet and Fire Rescue request approval of a complete refurbishment of Fire Engine #110. The fire truck has been out of service for close to two (2) years while awaiting a motor rebuild. The motor rebuild for Fire Truck #110 has been completed and the truck is now ready for the refurbishment portion of the project. Total Expenditure of \$220,824.44; funds are available in line VJ732522-564101 - 0732VE (Infrastructure Surtax Capital Project Fund). *This purchase meets the competitive bidding requirements under 23BE-201.*

Pending Requisition/Computrols, Inc. - Marion County Information Technology (IT) requests approval to purchase a one-time Computrols Building Automation Software (CBAS) upgrade to the latest software version for a single database for Facilities Management. The following existing databases will be migrated into one: Criminal Justice Complex, LCM, LH Learner, Judicial Center, and Livestock Pavilion. Utilizing Computrols' newest version of CBAS, the user receives the benefits including the highest level of security, the ability to set up email alarms, and to use serial connectors. Pricing includes installation and testing. Total expenditure of \$83,948; funds are available in line AA180519-546140 (GENERAL FUND). *This purchase meets the competitive bidding requirements under 13ST-182.*

Budget/Impact: See attached.

Recommended Action: Motion to approve requested purchases.

## **7.5. Transportation - County Engineer:**

**7.5.1.** Request Approval of a Lease Agreement between Marion County and Jeffrey Raker on a Portion of Parcel 31917-001-00 (4-H Farm) (Budget Impact - revenue of \$10,800)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Tracy Straub:

Description/Background: This is a request to approve a Lease Agreement between Marion County and Jeffrey Raker for the mobile home located in the 4-H Farm on a portion of Parcel 31917-001-00. This is a sublease, as Marion County has a Lease Agreement for this parcel through the Florida Department of Environmental Protection (FDEP). Lessee was a caretaker for the property but is retiring this year. We have written approval from the State giving permission for the Lessee to remain on the property without caretaker status for one year. At that time, the lease will be re-evaluated.

Budget/Impact: Revenue of \$10,800

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

**7.5.2.** Request Approval of a Purchase Agreement Associated with the Emerald Road Extension Project from Southeast 92<sup>nd</sup> Loop to Florida Northern Railroad (Budget Impact - Neutral; expenditure of \$73,290 as approved in the in FY 22/23 budget)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Straub:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$73,290 plus closing cost for parcel 9012-0164-12 associated with the Emerald Road Extension Project (From Southeast 92<sup>nd</sup> Loop to Florida Northern Railroad). This is a vacant residential lot consisting of approximately 0.57 acres. The negotiated agreement includes attorney fees and is inclusive of any and all cost associated with this transaction. There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$73,290 plus closing cost (East Impact Fund - TIP073865 - GA771541 - 561301)

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

**7.5.3. Request Approval for Resolution Supporting Local Funding Assistance from the Withlacoochee Regional Water Supply Authority (Budget Impact - Neutral)**

The Board accepted the following recommendation to adopt Resolution 23-R-288, as presented by Deputy County Engineer Douglas Hinton, OCE:

Description/Background: As a member of the Withlacoochee Regional Water Supply Authority (WRWSA), the Board is eligible to apply for WRWSA's Water Conservation Grant. The grant will reimburse up to 50% of the County's dollars spent on water use efficiency initiatives. The requested amount of cooperative funding for FY 23/24 is \$9,337.50. To complete the application, a Resolution is required, which confirms that the Board will budget matching funds. Upon approval of the grant application by WRWSA, an agreement will come back to the Board for execution.

Budget/Impact: Neutral; Total project cost is \$18,675; with \$9,337.50 in grant revenue, \$6,100 from fund AA433537 (Water Resources) and \$3,237.50 from fund ZF440536 (Utilities - Water Operations).

Recommended Action: Motion to authorize the Chair and Clerk to execute the attached WRWSA Water Supply Funding Assistance Resolution as presented.

Resolution 23-R-288 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE GRANT APPLICATION FOR LOCAL GOVERNMENT WATER SUPPLY FUNDING ASSISTANCE FROM THE WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY FOR LOCAL WATER CONSERVATION

**7.6 Utilities:**

**7.6.1. Request Approval of Agreement for Shared Sewer Conveyance Facilities Between Plaza Lodge, LLC and Marion County Utilities (MCU) (Budget Impact - None)**

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

Description/Background: Since 2003, Marion County Utilities has operated and maintained the sewer infrastructure to include a lift station collections system and force main located in Salt Springs, which serviced the Plaza Lodge commercial property. This infrastructure was acquired through an acquisition and ownership was assumed to be Marion County Utilities. Recent developments indicated ownership belongs to Plaza Lodge, LLC. The proposed agreement rectifies

August 1, 2023

ownership of the infrastructure and provides the Marion County Utilities the ability to convey wastewater through the privately owned infrastructure.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Agreement for Shared Sewer Conveyance.

**7.6.2. Request Approval of Amendment Number Two (2) to Agreement LPS0052 Between Florida Department of Environmental Protection (FDEP) and Marion County Utilities (MCU) (Budget Impact - None)**

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

Description/Background: On May 4, 2021, the Board approved a grant agreement for decommissioning the wastewater package plant at Oak Bend and connecting to Marion County Utilities central wastewater collection system. The Oak Bend wastewater treatment plant services the community of 242 homes.

On January, 18, 2022, the Board approved Amendment No. 1, which extended the expiration date from September 30, 2022 to October 31, 2023 and added \$2,027,407 to fund the construction costs and revised the overall footage of the forcemain from I-75 to the point of connection from 3,000 to 4,500 linear feet to the County's central sewer system.

This Amendment No. 2 extends the completion date from October 31, 2023 to December 31, 2025 due to delays in reaching a wastewater service agreement with the MHC Oak Bend, LLC (Developer).

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to execute the Amendment No. 2 to Agreement LPS0052.

**7.6.3. Request Approval of First Amendment to Water Service Line Extension Agreement 20-SA-12 Between MSN Development, LLC and Marion County Utilities (MCU) (Budget Impact - None)**

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

Description/Background: The Water Main Extension Connection Agreement 20-SA-12 was approved during the June 16, 2020 Board meeting. Water main extensions during this time were presented in two separate documents: the Application was required to authorize construction and after Florida Department of Environmental Protection (FDEP) Clearance was received. An Addendum was brought back to the Board to certify all lots served, distance of the extension, and cost of materials. The Addendum was never completed and is necessary to document all benefitting lots payback provisions. This Amendment provides the necessary documentation to assess each Benefitting Parcel payback conditions when they apply for connection to this water main.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the First Amendment to Water Service Line Extension Agreement 20-SA-12.

**7.6.4. Request Approval of Short Water Line Extension Program Resolution to Support SWL-106 (Applicant - Robert and Anastasia Meegan) (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 23-R-289 as presented by Utilities Director Jody Kirkman:

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

Marion County Utilities (MCU) verified parcel number 4707-086-037 for participation in the Program, shown on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's original obligation which would close, loop and extend the water distribution system, as shown on Exhibit B. The project provides for a total of eleven (11) benefitting parcels. The total project cost is shown on Exhibit C, which is based on MCU's current bid pricing, and when the pro rata share cost is derived for the benefitting property owners located within the discrete geographic area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; Project cost is \$71,169, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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

Resolution 23-R-289 is entitled:

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

**8. COUNTY ATTORNEY:**

**WALK-ON: 8.1** Request Board Approval to Authorize Chair to Execute Resolution to Re-Name Road

County Attorney Matthew G. Minter presented the following recommendation to consider adoption of a Resolution:

Description/Background: The Florida Legislature recently adopted Chapter 2023-317, Laws of Florida, that took effect on July 1, 2023, relating to "transportation facility designations" and "providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers." Sections (2) and (3) of the Act amend Sections 1 and 2 of Chapter 910315, Law of Florida, to re-designate the "Armand Lovell Memorial Highway" to be the "Armand and Perry Lovell Memorial Highway",

August 1, 2023

and for the FDOT erect suitable road markers for "that portion of S.R. 40 between S.R. 35 and the Ocklawaha River Bridge in Marion County". Thus, as you can see, this segment of the highway already has a memorial designation for Armand Lovell; this re-designation simply adds Armand's brother, Perry Lovell, to the honorary designation.

The attached Resolution provides for Board approval of that designation, which Resolution will be provided to FDOT.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize Chair to execute Resolution No. 23-290, and to deliver to the Florida Department of Transportation.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to consider the Walk-On Item. The motion was unanimously approved by the Board (4-0).

Mr. Minter advised that Tax Collector George Albright made him aware that the Florida Legislature in Chapter 2023-317, Laws of Florida, made a provision to redesignate a section of State Road (S.R.) 40 between the Ocklawaha River Bridge and S.R. 35. This segment of the highway already has a memorial designation for Armand Lovell; this re-designation simply adds Armand's brother, Perry Lovell, to the honorary designation.

Commissioner Bryant stated the family has requested the change.

Chairman Curry commented on the Lovell brothers, noting they were leaders in the community and successful business owners.

Chairman Curry opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, adopting Resolution 23-R-290. The motion was unanimously approved by the Board (4-0).

Resolution 23-R-290 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION FLORIDA APPROVING THE COUNTY, FLORIDA DEPARTMENT OF TRANSPORTATION TO REDESIGNATE THAT PORTION OF S.R. 40 BETWEEN S.R. 35 AND THE OKLA W A H A R I V E R BRIDGE IN MARION COUNTY AS THE "ARMAND AND PERRY LOVELL MEMORIAL HIGHWAY"; PROVIDING AN EFFECTIVE DATE.

## 9. COUNTY ADMINISTRATOR:

### 9.1. Discuss Advisory Board Background Check Process

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

Description/Background: During the July 18, 2023 board meeting there was discussion about the current background check process. Staff was asked to reach out to other counties to find out if those counties perform background checks on advisory board members. Below is the result of that research:

County	Background Check Process
Alachua	No, does not perform background checks
Citrus	No, does not perform background checks
Hernando	Yes, does perform background checks
Lake	Yes, does perform background checks
Levy	Yes, does perform background checks

<b>Polk</b>	No background or references checks, unless specifically required by Commission after member selection and before appointment, HR conducts checks.
<b>Putnam</b>	No, does not perform background checks
<b>Sumter</b>	No, does not perform background checks
<b>Volusia</b>	Only performs background checks on the members of three boards that collect and handle money. No other board members are required to do a background check.

Budget/Impact: None.

Recommended Action: Board discussion and consensus.

Mr. Bouyounes advised that based on previous Board direction, staff contacted 9 Counties and learned that only 3 of them perform background checks. He stated the other 6 Counties either do not conduct background checks totally or they request them relating to individuals that serve on particular Boards.

Chairman Curry stated Commissioner Zalak had recommended not conducting the background checks and he is inclined to agree.

Commissioner Stone advised that references will still be contacted.

Commissioner Zalak noted these individuals are volunteering and all are serving on Advisory Boards, which make recommendations and not final decisions.

It was the general consensus of the Board to no longer conduct background checks.

**9.2. Present American Rescue Plan Act (ARPA) Update - COVID Healthcare Incentive Program (CHIP) Funds**

County Administrator Mounir Bouyounes presented the following recommendation:

Description/Background: Present letter regarding the Chamber & Economic Partnership's (CEP) recommendation regarding COVID Healthcare Incentive Program (CHIP) funds for the Boards consideration.

Budget/Impact: Neutral.

Recommended Action: Board discussion.

ACA Angel Roussel provided an update relating to the American Rescue Plan Act (ARPA). He stated the COVID Healthcare Incentive Program (CHIP) provided by the Ocala/Marion County Chamber & Economic Partnership (CEP) originally had \$1,000,000.00 set aside. The County has assigned \$750,000.00 for a Grant Agreement, leaving \$250,000.00. Mr. Roussel advised that there is a request to utilize those funds in a different way. He requested to allocate \$175,000.00 to utility improvements in the S.R. 326 and U.S 441 area, noting a Budget Amendment Resolution will be brought before the Board at a later date if the Board agrees.

It was the general consensus of the Board to allocate \$175,00.00 for the utility improvements.

Mr. Roussel stated a new education related initiative is being considered with the remaining \$75,000.00, noting once additional information is provided, he will bring it back to the Board for consideration.

Mr. Roussel provided a brief overview relating to water and sewer projects, noting all have been assigned to a design-build firm and are all under design now. Some will begin to come before the Board for construction contracts in October, November, and December. He stated increases in cost are far exceeding original estimates, noting when the awarding of contracts begins, adjustments may be required, and it may not be possible

August 1, 2023

to complete the entire scope of the projects. Mr. Roussel referred to an 11X17 map relating to the Silver Springs Shores (SSS) septic to sewer phases.

In response to Chairman Curry, Mr. Roussel advised that funding limitations are likely to occur during Phase III of the Septic to Sewer project and Phase IV work is unlikely to happen even with the additional revenue the State has assigned to the County. He stated all firms had to be qualified and the majority of the work will likely be done by local general contractors. Mr. Roussel clarified that the packages were submitted by multiple companies under a large general contractor.

Commissioner Stone referred to the map and questioned why Phase IV would not be considered before Phase III based on location. Utilities Director Jody Kirkman stated the Phases are independent from each other and Phase I is not required to build Phase II. He advised that Phases II and IV are in the design phase now and will likely become Phase III A and B or Phase IV A and B because they merge upon each other. Mr. Kirkman commented on the topography in the area noting the layout was easy in the conceptual stage; however, after getting into the design phase staff made adjustments. He noted the pricing has exceeded estimates and staff plans to take Phase IV off the table first but wants to complete the design stage while they actively seek funding.

In response to Commissioner Stone, Mr. Kirkman stated there is necessary infrastructure near Maricamp Road that will allow staff to do what is needed.

General discussion ensued relating to project phases.

Chairman Curry questioned if there is a shortage of materials that is driving the cost up. Mr. Kirkman stated the increases are due to the inflation margin as both material and labor costs have gone up.

In response to Commissioner Zalak, Mr. Kirkman advised that once the design portion is completed, staff will develop the guaranteed maximum price (GMP) and bring it back before the Board. If they are unable to successfully do that, the progressive design build allows the County to take those plans and bid them the conventional way through Procurement Services.

Mr. Kirkman stated originally the general contractors were only to perform 40 percent (%) of the job and the remaining 60% should go back to the local side.

Commissioner Zalak advised that if a party is outperforming others and they can provide a good price, options should be brought back before the Board to change to that contractor at the lowest bid.

Mr. Kirkman advised that will be done when developing the GMP.

Commissioner Bryant questioned how long ago the bids were received. Mr. Kirkman stated the estimates were received in the past 30 days.

Mr. Roussel advised that if the Board prefers to complete Phase IV prior to Phase III (moving south to north) it can be done.

General discussion resumed relating to the project phases.

Mr. Roussel stated the designs are being completed for all phases and shovel-ready projects are always more attractive when it comes to grants.

Commissioner Zalak opined that if something must be cut, the Board wants to be able to choose the best location to spend the funds.

Mr. Roussel provided an update relating to the nursing facility grant at the College of Central Florida (CF), noting they have secured all the grant revenue and funding needed for this project, the design is completed, and they are now in the bidding stages. He advised that construction is expected to last for the next year-and-a-half, with classes starting in the new facility by January 2025. Mr. Roussel stated the agreement with CF is

still being worked on by attorneys for CF and the County and hopes to have an agreement back before the Board in the next couple of months.

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

**6.1. PUBLIC HEARING to Consider Public Comments for a Substantial Amendment to the HUD Five-Year Consolidated Plan 2019-2024 and the Annual Action Plan 2023- 2024 (Budget Impact - Revenue of \$3,418,092)**

Description/Background: Marion County receives Community Development Block Grant, HOME Investment Partnership, HOME American Rescue Plan Act, and Emergency Solutions Grant funds as an Entitlement County. Marion County formed a Consortium with the City of Ocala to receive HOME funds, in which Marion County is the lead agency. The City receives CDBG funds independently as an Entitlement City.

As a result, to receive the aforementioned grant funds, the BCC approved Marion County's HUD Five -Year Consolidated Plan 2019-2024, along with associated Annual Action Plan(s) 2019-2020,2020-2021,2021-2022 and 2022-2023.

This is the final of two Public Hearing to consider comments regarding a proposed substantial amendment to the HUD Five-Year Consolidated Plan 2019-2024 allowing for the Clearance and Demolition of blighted areas.

Budgeted Uses for 2019-2024 Consolidated Plan	Funding Source	Original Budgeted Amount	Revised Budgeted Amount
Public Service	CDBG	\$953,333	\$953,333
Public Infrastructure	CDBG	\$4,075,000	\$2,220,000
Nonprofit public Facility	CDBG	\$1,185,000	\$3,000,000
New Housing Construction	CDBG	\$1,225,000	\$725,524
Housing Rehab/Reconstruction	CDBG	\$308,300	\$308,300
Acquisition	CDBG	\$250,000	\$250,000
NEW Clearance and Demo	CDBG	\$0.00	\$500,000
Administration and Planning	CDBG	\$308,300	\$1,923,601
Administration and Planning	HOME	\$58,631	\$407,156
Street Outreach	ESG	\$350,000	\$346,082
Administration and Planning	ESG	\$11,617	\$58,087
Total Anticipated 2019-2024 Budget		\$8,725,181	\$ 10,692,083

In addition, this Public Hearing will also consider comments for the development of the 2023-2024 Annual Action Plan. The below funding amounts include the annual allocation and the prior year's grant carryforward. Annual allocation amounts are: CDBG, \$2,173,063, HOME, \$1,062,353 and ESG, \$182,676. The prior year's grant carryforward are: CDBG\$ 619,304, HOME, \$249,999, and ESG \$156,421. Below are the proposed activities to be considered for each grant's total available funding.

Proposed Activities for 2023-2024 Annual Action Plan	Anticipated Allocation and prior year Resource Amount
<b>CDBG</b>	<b>\$2,792,367</b>
Public Service	\$325,959
Public Infrastructure	\$458,378
Nonprofit Public Facility	\$1,000,000
Housing Construction/Acquisition/Rehab	\$200,000
Clearance and Demo	\$500,000
Administration and Planning	\$308,300

August 1, 2023

<b>HOME</b>	<b>\$1,312,352</b>
New Construction	\$706,117
Housing Rehab/Reconstruction	\$500,000
Administration and Planning	\$106,235
<b>ESG</b>	<b>\$339,097</b>
Street Outreach	\$109,605
Homeless Prevention	\$117,480
Rapid Rehousing	\$100,000
Administration and Planning	\$12,011
<b>Total Anticipated 2023-2024 Funding</b>	<b>\$4,444,085.00</b>

To meet Citizen Participation Plan requirements, Resolution 19-R-024, the County must hold two Public Hearings to take public comment on the proposed Annual Action Plan. The first Public Hearing was held on July 18, 2023; this is the second Public Hearing. The advertisement was placed in the Ocala Star Banner for publication on June 16, 2023. The 30-day public comment period began on July 01, 2023, and ended on July 30, 2023. The draft plan and certifications are being presented to the Board of County Commissioners for approval today, August 01, 2023, to be submitted to the Department of Housing and Urban Development (HUD) by August 15, 2023. HUD may take up to 45 days to review and approve the plan. Once approved, a contract for each program will be sent to Marion County from HUD for signature and release of funding.

Budget/Impact: Revenue Of \$3,418,092.

Recommended Action: Take public comment on the Proposed Substantial Amendment to the HUD Five-Year Consolidated Plan 2019-2024 and the Annual Action Plan 2023-2024.

Motion to accept all public comments, approve the Annual Action Plan for submission to HUD with the public comments, and authorize the Chair to execute Certifications, Standard Forms 424 (SF - 424), SF- 424 D, Future HUD agreements, and necessary documents to satisfy HUD's approval process.

Deputy Clerk Mills-McAllister presented Proof of Publication of a Display ad No. 8944440 entitled, "Public Notice Substantial Amendment to the Marion County Community Services 2019-2024 HUD Five-Year Consolidated Plan and Marion County Community Services 2023-2024 Annual Action Plan" published in the Star Banner newspaper on June 16, 2023.

Community Services Director Cheryl Martin stated this is a public hearing for a Substantial Amendment to the HUD Five-Year Consolidated Plan 2019-2024 and the Annual Action Plan for FY 2023- 2024. It is the last plan of this 5-Year Plan and next the Department will roll out a new 5-Year Plan. There was a public hearing on July 18, 2023 and there was a 30 day public comment period from July 1, through July 30, 2023. No public comment was received; however, per the December 7, 2022 Community Services Funding Strategies Workshop part of the changes to the Consolidated Plan was to add clearance and demolition to address targeted areas in the County. The Annual Action Plan reflects that along with some infrastructure improvements in SSS to include the library. There was a request for application (RFA) in January, applications were received, and those projects and goals are listed in the Annual Action Plan.

Chairman Curry opened the floor to public comment.

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

In response to Commissioner Zalak, Ms. Martin stated the clearance and demolition goal item allows for acquisition and the Department has budgeted \$500,000.00 for that purpose.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to accept all public comments, approve the Annual Action Plan for submission to HUD with the public comments, and authorize the Chair to execute Certifications, Standard Forms 424 (SF - 424), SF- 424 D, Future HUD agreements, and necessary documents to satisfy HUD's approval process. The motion was unanimously approved (4-0).

Commissioner Stone commented on the great job done by the Community Services Department.

**9.3. Request Approval of State Legislative Priorities for the 2024 Legislative Session**  
Legislative Manager Matthew R. Cretul presented the following recommendation:

Description/Background: A list of the proposed county's appropriations requests, as well as statewide and local priorities is presented for board approval. The statewide priorities will be submitted to the Florida Association of Counties for consideration.

Budget/Impact: None.

Recommended Action: Board consideration and direction of proposed legislative priorities as presented.

Legislative Manager Matt Cretul appeared to present the proposed Marion County BCC Legislative Priorities for the 2024 session. The priorities are broken down into 3 sections: 1.) appropriations requests; 2.) Statewide language requests; and 3.) Marion County supported local priorities.

Mr. Cretul addressed appropriations requests, noting there is a request for \$7,000,000.00 relating to the Lowell Per- and Polyfluorinated Substances (PFAS) contamination remediation. The second request includes 2 separate sections for roadway and utility improvements including a 3.4 mile portion of NW 49<sup>th</sup> Street from NW 70<sup>th</sup> Avenue to NW 44<sup>th</sup> Avenue (\$2,475,934.00 requested) and a 2 mile portion of SW 80<sup>th</sup> Avenue from north of SW 38<sup>th</sup> Street through SR 40 (\$2,000,000.00 requested). The final request is \$4,000,000.00 for the construction of a new Emergency Medical Services (EMS)/Fire Station.

In response to Chairman Curry, Mr. Cretul advised that the \$4,000,000.00 from the Florida Job Growth Grant Fund is to help assist with the Interstate 75 (I-75) Interchange project.

Mr. Cretul provided an overview of additional appropriations requests for a Welcome Center at the Fort King National Historic Landmark, a land acquisition in Orange Springs, and a Southwest Regional Sports Complex/Multi-use facility.

Mr. Bouyounes stated the County is not in a position to ask for funding for the regional sports complex, noting the study needs to be finalized, determine where the complex will be located, provide an estimated cost and then begin discussions with parties including the Department of Emergency Management and the Tourist Development Council (TDC). He advised that staff's recommendation is to remove the EMS/Fire Station request off the list as it is not receiving any traction at the State level for anyone to sponsor the request.

Mr. Bouyounes stated the project is totally funded and going out to bid. He stated the County is in a position to request funding for the planning and design for the Medical Examiner facility, noting the Medical Examiner is a State Office that serves 6 Counties.

Commissioner Stone expressed support for the change.

August 1, 2023

Commissioner Bryant advised that since there is already a new EMS/Fire Station fully funded, she is comfortable with removing it from the list.

Mr. Bouyounes stated the estimated design cost is approximately \$2,800,000.00, noting the request will be for 50% of that amount.

In response to Commissioner Stone, Mr. Bouyounes advised that the State Attorney utilizes part of the 4<sup>th</sup> floor at the Courthouse and the County is providing a larger courtroom for the judges. The 4<sup>th</sup> floor is funded in the proposed budget. The 3<sup>rd</sup> floor is not funded. He stated a request can be made to fund design and construction for both floors.

In response to Commissioner Bryant, Mr. Bouyounes advised that the lobbyist is recommending a maximum of 2 to 3 appropriations requests.

Commissioner Stone commented on possible help from the State to fund the 3<sup>rd</sup> floor, noting the County has not asked for a lot of funding in years past. She advised that the County has Senior Legislators who can hopefully bring home a lot of funding.

Commissioner Bryant stated her preference is to speak to those Legislators to see if they are willing to sponsor bills in support of the project.

Mr. Bouyounes stated he felt that 2 of the County's Legislators were very positive relating to the Medical Examiner Office.

Commissioner Bryant opined that the Chief Financial Officer's (CFO) office should be involved relating to the Lowell PFAS contamination remediation because this falls under his purview. Mr. Bouyounes noted the ask is for 100% of the funding. He commented on a discussion with Representative Stan McClain, who has been trying since last year to bring a coalition of State Departments that will benefit from the project. He advised that Representative McClain would like to see the water plant at the prison to be taken offline and connected to the County's system, which will provide the State with some savings.

Commissioner Stone noted the benefit the project will provide relating to the Fire College. Commissioner Bryant commented on lawsuits resulting from the contamination.

Mr. Bouyounes stated the top 2 priorities will remain the same, with the Medical Examiner Office replacing the construction of a new EMS/Fire Station and engage some of the Legislators relating to the Courthouse.

In response to Commissioner Bryant, Mr. Bouyounes advised that construction on the new EMS/fire station should begin in the fall, noting an update will be sent to the Board.

Commissioner Zalak commented on medical costs relating to the inmates at the jail as a State of Florida and Federal priority for the County. He stated with Sheriff William "Billy" Woods on the Florida Sheriffs' Association (FSA) and Commissioner Bryant serving on the Florida Association of Counties (FAC), they can try to move the ball.

Commissioner Zalak opined that it should be a Statewide priority.

Mr. Bouyounes advised that the matter be added to the list under Section II. Priorities.

Commissioner Zalak opined that if the Counties and Sheriffs individually lobby for the priority, and do so collectively as FAC and the FSA, it would be pretty unstoppable.

In response to Mr. Bouyounes, Commissioner Zalak stated the entities will request that individuals do not lose their federal benefits at the time of arrest, leaving the County or Sheriff to pay for those expenses. He advised that the County's liability could be significantly less if inmates did not lose their benefits, noting the issue can be moved at the State and Federal levels by FAC the National Association of Counties (NACO) and FSA and the National Sheriffs' Association (NSA).

Mr. Bouyounes stated it will be added to Section II because this is a law change.

Commissioner Bryant stated a cost analysis should be completed, noting there will likely be push-back from the State.

Mr. Bouyounes referred to Item 4 under Section II (Support the modification of continuing contract and CCNA laws). He opined that there should be focus placed on changing the limits for the continuing contracts and what triggers Consultants' Competitive Negotiation Act (CCNA). He stated energy has been wasted working on this and it is not going to go anywhere, noting changes to the limits will benefit the County in its day-to-day type of work.

Mr. Cretul clarified that Item 3 from Section I (Construction of a new EMS/fire station) is being removed and adding on the Medical Examiner facility as a potential request. He stated he will engage the CFO's office relating to the Lowell PFAS remediation.

Commissioner Stone advised that the County should engage its Legislators to see their appetite for moving a bill forward to fund the Courthouse buildout.

Mr. Cretul stated he will also remove Item 6 under Section I (Southwest Regional Sports Complex) and have discussions with the Delegations to determine if they are interested in the buildout for the Courthouse.

In response to Commissioner Bryant, Mr. Bouyounes advised that Item 4 under Section I will be moved to Section III, and Item 5 (Land purchase in Orange Springs) will require a letter be sent to the St. John's River Water Management District (SJRWMD) and Florida Forever.

Mr. Cretul addressed Section II, noting these items will be submitted to FAC for Statewide consideration. He commented on Item 1 (Section II) relating to exempting funds set aside for the completion of inspections on issued permits from Florida Building Code carryforward fund limits. Mr. Cretul advised that he has had conversations with Representative McClain and there may be the ability to create a separate, exempt account for the funds set aside for pending inspections. He stated Item 2 relates to creating Legislation requiring municipalities to obtain County consent when offering utility services within the unincorporated areas. Mr. Cretul advised that he has worked with Mr. Minter on this Item to develop language, noting both Items contain proposed language changes. Item 3 would support allowing Code Enforcement Officers to once again respond to complaints submitted anonymously, and Item 4 would support the modification of State continuing contract and CCNA laws.

In response to Commissioner Stone, Mr. Cretul stated he will add healthcare for inmates at the State and Federal levels. He advised that he could engage FAC to determine if they would be able to coordinate a Statewide study for the cost-benefit analysis for other Counties.

Mr. Cretul addressed Section III, noting these Items are supported local priorities that may not have a Legislative outcome, but are on the County's list of priorities. Item 1 relates to allowing swimming once again at Silver Springs. Mr. Cretul stated coordination is needed with State agencies and Delegation members to resolve permitting issues that are delaying the process. He stated he will follow up with SJRWMD to see if they need anything more from the Department of Environmental Protection (DEP), noting he is working to get a meeting with Secretary Shawn Hamilton, Florida Secretary of Environmental Protection.

Commissioner Zalak opined that he needs a meeting with Representatives Payne and McClain, the Director of the SJRWMD, the DEP and Governor Ron DeSantis' office.

August 1, 2023

Commissioner Bryant commented on the opportunity to fix up the boat ramps previously used for the jungle cruises, so individuals who are on the river could dock and go into the park.

Mr. Cretul stated he will try to address the overall improvement of the area in the conversation (including the corner of Baseline Road and SR 40).

Commissioner Stone advised that the Legislative Day is set and opined that lunch should be held at Silver Springs.

Mr. Bouyounes stated lunch is set to be held at the public library, but the location can be changed.

ACA Tart advised that the Legislative Day will be held in the BCC Auditorium and staff planned for the lunch to be held at a nearby location.

Commissioner Bryant requested staff reach out to Representative Payne's office relating to moving the luncheon and public hearing to Silver Springs.

Ms. Tart advised that Mr. Cretul will be meeting Representative Payne today as soon as he leaves this meeting.

It was the general consensus of the Board to have Commissioner Zalak accompany Mr. Cretul to Representative Payne's office.

Mr. Bouyounes opined that Commissioner Zalak, Representatives McClain and Payne, DEP, and SJRWMD staff should schedule a meeting to go over all the details and concerns relating to the condition of Silver Springs.

Mr. Cretul addressed Item 2, Support securing grant funding for the Florida Crossroads Commerce Park, noting staff will coordinate with the CEP and the Florida Department of Commerce to secure \$4,700,000.00 in grant funding for road segment D of the project. Item 3 would continue support for funding Septic to Sewer conversion programs. Marion County will continue to implement the developed septic-to-sewer plan through the ongoing Wastewater Feasibility Study with the ultimate goal to reduce the nutrient levels within the Silver Springs and Rainbow Springs Basin Management Action Plan (BMAP). This will include the reduction of septic tanks and independent package plants through the installation of central wastewater collection systems.

Mr. Cretul addressed Item 4, Continued support for the mission of the Ft. King Heritage Foundation. He noted the County will provide the Ft. King Heritage Foundation with any correspondence or other support as needed, relating to the welcome center. Item 5 relates to support for Marion Senior Services and its programs. Mr. Cretul advised of the Elder Co-Responder program that has received a lot of positive reviews, noting the State is looking at how to replicate that program around the State. He stated Item 6 relates to providing correspondence and support as needed for the Southeastern Youth Fair.

Chairman Curry commented on Ft. King and the Ft. King Heritage Foundation, noting it is the site of the 1<sup>st</sup> County seat, 1<sup>st</sup> Courthouse, the birthplace of Marion County and Ocala. He stated many of the historically important locations have been blacktopped over and are now parking lots. Chairman Curry advised that he hopes to meet with Mr. Bouyounes, the Ft. King Heritage Foundation, and City of Ocala to come up with a plan of action to identify a method of assisting the foundation to push this project across the finish line. He commented on issues relating to obtaining appropriations from the State that are eventually vetoed and requested feedback from the Board relating to completing this project.

In response to Commissioner Bryant, Chairman Curry advised that the Ft. King Heritage Foundation raised over \$300,000.00 with a matching grant at the State level, as well \$42,000.00 for studies prior to the creation of the blacksmith shop. He advised that the

old estimate for the project during the Master Plan phase was approximately \$15,000,000.00. Chairman Curry requested he be allowed to meet with the stakeholders and possibly Representatives McClain and Cammack.

In response to Commissioner Bryant, Chairman Curry stated the Tourist Development Council (TDC) previously provided \$175,000.00.

Commissioner Bryant stated she will only support additional funds from the Board for this project if it is TDC funding. She advised that there are many other priorities to address. Chairman Curry requested an opportunity to meet again with some recommendations prior to making a final decision.

Commissioner Stone stated there may be data in the TDC gap analysis that is currently underway, noting it may provide some support relating to how to move the project forward.

**9.4. Request for Partial Release of Lien on Code Enforcement Code Case Numbers 528977-BP and 547728-BP, for Parcels 5115-030-037 and 5115-030-038**

Growth Services Director Chuck Varadin presented the following recommendation:

Description/Background: In 2009, a Code Enforcement Board lien was recorded against James H. Moody and Kimberly D. Simmons in the amount of three thousand dollars (\$3,000.00) for a code violation on parcel number 5115-031-041. In 2010, another Code Board lien totaling six thousand five hundred dollars (\$6,500.00) was recorded against Mr. Moody and Ms. Simmons for a repeat violation on the same parcel. Due to the association of ownership, the liens are attached to all of the properties owned by Mr. Moody and Ms. Simmons.

On May 10, 2023, Sergio Morante’s request for a partial release of lien for two of the associated parcels he purchased, came before the Code Enforcement Board. During the hearing, a representative for Mr. Morante’s title company testified they received lien search letters from Code Enforcement in 2017, certifying there were no current code enforcement liens against parcels 5115-030-037 and 5115-030-038; and they did not search official records for liens, relying solely on the lien search letters. The lien search work done by Growth Services staff at the time was not as thorough as indicated in the letters that were issued.

Based on the testimony heard, the Code Enforcement Board moved to recommend that the Board of County Commissioners approve a partial release of lien, releasing parcels 5115-030-037 and 5115-030-038 from the liens. James H. Moody and Kimberly D. Simmons no longer own property in Marion County.

Code Enforcement Board liens	\$9,500.00
Abatement lien	\$ 0
Abatement interest (12%)	\$ 0
Administrative/staff costs	\$ 493.33
Total	\$9,993.33

Budget/Impact: None.

Recommended Action: Motion to approve a partial release of lien, releasing parcels 5115-030-037 and 5115-030-038 and pay administrative/staff costs.

Mr. Bouyounes stated after reviewing this request in detail, the County provided the applicant incorrect information in 2017. He opined that the County should grant the partial release of the liens for the 2 parcels.

Growth Services Director Chuck Varadin provided an overview of the Code violation and related liens issued against the former owners, noting due to the association of

August 1, 2023

ownership, the liens were attached to all the properties owned by Mr. Moody and Ms. Simmons. He advised that no liens relating to the additional parcels were identified during a lien search.

In response to Commissioner Bryant, Mr. Bouyounes stated the County provided incorrect information relating to parcels 5115-030-037 and 5115-030-038.

Commissioner Bryant expressed concern relating to liens that are not identified during a search. She advised that liens should be recorded and identified during a title search.

General discussion ensued relating to Title Companies.

Debra Loaiza, Cubeb Court, Orlando, stated she was the title agent when Mr. Sergio Morante purchased the property in 2017, noting a municipal title search was performed. She commented on indexing problems associated with the searches relating to data entry errors. Ms. Loaiza advised that during the municipal search, Code Enforcement is contacted. In this case the municipal lien search did not show the first time. She stated she had a letter from the County stating there was no liens on the parcels.

Commissioner Bryant opined that the County must ensure its procedures are in order.

Mr. Bouyounes stated changes have been made in the Growth Services Department relating to the municipal searches.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to approve a partial release of lien, releasing parcels 5115-030-037 and 5115-030-038 to only pay administrative/staff costs. The motion was unanimously approved by the Board (4-0).

**9.5. Request Approval of FY 2023-2024 Annual Action Plan for the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Solutions Grant (ESG) Funding (Budget Impact - Revenue of \$3,418,092)**

Community Services Director Cheryl Martin presented the following recommendation:

Description/Background: On August 6, 2019, the BCC approved the 2019-2024 HUD Five-Year Consolidated Plan. As a result, the County receives Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) funds Annually. The County is required to annually submit an Annual Action Plan to HUD; this 2023-2024 Action Plan is the last plan associated with the 2019-2024 Consolidated Plan.

This plans goals include:

<b>Proposed Activities for 2023-2024 Annual Action Plan</b>
<b>CDBG \$2,173,063</b>
Public Service
Public Infrastructure
Nonprofit Public Facility
Housing Construction/Acquisition/Rehab
Clearance and Demo
Administration and Planning
<b>HOME \$1,062,353</b>
New Construction
Housing Rehab/Reconstruction
Administration and Planning
<b>ESG \$182,676</b>

Street Outreach
Homeless Prevention
Rapid Rehousing
Administration and Planning

The County has met its Citizen Participation Plan requirements per Resolution 19-R-024, by advertising in the Ocala Star banner on June 16, 2023, the 30-day public comment period which began on July 1, 2023, and ended July 30, 2023, and held two Public Hearings on July 18, 2023 and August 1, 2023 at 10:00 a.m. The draft plan, Standard Forms, and Certifications are being presented to the Board of County Commissioners for approval today, August 01, 2023, to be submitted to the Department of Housing and Urban Development (HUD) by August 15, 2023. HUD may take up to 45 days to review and approve the plan. Once approved, a contract for each program will be sent to Marion County from HUD for signature and release of funding.

Budget/Impact: Revenue of \$3,418,092.

Recommended Action: Motion to approve the 2023-2024 Annual Action Plan for submission to HUD, and authorize the Chair to execute Certification(s), Standard Form(s) 424 (SF -424), SF- 424 D, Future HUD agreement(s), and necessary documents to satisfy HUD’s approval process of the 2023-2024 Annual Action Plan grant funding.

Community Services Director Cheryl Martin presented a 5 page handout entitled, “Annual Action Plan Goal Summary”. She stated the Annual Action plan is due every year and is essentially a budget and analysis of community needs relating to CDBG, HOME, and ESG. Ms. Martin advised that it is anticipated the County will receive roughly \$3,418,000.00 during the next fiscal year.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve the 2023-2024 Annual Action Plan for submission to HUD, and authorize the Chair to execute Certification(s), Standard Form(s) 424 (SF -424), SF- 424 D, Future HUD agreement(s), and necessary documents to satisfy HUD’s approval process of the 2023-2024 Annual Action Plan grant funding. The motion was unanimously approved by the Board (4-0).

**9.6. Request Approval of Two (2) Property Purchase Agreements, the First With Baseline Commercial, LLC for Parcel 35800-008-04 and the Second With Baseline Sand Mine, LLC., Parcel 35800-008-00; the Negotiated Purchase Price is Inclusive of All Fees and Costs Associated With the Transaction (Budget Impact - Expenditure of \$4,139,000)**

Solid Waste Director Mark Johnson presented the following recommendation:

Description/Background: At the April 4, 2023 Board of County Commissioners meeting, Solid Waste presented the option to purchase property adjacent to the landfill. The Board approved negotiations for the property and for bringing back a final cost for consideration.

The initial asking price for each property were:

Baseline Commercial LLC.	Parcel 35800-008-04	\$1,700,000
Baseline Sand Mine LLC.	Parcel 35800-008-00	\$2,000,000 (as is)

An independent appraisal was performed to determine value of the property. The appraisal provides individual values for the property. Parcels appraised at:

Baseline Commercial LLC.	Parcel 35800-008-04	\$1,664,000
Baseline Sand Mine LLC.	Parcel 35800-008-00	\$2,512,000 (reclaimed)

August 1, 2023

Further, the appraisal inadvertently assumed the property was owned by a single entity and provided a “bulk” market value. The properties are owned by separate entities and the individual assessments should be considered.

The appraisal for the sand mine property was based on “hypothetical conditions” that the acreage has been reclaimed to a usable condition. Therefore, as part of the negotiations, the owners of the sand mine have agreed to reclaim the property to a minimum elevation of 70 feet and clear any requirement(s) with DEP, the Special Use Permit (SUP) or other regulatory agencies related to the property being classified as a sand mine prior to acquisition.

The final negotiated prices for the property are:

Baseline Commercial LLC.	Parcel 35800-008-04	\$1,664,000
Baseline Sand Mine LLC.	Parcel 35800-008-00	\$2,475,000 (reclaimed) or \$2,000,000 (as is)

Staff recommends to purchase the Sand Mine property after it is reclaimed to avoid additional cost in the future. It is anticipated that the property owner will need to relocate approximately 170,000 Cubic Yards to achieve the specified elevation and clear any existing permit requirements.

Budget/Impact: Expenditure of \$4,139,000.

Recommended Action: Motion to approve purchase and proceed with closing of Parcel 35800-008-04 from Baseline Commercial, LLC for \$1,664,000 and Parcel 35800-008-00 from Baseline Sand Mine, LLC for \$2,475,000 after being reclaimed.

Solid Waste Director Mark Johnson stated back in April, 2023, the Department presented the Board with an opportunity to purchase land adjacent to the existing Baseline Landfill, noting staff was allowed to negotiate and bring back pricing for consideration. He commented on the value of the land relating to future options. Mr. Johnson advised that the acquisition would allow a move of infrastructure from the west side of the property to the new parcels, making it available for any future development the Board may choose. He provided an overview of costs associated with each parcel.

In response to Commissioner Bryant, Mr. Johnson stated the funds to purchase both parcels would come from the Solid Waste Enterprise Funds and not tax dollars.

Commissioner Zalak stated the property must be reclaimed and satisfy permit requirements.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve purchase and proceed with closing of Parcel 35800-008-04 from Baseline Commercial, LLC for \$1,664,000.00 and Parcel 35800-008-00 from Baseline Sand Mine, LLC for \$2,475,000.00 after being reclaimed. The motion was unanimously approved by the Board (4-0).

Commissioner Zalak opined that the acquisition makes sense for the future.

Chairman Curry stated the purchase will allow the County to move administration and other Departments to the new parcels and will provide 20 or more years of space in the current landfill.

## **10. COMMITTEE ITEMS: NONE**

Mr. Bouyounes advised that Item 14.1.8 will be addressed at this time.

**14.1.8** Present Notification of the Appointment of Kristen Wilburn as Marion County Human Resources Director ACA Tart presented the following recommendation:

Description/Background: Following a broad search and an interview round with the most qualified candidates, Kristen Wilburn received the highest composite ranking from the interview panel.

The first-round interview panel consisted of an Assistant County Administrator, a Fire Deputy Chief, and the County Administrator. In addition to the first interview panel, Ms. Wilburn completed a second-round interview with the County Administrator and an Assistant County Administrator. After the second-round interview process, it is evident that Ms. Wilburn possesses both the skillset and the experience to lead the Human Resources Department to the next level of success. This memorandum shall serve as a notification to the Board of the appointment of Kristen Wilburn as the next Human Resources Director. Ms. Wilburn's starting salary is \$100,568. Barring any discussion from the Commission, Ms. Wilburn will be considered confirmed.

Budget/Impact: None.

Recommended Action: None required.

Mr. Bouyounes stated the offer for the Human Resources (HR) Director did not work out and the applicant withdrew her acceptance.

## **11. NOTATION FOR ACTION:**

**11.1.** Request to Reschedule and Advertise a Marion County Community Redevelopment Agency meeting from Wednesday, September 6, 2023, at 1:50 p.m. to Tuesday, September 19, 2023, at 1:50 p.m. - Administrative (Budget Impact - Neutral)

Growth Services Director Chris Rison presented the following recommendation:

Description/Background: The Silver Springs Community Redevelopment Agency (Agency) previously scheduled an Agency meeting for Wednesday, September 6, 2023, at 2:00 p.m. Due to recent schedule adjustments, rescheduling the meeting to Tuesday, September 19, 2023, at 1:50 p.m. is proposed. The proposed meeting will also serve as the Agency's annual fiscal year budget consideration, and as such is due to be duly advertised consistent with Florida Statutes with funds for necessary advertising budgeted.

Staff recommends the Board approve the request to reschedule and advertise a Marion County Community Redevelopment Agency meeting from Wednesday, September 6, 2023, at 1:50 p.m. to Tuesday, September 19, 2023, at 1:50 p.m.

Budget/Impact: Neutral - funds budgeted.

Recommended Action: Motion to reschedule and advertise a Marion County Community Redevelopment Agency meeting from Wednesday, September 6, 2023, at 1:50 p.m. to Tuesday, September 19, 2023, at 1:50 p.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to reschedule and advertise a Marion County Community Redevelopment Agency meeting from Wednesday, September 6, 2023, at 1:50 p.m. to Tuesday, September 19, 2023, at 1:50 p.m. The motion was unanimously approved by the Board (4-0).

**11.2.** Request Approval to Schedule a Public Hearing to Discuss Amending the Sewer Use Ordinance to Prohibit Dental Amalgam Discharges on Tuesday, September 19, 2023 at 10:00 AM or As Soon Thereafter As Possible.

Utilities Director Jody Kirkman presented the following recommendation:

Description/Background: On September 15, 1997, County Commission adopted Ordinance No. 97-15, currently Chapter 19, Article II, Division 2, "Sewer Use

August 1, 2023

Requirements” in the Marion County, Florida Code of Ordinances. These changes allowed the Utilities Department to implement an Industrial Pretreatment Program (“IPP”) for Marion County’s Wastewater Facility (“WWF”). The IPP protects the WWF from pollutants that would adversely affect the wastewater treatment process and personnel, and to prevent passthrough of pollutants to the treated effluent water.

On June 14, 2017, the Environmental Protection Agency’s (“EPA”) adopted the Final Rule *Effluent Limitations Guidelines and Standards for the Dental Category*, Title 40 Code of Federal Regulations (“CFR”) Part 441. This rule, also known as the Dental Amalgam Rule, applies in helping to mitigate and reduce the amount of mercury dental facilities discharge into Publicly Owned Treatment Works (“POTW”). The ruling will assist public utilities with an IPP to have authority in regulating dental discharges; *Pretreatment Standards for Existing Sources* Title 40 CFR Part 441.30. In addition, on February 22, 2019, the EPA finalized the Rule *Prohibition of Sewering Hazardous Waste Pharmaceuticals* Title 40 CFR Part 266.505 prohibiting the introduction of pharmaceutical ingredients and metabolic by-products from Healthcare facilities into POTW.

In alignment with these changes, Marion County has received correspondence from FDEP, requesting the County to provide a plan to make modifications to the existing Sewer Use Ordinance and include the language associated with the enacted rules. For the County’s IPP to be able to apply enforceable requirements as adopted by FDEP Rule 62-625.110(3) and 62-625.500(2)(a) Florida Administrative Code (F.A.C.), amendment to the County’s Code of Ordinance Chapter 19, Article II, Division 2 will be necessary to allow the incursion of Title 40 CFR Part 441.30 and Title 40 CFR Part 266.505.

Budget/Impact: None.

Recommended Action: Motion to schedule a public hearing to discuss amending the Sewer Use Ordinance to prohibit dental amalgam discharges.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to schedule a public hearing to discuss amending the Sewer Use Ordinance to prohibit dental amalgam discharges. The motion was unanimously approved by the Board (4-0).

**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](http://www.marionfl.org).

Chairman Curry opened the floor for public comment.

Joseph Walker, SE 54<sup>th</sup> Place, Ocklawaha, presented a 3-page handout relating to a Code Enforcement violation for accumulation of junk and unserviceable vehicles. He referred to photographs (as seen on the overhead screens) relating to his complaint.

Commissioner Zalak advised that Code Enforcement must follow Statute, noting there will be follow up from staff.

Commissioner Bryant commented on the existing business and zoning relating to the property. She requested an update from staff once Code Enforcement reviews this matter further.

Chairman Curry expressed appreciation towards Code Enforcement Supervisor Robin Hough and her staff, noting they have a tough job.

Commissioner Bryant requested Ms. Hough consider the conversation that occurred during Budget workshops relating to the possible reversal of anonymous complaints and how her staff will be impacted.

Roger Knechtel, SE 97<sup>th</sup> Terrace Road, Summerfield, commented on the “Heartbeat Bill”, Planned Parenthood, the contract relating to Fire Rescue, and water quality.

Chairman Curry advised that public comment is now closed.

**UPDATE:** Mr. Minter advised that he forwarded the Board a link that staff sent to him relating to municipal lien searches. He stated a Florida Realtor publication from January 2023 indicated that municipal lien searches are not mandatory, noting some Counties may require them, but the State does not.

In response to Commissioner Zalak, Mr. Minter advised that he must review the matter further relating to the County mandating municipal liens.

### **13. COMMISSIONER ITEMS**

#### **13.1. Commission Comments**

Chairman Bryant commented on correspondence she received from a constituent relating to the possibility of obtaining funding for Ft. King from the Seminole Indian Tribe, noting they may have funds available to enhance the Indian historical side. Chairman Curry stated they have been contacted and have some participation from the tribe and a member that is on the Ft. King Heritage Foundation Board.

Commissioner Stone stated the Seminole Indian Tribe provided their oversight relating to a chickee hut at Ft. King.

Chairman Curry noted the Seminole Indian Tribe came up for 5 days and provided all the materials and built the chickee exactly as it would have been presented in the 1800s.

Commissioner Zalak expressed appreciation to those that participated in the Bus Brigade school supply drive, noting the importance of ensuring kids have what they need.

Commissioner Zalak opined that he wants an Agreement in writing with the Marion County School Board (MCSB) stating they will not request an Item on the ballot at the same time as the County’s Sales Tax referendum.

Chairman Curry advised that he serves on the Board of Directors for the East Central Florida Regional Planning Council (ECFRPC) comprised of 8 Counties (Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter and Volusia) that meet quarterly. He stated Marion County will host a Board meeting at Silver Springs in November.

Chairman Curry commented on the Cal Ripken kickoff Sunday. He noted Rock Giboney is in the audience and stated he is the reason that Rotary Sportsplex got built. Chairman Curry stated hundreds of kids benefit from using the facility. He stated the Rotary Sportsplex Board of Directors works really hard along with TDC staff to bring in events.

#### **13.2. Commission Calendar**

##### **13.2.1. Present Commission Calendar**

The Chairman acknowledged receipt of the Commission calendar covering the period of August 1 through August 15, 2023.

August 1, 2023

**14. NOTATION FOR RECORD:**

**14.1. County Administrator Informational Items:**

- 14.1.1. Present Letter from Salvation Army Regarding Their Angel Tree Program
- 14.1.2. Present Letter from Judge Craggs - Marion County Dependency General Magistrate
- 14.1.3. Present Solid Waste Monthly Operations Report for June 2023
- 14.1.4. Present Resignation from the WellFlorida Council - Mary Ellen Poe
- 14.1.5. Present Ocala Metro Chamber and Economic Partnership Marion County
- 14.1.6. Present Thank You Letter from Marion Cultural Alliance
- 14.1.7. Marion Oaks MSTU Advisory Board for Recreation Services and Facilities – April 11, 2023
- 14.1.9. Present Letter of Support for CASA of Pinellas to extend its Services to Marion County

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

- 14.2.1. Request Approval of Rejection of All Proposals: 23P-118 Land for New Medical Examiner Facility and 23P-124 New Medical Examiner Facility (Budget Impact - None)
- 14.2.2. Request Approval of Waiver Request for LDC 2.16.1.B(8)(g) – Agricultural Lot Split Establishment of County MSBU for Moss Bluff Ranches East, Parcel Number 39520-026-00, Application Number 29133 (for Agricultural Lot Split Application Number 29132) (Budget Impact - None)

**14.3. General Informational Items: None.**

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

**14.5. Clerk of the Court:**

- 14.5.1. Present Letter Dated July 10, 2023 from the City of Belleview, Development Services Department, Regarding Small Scale Comprehensive Plan, Future Land Use, and Zoning Map Change for Property 39134-000-00
- 14.5.2. Present Financial Statements and Independent Auditor's Report for Year Ended September 30, 2022 Prepared by James E. Davis, Certified Public Accountant, for Marion Soil and Water Conservation District
- 14.5.3. Tourist Development Council - May 25, 2023
- 14.5.4. Present Administrative Budget Transfer Report for FY2022-23
- 14.5.5. Present Memorandum from Gregory C. Harrell, Clerk of the Circuit Court and Comptroller, Regarding the Filing of Ordinances 23-18, 23-19, 23-20 and 23-21 With the Secretary of State's Office
- 14.5.6. Present Regular Report of Utilization for Reserve for Contingencies

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

- 14.6.1. Code Enforcement Board - June 14, 2023
- 14.6.2. District 5 and 24 Medical Examiner Advisory Board - May 10, 2023
- 14.6.3. Development Review Committee - May 8, 15, 22; June 5, 12, 19, 26; and July 10, 2023
- 14.6.4. Housing Finance Authority - May 17, 2023
- 14.6.5. Marion County License Review Board - May 9, 2023

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

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

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

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

There was a recess at 11:19 a.m.

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

Also present were: 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. PUBLIC HEARING - REQUEST PROOF OF PUBLICATION (AT 2:00PM):**

Deputy Clerk Mills-McAllister presented Proof of Publication No. 8532395 entitled, "Notice of Intention to Close and Abandon Road(s)" published in the Voice of South Marion newspaper on July 13, 2023. The Notice states the Board will consider a petition by Marion County to close and abandon certain road(s).

**15.1. PUBLIC HEARING to Consider Adoption of a Resolution to Close and Abandon That Portion of SE 10<sup>th</sup> Lane Lying Between and Adjacent to Lot 1, Block D and Lot 11, Block A, Indian Trails, Plat Book X, Page 66**

ACA/Acting County Engineer Tracy Straub presented the following recommendation:

Description/Background: This is a request to consider a Resolution by Petitioner Michael D. Linvill to close and abandon that portion of SE 10<sup>th</sup> Lane lying between and adjacent to Lot 1, Block D and Lot 11, Block A, Indian Trails, Plat Book X, Page 66, and to renounce and disclaim any right of the County and the general public. The portion being requested to be abrogated has never been formally constructed, and lies within the boundary of the Indian Trails subdivision, encompassing approximately 67 residential lots.

Land Development Code Section 6.11.4(A), requires residential development with more than 50 developable lots have a minimum of two (2) access points.

The Development Review Committee considered this request on January 23, 2023 and it was the committee's recommendation that the petition not be granted.

Budget/Impact: None.

Recommended Action: Motion to Uphold DRC's decision and to not adopt the Resolution closing and abandoning that portion of SE 10<sup>th</sup> Lane lying between and adjacent to Lot 1, Block D and Lot 11, Block A, Indian Trails, Plat Book X, Page 66, and authorize the Chair and Clerk to execute the same.

Deputy County Engineer Douglas Hinton presented a 2 page petition in favor of the abrogation and a 10-page handout containing affidavits from multiple property owners adjacent to or within the vicinity of the road(s)/Alley(s) to be closed and abandoned.

He referred to a map (as seen on the overhead screens), which indicates the portion of the road proposed to be abrogated. Mr. Hinton advised that the street was never

August 1, 2023

constructed and is 50-feet wide by an approximate 130 foot strip which currently has trees and other vegetation. He commented on a map highlighting the Boundary of Indian Trails and the portion of SE 10<sup>th</sup> Lane proposed for abrogation.

Commissioner Bryant questioned if the portion of the road proposed for abrogation is to be split between Mr. Linvill and the property owner to the north.

Austin Dailey, Klein and Klein, LLC, SE 11<sup>th</sup> Avenue, attorney on behalf of the applicant, referred to a slide showing platted lots in Indian Trails (as seen on the overhead screens) and an aerial overview of the property owned by the applicant. He referenced a slide showing notes from the Development Review Committee (DRC) meeting and opined that the Office of the County Engineer (OCE), recommended denial based on the current Land Development Code (LDC) requiring two access points. Mr. Dailey stated the applicant advised that there was no issue granting an emergency access easement to the County and agreed to granting a utilities easement. He referred to a photograph of the road and vegetation from 56<sup>th</sup> Avenue looking west. Mr. Dailey advised that the road has been that way for roughly 50 years to the best of his knowledge. He commented on a slide indicating (in green) property owners in the area that have signed a petition or affidavits in support of the petition. He noted there are some individuals present that oppose the abrogation of the road, but he was not given the opportunity to speak with some of those individuals. Mr. Dailey stated there is an area/trail on the north side of the road that individuals can walk through leading to SE 55<sup>th</sup> Avenue. He advised that the applicant does not care about ownership of the road, but is concerned about this becoming a road with through traffic from some future development that could be built on a nearby large portion of land. Commissioner Zalak stated 2 public access points are required for every subdivision over 50 units. He questioned why the County would give up control of a public easement or access it already has control over. Mr. Dailey advised that the County has owned this land for roughly 50 years and it remains in this condition, noting he cannot imagine a public purpose for this road other than as an emergency evacuation if there was some problem in this neighborhood or the subdivision to the rear. He opined that to have ordinary traffic from SE 58<sup>th</sup> Avenue down through this neighborhood to cut back to another neighborhood served by its own roads does not serve the public. Mr. Dailey addressed concerns relating to emergencies, utilities, and pedestrian use of the road.

Mr. Bouyounes stated the County is aware that it has right-of-way (ROW) in this location. Chairman Curry opened the floor to public comment.

Dennis Furst, SE 56<sup>th</sup> Avenue, commented on a photo (from SE 56<sup>th</sup> Avenue looking west), noting the tremendous amount of vegetation removed from this location over the past few months makes it very accessible. He stated he accesses the road by foot and bicycle for the purpose of exercising. Mr. Furst stated if there was an emergency, the area could be opened within an hour. He advised of an incident in the past when Baseline Road was shut down, noting if something prevented ingress/egress from the current access point, this would be an option for residents.

In response to Chairman Curry, Mr. Furst advised that he is 4 houses to the north from this lot, and there are 12 to 15 homes located in the rear quadrant that use this area on a regular basis. He commented on residents' ability to see the sign that was posted relating to this public hearing and an email that was sent to residents.

Randy Myers, SE 9<sup>th</sup> Street, expressed opposition to the abrogation, noting concerns relating to emergency access and future utilities projects.

Randy Hahn, SE 56<sup>th</sup> Avenue, commented on the impact to homeowners if the road is opened to vehicle traffic and criminal activity in the area.

Keith Ellis, SE 56<sup>th</sup> Avenue, addressed safety concerns relating to traffic, emergencies, and security.

Buff Fritz, SE 9<sup>th</sup> Street, expressed concern relating to traffic issues if the road is opened to motorized vehicles.

In response to Commissioner Bryant, Mr. Bouyounes stated the County does not have plans to build that road out at this time.

Cassi Schouster, SE 56<sup>th</sup> Avenue, commented on impacts to her home if the road is opened to vehicle traffic and upkeep of the property in question.

Robert Kuleza, SE 9<sup>th</sup> Street, expressed opposition to the abrogation.

Mr. Dailey advised that most of the concerns can be remedied by providing a utilities easement and emergency access easement. He stated the County has no plans to build a road there, and the applicant is agreeable to having a pedestrian walkway or trail dedicated to the residents of the neighborhood. Mr. Dailey opined that there is a lack of good reason to deny the application.

Commissioner Bryant advised that she disagreed with Mr. Dailey, noting the LDC has certain provisions in place relating to neighborhoods. She stated the County should not give away something and then have to request permission in case they need it for future use.

Commissioner Zalak opined that the plat indicates there is an easement in this location. He advised if the access can be altered to deter vehicle traffic until it is needed for a road he is fine with that solution, noting he is not willing to go against the LDC and give up the easement.

Commissioner Bryant stated she does not want the public to think the County will take on the maintenance of the easement, noting there is likely an easy fix to keep vehicular traffic from coming through that area.

(The Deputy Clerk did not receive a copy of Mr. Dailey's PowerPoint presentation. The Deputy Clerk was in receipt of additional affidavits in support of the petition.)

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to uphold DRC's recommendation and deny the request to adopt a Resolution closing and abandoning that portion of SE 10<sup>th</sup> Lane lying between and adjacent to Lot 1, Block D and Lot 11, Block A, Indian Trails, Plat Book X, Page 66. The motion was unanimously approved by the Board (4-0).

There being no further business to come before the Board, the meeting thereupon adjourned at 2:44 p.m.

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Craig Curry, Chairman

Attest:

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Gregory C. Harrell, Clerk

DRAFT

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