

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

February 17, 2026

**CALL TO ORDER:**

The Marion County Board of County Commissioners (BCC) met in regular session in Commission Chambers at 9:00 a.m. on Tuesday, February 17, 2026 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 Carl Zalak, III, District 4; Vice-Chairman Matthew McClain, District 3; Commissioner Craig Curry, District 1; Commissioner Kathy Bryant, District 2; and Commissioner Michelle Stone, District 5. Also present were Clerk Gregory C. Harrell, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart and Executive Director of Internal Services Mike McCain.

**ANNOUNCEMENTS:**

Chairman Zalak 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 Curry, the BCC approved and/or ratified the following:

**1.1. PROCLAMATION - Engineers Week - Mackenzie Fix, President, Forest Chapter of the Florida Engineering Society (Approval and Presentation)**

The Board presented the Proclamation designating February 22 through February 28 as Engineers Week to Mackenzie Fix, President, Forest Chapter of the Florida Engineering Society, along with staff members from the Office of the County Engineer (OCE) and several representatives from the engineering community.

Mackenzie Fix, President, Forest Chapter of the Florida Engineering Society, stated she is here to promote the advancement of and advocate for the engineering profession. She advised of Science, Technology, Engineering, and Mathematics (STEM) programs coming up including MATHCOUNTS on February 21, 2026, which is aimed at middle school students. Ms. Fix stated Engineering Day is March 7, 2026, at the Discovery Center.

**1.2. PROCLAMATION - 2026 Southeastern Youth Fair (Approval Only)**

The Board approved the Proclamation recognizing the Southeastern Youth Fair's 86<sup>th</sup> anniversary.

**2. AGENDA ITEM PUBLIC COMMENTS:**

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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 Zalak opened the floor to public comment.

Joseph Walker, SE 54<sup>th</sup> Place, Ocklawaha, did not appear when called upon to speak.

Chairman Zalak advised that public comment is now closed.

### **3. ADOPT THE FOLLOWING MINUTES: (5 Sets)**

**3.1.** September 10, 2025

**3.2.** September 15, 2025

**3.3.** September 16, 2025

**3.4.** September 22, 2025 A

**3.5.** September 22, 2025 B

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt the meeting minutes of September 10, 15, 16, and 22 (2 sets), 2026. The motion was unanimously approved by the Board (5-0).

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

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

#### **5.1. Budget Amendment**

Clerk Harrell advised that Budget Amendment Resolution 5.1.3. relates to Consent Agenda Item 7.6.4.

Upon motion of Commissioner Bryant, seconded by Commissioner Curry, the Board adopted the following Budget Amendment Resolutions transferring funds and approved the coinciding Consent Agenda Item 7.6.4. as presented by Clerk Harrell:

**5.1.1.** 26-R-36 – County Transportation Maintenance Fund - Transportation - \$100,000

**5.1.2.** 26-R-37 – General Fund - Public Safety Communications - \$513,530

**5.1.3.** 26-R-38 – General Fund - Southeastern Livestock Pavilion Capital - \$1,303

**5.1.4.** 26-R-39 – Infrastructure Surtax Capital Projects Fund - Infrastructure Tax Transport - \$10,270

**5.1.5.** 26-R-40 – MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$5,000

**5.1.6.** 26-R-41 – Tourist Development Tax Fund - Visitors and Convention Bureau - \$16,220

(Ed. Note: MSTU is the acronym for Municipal Service Taxing Units and CID is the acronym for Criminal Investigation Division.)

#### **5.2. Project Adjustment**

**5.2.1.** Transfer Project Funds and Amend the Capital Improvement Program - Infrastructure Surtax Capital Project Fund - \$99,000

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

Description/Background: The low bid for STC073833 - NE 35<sup>th</sup> St/NE 60<sup>th</sup> Ct Resurfacing was \$1,044,580.81. To cover this cost, plus testing and contingency, the project requires an increase in construction funding by \$99,000, which will be

transferred from STC073832 - NW 44<sup>th</sup> Ave Resurfacing, as this project is sufficiently funded.

Budget/Impact: Neutral.

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

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

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

**5.3.1.** Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 044898, 044948, 53069, 219880

A motion was made by Commissioner Curry, seconded by Commissioner Stone, to approve the Disposition of Property Forms 044898, 044948, 53069, 219880. The motion was unanimously approved by the Board (5-0).

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

### **7. CONSENT:**

Chairman Zalak advised of revisions relating to Consent Agenda Items 7.3.2. and 7.5.1. County Administrator Mounir Bouyounes provided an overview of the revisions relating to Items 7.3.2. and 7.5.1.

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 Stone, seconded by Commissioner Curry, the Board acted on the Consent Agenda as follows:

#### **7.1. Administration:**

**7.1.1.** Request Approval of Letter Recertifying Crime Stoppers of Marion County, Inc. as the Authorized Recipient for Local Grant Funds from the Crime Stoppers Trust Fund (Budget Impact - None)

The Board accepted the following recommendation as presented by Executive Assistant Jennifer Clark, Commission Office:

Description/Background: Crime Stoppers of Marion County, Inc. is a non-profit program that is funded by a grant from the Office of the Attorney General. In order to continue their service to the community, which provides an avenue for people to report crimes and receive rewards completely anonymously, an updated letter is required from the local Board of County Commissioners. This letter authorizes Crime Stoppers of Marion County, Inc to act as Marion County's agent solely for the purpose of applying for, receiving and expending grant funds from the Crime Stoppers Trust Fund.

Budget/Impact: None.

Recommended Action: Motion to approve letter recertifying Crime Stoppers of Marion County, Inc as the authorized recipient for local grant funds from the Crime Stoppers Trust Fund.

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**7.1.2. Request Approval of Resolution Resubmit Related to Marion County's Drinking Water State Revolving Fund Principal-Forgiveness Loan (Budget Impact - Revenue Generating)**

The Board accepted the following recommendation to adopt Resolution 26-R-42 as presented by Legislative Manager Matthew Crettul:

Description/Background: This item is a resubmit due to a request to update the language on the resolution that was approved during the board meeting on February 3, 2026. Section III was modified from "The revenues pledged for the repayment of the loan are the water and sewer system revenues after payment of debt service on Marion County's Series 2016; Water and Sewer System Revenue Bonds, the Series 2021B Water and Sewer System Refunding Revenue Bonds, and the Series 2022A Water and Sewer System Refunding Revenue Bonds." to saying "Due to one hundred percent (100%) principal forgiveness of the loan, there are no pledged revenues required, and disclosure of senior revenue debt is also not required." per their request.

On April 1, 2025, Marion County submitted its application for the Lowell Municipal Drinking Water project to the State's Drinking Water State Revolving Fund (DWSRF) program. The application was for funding related to the planning, design, and construction of municipal drinking water infrastructure in the Lowell area due to ground contamination. Fortunately, Marion County's application was approved, and the county is in the process of securing \$1.25 million in the form of a principal-forgiveness loan. This resolution is a requirement of the program and will allow Marion County Utilities to move forward in the process of providing residents of the Lowell area with clean, safe drinking water.

Budget/Impact: Grant generated revenue to be expended with no match. The County will receive \$1.25 million in principal-forgiveness funds to be used toward the Lowell Municipal Drinking Water project.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the resolution.

Resolution 26-R-42 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING RESOLUTION NO. 26-R-32, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

**7.1.3. Request Ratification of Appropriations Project Request for Fiscal Year 2026-27 for the Lake Weir Restoration and Nutrient Reduction Project**

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

Description/Background: On January 16, 2026, an Appropriations Project Request for FY 2026-27 was submitted on behalf of Marion County. The Florida Department of Environmental Protection (FDEP) designated Lake Weir as impaired for nutrients. This project will reduce nutrient loading, improve water quality, reduce frequent algal blooms, improve habitat for fish/wildlife, enhance clarity for recreational use and improve property values for the surrounding homes. This project will implement innovative technologies around the lake to trap and uptake

nutrients before they enter the lake, dredge nutrient-dense hot spots, and restore wetlands that act as nutrient sinks.

Budget/Impact: None.

Recommended Action: Motion to ratify the Appropriations Project Request for Lake Weir improvements.

## **7.2. Attorney:**

### **7.2.1. Request Approval of a Resolution Authorizing Acquisition of Real Property Interests by Gift, Purchase, or Eminent Domain for the SW/NW 80<sup>th</sup>/70<sup>th</sup> Avenue Road Improvement Project in Marion County, Florida**

The Board accepted the following recommendation to adopt Resolution 26-R-43 as presented by County Attorney Matthew G. Minter, Legal:

Description/Background: On October 21, 2025, the Board approved Resolution 25-R-430 for the acquisition of interests in real properties related to the SW/NW 80<sup>th</sup>/70<sup>th</sup> Avenue Road Improvement Project. Further, on November 18, 2025, the Board approved Resolution 25-R-490 for the acquisition of additional interests in real properties related to the same project. This new resolution includes an additional 15 parcels that are necessary for the project, for which we have not yet been able to acquire by negotiation. The County is seeking to acquire the project parcels to construct road improvements related to the SW/NW 80<sup>th</sup>/70<sup>th</sup> Avenue Road Improvement Project, which will widen the north and south bound lanes of NW/SW 80<sup>th</sup> Avenue, relieving traffic flow on Highway 40, NW/SW 80<sup>th</sup> Avenue, and surrounding collector roads. The resolution provides for acquisition either by negotiation, based on binding offers from the County for up to 140% of the full compensation values determined by our appraiser, or eminent domain. If negotiations are unsuccessful, then the resolution authorizes proceeding with acquisition by eminent domain. Florida Statutes require the adoption of a resolution authorizing the acquisition of property by eminent domain, and this resolution will satisfy that requirement.

Budget/Impact: Budget impact is currently indeterminate but is initially based on the County's appraisals. The amount for the 15 acquisition parcels included in this resolution is a combined total of \$757,000. If litigation is required, the final value determinations will be made by a jury trial, and the County will be responsible for statutory attorney fees and expert costs as well.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the resolution.

Resolution 26-R-43 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PURSUANT TO ARTICLE X, SECTION 6, FLORIDA CONSTITUTION, AND CHAPTERS 73, 74, 127, and 337 FLORIDA STATUTES (2025), AUTHORIZING APPROPRIATE OFFICERS OR AGENTS OF THE COUNTY TO ACQUIRE CERTAIN INTERESTS IN REAL PROPERTY BY GIFT, PURCHASE, OR COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS FOR THE SW NW 80<sup>th</sup> 70<sup>th</sup> AVENUE ROAD IMPROVEMENT PROJECT IN MARION COUNTY, FLORIDA; MAKING FINDINGS OF FACT FOR PUBLIC PURPOSE AND NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

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**7.2.2. Request Approval of a Resolution Authorizing Acquisition of Real Property Interests by Gift, Purchase, or Eminent Domain for the NW 49<sup>th</sup> Street Phase 3 Road Improvement Project in Marion County, Florida**

The Board accepted the following recommendation to adopt Resolution 26-R-44 as presented by County Attorney Minter, Legal:

Description/Background: On November 18, 2025, the Board approved Resolution 25-R-491 for the acquisition of interests in real properties related to the NW 49<sup>th</sup> Street Phase 3 Road Improvement Project. Further, on December 16, 2025, the Board approved Resolution 25-R-642 for the acquisition of additional interests in real properties related to the same project. This new resolution includes an additional 13 project parcels that are necessary for the project, for which we have not yet been able to acquire by negotiation. The County is seeking to acquire the project parcels to construct road improvements related to the NW 49<sup>th</sup> Street Phase 3 Road Improvement Project, which will construct a new four-lane roadway beginning at the intersection of NW Hwy 225A and NW 44<sup>th</sup> Lane and continue east to the intersection of NW 49<sup>th</sup> Avenue and NW 49<sup>th</sup> Street. From there, the existing two-lane roadway will be widened to a four-lane roadway. The project will also install a 5-foot sidewalk and a 12-foot multi-use path alongside the roadway. The project will end just west of the intersection of NW 49<sup>th</sup> Street and NW 44<sup>th</sup> Avenue, where the Florida Department of Transportation (FDOT) is constructing a Diverging Diamond Interchange at Interstate 75 (I-75). In conjunction with FDOT's project, this project will accommodate current and future traffic growth in northern Marion County. The resolution provides for acquisition either by negotiation, based on binding offers from the County for up to 140% of the full compensation values determined by our appraiser, or eminent domain. If negotiations are unsuccessful, then the resolution authorizes proceeding with acquisition by eminent domain. Florida Statutes require the adoption of a resolution authorizing the acquisition of property by eminent domain, and this resolution will satisfy that requirement.

Budget/Impact: Budget impact is currently indeterminate but is initially based on the County's appraisals. The amount for the 13 acquisition parcels included in this resolution is a combined total of \$2,246,300.00. If litigation is required, the final value determinations will be made by either a jury trial or a mediated settlement, and the County will be responsible for statutory attorney fees and expert costs as well.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the resolution.

Resolution 26-R-44 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PURSUANT TO ARTICLE X, SECTION 6, FLORIDA CONSTITUTION, AND CHAPTERS 73, 74, 127, and 337 FLORIDA STATUTES (2025), AUTHORIZING APPROPRIATE OFFICERS OR AGENTS OF THE COUNTY TO ACQUIRE CERTAIN INTERESTS IN REAL PROPERTY BY GIFT, PURCHASE, OR COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS FOR THE NW 49<sup>TH</sup> STREET PHASE 3A ROAD IMPROVEMENT PROJECT IN MARION COUNTY, FLORIDA; MAKING FINDINGS OF FACT FOR PUBLIC PURPOSE AND NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

**7.3. Community Services:**

**7.3.1. Request Approval of Regional Opioid Settlement Committee Recommendation for Funding (Budget Impact - Neutral; not to exceed \$261,250)**

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

Description/Background: On November 5, 2024, the Board approved the Interlocal Agreement with the Marion County Hospital District (MCHD) to monitor and review the expenditure of Opioid Settlement Funds, followed by a First Amendment on December 17, 2024. This agreement designates MCHD as the disbursement agent responsible for distribution, vetting, monitoring, and the reporting of expenditures for regional opioid funds.

On July 1, 2025, the Board approved the 2025-26 Marion County Regional Opioid Abatement Plan which set four (4) funding priorities recommended by the Opioid Settlement Committee to include:

- Expansion of Warm Handoff Programs and Recovery Services
- Pregnant and Postpartum Women
- Connections to Care
- Support People in Treatment and Recovery

On January 8, 2026, the Regional Opioid Settlement Committee reviewed and recommends approval for an additional project that aligns with the “Support People in Treatment and Recovery” priority, Open Arms Women’s Village (attached). This new facility will fill a significant gap in Marion County’s recovery housing landscape, as existing transitional housing programs for women primarily prioritize mothers with children, leaving single women with limited access to sober housing. The Women’s Village will replicate Open Arms Village’s established low-barrier men’s transitional housing program, which has operated since 2013 and reports an 82% success rate. The women’s program will provide a structured, recovery-oriented environment for single women through evidence-based services including counseling, peer support, case management, relapse-prevention training, life-skills development, and required participation in 12-step recovery activities.

Regional opioid funds will support a portion of the planned full renovation of a facility that will be leased to expand recovery housing services. The recommended award from the regional opioid fund is \$250,000, which, with a 4.5% administrative allocation required under MCHD’s interlocal agreement with the County, brings the total distribution to \$261,250.

Budget/Impact: Neutral; not to exceed \$261,250.

Recommended Action: Motion to approve the recommendation of the Regional Opioid Settlement Committee and authorize the Marion County Hospital District to enter into an agreement with Open Arms Village for the distribution of regional opioid settlement funds.

**7.3.2. Request Approval of Revised Marion County State Housing Initiatives Partnership Local Housing Assistance Plan 2025-2028 and Resolution (Budget Impact - None)**

The Board accepted the following recommendation to adopt Resolution 26-R-45 as presented by Community Services Director Butler:

Description/Background: On April 15, 2025, the Board approved Marion County’s 2025-2028 Local Housing Assistance Plan (LHAP), as required by Florida Statutes

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and the State Housing Initiatives Partnership (SHIP) Program. The plan was submitted to the Florida Housing Finance Corporation (FHFC) for review and approval.

Over the past nine (9) months, staff observed a significant decline in applications for the County's Purchase Assistance Program. After consulting with approved lenders, it was determined that the required use of a Community Land Trust (CLT) was creating barriers that made it difficult for eligible buyers to close on homes. A CLT is a nonprofit organization that owns the land and leases it to the homeowner under a long-term agreement to help maintain affordability. While this tool can be effective, in this case it limited participation and slowed the use of available SHIP funds.

To remove these barriers and improve access to the program, the County requested technical revisions of the LHAP. Under Rule 67-37.006(3), revisions that do not significantly change a strategy are considered "technical" and do not require a full amendment review process. The FHFC reviewed and approved these changes as technical revisions on January 26, 2026. The proposed revisions are intended to increase participation, improve flexibility, and ensure timely expenditure of SHIP funds.

Technical Revisions include:

1. Purchase Assistance with or without Rehabilitation
  - Remove the Community Land Trust (CLT) requirement, Page 7 (a), (e)1, 6(a)(c)(d), (f)3
  - Allow co-signers, Page 8, (h)5
  - Reduce Florida resident requirement from 2 years to 1, Page 8, (f)4
  - Provide Purchase Assistance to families that want to reside in the city limits, Page 8, (h)1
2. Owner-Occupied Rehabilitation / Demolition-Reconstruction
  - Allow referrals from the City of Ocala, Page 10, (h)1
3. New Construction – Homeownership
  - Require nonprofit agencies to utilize a Community Land Trust, Page 11, (a)
  - Allow for-profit agencies the option to use or not use a Community Land Trust, Page 11, (a) Staff recommends the Board to adopt the SHIP LHAP 2025-2028 Technical Revision.

Budget/Impact: None.

Recommended Action: Motion to approve Marion County SHIP LHAP 2025-2028 Technical Revision and authorize the Chairman and Clerk to execute all necessary documents.

Resolution 26-R-45 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING THE CHAIR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE

FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

**7.4. Fire Rescue:**

**7.4.1. Request Approval of the Certificate of Public Convenience and Necessity for Advance Life Support - Transport (Level IV) Marion Community Hospital, Inc. D/B/A HCA Florida Ocala Hospital Modified Operational Restrictions (Budget Impact - None)**

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

Description/Background: The modified 2026 Certificate of Public Convenience and Necessity (COPCN) includes a limited provision allowing hospital-based ambulance services, when requested, to provide non-routine reciprocal assistance to other hospital-based ambulance services within Marion County for interfacility transfers and patient discharge transports, including discharges to home or post-acute care facilities. This authority applies only when a hospital system has temporarily exhausted its transport resources and assistance is necessary to prevent unreasonable delays in patient care of hospital throughput.

All transports under this provision are restricted to Basic Life Support (BLS) and Advanced Life Support (ALS) levels of service, must originate from a licensed hospital or freestanding emergency department within Marion County, and expressly excludes specialty care, critical care, neonatal, or other specialty transports unless specifically authorized by Marion County Fire Rescue (MCFR). This provision does not expand COPCN authority, service area, or scope of operations and remains subject to ongoing MCFR oversight, monitoring, and restrictions to ensure system stability and patient safety.

Budget/Impact: None.

Recommended Action: Motion to approve the Certificate of Public Convenience and Necessity for Advance Life Support - Transport (Level IV) Marion Community Hospital, Inc. D/B/A HCA Florida Ocala Hospital Modified Operational Restrictions.

**7.4.2. Request Approval of the Certificate of Public Convenience and Necessity of Advance Life Support - Transport (Level IV) AdventHealth Wesley Chapel EMS Modified Operational Restrictions (Budget Impact - None)**

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

Description/Background: The modified 2026 Certificate of Public Convenience and Necessity (COPCN) includes a limited provision allowing hospital-based ambulance services, when requested, to provide non-routine reciprocal assistance to other hospital-based ambulance services within Marion County for interfacility transfers and patient discharge transports, including discharges to home or post-acute care facilities. This authority applies only when a hospital system has temporarily exhausted its transport resources and assistance is necessary to prevent unreasonable delays in patient care of hospital throughput.

All transports under this provision are restricted to Basic Life Support (BLS) and Advanced Life Support (ALS) levels of service, must originate from a licensed hospital or freestanding emergency department within Marion County, and expressly excludes specialty care, critical care, neonatal, or other specialty transports unless specifically authorized by Marion County Fire Rescue (MCFR).

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This provision does not expand COPCN authority, service area, or scope of operations and remains subject to ongoing MCFR oversight, monitoring, and restrictions to ensure system stability and patient safety.

Budget/Impact: None.

Recommended Action: Motion to approve the Certificate of Public Convenience and Necessity of Advance Life Support - Transport (Level IV) AdventHealth Wesley Chapel EMS Modified Operational Restrictions.

**7.4.3. Request Approval of the Certificate of Public Convenience and Necessity for Advance Life Support - Transport (Level IV) RG Ambulance Service Inc, D/B/A American Ambulance Modified Operational Restrictions (Budget Impact - None)**

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

Description/Background: The modified 2026 Certificate of Public Convenience and Necessity (COPCN) includes a limited provision allowing hospital-based ambulance services, when requested, to provide non-routine reciprocal assistance to other hospital-based ambulance services within Marion County for interfacility transfers and patient discharge transports, including discharges to home or post-acute care facilities. This authority applies only when a hospital system has temporarily exhausted its transport resources and assistance is necessary to prevent unreasonable delays in patient care of hospital throughput.

All transports under this provision are restricted to Basic Life Support (BLS) and Advanced Life Support (ALS) levels of service, must originate from a licensed hospital or freestanding emergency department within Marion County, and expressly excludes specialty care, critical care, neonatal, or other specialty transports unless specifically authorized by Marion County Fire Rescue (MCFR). This provision does not expand COPCN authority, service area, or scope of operations and remains subject to ongoing MCFR oversight, monitoring, and restrictions to ensure system stability and patient safety.

Budget/Impact: None.

Recommended Action: Motion to approve the Certificate of Public Convenience and Necessity for Advance Life Support - Transport (Level IV) RG Ambulance Service Inc, D/B/A American Ambulance Modified Operational Restrictions.

**7.4.4. Request Ratification of the State of Emergency Order Signed by the Chairman on February 10, 2026, Pertaining to a Ban on the Use of Flares, Explosives, or Outdoor Burning Devices or Otherwise Lawful Outdoor Burning**

The Board accepted the following recommendation as presented by Executive Assistant Clark, Commission Office:

Description/Background: Dry and windy conditions continue to cause and exacerbate wildfires in Marion County, so a mandatory burn ban is being used as a measure to protect the health, safety, welfare and property of citizens and visitors.

The burn ban prohibits all outdoor burning with the following exceptions:

- Use of outdoor cookers or grills as long as they are attended by a responsible adult at all times the unit is burning, cooking or otherwise in use
- Commercial land clearing where: inspection of review and approval has been granted by the Florida Forest Service or Marion County Fire Rescue on a case

by case basis and it is determined that there will be sufficient fire suppression personnel and equipment on scene. Authorization must be granted by the Florida Forest Service

- Public fireworks displays with adequate fire suppression equipment and personnel on site; and pursuant to Marion County Special Use Permit and Marion County Fire Rescue Fireworks Permit.

The state of emergency will be in effect until 5:00 p.m. on February 17, 2026, unless modified, extended or terminated upon the joint recommendation of the Marion County Fire Chief and the County Administrator, by action of the Chairman of the Board of County Commissioners (BCC), with ratification by the BCC as soon as practical at a regular or special meeting.

Budget/Impact: None.

Recommended Action: Motion to ratify the State of Emergency Order signed by the Chairman on February 10, 2026.

## **7.5. Parks & Recreation:**

### **7.5.1. Request Approval of Letter Authorizing Trust for Public Land to Conduct Research and Services Related to Parks & Recreation Department Funding**

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

Description/Background: The Parks & Recreation department is requesting approval from the Marion County Board of County Commissioners for the attached letter addressed to Pegeen Hanrahan, P.E. with the Trust for Public Land (TPL). This letter authorizes TPL to provide technical advice and assistance in the department's efforts to obtain reliable and ongoing funding sources for land conservation, parks and outdoor recreational opportunities and protection of equestrian, agricultural and forestry lands.

This letter also authorizes TPL to conduct a variety of services including feasibility research, public opinion surveys and develop strategies to enact public financing options. These services would be provided on an on-going basis with TPL being available for presentations, technical advice and guidance as it relates to the purposes described above.

Budget/Impact: None.

Recommended Action: Motion to authorize Chairman to sign the attached letter, authorizing the Trust for Public Land to conduct research and services related to Parks & Recreation department funding.

## **7.6. Procurement Services:**

### **7.6.1. Request Approval of Bid Award: 26B-009 NE 58<sup>th</sup> Avenue Resurface Project (from East Highway 326 to NE 90<sup>th</sup> Street Road) - C. W. Roberts Contracting, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$2,495,746.20)**

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, Procurement advertised a bid for reclaiming and resurfacing NE 58<sup>th</sup> Avenue, from East Highway 326 to NE 90<sup>th</sup> Street Road, a total of 3.09 miles. The scope of work generally includes reclaiming and widening of the existing roadway, resurfacing pavement, constructing driveway and side street aprons, removing/adding cross

drain and end treatments, sodding shoulders, and restriping pavement markings. A total of four (4) submittals were received in response to the solicitation, and the bid tabulation is provided below:

Firm - Location	Bid Total
C.W. Roberts Contracting, Inc. - Ocala, FL	\$2,495,746.20
Art Walker Construction Co., Inc. - Ocala, FL	\$2,498,778.00
Anderson Columbia Co., Inc. - Ocala, FL	\$2,526,845.68
Superior Asphalt, Inc. - Oneco, FL	\$3,191,001.00

Steve Cohoon, P.E., County Engineer, recommends that C.W. Roberts Contracting, Inc., receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a draft of the contract. Upon approval at today's meeting, it will be sent to C.W. Roberts Contracting, Inc. for signature, and upon return, will be forwarded to the Clerk and Chairman for signatures.

Budget/Impact: Neutral; expenditure of \$2,495,746.20. Up to ten percent (10%) contingency will be added to the purchase order in accordance with the Procurement Manual. Funding is from: M761541-563221-TIP080454 (\$1,175,599) (80% Gas Tax Construction Fund) BO762541-263220-TIP080454 (\$1,320,147.20) (2<sup>nd</sup> Local Opt Fuel Tax Fund).

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract, and upon approval by Legal, authorize the Clerk and Chairman to execute contract with C. W. Roberts Contracting, Inc., under 26B-009.

**7.6.2. Request Approval of Bid Award: 26B-020 Purchase of Ten Thousand Pound Capacity Dump Trailers with Integrated Portable Restroom Platform - Rockland Cargo Equipment, Inc., Conyers, GA (Budget Impact - Neutral; expenditure of \$56,421)**

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

Description/Background: On behalf of Solid Waste, Procurement advertised a bid seeking quotes for three (3) 10K dump trailers with integrated portable restroom platforms equipped with telescopic hoists.

Each trailer includes a 12-foot dump body, a mounted PolyJohn Fleet Fresh Flush toilet with accessories, restroom platform with safety railing and access steps, and a secure mounting system for tools, traffic cones, ramps, and water cooler. Trailers feature diamond plate flooring and fenders, expanded metal sides and roof, LED lighting, and a mini light bar. Alternate upgrades include 14,000-pound axles, a hydraulic tongue jack, and a solar battery charger/maintainer.

Four (4) submittals were received and the tabulation is listed below. This represents total pricing for three (3) trailers with the alternate options included.

Vendor - Location	Bid
Rockland Cargo Equipment, Inc. - Conyers, GA	\$ 56,421.00
Northrock Enterprises, LLC - Miami, FL	\$ 57,676.35
Phoenix Contracting - Ruskin, FL	\$111,647.00
Jolex Machinerie - Quebec, Canada	\$157,214.00

Mark Johnson, Director of Solid Waste, recommends that Rockland Cargo Equipment, Inc., receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review are the cost breakdown and specifications. Upon approval this will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; project cost is \$56,421. Funding is available in ZA425534-564101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve and authorize staff to release the purchase order for Rockland Cargo Equipment, Inc. under 26B-020.

**7.6.3. Request Approval of Bid Award: 26B-035 Grapple Trailer - Rockland Cargo Equipment, Inc., Conyers, GA (Budget Impact - Neutral; expenditure of \$101,578)**

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

Description/Background: On behalf of Solid Waste, Procurement issued a bid for grapple trailers to support debris collection and cleanup operations. The solicitation requested heavy-duty low-profile trailers with dual axles, electric brakes, rear ramps, LED lighting, tarp system, solar charger, spare tire, and integrated mounting systems for tools, sign stands, and equipment. Each trailer includes an integrated grapple system with a Woodys 170HD loader, 13 HP hydraulic power pack, 17-foot reach with 270-degree rotation, 1,200-lb lift capacity, clamshell-style grapple, and independently operated outriggers. Optional alternates included a hydraulic tongue jack and 44-inch solid steel high sides.

Two (2) submittals were received, with the tabulation provided below. Pricing reflects the total cost for one (1) trailer, inclusive of all alternate options. Solid Waste is requesting the purchase of two (2) units.

Vendor - Location	Bid
Rockland Cargo Equipment, Inc - Conyers, GA	\$50,789
Jolex Machinerie - Quebec, Canada	\$55,350

Mark Johnson, Director of Solid Waste, recommends that Rockland Cargo Equipment, Inc., receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review are the cost breakdown and specifications. Upon approval this will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure of \$101,578. Funding is available in ZA425534-564101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve and authorize staff to release the purchase order for Rockland Cargo Equipment, Inc. under 26B-035.

**7.6.4. Request Approval of Change Order to Purchase Order 2500800: 24P-264 SELP Bailie Arena Public Address Sound System - EZYPA Operations, LLC (Budget Impact - Neutral; additional expenditure of \$49,183)**

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

Description/Background: On December 17, 2024, the Board approved a contract with EZYPA Operations, LLC (EZYPA) to install and upgrade the 20-year-old sound system at the Southeastern Livestock Pavilion (SELP). The work is being performed in the announcer tower, where the equipment is stored, and the three arena areas.

The prior six (6) change orders for this project primarily addressed necessary adjustments to the arena sound system scope and schedule to support operational

requirements. These included equipment refinements and enhancements funded through available contingency (such as microphones, cabling, touch screens, auxiliary input ports, and relocation of the PA headend), as well as multiple time-only extensions to account for unavoidable delays, additional evaluation, installation, and coordination efforts. None of the previous change orders increased the original purchase order amount; they focused on aligning the system with functional needs and allowing sufficient time to complete the work.

During installation, testing, and staff training of the arena sound system, gaps in sound coverage and system functionality were identified in the Main Arena, Sales Arena, and North Arena. Change Order 7, being presented today, is for additional services required to address these deficiencies to include expanded speaker coverage, equipment reconfiguration, and headend relocation. While these items were not included in the original scope, they are necessary to ensure full system performance, operational efficiency, and clear, reliable communication during events.

A copy of EZYPA's proposal is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; additional expenditure of \$49,183, bringing the total purchase order amount to \$246,303. Funding is from AA718572-563102 (General Fund).

Recommended Action: Motion to approve the change order, authorize the Chairman and Clerk to execute, and allow staff to issue the change order to EZYPA Operations, LLC under 24P-264.

(Ed. Note: this Item was approved with Budget Amendment Resolution 5.1.3.).

**7.6.5. Request Approval of Change Order to Purchase Order 2600824: 18Q-197-CA-02 Emerald Road Extension (SE 92<sup>nd</sup> Loop to FL Northern RR) - Davis Dinkins Engineering, P.A., Ocala, FL (Budget Impact - Neutral; additional expenditure \$30,972.30)**

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

Description/Background: On December 2, 2025, the Board approved the second Contract Amendment with Davis Dinkins Engineering, P.A. to provide post-design services for the construction of the Emerald Road extension to include attending pre-construction and other meetings, issuing construction plans, responding to contractor requests for information, in-field review of utility locations, periodic site observations, providing construction plan modifications, and preparing construction certifications upon completion.

During this process, it has been discovered there are more than ten (10) Gopher Tortoise burrows, and more than one (1) Burrowing Owl cluster. Together with the permitting and relocation assistance necessary for relocation, Davis Dinkins Engineering, P.A., will provide additional environmental and consulting services in order to expedite this process.

The resulting Change Order, being presented today, requests to add \$30,972.30, bringing total cost of the project to \$204,891.19, to the Purchase Order to cover these additional services.

The Change Order, proposal, fee schedule, and sub proposal are 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 \$30,972.30. Funding comes from GA771541-563511 (Impact Fee - East District).

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 2600824.

**7.6.6. Request Approval of Contract Amendment: 25PB-113-CA-01 Utilities PLC, SCADA, and Implementation - DSI Innovations LLC, Thomasville, NC (Budget Impact - None)**

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

Description/Background: On May 20, 2025, the Board granted approval for Marion County Utilities (MCU) to piggyback Orange County's contract with DSI Innovations LLC for Programmable Logic Control (PLC), Supervisory Control and Data Acquisition (SCADA) services, and related implementation.

Being presented today is an amendment to revise Section 6 of the Agreement to align with the terms of Orange County contract Y24-1021B. The Amendment removes provisions related to pricing adjustments and procurement card payment conditions, leaving compensation subject to and consistent with the terms of the Orange County contract.

Attached for the Board's review is a draft copy of the contract amendment. Upon approval at today's meeting, the amendment will be sent to the vendor for signature. Once returned, it will be routed to Legal, the Chairman and Clerk for final execution.

Budget/Impact: None; this amendment has no impact on the existing budget.

Recommended Action: Motion to approve Contract Amendment, and upon approval by Legal, authorize the Chairman and Clerk to execute contract amendment with DSI Innovations LLC under 25PB-113.

**7.6.7. Request Approval of Contract Amendment (Renewal): 20B-102-CA-05 Drainage Retention Area Mowing - C&C Solutions, LLC, Ocala, FL, and Top-Quality Lawn Management, LLC, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$269,596.35)**

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

Description/Background: On March 24, 2020, the Board approved to contract with four (4) contractors to provide routine mowing of drainage retention areas (DRAs), drainage right of ways, adjacent right-of-ways, drainage easements, and conveyance swales. The work includes trimming around structures such as pipe ends, discharge structures, signs, trees, and along fence lines which at times, includes the use of specialized equipment and hand work.

Two (2) contractors; C&C Solutions, LLC, and Top-Quality Lawn Management, LLC, have been offered renewals to extend their contracts through the final renewal option. Steven Cohoon, P.E., County Engineer, recommends approval of the fifth one-year renewal term for these two contractors. The remaining two mowing areas have been solicited through the Procurement bid process.

Attached for review is a draft for the contracts. Upon approval at today's meeting, they will be sent to C&C Solutions, LLC, and Top-Quality Lawn Management, LLC,

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for signature, and upon return, will be forwarded to Legal, the Clerk, and Chairman for signatures.

Budget/Impact: Neutral, expenditure of \$269,596.35. Funding is from EK430538-534101 (Stormwater Program).

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract, and upon approval by Legal, authorize the Clerk and Chairman to execute contracts with C&C Solutions, LLC, and Top-Quality Lawn Management under 20B-102.

**7.6.8. Request Approval of Contract Amendment (Renewal): 20B-141-CA-05 Drainage Retention Area Mowing Area V – Five Zones - Richard C. Marcinkowski d/b/a Rick's Lawn Service, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$53,726.20)**

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

Description/Background: On May 5, 2020, the Board approved a contract with Rick's Lawn Service for routine mowing of drainage retention areas (DRAs), drainage rights-of-way, adjacent road rights-of-way, and conveyance swales within drainage easements. This work includes trimming around structures such as pipe ends, discharge structures, signs, trees, and along fence lines, and may, from time to time, include the use of specialized equipment and hand work. The Contractor has complied with the agreement's terms and conditions, which include a renewal option. Steven Cohoon, P.E., County Engineer, recommends the fifth-year term renewal option.

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

Budget/Impact: Neutral; estimated expenditure of \$53,726.20. Funding comes from EK430538-534101 (Stormwater Program).

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

**7.6.9. Request Approval of Contract Amendment (Renewal): 24B-084-CA-03 Marion County Drainage Retention Mowing – Pure Cuts and Lawn Maintenance, LLC, Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$42,131.26)**

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

Description/Background: On March 19, 2024, the Board approved a contract with Pure Cuts and Lawn Maintenance, LLC for routine mowing at drainage retention areas (DRA). The work consists of routine mowing of DRAs, drainage rights-of-way, adjacent road rights-of-way, and conveyance swales within drainage easements where identified. In addition, this may also include trimming around structures such as pipe ends, discharge structures, trees, and fence lines. This may include handwork and the use of special equipment. The contractor has complied with the agreement's terms and conditions, which includes a renewal option. Steven Cohoon, P.E., County Engineer, recommends the third renewal option.

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

Budget/Impact: Neutral; annual estimated expenditure is \$42,131.26. Funding comes from EK430538-534101 (Stormwater Program).

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

**7.6.10. Request Approval of Contract Amendment (Renewal): 25B-069-CA-01 Marion County Drainage Retention Area Mowing - JCM Outdoor Services, LLC, Anthony, FL and Top Quality Lawn Maintenance, LLC, Ocala, FL (Budget Impact - Neutral; estimated annual expenditure of \$70,756)**

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

Description/Background: On April 1, 2025, the Board approved contracts with JCM Outdoor Services, LLC, and Top Quality Lawn Maintenance, LLC for routine mowing of drainage retention areas (DRAs), drainage right-of-ways, adjacent road right-of-ways, and conveyance swales within drainage easements where identified. The contractors have complied with the agreement's terms and conditions, which include a renewal option. Steven Cohoon, P.E., County Engineer, recommends the first-year renewal option.

Attached for review are the draft contracts. Pending approval at today's meeting, they will be sent to JCM Outdoor Services, LLC and Top Quality Lawn Maintenance, LLC for signatures and upon return, will be forwarded to the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; estimated expenditure of \$70,756. Funding comes from EK430538-534101 (Stormwater Program).

Recommended Action: Motion to approve the contract amendment, allow staff to issue a contract renewal, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 25B-069.

**7.6.11. Request Approval of Contract Amendment (Renewal): 21P-115-CA-03 - KP Hole Park Livery Services - Rainbow River Kayak Adventures, LLC, Dunnellon, FL (Budget Impact - Neutral; estimated expenditure of \$191,000)**

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

Description/Background: On April 20, 2021, the Board approved a contract with Rainbow River Kayak Adventures, LLC (RRKA) to provide safe and reliable transportation services for guests and their equipment at KP Hole Park. Since then, RRKA has consistently met the terms and conditions outlined in the original agreement. Following a positive performance evaluation, Parks & Recreation Director Jim Couillard recommends renewing the contract for an additional one (1) year.

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

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Budget/Impact: Neutral; estimated expenditure of \$191,000. Actual costs will vary and will not exceed the approved annual budget amount without being brought back to the board. Funding comes from CR362572-534101 - Parks and Recreation Fees Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract with Rainbow River Kayak Adventures, LLC under 21P-115.

**7.6.12. Request Approval of Contract Amendment (Renewal): 24B-024-CA-01 Fire Equipment & Supplies- Ten-8 Fire & Safety, LLC, Bradenton, FL, Rev RTC - dba Hallmark RTC Inc., Ocala, FL Inc., (Budget Impact - Neutral; estimated annual expenditure of \$125,000)**

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

Description/Background: On December 19, 2023, the Board approved contracts with three (3) vendors to provide brand specific fire equipment and supplies.

Two of those vendors, Ten-8 Fire & Safety, LLC and Rev RTC - dba Hallmark RTC Inc, have expressed their desire to continue providing services. Although the initial contract term ended December 19, 2025, both of the vendors have agreed to extend services to ensure continuity until the second contract term is in place.

The draft amendments are attached for review. Upon approval at today's meeting the agreements will be sent to the vendors for signature, and upon approval by Legal, will be forwarded for the Clerk's and Chairman's signatures.

Budget/Impact: Neutral; estimated annual expenditure of \$125,000 is based on the actual need for equipment and supplies. Annual expenditures shall not exceed approved fiscal year budgeted amounts without being brought back to the Board for approval. Funds are available in EF300522-552107 (\$37,250) EF300522-552108 (\$25,250), AA305526-552107 (\$31,250) and AA305526-552108 (\$31,250) (Fire, Rescue and EMS Fund).

Recommended Action: Motion to approve recommendations, allow Staff to issue contracts, and upon approval by Legal, authorize the Chairman to execute contracts to listed Suppliers under 24B-024.

**7.6.13. Request Approval of Contract Amendments (Renewals): 21Q-042-CA-05, Limerock Supplier - MJ Stavola Industries, Ocala, FL and Florida Stone Products, LLC d/b/a Georgia Stone Products, Denver, CO and 21Q-042-CA-06, Limerock Supplier – Commercial Industrial Corporation, Ocala, FL (Budget Impact - Neutral; estimated expenditure \$375,000)**

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

Description/Background: On January 19, 2021, and February 2, 2021, the Board approved contracts with several Limerock suppliers. On March 5, 2024, the Board approved an additional scope of services to include delivery of Limerock material to the Baseline Landfill for Commercial Industrial Corporation (CIC) only. Following a favorable review of all three (3) vendors, Steven Cohoon, P.E., County Engineer, recommends approval of contract amendments for the following suppliers:

- Fifth Contract Amendments for MJ Stavola Industries and Georgia Stone Products
- Sixth Contract Amendment for Commercial Industrial Corporation

The proposed amendments include the following rate adjustments:

- CIC will maintain its current rate of \$15.00 per ton for both Limerock base and Limerock stabilized base. Delivery to Solid Waste will be at a rate of \$8.50 per ton.
- Georgia Stone Products is requesting an increase from \$12.00 to \$12.50 per ton for both Limerock base and Limerock stabilized base.
- MJ Stavola Industries is requesting an increase from \$8.50 to \$9.50 per ton for Limerock base, and from \$12.00 to \$13.00 per ton for Limerock stabilized base.

Attached for review are draft copies of all three (3) contract amendments. Upon approval at today's meeting, the contracts will be forwarded to the suppliers for review and signature. Once returned, they will be routed to the County Attorney, Clerk, and Chairman for final signatures.

Budget/Impact: Neutral; estimated total expenditure of \$375,000 for Limerock materials. Funding comes from BN403541-553101 (20% Gas Tax Construction Fund) and from ZA423534-546101 (Solid Waste Disposal Fund). Estimated expenditure of \$75,000 for Limerock delivery, funding comes from ZA423534-546101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract. Upon approval by Legal, authorize the Chairman and Clerk to execute the contract with Florida Stone Products and MJ Stavola Industries under 21Q-042-CA-05, and CIC under 21Q-042-CA-06.

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

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

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

1. Pending Requisition/BSN Sports - Marion County Parks & Recreation requests approval to purchase and install two (2) 20-foot by 8-foot multi-sport scoreboards for the Synthetic Fields Project at Rotary Sportsplex. The cost includes \$21,495 per scoreboard, installation in the amount of \$39,955, and \$105 per internal power pack for the LCD controller. Total expenditure of \$98,122.90. Funds are available in line CR362572-563102. This purchase meets competitive bidding requirements under OMNIA Contract #R250101.
2. Pending Requisition/J & B Tractor C. Inc - Marion County Solid Waste requests approval to purchase one (1) 2024 Merlo MultiFarmer 44.9CS-170-CVT Telescopic Tractor, replacing Asset #39596 (LF-19), a 2006 rough terrain forklift. Total expenditure of \$252,880. Funds are available in line ZA423534-564101. Competitive solicitation efforts were conducted; however, no vendor responses were received from two (2) prior bid solicitations.

3. Pending Requisition/Bozard Ford Company - Marion County Sheriff's Office (MCSO) requests approval to purchase one (1) 2026 Ford F250 XL Super Duty Crew Cab 4x4 for Emergency Management. Total expenditure of \$66,067. Funds are available using One Cent Sales Tax with Project Code STC0740VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
4. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase four (4) 2026 Ford Police Responder F150 Crew Cab 4x4 for LT Patrol, at \$48,181 each. Total expenditure of \$192,724. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
5. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase one (1) 2026 Ford F350 XL Super Duty Crew Cab 4x4 for Traffic Unit. Total expenditure of \$65,058. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
6. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase three (3) 2026 Ford Interceptor Utility SUV AWD for Traffic Unit, at \$44,380 each. Total expenditure of \$133,140. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
7. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase five (5) 2026 Ford Interceptor Utility SUV AWD for Detectives, at \$44,685 each. Total expenditure of \$223,425. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
8. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase three (3) 2026 Ford Interceptor Utility SUV AWD for SGT Patrol, at \$44,380 each. Total expenditure of \$133,140. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
9. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase one (1) 2026 Ford Interceptor Utility SUV AWD for K9 SRO. Total expenditure of \$44,380. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
10. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase one (1) 2026 Ford Police Responder F150 Crew Cab 4x4 for Law Enforcement Captain. Total expenditure of \$48,790. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.

11. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase two (2) 2026 Ford Explorer Active SUV RWD for Forensics, at \$34,663 each. Total expenditure of \$69,326. Funds are available using One Cent Sales Tax with Project Code STC0737VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
12. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase three (3) 2026 Ford Interceptor Utility SUV AWD for Bailiff, at \$44,685 each. Total expenditure of \$134,055. Funds are available using One Cent Sales Tax with Project Code STC0736VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
13. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase one (1) 2026 Ford Interceptor Utility SUV AWD for SGT Civil, in the amount of \$44,380. Total expenditure of \$44,380. Funds are available using One Cent Sales Tax with Project Code STC0736VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
14. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase one (1) 2026 Ford Interceptor Utility SUV AWD for PIO. Total expenditure of \$44,076. Funds are available using One Cent Sales Tax with Project Code STC0736VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
15. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase three (3) 2026 Ford Interceptor Utility SUV AWD for Civil Deputy, at \$44,380 each. Total expenditure of \$133,140. Funds are available using One Cent Sales Tax with Project Code STC0736VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
16. Pending Requisition/Bozard Ford Company - MCSO requests approval to purchase two (2) 2026 Ford Interceptor Utility SUV AWD for Aviation, at \$44,685 each. Total expenditure of \$89,370. Funds are available using One Cent Sales Tax with Project Code STC0736VE. This purchase meets competitive bidding requirements under Florida Sheriff's Association Vehicle Contract FSA25-VEL33.0.
17. Pending Requisition/Matheny Fire & Emergency - Marion County Fire Rescue requests approval to purchase one (1) 2026 Matheny Fire Brush Truck on a Ford F450 STD Cab 4x4 Chassis. Total expenditure of \$189,068. Funds are available in line VJ732522-564101 with Project Code STC0732VE. This purchase meets competitive bidding requirements under FSA25-VEF19.0: Fire & Rescue Vehicles, Boats, and Equipment.

Recommended Action: Motion to approve requested purchases.

## **7.7. Tourist Development:**

**7.7.1.** Request Approval of Tourist Development Council Recommendation for Room Night Generating Event (Budget Impact - Neutral; expenditure of up to \$10,000)

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

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. The Room Night Generating Event Funding Program is intended to position Marion County as a must-experience destination in Florida through bringing quality events and initiatives to Marion County. The following funding contract was recommended for approval by the TDC:

BIG EAST Swimming and Diving Conference Championships                      \$10,000  
Budget/Impact: Neutral; expenditure of up to \$10,000. Funding From CP155552-548101.

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

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

**7.8.1.** Request to Approve and Adopt the Maintained Right-of-Way Map for a Portion of the Following Roadways: SW 140<sup>th</sup> Street/ SW 119<sup>th</sup> Court/ SW 150<sup>th</sup> Street/ SW 110<sup>th</sup> Avenue/ SW 155<sup>th</sup> Street/ SW 85<sup>th</sup> Avenue/ SW 145<sup>th</sup> Street (Budget Impact- None)

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

Description/Background: This is a request to approve and adopt the Maintained Right-of-Way Map for a portion of; SW 140<sup>th</sup> Street/ SW 119<sup>th</sup> Court/ SW 150<sup>th</sup> Street/ SW 110<sup>th</sup> Avenue/ SW 155<sup>th</sup> Street/ SW 85<sup>th</sup> Avenue/ SW 145<sup>th</sup> Street within the Florida Highlands Subdivision (not platted).

The recording of the road right-of-way map shall deem the depicted land has been conveyed to the public, and all rights, title, easement and appurtenances in and to the road shall be vested to Marion County. The County has historically maintained these road portions and will continue to do so.

Budget/Impact: None.

Recommended Action: Motion to approve and adopt the Maintained Right-of-Way Map for a portion of SW 140<sup>th</sup> Street/ SW 119<sup>th</sup> Court/ SW 150<sup>th</sup> Street/ SW 110<sup>th</sup> Avenue/ SW 155<sup>th</sup> Street/ SW 85<sup>th</sup> Avenue/ SW 145<sup>th</sup> Street and authorize the Chair and Clerk to execute the same.

**7.8.2.** Request Approval of a Resolution Declaring Certain County-Owned Real Property as Suitable for Private Sale and Authorizing the Sale of Said Property Pursuant to Section 125.35(2), Florida Statutes; Parcel 3341-010-020 (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 26-R-46 as presented by County Engineer Cohoon, OCE:

Description/Background: This Resolution declares a specific county-owned parcel (Parcel 3341-010-020) as suitable for private sale and authorizes its sale pursuant to Section 125.35(2), Florida Statutes. Based on a review by County staff, the parcel is not required for any current or foreseeable County purpose.

The subject parcel has an estimated value of \$15,000 or less, qualifying it for disposition without competitive bidding under statute. Approval of the Resolution

authorizes the sale of the property and execution of all necessary conveyance documents by the Chair and Clerk. The sale is proposed to an adjacent property owner and will put the parcel back on the tax role.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the attached Resolution.

Resolution 26-R-46 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, DECLARING CERTAIN COUNTY-OWNED REAL PROPERTY OF INSUFFICIENT SIZE, SHAPE AND DE MINIMIS VALUE AS SUITABLE FOR PRIVATE SALE AND AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY PURSUANT TO SECTION 125.35(2), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

**7.8.3. Request Approval for the Multimodal Path SW 80<sup>th</sup> Avenue Agreement with On Top of the World Communities, L.L.C. (Budget Impact - Neutral)**

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

Description/Background: A multimodal path exists adjacent to SW 80<sup>th</sup> Avenue and property owned by On Top of the World Communities, L.L.C. (OTOW). A portion of the multimodal path lies on OTOW's property within a Public Pedestrian Easement granted to Marion County on July 30, 2019. To facilitate the widening of SW 80<sup>th</sup> Avenue, the County desires to acquire property from OTOW and much of the multimodal path is within this area of acquisition. OTOW agrees to convey this property in exchange for an easement over the multimodal path.

The Agreement being considered in this Board action includes the conveyance of OTOW property to the County and the dedication of a multimodal easement to OTOW. It should be noted that the multimodal easement provides for OTOW's use and maintenance of the path, including landscaping.

Budget/Impact: Neutral.

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

**7.8.4. Request Approval of the Release of a Subdivision Improvement Agreement with Surety Bond Associated with Sabana Reserve Phase 1 Subdivision (Budget Impact - None)**

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

Description/Background: This is a request to approve the Release of a Subdivision Improvement Agreement with Surety Bond associated with Sabana Reserve Phase 1. The improvements were inspected on January 16, 2026 and approved. The release will be recorded on the Public Record for proper satisfaction of the surety bond.

Budget/Impact: None.

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

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**7.8.5. Request Approval of a Temporary Construction Easement Agreement Between Bay Laurel Center Community Development District, a Florida Community Development District, and Marion County, a Political Subdivision of the State of Florida (Budget Impact - Neutral)**

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

Description/Background: Bay Laurel Center Community Development District (BLCCDD) owns a portion of SW 63<sup>rd</sup> Street Road by virtue of a Quit Claim Deed executed on July 11, 2006. Marion County has plans to improve the intersection of SW 63<sup>rd</sup> Street Road at SW 80<sup>th</sup> Avenue as part of the County's SW 80<sup>th</sup> Avenue Segment 1 widening project. This agreement provides for a temporary construction easement on SW 63<sup>rd</sup> Street Road to construct the intersection improvements, to include installation of an additional eastbound lane from SW 63<sup>rd</sup> Street Road onto SW 80<sup>th</sup> Avenue.

Also, for the SW 63<sup>rd</sup> Street Road portion, BLCCDD had previously granted the Circle Square Ranch Master Association (CSRMA) permission to maintain and repair improvements including landscaping and irrigation in the SW 63<sup>rd</sup> Street Road area. CSRMA formally adopted a resolution on May 27, 2008, which confirmed these responsibilities. Any impacts to the landscaping or irrigation in this area by the County's roadway widening will be handled through a separate agreement between CSRMA and Marion County.

BLCCDD identified several conflicts between existing utilities owned or maintained by BLCCDD and the County's proposed stormwater pipes or structures during the utility plan reviews. Marion County desires to work with BLCCDD to resolve these conflicts during construction. This agreement requires the County's contractor to notify and coordinate with BLCCDD at least 72 hours prior to performing work in the conflict areas. Should any of the utilities owned or maintained by BLCCDD need to be adjusted to avoid conflict with the County's proposed stormwater pipes or structures, the County will pay 50% of the costs of the adjustments. BLCCDD will pay the remaining 50% of the costs and be responsible for contracting this work.

Budget/Impact: Neutral. This is included in the 2025/2026 Transportation Improvement Plan as project numbers TIP073815 and STC073815.

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

**7.8.6. Request Approval of an Agreement (SW 80<sup>th</sup> Ave 4-Laning Project) Between Marion County, a Political Subdivision of the State of Florida, and Circle Square Ranch Master Association, Inc., a Florida Not-for-Profit Corporation (Budget Impact - Neutral)**

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

Description/Background: Circle Square Ranch Master Association (CSRMA) owns a landscape tract (Tract L-2) as depicted on the Indigo East Phase 1 Units "A-A" and B-B" (Indigo Plat) as recorded in Plat Book 8, Page 35 of the Public Records of Marion County, Florida. Marion County will install stormwater pipes across Tract L-2 as part of its SW 80<sup>th</sup> Ave widening project. Installation of these stormwater pipes will impact landscaping within Tract L-2.

The Bay Laurel Center Community Development District (BLCCDD) owns the right-of-way for SW 63rd Street Road and had previously granted CSRMA permission to maintain and repair improvements including landscaping and irrigation in the SW 63rd Street Road area. CSRMA formally adopted a resolution on May 27, 2008, which confirmed these responsibilities. CSRMA currently maintains certain improvements in this area including, but not limited to, landscaping, irrigation, and lighting within the roadway median. As part of the SW 80th Avenue widening project, the County will construct intersection improvements, to include installation of an additional eastbound lane from SW 63rd Street Road onto SW 80th Avenue. Construction of this lane will impact landscaping and irrigation within the median of SW 63rd Street Road.

This agreement outlines the County's obligations to compensate CSRMA for impacts created by the County's SW 80th Avenue widening project. For impacts within both Tract L-2 and the SW 63rd Street Road area, Marion County will pay CSRMA for the cost to replace the impacted landscaping and irrigation. Marion County must also notify CSRMA 30 days prior to commencing construction activities on SW 63rd St Rd.

The Indigo Plat grants the County an easement for installing, maintaining, repairing, and replacing drainage pipes for the County's widening project for Tract L-2; therefore, no temporary construction easement is needed for this area. The County will obtain a temporary construction easement for the work in the SW 63rd Street Road area through a separate agreement between BLCCDD and the County.

Budget/Impact: Neutral. This is included in the 2025/2026 Transportation Improvement Plan as project numbers TIP073815 and STC073815.

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

**7.8.7. Request Approval of a Temporary Construction Easement Agreement Between Indigo East Community Development District, a Florida Community Development District, and Marion County, a Political Subdivision of the State of Florida (Budget Impact - Neutral)**

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

Description/Background: Indigo East Community Development District (IECDD) owns the SW 84th Street right-of-way as depicted on the Indigo East Phase "A-A" and "B-B" (Indigo Plat) as recorded in Plat Book 8, Page 35 of the Public Records of Marion County, Florida. The County's SW 80th Avenue widening project will require improvements to the connection at SW 84th Street. Improvements include adjusting the shoulder curve radius, installing new curb and gutter, and milling and resurfacing. Construction activities in this area will also include impacts to the landscaping and an existing "Indigo East" entrance sign. Landscaping will also be impacted by stormwater infrastructure installation within Tract B-2 of the Indigo Plat, which is also owned by IECDD.

This agreement grants a Temporary Construction Easement from IECDD to the County. It also sets forth that the County will reimburse IECDD for the cost to replace the affected landscaping, and that the County will remove and protect the

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existing "Indigo East" entrance sign on SW 84<sup>th</sup> Street during construction. The County will reinstall the sign after construction at the County's expense. In addition, the agreement specifies that the County will be solely responsible for maintaining the new stormwater infrastructure within Tract B-2.

Budget/Impact: Neutral. This is included in the 2025/2026 Transportation Improvement Plan as project numbers TIP073815 and STC073815.

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

**7.8.8. Request Approval of an Impact Fee Credit Agreement (SW 80<sup>th</sup> Ave 4-Laning Project) Between Marion County, a Political Subdivision of the State of Florida, and On Top of the World Communities, L.L.C., a Florida Limited Liability Company (Budget Impact - Neutral)**

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

Description/Background: This Agreement is intended to support the County's SW 80<sup>th</sup> Avenue Segment 1 project which will widen SW 80<sup>th</sup> Avenue from two lanes to four lanes and add associated improvements, including roundabouts and drainage facilities between SW 90<sup>th</sup> Street to north of SW 38<sup>th</sup> Street. The project is included in the County's Transportation Improvement Program and is funded, in part, by road impact fees.

On Top of the World Communities, L.L.C. (OTOW) and Marion County (County) have multiple agreements pertaining to this project, including the Amended and Restated Development Order (ARDO) recorded in OR Book 6445, Page 1390, the First Amendment to the ARDO recorded in OR Book 6950, Page 487, and the Second Amendment to the ARDO recorded in OR Book 8015, Page 1. This Impact Fee Credit Agreement restates and affirms certain requirements from those collective ARDO agreements that have been fulfilled by OTOW. It formalizes changes in project scheduling of the widening of SW 80<sup>th</sup> Avenue to result in less disruption to the travelling public and residents of the area (delays in some portions allowed coordination with other project phases and the adjacent road widening project of SW 38<sup>th</sup> Street). It specifies that OTOW will convey to the County additional right-of-way needs in accordance with, but not considered in, the collective ARDO agreements, including a reciprocal multimodal easement recognizing that the multimodal path along SW 80<sup>th</sup> Avenue is within both County right-of-way and OTOW property and will be impacted by the widening project. Other details include conveyances by OTOW to the County for pipe and temporary construction easements for structures and work outside of the County's dedicated 120 feet wide right-of-way, as well as specific details relating to a fence impact.

Through this Agreement, the County will deed to OTOW its existing interests in, and OTOW will grant to the County, drainage easements to allow for the construction, installation, maintenance, repair, replacement, operation of devices, and improvements of existing County drainage retention areas (DRAs) for construction of the County's project DRAs 1-A, 3-A, 5-A1, 6-A, 7-B, and 9-A. OTOW reserves the right to relocate, alter, or modify the easement areas and/or drainage improvements. The legal descriptions and sketches shall be recorded after appraisals have been performed, and the impact fee credits have been determined and appropriately applied.

This Agreement acknowledges that OTOW has expended resources to assist the County in designing, engineering, planning, and drafting exhibits and plans for coordination of the County's SW 80<sup>th</sup> Avenue Segment 1 widening project with OTOW's development plans. The Agreement provides for reimbursement of such related costs.

Lastly, this Agreement authorizes OTOW to use the impact fee credits within the Calesa Township Project, OTOW Development of Regional Impact (DRI), or to transfer and assign any portion of the credits to another developer or builder in the Calesa Township Project or OTOW DRI, or any other development located within Road Construction District #1 (i.e. West District) as allowed by the County's impact fee ordinance.

Budget/Impact: Neutral.

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

**7.8.9. Request Approval of an Agreement (SW 80<sup>th</sup> Avenue 4-Laning Project) Between Marion County, a Political Subdivision of the State of Florida, and Pulte Home Company, LLC, a Michigan Limited Liability Company (Budget Impact - Neutral)**

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

Description/Background: This Agreement is intended to support Marion County's SW 80<sup>th</sup> Avenue Segment 1 project which will widen SW 80<sup>th</sup> Avenue from two lanes to four lanes and add associated improvements, including roundabouts and drainage facilities between SW 90<sup>th</sup> Street to north of SW 38<sup>th</sup> Street. The project is included in the County's Transportation Improvement Program.

Pulte Home Company (Pulte) and Marion County (County) have multiple agreements pertaining to this project, including the Amended and Restated Development Order (ARDO) by and between Pulte and the County, recorded in OR Book 6445, Page 1390, the First Amendment to the ARDO recorded in OR Book 6950, Page 487, and the Second Amendment to the ARDO recorded in OR Book 8015, Page 1. This agreement restates and affirms certain requirements from those collective ARDO agreements that have been fulfilled by Pulte. It formalizes changes in project scheduling of the widening of SW 80<sup>th</sup> Avenue to result in less disruption to the travelling public and residents of the area (delays in some portions allowed coordination with other project phases and the adjacent road widening project of SW 38<sup>th</sup> Street).

This agreement specifies that Pulte will provide a Deed to the County for Tract L of the Stone Creek by Del Webb Solaire Phase 2 & 3 plat as recorded in Plat Book 16, Page 182 for construction of the County's project drainage retention area (DRA) 4-A. The deed shall be recorded after appraisals have been performed, a negotiated fair market value has been determined and agreed upon, and payment has been made by the County to Pulte.

This agreement also specifies that Pulte will grant to the County a Drainage Easement to allow for the construction, installation, maintenance, repair, replacement, operation of devices, and improvements of an existing Pulte DRA for construction of the County's project DRA 5-B2. Pulte reserves the right to relocate, alter, or modify the easement area and/or drainage improvements. In such cases, the County shall be allocated 4.07 acre-feet of storage capacity out of a permitted

maximum storage capacity of 10.50 acre-feet. Additional construction requirements for the County and maintenance responsibilities for the County and Pulte are specified. The legal description and sketch shall be recorded after appraisals have been performed, a negotiated fair market value has been determined and agreed upon, and payment has been made by the County to Pulte. In addition, this agreement requires that Pulte provide to the County a Temporary Construction Easement (TCE) for construction work associated with the SW 80<sup>th</sup> Avenue widening project. The legal description and sketch are undetermined at this time, but within ten (10) days of Pulte and the County agreeing to the area, the TCE shall be finalized, executed, and recorded in the Public Records of Marion County, Florida.

Pulte has expended resources to assist the County in designing, engineering, planning, and drafting exhibits and plans for coordination of the County's SW 80<sup>th</sup> Avenue Segment 1 widening project and Pulte's development plans, particularly in regard to DRA 5-B2. The Agreement provides for reimbursement of such related costs.

Budget/Impact: Neutral. This is included in the 2025/2026 Transportation Improvement Plan as project numbers TIP073815 and STC073815.

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

**7.8.10. Request Approval of the Release of a Development Agreement with Bond Associated with Trailhead Logistics Park (Budget Impact - None)**

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

Description/Background: This is a request to approve the Release of a Development Agreement with Bond associated with Trailhead Logistics Park. The Development Agreement stated that the bond was to remain in place until the sooner of roadway dedication or two years from the date of the final Certificate of Occupancy. The final Certificate of Occupancy was issued on October 20, 2023. The release will be recorded on the Public Record for proper satisfaction of the bond.

Budget/Impact: None.

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

**8. COUNTY ATTORNEY: NONE**

**8.1. WALK-ON:** Requesting Board Approval of an Agreement to Waive the Normal 12-Month Period for Refiling an Application for a Small Scale Plan Amendment and Concurrent PUD Rezoning, and to Hold in Abeyance a Pending Request for Mediation Pursuant to Section 163.3184(4), Florida Statutes and Petition For Relief Pursuant to Section 70.51, Florida Statutes ("FLUEDRA" Proceeding), Regarding Applicant Linda Capozzoli, and Related Civil Action, as Further Discussed Below

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

Description/Background: This item relates to Ms. Linda Capozzoli's 2025 applications for a small-scale Plan Amendment and related PUD zoning request for her approximate 19.75-acre property (parcel number 35460-039-00) located at the northwest corner of SW 80<sup>th</sup> Street and SW 72<sup>nd</sup> Court, approximately 0.6 miles

west of SR 200. hearing on December 16, 2025, the Board denied the small-scale Plan Amendment. Ms. Capozzoli then withdrew the PUD zoning request, as it needed the Plan Amendment in order to be considered.

On January 14, 2026, the Board received the above-described Request for Mediation and Petition for Relief from Orlando Attorney Christopher Roper on behalf of Ms. Capozzoli. Mr. Roper also filed a Complaint for Declaratory and Injunctive Relief in the Circuit Court challenging the Board's denial action - but this is being held in abeyance pending the outcome of the above-referenced requests. The request for Mediation and Petition for Relief, and the civil action, assert both procedural and substantive claims.

In negotiations with Mr. Roper, we have reached a proposed agreement. Basically, the agreement is that the Board waive the normal 12-month wait period following a denial, and that Ms. Capozzoli be allowed to submit new applications to the Board within 6 months, and that the Board waive a filing fee for the new applications. We will be able to provide the required hearing notices on-line under our new notice procedures - but we will still handle the mail-out notices. The pending Request for Mediation and Petition for Relief, as well as the civil action, will be held in abeyance pending the outcome of Board action on Ms. Capozzoli's updated application. This agreement will avoid the time and expense for perhaps a day of mediation, involving staff time, attorney time, and the cost of the mediator, at this time. This resolution contains no assurance that any new application will be approved by the Board. But, in the event the Board does not make a favorable decision on the updated application, then Ms. Capozzoli has the right to reactivate those proceedings that are being held in abeyance and revise them as may be applicable to reflect the Board's decision on the updated application.

This is a request for Board approval of the agreement in concept at this time, with the understanding that a written agreement signed by representatives of both parties in accordance with the terms outlined above will be brought back to the Board at the next Board meeting. This will enable Ms. Capozzoli to immediately direct that work begin on her new applications.

Budget/Impact: None.

Recommended Action: Motion to Approve Agreement Waiving 12-Month Limitation for Re-filing of Ms. Linda Capozzoli's applications for small-scale plan amendment and PUD rezoning, and holding in abeyance her pending Mediation Request, Request for FLUEDRA Proceeding, and civil action.

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

County Attorney Matthew G, Minter, Legal, advised that this Item relates to a Board decision in December of last year denying a Small Scale Comprehensive Plan Amendment and Concurrent PUD Rezoning, noting the property owner withdrew the rezoning request dependent on the Comprehensive Plan Amendment that was not approved. The applicant, through her attorney Christopher Roper, filed a Request for Mediation and a Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) hearing. He stated the request could require a day of a Board member and staff's time. In lieu of that, through discussions with Mr. Roper, he has agreed, subject to the Board's approval, that Ms. Linda Capozzoli be able to bring her application with potential modifications back before the Board prior to the normal 12 month period applicants

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typically have to wait. The agreement makes no commitment whatsoever that the Board would approve any new application. Mr. Minter advised that one of the potential outcomes of the FLUEDRA proceeding is that the matter might come back before the Board anyway, so this agreement may save all parties some time and attorney fees.

In response to Chairman Zalak, Mr. Minter stated he would not normally consider bringing this back prior to 12 months; however, there was an issue with the notice in the application last time.

Commissioner Bryant questioned if there was a reason this had to be a Walk-On rather than just being placed on the March Agenda. Mr. Minter advised that there is a thought that the parties are trying to do this as expeditiously as possible to give Ms. Capozzoli an opportunity to go ahead and bring this back within 6 months.

Chairman Zalak opened the floor to public comment.

Bernie Little, NW 90<sup>th</sup> Avenue, questioned whether the Walk-on item will be published so that the public can view the materials.

Mr. Bouyounes provided a copy of the Walk-On Item to Mr. Little.

In response to Chairman Zalak, Mr. Bouyounes stated the Walk-On Items will be posted to the County website along with the after Agenda materials and they will be on the next Agenda with all the information being discussed today. He advised that an additional Agreement will be provided by Mr. Minter for Board approval.

Commissioner Bryant opined that Items like this one should not be brought as Walk-Ons unless it is absolutely necessary. She stated the public is not aware of this and has had no opportunity to come out and give any input.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve the agreement waiving 12-month limitation for re-filing of Ms. Linda Capazzoli's applications for small-scale plan amendment and PUD rezoning, and holding in abeyance her pending mediation request, request for FLUEDRA Proceeding, and civil action. The motion was unanimously approved by the Board (5-0)

**8.2. WALK-ON:** Requesting Board Consensus for the County Administrator, County Attorney, Clerk of Court, And Outside Bond Counsel to Continue Discussions with and Conducting Preliminary Due Diligence Assessment of a Proposal from Upward Communities to Deliver Affordable Essential Workforce Housing for Public Agency Employees

County Attorney Minter, Legal, presented the following recommendation:

Description/Background: The Board will recall that Mr. Jason Roberts, CEO of Upward Communities, previously presented a concept to the Board on November 17, 2025, to provide affordable essential workforce housing that would be available for employees of Marion County, the City of Ocala, Marion County Public Schools and the Marion County Sheriffs Office, among others. To be approved, the proposed project must meet all legal and financial requirements of the Board, the Clerk, our bond counsel and Upward Communities. Upon approval, the project would meet a pressing need for these public agencies - removing the problem of a lack of affordable housing in the County that results in both difficulty in attracting new employees and retaining existing employees.

Since Mr. Roberts made his presentation to the Board, staff from the County Administrator, County Attorney, Clerk of Court, and Chris Traber, our bond counsel, have had several in-person or Zoom meetings with UPWARD representatives. We have reached a point where we can report to the Board that

there is merit in the UPWARD concept, and recommend that the Board give our team consensus to request more detailed financial and project information from UPWARD that will enable us to make a recommendation whether or not to approve such a project, which would include evaluation of any significant legal or financial considerations for the Board's consideration.

In summary, this requested action is only that we continue to engage with UPWARD COMMUNITIES to the point that we can make a final recommendation to the Board.

Budget/Impact: None.

Recommended Action: Move to provide consensus for County Administrator, County Attorney, Clerk of Court and Bond Counsel to Continue to Engage with Upward Communities in Order to Subsequently bring a recommendation for final action to the Board.

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

Mr. Minter advised that in November, 2025, Jason Roberts, Chief Executive Officer (CEO) of Upward Communities, made a presentation to the Board regarding his firm's proposal to provide affordable housing to essential workforce or government agencies, potentially including employees of Marion County, City of Ocala, Marion County Public Schools (MCPS) and Marion County Sheriff's Office (MCSO). He provided a brief overview of the proposed project, noting the company currently has a project in Franklin County. Mr. Minter requested Board consensus to continue its due diligence review as requested by Upward Communities. He advised that Upward Communities has counsel with GrayRobinson in Orlando and bond counsel Bryant Miller Olive in Tallahassee. Mr. Minter stated there will be a subsequent meeting with bond counsel Chris Trabor, himself, and representatives from the Clerk's Office on Friday, February 20, 2026, to continue to evaluate the aspects of the financing. He advised that the objective is to look at this from every possible angle and determine that this would be safe for the BCC to enter into such a deal. Mr. Minter stated it would be similar to a conduit financing that is entered into with industrial revenue bonds. Generally speaking, the Board would not have direct liability on any of the bonds that would be used to finance it; however, staff want to make sure that the Board would not be exposed to any indirect negative impacts on the County's financial statement as a result of the project. He advised that staff have been in discussions both in person with representatives from Upward Communities in Mr. Bouyounes' office and online Zoom calls with their representatives. Mr. Minter stated staff are just asking for their benefit, noting Upward Communities wanted to know that the Board really has an interest in this and that is all he is asking for today.

Commissioner McClain advised that he is interested in seeing the process through, noting he believes there could be significant benefit for the County and its staff. He stated the County does not have to move forward with the project, but he wants to see the process through.

Chairman Zalak concurred, noting he previously spoke to Mr. Minter and wants to ensure the County and taxpayers are very protected.

In response to Commissioner Curry, Clerk Harrell stated Finance Director Jennifer Cole and her team along with him have had conversations with Mr. Trabor and Mr. Minter. He commented on the desire to continue discussions, noting the concern relates to what the actual documents would look like and say and how that would translate to what is on the County's books as far as potential liability and long-term debt obligations. Clerk Harrell

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advised that as the discussion goes forward if the methodology and approach look sound, he believes it is worth having an honest conversation amongst the Board members. He commented on the need to determine if this is something the Board really wants to commit to or not.

Commissioner Curry stated the Board's biggest concern related to encumbering upwards of \$200,000,000.00 of bonding; however, that does not seem to be the case.

Clerk Harrell opined that it remains to be seen, noting staff have heard representation from their principal that it would not be the case, but the concept is still being worked out in its first iterations elsewhere. He advised that there is some lingering concern relating to who will be on the hook for the funds.

Commissioner Stone stated the County is very interested; however, it is not willing to encumber borrowing abilities and bonding in the future.

Chairman Zalak advised that until there is documentation, nobody has changed their mind. He commented on the need for a draft document to review prior to making decisions.

Mr. Minter stated he has the guidance he needs.

Chairman Zalak opened the floor to public comment.

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

It was the general consensus of the Board for the County Administrator, County Attorney, Clerk of Court and Bond Counsel to continue to engage with Upward Communities in order to subsequently bring a recommendation for final action to the Board.

## **9. COUNTY ADMINISTRATOR:**

### **9.1. Provide Update on Various Roadway Projects**

County Engineer Cohoon, OCE, presented The Following:

Description/Background: Steven Cohoon, PE, County Engineer, will provide an update regarding the status of various roadway projects around the County.

Budget/Impact: None.

Recommended Action: For information only.

County Engineer Cohoon, OCE, presented an update relating to roadway projects, noting individuals are able to download a map of some of the Department's highest priority projects from the Agenda. He provided an overview of the SW 49<sup>th</sup> /40<sup>th</sup> Avenue Phase 1 project, noting the SW 66<sup>th</sup> intersection improvement Phase 1 detour is enacted. Mr. Cohoon advised that staff are improving upon that detour and there have been concerns from citizens. The Phase 2 detour is expected to have portable, changeable message boards on S.R. 200. He stated due to some of the confusion staff heard from the community, they will move forward with that in Phase 1, noting teams are putting some of those message boards out on S.R. 200 today, coordinating with the Florida Department of Transportation (FDOT) and the contractor to get additional information out to the community.

In response to Chairman Zalak, Mr. Cohoon advised that he does not believe there is any signage on SW 80<sup>th</sup> Street.

Chairman Zalak directed staff to add signage at that location so when people are on SW 80<sup>th</sup> Street, they know about the detour for the bridge. He stated individuals need to be advised of the detour all the way down S.R. 200 and provided with information relating to the fastest way around.

Mr. Cohoon advised that he can work with the team to see what can be done in coordination with FDOT to take care of the matter.

Mr. Cohoon stated the City of Ocala has approved the left turn lane extension at SW 43<sup>rd</sup> Street Road and SW 40<sup>th</sup> Avenue, the design is underway for the dual lefts at SW 27<sup>th</sup> Avenue, as well as the extension for the westbound left turn lane.

Mr. Cohoon addressed the SW 80<sup>th</sup> Avenue Segment 1 project, noting with today's approval of the various agreements, staff will be able to move forward with the construction activities. Staff are reviewing the critical path method (CPM) schedule with the contractor, noting there is a lot of back and forth relating to what is the critical path. He advised that once the parties agree on that, they will move forward with the pre-construction and ultimately the construction. Staff are targeting February 16, 2026 as the date to give the notice to proceed (NTP) to the contractor. Mr. Cohoon commented on meetings with numerous entities including an upcoming event with Indigo East to try to get more information out as construction activities ramp up. He stated staff met with the School Board last week and the new principal at the South Marion High School, noting there are some more school presentations that will occur at the later part of this month.

Mr. Cohoon commented on the NW 80<sup>th</sup>/70<sup>th</sup> Avenue Segment 3 project, which will be the next major project for OCE. He advised that staff are finishing up some of the last few negotiations, noting WEC, the largest property owner as it relates to outstanding properties, has agreed verbally to let the County have a Right of Entry Agreement. That opens up that project for the Department as they are negotiating and settling the last few remaining parcels. Mr. Cohoon stated the agreement will potentially open up the entire north half of this project, giving staff a comfort level to move forward.

In response to Chairman Zalak, Mr. Cohoon advised that he does not have the agreement yet; however, they have consented verbally. He stated he is working with the WEC's attorney as well as the County's legal team.

Mr. Cohoon commented on moving forward with an advertisement as well as some additional parcels that are going to be addressed at a stipulated order of taking hearing in April. He advised that once staff see how all of this plays out, that allows the County to advertise this project and start construction.

In response to Chairman Zalak, Mr. Minter stated he has not seen the agreement, but it should be a straight forward agreement.

Mr. Cohoon advised that staff expect to provide a NTP to the contractor in June or July of this year. He provided a brief overview of additional upcoming projects. Mr. Cohoon stated he believes there will be adequate funds for the NW 80<sup>th</sup>/70<sup>th</sup> Avenue Segment 3 endeavor; however, bonding will become a consideration relating to other projects including the Marion Oaks flyover.

Commissioner Curry questioned if the four-lane expansion of NW 80<sup>th</sup> Avenue will be completed by 2028. Mr. Cohoon advised that staff expect to be extremely close with the exception of Segment 2, which is a little over 1.5 miles that the Department will still be in the design phase and gearing up for construction.

Commissioner Curry commented on individuals questioning when Buc-ee's is going to be constructed.

Commissioner Bryant stated Buc-ee's is contingent upon the new interchange.

Mr. Cohoon opined that it will likely be near the end of 2028. He advised that the Department coordinates with FDOT and it is his understanding they will start breaking ground within the next week or two at that interchange. Mr. Cohoon stated the interchange is funded; however, the NW 49<sup>th</sup> Street extension is the bond discussion that will have to happen to make everything fall into place.

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Chairman Zalak advised that he spoke to District Secretary John Tyler, FDOT, who indicated the turn lane on Highway 484 will be done and hopefully he is going to assist with not letting the contractor linger too long after that to get the rest of it cleaned up.

**10. COMMITTEE ITEMS:**

**10.1. Code Enforcement Board - Request Appointment of One Member to serve the Remainder of a Full, Unexpired Term Ending August 2026 or a New Alternate Term Ending February 2029**

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

Description/Background: The Code Enforcement Board has the following two (2) vacancies due to an expiring incumbent term and the recent loss of one of its full members

(1) Full member for an unexpired term ending August 2026

(1) Alternate member for a new term ending February 2029

Incumbent alternate David Francis would like to be considered for appointment as full member to serve the remainder of the term expiring in August 2026. The other alternate member has indicated his preference to continue serving in the same capacity.

No other applications were received during the advertisement period.

Budget/Impact: None.

Recommended Action: Motion to appoint Mr. David Francis as a full member of the Code Enforcement Board to serve the remainder of the term expiring in August 2026.

Clerk Harrell advised that Mr. David Francis received the appropriate votes for a full member for an unexpired term ending August 2026.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to appoint David Francis as a full member of the Code Enforcement Board to serve the remainder of the term expiring in August 2026. The motion was unanimously approved by the Board (5-0).

**10.2. Hills of Ocala MSTU for Recreation Advisory Council – Request Reappointment of One (1) Full Member for a New Term Ending February 2030**

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

Description/Background: Hills of Ocala has one position with a term expiring at the end of February 2026. The incumbent Victor M. Ferrer, Jr., is eligible for reappointment and has applied for consideration.

No other applications were received during the advertisement period.

Budget/Impact: None.

Recommended Action: Motion to reappoint Victor M. Ferrer, Jr., to serve a new term ending February 2030.

Clerk Harrell advised that Mr. Victor M. Ferrer, Jr. received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to reappoint Victor M. Ferrer, Jr., to serve a new term ending February 2030. The motion was unanimously approved by the Board (5-0).

**10.3. Tourist Development Council - Request Ratification of Commissioner Ron Livsey as the City of Belleview Representative**

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

Description/Background: On December 16, 2025, City of Belleview Mayor Christine Dobkowski appointed Commissioner Ron Livsey to serve as the City's representative on the Marion County Tourist Development Council. The term takes effect immediately and will continue for four years, provided Commissioner Livsey remains an elected municipal official.

Budget/Impact: None.

Recommended Action: Motion to ratify Commissioner Ron Livsey as the City of Belleview representative to the Tourist Development Council, effective immediately.

Clerk Harrell advised that Mr. Ron Livsey received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to ratify Commissioner Ron Livsey as the City of Belleview representative to the TDC, effective immediately. The motion was unanimously approved by the Board (5-0).

**10.4. Tourist Development Council - Request Ratification of Councilmember Barry Mansfield as the City of Ocala Representative**

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

Description/Background: The City of Ocala has sent notification that Councilmember Barry Mansfield has been selected as their representative on the Tourist Development Council. The term takes effect immediately and will continue for four years, provided Councilmember Mansfield remains an elected municipal official.

Budget/Impact: None.

Recommended Action: Motion to ratify Councilmember Barry Mansfield as the City of Ocala representative to the Tourist Development Council, effective immediately.

Clerk Harrell advised that Mr. Barry Mansfield received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to ratify Councilmember Barry Mansfield as the City of Ocala representative to the TDC, effective immediately. The motion was unanimously approved by the Board (5-0).

**10.5. Tourist Development Council - Request to Appoint Two (2) Collector Members to Individual New Terms Ending February 2030**

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

Description/Background: The Tourist Development Council has two (2) collector member positions with terms expiring at the end of February 2026. A total of six (6) applications were received for consideration, including one from an incumbent who has requested reappointment. The other incumbent, Jeff Bailey, has chosen not to seek another term.

The applicants are as follows:

- Douglas P. Cone, Jr. - Owner of Downtown Hotel (INCUMBENT)
- Rich Larkin - Area Vice President - Hilton
- Suzie Rutschow - Dual General Manager/Director of Sales - Marriott

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- Donna Cress, Chief People & Culture Officer - HDG Legacy
  - Kelli Holt, Director of Sales and Marketing - Equus Inn
- Budget/Impact: None.

Recommended Action: Motion to appoint two applicants as collector members of the Tourist Development Council, to serve individual new terms ending in February 2030.

Clerk Harrell advised that Mr. Douglas P. Cone, Jr. and Mr. Rich Larkin received the appropriate votes.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to appoint Douglas P. Cone, Jr. and Rich Larkin as collector members of the TDC, to serve individual new terms ending in February 2030. The motion was unanimously approved by the Board (5-0).

**10.6. Tourist Development Council - Request to Appoint Two (2) Non-Collector Members to Individual New Terms Ending February 2030**

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

Description/Background: The Tourist Development Council has two (2) Non-Collector Members with terms expiring at the end of February 2026. A total of three (3) applications were received for consideration, including the incumbent members who are requesting consideration for reappointment. The applicants are as follows:

- Robert Walker (INCUMBENT)
- Christopher Duane Fernandez (INCUMBENT)
- Jaye Baillie

Jaye Baillie's professional relations require a waiver of conflict approval to be considered for appointment.

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including those serving on advisory boards. However, Section 112.313(12), Florida Statutes, permits the BOCC to waive these requirements in a particular instance provided the waiver by the BCC is upon a two-thirds affirmative vote; and the advisory board member has fully disclosed the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes by submitting the Form 4A as required. Jaye Baillie has provided the required Form 4A.

The waiver, if granted, would permit Ms. Baillie to serve as non-collector member of the Tourist Development Council should she be selected.

Budget/Impact: None.

Recommended Action: Motion to appoint two (2) applicants as non-collector members of the Tourist Development Council, to serve new individual terms ending in February 2030.

Clerk Harrell advised that Mr. Robert Walker and Mr. Christopher Duane Fernandez received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to appoint Robert Walker and Christopher Duane Fernandez as non-collector members of the TDC, to serve new individual terms ending in February 2030. The motion was unanimously approved by the Board (5-0).

**11. NOTATION FOR ACTION:**

**11.1. Request to Schedule a Workshop With the Trust for Public Land Regarding Parks & Recreation Department Funding on Tuesday, March 3, 2026 at 2:00 PM in the McPherson Governmental Campus Auditorium.**

Parks & Recreation Director Couillard presented the following recommendation:

Description/Background: The Parks & Recreation department is requesting a workshop with the Marion County Board of County Commissioners and a representative of the Trust for Public Lands to discuss funding for the department.

Budget/Impact: None.

Recommended Action: Motion to approve a workshop for Tuesday, March 3, 2026 at 2:00 pm, or as soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to approve a workshop for Tuesday, March 3, 2026 at 2:00 pm, or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**12. GENERAL PUBLIC COMMENTS:**

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

Chairman Zalak opened the floor to public comment.

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

**13. COMMISSIONER ITEMS:**

**13.1. Commission Comments**

Commissioner Curry advised that he had nothing further to add.

Commissioner Stone reminded everyone of Run for the Springs on February 28, 2026 at Silver Springs State Park.

Commissioner Bryant advised that she had nothing further to add.

Commissioner McClain advised that he had nothing further to add.

Chairman Zalak advised that he had nothing further to add.

**13.2. Commission Calendar**

**13.2.1. Present Commission Calendar**

The Chairman acknowledged receipt of the Commission calendar covering the period of February 17, 2026 through March 18, 2026.

**14. NOTATION FOR RECORD:**

**14.1. County Administrator Informational Items:**

**14.1.1. Present Chamber and Economic Partnership January 2026 Activity**

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

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**14.2.1. WALK ON:** Presented on February 3, 2026, as Agenda Item 4.2. - Request Approval of Resolution - DECLARATION OF LOCAL STATE OF EMERGENCY Railroad Tie Fire on CSX Property in the City of Dunnellon

**14.3. Clerk of the Court:**

**14.3.1.** Present Monthly Report for the Building Department Budget and Actual

**14.3.2.** Present Memorandum from Gregory C. Harrell, Clerk of the Circuit Court and Comptroller, Regarding the Filing of Ordinances 26-03 with the Secretary of State's Office

**14.3.3.** Present Letter Dated January 27, 2026, from the City of Belleview, Development Services Department, Regarding Scheduled Meetings for the Small Scale Comprehensive Plan, Future Land Use, and Zoning Map Change Application Relating to Parcel Number 45367-000-00 per Section 163.3177(6)(a)9, Florida Statutes

**14.3.4.** Present Letter Dated January 29, 2026, from the City of Belleview, Development Services Department, Regarding Scheduled Meetings for the Annexation Application Relating to Parcel Numbers 3924-021-010, 3924-021-011, 3924-021-049, and 3924-021-050, per Section 171.043, Florida Statutes

**14.3.5.** Present Administrative Budget Transfer Report for FY 2025-26

**14.3.6.** Present Regular Report of Utilization for Reserve for Contingencies

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

**14.4.1.** Board of Adjustment (BOA) - January 5, 2026

**14.4.2.** Development Review Committee (DRC) - January 12 and 26, 2026

**14.4.3.** Land Development Regulation Committee (LDRC) - January 21, 2026

**14.4.4.** Planning and Zoning Commission (P&Z) - December 29, 2025

**14.5. General Informational Items:**

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

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

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

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

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

There was a recess at 9:42 a.m.

The meeting reconvened at 2:25 p.m. with all members present.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Sara Wells and Jared Rivera, Administrative Manager Autumn Williams, Administrative Staff Assistant Kim Lamb, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

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

**15. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):**

Deputy Clerk Lewter presented proof of publication entitled, "Notice of Public Hearing by Marion County Board of County Commission to Consider Adoption of an Ordinance" published on the publicly accessible website [www.Marionfl.org/LegalNotices](http://www.Marionfl.org/LegalNotices) on February 2, 2026. The Notice states the Board will consider approval of Comprehensive Plan Amendment, rezoning, and/or Special Use Permit (SUP) applications, as well as adoption of an Ordinance.

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

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

**15.1. DRC Waiver Requests:**

**15.1.1.** Request for Waiver from Land Development Code Section 6.8.6 - Buffers for Major Site Plan 162-2025 Commercial Retail Store, Parcel 3758-030-001, Application Number Waiver STA-000004-2025 (Budget Impact - None)

The Board considered the following recommendation from Fire Marshal Ken McCann, MCFR, on behalf of the Development Review Committee (DRC):

Description/Background: The Applicant, Lindsey Klein with Twin Rivers Capitol, proposes a 9,100 square foot retail store on a 2.22-acre property in the southeastern part of the County. The applicant requests a waiver from the Land Development Code (LDC) 6.8.6 buffer code requirements. Pursuant to LDC Section 6.8.6, the eastern boundary abuts agriculturally zoned property and thus requires a D-type buffer, and the southern boundary abuts residentially zoned property and thus requires a B-type buffer. Both buffer types include a 6-foot buffer wall requirement.

The LDC Section 6.8.6.K(4) states that a D-type buffer shall consist of a 15-foot wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 25 percent of the required buffer.

The LDC Section 6.8.6.K(2) states that a B-type buffer shall consist of a 20-foot-wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer.

In lieu of the 6-foot concrete masonry wall prescribed by code, the applicant requests a waiver to provide an enhanced landscape buffer designed to meet and exceed the intent of these requirements.

On January 5, 2026, the Development Review Committee (DRC) denied the waiver request. The applicant is appealing the DRC's denial to the Board of County Commissioners.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's action of denial for the requested waiver.

Growth Services Director Chuck Varadin advised that this is a buffer waiver request, noting the DRC denied the request at their January 5, 2026 meeting. He provided a brief

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overview of the subject property and surrounding area. Mr. Varadin advised that a Type B buffer is required, which includes 20 foot wide landscaping and a 6 foot wall. The applicant is requesting to waive the wall requirement and instead provide an enhanced buffer. He advised that the DRC suggested a precast masonry wall. Mr. Varadin stated staff's concern is that an enhanced buffer starts out looking good, but over time the vegetation dies off.

James Brock, Twin Rivers Capital, Ellis Oak Avenue, Charleston, South Carolina, introduced himself.

Lindsey Klein, Twin Rivers Capital, Ellis Oak Avenue, Charleston, South Carolina, advised that the comments they received from the DRC was to recommend approval, noting DRC did direct them to present a rendering to the Board.

Chairman Zalak stated DRC denied the buffer waiver request.

Mr. Varadin advised that per the Board's direction DRC denies the wall waiver request and sends it to the BCC for consideration. He stated staff may have recommended approval of the proposal from a landscape architect perspective.

Chairman Zalak clarified that the request was denied and sent to the Board to make a decision.

Ms. Klein advised that the goal is to keep the aesthetic of the area and not include a 6 foot wall on both sides, noting the landscape and agricultural feel of the area is more prevalent.

Chairman Zalak questioned what the applicant is going to do to the store to make it fit into this community. Ms. Klein opined that the design of the store itself fits into the community, noting it will serve the neighborhood. She stated the landscaping will reduce the amount of concrete in the area.

Commissioner Bryant advised that the County has standards in place for a reason to protect the neighbors, noting there is residential to the south and agricultural to the east. A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to agree with the DRC and deny the waiver request.

Commissioner McClain stated he is not in favor of concrete in the middle of nowhere. He opined that other options such as a fence could have been considered.

Chairman Zalak advised that it is the burden of the applicant to provide an alternative plan, noting nothing has been presented.

Commissioner Bryant commented on the importance of holding developers to the set standards.

General discussion ensued relating to fencing and vegetation.

The motion was approved 4-1 with Commissioner McClain dissenting.

Commissioner Stone advised that the applicant could install a 6 foot precast wall.

Chairman Zalak directed staff to provide the applicant with the required buffer standards.

**15.1.2. Request for Waiver from Land Development Code Section 6.14.2.A & 6.14.2(C)(1)(a) - Water Connection for El Faro Duplexes Parcel Number 13396-000-00, Application Number 33316**

The Board considered the following recommendation from Fire Marshal McCann, MCFR, on behalf of the DRC:

Description/Background: The Land Development Code (LDC) Section 6.14.2(C)(2)(a) requires that when property is not within connection distance to water and is a multi-family development it shall design and construct a decentralized water system in compliance with the requirements of Division 6.14,

and construct an on-site Water Treatment Plant (WTP) sufficient size to serve the development in compliance with FDEP requirements and other applicable requirements of this Code.

This project is outside of the required Marion County Utilities (MCU) connection distance, therefore requires an on-site Water Treatment Plant. The applicant, Radcliffe Engineering, Inc., requests approval to utilize a Department of Environmental Health Limited Use Water System, consisting of several wells and water services to each unit. The applicant contends that the project is very small, only 12 duplex units, and does not warrant expense of Florida Department of Environmental Protection (FDEP) water system. The applicant's perspective is that the limited use water system, a type of decentralized system, is regulated by Department of Health and will provide sufficient supply and service. Applicant states that the project will tie into central water when available.

This waiver request was denied by the Development Review Committee (DRC) on December 15, 2025.

Budget/Impact: None.

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

Utilities Director Tony Cunningham commented on the waiver request for water connection. He advised that Agenda Item 15.1.2 and 15.1.3 are for the same applicant and can be heard together, noting one is for water and the other is for sewer. Mr. Cunningham stated this project is located north of the City of Ocala, south of Highway 326 and midway between Interstate 75 (I-75) and Highway 441. It is in the Urban Growth Boundary (UGB), but it is not in an area where central water or sewer is available from the County or the City of Ocala. Mr. Cunningham advised that the Code requires a multifamily/commercial project that is outside the connection distance to construct a decentralized water/sewer system (package plant). He stated the request is for a waiver from creating the package plant.

Mr. Cunningham advised that the applicant is trying to construct 6 buildings/12 duplexes on the site, noting the concern is the size of the site and the expense of the package plant.

In response to Chairman Zalak, Mr. Cunningham clarified that the proposed project is 6 buildings with a total of 12 units.

Mr. Cunningham advised that staff has to take into consideration future development in the area and the impact on the existing natural resources. He stated his recommendation is to enforce the Code.

In response to Chairman Zalak, Mr. Cunningham commented on the benefits of a package plant.

Mike Radcliffe, Radcliffe Engineering, SE Lake Weir Avenue, on behalf of the applicant, advised that he has met with staff several times to try and figure out a solution to this project. He presented a 1 page handout containing a rendering of the site layout. Mr. Radcliff commented on the cost associated with installing a decentralized system. He stated package plants are regulated by the Department of Environmental Protection (DEP), noting the starting gallons per day (gpd) is 5,000. Mr. Radcliffe advised that the setbacks and the disposal system to meet the wastewater treatment facility package plant standards are extreme for this site. He stated the applicant is proposing a different type of decentralized system. Mr. Radcliffe advised that a septic tank is a decentralized system according to the Department of Health (DOH), noting the applicant is not proposing a standard septic tank.

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Mr. Radcliffe advised that per DEP regulations a 200 foot radius is required for 2,400 gpd for the well, which wipes out most of the development. He stated the applicant is proposing two limited use DOH wells. They are constructed to the same standards as a DEP well, but are not regulated by DEP.

Chairman Zalak questioned if one well would service all 6 units. Mr. Radcliffe clarified that there would be two wells next to each other and would provide individual services to each unit. He stated the applicant has agreed to connect to a central system in the future when water and sewer became available. Mr. Radcliffe advised that the site plan shows where the piping will be located to accommodate future sewer connection.

Commissioner Stone questioned if the project will be affordable housing. Mr. Radcliffe advised that the project is proposed to be affordable housing, noting the units will be duplexes with a rent between \$1,400.00 and \$1,500.00.

In response to Commissioner Bryant, Mr. Radcliffe stated the units will be approximately 900 square feet.

Commissioner Stone advised that this is not affordable housing, noting it is market rate or more for the square footage being provided.

Commissioner Bryant stated the monthly income from the 12 units would be roughly \$18,000.00.

Mr. Radcliffe advised that the project is not subsidized housing.

Commissioner Curry questioned the cost associated with building a package plant. Mr. Radcliffe stated the cost would exceed \$200,000.00, noting the disposal takes up a lot of area.

Mr. Radcliffe advised that that applicant is proposing an inground nitrogen reducing biofilter (INRB), which is a septic tank with enhanced drainfield treatment. He stated the site is within the Basin Management Action Plan (BMAP) area, noting beginning June 1, 2023 lots less than one acre require 65 percent (%) nitrogen reduction. Beginning June 1, 2030, all lots will require 65% nitrogen reduction. For comparison, conventional septic systems only remove approximately 25% to 30% nitrogen, but a INRB removes 65% nitrogen. Mr. Radcliffe advised that the INRB would cost roughly \$4,500.00 per unit, for a total of \$54,000.00. He stated there are advanced treatment systems, aerobic treatment systems and distributed wastewater treatment systems, which offer up to 80% reduction. Those systems are almost double in cost at \$9,350.00 per unit with a \$6,000.00 per year operating cost.

Mr. Radcliffe advised that the applicant is requesting in lieu of a wastewater treatment plant to use the INRB and the two limited use wells.

In response to Commissioner Bryant, Mr. Radcliffe stated the units will have 2 bedrooms. Commissioner Stone commented on the funds available through Community Services, noting the County is in need of true affordable housing. She stated if this was an affordable housing project she would be more in favor of approving the waiver.

In response to Commissioner Curry, Mr. Cunningham advised that the County has no plans to extend facilities in this area; therefore, future connection would be driven by other growth in the area.

Commissioner Curry commented on the cost of a package plant compared to an enhanced septic system.

General discussion ensued.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to agree with the DRC and deny the waiver request. The motion was unanimously approved by the Board (5-0).

**15.1.3. Request for Waiver from Land Development Code Section 6.14.2.A & 6.14.2(C)(1)(a) - Sewer Connection requirements for El Faro Duplexes Parcel Number 13396-000-00, Application Number 33316**

The Board considered the following recommendation from Fire Marshal McCann, MCFR, on behalf of the DRC:

Description/Background: The Land Development Code (LDC) Section 6.14.2(C)(2)(a) requires when a property and development is not within connection distance to sewer and is a residential development with five (5) or more Equivalent Residential Connections it shall be served by a decentralized wastewater treatment system. This development is outside connection distance to sewer, therefore the LDC requires a decentralized wastewater treatment system.

The applicant, Radcliffe Engineering, Inc., is seeking a waiver to the requirement for a decentralized wastewater treatment system. The applicant requests to utilize Florida Department of Protection (FDEP) permitted septic tanks that are Enhanced Nutrient-Reducing Onsite Sewage Treatment and Disposal System (ENR-OSTDS), in lieu of constructing a decentralized wastewater treatment system. The project is outside of required Marion County Utilities connection distance. The applicant's perspective is that the project is small, consisting of 12 duplex units, therefore does not believe it warrants the expense of an FDEP Wastewater Treatment System. The applicant believes an enhanced nitrogen reducing system is sufficient. The applicant also agrees to connect to central sewer when available. The subject property is located in the central portion of the County on approximately 1.65 acres.

This waiver request was denied by the Development Review Committee (DRC) on December 15, 2025.

Budget/Impact: None.

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

This matter was addressed with Agenda Item 15.1.2.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to agree with the DRC and deny the waiver request. The motion was unanimously approved by the Board (5-0).

**15.2. Planning and Zoning Consent Items:**

Growth Services Director Chuck Varadin advised that the two (2) petitions listed on the Consent Agenda are recommended for approval by both the Planning Division and the P&Z Commission.

P&Z PUBLIC HEARING ON JANUARY 26, 2026

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

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

The Motion passed unanimously, 6-0.

Chairman Zalak requested Agenda Item 15.2.1 be pulled for individual consideration.

Chairman Zalak opened the floor to public comment.

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

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A motion was made by Commissioner McClain, seconded by Commissioner Bryant, to approve Consent Agenda Item 15.2.2, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the Consent Agenda items as follows:

**15.2.2.** 260206ZC - Mike Kirby, Amber Kirby, and Roberta Patton, Zoning Change from General Agriculture (A-1) to Single-Family Dwelling (R-1) Zone, for all permitted uses, ±4.01 Acre Portion of an approximate 6.23 Acre Parcel, Parcel Account Number 39279-010-00, Site Address 8107 and 8111 E Highway 25, Belleview, FL 34420

The Board granted a petition by Mike & Amber Kirby and Roberta Patton, for a Zoning Change, Articles 2 and 3, of the Marion County Land Development Code, from General Agriculture (A-1) to Single-Family Dwelling (R-1) zone for all permitted uses, on an approximate ±4.01 Acre Portion of an overall ±6.23 Acre Parcel, on Parcel Account Number 39279-010-00, Site Address 8107 and 8111 E Highway 25, Belleview, FL 34420

Commissioner Curry out at 3:12 p.m.

**15.2.1.** 260201SU - C&K 9A, LLC and Christina Sanders & Charles Kent Wall, Special Use Permit to Allow for (1) Outdoor Storage and Sales of Propane, (2) Up to Five (5) Fifty-Three Foot Trailers to Store Hay, and (3) a Saturday Farmer's Market from 8AM to 2PM, in a Community Business (B-2) Zone, 8.58 Acre Parcel, Parcel Account Number 1801-000-001, Site Address 4860, 4880, and 4900 US Highway 41, Dunnellon, FL 34432

The Board considered a petition by C&K 9A, LLC and Christina Sanders & Charles Kent Wall, for a SUP, Articles 2 and 4, of the Marion County Land Development Code, to allow for parking of Commercial Vehicles and Outdoor Storage, in a Community Business (B-2) zone, on an approximate 8.58 Acre Parcel, on Parcel Account Number 1801-000-001, Site Address 4860, 4880, and 4900 US Highway 41, Dunnellon, FL 34432

Transportation Planner Ken Odom, Growth Services, provided a brief overview of the SUP request to allow for parking of Commercial vehicles and outdoor storage, in a B-2 zone. He stated the intent of the applicant is to install a drive through metal building in the future, noting the trailers are not planned to be there long term.

Chairman Zalak advised that he would prefer a metal building or lean to instead of the trailers.

Kent Wall, SE US Highway 41, Morriston, applicant, stated trailers are a part of the feed store, noting this is where the hay is stored. He advised that there have been no complaints.

In response to Mr. Wall, Chairman Zalak advised that he has seen the trailers on the subject property.

Mr. Wall stated the hay trailers are part of their business and are essential to the community. He stated the trailer is dropped off full of hay. Once the hay is sold the trailer is picked up and a new full one is dropped off.

Commissioner Curry returned at 3:16 p.m.

Christina Sanders, SE US Highway 41, Morriston, applicant, advised that they are agreeable to modifications to make the site more visually appealing.

Chairman Zalak expressed support for the business, but the applicant does not have the right to have the trailers onsite.

General discussion ensued.

Commissioner Bryant advised that the subject property is in her District and she has not received any complaints relating to the business.

Mr. Wall stated they are willing to make whatever modifications are necessary.

Mr. Odom advised that this is a self-generated case. Staff visited the site and a few other issues were found, but the applicant immediately corrected them. He stated staff is suggesting a viburnum hedge be installed until a permanent building can be constructed. General discussion ensued relating to the proposed location of the hedge.

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

1. The Special Use Permit shall run with the owners (Christina Sanders & Charles Kent Wall). Should the property be sold or the use changed, the Special Use Permit shall be terminated.
2. The propane tank shall be fully permitted and installed according to the requirements of the Marion County Building Code. This shall include proper anchoring and full permitting for installation of the propane dispensing system, including electricity.
3. Commercial vehicles that are not owned by and used specifically for the operations to support this business are not permitted to be stored on site.
4. The applicant is required to immediately install a vegetative buffer on the south side of the parcel on the interior of the existing three-board fence. This buffer shall consist of a viburnum or ligustrum hedge to block the line of-sight from the existing single-family dwelling to the five hay storage trailers. This hedge shall be at least one hundred and fifty feet in length as depicted in Figure 5.
5. The farmers' market shall be limited to a maximum of twenty-five vending positions on any given Saturday.
6. The vendors at this location shall be limited to farm/home-grown products or handcrafted items, to include small livestock such as chickens, ducks, baby goats, baby pigs, etc. Larger animals such as donkeys, cows, horses, or mature goats are not permitted. The intent of this is to maintain the actual use as a farmer's market, not allow it to evolve into a flea market or community yard sale.
7. A commercial driveway that meets the requirements of the Office of the County Engineer will be required to access Rainbow Lakes Blvd.
8. SW 49<sup>th</sup> Place is a Subdivision Local Road and shall not be used for commercial access of any type. The southern fenceline shall be restored to its original state.
9. The Special Use Permit shall expire February 17<sup>th</sup>, 2031; however, it may be renewed administratively for up to 3 consecutive times by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
  - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit.
  - Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or

equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or

- The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to adopt Resolution 26-R-47 approving the SUP request with Conditions 1 through 9, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 26-R-47 includes the following Conditions:

1. The Special Use Permit shall run with the owners (Christina Sanders & Charles Kent Wall). Should the property be sold or the use changed, the Special Use Permit shall be terminated.
2. The propane tank shall be fully permitted and installed according to the requirements of the Marion County Building Code. This shall include proper anchoring and full permitting for installation of the propane dispensing system, including electricity.
3. Commercial vehicles that are not owned by and used specifically for the operations to support this business are not permitted to be stored on site.
4. The applicant is required to immediately install a vegetative buffer on the south side of the parcel on the interior of the existing three-board fence. This buffer shall consist of a viburnum or ligustrum hedge to block the line-of-sight from the existing single-family dwelling on the adjacent parcel to the five hay storage trailers. This hedge shall be at least one hundred and fifty feet in length as depicted in Figure 5, Conceptual Plan, attached hereto as Exhibit "A."
5. The farmers' market shall be limited to a maximum of twenty-five vending positions on any given Saturday.
6. The farmer's market vendors' products for sale at this location shall be limited to farm/home-grown products or handcrafted items, to include small livestock such as chickens, ducks, baby goats, baby pigs, etc. Larger animals such as donkeys, cows, horses, or mature goats are not permitted. The intent of this is to maintain the actual use as a farmer's market. This special use permit does not allow a flea market or community yard sale uses.
7. A commercial driveway that meets the requirements of the Office of the County Engineer will be required to access Rainbow Lakes Blvd.
8. SW 49<sup>th</sup> Place is a Subdivision Local Road and shall not be used for commercial access of any type. The southern fenceline shall be restored to its original state.
9. The Special Use Permit shall expire February 17<sup>th</sup>, 2031; however, it may be renewed administratively for up to 3 consecutive times by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:

1. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit.
2. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
3. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

**15.3. Planning and Zoning Items for Individual Consideration:**

**15.3.1.** 250502SU - Jacquelyn Brady and Fish Hawk Spirits, LLC, Special Use Permit to Allow for the Operation of an Artisanal Micro-distillery, in a General Agriculture (A-1) Zone, 2.13 Acre Tract, Parcel Account Numbers 2091-008-003 and 2091-008-002, Site Address 16350 SW 20<sup>th</sup> Lane, Ocala, FL 34481

The Board considered a petition by Jacquelyn Brady and Fish Hawk Spirits, LLC, for a SUP, Articles 2 and 4, of the Marion County Land Development Code, to allow for the operation of an artisanal micro-distillery, in a General Agriculture (A-1) zone, on an approximate 2.13 Acre Tract, on Parcel Account Numbers 2091-008-003 and 2091-008-002, Site Address 16350 SW 20<sup>th</sup> Lane, Ocala, FL 34481

P&Z PUBLIC HEARING ON JULY 28, 2025

250502SU Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously, 5-0.

Planner Kathleen Brugnoli, Growth Services, advised that this matter is coming back before the Board for a 6 month update. She provided a brief history of the SUP, noting when the applicant came before the Board to renew the SUP they were given 6 months to address concerns.

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

- Access to the site shall be from SW 20<sup>th</sup> Lane.
- Convert one of the existing parking spaces to be for disabled permit parking and indicate this with a sign and lined parking space.
- Clearly indicate on site plan where parking spaces are and how many are provided.
- The applicant must acquire necessary permits for well/septic and the uses taking place on the property as required by DEP and DOH.

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- A minimum 6' opaque fence is required along the eastern boundary line screening all distillery operations and parking from the eastern neighboring property.
- Any exterior lighting added will need to be placed in a way that does not illuminate off-site onto neighboring properties.
- No commercial signage shall be allowed on-site.
- Site plan review through Development Review Committee will take place within 45 days of the approval of this special use permit.
- Raised beds encroaching on the neighboring property to the east will be moved and placed entirely on the subject property.
- The site shall be developed and operated consistent with the Special Use Permit Application, the submitted conceptual plan, and the conditions as provided with this approval.
- The special use permit shall expire on 08/18/2030.
- The special use permit shall automatically be revoked if:
  - A site plan review with Development Review Committee has not been completed within 45 days from the date of approval of this special use permit.
  - Building permits for all unpermitted work are not completed within 90 days from the date of approval of this special use permit.
- The artisanal micro-distillery structures and operations shall be conducted consistent with the following:
  - On PID# 2091-008-002:
    - Distillery storage building (DSP Bonded Storage) – 8' x 26' = 208 SF
  - On PID# 2091-008-003:
    - Main distillery building (SDP General Premise and DSP Bonded Production) – 38' x 32' = 1,216 SF
    - Gift shop/tasting room – 24' x 32' = 768 SF
    - South accessory/processing areas:
      - Ice Machine & Chiller – 8 x 11' = 88 SF
      - Smoker Area – 20' x 11' = 220 SF
      - Grinding Area – 11' x 11' = 121 SF
      - Malt Room (shed) – 11'2" x 11' = 123 SF
      - Cleaning Area – 2'9" x 11' = 30 SF
    - Gift shop/tasting room single-stall restroom – (currently ±4' x SF ±4' = ±16 SF),
    - SW Corner - Metal storage shed – ±10' x ±12' = 120 SF
- Tasting room events shall be conducted by appointment only, with a maximum of eighteen (18) participants per tasting event. Tasting events will be limited to one event per day, Thursday through Sunday, and all tasting events will conclude at or before 8 p.m.
- All gift shop operations and sales shall be conducted as part of the tasting room operation/experience; no independent commercial sales shall occur on-site.
- A corporate business officer and/or partner in Fish Hawk Spirits, LLC, shall reside on-site on Parcel Number 2091-008-003.

- The special Use Permit shall run with the owners (Jacquelyn F. Brady and Fish Hawk Spirits, LLC) and leasing operator, Fish Hawk Spirits, LLC, and not the property. In the event Jacquelyn F. Brady sells the property to Fish Hawk Spirits, LLC the Special Use Permit will remain valid with Fish Hawk Spirits, LLC then identified as the owner/operator. Any other change in ownership and/or any change in the leading operator shall cause the Special Use Permit to expire; however a new Special Use Permit Application to modify the ownership and leasing operator requirements may be submitted for consideration through the Special Use Permit review process (or review process equivalent at that time).

Ms. Brugnoli advised that the Board gave the applicants two options: Option 1, bring the site into compliance by obtaining the proper permits and meet code requirements; and Option 2, was for the applicant to find an alternative location. She stated as of today there is no site plan review in process or approved. There are also no building permits pulled. Mr. Brugnoli advised that the applicant informed staff that Option 1 was cost prohibitive and they were unable to find another location that would match the needs for the distillery. Commissioner McClain questioned if any complaints were received relating to this business. Ms. Brugnoli advised that people spoke in opposition at the last hearing, but there has not been any written complaints.

Commissioner Bryant stated neighbors expressed complaints and concerns at the last hearing.

Joe Faino, NW Highway 335, Williston, and Chief Executive Officer (CEO) David Molyneaux, Fish Hawk Spirits, LLC, Merry Water Drive, Tampa, were present.

In response to Commissioner Bryant, Mr. Faino advised that neither he or Mr. Molyneaux live at the subject property, but the master distiller is located onsite.

Mr. Faino expressed appreciation to the Board for allowing the company to operate for over 13 years in Marion County, noting they have invested over \$4,500,000.00 into this business. He stated they have exhausted all opportunities to obtain more capital to be able to renovate the site to meet the necessary requirement, but have not been successful. Mr. Faino advised that they are currently in negotiation with a couple of different distilleries and it will take approximately 60 days to completely remove themselves from the subject property. He stated operations onsite have already slowed down and staff are moving on to other opportunities.

Mr. Molyneaux reiterated that they have exhausted all possibilities, noting the site does not accommodate the type of business currently taking place. He commented on the modifications necessary to bring the site up to Code, which are not feasible. Mr. Molyneaux advised that they were unable to find another suitable location within Marion County; therefore, the business will have to move out of the County.

Commissioner Stone stated it is unfortunate that the applicant cannot bring the business into compliance and questioned how long it will take them to exit the property. Mr. Molyneaux stated it will take approximately 60 days to move the alcohol and equipment. Then another 30 days to move the rest of the auxiliary equipment. He stated they have two lots, noting one is leased and the other is owned by them. They own the lot where the corn is grown to make the whiskey. Mr. Molyneaux advised that they will continue to own that lot and do agricultural things, but they cannot make liquor on that site. He stated they are unable to pave a mile road.

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Chairman Zalak questioned if the applicant was required to pave a mile road. Mr. Molyneaux advised that one of the conditions required them to pave from Highway 27 all the way to the driveway and provide parking spots.

Commissioner Bryant clarified that the applicant is operating a commercial business in a residential area.

Chairman Zalak commented on the amount of time the Board has given the business to come into compliance. He stated the Board can give them 90 days, but after that they will have to start taking Code Enforcement action.

Chairman Zalak opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to deny the SUP request and allow the applicant 90 days to move the business, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and will adversely affect the public interest.

Commissioner Bryant advised that she does not appreciate the business trying to make it sound like this is a Marion County issue, noting the business was set up and operating out of a residential area. She stated the Board repeatedly told them to come into compliance or find a new location and the business did not do either; therefore, they are here because of the decisions that were made by the business.

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

**15.3.2. 260202SU - Blue Sky Towers IV, LLC, Requests a Special Use Permit for a 225' telecommunication tower in General Agriculture (A-1) Zone, 10.0 Acre Tract, Parcel Account Numbers 20909-022-01, No Address Assigned**

The Board considered a petition by Estate of Dawn Elizabeth Meredith, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a new 225' (feet) Telecommunications Tower, in a General Agriculture (A-1) zone, an approximate 10.0 Acre Parcel, on Parcel Account Number 20909-022-01, No Address Assigned

P&Z PUBLIC HEARING ON JANUARY 26, 2026

260202SU Planning and Zoning Commission Recommendation

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

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

The Motion passed unanimously, 6-0.

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the SUP request to allow a new 225' (feet) telecommunications tower, in an A-1 zone. He stated staff received one letter of opposition.

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

1. A driveway apron onto the property that meets the Office of the County Engineer's (OCE) standards of development shall be required.
2. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.

3. The light at the top of the tower shall be shielded from view from the ground directly below the tower.
4. This communications tower site shall be developed consistent with the proposed conceptual plan.
5. The Special Use Permit runs with the Blue-Sky Towers IV, LLC and not the property.

Mary Solik, South Orange Avenue, Orlando, attorney on behalf of the applicant, advised that the applicant agrees with all Conditions presented by staff, noting the proposed plans meet all Code requirements.

Chairman Zalak opened the floor to public comment.

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

In response to Chairman Zalak, Ms. Solik advised that the tower will have a red light at the top consistent with the Federal Aviation Administration (FAA) requirements.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Resolution 26-R-48 approving the Special Use Permit request with Conditions 1 through 5, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 26-R-48 includes the following Conditions:

1. A driveway apron onto the property that meets OCE's standards of development shall be required.
2. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
3. The light at the top of the tower shall be shielded from view from the ground directly below the tower.
4. This communications tower site shall be developed consistent with the proposed conceptual plan.
5. The Special Use Permit runs with the Blue-Sky Towers IV, LLC, and not the property.

There was a recess at 3:39 p.m.

The meeting reconvened at 3:47 p.m. with all members present.

**15.3.3. 260204SU - Carla L. Garcia, Special Use Permit to Allow for A Permanent Food Truck Park, in a Neighborhood Business (B-1) Zone, 2.02 Acre Parcel, Parcel Account Number 41577-001-00, No Address Assigned**

The Board considered a petition by Carla L. Garcia, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow a permanent food truck park, in a Neighborhood Business (B-1) zone, on an approximate 2.02 Acre Parcel, on Parcel Account Number 41577-001-00, No Address Assigned

P&Z PUBLIC HEARING ON JANUARY 26, 2026

260204SU Planning and Zoning Commission Recommendation

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

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan

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3. Is compatible with the surrounding land uses

The motion failed, 3-3, with Donald Johnson, Andy Bonner, and Michael Behar dissenting.

No recommendation (3-3 Vote).

Deputy Director Weyrauch, Growth Services, provided a brief overview of the SUP request to allow a permanent food truck park, in a B-1 zone. He stated the applicant has reduced the number of requested food trucks from 24 to 20, noting anything more than 15 food trucks would require a full traffic study.

Mr. Weyrauch addressed the proposed buffers. He stated the site plan does not account for stormwater, noting if approved that information would be required.

Mr. Weyrauch advised that the applicant is requesting access off of Highway 484 where an existing curb cut apron is available; however, by Code the access would be off of SW 47<sup>th</sup> Avenue through the Dollar General parking lot. He stated the Highway 484 access would not meet the required distance between access points. There is also a merge lane that ends at the end of the property, which would make it a very dangerous access point. Mr. Weyrauch commented on the potential traffic and proposed parking. He advised that they are within connection distance of the City of Belleview Utilities, but the applicant does not want to connect to centralized water and sewer.

It was noted that the P&Z Commission did not provide a recommendation and Growth Services Department staff recommends approval of the SUP with the following Conditions:

1. The site shall be developed and operated consistent with the submitted concept plan.
2. The Special Use Permit shall run with the property owner, Carla Garcia, or with a corporate entity under the management of the applicant, Walter Pimentel. Should the subject property change in property ownership, approval shall be required through a new Special Use Permit.
3. A site plan shall be submitted for approval through the development review process. The number of food trucks allowed on-site shall ~~remain consistent with the approved site plan~~ not exceed fifteen.
4. The business shall be limited to the hours of ~~7:00~~ 10:00 AM and ~~10:00~~ 9:00 PM ~~each day between Monday and Thursday.~~ The business shall be limited to the hours between 10:00 AM and 9:30 PM on Friday and Saturday.
5. The on-site sales and consumption of alcoholic beverages shall be prohibited, unless approved through a new Special Use Permit.
6. Amplified noise shall be prohibited.
7. All food preparation shall occur within the food trucks. No food preparation shall occur outside any food truck.
8. Concrete pads shall be provided to accommodate all food trucks. Food trucks shall not park on open ground.
9. Permanent bathrooms shall be provided consistent with Florida Building Code standards for commercial bathrooms.
10. Access shall be provided consistent with County standards.
11. The site shall provide four (4) parking spaces for the first food truck with two (2) parking spaces per each additional food truck. The size and material of the parking spaces shall be provided consistent with the Marion County Land Development Code (LDC).

12. All food trucks shall be connected to the electrical utility system consistent with County and State standards. Individual generators shall be prohibited.
13. Potable water and wastewater shall be provided consistent with County standards.
  - a. Grease traps shall be provided to County standards, as determined during development review.
14. Buffer widths shall be provided consistent with the submitted concept plan. Required plantings and buffer wall shall be provided consistent with County standards, including placement.
15. A photometric plan shall be provided during the development review process.
16. The subject property shall be subject to, at a minimum, annual inspections by Fire Rescue and Growth Services staff, to be arranged by the food truck manager.
  - a. A list of food trucks, and changes thereof, shall be provided by the manager to Fire Rescue and Growth Services prior to any commercial activity.
17. The Special Use Permit shall expire on February 17, 2029; however, it may be renewed administratively three times for ~~three~~ five years each by written instrument signed and issued by the Growth Services Director (or designee), unless:
  - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit;
  - b. Neighboring property owners within 300 feet of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit; and/or
  - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or equivalent review process at the time).

\*The applicant requests waivers to LDC standards related to utilities and access.

Walter Pimentel, Blue Azure Drive, Wimauma, applicant, presented a one page handout containing a site plan for the project. He advised that originally a playground was included in the plans, but the neighbors expressed opposition. Mr. Pimentel advised that there are two 25 foot buffers being proposed along the back of the property with two fences, one at the 25 foot mark and another at the 50 foot mark. He stated the number of food trucks requested has been reduced to 20.

Mr. Pimentel commented on the cost of development and advised that he is willing to comply with the proposed Conditions. He stated there will be an office accessible to the public to address concerns. Mr. Pimentel advised that the site will employ approximately 7 people, which will manage and clean the site. He stated the proposed hours of operation are Monday through Thursday from 10:00 a.m. to 9:00 p.m.; Friday and Saturday 10:00 a.m. to 9:30 p.m.; and Sunday 10:00 a.m. to 8:30 p.m. Mr. Pimentel advised that there will be Americans with Disabilities Act (ADA) compliant bathrooms and parking spots. He

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stated all food vendors will be inspected periodically by the Health Department and Fire Department as mandated by applicable restaurant industry standards.

Mr. Pimental provided a brief overview of the design of the project and the types of food that can be expected. He requested the following: the SUP be approved for 5 years instead of three; a waiver for the mason wall; and they be allowed to connect well and septic for the first 5 years. Mr. Pimental advised that between year 5 and 6 they will connect to central water and sewer. He commented on the cost associated with connection to centralized systems. Mr. Pimental advised that water and electrical hookups would be provided to each vendor, noting there would not be generators onsite. Mr. Pimental advised that there is not much he can do to change the traffic in the area, but he can mitigate the noise and provide buffers to the neighbors.

Mr. Pimental provided a brief overview of the design of the project. He requested the Board consider the request to allow access on Highway 484, noting there are several issues with the access if it were through the Dollar General.

Mr. Pimental advised that he has received a lot of positive feedback from the community relating to the project, but due to the time of this meeting people were not able to attend. In response to Commissioner Curry, Mr. Pimental stated he co-owns the property with his aunt.

Chairman Zalak opened the floor to public comment.

Pamela Noell, SE 49<sup>th</sup> Court, Belleview, expressed traffic concerns.

Chairman Zalak advised that if the SUP is approved a full traffic study would be required and the identified improvements would have to be implemented.

Margaret Gardyas, SE 130<sup>th</sup> Place, Belleview, commented on pedestrian safety, traffic concerns and ADA compliance.

Randy Stewart, SE 49<sup>th</sup> Court, Belleview, presented a 129 page handout in opposition to the proposed SUP. He expressed concerns relating to traffic and public safety.

Mark Gratton, SE 49<sup>th</sup> Court, Belleview, commented on the requirements related to grease/oil removal and disposal.

Chairman Zalak advised that the DOH is responsible for inspecting food trucks and ensuring they are meeting all necessary requirements.

Commissioner Bryant out at 4:21 p.m.

Scott Jewell, SE 49<sup>th</sup> Court, Belleview, commented on the 55 plus community adjacent to the subject parcel where he resides. He advised that the community has created a committee to gather information, which will be presented to the Board today for review.

Mr. Jewell stated the developer has come to their clubhouse with written proposals and changes to the site, noting there is signage at the front of the park stating solicitation is not allowed. He presented a photograph showing the no soliciting sign and expressed safety concerns.

Stanley Weston, SE 49<sup>th</sup> Court, Belleview, presented a 1 page hangout entitled, "B-1 Zoning" and commented on what is permitted within the B-1 zoning classification. He stated the food truck is not compatible and urged the Board to deny the request.

Tom Simpson, SE 131<sup>st</sup> Street, did not appear when called upon to speak.

Teresa Brosch, SE 48<sup>th</sup> Terrace, Belleview, expressed crime and safety concerns.

Chairman Zalak advised that this is a quasi-judicial hearing; therefore, actual evidence has to be provided. He stated hearsay is not a fact and cannot be considered.

Ms. Brosch advised that the City of Belleview has enacted stricter Ordinances banning food trucks not owned by the vendor to curb theft and complaints. She stated in April 2025

a deadly shooting occurred at a food truck gathering in Miami Dade County, resulting in 2 deaths. Ms. Brosch reiterated her concerns related to safety.

Commissioner Bryant returned at 4:28 p.m.

Carol Crowley, SE 49<sup>th</sup> Court, Belleview, expressed safety concerns.

Tom Hills, SE 49<sup>th</sup> Court, Belleview, presented a 1 page handout entitled, "Special Use Permit: Marion Central Market (M.C.M)" and a poster Board containing a rendering of the surrounding area and commented on traffic concerns relating to the ingress/egress proposed by the applicant.

County Engineer Steven Cohoon, OCE, advised that OCE does not support the proposed driveway off of Highway 484, noting it predated the arrival of the Dollar General and was the legal access back in 2008. He stated not long after the Dollar General was constructed cross access was required and became the new legal access. Mr. Cohoon advised that 440 feet is what is required by Code for this driveway spacing. He stated just west of this roadway there is a 55 mile an hour stretch; therefore, speeds are probably higher than 45 miles per hour (mph) at times in this area. There is also a traffic merging conflict present at this location, further supporting staff's recommendation to not allow a driveway at this location.

Chairman Zalak clarified that regardless of what type of business comes to this site the County Engineer would not approve an entrance off of Highway 484.

Marilyn Thorell, SE 49<sup>th</sup> Court, Belleview, expressed opposition to the project. She commented on safety, traffic, odor and noise concerns, as well as the impact it may have on existing property values.

Lyle Thorell, SE 49<sup>th</sup> Court, Belleview, expressed lighting and safety concerns.

Michelle Jungferman, SE 48<sup>th</sup> Terrace, Belleview, commented on fire concerns relating to food trucks.

Chairman Zalak reiterated that DOH is in charge of regulating the food trucks, noting the Fire Marshal inspects all the connections prior to opening and the Building Department ensure the correct electrical hookups are in place.

Richard Jungferman, SE 48<sup>th</sup> Terrace, Belleview, addressed fire safety and requested the Board ensure all food truck meet all items on the National Fire Prevention Association (NFPA) general safety checklist and are properly licensed.

Brenda Hampton, SE 47<sup>th</sup> Court, Belleview, expressed opposition to the food truck park.

Douglas McGee, SE 47<sup>th</sup> Court, Belleview, commented on traffic safety concerns.

Mary Ellen Bennett, SE 49<sup>th</sup> Court, Belleview, expressed concern relating to traffic and pedestrian safety.

Jason Terry, SE 46<sup>th</sup> Court, Belleview, stated traffic will be an issue regardless of the type of business at the site. He opined that the proposed project does not benefit the community, noting the noise generated from a business would be confined indoors if the site is developed as an allowed B-1 use.

Kerry McGee, SE 47<sup>th</sup> Court Belleview, expressed opposition to the proposed SUP.

Charleen Lagase, SE 134<sup>th</sup> Street, Belleview, commented on concerns relating to cross access through Dollar General and traffic.

Gene Lagase, SE 134<sup>th</sup> Street, Belleview, addressed traffic concerns.

Nicole Grant, SE 49<sup>th</sup> Court, Belleview, expressed concern relating to noise and lighting.

Chairman Zalak advised that public comment is now closed.

Mr. Pimental advised that he pledged to set up a donation box for Vets Helping Vets onsite, noting he wants to be a part of and contribute to the community. He stated a photometric plan will be performed to address lighting.

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Mr. Pimental provided a brief overview of the security and fencing that will be onsite. He advised that every vendor onsite will be under contract and be required to have the oil removed by a preselected company. Mr. Pimental reiterated that there will not be generators onsite, noting all trucks will be connected to onsite electric.

Mr. Pimental opined that traffic will be an issue regardless of what business locates on this site. He stated all food trucks will be inspected by DOH and the Fire Department, as well as the County will have a list of vendors operating onsite. Mr. Pimental advised that this project is a long term investment and will be done the right way.

Commissioner Bryant opined that this use is too intense for the ingress/egress and this is not the right place for the project. She advised that she is unable to support the project. Commissioner Stone concurred, noting this is not the right location for this activity. She stated 5 years is too long to operate on well and septic.

Commissioner McClain advised that the plan and presentation were great, but the location is not appropriate.

Commissioner Curry commented on the public hearing process, which allows citizens to be heard. He advised that he has never lived around a food truck park; therefore, he does not know the noise that comes from them or what infrastructure is needed at the site. Commissioner Curry addressed the issues relating to access and opined that the project is not compatible with the surrounding area.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to deny the SUP request, disagreeing with Growth Services staff recommendation, based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and will adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

There was a recess at 5:05 p.m.

The meeting reconvened at 5:10 p.m. with all members present except Commissioner Curry and Commissioner Stone.

**15.3.4.** 260207ZP- 8M Holdings, LLC, Zoning Change for a Modification of Planned Unit Development (170419ZP) to (1) Revise Existing Plan Text to Delete the Language "PROPOSED CONVENIENCE/STORE/LAUNDROMAT/HAIR SALON. THIS CONVENIENT STORE WILL SERVE THE OAKWATER VILLAGE DEVELOPMENT ONLY, and (2) to Add "RV PARKING SPACES MAY BE USED FOR VEHICULAR PARKING FOR GUESTS OR EMPLOYEES" to Enable Potential Non-RV User/Public Guest Access for RV Park Features/Amenities, 140.91 Acre Parcel, Parcel 02781-000-00, Site Address 18365 NW 45<sup>th</sup> Avenue Road, Citra, FL 32113

The Board considered a petition by 8 M Holdings, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, for a modification of Planned Unit Development (PUD 170419ZP) to revise existing plan text to delete the language "PROPOSED CONVENIENCE/STORE/LAUNDROMAT/HAIR SALON. THIS CONVENIENT STORE WILL SERVE THE OAKWATER VILLAGE DEVELOPMENT ONLY" and to add "RV PARKING SPACES MAY BE USED FOR VEHICULAR PARKING FOR GUESTS OR EMPLOYEES" to enable potential non-RV user/public guest access for RV park features/amenities, on an approximate 140.91 Acre Parcel, on Parcel Account Number 02781-000-00, Site Address 18365 NW 45<sup>th</sup> Avenue Road, Citra, FL 32113

P&Z PUBLIC HEARING ON JANUARY 26, 2026

260207ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Bonner, seconded by Mr. Johnson, to agree with staff's findings and recommendation, and recommend approval with conditions of the PUD modification based on the following findings of fact:

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

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

Commissioner Stone returned at 5:11 p.m.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the PUD modification request for the Orange Lake RV Resort. He stated the applicant is looking to ensure that their amenities can be open to the public.

Commissioner Curry returned at 5:12 p.m.

In response to Commissioner Bryant, Mr. Rison advised that the applicant is not requesting an increase in height allowance for the water slides, noting the 141 foot listing in the plan is related to navigational elevations and sea level, not height above the ground. He stated the height above ground for the slide is 40 feet, which is permissible in this zoning classification.

Mr. Rison provided a brief history of the parcel's land use and zoning.

In response to Chairman Zalak, Mr. Rison advised that the Recreational Vehicle (RV) entitlement for a portion of the property known as Grand Lake RV Resort was granted in 1988.

Mr. Rison advised that the land use designation is Commercial, which allows for both residential or commercial activities. He stated the zoning classification is PUD. Mr. Rison provided an overview of the surrounding area.

Mr. Rison advised that the request is to delete the references relating to having private facilities for the users of the park and adding in that notation to allow the vacant RV spaces to be utilized for parking for people who come to attend the facility on a day pass. He stated this represents the concept of shared parking, noting rather than building a separate parking lot and separate spaces the RV spots can perform double duty. Mr. Rison advised that when the applicant came in with their phase 2 plan they informed staff that they wanted to expand and provide extra amenities. He referred to the amenity/community center site plan shown on the overhead screens showing the location of the slide towers, splash pad, amenity complex, resort pool and lazy river pool with slide. The site will contain a meeting type space, hospitality room, retail space and restaurant space, as well as a breezeway between the different areas. Mr. Rison advised that the current capacity if everything were occupied to the maximum would be 450 people plus what the tower would accommodate, noting the tower does not have an official occupancy load calculation. He stated the applicant is not proposing any modifications to the buffers. Mr. Rison advised that the traffic study concluded that the current systems in the area are acceptable; however, OCE would like a supplemental study that will focus on the County Road (CR) 318 and Highway 441 intersection. He stated the existing Margaritaville resort in the Auburndale area was utilized to develop the traffic study for the Marion County site, noting there are approximately 400 RV units at that site. He stated the anticipated trip generation is 83 trips in the AM and 83 trips in the PM. The intersection analysis anticipates it will operate acceptably for the system. Mr. Rison advised that from a staff standpoint the site is located in the Farmland Preservation Area (FPA), but it has a commercial designation and is part of a historic PUD approval for an RV resort. The site does join and provide shared access to an existing RV resort, which has public access

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facilities. The PUD modification proposes enabling non-RV users access to facilities to enable offseason use of the amenities and making them available for other parties. He stated the traffic study was approved in January 2026. Mr. Rison reiterated that there are no changes proposed to the buffers and final lighting plans will be required. The Tower with four slides is consistent with the height requirements. He state the amenity community facility area is located internal to the project site, noting it is over 600 feet from the southern boundary and over 300 feet from the western boundary. The site provides for onsite central potable water and central sewer systems to serve the RV park.

Mr. Rison provided a brief overview of the proposed Conditions, which were modified by staff since the Agenda was published.

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

1. The PUD shall be developed consistent with the submitted PUD Conceptual Plan (12/13/10 ~~12/23/24~~) and the Cover Memo revisions, along with the height increase provision for the pool slide complex and the conditions provided with this approval below.
2. The PUD developer will submit a supplemental Traffic Study to further analyze the US 441 & Hwy 31 intersection and provide any necessary transportation improvements (access/operation and/or system) identified by the Traffic Study, as required by the County Engineer, with any required improvements being completed in a manner and timeline subject to approval by the County Engineer.
3. The PUD may be developed with up to 490 RV Park vehicle "lots" and/or park model "lots" with recreational and community amenities. The developer/operator may enable use of the RV Park's recreational and community amenities for non-RV Park "lot" occupants and consistent with this PUD Modification consideration and approval.
4. PUD site must comply with the County's LDC Division 6.19 outdoor lighting standards including requirements for lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.

Fred Roberts, SE 11<sup>th</sup> Avenue, attorney on behalf of the applicant, advised that the applicant agrees with the proposed Conditions. He stated there was language in the PUD that was adopted in 2011 that created this conversation. It referenced the proposed convenience/store/laundromat/hair salon, which would serve the Oak Water Village development only. He stated this is relevant because there is no convenience store being proposed and it is unclear why this was proposed in 2011. The language corresponds to language incorporated in 4.2.5 of the Code, the table of uses for commercial uses under rural resort. The exact language from the Code as a matter of right, in this particular zoning, is the uses of convenience store and gas station for primary use of residents and their guests. Mr. Roberts advised that this was likely included because this was a conceptual plan and there might be a convenience store constructed. It needed to be clear because it was going from Rural Resort to PUD. He stated after discussion with staff it was determined that to alleviate confusion that language would be deleted.

Mr. Roberts advised that this is not a special request to allow this park to be open to the public, noting it will be open to the public for paying guest associated with the RV park. He stated the request is to remove the language and to add the language that is not in the Code relating to RV spaces being able to be used for more than one use. The RV space could either be used for parking an RV or if not in use for an RV, for parking a car. The reason for this is to avoid having to be duplicative and create much larger areas of impervious surface for the site.

Mr. Roberts reiterated that the amenities for the park will be open to paying customers exclusively, with the predominant focus being on those RV guests, but also with the opportunity for times when there is additional capacity for paying guests locally that corresponds with Code. He stated the property has a commercial land use designation with a corresponding PUD, has been designed in accordance with the conceptual plan and the Master Plan was approved for the site. The site is nearly complete with the exception of a couple of the as-built items.

In response to Mr. Minter, Mr. Roberts advised that there is no proposal or plan to add parking spaces for non RV users. He stated the parking would be limited to paved parking spots within the subdivision as a whole, noting there is no overflow parking. There are 489 RV spots. Mr. Roberts advised that the main goal is to have the RV guests staying on site or cars in the corresponding RV spots. In either scenario, more vehicles could be parked than the capacity of any amenity within the site would allow.

Mr. Minter questioned if there is an expectation of what the projected season would be. Mr. Roberts stated the winter months are predominantly the season for RV stays, which is sometimes referred to the "snowbird" season. The off season would be the summer months.

In response to Mr. Minter, Mr. Roberts advised that this is a resort concept and would be utilized through a reservation system, noting there are RV spots and park model units onsite.

Commissioner Bryant questioned if this site will be operated similar to the site in Auburndale. Mr. Roberts advised that it would be, noting the Auburndale site also allows day guests to utilize the amenities. He stated the day passes are done through a reservation. Mr. Roberts advised that if the RV spots are filled the site would be at capacity and there would not be availability for day guests.

In response to Commissioner Bryant, Mr. Roberts advised that the pool capacity is 840 people, the restaurant has a 70 person internal seating capacity and 110 total with outdoor seating. He stated there is also a game room and clubhouse, noting each have their own life safety limitations and development standard limitations. Mr. Roberts advised that children cannot be dropped off and left unsupervised. He commented on the investment the developers have made into this project, noting they want this to be a class 1 resort and something that can bring pride to the community.

Commissioner Curry advised that the project is located in the FPA and expressed concern with its intensity. He stated he visited the site and everything was contained with no offsite intrusion from other people.

In response to Commissioner Curry, Mr. Roberts advised that people stay 6 months, but cannot live onsite full time. He stated this property has a commercial land use and a full vested entitlement for this particular use, noting it is vested for 599 units. Mr. Roberts advised that the area has 315 contiguous acres of property that either has a Commercial land use and zoning or a Commercial zoning. He stated the 315 contiguous acres are between two RV parks that are side by side with one currently operating and open to the

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public, noting it has a restaurant, golf course, public boat ramp, etc. The site is next to the Ocala Breeder Sales (OBS) and the Ocala Jai Alai. Mr. Roberts advised that this area has historically had these corresponding uses either as vested entitlements or actual uses, noting Grand Lakes has been open since approximately 1992. He stated he hears the concerns relating to the FPA, but the Commercial land use designation is what controls in that realm. The FPA would only be considered if the applicant was trying to make a major change in intensity, density, or increased unit count. Mr. Roberts advised that the FPA should not control what can be done in designated areas for Commercial land use that are developed in a Commercial way in accordance with the previously addressed plan, noting the FPA does not work retroactively and cannot undo what exists today. He stated this project is fully developed now under the auspices of the approved plan with the only change being to clean up a note carried forward from the Code. The only reason the zoning was changed from Recreational Resort to PUD was because the developer at the time actually intended to build casitas, but that didn't fit within the Recreational Resort classification. Mr. Roberts advised that if this was simply a Recreational Resort zoning classification with a Commercial land use there would not be an issue, noting the reason it is an issue now is that the Code does not allow a public convenience store in a PUD. He clarified that the applicant does not want to construct a public convenience store.

Mr. Roberts advised that a traffic study has been completed and approved by the County. The applicant knows exactly what improvements will be required. He commented on the proposed turn lane, noting it will be constructed based upon a warrant study as to what exactly it will look like. The data shows CR 318 has sufficient capacity.

Mr. Roberts reiterated that this is a fully vested project and is now a constructed project. He commented on the narrative that has been in the media, noting this request is not changing the density, intensity or anything about the project. It is a revision to a comment and to fix something in the parking Code that is not addressed.

Mr. Roberts stated the County has a pretty robust noise Ordinance, which this site will have to follow. He advised that the applicant would have to come back before the Board for approval if they decided to have an event outside of the allowed Ordinance or PUD regulations.

Mr. Rison clarified that the intersection that needs to be reviewed further is the intersection of NW 45<sup>th</sup> Avenue Road and CR 318, not CR 318 and Highway 441.

Jim Wiseman, President of Margaritaville Development, Blandford Road, Orlando, advised that Margaritaville started out as a T-shirt shop in Key West with Jimmy Buffet as a partner, noting everything they do they try to do with Jimmy Buffet in mind. He stated Jimmy Buffet has passed way, but his family still owns part of the company. Mr. Wiseman commented on the consideration that goes into each project. He stated the park was ready to open as an RV Park and Margaritaville pursued the applicant to partner with them to make this a Camp Margaritaville, noting it is a great location and close to the interstate. Mr. Wiseman advised that there are brand standards and it is a family brand. In response to Commissioner Bryant, Mr. Wiseman advised that a Camp Margaritaville will be opening in Crystal River.

Mr. Wiseman stated the Marion County location will be a flagship site for Camp Margaritaville, noting the Auburndale location is much smaller and does not have as much of the amenities.

Commissioner Bryant advised that her family and friends visit the Auburndale location annually to camp. She stated the site is very family oriented.

Chairman Zalak advised that during the Visit Florida Convention the Governor announced that the State was naming A1A after Jimmy Buffet in dedication to him, which is a testament to the brand and how great it is. He expressed his appreciation for what the company does in general.

Mr. Wiseman advised that Visit Florida has taken Jimmy Buffet's song Floridays and are utilizing it for their advertisement campaign.

Commissioner Curry read Future Land Use Element (FLUE) Objective 3.3., Policy 3.3.1. into the record and questioned what effect this project will have on the surrounding rural area. Mr. Wiseman advised of the existing rights on the site, noting the Board cannot retroactively change the property rights.

In response to Commissioner Curry, Mr. Wiseman stated this is not a theme park.

Commissioner Curry opined that the nature of the project has changed because of selling day tickets and inviting people from everywhere to come in for the day. He stated this will impact the surrounding area, noting the people who live in the area deserve consideration.

Mr. Wiseman commented on the cost associated with the development of the site, which was allowed by right. He advised that day passes are allowed in most of the Margaritaville properties, noting they are only done when the location is not full. People have to go online and make reservations the same as if they were reserving an RV pad. Mr. Wiseman advised that Island Hospitality Management will be managing the site, which is the preeminent company in the field.

Chairman Zalak opened the floor to public comment.

Donald Barber, Confidential, commented on his involvement relating to development in the Citra area and advised that he is the Chairman of the Citra Community Center. He stated he has spoken with representatives of the project and it is beautiful, environmentally responsible and the leaders of the project have already begun working to become an active part of the community. Mr. Barber urged the Board to approve the application.

In response to Chairman Zalak, Mr. Barber opined that the community will utilize the day passes. He stated this project builds the community along with other businesses such as Island Grove winery, the Orange Shop etc, noting these are the types of businesses the community wants. It does not want gas stations.

John O'Connor, NW 193<sup>rd</sup> Street, Micanopy, commented on the information provided to the public and expressed concern with what will be done with the Ocala Jai Alai property. He stated he has no objection to the completion of the RV park, noting he has lunch at the restaurant in the existing RV park. Mr. O'Connor advised that his objection is opening the site to the public. He stated the traffic study should have been available to the public for review in advance.

Commissioner Stone advised that Mr. O'Connor had lunch at the restaurant at the Grand Lakes Resort, which is open to the public.

Mr. O'Connor stated the number of restaurants available in the area is limited.

Chairman Zalak advised that it is nice that the restaurant is open to the public.

Mr. O'Connor concurred. He stated his interpretation is the RV park is going to allow additional public access to the RV park above the 490 units.

Chairman Zalak clarified that there is no expansion of the number of units, noting since the original approval the applicant has reduced the number of units by approximately 100 spots. He stated the only thing the Board is deciding today is whether or not the families of Marion County can access the site when capacity is available during the day.

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Commissioner Bryant advised that the capacity will not change from what is already approved.

Tim Gant, SW 3<sup>rd</sup> Street, Micanopy, advised that he is apart of Save Our Rural Areas (SORA). He stated they do not oppose the RV park, but do have concerns with the site becoming a tourist destination.

Chairman Zalak commented on the history of the area and the activity in the area when the Ocala Jai Alai was in operation. He opined that the impact of that traffic was much more than anything the RV park will bring to the area.

Ken Davis, NE 95<sup>th</sup> Street, stated his primary concern is the water usage.

Chairman Zalak advised that he will have the applicant address the water usage, noting many water parks do recirculate the water.

Judy Etzler, NW 219<sup>th</sup> Street Road, presented a 3 page hanout entitled, "U.S. Drought Monitor Southeast" and commented on water concerns.

Chairman Zalak advised that the water permit is issued by the State through the St. John's Water Management District (SJRWMD), noting the BCC does not make decisions on water permits.

Lynn Boutte, NW 120<sup>th</sup> Avenue, Reddick, requested Marion County residents be given a reduced rate to attend the park and possibly Alachua County residents. She commented on traffic concerns.

Chairman Zalak advised that OCE staff will address any necessary traffic improvements with the applicant.

Busy Shires, NW 90<sup>th</sup> Avenue, Director of Conservation, Horse Farms Forever (HFF) advised that HFF has retained professional planner Evangeline Linkous who will providing testimony today. She expressed opposition to the text amendments to the PUD. Ms. Shires advised that the main concern is that this is a significant change in the intent, character and use of the site. She stated it is located in the FPA, which triggers FLUE Policy 3.3.1. Ms. Shires advised that the FPA and Transfer of Development (TDR) program were created in 2004, noting the zoning change was approved in 2011.

Chairman Zalak questioned if the position of HFF is that they do not want people of Marion County to be able to go to this park. He stated it is hard to believe that HFF is okay with the RV park and visitors coming to Marion County, but after all the water parks and other things that the County has lost it is HFF's position that they do not want the kids and families of Marion County to be able to enjoy the site.

Evangeline Linkous, Fern Cliff Avenue, Tampa, advised that she has been retained by HFF to evaluate the rezoning application to determine compliance with the County planning codes. She provided a brief overview of her qualifications. She referred to a 51 page Memorandum previously emailed to the Commissioners, which contains a detailed analysis of the rezoning request. Ms. Linkous advised that the decision before the Board centers around a change to the public amenities, noting the staff report describes the amenities as a themed recreation area, pool, bar and restaurant. She stated the bar and restaurant at Grand Lakes Resort is a permitted use by right under their zoning. Ms. Linkous advised that her findings are summarized on pages two and three of the memorandum. She stated the LDC requires a PUD to identify uses through either a zoning reference or a list when it's established. This PUD was approved for permitted uses associated with the recreational resort zoning designation, which is established through both zoning reference and the listed uses in compliance with the LDC. The approved PUD includes amenities that are private and small in scale. Changes to amenities including size and location and now use with introduction of a bar are being

approved through the site planning process without Board review, which is required by the LDC. Ms. Linkous advised that the logic of allowing a bar or any commercial use, as long as it is called an amenity or accessory, is continued it will leave open a door for uses such as a nightclub or truck stop up to the approved intensity of 0.17 floor area ratio (FAR). She stated the change in amenities to a themed water park with a bar for which day passes will be sold dramatically changes the uses, intent and character from the approved PUD. The proposed rezoning is inconsistent with FLUE Policy 3.3.1, which specifies that zoning changes be consistent with and preserve, protect, support and enhance the FPA. Ms. Linkous advised that the change to public amenities is not compatible with surrounding properties that are predominantly rural, agricultural and low density in character, noting the proposed changes present adverse impacts to the public interest due to transportation network impacts that was documented in the staff report. She stated these changes will be precedent setting for the RV industry. Ms. Linkous urged the Board to deny PUD modification application, noting if the Board does move forward with approval she requested the amenities be limited to what is on the approved PUD. She stated a bar is not a permitted or special use for the Recreational Resort or Recreational Vehicle Park (P-RV) zoning classifications. Including a bar on the property does raise issues of application of correct law and legal delegation of authority under LDC Section 4.2.3.1.

It was noted for the record that Sean Dowie, Ave E, McIntosh, yielded his time to Ms. Linkous.

Bernard Little, NW 90<sup>th</sup> Avenue, President of HFF, presented a 18 page handout relating to the zoning change request. He opined that the submitted application was incomplete. Mr. Little advised that the PUD approved in 2011 has seen 7 visits to the DRC over in 5 years and it has had significant changes. The entire character and intent of the development has changed from what was approved in 2011. He referred to page 1 and 2 of his handout, which contain the 2011 zoning change application and the Planning Department's staff report. Mr. Little commented on how permitted uses are determined in a PUD. He stated Recreational Resort does not allow an amusement park, a bar or alcohol sales. Mr. Little advised that HFF is present to present factual information, noting it is up to the Board to make the decision as elected officials. He stated it is their position that the PUD as it exists today does not allow an amusement park, a bar or a nightclub. Mr. Little opined that a whole different application should have come before the Board.

Commissioner Bryant advised that allowed uses under Recreational Resort include private recreational facilities including swimming pool, archery range, shuffleboard, clubhouse, meeting room and similar facilities needed to support a resort development. She stated she has been to several resorts over the years with her family and all of those resorts had multiple water slides, a pool, a lazy river, bar, and restaurant, noting all of these things support a resort. Commissioner Bryant advised that the case could be made that a bar could be an amenity in a resort.

General discussion ensued.

Chairman Zalak stated if they are going to allow tourist to come here and stay in the park why would they not allow families of Marion County to enjoy the resort when the business is slow. The same as families visiting restaurants or the boat ramp. He questioned why HFF would not support this to be open to families in Marion County.

Mr. Little opined that the PUD does not match the request being made. He commended the applicant for the hard work and creating a successful business. Mr. Little advised that he is curious to see the cost of the day fee.

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Chairman Zalak advised that the two entities could work together for the sake of the families of Marion County versus the opposition.

Mr. Little advised that in the 8 years HFF has existed they have averaged 2 position statements a year, noting this is the first for 2026. He stated the site must be consistent with all of the Comprehensive Plan and not just part of the plan.

Commissioner Bryant advised that this is not an amusement park, noting the definition of an amusement park is a permanent commercial venue offering entertainment through mechanical rides like roller coasters, Ferris wheels and bumper cars, games, themed attractions and refreshments. She opined that a bar goes along with a restaurant as part of an amenity for a resort and people can often get a day pass to a resort to use those amenities.

Mr. Rison addressed FLUE Policy 3.3.1 as it relates to this project. He stated the emphasis of the scenic views is on the arterial and collector roadways, noting this site is not right on the roadway. It is behind a set of horse farms, adjoining an existing RV park and behind the Ocala Jai Alai.

In response to Chairman Zalak, Mr. Rison advised that the project is not impeding the scenic view.

Mr. Rison stated this project is not a residential development; however, it does include open space areas scattered throughout the project. There are open areas, stormwater retention areas, and conservation spaces off of Orange Lake because it does need to meet the Environmentally Sensitive Overlay Zone (ESZ) design requirements. He stated the applicant does need to comply with the County's lighting standards. Mr. Rison advised that from a transportation standpoint, the traffic methodology and the traffic study have been completed, but a supplemental study is needed to pinpoint the access point at CR 318. He stated this site includes an onsite potable water treatment plant and waste water treatment plant, which have been permitted through the State. Mr. Rison advised that from a staff level they feel that this has met the policy.

Jeff Kligora, NW 45<sup>th</sup> Avenue Road, Citra, expressed concerns relating to capacity and traffic. He advised that he is in support of the RV park, but is concerned with the public access.

In response to Mr. Kligora, Chairman Zalak advised that people will not be able to make a reservation to visit the site unless capacity is available, noting day passes will have to be purchased in advance.

Commissioner Bryant clarified that there are 491 spots when those are filled with RV's there will be no capacity for anyone to come and have a day use pass. The only time a day pass would be available is if there is a spot that does not have an RV.

Ira Stern, NW 135<sup>th</sup> Street, Reddick, commented on the uncertainty of the project and what it will become in the future.

Betty Gray, West Highway 318, presented a 1 page handout entitled, "Commission Meeting Testimony: Opposition to Margaritaville at Orange Lake RV", which she read into the record. She urged the Board to deny the request.

CJ Kligora, NW 45<sup>th</sup> Avenue Road, Citra, advised that she is in support of the RV park and the amenities, but she is concerned with the day pass users and the additional traffic that will bring to the area.

Haley Moody, 4918 SE 185<sup>th</sup> Avenue, advised that she is the Director of the Florida Springs Institute, Inc. She stated Orange Lake is a public resource and owned by the citizens of Florida in trust with the State. Ms. Moody provided a brief history of Orange

Lake and the surrounding area. She expressed concerns relating to water quality and urged the Board to deny the request.

Chairman Zalak advised that the request today if approved would not change the water consumption on the site. He stated no County in the State of Florida is going to be able to meet the current BMAP regulations.

Commissioner Stone advised that a lot of the BMAP issues can be attributed to agricultural uses.

Jerome Feaster, NW 117<sup>th</sup> Court, Micanopy, requested the Board consider time restrictions on the day passes.

Mercedes Bongiovanni, NW 43<sup>rd</sup> Court, Citra, expressed concerns relating to safety, traffic and noise. She requested the Board deny the request until all safety, traffic and compatibility issues have been fully evaluated.

Tom Ventura, SW 40<sup>th</sup> Street, advised that he is present representing OBS, noting OBS owns the Ocala Jai Alai property. He stated they are in full support of the project.

Chairman Zalak advised that public comment is now closed.

Mr. Cohoon advised that staff have reviewed the traffic study and there is sufficient capacity in the area for the proposed project. He stated based on his review of the traffic study turn lanes are currently not warranted, but there are some additional considerations that could be made outside of volume. Mr. Cohoon requested the applicant relook at the intersection 2 years after opening to see if there is a trend developing and review the actual traffic patterns. He stated at that time if a turn lane is warranted from the west to the east then it should be installed by the applicant.

Chairman Zalak stated current information can be used as a base line and then in a couple of years it can be reviewed to see the usage.

Mr. Cohoon concurred. He stated any concerns or issues can be documented during that time and reviewed when the matter is brought back.

Mr. Roberts advised that if any issues should arise earlier then the matter can be brought back sooner than the 2 years.

In response to Chairman Zalak, Mr. Roberts advised that the developer has the consumptive use permits (CUPs) in place for the current use. He stated the proposed text modification does not change that permit.

Mr. Minter questioned whether the current PUD limits or prohibits use of the PUD amenities to anyone, but the residents of the park. Mr. Roberts advised that it does not, noting the only assertion regarding the public/private was the specific language "the convenience store will serve the Oak Water Development only". He stated the recreational resort element previously associated with this project corresponds to what would have been similar amenities. There is no limitation in the Code that states they cannot be utilized in any other way. This PUD did not ever incorporate this type of provision. Mr. Roberts advised that it may have been incorrectly asserted that there was a prohibition that addressed this, but there was not. He stated the language is being address now to prevent any problems in the future.

Mr. Minter advised that a sign stating the applicant could not have a convenience store utilized by the public would not apply to a water slide.

Mr. Roberts concurred.

In response to Mr. Minter, Mr. Roberts advised that this PUD was originally from 2011, noting there have been significant changes in the Code since that time. He stated the Code allowed broad categories of uses for a PUD, unless specifically asserted. Mr. Roberts opined that the proposed use is not incompatible and the changes that have

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occurred have not increased the density, lot count, FAR or physical expansion. He stated there has actually been a reduction; therefore, it is the applicants opinion that it would correspond with what is permitted by Code.

In response to Mr. Minter, Mr. Rison advised that staff agrees with Mr. Roberts, noting this is being brought forward to formally address the provisions.

Mr. Minter referred to language in FLUE Policy 3.3.1 stating "all zoning changes and SUPs within the FPA be consistent with and preserve, protect, support, and enhance the rural, equestrian, and farmland character of the FPA." He questioned if it is staff's opinion that this application is consistent with that requirement. Mr. Rison stated it is staff's opinion that it is consistent.

Chairman Zalak opined that the amenities portion of the project was never contemplated whether it would be or be only for the people onsite. He stated the issue is if they allow people to come onto the property that are not in an RV spot then parking would have to be expanded. The biggest concern for staff was a whole new set of parking lots would be needed at the facility. Chairman Zalak expressed support for staff's idea to utilize the current spaces there as parking is better for the environment, and the park and the rural character.

Mr. Rison advised that Transportation Impact Fees (TIFs) are accessible to those facilities per the Code.

Commissioner Stone stated the Board has received testimony that this is not an amusement park and the day usage will be by reservation.

In response to Mr. Minter, Mr. Roberts advised that when booking the RV spot the number of people included on the reservation is limited to 6. He stated any one obtaining a day pass would pay per person and not by the car.

General discussion ensued.

Commissioner Bryant questioned what is the parks capacity. Mr. Roberts advised that the full capacity for people in the pool under standards is 840 people.

In response to Commissioner Bryant, Mr. Roberts advised that hours of operation have not been established, noting it will be part of the operational plan and comply with any noise Ordinance established by the County.

Mr. Wiseman advised that the pool opens at 8:00 a.m. and closes at 10:00 p.m.

Commissioner Bryant clarified that the maximum capacity of day passes that can be sold if there were no RV units in the park would be 840.

Mr. Roberts concurred, noting a parking plan will be in place.

In response to Commissioner Curry, Mr. Roberts advised that the bar is an amenity developed within the resort, which is similar to other entities within the same zoning classification.

Mr. Minter concurred.

Commissioner Stone questioned if this would be a timeshare resort. Mr. Roberts advised that it is not.

Mr. Wiseman stated Marion County residents will receive a discount to the location. He advised that they have a nonprofit where 10% of all profits are deposited, noting those funds go back into the community where the facility is located. Mr. Wisemen stated Jimmy Buffet started Save the Manatee Foundation with Governor Bob Graham many years ago, noting they are happy to be in the community and give back.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to adopt Resolution 26-R-49 approving the PUD modification with Conditions 1 through 6, as amended below, agreeing with Growth Services staff and the P&Z Commission

recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was approved 4-1 with Commissioner Curry dissenting.

Resolution 26-R-49 includes the following Conditions:

1. The PUD shall be developed consistent with the submitted PUD Conceptual Plan (12/13/2010), the Cover Memo revisions, and the conditions provided with this approval below.
2. The PUD developer will submit a supplemental Traffic Study to further analyze the CR Hwy 318 and NW 45<sup>th</sup> Avenue Road intersection, as required by the County Engineer, and provide any necessary transportation improvements (access/operation and/or system) identified by the supplemental Traffic Study, with the required improvements being completed in a manner and timeline subject to approval by the County Engineer.
3. The PUD may be developed with up to 490 RV Park vehicle "lots" and/or park model "lots" with recreational and community amenities. The developer/operator may allow use of the RV Park's recreational and community amenities for non-RV Park "lot" occupants through a day-use pass program allowing a daily maximum of 840 day-use passes for individual persons, consistent with this PUD Modification (PUD 260207ZP) consideration and approval and the Marion County Land Development Code.
4. The PUD site must comply with the County's LDC Division 6.19 outdoor lighting standards, including requirements for lighting be shielded so as to not cast direct lighting off-site, and a photometric plan must be provided during major site plan review to ensure no negative impacts to neighboring parcels.
5. The development project and amenities shall reflect those as indicated in the Exhibit "A" Series attached here consisting of the 1) PUD Conceptual Plan (12/13/2010), 2) Conceptual Plan Revisions, 3) Phase 1 Major Site Plan Application Request (AR) No. 26526, 4) Phase 2 Major Site Plan AR No. 30456, 5) Amenity Complex Site Plan Building Permit (BP) No. 2025010996, and 6) Amenity Center Building Plan BP No. 2025065754.
6. The addition of any amenity facilities that may result in an increase in the capacity of the development amenities, particularly the amenity facilities #5 and #6 as listed in prior condition #5, and those particularly those accommodating any increase in day-use pass volumes, shall require approval of the Board of County Commissioners consistent with the LDC effective at the time of such an application.

#### **15.4. Adoption of Ordinance**

##### **15.4.1. Zoning**

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

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to adopt Ordinance 26-04 amending the Marion County Zoning Map pursuant to individual

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decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 26-04 is entitled:

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

There being no further business to come before the Board, the meeting thereupon adjourned at 7:11 p.m.

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Carl Zalak, III, Chairman

Attest:

\_\_\_\_\_  
Gregory C. Harrell, Clerk

DRAFT