

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

June 11, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in a special session in Commission Chambers at 1:35 p.m. on Tuesday, June 11, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN MICHELLE STONE

Chairman Stone advised that the public hearing was scheduled this afternoon to consider a Resolution for Freedom Crossings Preserve Phase 1 and Phase 2 Municipal Service Benefit Unit (MSBU) for General Maintenance and Capital Improvements.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Vice-Chairman Kathy Bryant, District 2 arrived shortly after the meeting commenced. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Mills-McAllister presented proof of publication of a display ad No. 10185669 entitled, "Notice of Public Hearing for Non-Ad Valorem Assessments" published in the Star Banner newspaper on May 22, 2024. The Notice states the Board will consider the adoption of non-ad valorem assessment rolls and establish the amount of the non-ad valorem assessments (Freedom Crossing Phase 1 & 2).

(Ed. Note: Deputy Clerk Mills-McAllister was also in receipt of proof of publication of a display ad No. 10185528 entitled, "Notice of Public Hearing for Non-Ad Valorem Assessments" published in the Star Banner newspaper on May 22, 2024. The Notice states the Board will consider the adoption of non-ad valorem assessment rolls and establish the amount of the non-ad valorem assessments (Greystone Hills Phase 1 & 2) and proof of publication of a display ad No. 10185681 entitled, "Notice of Public Hearing for Non-Ad Valorem Assessments" published in the Star Banner newspaper on May 22, 2024. The Notice states the Board will consider the adoption of non-ad valorem assessment rolls and establish the amount of the non-ad valorem assessments (Deer Path North).

Commissioner Bryant arrived at 1:37 p.m.

County Administrator Mounir Bouyounes advised that there will be a total of 3 public hearings today (Freedom Crossings, Deer Path North and Greystone Hills). He stated certified mailings were sent to residents in those subdivisions, but staff has received a lot of complaints that the notices were not received. Mr. Bouyounes advised that in some

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instances the Homeowner's Association (HOA) has been collecting fees for the same purpose as what is included in the Ordinance. He stated the Legal Department has expressed some concerns relating to the issues, noting he has not had a chance to discuss in detail to determine if any changes are needed in the Land Development Code and possible modification of the process going forward. Mr. Bouyounes advised that staff is prepared to present today, but based on legal concerns the Board may need to hold off on making a decision today.

Mr. Minter recommended the Board not take action on these items today, noting more review is necessary.

Mr. Bouyounes opined that the Board should take public comment to allow the individuals who are present today to speak.

Commissioner Zalak stated since the County Administrator is withdrawing all three public hearings the Board should just take public comment and wait to discuss until it is brought back before the Board.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to withdraw the public hearings for Deer Path North MSBU for General Maintenance and Capital Improvements; Freedom Crossings Preserve Phase 1 and Phase 2 MSBU for General Maintenance and Capital Improvements; and Greystone Hills Phase One and Phase Two MSBU for General Maintenance and Capital Improvements.

Chairman Stone advised that the public hearings will not be heard today, but the Board will allow for public comment.

MSTU Director Chad Wicker presented 1 letter of objection for Freedom Crossing and 3 letters of opposition for Greystone Hills.

PUBLIC COMMENT

Chairman Stone opened the floor to public comment relating to Freedom Crossings Preserve Phase 1 and Phase 2 MSBU for General Maintenance and Capital Improvements.

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

Chairman Stone opened the floor to public comment relating to Deer Path North MSBU for General Maintenance and Capital Improvements.

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

Chairman Stone opened the floor to public comment relating to Greystone Hills Phase One and Phase Two MSBU for General Maintenance and Capital Improvements.

Anthony Delagardio, SW 87th Street, advised that he did not get his notice about today's hearing until a couple of days ago. He stated the community takes care of micro road repairs, pool maintenance, signage and lawn care. Mr. Delagardio expressed concerns with the increased costs.

Chairman Stone advised that the Resolution requests have been withdrawn and should they come back before the Board the notifications will be sent by certified mail.

Commissioner Bryant advised that several years ago the Board began requiring the implementation of MSBUs when new developments are created to ensure maintenance of the roads.

Mr. Delagardio stated with basic maintenance a road may not need to be completely redone in 20 years.

Mr. Bouyounes advised that the MSBU regulation was put in place in 2013 due to many years of developers creating subdivisions, implementing an HOA, the HOA failing and 15 years later the County is left with subdivision roads in disrepair and requiring capital

maintenance. He stated the purpose was to have a mechanism in place to collect funds for future maintenance when needed.

In response to Commissioner Bryant, Mr. Delagardio advised that he was not notified of the future MSBU when closing on his home in 2022.

Mr. Delagardio opined that the proposed amount to be collected will not be enough to resurface the subdivision.

Mr. Bouyounes advised that the proposed fees are based on the assumed cost 20 to 25 years from now. He stated the intention of this fund is to collect for future resurfacing and to take care of annual maintenance.

Chairman Stone advised that public comment is now closed.

BOARD DISCUSSION

Commissioner Curry expressed concern with why the mail is not being delivered. He stated the Ordinance is not triggered until 50 percent (%) of the lots are developed.

In response to Commissioner Curry, Mr. Delagardio advised that the monthly HOA dues are \$100.00 and include micro road repairs (potholes and things of that nature).

Mr. Wicker advised that the notifications are being sent via certified mail with return receipt, noting when tracking the letter it is determined that the post office has informed the resident that there is a piece of mail waiting for them to pick up at the post office. He stated some citizens have indicated that they are not receiving the notification from the post office.

In response to Commissioner Curry, Mr. Wicker advised that according to Policy 23-01 certified mail is only required during the petition process.

Commissioner Curry questioned if the Ordinance requires 50% of the lots to be developed prior to the Ordinance being enacted. Mr. Bouyounes advised that Board Policy 23-01 dictates that the Special Assessment will commence when 50% of the homes receive a Certificate of Occupancy (CO), noting the Ordinance is already in place. He stated the rate Resolution has to be approved prior to collection.

Mr. Bouyounes advised that the Board could begin the collection in the first year of a development, but developers will oppose due to them still owning all the lots and the cost of the assessments.

Commissioner Zalak opined that the collection should begin when the property is transferred from the developer to the new property owner.

General discussion ensued.

Commissioner Bryant commented on the importance of people being noticed of the MSBU when purchasing a home.

In response to Commissioner Zalak, Mr. Minter advised that a requirement for the legality of a Special Assessment is the Board has to be able to demonstrate there is a special benefit for the people paying the assessment, noting if the person is not going to see the benefit for 20 years than there may be an issue. He advised that the Ordinance addresses maintenance, not capital improvements.

PUBLIC COMMENT – Continued.

Chairman Stone opened the floor to public comment relating to all three subdivisions.

Paul Ward, Freedom Crossing Preserve, SW 92nd Place, addressed the late notice of the events taking place, which did not leave a lot of time to become informed. He advised that the community is advertised as not having Community Development District (CDD) fees.

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Mr. Minter advised that what is being proposed is not a CDD or an HOA, noting this is for an MSBU.

Mr. Ward requested more information be provided to the community to ensure they understand what is taking place.

In response to Mr. Bouyounes, Mr. Ward advised that the Freedom Crossing Preserve HOA fees are \$100.00 per month

Commissioner Zalak questioned what services are included in the HOA. Mr. Ward stated the fee includes grounds maintenance, well maintenance, management fees, community decorations and events, as well as insurance, reserves, irrigation, landscaping, general repairs, postage, lakes, ponds, waterways, electricity for common use areas, website management, signage, bank fees, bad debt, legal fees, accounting fees, and corporate annual reports.

Commissioner Curry out at 2:06 p.m.

Chairman Stone advised that public comment is now closed.

Commissioner Curry returned at 2:07 p.m.

CLOSING COMMENTS

Chairman Stone advised that all three public hearings have been withdrawn and no action will be taken today. She stated should these be brought back before the Board staff will ensure ample time for the mailings to go out to citizens via certified return receipt requested mail.

There being no further business to come before the Board, the meeting thereupon adjourned at 2:07 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk