

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

November 21, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in a special session in Commission Chambers at 2:00 p.m. on Thursday, November 21, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN KATHY BRYANT

Chairman Bryant advised that the public hearing was scheduled this afternoon to consider a Resolution authorizing per parcel assessment for Dunnellon Oaks Road Improvement Project.

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 Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; and Commissioner Matthew McClain, District 3. Commissioner Michelle Stone, District 5, was absent due to a prior commitment. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and Assistance County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Lewter presented Proof of Publication of a display ad entitled, "Notice of Hearing to Impose and Provide for Collection of Special Assessments in Dunnellon Oaks Improvement Area" published in the Star Banner newspaper on October 31, 2024. The Notice states the Board will consider creation of the Dunnellon Oaks Improvement Area and imposition of special assessments for the construction of road improvements.

STAFF PRESENTATION

Public Hearing to Consider Adoption of a Resolution Authorizing a Per Parcel Unit Assessment for Dunnellon Oaks Improvement Project and Award Bid: 24B-245 to Counts Construction Company, Inc., Ocala, FL

Municipal Service Director Chad Wicker presented the following recommendation:

The proposed project consists of approximately 2.2 miles of non-County maintained unpaved roadway to be paved, the construction of 4 drainage retention areas, and installation of stormwater infrastructure within Dunnellon Oaks Improvement Area.

Construction costs for this project is \$1,759,402 with the per parcel unit assessment at \$13,585.89 before being bonded annually. For the Board's consideration is a 15-Year Assessment Period with an annual payment of \$1,399.87 totaling \$20,998.05 per parcel unit.

This is a petition-based road improvement project. On December 6, 2022, the Board agreed that design and bidding for construction of the Dunnellon Oaks

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Improvement Area could proceed. The Final Assessment Resolution was adopted on November 21, 2024.

On behalf of Municipal Services, Procurement advertised Bid 24B-245 seeking experienced and qualified contractors. Six (6) submittals were received with Counts Construction Company, Inc. providing the lowest bid as seen in the tabulation below:

Firm Name - City	Bid
Counts Construction Company, Inc. - Ocala, FL	\$1,759,401.78
Marion Rock, LLC - Ocala, FL	\$1,914,925.70
Pave-Rite, Inc. - Lecanto, FL	\$2,072,359.61
Art Walker Construction, Inc. - Ocala, FL	\$2,134,491.78
Integrity Site Development - Anthony, FL	\$2,171,944.79
C.W. Roberts Contracting, Inc. - Ocala, FL	\$3,455,052.75

A Community meeting was held on November 12, 2024, to update property owners on the project scope and costs.

Budget/Impact: Neutral; expenditure of \$1,759,402.

Recommended Action: Motion to Adopt a Resolution authorizing per parcel unit assessment for a 15-Year assessment period for Dunnellon Oaks Improvement Area and certify the Assessment Roll to the Tax Collector; and Motion to award Project 24B-245 Dunnellon Oaks Improvement Area to Counts Construction Company, Inc., and authorize Chairman and Clerk to execute contract upon approval by Legal.

Municipal Service Director Chad Wicker presented a 140 page Agenda packet to follow along with the PowerPoint presentation and 4 electronic mails (emails) received in favor of the road assessment. He provided a brief history of the proposed project. The subdivision was platted in 1959 and the roads were dedicated public. The roads are currently unpaved and the subdivision has not been accepted for maintenance into the County. Mr. Wicker advised that the project will consist of 2.2 miles of roadway, the construction of 4 drainage retention areas (DRAs) and installation of stormwater infrastructure. He stated approximately 23 percent (%) of properties are homesteaded and 40% have structures. The average property value for the subdivision for improved lots is \$201,994.45 and unimproved is \$10,161.00.

Mr. Wicker reiterated the project will contain 4 DRAs to manage stormwater runoff, 29 stormwater inlets for water collection and 3,238 linear feet of reinforced concrete drainage pipe for water conveyance and storage. He referred to the map on the overhead screens, which shows the proposed locations of the DRAs and stormwater inlets.

Mr. Wicker advised that the new roadway construction will be built to Municipal Services "Citizen Standard", which is a minimum of 6 inches limerock base course, 8 inch stabilized subgrade and a minimum of 1.25 inch compacted asphaltic concrete. He stated when a potential project is created within the County it is put out to bid and the policy is to award the contract to the lowest qualified bidder, noting in this case Counts Construction Company, Inc. was the lowest bid.

Mr. Wicker stated the loaded cost for the project is a little over \$2,500,000.00, which includes engineering, legal fees, purchase of the DRAs and other fees. He advised that the per parcel assessment is \$13,585.89, noting the annual assessment will be spread across 15 years in the amount of \$1,399.87 per year.

Mr. Wicker advised that this is the final public hearing, noting if not approved today the project will stop. If it is approved staff will move forward with the construction phase, which would start around the first week of January 2025.

In response to Commissioner Curry, Mr. Wicker advised that the community was originally petitioned in 2022, noting 76.3% were not in favor of the project. He stated the matter was brought back before the Board with only the back portion of the development and included infrastructure for stormwater and at that time direction was given to proceed with the project.

PUBLIC COMMENT

Chairman Bryant opened the floor for public comment.

Odum Smith, SW 115th Place, Dunnellon, advised that the residents were originally told the assessment would cost \$10,000.00. He questioned if the Builder would be willing to pay the difference in cost from the previously quoted amount and the entire cost for those houses that had flooding issues, as well as pay for the improvements needed to the mailbox area. Chairman Bryant advised that the Builder is not participating in this project. She stated each person when purchasing their home should have been notified of the road improvement costs.

Mr. Smith stated he was told at the time of purchase the cost of the project would be \$10,000.00

Chairman Bryant questioned if any documents were signed relating to the quoted price. Mr. Smith stated he signed a document during the closing when purchasing the home.

Sara McDonald, SW 115th Place, Dunnellon, advised that she purchased her home in July of 2023 and she was notified that if the roads were to be paved it would cost her approximately \$10,000.00, noting this was included in the title documents. She stated the pavement process would be through the County and not done by the developer or builder. Ms. McDonald advised that a majority of the residents did not live in Dunnellon Oaks when the roads were originally brought to vote.

In response to Chairman Bryant, Ms. McDonald advised that her closing documents stated the estimated cost to pave the roads was approximately \$10,000.00.

Martie Sonenberg, SW 115th Place, Dunnellon, advised that she was the first person to move into this development, noting she closed on her home on January 29, 2023. She stated she was informed that the roads were going to be built in February of 2023 and it was not until much later in the year that she was told the roads would cost approximately \$10,000.00. Ms. Sonenberg commented on the condition of the existing roads and expressed support for the road project.

Donald Loll, SW 115th Place, Dunnellon, advised that the original document provided showed the cost between \$9,300.00 and \$10,300.00, noting it did state it was an estimated range. He stated residents were aware upon purchasing that they would be paying that cost. Mr. Loll urged the Board to approve the project.

Steven Swett, SW 93rd Loop, Dunnellon, expressed appreciation to Municipal Services staff for all their assistance. He advised that he owns 4 vacant lots in the subdivision. Mr. Swett commented on the misinformation provided to the original buyers in the neighborhood and opined that the developer should be responsible for the roads.

Celio Chaves, SW 115th Place, Dunnellon, expressed support for the project. He addressed flooding and safety issues associated with the existing dirt roads.

Jeff Shields, SW 177th Court, Dunnellon, questioned if the developer is going to pave the first two blocks of road that are already asphalt. Mr. Wicker advised that if the petition

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does pass the developer has agreed to overlay the front two roads.

Mr. Shields advised of a letter he, along with several other residents, received from the developer stating they will pay the assessment for them. He questioned if there is anything that can be done to enforce the letter.

ACA Tracy Straub advised that this project came forward because there is a builder that had acquired a number of the lots within the community (less than half) who came to the County during a Board meeting and stated if the project could take place he would pay for the assessment for the individual owners that were already in the rear of the subdivision.

Chairman Bryant advised that staff took in consideration the promise of the builder when calculating the costs for the project.

Ms. Straub stated everyone received their assessment notice showing the amount owed. She stated the payment made by the builder for those lots will be part of the initial buy down upfront, which may impact the interest.

Mr. Shields advised that the bill will be in his name and expressed concerns on what will happen if the builder does not pay the assessment as promised.

Mr. Minter advised that the letter is a unilateral commitment to pay, noting it would not be a contractual agreement. He stated a formal contract signed by both parties would be needed if they want to have a protectable right. Mr. Minter opined that there is no reason to think the builders will not honor their commitment.

In response to Mr. Shields, Mr. Wicker advised that the number of parcels included in the assessment are 169 and the number of lots is 187, noting there are some lots that have combined their parcels. He stated a tax roll can be provided showing the parcels included in the project.

Pedro Reyes, SW 113th Place, Dunnellon, expressed support for moving forward with he project. He commented on the safety of the residents, noting emergency services need to be able to access the homes.

Paul Doucett, SW 114th Street, Dunnellon, commented on the current condition of the roads. He opined that the road project is necessary.

Matt Fabian, SE 28th Street, advised that he and his business partner (Dunnellon Oaks Developers) are developers, but they are not the developer of this subdivision, despite the company name. He stated they purchased 128 lots within Dunnellon Oaks. Mr. Fabian advised that after seeing the conditions of the roads they knew something needed to be done, but the economics did not make sense for them to take on the project for the over 300 lots. He stated Dunnellon Oaks Developers offered to resurface the front two roads as well as pay for 8 of the existing homeowners assessments. Mr. Fabian stated as soon as the Board decided to move the process forward he alerted Aldena Contracting, the builder, who ensured every real estate listing had a disclaimer that the property was under study for MSTU, as well as included an estimated range document required to be signed at the closing table.

In response to Commissioner Curry, Mr. Fabian advised that there are 187 lots in the MSTU range, noting the entire subdivision has over 300 lots. He stated the front 2 roads of the subdivision are paved, noting Dunnellon Oaks Developers has agreed to pay to resurface those roads. Mr. Fabian stated the 8 lots they have agreed to pay the assessments for were constructed prior to the MSTU meeting in 2022.

Mr. Minter questioned how Dunnellon Oaks Developers will handle the payment of the assessment for those 8 individuals. Mr. Fabian advised that the company can pay the County directly for those assessments.

Mr. Wicker advised that the developer can pay for those directly to the Clerk of Court, who will notate Dunnellon Oaks Developers made the payment.

In response to Chairman Bryant, Mr. Fabian stated the assessments will be paid in full up front.

Commissioner Zalak requested a receipt of payment be sent to the homeowners.

Mr. Wicker advised that the Clerk sends the MS Department a monthly report showing who has paid off an assessment.

General discussion ensued.

Ms. Straub advised that the estimated price from 2022 does not include the cost for addressing the drainage issues, noting the assessment was for paving only. She stated the updated price is for paving, construction of DRAs, and to install a stormwater system. In response to Chairman Bryant, Mr. Swett stated he had combined his 4 lots.

General discussion resumed.

Laudi Medina, SW 114th Lane, Dunnellon, advised that she is in support of the road project, but she only agreed to the \$10,000.00 cost.

Chairman Bryant stated the original cost was just an estimate and did not include the drainage.

Ms. Straub clarified that the original estimate was a paper estimate that was done and did not have a hard bid. She stated the cost provided was for pavement only.

In response to Mr. Smith, Chairman Bryant advised that any issues or deals made with the builder will have to be addressed directly with the builder, noting the Board does not get involved with those disputes.

Sandra Griggs, SW 177th Court, Dunnellon, expressed support for the project and questioned if she can pay the assessment off sooner than 10 years. Chairman Bryant advised that she could, noting paying it off early would reduce the interest.

Ms. Griggs questioned why a loan was needed to pave the road, instead of the County paying for the cost upfront. Chairman Bryant advised that property taxes do not pave roads and the County does not go into private subdivisions to pave roads. She stated anyone interested in County finances can go the Clerk of Court website, which contains the Comprehensive Annual Financial Report (CAFR). This report shows revenue and expenditures for the County.

Natalie Skorlinski, SW 115th Place, Dunnellon, commented on the Florida Statute (FS) relating to roads.

Chairman Bryant advised that the Statute Ms. Skorlinski read was for public roads, noting subdivision roads are considered private.

Commissioner Zalak commented on the road issues associated with old platted subdivisions.

Ms. Skorlinski expressed support for the road project.

Chairman Bryant advised that public comment is now closed.

BOARD DISCUSSION

Chris Traber, Bond Counsel, Nabors Giblin & Nickerson P.A., provided a brief overview of how these types of projects are financed. He advised that the proposed rate is the maximum annual amount per year, noting depending on interest rates the cost may be lower.

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CLOSING COMMENTS

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Resolution 24-R-548 approving the per parcel assessment for Dunnellon Oaks Improvement Area and to certify the Assessment Roll to the Tax Collector. The motion was unanimously approved by the Board (4-0).

Resolution 24-R-548 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION OF ROAD IMPROVEMENTS; CREATING THE DUNNELLON OAKS IMPROVEMENT AREA; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; ESTABLISHING THE MAXIMUM AMOUNT OF THE ANNUAL ASSESSMENT FOR EACH PARCEL UNIT; IMPOSING ASSESSMENTS AGAINST REAL PROPERTY WITHIN SUCH IMPROVEMENT AREA; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to award of Project 24B-245 Dunnellon Oaks Improvement Area Project to Counts Construction Company, Inc., and authorize the Chairman and Clerk to execute contract upon approval by Legal. The motion was unanimously approved by the Board (4-0).

There being no further business to come before the Board, the meeting thereupon adjourned at 2:51 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk