

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

April 15, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, April 15, 2025, at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The meeting opened with invocation by Clerk Gregory C. Harrell and the Pledge of Allegiance to the Flag of our Country.

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were 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 Bryant addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 13.2.1).

1. PROCLAMATIONS AND PRESENTATIONS:

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

1.1. PROCLAMATION – Child Abuse Prevention Month - Dawn Westgate, Executive Director, Kimberly's Center (Approval and Presentation)

The Board presented the Proclamation designating the month of April 2025 as "Child Abuse Prevention Month" to Kimberly's Center Executive Director Dawn Westgate.

Ms. Westgate expressed her appreciation to the BCC and the community for their support and help with the expansion of Kimberly's Center facility. She advised that child abuse is a terrible thing and children in Marion County should not have to endure that kind of pain, but we are very blessed to have a community that stands behind those children. Ms. Westgate stated Kimberly's Center has incredible partners in this work who take a stand against child abuse. She invited the community to join them in taking a stand by getting involved with any of the organizations that are listed on the Proclamation. Ms. Westgate commented on several events happening this month, noting there are 2 opportunities to come out and support the organization at the Brick City Beer and Wine Festival this Saturday, April 19, 2025, and then the following Saturday April 26, 2025 at the "Race Against Child Abuse" out at Calessa Township.

1.2. PROCLAMATION – Sexual Assault Awareness Month - Betsy Weber, Executive Director, Marion County Sexual Assault Center (Approval and Presentation)

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The Board presented the Proclamation designating the month of April 2025 as “Sexual Assault Awareness Month” to Marion County Sexual Assault Center Executive Director Betsy Weber and several other Sexual Assault Center Board representatives.

Ms. Weber expressed her appreciation to the BCC for its support over the years. She advised that the organization is partnering with many nonprofits in the community to help provide services to those who have experienced sexual violence.

Ms. Weber invited citizens to come, take a tour of the facility and check out some of the services that they are able to provide. The local phone number is (352) 484-1002. The Center also has a crisis hotline that is available 24 hours per day, 7 days a week (24/7) if anybody is ever in crisis, somebody from the Center will answer their call and arrange to provide immediate support. The website is www.marionsexualassaultcenter.org

Sexual Assault Center President Sara Allen Lambert advised that when the original Center closed almost 2 years ago, her husband, who is a prosecutor, came home and stated something needed to be done because his office had no means of advocating for these victims in the way that needed to be done. She advised that services needed to be handled by a nonprofit organization in the community who can donate time and attention to the victims. Ms. Lambert advised that the organization was able to form the new Center through a lot of fundraising and the assistance of the BCC, Marion County Community Services Department, City of Ocala, and the Marion County Hospital District (MCHD). She advised that now the organization is able to provide victims of sexual violence with 360 degree holistic advocacy services, which can be anything from accompanying them to their court hearing or providing them with therapy or just being there when they need someone to speak with.

1.4. PROCLAMATION – National Public Telecommunicators Week - Lisa Cahill, Director, Public Safety Communications (Approval and Presentation)

The Board presented the Proclamation designating the week of April 13 through 19, 2025 as “National Public Safety Telecommunicators Week” to Public Safety Communications Director Lisa Cahill and several representatives from the Public Safety Communications (PSC) Department.

Ms. Cahill commented on the emergency calls staff receive daily from citizens in crisis who need help, noting those are the calls that stick with them long after the call has ended. She expressed her appreciation to the Board for its support in recognizing these heroes that perform an incredible job every day.

Commissioner Zalak advised that telecommunicators stay on that call until emergency response teams get there, noting staff are trained and can help coach someone through cardiopulmonary resuscitation (CPR), etc., until help arrives.

Ms. Cahill provided a brief overview of the celebration events to be held to honor Marion County telecommunicators.

1.3. PROCLAMATION – National Volunteer Appreciation Week - Kyra Lynch, Marion County Animal Services Director (Approval and Presentation)

The Board presented the Proclamation designating the week of April 20 through 26, 2025 as “National Volunteer Appreciation Week” to Animal Services Director Kyra Lynch and several Animal Shelter volunteers.

Ms. Lynch expressed her appreciation to the volunteers, as well animal foster families for everything they do, noting the Shelter could not save the lives that are saved without their

support and help. She introduced the Department's new Volunteer Coordinator Mandy Maddox.

Ms. Maddox expressed her appreciation to all of the volunteers.

1.5. PRESENTATION – Employee Service Awards - Sara Caron, Director of Human Resources (Approval and Presentation)

Human Resources (HR) Director Sara Caron presented the following recommendation:

Description/Background: The Marion County Board of County Commissioners feels it is important to recognize employees for their years of service to the County. For our recognition ceremony, we want to acknowledge those employees who have achieved 15 years of service or more.

Because of the Board's continual and generous support of its employees, the Marion County Board of County Commissioners would like to present the following Employee Service Awards as attached.

Budget/Impact: None.

Recommended Action: Presentation of appropriate awards to the employees on the attached list.

The BCC, along with HR Director Sara Caron presented Employee Service awards to the following:

Employee Service Awards
January - March 2025

<u>35 Years</u>		
Name	Department	Position Title
Kimberly Hatcher	Growth Services	Growth Services Coordinator
<u>30 Years</u>		
Name	Department	Position Title
Thomas Northey	Information Technology	Information Technology Director
<u>25 Years</u>		
Name	Department	Position Title
John Asbell	Fire Rescue Services	Lieutenant
Jeffrey Askew	Veterans Services	Veterans Services Director
Alfred Butler	Solid Waste	Solid Waste Supervisor
Ralph Heitmuller	Information Technology	Senior Business System Analyst
Joshua Mitchell	Fire Rescue Services	Driver Engineer I
<u>20 Years</u>		
Name	Department	Position Title
Frank Blackwelder	Court Administration	Systems Administrator
Michael Burkhart	Fire Rescue Services	Lieutenant
Kevin Christensen	Fire Rescue Services	Captain
Daniel Garcia	Fire Rescue Services	Captain
Kyle Grace	Fire Rescue Services	Driver Engineer I
Evan Hurst	Fire Rescue Services	Captain
Patricia Jemery	Growth Services	Administrative Staff Assistant
Bradley Olmsted	Fire Rescue Services	Division Chief
Brett Remillard	Fire Rescue Services	Firefighter
Seth Rowe	Fire Rescue Services	Driver Engineer I
Christopher Trubelhorn	Fire Rescue Services	Captain
Sean Walker	Fire Rescue Services	Driver Engineer I

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15 Years

Name	Department	Position Title
Kyle Lunden	Fire Rescue Services	Driver Engineer I
Elizabeth Madeloni	Growth Services	Development Review Coordinator

HR Director Sara Caron provided highlights of accomplishments relating to the various individuals celebrating anniversaries ranging from 15 to 35 years of service to Marion County and its citizens.

1.6. PROCLAMATION – First Baptist Church of Dunnellon (Ratification Only)

The Board ratified the Proclamation recognizing the First Baptist Church of Dunnellon for its service to the community for over 125 Years.

1.7. PROCLAMATION – National Day of Prayer (Approval Only)

The Board approved the Proclamation recognizing May 1, 2025 as “National Day of Prayer”.

1.8. PROCLAMATION – National Community Development Week (Approval Only)

The Board approved the Proclamation recognizing the week of April 21-25, 2025 as “National Community Development Week”.

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

Chairman Bryant opened the floor for public comment.

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

Commissioner Bryant out at 9:37 a.m.

City of Dunnellon Mayor Walter Green addressed the Board in regard to Consent Agenda Item 8.1. (Agreement between the Marion County Sheriff's Office (MCSO) and the City of Dunnellon). He expressed his appreciation to City staff and to the MCSO for working so diligently to draft the Agreement for law enforcement services within the City of Dunnellon. Commissioner Bryant returned at 9:39 a.m.

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

Chairman Bryant advised that public comment is now closed.

Chairman Bryant requested Board consensus to move Agenda Item 8.1. forward for Board consideration at this time. It was the general consensus of the Board to concur.

8. COUNTY ATTORNEY:

8.1. Request Approval of Agreement for Law Enforcement Services Between William “Billy” Woods, as Sheriff of Marion County, Florida, the Board of County Commissioners of Marion County, Florida and the City of Dunnellon

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

Description/Background: The City of Dunnellon is requesting the Sheriff of Marion County to furnish law enforcement services within Dunnellon and duly perform all necessary and appropriate functions, actions and responsibilities of law enforcement agency for Dunnellon.

The Dunnellon City Council has determined that entering into this agreement is in the best interests of the health, safety, and welfare of the citizens of the City of Dunnellon and general public. Based on this agreement, Dunnellon shall pay the County \$64,043 per month (\$10,673.83/deputy x 6 deputies).

This agreement between Dunnellon and the Sheriff requires the concurrence of the Board of County Commissioners of Marion County.

Budget/Impact: Neutral.

Recommended Action: Motion to approve agreement for Law Enforcement Services Between William "Billy" Woods, as Sheriff of Marion County, Florida, the Board of County Commissioners of Marion County, Florida and the City of Dunnellon.

County Attorney Matthew G. Minter advised that as Mayor Green indicated, the City of Dunnellon has found it is in the public's interest for its residents to receive all law enforcement services from the MCSO, noting the two parties have worked out the details of the Agreement. The County is required to be a party to this Agreement; however, the County is really not undertaking any obligations as part of this Agreement. He clarified that as far as the revisions to what was originally in the package, at his request, staff added some language that expressly said that Marion County is not assuming any obligation as far as the policies that the City is undertaking, and the County is certainly not presuming to control the operations of the MCSO and its performance of its duties under this Agreement. Mr. Minter advised that there was one other change where the original draft referred to some sections of the City Charter concerning the powers of the Police Chief that were now being delegated to the Sheriff, noting staff have now placed those provisions in a footnote for clarity.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve the revised agreement for Law Enforcement services between William "Billy" Woods, as Sheriff of Marion County, the BCC, and the City of Dunnellon. The motion was unanimously approved by the Board (5-0).

3. ADOPT THE FOLLOWING MINUTES: (1 set)

3.1. December 11, 2024

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt the meeting minutes of December 11, 2024. 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. coincides with Consent Agenda Items 7.1.3. and 7.6.1.; and Budget Amendment Resolution 5.1.4. coincides with Consent Agenda Items 7.1.4. and 7.6.1. He advised that Budget Amendment Resolution 5.1.5. had a scrivener's error in the amount of \$1.00 on the cover memo; however, the Resolution has the correct amount which is \$192,517.00.

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Upon motion of Commissioner McClain, seconded by Commissioner Stone, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Clerk Harrell; as well as approving Consent Agenda Items 7.1.3., 7.1.4. and 7.6.1.

5.1.1.a. 25-R-120 - Budget Transfer from Law Enforcement Trust Fund to MSTU for Law Enforcement - \$5,000

5.1.1.b. 25-R-121 - Budget Transfer from to MSTU for Law Enforcement to Sheriff Patrol CID – TR - \$5,000

5.1.2. 25-R-122 - Fine and Forfeiture Fund - Sheriff Regular Transfer - \$328

5.1.3. 25-R-123 - General Fund - Animal Services Capital - \$1,000,000

5.1.4. 25-R-124 - General Fund - Animal Services Capital - \$4,700,000

5.1.5. 25-R-125 - General Fund Grants - Continuum of Care Challenge - \$192,517

5.1.6. 25-R-126 - Infrastructure Surtax Capital Projects Fund - Surtax Capital Projects - \$605,053

5.1.7.a. 25-R-127 - Marion County Utility Fund - Utilities Management- \$20,000

5.1.7.b. 25-R-128 - Marion County Utility Fund - Utilities Water System - \$25,000

5.1.7.c. 25-R-129 - Marion County Utility Fund - Utilities Wastewater System - \$25,000

5.1.8. 25-R-130 - MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$6,593

5.1.9. 25-R-131 - MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$55,805

5.1.10. 25-R-132 - MSTU for Law Enforcement - Sheriff Patrol CID Transfer - \$56,686

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

5.2. Clerk of the Court Items

5.2.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 040751, 040758, 047156, 047524, 047782, 049624, 050214, 54045, 54046 and a list from Fire Rescue.

Clerk Harrell advised that this Item coincides with Consent Agenda Item 7.1.5. (request for disposition and transfer of five (5) vehicles to the Department of Environmental Protection (DEP)).

A motion was made by Commissioner Stone, seconded by Commissioner McClain, for discussion of Clerk Agenda Item 5.2.1. and Consent Agenda Item 7.1.5.

Commissioner McClain stated it was his understanding that the County was required to provide those vehicles to the Department of Health (DOH), but are no longer required to provide them to the DEP. He questioned whether the Board would want the County Administrator to find some other use for these vehicles.

General discussion ensued.

Chairman Bryant opined that it would be appropriate to transfer the vehicles over to DEP this time; however, going forward the County should address this matter during the budget process. It was the general consensus of the Board to concur.

In response to Chairman Bryant, Mr. Bouyounes stated the value of the 5 vehicles is approximately \$30,000.00 and the age of the vehicles ranges from 2007 to 2016. He clarified that the County was obligated to provide the vehicles to the DOH for septic tank permitting tasks; however, now that those tasks have been moved over to the responsibility of the DEP the County no longer has an obligation to provide them.

Commissioner Curry stated he had no issues transferring the vehicles to DEP since they are fulfilling an important service to the citizens of Marion County.

General discussion resumed.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve the Acquisition or Disposition of Property Forms authorizing changes in status, as follows: 040751, 040758, 047156, 047524, 047782, 049624, 050214, 54045, 54046 along with the list from Fire Rescue with the exception of the 5 vehicles listed in Agenda Item 7.1.5.; and to direct staff to bring back Agenda Item 7.1.5. for BCC consideration at a later date. The motion was unanimously approved by the Board (5-0).

Commissioner Zalak commented on Agenda Item 1.3 and expressed his appreciation for the wonderful donations provided from citizens to the Marion County Animal Shelter (MCAS), including \$4,700,000.00 from the Roberts family and \$1,000,000.00 from the St. Bernard Foundation. He expressed his appreciation to ACA Angel Roussel for his hard work on this matter.

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

Mr. Bouyounes advised of a revision to Consent Agenda Item 7.6.6., noting the Agreement was updated to include a 22 percent (%) payroll service rate markup in the contract amendment, which was excluded from the original contract.

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 the Second Amendment to the Marion County Sheriff's Office Hangar Lease (Budget Impact - Neutral; expenditure of \$18,104)

The Board accepted the following recommendation as presented by ACA Amanda Tart:

Description/Background: In 2011, the City of Ocala and the Marion County Sheriff entered into a ground lease at the Ocala International Airport. In March of 2019, the City of Ocala and the Marion County Sheriff entered into the first amendment which modified the terms and conditions of the original ground lease at the airport. The City of Ocala and the Sheriff's Office now desire to further amend the terms and conditions of the original ground lease, so as to provide the Sheriff with adequate space necessary to expand upon his aircraft housing and maintenance facilities at the Ocala International Airport. Florida law vests the Board of County Commissioners of Marion County Florida with the authority to lease property and construct buildings for the Marion County Sheriff's use, rendering the Board of County Commissioners a necessary party to the ground lease at the airport.

The lease presented today will serve as the second amendment to the Marion County Sheriff's hangar lease and will add the Marion County Board of County Commissioners as a co-tenant. The term of this lease is for forty years commencing on April 1, 2025, and ending March 31, 2065. At the end of the current term, the tenant has the right to renew the terms of this lease for two additional terms of five years each.

This second amendment will allow the Marion County Board of County Commissioners and the Sheriff to construct a new hangar at the Ocala international airport.

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The memorandum of understanding between the Marion County Board of County Commissioners and Marion County Sheriff's Office will be presented to the Board of County Commissioners for approval at a later date.

Budget/Impact: Neutral; expenditure of \$18,103.69.

Recommended Action: Motion to approve the second amendment to the Marion County Sheriff's hangar lease.

7.1.2. Request Approval of Federally Funded Subaward and Grant Agreement Between Marion County and the State of Florida's Division of Emergency Management for Hurricane Milton (Budget Impact - Revenue; estimate of \$2,000,000)

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

Description/Background: Requesting a review of the proposed Subgrant Agreement with the State. This is the main agreement that includes 2 projects for Hurricane Milton.

The Chairman can be the Representative/Authorized Agent for signing (page 9, 12, 14, 36, and 37).

Budget/Impact: Revenue; estimate of \$2,000,000.

Recommended Action: Motion to approve and authorize the Chair to execute the Federally Funded Subaward and Grant Agreement between Marion County and the State of Florida's Division of Emergency Management for Hurricane Milton.

7.1.3. Request Approval of Donation from the Saint Bernard Foundation for the New Animal Services Shelter (Budget Impact - Revenue; \$1,000,000)

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

Description/Background: Marion County has begun construction on a new shelter for Animal Services. This facility will support the County's dedication to the care and protection of animals and the mission to prevent cruelty, suffering and overpopulation of animals in the County. The directors of the Saint Bernard Foundation have approved a grant of \$1 million to Marion County for the new Animal Services facility.

The Agreement being presented today will serve to facilitate the donation. One of the conditions of the donation is for it to be incremental to County's committed funding.

Budget/Impact: Revenue of \$1,000,000.

Recommended Action: Motion to allow the County Attorney to finalize minor edits to the agreement and authorize the Chairman to execute the agreement once finalized.

(Ed Note: This Item was approved with Agenda Item 5.1.3.)

7.1.4. Request Approval of Donation Agreement Between Greenwood Motor Lines, Inc, d/b/a R+L Carriers and Marion County for the New Animal Services Shelter (Budget Impact - Revenue; \$4,700,000)

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

Description/Background: Marion County has begun construction on a new shelter for Animal Services. This facility will support the County's dedication to the care and protection of animals and the mission to prevent cruelty, suffering and

overpopulation of animals in the County. R+L Carriers has pledged to donate up to \$4.7 million to be used for the construction of the new Animal Services facility. The Agreement being present today will facilitate the donation, which will be in the form of a reimbursement after the County has depleted its project fund, depleted any secured sponsorships, and depleted any other donations for the new shelter construction.

Budget/Impact: Revenue of \$4,700,000.

Recommended Action: Motion to allow the County Attorney to finalize minor edits to the agreement and authorize the Chairman to execute the agreement once finalized.

(Ed Note: This Item was approved with Agenda Item 5.1.4.)

7.1.5. Request Approval of the Disposition and Transfer of Five (5) Vehicles from the Department of Health to the Department of Environmental Protection (Budget Impact - None)

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

Description/Background: On March 19, 2025, a request was received from the Department of Health (DOH) for a transfer of five (5) vehicles to the Department of Environmental Protection (DEP).

County Health Departments (CHD) have continued to perform local onsite sewage responsibilities since the passage of the Clean Waterways Act (CWA) through an interagency agreement. During FY24/25 the next phase of the transfer will occur as local responsibilities begin to transfer from CHDs to DEP. DEP is expected to assume onsite sewage responsibilities for Marion County on July 1, 2025. To ensure DEP has the equipment necessary to operate the program and to adhere to legislative intent of the CWA, DOH is requesting that the county-owned property utilized by the CHD to operate the onsite sewage program be relinquished by the county and transferred to DEP.

Description	Property Number
2007 Chevy Silverado VIN: 1GCEC19X97Z595844	H50
2016 Chevy Silverado VIN: 1GCVKNEH5GZ258659	H63
2016 Chevy Silverado VIN: 1 GCVKNEH7GZ254774	H62
2015 Chevy Colorado VIN: 1GCHSAEA9F1205033	P233
2015 Chevy Colorado VIN: 1GCASAEA8F1203466	P249

Budget/Impact: None.

Recommended Action: Motion to approve the disposition and transfer of five (5) vehicles to the Department of Environmental Protection.

(Ed. Note: This Item was discussed with Agenda Item 5.2.1. and was withdrawn from consideration to be brought back at a later date.)

7.2. Community Services:

7.2.1. Request Approval of Marion County Standard Professional Services Agreement with the United States Department of the Treasury for Emergency Rental Assistance 2 Program between Marion County and Community Action Stops Abuse, Inc. d/b/a CASA Marion, Inc. (Budget Impact - Neutral; not to exceed \$200,000)

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

Description/Background: On March 11, 2021, the United States Department of the Treasury established the Emergency Rental Assistance 2 (ERA2) Grant to provide for disaster relief funds, supporting rental housing and housing stability programs for eligible applicants experiencing homelessness and/or to prevent person(s) and families from becoming homeless.

Marion County Community Services accepted applications from local non-profits to assist Marion County in expending a remaining balance of \$2,000,000 of ERA2 funds. All non-profits who are awarded these funds must enter families served into the homeless management information system (HMIS) to ensure duplication of services is avoided.

CASA Marion, Inc. applied for \$200,000 to provide rapid rehousing and homeless prevention. Upon review of their application staff recommends approval.

Budget/Impact: Neutral, not to exceed \$200,000.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documents associated with this Agreement between Marion County and CASA Marion, Inc. and authorize Community Services Director to extend the term of the agreement if necessary.

7.2.2. Request Approval of Marion County Standard Professional Services Agreement with the United States Department of the Treasury for Emergency Rental Assistance 2 Program Between Marion County and Neighborhood Housing and Development Corporation (Budget Impact - Neutral; not to exceed \$150,000)

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

Description/Background: On March 11, 2021, the United States Department of the Treasury established the Emergency Rental Assistance 2 (ERA2) Grant to provide for disaster relief funds, supporting rental housing and housing stability programs for eligible applicants experiencing homelessness and/or to prevent person(s) and families from becoming homeless.

Marion County Community Services accepted applications from local non-profits to assist Marion County in expending a remaining balance of \$2,000,000 of ERA2 funds. All non-profits who are awarded these funds must enter families served into the homeless management information system (HMIS) to ensure duplication of services is avoided.

Neighborhood Housing and Development Corporation (NHDC) applied for \$150,000 to provide rapid rehousing and homeless prevention. Upon review of their application staff recommends approval.

Budget/Impact: Neutral, not to exceed \$150,000.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documents related to the Agreement between Marion County and NHDC, and to authorize the Community Services Director to extend the agreement's term if necessary.

7.2.3. Request Approval of Marion County Standard Professional Services Agreement with the United States Department of the Treasury for Emergency Rental Assistance 2 Program between Marion County and Catholic Charities of Central Florida, Inc. d/b/a Blessed Trinity Catholic Church Ocala, Inc. d/b/a Brother's Keeper (Budget Impact - Neutral; not to exceed \$350,000)

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

Description/Background: On March 11, 2021, the United States Department of the Treasury established the Emergency Rental Assistance 2 (ERA2) Grant to provide for disaster relief funds, supporting rental housing and housing stability programs for eligible applicants experiencing homelessness and/or to prevent person(s) and families from becoming homeless.

Marion County Community Services accepted applications from local non-profits to assist Marion County in expending a remaining balance of \$2,000,000 of ERA2 funds. All non-profits who are awarded these funds must enter families served into the homeless management information system (HMIS) to ensure duplication of services is avoided.

Brother's Keeper applied for \$350,000 to provide rapid rehousing and homeless prevention. Upon review of their application staff recommends approval.

Budget/Impact: Neutral, not to exceed \$350,000.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documents associated with this Agreement between Marion County and Catholic Charities of Central Florida, Inc. and authorize the Community Services Director to extend the term of the agreement if necessary.

7.2.4. Request Approval of Marion County Standard Professional Services Agreement with the United States Department of the Treasury for Emergency Rental Assistance 2 Program Between Marion County and Interfaith Emergency Services, Inc. (Budget Impact - Neutral; not to exceed \$350,000)

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

Description/Background: On March 11, 2021, the United States Department of the Treasury established the Emergency Rental Assistance 2 (ERA2) Grant Fund to provide for disaster relief funds, supporting rental housing and housing stability programs for eligible applicants experiencing homelessness and/or to prevent person(s) and families from becoming homeless.

Marion County Community Services accepted applications from local non-profits to assist Marion County in expending a remaining balance of \$2,000,000 of ERA2 funds. All non-profits who are awarded these funds must enter families served into the homeless management information system (HMIS) to ensure duplication of services is avoided.

Interfaith Emergency Services, Inc. applied for \$350,000 to provide rapid rehousing and homeless prevention. Upon review of their application staff recommends approval.

Budget/Impact: Neutral, not to exceed \$350,000.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documents associated with this Agreement between Marion County and Interfaith Emergency Services and authorize Community Services Director to extend the term of the agreement if necessary.

7.2.5. Request Approval of Marion County Standard Professional Services Agreement with the United States Department of the Treasury for Emergency Rental Assistance 2

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Program Between Marion County and Project Hope of Marion County, Inc. (Budget Impact - Neutral; not to exceed \$100,000)

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

Description/Background: On March 11, 2021, the United States Department of the Treasury established the Emergency Rental Assistance 2 (ERA2) Grant Fund to provide for disaster relief funds, supporting rental housing and housing stability programs for eligible applicants experiencing homelessness and/or to prevent person(s) and families from becoming homeless.

Marion County Community Services accepted applications from local non-profits to assist Marion County in expending a remaining balance of \$2,000,000 of ERA2 funds. All non-profits who are awarded these funds must enter families served into the homeless management information system (HMIS) to ensure duplication of services is avoided.

Project Hope of Marion County, Inc. applied for \$100,000 to provide rapid rehousing and homeless prevention. Upon review of their application staff recommends approval.

Budget/Impact: Neutral, not to exceed \$100,000.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documents associated with this Agreement between Marion County and Project Hope of Marion County, Inc and authorize Community Services Director to extend the term of the agreement if necessary.

7.2.6. Request Approval of Marion County State Housing Initiatives Partnership Local Housing Assistance Plan 2025-2028, LHAP Certification and Resolution (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 25-R-133 as presented by Community Services Director Martin:

Description/Background: In accordance with F.S. 420.907-9079 and Rule 67-37.006 of the Florida Administrative Code, Marion County must submit a Local Housing Assistance Plan (LHAP) to the Florida Housing Finance Corporation (FHFC) every three years to qualify for State Housing Initiatives Partnership (SHIP) funding. The William E. Sadowski Affordable Housing Act (Chapter 92-317 of Florida Session Laws) allocates a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing. The LHAP outlines strategies for utilizing Marion County's SHIP funds to support affordable housing initiatives.

The LHAP includes eight key strategies:

1. Purchase Assistance with or without Rehabilitation - Community Land Trust
2. Owner Occupied Rehabilitation/Demolition-Reconstruction
3. New Construction - Home Ownership - Community Land Trust
4. Rental Assistance
5. Disaster Relief
6. Rental New Construction, Acquisition, Rehabilitation
7. Impact Fees
8. Demolition Replacement

Staff recommends the Board to adopt the SHIP LHAP 2025-2028 and all Exhibits.

Budget/Impact: None.

Recommended Action: Motion to approve Marion County SHIP LHAP 2025-2028 and LHAP Certification, adopt Resolution, and authorize the Chairman and Clerk to execute all necessary documents.

Resolution 25-R-133 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 AND DIRECTING THE MAYOR 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.

7.3. Human Resources:

7.3.1. Request Approval to Change Pay Grades of 83 Positions; Request Approval to Change Class Title and Pay Grade on 4 Positions, within the Utilities Department, Budget ZF440536, ZF442533, ZF445535; Request Approval to Overfill the Utilities Business Manager Position for up to Five Months (Budget Impact - Neutral; expenditure of \$311,076)

The Board accepted the following recommendation to adopt Resolution 25-R-134 as presented by Human Resources Director Sara Caron:

Description/Background: Marion County Utilities (MCU) has faced significant challenges over the past several years in recruiting and retaining staff. The overall turnover rate has been unusually high, with certain segments experiencing turnover as high as 40%. High turnover places a strain on existing staff, who must dedicate substantial time to training new employees, many of whom leave before making a lasting contribution.

To address these challenges, a comprehensive staffing analysis was conducted to compare MCU positions with similar organizations, assess job responsibilities, and explore strategies for improving recruitment and retention. Based on these findings, the recommended approach includes:

- Reclassifying high turnover and hard-to-fill positions
- Optimizing the organizational structure
- Enhancing workplace culture within MCU

In addition, the Business Service Manager has submitted an Intent to Retire letter effective September 30th, 2025. She has faithfully served MCU for over three (3) decades and will be missed. To maintain continuity of operations, her role will need to be overfilled to have the new manager shadow and transfer the knowledge and experience. In alignment with these recommendations, MCU Director Tony Cunningham is requesting the following changes:

Number of Positions	Current Class Title	Current Pay Grade	Proposed Pay Grade
1	Utilities Field Supervisor	112	114
30	Utilities Field Technician	203-209	207-214
3	Utilities Industrial Electrician	213	214

2	Utilities Instrumentation Technician	110	113
12	Utilities Lift Station Technician	203-209	207-214
3	Utilities Maintenance Supervisor	112	114
3	Utilities Operation Supervisor	112	114
22	Utilities Plant Operator	204-211	207-214
5	Utilities Plant Technician	204-210	208-214
1	Utilities Business Manager	114	115
1	Utilities Construction Foreman	112	113

And:

Number of Positions	Current Class Title	Current Pay Grade	Proposed Class Title	Proposed Pay Grade
1	Utilities Construction Officer	111	Utilities Construction Manager	114
1	Utilities Construction Manager	114	Utilities Assistant Director Construction	116
1	Utilities Operation Manager	114	Utilities Assistant Director Operations	116
1	Utilities Maintenance Manager	114	Utilities Assistant Director Maintenance	116

Budget/Impact: Neutral; expenditure of \$311,076 (ZF440536: \$14,628; ZF442533: \$153,704; ZF445535: \$142,743)

Recommended Action: Request approval to change pay grades of 83 positions, and a class title and pay grade change of 4 positions, within the Utilities Department, Budget ZF440536, ZF442533, ZF445535; and request approval to overfill the Utilities Business Manager position for up to five months.

Resolution 25-R-134 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR THE PAY GRADE CHANGES OF ONE (1) UTILITIES FIELD SUPERVISOR POSITION, PAY GRADE 112 TO PAY GRADE 114; OF THIRTY (30) UTILITIES FIELD TECHNICIAN POSITIONS PAY GRADE RANGE 203-209 TO PAY GRADE RANGE 207-214; THREE (3) UTILITIES INDUSTRIAL ELECTRICIAN POSITIONS, PAY GRADE 213 TO PAY GRADE 214; TWO (2) UTILITIES INSTRUMENTATION TECHNICIAN POSITIONS, PAY GRADE 110 TO PAY GRADE 113; TWELVE (12) UTILITIES LIFT STATION TECHNICIAN POSITIONS, PAY GRADE RANGE 203-209 TO PAY GRADE RANGE 207-214; THREE (3) UTILITIES MAINTENANCE SUPERVISOR POSITIONS, PAY GRADE 112 TO PAY GRADE 114; THREE (3) UTILITIES OPERATION SUPERVISOR POSITIONS, PAY GRADE 112 TO PAY GRADE 114; TWENTY-TWO (22) UTILITIES PLANT OPERATOR POSITIONS, PAY GRADE RANGE 204-211 TO PAY GRADE RANGE 207-214; FIVE (5) UTILITIES PLANT TECHNICIAN POSITIONS, PAY GRADE RANGE 204-210 TO PAY GRADE RANGE 208-214; ONE (1) UTILITIES BUSINESS MANAGER POSITION, PAY GRADE 114 TO PAY GRADE 115; ONE (1) UTILITIES CONSTRUCTION FOREMAN POSITION, PAY GRADE 112 TO PAY GRADE 113; AND THE RECLASSIFICATION AND PAY GRADE CHANGE OF ONE (1) UTILITIES CONSTRUCTION OFFICER POSITION, PAY GRADE 111 TO UTILITIES CONSTRUCTION MANAGER POSITION, PAY GRADE 114; ONE (1) UTILITIES

CONSTRUCTION MANAGER POSITION, PAY GRADE 114 TO UTILITIES ASSISTANT DIRECTOR – CONSTRUCTION POSITION, PAY GRADE 116; ONE (1) UTILITIES OPERATION MANAGER POSITION, PAY GRADE 114 TO UTILITIES ASSISTANT DIRECTOR-OPERATION POSITION, PAY GRADE 116; ONE (1) UTILITIES MAINTENANCE MANAGER POSITION, PAY GRADE 114 TO UTILITIES ASSISTANT DIRECTOR-MAINTENANCE POSITION, PAY GRADE 116, WITHIN THE UTILITIES DEPARTMENT, ALONG WITH THE CORRESPONDING JOB DESCRIPTIONS AND PAY GRADES AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7.4. Municipal Services:

7.4.1. Request Acceptance of Lake Weir Gardens Improvement Area into Warranty Period (Budget Impact - None)

The Board accepted the following recommendation as presented by Municipal Services Director Chad Wicker:

Description/Background: As of February 28, 2025, the engineer of record completed their inspection and found the construction of this road improvement project to be satisfactory and acceptable. In accordance with the contract, this project is under a warranty period of one (1) year.

This improvement area has been historically maintained by the Office of the County Engineer and will continue to be maintained after the warranty period has ended.

PROJECT: Lake Weir Gardens Improvement Area

BID: 24B-085

ENGINEER: Kimley-Horn

CONTRACTOR: C.W. Roberts Contracting, Inc.

DATE COMPLETED: 3/7/25

Budget/Impact: None.

Recommended Action: Motion to accept construction of Lake Weir Gardens Improvement Area and authorize Chairman to execute letter advising the contractor of the one (1) year warranty period.

7.5. Parks & Recreation:

7.5.1. Request Approval of Tree Mitigation Payment - Football Factory (Budget Impact - Revenue; \$19,519 to Tree Mitigation Fund)

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

Description/Background: The owner of Football Factory, located on SE 58th Ave, Ocala, (Parcel Identification 3137-002-019) has requested to pay in lieu of installing replacement trees which are required as part of the Marion County Land Development Code, Division 7 - Tree Protection and Replacement.

Section 6.7.10 of the Code provides the ability to make such payments to the County. The fee is determined on a case-by-case basis through public solicitation for bids and the per tree amount is based on: 1) wholesale cost of material, 2) cost of labor for installation, and 3) cost of maintenance for two years.

The developer requests to pay for 88 inches of tree mitigation. Public bids returned a price of \$221.80 per inch which results in a total mitigation fee of \$19,518.40. The owner has accepted this price.

Funds will be deposited in to the Tree Mitigation Fund to be used by the Parks & Recreation Department for use on public property within the county.

Budget/Impact: Revenue; \$19,518.40 to Tree Mitigation Fund.

Recommended Action: Motion to accept payment and have funds deposited into the Tree Mitigation Fund.

7.6. Procurement Services:

7.6.1. Request Approval of Change Order 1 to Purchase Order 2500684: 24Q-054 Animal Services New Facility - D.E. Scorpio Corporation d.b.a. Scorpio, Gainesville, FL (Budget Impact - Neutral; additional expenditure of \$5,898,693)

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

Description/Background: At the February 20, 2024 meeting, the Board approved a contract with D.E. Scorpio Corporation d.b.a. Scorpio for Construction Manager at Risk (CMR) services for the new Animal Services facility. Then, at the October 1, 2024, meeting, the Board approved a task order for the early start package to ensure the project remained on schedule. This initial phase included demolition, site preparation, fencing, irrigation, and installation of mechanical and electrical systems for the Administration building. The work completed under the task order laid the foundation for phase 2 which involved a full build-out of the Administration building and the construction of two kennel buildings, each with 50 kennels.

The St. Bernard Foundation and Greenwood Motor Lines, Inc, d/b/a R+L Carriers, have both pledged exceptionally generous donations in support of the new Animal Services facility. These contributions are being made with the understanding that the County's allocated funds will be fully utilized before any portion of these donations is applied. Their support highlights the strong partnerships we have in place, as well as the shared vision for the success of this important project.

Change Order 1, being presented today, is for additional funding from these donations to be utilized for kennels 3 & 4, as well as for the procurement and installation of a generator and Automatic Transfer Switch (ATS). The funding will enable the completion of these critical infrastructure elements, ensuring the facility's operations remain uninterrupted during power outages and that additional kennel space is available to accommodate growing demand.

Attached for review is a copy of the change order and proposal. Pending approval at today's meeting, the change order will be presented to the Clerk and Chairman for signatures.

Budget/Impact: Neutral; additional expenditure of \$5,898,693. Funding from VJ731562-562102 (Infrastructure Surtax Capital Project Fund) and AA713562-562102 (General Fund).

Recommended Action: Motion to approve the change order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 1 to Purchase Order 2500684.

(Ed Note: This Item was approved with Agenda Item 5.1.3. and 5.1.4.))

7.6.2. Request Approval of Change Order 3 to Purchase Order 21P-061 - Debris Response Operations, Phase 4 Debris Monitoring Services -Tetra Tech, Inc., Pasadena, CA (Budget Impact - Neutral; additional expenditure of \$16,964)

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

Description/Background: On April 6, 2021, the Board approved a contract with Tetra Tech, Inc. to provide debris monitoring services that include debris collection, staging and disposal during an emergency event recovery period. The work includes damage assessments, reporting, and monitoring of debris-related activities such as collection, transportation, staging, reduction, and final disposal to recover from an event.

There have been two previous change orders, and now a third, all of which relate to Hurricane Milton. On October 15, 2024, Change Order 1 was issued, adding \$350,000 to the purchase order for debris removal costs. On January 21, 2024, Change Order 2 was issued, adding \$99,271 for debris monitoring operations. Now, Change Order 3 is being presented, requesting an additional \$16,964 to cover the final invoice from Tetra Tech, Inc. for services rendered related to Hurricane Milton.

Attached for review is a copy of Change Order Number 3. Upon approval today, it will be presented to the Chairman and Clerk for signatures.

Budget/Impact: Neutral; additional expenditure of \$16,964.00 bringing the total purchase order amount to \$516,235.00. Funding is from line ZA423534-534101 (Solid Waste Disposal Fund).

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute Change Order 3 to Purchase Order 2500286 for Tetra Tech, Inc.

7.6.3. Request Approval of Contract: 25C-037 eCourier for Building - eRecording Partners Network, LLC, Plano, TX (Budget Impact - Neutral; expenditure of \$180,000)

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

Description/Background: On behalf of the Marion County Building Safety Department, Procurement Services requests approval to purchase eRecording services through eRecording Partners Network (ePN). This cloud-based platform will enable the Building Safety Department to electronically send completed Notice of Commencements (NOCs) on behalf of customers to the Clerk of Court's Office for e-recording. The Clerk's office already uses ePN for their business processes. Being able to electronically distribute and access NOCs will improve efficiency in the permitting and inspecting process.

Chapter 713 of Florida Statutes requires that before improvements to real property can begin, the property owner is responsible for recording the NOC and posting it onsite. Further, the Building Safety Department or private providers are prohibited from performing inspections without such recording and posting.

Budget/Impact: Neutral; expenditure of \$180,000. Funds are available in line EP318524-541101 (Building Safety Fund).

Recommended Action: Motion to approve and allow staff to issue and authorize the Chairman and Clerk to execute contract with eRecording Partners Network, LLC under 25C-037.

7.6.4. Request Approval of Contract: 25C-067 Radius Emergency GIS Mapping Services - RapidDeploy, Inc., Austin, TX (Budget Impact - Neutral; expenditure of \$933,161)

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

Description/Background: On February 3, 2009, the Board approved 09ST-033 Standardization of Plant Equipment (aka VESTA), provided by CenturyLink, for the County's Public Safety Answering Points (PSAPs) 9-1-1 telephone equipment. At this time it is necessary for Marion County Communication Centers to transition from this older operating system to the Next Generation 911 mapping platform. This Eclipse Analytics product offered by RapidDeploy, Inc. is a cloud-based mapping platform that facilitates timely dispatching of Fire/EMS/Police/Sheriff to emergency incidents through the usage of the Radius integration with call-taking systems and other external data sources. This platform will also facilitate and provide insights into PSAP performance and timely dispatching of Fire/EMS//Police/Sheriff to emergency incidents. This product is being purchased from GSA contract #47QTCA19D00MM. The annual cost per FY is shown below:

Periods Covered	Annual Cost
FY 2025 (April 1-September 30)	\$103,720.80
FY 2025-26 (October 1-September 30)	\$207,360.00
FY 2026-27 (October 1-September 30)	\$207,360.00
FY 2027-28 (October 1-September 30)	\$207,360.00
FY 2028-29 (October 1-September 30)	\$207,360.00

Attached for review is a draft of the agreement. Upon approval at today's meeting, it will be forwarded to Legal, the Clerk, and the Chairman for signatures.

Budget/Impact: Neutral; Total expenditure not to exceed \$933,160.80 for the five (5) year term. Funding from line CM313525-534101 (9-1-1 Management Fund).

Recommended Action: Motion to approve and allow staff to issue and authorize the Chairman and Clerk to execute contract with RapidDeploy, Inc. under 25C-067.

7.6.5. Request Approval of Contract Amendment: 21P-145-CA-03, Janitorial Cleaning Services - Outliers Capital SMB LLC d/b/a Blue Ribbon Cleaning Company, Inc., Ocala, FL (Budget Impact - Neutral; estimated expenditure of \$1,108,746)

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

Description/Background: On June 15, 2021, the Board approved two contracts for janitorial cleaning services for Marion County buildings. Subsequently, on June 20, 2023, the Board approved consolidating all locations under Outliers Capital SMB LLC d/b/a Blue Ribbon Cleaning Company, Inc. (BRC) effective August 1, 2023. This contract amendment addresses the vendor's request for a 1.5% rate increase for the renewal period. BRC has received favorable evaluations, and Facilities Director, Jared Goodspeed recommends renewing the contract from May 1, 2025, through April 30, 2026. Additionally, this amendment:

- o Updates the facilities scope of work (Exhibit A)
- o Revises the library cleaning hours (Exhibit A-1)
- o Replaces the old fee schedules with updated rates for Group A and Group B locations (Exhibit 1, Exhibit 2)

- o Includes new add-on services and rates (Add-on Services)

Attached for review is a draft contract amendment; pending approval at today's meeting, it will be sent to BRC for signatures, and upon return, will be forwarded for the County Attorney's, Clerks, and Chairman's signatures.

Budget/Impact: Neutral; annual expenditure of approximately \$1,108,746.

Recommended Action: Motion to approve and allow staff to issue, and upon approval from Legal, authorize the Chairman and Clerk to execute the contract under 21P-145.

7.6.6. Request Approval of Contract Renewal: 24P-026-CA-01 Temporary Staffing/Executive Recruitment - Ad-Vance Personnel Services, Inc. dba Ad-Vance Talent Solutions, Inc. (Budget Impact - Neutral)

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

Description/Background: On March 19, 2024, the Board approved a contract with Ad-Vance Personnel Services, Inc. dba Ad-Vance Talent Solutions, Inc. (Ad-Vance) to provide staffing services, including temporary/short-term staffing on an as-needed basis and permanent/contingency staffing. The firm has adhered to the terms and conditions of the original agreement and Human Resources Director, Sara Caron, recommends a one-year renewal.

Attached for review is a draft of the contract. Pending approval at today's meeting, it will be sent to Ad-Vance for signatures and upon return, will be routed for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; actual annual expenditure will be dependent on each department's needs, with funding required to be established in the appropriate account(s).

Recommended Action: Motion to approve the contract renewal and upon approval from Legal, authorize the Chairman and Clerk to execute the renewal with Ad-Vance under contract 24P-026.

ACA Amanda Tart advised that the revision to the Modification of Agreement is to include a 22% payroll service rate markup for all employees under Ad-Vance Personnel Services, Inc. dba Ad-Vance Talent Solutions, Inc., the company utilized by the County for temporary staffing purposes. She stated the 22% payroll service rate has always been part of the contract; however, that language was inadvertently left out of the contract renewal.

In response to Chairman Bryant, Ms. Tart advised that the 22% dollar amount is per position, noting when the County hires a temporary employee the 22% would be added to the dollar amount being paid (i.e., \$15.00 per hour) to cover the costs associated with payroll services and other services provided by the company. She clarified that some of the payroll services include recruitment, workman's compensation charges, as well as any benefits the company offers.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve the Modification of Agreement, with the revision as stated above, with Ad-Vance under contract 24P-026. The motion was unanimously approved by the Board (5-0).

7.6.7. Request Approval of Information Technology Equipment Purchase: End-of-Life Network Switches - Imperium Data Networks, LLC, Tampa, FL (Budget Impact - Neutral; estimated expenditure of \$104,000)

April 15, 2025

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

Description/Background: Information Technology (IT) is in the process of consolidating the County's Data Centers, which requires the purchase of two (2) network switches to provide redundancy and enhance the County's network capacity for the new production servers. On behalf of IT, Procurement is requesting Board approval for this purchase in advance to prevent any delays in the procurement process and to ensure a more efficient timeline for implementation. By obtaining approval now, we can proceed without waiting for future Board approval once the formal quote is received from Imperium Data Networks, LLC (Imperium).

Currently, Imperium is updating their system to reflect the latest tariff costs and supply chain guidelines, which is delaying the issuance of a quote.

Budget/Impact: Neutral; estimated expenditure for two (2) network switches is \$104,000; funding is from line AA174516-564101 (Machinery & Equipment).

Recommended Action: Motion to approve the purchase of two (2) network switches upon receipt of the final quote from Imperium Data Networks, LLC.

7.6.8. Request Approval of Purchase Order for Heagy Burry Surface Depression - Foundation Services of Central Florida, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$82,005)

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

Description/Background: On June 4, 2024, the Board approved project 24B-119 Heagy Burry Boat Ramp Renovations for the construction of an asphalt parking lot, floating dock system, restroom, sheet pile retaining wall, concrete driveway apron, stormwater infrastructure, sidewalks, and landscaping at Heagy Burry Boat Ramp. During the excavation process, a surface depression was discovered, putting a halt to all work. The Parks and Recreation Department consulted with Geo-Tech, Inc. to provide a detailed assessment and report for remediation of the depression. Parks and Recreation anticipated this work would be less than \$50,000 and moved forward with soliciting quotes from qualifying contractors to remedy the surface depression. Foundation Services of Central Florida, Inc. was the only vendor to respond. At this time, Parks and Recreation is asking to move forward with awarding this work to Foundation Services of Central Florida, Inc. for the remediation of the surface depression.

Attached for review is the Proposal from Foundation Services of Central Florida, Inc. and the Geo-Technical report from Geo-Tech, Inc.

Budget/Impact: Neutral; expenditure of \$82,005.

Recommended Action: Motion to approve and allow staff to issue Purchase Order to Foundation Services of Central Florida, Inc.

7.6.9. Request Approval to Reject All Bids: 25B-078 Bulk Motor Oil and Fluids (Budget Impact - None)

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

Description/Background: On behalf of Fleet Management, Procurement issued a bid solicitation for vendors to provide a variety of motor oils and fluids. The solicitation required vendors to submit pricing for all specific items.

Upon bid opening, two (2) submittals were received; however, neither vendor provided quotes for all required items, resulting in both vendors being deemed non-responsive.

After a thorough review, Fleet Management recommends rejecting all submitted bids and readvertising the solicitation to seek a vendor that can fully meet the project requirements.

Budget/Impact: None; rejecting all bids carries no budget impact.

Recommended Action: Motion to reject all bids under 25B-078 and allow staff to re-advertise a new bid at a later date.

7.6.10. Request Approval of Task Order for Construction Manager: 20Q-161-TO-47 Silver Springs Shores Youth Center and Library Renovation - Cullison-Wright Construction Corp., Ocala, FL (Budget Impact - Neutral; expenditure of \$522,700)

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

Description/Background: On April 6, 2021, the Board approved contracts with six (6) Construction Managers (CM), allowing the County to select a CM based on expertise, capacity, and availability. Facilities Management has assigned the Silver Springs Shores Youth Center and Library Renovation project to Cullison-Wright Construction Corp. The project scope includes demolition, sitework concrete and masonry, plumbing, HVAC, electrical work and interior finishes. Substantial completion is required within 150 calendar days from the start date on the Notice to Proceed, with an additional 10 calendar days allotted for final completion.

Attached for review is a draft contract. Pending approval at today's meeting, it will be forwarded to the CM for execution as written, and upon return, will be processed for the County Attorney, Clerk and Chairman's signatures.

Budget/Impact: Neutral; project cost is \$522,700. Funding is from AA720571-562101 (General Fund, Capital Improvements) project 720SSSLIB and AG341564-562101 (General Fund Grants) project 341CDBG25C. Contingency will be added to the Purchase Order and is in accordance with the Procurement Manual.

Recommended Action: Motion to approve the recommendation and allow staff to issue contract, and upon approval from Legal, authorize the Chairman and Clerk to execute the Task Order with Cullison-Wright Construction Corp. under 20Q-161.

7.6.11. 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 below has been received by Procurement Services and is approved for conformance with the Procurement Code/Manual, pending approval at today's meeting.

Pending Requisition/OverDrive - Marion County Information Technology on behalf of Marion County Public Library requests approval for funds to be deposited in the Marion County Public Library Advantage Account with OverDrive, Inc. for the purchase of digital materials and e-books. Future purchases on this account will

not exceed the annual budgeted amount without being brought back to the board for approval. Total expenditure of \$80,000.00. Funds are available in line AA375571-552106. This purchase meets the competitive bidding requirements under section 2-004 of the Procurement Manual.

Recommended Action: Motion to approve requested purchases.

7.7. Transportation - County Engineer:

7.7.1. Request to Approve County Consent to Assignment of Exchange Agreement (Budget Impact - None)

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

Description/Background: This is a request to approve County Consent to Assignment of Exchange Agreement. The approval of this document is needed to transfer the rights of Sandy Clay, LLC. to Taylor Morrison of Florida, Inc., who is purchasing the property.

The original agreement was approved by the Board of County Commissioners on April 2, 2024 and provides for the conveyance of Marion County parcel number 37896+000-01 to Sandy Clay. This conveyance was provided in exchange for the drainage retention area on the parcel being reconstructed on the adjacent Sand Clay parcel 37896-000-00 and Sandy Clay assuming all maintenance obligations.

Budget/Impact: None.

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

7.7.2. Request Approval of a Purchase Agreement Associated with a Future Roadway Improvement Project for Parcel Number 35770-042-00 (Budget Impact - Neutral; expenditure of \$162,500 plus closing costs)

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

Description/Background: This is a request to approve and execute the attached Purchase Agreement in the amount of \$162,500 plus closing cost for parcel number 35770-042-00 associated with a future roadway improvement project. The Office of the County Engineer has identified this parcel as critical to improving the safety and operation of the intersection of SW 16th Avenue and SW 107th Place (aka CR 475B). The Office of the County Engineer has identified 35 crashes at the intersection between February 2020 and February 2025. Future safety improvements may include roadway slope improvements, shoulder additions, improved minor street connections, etc.

This is a vacant parcel consisting of 1.25 acres. The negotiated agreement is inclusive of any and all cost associated with this transaction.

Budget/Impact: Neutral; expenditure of \$162,500 plus closing costs - TIP077586 - TIP ROADS - EXPANS ROW - 762T (B0762541-561301).

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

7.7.3. Request Approval of Marion County Subdivision Improvement Agreement with Letter of Credit for MGL Development LLC for McGinley Landing Phase 1 Subdivision, Application Number 32205 (Budget Impact - None)

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

Description/Background: The McGinley Landing Phase 1 Subdivision Final Plat was approved during the March 18, 2025 Marion County Board of County Commissioners regular meeting. Land Development Code Section 2.18.4.D states that if the improvements are not completed, an Improvement Agreement shall be provided and approved by the Board, as well as a security, limited to an irrevocable letter of credit or bond only, in the amount of 120 percent of the estimated cost of remaining improvements. The developer agreed to provide surety for the development's landscaping in the form of a Letter of Credit. The attached agreement outlines proposed landscaping improvements.

The County Attorney's office has reviewed and approved the Subdivision Improvement Agreement with Letter of Credit in the amount of \$39,887.28. This subdivision is located in the southwest portion of the County containing 142 lots and 1.14 miles of road on approximately 53.28 acres.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Marion County Subdivision Improvement Agreement With Letter of Credit and to authorize the Chairman and Clerk to execute the same.

7.8. Utilities:

7.8.1. Request Approval of Water Main Extension Connection Agreement WME-101-O Between TMM Development and Marion County Utilities (Budget Impact - Neutral; expenditure of \$700)

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

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU) and install 208 feet of water main across the parcel's frontage to the farthest end of the property. The water main extension will serve the property owner's parcel and create a benefit for three (3) additional parcels along the route. MCU's only direct cost on this project is for design fees only; the developer has elected their own contractor, Marcum Enterprises LLC, to perform the work and the developer will pay Marcum directly. The total project cost is \$18,100; each benefitting lot share cost is derived from the developer's actual cost and will be collected by MCU only if the parcels develop before the sunset period of the Agreement.

Total Project Cost	\$18,100	\$17,400 construction + \$700 design
Per Parcel Cost	\$ 4,525	Four (4) total parcels served

Budget/Impact: Neutral; project cost is \$700 and is covered under a blanket purchase order to Kimley-Horn for plan designs. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement.

7.8.2. Request Approval of Second Amendment to Marion County Water and Wastewater System Developer's Agreement Contract No. 16-01 Between The Villages of Lake-Sumter, Inc and Marion County Utilities (Budget Impact - None)

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

Description/Background: On May 3, 2016, the Marion County Board of County Commissioners and the Villages of Lake-Sumter, Inc. (Developer) entered into a Water and Wastewater Developer's Agreement No. 16-01 to provide central water and wastewater services to a 163.22-acre property owned by the Developer, located west of U.S. 441 and south of SE Highway 42. Recognizing the need for expanded infrastructure to support future development in the area, the agreement stipulated that the Developer would design, permit, and construct the necessary water and wastewater facilities. Despite the County's existing wastewater force main, the Developer's construction of a new water main extension enabled the County to extend potable water service to a broader region west of US 441, east of US 301, and around CR-42. This extension aligned with the County's 2009 Utility Master Plan, prompting the County to agree to reimburse the Developer for the project costs.

The Original Agreement allocated 455 equivalent residential connection (ERC) credits to the Developer, reflecting the estimated 300 residential and 155 commercial units planned for the property. These credits were initially set to expire on May 3, 2023.

In April 2023, the Board approved the First Amendment to Agreement 16-01, extending the expiration date to May 3, 2025. This extension was granted in response to the Developer's request, citing significant economic activity delays caused by the COVID-19 pandemic, which impacted Marion County and other regions.

Subsequently, on February 14, 2025, the Developer requested a second extension. MCU worked with the Developer and agreed to one last extension to May 3, 2029. This request was based on the need to finalize an ongoing project, complete tenant due diligence, and navigate the permitting process, all of which required the utilization of the remaining ERC credits.

The following table details the ERC credit usage since the Original Agreement's execution:

Year	Used Residential Credits	Used Commercial Credits
2016	166	4.89
2017	32	8.62
2018	107	76.35
Totals	305	89.86

As of February 14, 2025, 60.14 ERC credits remain from the original 455, representing a remaining value of \$42,218.28.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Second Amendment to Developer's Agreement 16-01.

8.2. WALK-ON: Request Approval of Resolution to Establish Marion County Representatives to Appear Before the Florida Fishing and Wildlife Conservation

Commission in its Consideration of Adoption of a Proposed Silver Glen Springs Protection Zone.

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

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

Description/Background: At the initiative of the United States Department of Agriculture (USDA) Forest Service, the Florida Fishing and Wildlife Conservation Commission (FWCC) is considering the adoption of a new rule of the Florida Administrative Code - proposed Rule 68D-24.0038, to establish a Silver Glen Springs Protection Zone. It is understood that the FWCC will be conducting a hearing on the proposed rule on May 21-22, 2025. The County has received expressions of concern from many small businesses that cater to individuals who regularly visit Silver Glen Springs - that the proposed rule would drastically curtail the recreational use of Silver Glen Springs, with severe negative impacts on their businesses. Their position is that a springs protection zone (SPZ) is too harsh a remedy to address concerns that have been raised about the activities of certain boaters and users of the springs.

The problem is that the Florida Statutes have significantly preempted the regulation of "waters of the state" by local governments.

A proposed resolution is presented for Board consideration. Volusia County has already adopted a similar resolution, and Lake County will be considering such a resolution on April 14th. The Resolution would authorize the County Administrator or designee to voice the County's opposition to the establishment of the SPZ at the May 21-22, 2025, public hearing. There is some indication that the FWCC is not likely to adopt a new SPZ where the affected local governments are not supportive of the proposal. That is why it is important that our voice is heard at the hearing.

Budget/Impact: None.

Recommended Action: Motion to adopt Resolution related to Silver Glen Springs.

County Attorney Minter advised that this Item relates to a proposed Resolution authorizing County representatives to be designated by the County Administrator to represent Marion County during proceedings before the FWCC on May 21 and May 22, 2025 concerning whether or not the Agency will establish a SPZ for Silver Glen Springs. He stated there have been prior meetings relating to this issue that involves not only Marion County, but Volusia and Lake Counties as well. Mr. Minter noted the proposed Resolution is similar to one that has already been adopted by Volusia County. He advised that the Resolution would provide the County standing to represent its citizens interests in the proceedings concerning whether or not the Agency will establish a SPZ. Mr. Minter stated Parks and Recreation Director Jim Couillard has been on a working group for the past couple of years concerning this issue and Commissioner Zalak has attended one of the FWCC meetings in Astor, Florida where this issue was discussed. He commented on the competing interests that surround natural resources, noting some people want the Spring naturally preserved from any degradation and others want to be able to enjoy this natural resource. Mr. Minter noted there was some concern that activities (boating, swimming, canoeing, etc.) taking place at Silver Glen Springs could damage the seagrass and other environmental aspects that could result in ongoing degradation. He opined that the feeling of the 3 Counties is that the SPZ would be at the extreme end of regulation and prohibition

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would have an adverse effect, particularly on the local businesses in that area that depend on the people that come there for their business interests. Staff have researched not only in Marion County, but also in conjunction with the Lake County Attorney's Office and the Volusia County Attorney's Office concerning the ability that Counties would have to regulate these issues if the SPZ is not created. This is an area where under Florida Statutes (FS), the legislature has pretty much preempted regulation of the waters of the State of Florida to the State. There are different Statutes that deal with boating restricted areas, and those Statutes are not so much regulated at protecting the environment as they are in boater safety, for example no wake zones, slow speed zones, etc. There may be some provision in there that might give private owners the ability to request the agency to establish a restricted boating area for the benefit of protecting seagrass. Mr. Minter stated the request today is for the Board to authorize Marion County to have representatives at those May, 2025 hearings.

Commissioner Zalak opined that the FWCC does not have a lot of ability to moderate the SPZ, noting if the SPZ area is put into place then citizens would no longer be able to enjoy the Springs in the same way they have for prior generations.

Commissioner McClain concurred and hoped as Marion County representatives attend these meetings, they present ideas for what the local Counties can do to take care of the Springs.

General discussion ensued.

Commissioner Bryant opened the floor to public comment.

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

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt Resolution 25-R-135 authorizing the County Administrator or designee to voice the County's opposition to the establishment of the SPZ at the May 21 and May 22, 2025, public hearing relating to Silver Glen Springs. The motion was unanimously approved by the Board (5-0).

Resolution 25-R-135 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, ESTABLISHING REPRESENTATIVES OF THE COUNTY AS A "PARTY" AS DEFINED IN SECTION 120.52 (13) (d), FLORIDA STATUTES, TO REPRESENT THE SUBSTANTIAL INTERESTS OF A SIGNIFICANT NUMBER OF MARION COUNTY CITIZENS IN RELATION TO THE PROPOSED SILVER GLEN SPRINGS PROTECTION ZONE, RULE 68D-24.0038; AND PROVIDING AN EFFECTIVE DATE.

Chairman Bryant advised that it is the ten o'clock hour. She advised that the Board will continue with the Agenda Items after the public hearing is concluded.

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

6.1. PUBLIC HEARING: To Consider an Ordinance to Amend Chapter 5.5, Article II, Subsection 5.5-33 Application for Permits and Subsection 5.5-39 Wind Loads Relating to the Marion County Building Code

County Attorney Matthew G. Minter presented the following recommendation:

Description/Background: This is a continuation of the Public Hearing, from March 18, 2025, to consider a draft ordinance to amend Chapter 5.5 of the Marion County

Building Code. Following the March 18th meeting, Staff met with Marion County Building Industry Association (MCBIA). Staff's proposed changes clarify permit requirements and exemptions for owners and licensed contractors. Notably, prefabricated temporary structures up to 168 square feet, such as gazebos, would be exempt from permitting. Additionally, redundant floodplain requirements have been removed, as they are already covered in the Florida Building Code Residential (FBCR), Section R322. MCBIA has proposed additional exemptions that are also provided for the Board's consideration.

Budget/Impact: None.

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

Deputy Clerk Burdette presented Proof of Publication of legal ad No. 11097711 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on March 7, 2025. The Notice stated the Board will consider adoption of an Ordinance pertaining to the Marion County Code.

Chief Assistant County Attorney Dana Olesky advised that the public hearing today is a continuation of a public hearing that was started on March 18, 2025 regarding the Building Ordinance. As the Board will recall, in 2020, the BCC adopted rules pursuant to FS 553.80 that allow for certain exemptions for homeowners and nonowners from the Building Code. Over time, staff have reevaluated those exemptions and how they were utilized, and have now proposed language regarding some changes. She advised that following the March 18th meeting, she and Building Safety Director Mike Savage met with MCBIA on 2 occasions and were able to reach a compromise or a consensus on some of the language that are being proposed. Both versions of the proposed Ordinance (staff recommendations and MCBIA recommendations) were published for the Board's consideration. Ms. Olesky provided a brief overview of some specific changes and where those differences are. For example, in 2020, when the County adopted the exemptions, it required that a homeowner fill out a form if they were exceeding the \$2,500.00 threshold. Staff have proposed removing that provision so the application or the exemption form would no longer be required.

In response to Chairman Bryant, Ms. Olesky stated there were only 11 citizens who utilized the exemption forms since its inception in July, 2020.

Ms. Olesky advised that there was also a clarification under the "addition, alterations, or repairs by a nonowner", noting staff suggested that the language specifically state the property owner must utilize the services of a licensed contractor so that members of the public are educated that if you are hiring someone to do work, they have to be a licensed contractor. She commented on proposed changes for "residential electric", noting this is where there was a compromise between MCBIA and staff regarding allowing for residential electric additions, alterations, or repairs. Ms. Olesky noted permits would only be required if you exceeded 60 amps or the \$5,000.00 threshold. She stated at the last public hearing there were a lot of discussions related to gazebos and other structures (i.e., prefabricated sheds). Ms. Olesky advised that prefabricated temporary structures such as gazebos, up to 168 square feet (SF), would now be exempt from permitting. There are no changes proposed by staff relating to building and inspection fees. She commented on the definition of "like to like" as defined in the proposed Ordinance, noting this definition would help clarify when replacements would qualify for certain permitting exemptions by ensuring the replaced item matched the original in fuel source, location, and specifications. Additionally, redundant floodplain requirements have been removed,

as they are already covered in the Land Development Code (LDC). She advised that MCBIA has proposed additional changes, which include changes to Heating, Ventilation, and Air Conditioning (HVAC) change outs that would increase the threshold of requiring a permit from the \$2,500.00 to \$7,500.00 because \$7,500.00 is when the need for a Notice of Commencement (NOC) kicks in. However, under Florida Statutes, the Board is limited to a \$5,000.00 threshold under this section of the Statute. MCBIA also proposed eliminating the need for a permit for gas, natural, or propane relating to like for like water heater replacements. Ms. Olesky stated MCBIA wanted to the Board to address building and inspection fees associated with water heater replacements.

In response to Chairman Bryant, Ms. Olesky stated it is her understanding that currently when switching out gas to gas water heaters, there is an inspection fee for the gas part of the water heater replacement and now the MCBIA is requesting the need for the permit; however, if the cost does exceed the \$5,000.00 then it should be exempt from an inspection fee.

General discussion ensued.

Ms. Olesky addressed previous discussions relating to construction debris and how it's being kept on-site, noting currently this is something that Code Enforcement does address. She noted if a building inspector goes out to a construction site and sees that something is not being kept up to what the code requires, it is referred to the Code Enforcement Department for them to begin proceedings. Ms. Olesky clarified that either a mechanical container, truck, or trailer shall be used for storage and collection of construction and demolition debris at the site of a construction, renovation, or demolition project.

In response to Commissioner Curry, Building Safety Director Michael Savage advised that Florida Building Code 102.2.5 allows "each enforcement district (BCC) or local enforcement agency to adopt rules granting to the owner of a single-family residence one or more exemptions from the Code relating to the addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 sf or the square footage of the primary structure, whichever is less. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000.00".

Ms. Olesky clarified that under the FS there are 3 main provisions: 1) what an owner can do on their own property, 2) what a nonowner can do, and 3) what requires building and permit inspection fees. In 2020, the BCC only adopted allowing repairs by an owner on their own property to be exempt from permitting (provision 1). She stated MCBIA wants the Board to adopt the Statute in its entirety as written to include language that would allow additions, alterations, or repairs by a property owner up to 1,000 sf, which is the minimum square footage a house had to be in Marion County. Ms. Olesky clarified that if the BCC adopted that language it would allow for a property owner to build an entirely new house (1,000 sf) on the property without any permitting.

Chairman Bryant opened the floor to public comment.

David Tillman, President of MCBIA, NE 25th Avenue, advised that not everyone in his organization completely agrees with the 1,000 sf as allowed in the Statute. He expressed concern that the language could encourage unlicensed contractor work and may well become a life, health, and safety issue. Mr. Tillman stated when MCBIA recommended increasing the threshold of requiring a permit for HVAC change outs from \$2,500.00 to \$7,500.00, they did not have clarification that the Board is limited to a \$5,000.00 threshold per Statute.

Commissioner Curry opined that a homeowner would not be able to purchase a HVAC change out for \$5,000.00 and questioned why the State has determined that amount as the threshold. Mr. Tillman opined that the State has not changed the threshold for a long time, noting the MCBIA would support the current maximum threshold of \$5,000.00.

General discussion ensued.

Mr. Tillman encouraged everyone to attend the Brick City Beer and Wine Festival this weekend, noting the money raised will all go to charities.

James Allen Curry Jr., SW 15th Street, opined that back in 2020 there was some confusion relating to change outs from gas or electric water heaters to tankless water heaters, which is not a “like for like” change out. He noted several years ago there was no permit fee associated with gas/electric heater change outs. Mr. Curry advised that industry members do not want to have a fee associated with a water heater change out, either gas or electric, because each one of those fees is another \$100.00, which drives the cost of a \$1,200.00 or \$1,300.00 replacement and contractors are trying to keep that out of the expense to the homeowner and the cost of doing business. He clarified that when he performs a gas water heat change out, he always uses an electronic manometer to test for gas leaks and after that test is done, an affidavit is signed verifying the test was performed.

General discussion ensued.

In response to Chairman Bryant, Mr. Curry provided a brief overview of the process for exchanging out an interior tank water heater for an outside tankless water heater.

Denise Alexander, NW 25th Avenue, advised that she is the Executive Officer for the MCBIA and expressed her appreciation to the BCC on behalf of the MCBIA. She recognized Ms. Olesky for hard work and professionalism when working with MCBIA on this matter.

Justin Eason, SE 129th Place, Ocklawaha, advised that he is a Board member of the Florida Electrical Association and a first year apprenticeship teacher, noting he is present to speak on behalf of the electrical elements of this proposal. He noted as a group, the Florida Electrical Association disagrees with both proposed Ordinances. Mr. Eason expressed concern as a licensed electrical contractor that there are no checks and balances if people are given the freedom to perform improper work (i.e., pools, spas, etc.) at 60 amps or under without being inspected or permitted, noting it takes less than an amp to kill someone. He advised that the National Electric Code 90.1 states the purpose of the Code is the practical safeguarding of persons and property from hazards that arise. The purpose of the electrical permit and the inspection is to ensure this minimum standard is met. Mr. Eason stated the current Building Code reads “replace or repair at 25 amps or less”, which gives plenty of flexibility for repairs if somebody has an issue with something minor at their home. He advised that the County has always provided the ability for contractors to expedite a permit for an emergency service repair (i.e., tree falls on someone's electrical service wires).

General discussion ensued.

Mr. Eason commented on the importance of a permit to ensure a homeowner is utilizing the services of a licensed contractor.

Patrick Myers, SE 58th Avenue, advised that he is the owner of Pat Myer’s Electric, noting he agreed with Mr. Eason’s comments and concerns. He opined that having another set of professional eyes on a project, through the inspection process, helps ensure the safety of Marion County citizens.

General discussion ensued.

Greg Steen, SE Highway 484, advised that he is a State Delegate with the Florida

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Builders Association, noting he is in support of the proposed Ordinance. He opined that the Ordinance would allow for State certified electrical contractors to go to work every day and to allow homeowners to get repairs done quicker and without additional charges. In response to Commissioner Zalak, Mr. Steen opined that additional verbiage should be added that allows for additions and alterations to the “replace or repair at 25 amps or less” language in the Ordinance.

Justin Godwin, NE 62nd Street, advised that he is in favor of the proposed Ordinance for not requiring a permit unless the job exceeded 60 amps or the \$5,000.00 threshold. He clarified that the proposed Ordinance stipulates that the work must be performed by a licensed contractor. Mr. Godwin commented on the extra cost and time associated with acquiring permits for jobs over 25 amps.

In response to Chairman Bryant, Mr. Godwin stated the “replace or repair at 25 amps or less” language in the current Ordinance has not hindered his business except for the time and cost associated with the permitting process for jobs over 25 amps.

Keith Poole, NE Highway 314, Silver Springs, expressed his appreciation to County staff for allowing the MCBLA to help work through this process. He opined that permitting fees are another form of tax and takes away the freedom and limits the rights of property owners. Mr. Poole clarified that he is not advocating for unlicensed work. He advised that he agrees with the language relating to the addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 sf, noting a property owner should be allowed to install an irrigation system in their yard and not to have to have a permit. Mr. Poole opined that permit fees hinder the licensed contractor, noting the focus needs to be on educating the public to hire licensed contractors. He commented on the stormwater section of the Ordinance that includes language that states “and approved by the Office of the County Engineer”, noting the requirement is already included in the LDC and should not be part of this Ordinance. Commissioner Curry out at 10:58 a.m.

Chairman Bryant passed the gavel to Commissioner Zalak who assumed the Chair. Commissioner Bryant out at 10:58 a.m.

In response to Commissioner McClain, Mr. Poole opined that it is his belief that Florida Building Codes are derived by insurance companies as to what they will and will not cover by insurance and then they appoint a building official to govern the process.

Commissioner Curry returned at 11:00 a.m.

Commissioner Bryant returned at 11:00 a.m.

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

Chairman Bryant advised that public comment is now closed.

In response to Chairman Bryant, Building Safety Director Michael Savage advised that like for like water heater replacements have never been an issue, noting the changes relate to converting a tankless water heater, moving it outside 20 feet down the wall, adding gas piping, etc. He advised that there is no way to power a water heater without electricity. Additionally, tankless gas to a tankless electric requires adding additional circuits to that process.

In regard to the MCBLA request to include language that would allow for additions, alterations, or repairs by a property owner up to 1,000 sf without requiring a permit, Mr. Savage stated he disagreed with the request and opined that it is a serious life safety concern.

General discussion ensued.

In response to Commissioner Stone, Mr. Savage advised that he disagrees with the

suggestion not to require a permit unless the electrical job exceeded 60 amps, noting his recommendation, as a licensed electrician, would be to go back to the 25 amp requirement.

In regard to the request to increase the threshold to require a permit for HVAC system change outs from the \$2,500.00 to \$5,000.00, Mr. Savage recommended the BCC keep \$2,500.00 threshold. He stated the Department has had 191 code case violations relating to HVAC installations and of those staff were able to get a settlement on 173 of those cases (paid fines, brought in a licensed contractor to complete the job, etc.), noting 18 were brought before the Code Enforcement Board for action. Mr. Savage noted the State standard is a zero threshold.

General discussion ensued.

In response to Chairman Bryant, Mr. Savage advised that the Florida Building Code has a provision that specifically states “an emergency repair/replacement can be performed if a HVAC system goes out”; however, it requires the contractor to notify the Building Official the next business day for permitting purposes.

General discussion resumed.

In response to Commissioner McClain, Mr. Savage advised that under the current Code, knocking down a wall would be considered an alteration and would require a permit, noting the issues that could occur with load bearing walls.

In response to Commissioner Curry, Mr. Savage stated the City of Ocala does have several provisions that are different from Marion County as it relates to definitions (i.e., homesteaded single family dwelling unit) and restrictions (roof repair up to 100 sq ft), but they are pretty close overall. He advised that the City of Ocala requires permits but does not charge a fee for any repairs up to \$5,000.00.

General discussion resumed.

Mr. Savage advised that he disagreed with the comment that permit fees are a tax, noting a tax is given out to all taxpayers across the board and opined that the permit fee is a user fee.

Commissioner Stone referred to page 150 of the Agenda packet (page 3 of the proposed Ordinance) that contains the following language: “(a) Addition, alteration, or repairs performed by the property owner upon his or her own property are exempt from permitting”. She recommended the Board remove the words “addition and alteration” and only leave in the word “repairs”, which is how it is written in the current Ordinance. Commissioner Stone referred to the same page under the item (b)(v.) relating to the proposed language that reads a permit is required for “Residential Electric additions, alterations or repairs that exceed 60 amps or \$5,000.00 (receptacles, fixtures, panel boxes, outlets, etc.)”, and recommended the language be amended to a permit is required for “Residential Electric additions, alterations or repairs that exceed 25 amps or \$5,000.00”. She recommended that item (b)(vi.) a permit is required for “HVAC change out over \$7,500.00 (materials and labor)” be changed to “HVAC change out over \$5,000.00 (materials and labor)”.

In response to Commissioner Stone, Ms. Olesky stated by going to the \$5,000.00 the Board no longer needs to include the HVAC change outs as a specific item for permits required. Commissioner Stone recommended removing Item (b)(vi.) altogether.

General discussion ensued.

In response to Chairman Bryant, Mr. Tillman opined that the permitting exemptions stipulates “licensed contractors”, which encourages people to do it the right way. He requested clarification that permitting fee exemptions up to \$5,000.00 was across the

board and not just for HVAC change outs. Commissioner Stone advised that is correct. Mr. Eason advised that a lot of electrical work can be done for \$5,000.00 and expressed concern that the language does not specify what type of licensed contractor for each job description (i.e., electrical contractor for electrical work).

General discussion ensued relating to amperage and permit requirements.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to adopt Ordinance 25-13 amending Chapter 5.5, Article II, Subsection 5.5-33 Application for Permits and Subsection 5.5-39 Wind Loads relating to the Marion County Building Code, with the all of the language as proposed by County staff and to include the additional language as follows: "Addition, alteration, or repairs up to \$5,000.00 performed by the property owner upon his or her own property are exempt from permitting"; and "Residential electric additions, alterations or repairs up to 25 amps or \$5,000.00 performed by a licensed electrical contractor are exempt from permitting"; and to entirely remove the requirement under item number six. The motion was unanimously approved by the Board (5-0).

Ordinance 25-13 is entitled:

AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO THE MARION COUNTY BUILDING CODE; AMENDING CHAPTER 5.5, ARTICLE II, SUBSECTION 5.5-33 APPLICATION FOR PERMITS; AMENDING SUBSECTION 5.5-39 WIND LOADS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

9. COUNTY ADMINISTRATOR:

9.1. Fire Assessment Update

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

Description/Background: Marion County provides fire rescue services to the unincorporated areas of the county and the incorporated areas of Belleview, Dunnellon, McIntosh and Reddick (Fire Service Area). The assessment program was last updated by Accenture and NG&N for Fiscal Year 2019-20.

During the February 27, 2025 workshop, Marion County Fire Rescue and Accenture, the consultant, provided a presentation on the fire assessment rates. At that workshop, there were additional items for staff to bring back for Commission consideration, which included comparing the assessment rates of surrounding municipalities, reviewing future capital requests in the 5-year budget, and reviewing the options of implementation of rates.

The rate options are as follows:

- 1) Adopt the rate at 100% for the 5-year average;
- 2) Adopt a lesser percentage for the 5-year average;
- 3) Adopt an escalating rate over 5 years; or
- 4) Adopt an escalating rate over 5 years at a lesser percentage.

Along with the PowerPoint attached is the assessable budget, enhanced services, critical events schedule, fire assessment comparison and the Fire Rescue Services capital 5-year line item.

The Amended and Restated Initial Assessment Resolution will be presented on the June 3rd BCC agenda for adoption and execution, which will include approval for a public hearing to be scheduled on Wednesday, September 10th at 2:00 p.m.

to adopt the Amended and Restated Final Assessment Resolution including assessment rolls.

Budget/Impact: None.

Recommended Action: For discussion and direction.

Fire Chief James Banta stated the BCC held a workshop earlier this year to discuss updating the current Fire Rescue assessment. He advised that the current rates were last updated in 2019, noting staff try to evaluate and adjust the rates every 5 years.

Commissioner Curry out at 11:50 a.m.

Chief Banta referred to the PowerPoint presentation on Agenda pages 738 through 749 as seen on the overhead screens. He commented on the major funding options for Fire Rescue, noting there is an ad valorem millage rate of 1.1100 mills collected under the Fire Rescue Municipal Service Taxing Units (MSTU). Chief Banta noted the funds collected shall be utilized for the sole purpose of providing Emergency Medical Services (EMS) and Fire Rescue protection services to the citizens of Marion County. This is not to be confused with Emergency Medical Services Transport that is solely funded out of the General Fund, collections, and grants. He clarified that what the ad valorem tax pays for is essentially the medical component that is on the fire engines.

Commissioner Curry returned at 11:52 a.m.

Chief Banta advised that the 2019 study for the Fire Assessment was based on 140,000 dwelling units (du) and the assessment was broken down into demand and availability categories, with the demand rates set at \$49.17 per du on the demand portion and then \$150.74 for the availability portion of the assessment. He stated the 2025 study was based on 164,000 du with the demand rate recommended at \$76.53 and an availability rate recommended at \$207.44 for an average single family structure at 2,685 square feet (sf).

Chief Banta referred to the chart on page 740 and provided a brief overview of the 5-Year assessable budget, which includes total personnel, total operating expenses, and added capacity (3 new fire stations) with new station staffing. He provided a brief overview of the fiscal year (FY) 2026 proposed capital items which includes, 5 portable radios, mobile radios, self-contained breathing apparatus, extrication equipment, etc.

In response to Chairman Bryant, Chief Banta stated the funding source for the proposed capital items are paid for out of the Fire Assessment and are not funded through the Sales Tax. County Administrator Mounir Bouyounes clarified that the Sales Tax revenues are allocated for larger capital projects.

Chief Banta provided a brief overview of proposed Marion County rates compared to some of the surrounding counties including Alachua County, Citrus County, Lake County, The Villages, Polk County, Sumter County, and the City of Gainesville. He advised that staff have provided several option schedules for implementing the new rates, which included a proposed residential rate at 100%, that would create an \$84.06 increase; an option for 95% would give a \$69.20 increase; and then a 90% option at increase of \$55.66. Staff also looked at a gradual rate increase each year that would give citizens a lower rate for the first 2 years, but then in the third, fourth, and fifth years, as those rates escalated, they would be higher than the 100% proposed rate.

Chief Banta advised that staff are expecting some input from the City of Ocala concerning the option of an EMS Impact Fee in early May. A draft Ordinance is being reviewed by staff and legal, and a public hearing for the adoption is scheduled for May 23rd at 1:30 p.m.

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In response to Chairman Bryant, Mr. Bouyounes provided a brief overview of the proposed rate increase timeline and stated staff will bring back an initial rate Resolution in June 2025 and the final rate Resolution will come back for BCC consideration on September 10, 2025.

General discussion ensued.

Budget Director Audrey Fowler advised that if the rate is not raised for next year, the Department will be in a structural imbalance and will be using Fund Balance to pay for operational expenses for the upcoming FY. She clarified that based on the budget that is being proposed, without any other rate increases, staff will pretty much have to cut any increases to the Fund in order just to get it balanced and maintain adequate Reserves.

In response to Chairman Bryant, Ms. Fowler stated there will be approximately \$11,800,000.00 in Carry Forward for the next FY, which basically funds the Reserves. She clarified that there is \$8,000,000.00 in Cash Carry Forward and \$3,800,000.00 in Reserve for Contingencies. Ms. Fowler stated the proposed budget contains \$57,000,000.00 for operational expenses (personnel and operating costs).

General discussion resumed.

Commissioner McClain expressed concern that the community just voted in a 20-Year Sales Tax to pay for transportation and public safety capital needs and now what is being proposed is an assessment increase that also includes paying for capital projects.

General discussion resumed.

Ms. Fowler stated in the upcoming FYs the Department will incur recurring, inflationary, and contractual increases, etc. She advised that even if the Department did not add staff, there would be about a 5% increase in health insurance, workers' compensation, etc.

General discussion ensued relating to the distribution of Sales Tax revenues.

Ms. Fowler advised that she may have to propose a higher millage rate and then the Board can work with staff on reducing that millage rate prior when to the Truth in Millage (TRIM) Notices go out to citizens.

9.2. Request Approval to Move Forward with the Naming of the Library Branch to be Located in the Silver Spring Shores Area

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

Description/Background: A new Marion County Public Library branch is slated to open in the Fall of 2025. Attached is a departmental memo from the Public Library and the Commission Policy 24-06 regarding the naming of County properties. Per the policy, it is necessary to bring forward for discussion the naming of the new library branch and receive direction from the Board.

Number five (5) of the policy states: "The County Administrator shall appoint a Staff Ad Hoc Facilities Naming Committee. The committee shall have five (5) to seven (7) members. Members shall include a representative of the Commissioner whose district the facility is located, a representative of the County Administrator's Office, a representative of the Interested Department who will act as chair and secretary, a representative of the Historical Commission, and the remaining members shall be chosen from interested citizens."

Commissioner Craig Curry, Amanda Tart, Assistant County Administrator, Rebecca Long, Marion County Historical Commission, Stanley Saint-Louis, Silver Spring Shores MSTU board member and Julie Sieg, Director of Public Library System, will be on the committee.

Budget/Impact: None.

Recommended Action: Motion to approve moving forward with the naming process of the Library Branch to serve the Silver Spring Shores area.

Mr. Bouyounes commented on Commission Policy 24-06 regarding the naming of County properties.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to direct the County Administrator to put a Committee together to bring back a recommendation for naming the new library located in Silver Springs Shores. The motion was unanimously approved by the Board (5-0).

County Administrator Mounir Bouyounes advised of Walk-On Item (9.3).

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

9.3. WALK-ON: Request Approval of Resolution Supporting Executive Order 25-44, Entitled Ensuring Government Efficiency, and Collaboration With The Governmental Efficiency Team ("EOG DOGE") To Identify Unnecessary Local Government Spending, Increase Operational Efficiencies, and Reduce The Burden On Taxpayers; and Providing For An Effective Date

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

Description/Background: On February 24, 2025, Governor Ron Desantis issued Executive Order 25-44, titled "Ensuring Government Efficiency," to promote responsible and effective governance across the state. This order establishes the Governmental Efficiency Team, also referred to as the "EOG DOGE Team," within the Office of Policy and Budget in the Executive Office of the Governor.

This request seeks the Board's approval to pursue a collaboration with the EOG DOGE Team and the Board of County Commissioners, in alignment with the Board's commitment to fiscal responsibility, transparency in governance, and ongoing operational improvement. Executive Director Mike McCain, Director of the Office of Fiscal Review, will be the primary point of contact for all EOG DOGE Team communications.

Budget/Impact: None.

Recommended Action: Motion to adopt Resolution to work with The Governmental Efficiency Team and designate Executive Director Mike McCain, director of the Office of Fiscal Review, as the primary point of contact for all the Governmental Efficiency Team communications.

Mr. Bouyounes commented on Executive Order 25-44 issue by Governor Desantis on February 24, 2025, noting this request seeks the Board's approval to adopt a Resolution to pursue a collaboration with the EOG DOGE Team and to designate Executive Director Mike McCain, Director of the Office of Fiscal Review, to be liaison to the Governor's Office for all EOG DOGE Team communications.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant closed the floor to public comment.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt Resolution 25-R-136. The motion was unanimously approved by the Board (5-0).

25-R-136 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, SUPPORTING EXECUTIVE ORDER 25-44, ENTITLED *ENSURING GOVERNMENT EFFICIENCY*, AND

COLLABORATION WITH THE GOVERNMENTAL EFFICIENCY TEAM ("EOG DOGE") TO IDENTIFY UNNECESSARY LOCAL GOVERNMENT SPENDING, INCREASE OPERATIONAL EFFICIENCIES, AND REDUCE THE BURDEN ON TAXPAYERS; AND PROVIDING FOR AN EFFECTIVE DATE.

10. COMMITTEE ITEMS:

10.1. Board of Adjustment - Request Appointment of Two Full Members for Two New Full Terms, Ending April 2028

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

Description/Background: The Board of Adjustment has two (2) member terms expiring at the end of April 2025. One of the incumbents has resigned from the Board, the second incumbent has applied for reappointment, and a new applicant is requesting consideration by the Board:

- Donald M. Barber, Municipality Public Works Supervisor (Incumbent)
- Len Racioppi, Retired Global Projects Manager (New)

Budget/Impact: None.

Recommended Action: Motion to reappoint incumbent Donald M. Barber to a new full term ending April 2028, and to appoint new applicant Len Racioppi as a full member for a term ending April 2028.

Clerk Gregory C. Harrell advised that Mr. Donald Barber and Mr. Len Racioppi received the appropriate votes.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to reappoint incumbent Donald M. Barber to a new full term ending April 2028, and to appoint new applicant Len Racioppi as a full member for a term ending April 2028. The motion was unanimously approved by the Board (5-0)

10.2. Code Enforcement Board - Request Reappointment of One Incumbent Member for a Full Term, Ending April 2028

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

Description/Background: There are three (3) seats available on the Code Enforcement Board: two alternate member vacancies and one full member term expiring in April 2025. Incumbent Dennis Strow has applied for reappointment. No other applications were received during the advertisement period.

The three (3) available seats are as follows:

- Full member for a new term ending April 2028
- Alternate member for a full new three-year term
- Alternate member for an unexpired term ending February 2026

Budget/Impact: None.

Recommended Action: Motion to approve the reappointment of incumbent Dennis Strow to the Code Enforcement Board for a new full term ending April 2028.

Clerk Gregory C. Harrell advised that Dennis Strow received the appropriate votes.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to reappoint incumbent Dennis Strow to the Code Enforcement Board for a new full term ending April 2028. The motion was unanimously approved by the Board (5-0).

10.3. Marion Oaks MSTU for Recreation and Facilities - Request Reappointment of One Incumbent Member for a Full Term, Ending April 2029

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

Description/Background: The Marion Oaks MSTU for Recreation and Facilities Advisory Council has one (1) member term expiring at the end of April 2025.

Budget/Impact: None.

Recommended Action: Motion to approve the reappointment of incumbent Alice Mitchell to the Marion Oaks MSTU for Recreation and Facilities Advisory Council for a new full term ending April 2029.

Clerk Harrell advised that Alice Mitchell received the appropriate votes.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to reappoint incumbent Alice Mitchell to the Marion Oaks MSTU for Recreation and Facilities Advisory Council for a new full term ending April 2029. The motion was unanimously approved by the Board (5-0).

10.4. Planning and Zoning Commission - Request to Declare Seat Vacant and Authorize the Advertisement of One Full Member Position for an Unexpired Term Ending September 2025

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

Description/Background: James Bailey was reappointed to the Planning and Zoning Commission on October 5, 2021, as a full member for a term ending September 2025.

Mr. Bailey has failed to attend all Planning and Zoning Commission meetings held since January 2024. Further, he has failed to communicate with staff, and all attempts to contact him have been unsuccessful.

Pursuant to Commission Policy 22-01 for Citizen Advisory Boards, Section II, B. Attendance Requirements for Citizen Advisory Board Members, all advisory board members are required to faithfully attend meetings on a regular basis. If any member fails to attend three successive meetings without prior approval of the chairman of such board, or if any member fails to attend forty percent (40%) or more of all meetings within any calendar year, such fact shall be reported to the Board of County Commissioners (BCC). The BCC may declare the seat held by such member to be vacant and may appoint a new member without notice.

Budget/Impact: None.

Recommended Action: Motion to declare James Bailey's seat on the Planning and Zoning Commission vacant and authorize the advertisement of one (1) full member position for an unexpired term ending September 2025.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to declare James Bailey's seat on the Planning and Zoning Commission vacant and authorize the advertisement of one (1) full member position for an unexpired term ending September 2025. The motion was unanimously approved by the Board (5-0)

11. NOTATION FOR ACTION:

11.1. Request Approval to Schedule a Public Hearing Regarding Fire/EMS Impact Fees on Friday, May 23, 2025, at 1:30 p.m. in the McPherson Governmental Campus Auditorium

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

Description/Background: This is a request to schedule a Public Hearing to consider the adoption of Fire Rescue and Emergency Medical Services (EMS) Impact Fees. The Board held a workshop on January 29, 2025, regarding Fire Rescue, EMS and Transportation Impact Fees; additional discussion was held during the Joint Workshop with the City of Ocala on March 13, 2025. Follow-up information was presented to the Board during the regular Board meeting of February 18, 2025.

The workshop is requested in the McPherson Campus Auditorium on:

- Friday, May 23, 2025, at 1:30 p.m.

Budget/Impact: None.

Recommended Action: Motion to approve to schedule Public Hearing regarding Fire Impact Fees on Friday, May 23, 2025, at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to schedule a public hearing regarding Fire Impact Fees on Friday, May 23, 2025, at 1:30 p.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0)

11.2. Request Approval to Schedule a Public Hearing Regarding Transportation Impact Fees on Friday, May 23, 2025, at 2:00 p.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

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

Description/Background: This is a request to schedule a Public Hearing to consider the adoption of Transportation Impact Fees. The Board held a workshop on January 29, 2025, regarding Fire Rescue, Emergency Medical Services (EMS) and Transportation Impact Fees; follow-up information was then presented to the Board during the regular Board meeting of February 18, 2025.

The Public Hearing is requested in the McPherson Campus Auditorium on:

- Friday, May 23, 2025, at 2:00 p.m. or as soon thereafter.

Budget/Impact: None.

Recommended Action: Motion to approve to schedule Public Hearing regarding Transportation Impact Fees on Friday, May 23, 2025, at 2:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to schedule public hearing regarding Transportation Impact Fees on Friday, May 23, 2025, at 2:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0)

11.3. Request Approval to Cancel the Comprehensive Plan Evaluation and Appraisal Workshop on Wednesday, May 14, 2025, at 2:30 p.m. in the McPherson Governmental Campus Auditorium

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

Description/Background: On February 4, 2025, the Board approved to the schedule the Workshop regarding the Comprehensive Plan Evaluation and Appraisal Report, Wednesday, May 14, 2025, at 2:30 p.m. Workshops with the Board have been ongoing to review materials regarding the Evaluation and Appraisal Report (EAR). The first series of eight workshops began in September, continued through January, and focused on identifying changes to the

Comprehensive Plan. The next series of ten workshops were scheduled between February and June. This series consist of targeted workshops that aim to make the identified changes to the specific policies within the Comprehensive Plan. The meetings have been efficient and the topics originally anticipated during the May 14, 2025 workshop are able to be absorbed into other meetings.

Budget/Impact: None.

Recommended Action: Motion to approve the cancellation of the Comprehensive Plan Evaluation and Appraisal workshop on Wednesday, May 14, 2025, at 2:30 p.m.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to cancel the Comprehensive Plan Evaluation and Appraisal Report (EAR) workshop scheduled for Wednesday, May 14, 2025, at 2:30 p.m. The motion was unanimously approved by the Board (5-0).

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

Chairman Bryant opened the floor for public comment.

Joseph Walker, SE 54th Place, Ocklawaha, presented a 6 page handout in regard to locating and maintaining mowing around fire hydrants in the "Maricamp dust bowl" area of District 1 in Marion County. He expressed concern that the overgrowth around fire hydrants can be dangerous in an emergency situation.

Chairman Bryant 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 advised that she had nothing further to add.

Commissioner McClain advised that he had nothing further to add.

Commissioner Zalak advised that he had nothing further to add.

Chairman Bryant advised that she 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 April 15 through May 6, 2025.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Update on 2022-26 Strategic Plan Empowering Marion for Success II for April 2025

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14.1.2. Present Letter Dated March 31, 2025, from TECO People's Gas Regarding a Petition That Has Been Filed with the Florida Public Service Commission Requesting New Rates Effective January 1, 2026

14.1.3. Board of Adjustment - Present Resignation from Douglas Sherwood

14.1.4. Present Chamber and Economic Partnership March 2025 Activity

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

14.2.1. WALK ON: Presented on April 1, 2025, as Agenda Item 7.6.2. – Request Approval of an Indemnification Agreement Between Colen Built Development, LLC and Marion County for the Proposed Calesa Township Perlino Grove Subdivision, Application Number 31832 (Budget Impact - None)

14.3. General Informational Items:

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

14.4. Clerk of the Court:

14.4.1. Present Administrative Budget Transfer Report for FY 2024-25

14.4.2. Present Memorandum from Gregory C. Harrell, Clerk of The Circuit Court and Comptroller, Regarding the Filing Of Ordinances 24-23 (Corrected), 24-32 (Corrected), 25-07, 25-08 and 25-09 With The Secretary Of State's Office

14.4.3. Present Monthly Report for the Building Department Budget and Actual

14.4.4. Present Regular Report of Utilization for Reserve for Contingencies

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

14.5.1. Development Review Committee - March 17, 2025

14.5.2. Housing Finance Authority - February 19, 2025

14.5.3. Land Development Regulation Committee - March 5 and 26, 2025

14.5.4. Planning and Zoning Commission - February 24, 2025

14.5.5. Rainbow Lakes Estates Advisory Committee - February 20, 2025

14.5.6. Tourist Development Council - January 16 and February 27, 2025

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

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

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

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

There was a recess at 12:34 p.m.

The meeting reconvened at 2:01 p.m. with all members present.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Senior Planner Christopher Rison, Administrative Manager Autumn Williams, 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 – REQUEST PROOF OF PUBLICATION (AT 2:00PM):

Deputy Clerk Windberg advised that there are two (2) Proofs of Publication to be presented for this afternoon's meeting.

The first Proof of Publication is legal ad No. 11162774 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on March 31, 2025. The Notice stated the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

The second Proof of Publication is a Display ad No. 11200781 entitled, "Notice of Public Hearing to Consider a Developer's Agreement Between Marion County and 484 Road Runner Resources, LLC., Coyote Crossing Holdings, LLC., John Alvarez Investment Group, LLC., AAW LLC., And MGL Development, LLC., Related to the Florida Crossroads Commerce Park (North and South), Phase 2 (25-01DA)" published in the Star Banner newspaper April 8, 2025. The Notice states the Board will consider a proposed Development Agreement (Agreement, Case No. 25-01DA), pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes (F.S.) between Marion County, Florida (County) and 484 Road Runner Resources, LLC., Coyote Crossing Holdings, LLC., John Alvarez Investment Group, LLC., AAW LLC., and MGL Development, LLC. (Developer and/or Owners), related to the Florida Crossroads Commerce Park (North and South), Phase 2.

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit (SUP) hearings. He noted the applicant will be given an opportunity to give their initial presentation to the Board of County Commissioners (BCC) or they may wait until after public comment, at which time the applicant (or agent) will respond. If a speaker has questions for the applicant, they must address the BCC at the podium and the Board will then in turn direct those issues to the applicant for a response. Mr. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

15.1. Planning and Zoning Items for Individual Consideration:

15.1.1. PUBLIC HEARING: First of Two Public Hearings for Presentation and Discussion to Consider a Development Agreement (Agreement, 25-01DA) between Marion County, Florida, and 484 Road Runner Resources, LLC, Coyote Crossing Holdings, LLC, John Alvarez Investment Group, LLC, AAW, LLC, and MGL Development, LLC, Related to the Florida Crossroads Commerce Park (North and South), Phase 2; and Request to Confirm the Second Public Hearing to Consider the Agreement on Tuesday, May 6, 2025, at 10:00 a.m.

Senior Planner Chris Rison presented the following recommendation:

Description/Background: James W. Gooding, III, Esq., on behalf of 484 Road Runner Resources, LLC. (Developer or Owner), Coyote Crossing Holdings, LLC, John Alvarez Investment Group, LLC, AAW, LLC, and MGL Development, LLC (Owners), has submitted a Development Agreement related to the Florida Crossroads Commerce Park (North and South), Phase 2, development regarding transportation and stormwater improvements, including, but not limited to,

addressing concurrency, concurrency certification, proportionate share, and transportation impact fee credits, and establishing an expiration date.

The Florida Crossroads Commerce Park (FCCP), consisting of lands north and south of SW Hwy 484, is surrounded by the existing Marion Oaks Subdivision, a Vested Development of Regional Impact (VDRI). The FCCP has been established under a series of Planned Unit Development (PUD) approvals (Zoning Case Numbers 181103Z[P], 191107Z[P], 191110Z[P], 210806Z[P], 221110ZP), and the Developer and Owners are working with Marion County regarding the completion of area transportation network improvements related to SW Hwy 484 and the SW 49th Avenue Extension through the site and overall Marion Oaks community. The Agreement references the FCCP's development approvals and generally identifies the development amounts addressed by the Agreement.

The Agreement identifies roadway and stormwater improvements to be completed by the developer and/or owners, and provides for concurrency, concurrency certification, proportionate share, and transportation impact fee credits, and establishing an expiration date, wherein the costs of the improvements are applied and/or credited to the project consistent with the Land Development Code and Florida Statutes.

This public hearing represents the first of two (2) public hearings regarding the Agreement. The Board selected May 6, 2025, at 10:00 a.m. for the second public hearing, and staff recommends confirming that scheduled public hearing.

Budget/Impact: None.

Recommended Action: Receive public comment, provide direction to staff, and motion to confirm the second public hearing to consider the Agreement on Tuesday, May 6, 2025, at 10:00 a.m.

Senior Planner Christopher Rison, Growth Services, provided an overview of the request for consideration of a Developer's agreement related to Florida Crossroads Commerce Park, noting this Development Agreement would be a supplemental agreement to an existing agreement. He advised that some of the opposition contains concerns related to some of the development parameters, which were addressed in the PUD and are not subject to this discussion or the Development Agreement. Mr. Rison stated the primary focus of the Developer's Agreement is intersection improvements at County Road (C.R.) 484 and SW 49th Avenue running north to south on the eastern side of the project, and SW 57th Avenue Road, which runs along the western side of the property.

Mr. Rison advised that staff are requesting Board direction relating to 2 items: 1) Impact Fee credits for improvements not listed in the Transportation Improvement Plan (TIP); and 2). the duration of the credit agreement being extended from 5 to 20 years. He stated staff are requesting confirmation relating to the second public hearing scheduled for May 6, 2025.

Jimmy Gooding, SE 36th Avenue, attorney on behalf of the applicant, advised that this is the second Development Agreement, noting the first agreement primarily concerned the industrial portion of the project. He stated this part of the development agreement is called Phase 2; however, it includes some of the property in the south and north. Mr. Gooding advised that the Traffic Study, which is the basis for this agreement, questioned the anticipated uses for those properties on top of the industrial. He stated the study identified the improvements that were needed to accommodate those uses. Mr. Gooding advised that County Engineer Steven Cohoon, Office of the County Engineer (OCE), suggested the developer agree in advance on where some of the improvements would be so both

parties can plan and avoid repeated requests. He stated there are some provisions not typically found in the Development Agreement, such as turn lanes. Mr. Gooding commented on the super-majority vote of the Board needed to authorize the improvements, which is not uncommon for a project like this. He addressed the duration of the credits, noting the County Code stated the default is 5 years; however, the Board can approve up to 20 as requested. He clarified that the applicant has current applications that will utilize all of the credits, but he does not want to take that chance.

Chairman Bryant advised that the Board would discuss the matter.

Chairman Bryant opened the floor to public comment.

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

County Engineer Steven Cohoon, OCE, stated his team spent a lot of time working with the applicant to ensure all parties agreed and he is comfortable with where the parties are today.

In response to Chairman Bryant, Mr. Cohoon opined that the County should be more conscience about extending the time frame for the Impact Fee Credits to 20 years. He stated for this particular project he is comfortable with 10 or 20 years. Mr. Cohoon advised that moving forward staff need to take a closer look at how they are willing to go beyond the 5 years as identified in the Code.

Chairman Bryant commented on the importance of this corridor, noting staff should encourage this project to move along sooner than later.

Mr. Gooding stated in addition to the intersection improvements, the applicant has entered into an agreement with the County to build what is known as the spine road without Impact Fee Credits. He opined that it does not cost the County anything to extend the timeframe for the credits.

In response to Chairman Bryant, Mr. Cohoon advised that it is a strenuous process for staff to track the credits accurately over time, especially with turnover and retirements.

Mr. Gooding stated the applicant is working with the County to make that process easier. Chairman Bryant advised that this is the first of two public hearings, with no action being taken today.

Commissioner Stone requested the Board confirm the second public hearing to consider the Development Agreement for Tuesday, May 26, 2025, at 10:00 a.m. It was the general consensus of the Board to concur.

Chairman Bryant clarified that the Board will vote on the timeframe relating to the Impact Fee Credits at the second public hearing.

15.1.2. 25-S06 - Gary W Smallridge and 4 C Family Trust, LLC (484 Industrial LLC), Small-Scale Comprehensive Plan Amendment for a Future Land Use Designation Change from Rural Land to Commerce District, 30.21 Acre Tract, Parcel Account Numbers 41520-001-04 and 41520-101-04, No Address Assigned (No Action - Continued by Planning and Zoning Commission to their May 28, 2025 Meeting)

Deputy Growth Services Director Ken Weyrauch presented the following recommendation:

Description/Background: Randal Alvord, agent for the applicants, has filed a small-scale comprehensive plan amendment application on behalf of Gary W. Smallridge and Thomas Conrad, to change a ±30.21-acre site from Rural Land (RL) to Commerce District (CD). The Parcel Identification Numbers for the two properties are 41520-001-04 and 41520-101-04; no address assigned. The legal description is provided within the application. The subject properties are metes and bounds

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parcels located immediately west of the Three C's Industrial Park, on the south side of CR 484, which is approximately 3.32 miles due east of I-75. The site is located outside of the Urban Growth Boundary (UGB), and in the Countywide Secondary Springs Protection Zone (SS-SPOZ). No code cases have been found to be active at this location.

The applicants appeared at the Planning and Zoning Commission regarding this item on March 31, 2025, and requested a continuation of the application's consideration to enable the applicant to further address staff's recommendation regarding the intensity of the proposed land use. The Planning and Zoning Commission voted to continue consideration of this application to the Planning and Zoning Commission's public hearing on May 28, 2025, at 5:30 p.m. As such, the Board of County Commissioners' consideration of this item will be rescheduled and advertised accordingly.

Budget/Impact: None.

Recommended Action: No action, information only.

Senior Planner Rison advised that Items 15.1.2 (25-S06) and Item 15.1.3 (250406ZC) were continued through the request of the applicant and will be coming back at another time.

15.1.3. 250406ZC - Gary W Smallridge and 4 C Family Trust, LLC (484 Industrial LLC), Zoning Change from General Agriculture (A-1) to Heavy Industrial (M-2), 30.21 Acre Tract, Parcel Account Numbers 41520-001-04 and 41520-101-04, No Address Assigned (No Action - Continued by Planning and Zoning Commission to their May 28, 2025 Meeting)

Deputy Growth Services Director Weyrauch presented the following recommendation:

Description/Background: Randal Alvord, agent for the applicants, has filed an application to rezone two parcels from General Agriculture (A-1) to Heavy Industrial (M-2) on behalf of Gary W. Smallridge and Thomas Conrad, to change a ±30.21-acre site. The Parcel Identification Numbers for the two properties are 41520-001-04 and 41520-101-04 (No assigned addresses). The legal description is provided within the application. The subject properties are metes and bounds parcel located immediately west of the Three C's Industrial Park, on the south side of CR 484, which is approximately 3.32 miles due east of I-75. The site is located outside of the Urban Growth Boundary (UGB), and in the County-wide Secondary Springs Protection Zone (SS-SPOZ). No code cases have been found to be active at this location.

The applicants appeared at the Planning and Zoning Commission regarding this item on March 31, 2025, and requested a continuation of the application's consideration to enable the applicant to further address staff's recommendation regarding the intensity of the proposed land use. The Planning and Zoning Commission voted to continue consideration of this application to the Planning and Zoning Commission's public hearing on May 28, 2025, at 5:30 p.m. As such, the Board of County Commissioners' consideration of this item will be rescheduled and advertised accordingly.

Budget/Impact: None.

Recommended Action: No action, information only.

It was noted for the record that this Item was continued.

15.1.4. 20250408ZP - Emerson Pointe Development, LLC, Zoning Change from Planned Unit Development to Planned Unit Development to Amend the Emerson Pointe PUD, ±62.84 Acre Tract, Parcel Account Numbers 24286-000-00, 24286-000001, 24286-000002, 24286-000003, 24286-000004, 24286-000005, 24286-000006, and 24286-001-00 through 24286-092-00 (Emerson Pointe, Phase 1, Subdivision), No Address Assigned
The Board considered a petition by Emerson Pointe Development, LLC, for a Zoning change, Articles 2 and 4, of the Marion County Land Development Code, to amend the existing Planned Unit Development (PUD) Master Plan to modify the proposed perimeter buffers, on an approximate 62.84 acre tract, on parcel account numbers 24286-000-00, 24286-000001, 24286-000002, 24286-000003, 24286-000004, 24286-000005, 24286-000006, and 24286-001-00 through 24286-092-00, No Addresses Assigned

P&Z PUBLIC HEARING ON MARCH 31, 2024

250408ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Gaekwad, seconded by Mr. Kroitor, to agree with staff's findings and recommendation, and recommend approval with conditions of the Special Use Permit 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 6-1 with Mr. Fisher dissenting.

Senior Planner Rison, Growth Services, commented on the request for a zoning change from PUD to PUD to amend the existing PUD Master Plan, modifying the proposed perimeter buffers. He advised that staff are not generally opposed to the buffers; however, there are comments from the County Landscape Architect due to some outstanding questions. Mr. Rison stated Planning and Zoning staff are recommending that final buffers be subject to County Landscape Architect approval upon receipt of the additional information.

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

1. The PUD shall be developed consistent with the original PUD Application and PUD Concept Plan Set with the buffer revisions provided in the PUD Master Plan accompanying this application (date 1/24/2025; attached) and the continuing development conditions for this approval as revised to reflect the buffer revisions. All other PUD Development Conditions remaining unchanged.
2. The PUD shall consist of single-family detached residential (SFR) dwelling units, up to a maximum total of 251 units, provided consistent with the Concept Plans listed development standards.
3. Any RV/Boat storage area shall be provided internal to the PUD and set back a minimum of 100' from any external PUD boundary.
4. Prior to completion and approval of the final PUD Master Plan, or equivalent, a project Traffic Methodology shall be submitted for review and review consistent with the LDC, to then be followed by the final project Traffic Study. The PUD shall be completed and adequate provision shall be made to provide for the dedication of thoroughfare and major local collector rights-of-way along with necessary supporting transportation system and/or access improvements, consistent with applicable County and State provisions.

5. Development of the PUD shall provide for a minimum of two vehicular access points to NE 35th Street and NE 28th Street; in the event the access connection to NE 28th Street may not be obtained the second access may be provided to NE 19th Avenue. All vehicle access points shall be provided and accessible prior to obtaining final inspection/certificate of occupancy for any residence within the PUD, except residences permitted as a "model home" may be granted a temporary certificate of occupancy for the intended purpose of providing a model home and not for final use as a residence.
6. The PUD shall comply with the minimum provision of 12.57 acres of total open space as shown on the PUD Conceptual Plan.
7. Buffers shall be provided consistent the buffers as provided on the revised PUD Master Plan (1/24/2025), subject to the approval of the County Landscape Architect. The Planning & Zoning Commission recommended approval of the above condition without staff's recommended revision to add that the buffers be subject to the approval of the County Landscape Architect.
8. The Maximum building height shall be 40-feet for the PUD's residential dwellings.
9. The final PUD Master Plan, or equivalent, shall provide final amenity provision details (clubhouse, pool, playground, play area, etc.) demonstrating the amenities comply with national home builder association residential community amenity package practices and rates and the minimum amenities established by the PUD Conceptual Plan, whichever is greater.
10. The final interior roadway cross-section shall be determined with the review and consideration of the final PUD Master Plan, or equivalent, wherein an increased width greater than 30' may be required to address specific design needs; in the event the applicant and the Development Review Committee disagree regarding any final width, the applicant may appeal the decision of the DRC to the Board of County Commissioners as part of the final PUD Master Plan review noted in Condition #12 below.
11. Any access & utility easement(s) along the site boundaries shall be placed internally so as to not conflict with any buffer along that boundary.
12. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes Zoning Application notice provisions at the applicant's expense. Based on the Board's November 2023, Master Plan consideration, the following additional conditions shall apply in regard to the project amenities:
 - A. The project amenities shall include a minimum 2,500 SF clubhouse, a minimum 1,600 SF pool, a playground, and a dog park complex, as depicted in the Final PUD Master Plan.
 - B. Prior to issuance of the 101st single family residential Building Permit within the PUD, complete respective Building Permit Applications for the clubhouse, pool, playground, and dog park amenities shall be submitted for review.
 - C. Prior to obtaining the final inspection/certificate of occupancy for the 200th single family residential Building Permit within the PUD, the

final inspection/certificate of occupancy for the clubhouse, playground, and dog park shall be obtained.

- D. Prior to obtaining the final inspection/certificate of occupancy for the 250th single family residential Building Permit within the PUD, the final inspection/certificate of occupancy for the pool shall be obtained.

Matt Fabian, SE 20th Street, advised of previous discussion relating to annexing this project into the City after approval; however, the majority was kept in the County. He stated after Phase 1 was developed, his partner met with the County Landscape Architect/Parks and Recreation Director Jim Couillard and developed a plan Mr. Couillard was comfortable with moving forward. Mr. Fabian advised that they are at the point in Phase 2 where a significant number of trees were able to be saved but they were not allowed to go through the Development Review Committee (DRC) to get any waivers. He clarified that due to the buffers being Board mandated; he was advised the request must be heard by the Board. Mr. Fabian stated he has no problem fencing the gaps that exist for maintenance, noting gates can be added. He advised that he met with Project Assistant Susan Heyen, Parks and Recreation, onsite to look at the trees they were able to save. Mr. Fabian stated on the Phase 2 eastern buffer the current PUD allows for a buffer or a 6 foot fence along the entire eastern side. He advised that after the clearing was performed, all of the trees were able to be saved on the eastern boundary and he is requesting to be allowed to have a fence to the back of the property line, stopping just to the north of the drainage retention area (DRA), leaving the natural vegetation in that location.

Chairman Bryant commented on the map on the screen (page 1443 of the Agenda packet), noting the east boundary Mr. Fabian spoke of appears to be represented in pictures 10 and 11.

David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, advised that pictures 10 and 11 are adjacent to the stormwater pond where trees were maintained and left in place. He stated there is no fence or planting there due to the existing vegetation and the significant separation between houses and adjacent property owners.

In response to Chairman Bryant, Mr. Tillman advised that there will be no fence down the DRA depicted in pictures 10 and 11. He stated the section where the next DRA south of the property line is located, is the applicant's property located in the City of Ocala. Mr. Tillman advised that the applicant is moving forward with a Planned Development (PD) and is requesting not to have to buffer adjacent to themselves where they will be making future roadway connections. He stated the applicant will make the roadway connection immediately once they begin to develop. Mr. Tillman advised that the road referenced on the overhead screens is being constructed. He referred to area identified by the number 3 on the map, which is adjacent to the City of Ocala's DRA. Mr. Tillman stated the applicant owns the property on the other side of the City's property. He commented on photo 1, noting that is the street located in the City. He advised that the fence is up, and the landscaping is in place along the right-of-way (ROW). Photographs 4 and 6 depict the magnolia oaks and hedges that were planted in addition to a fence. Mr. Tillman advised that the applicant met with homeowners along this property line to ensure they were satisfied with the buffer, and he believes everything has been worked out to their satisfaction. He stated relating to photos 7 and 8 there were a lot of trees left in the region, but behind the lots there will be a fence in place for separation. Mr. Tillman commented on NE 19th Avenue, noting due to power lines along that road the applicant is utilizing a

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fence and ornamentals. There is a retaining wall there and the fence stops the fall hazard. He addressed photos 21, 22 and 23, stating trees were left in place and there was fencing along the majority of the stretch. Mr. Tillman commented on the gaps Mr. Rison referred to earlier. He stated the area below the number 20 appears to be 2 lots; however, the one to the right is currently being used for maintenance of the buffers but could be gated. This is also the place where the 30 foot no-touch buffer was left in place. Mr. Tillman advised that the applicant worked with the neighbor relating to photograph 21, noting they helped him do some clean up in the backyard relating to some dead trees. He stated trees were left in place along this region and a fence was added behind the lots. Mr. Tillman commented on the gaps visible in photographs 14 and 16, which is the location of the roadway coming in and out, noting the existing trees were left along the edge in photograph 16. He advised that the clearing is complete, and the project is under construction. Mr. Tillman stated the applicant knows which trees are in place and Mr. Couillard may not have gone over all the boundaries, but a portion of them he spoke to Mr. Vandeven about in the field.

Mr. Tillman commented on Condition 12 relating to the final PUD Master Plan and requested it be stricken, noting it has already been met.

Parks and Recreation Director Jim Couillard stated he toured Phase 1 with Mr. Vandeven and then Phase 2 on Saturday April 12, 2025. He commented on the north end where the no-touch buffers are located, the applicant has saved a good amount of trees, and the edges look really good. Mr. Couillard advised that Ms. Heyes reported back to him relating to the areas 16 down to 11 on the map, noting the saved trees look good. He stated he understands the development coming to the east of Phase 2 and it makes good sense. The northwest corner as depicted on the map is very well protected. Mr. Couillard commented on the Conditions along the west side of the site, as far as the powerline goes, noting the buffer using ornamental and understory trees would be sufficient. He stated staff spoke with a neighbor on Emerson Pointe Phase 1 and they were very satisfied with the fence. Mr. Couillard advised that the tree clearing was successful, noting there were good trees saved, and he is in support.

Chairman Bryant opened the floor to public comment.

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

Mr. Rison advised that Condition 12 needs to remain; however, the phrasing will be corrected to note that the consideration of the Master Plan has been concluded and completed.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt Resolution 25-R-137 approving the zoning change from PUD to PUD, with Conditions 1 through 12, as amended below, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses.

Resolution 25-R-137 contains the following Conditions:

1. The PUD shall be developed consistent with the original PUD (220608Z) Application and PUD Concept Plan Set with the buffer revisions provided in the PUD Master Plan accompanying this application (date 1/24/2025; attached) and the continuing development conditions for this approval as revised to reflect the buffer revisions. All other PUD Development Conditions remain unchanged, except Condition 12 is updated to acknowledge that the Board completed the required review and approval of

- the final PUD Master Plan that established additional requirements regarding the PUD amenities now included in Condition 12.
2. The PUD shall consist of single-family detached residential (SFR) dwelling units, up to a maximum total of 251 units, provided consistent with the Concept Plan's listed development standards.
 3. Any RV/Boat storage area shall be provided internal to the PUD and set back a minimum of 100' from any external PUD boundary.
 4. Prior to completion and approval of the final PUD Master Plan, or equivalent, a project Traffic Methodology shall be submitted for review and be consistent with the LDC, to then be followed by the final project Traffic Study. The PUD shall be completed and adequate provision shall be made to provide for the dedication of thoroughfare and major local collector rights-of-way along with necessary supporting transportation system and/or access improvements, consistent with applicable County and State provisions.
 5. Development of the PUD shall provide for a minimum of two vehicular access points to NE 35th Street and NE 28th Street; in the event the access connection to NE 28th Street may not be obtained the second access may be provided to NE 19th Avenue. All vehicle access points shall be provided and accessible prior to obtaining final inspection/certificate of occupancy for any residence within the PUD, except residences permitted as a "model home" may be granted a temporary certificate of occupancy for the intended purpose of providing a model home and not for final use as a residence.
 6. The PUD shall comply with the minimum provision of 12.57 acres of total open space as shown on the PUD Conceptual Plan.
 7. Buffers shall be provided consistent with the buffers as provided on the revised PUD Master Plan (1/24/2025), subject to the approval of the County Landscape Architect.
 8. The Maximum building height shall be 40-feet for the PUD's residential dwellings.
 9. The final PUD Master Plan, or equivalent, shall provide final amenity provision details (clubhouse, pool, playground, play area, etc.) demonstrating the amenities comply with national home builder association residential community amenity package practices and rates and the minimum amenities established by the PUD Conceptual Plan, whichever is greater.
 10. The final interior roadway cross-section shall be determined with the review and consideration of the final PUD Master Plan, or equivalent, wherein an increased width greater than 30' may be required to address specific design needs; in the event the applicant and the Development Review Committee (DRC) disagree regarding any final width, the applicant may appeal the decision of the DRC to the Board of County Commissioners as part of the final PUD Master Plan review noted in Condition #12 below.
 11. Any access & utility easement(s) along the site boundaries shall be placed internally so as to not conflict with any buffer along that boundary.
 12. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes

Zoning Application notice provisions at the applicant's expense. The Applicant obtained the required Board of County Commissioners review and approval of the final PUD Master Plan on November 21, 2023, with that final PUD Master Plan consideration establishing the following additional conditions in regard to the project amenities:

- A. The project amenities shall include a minimum 2,500 SF clubhouse, a minimum 1,600 SF pool, a playground, and a dog park complex, as depicted in the Final PUD Master Plan.
- B. Prior to issuance of the 101st single-family residential Building Permit within the PUD, complete respective Building Permit Applications for the clubhouse, pool, playground, and dog park amenities shall be submitted for review.
- C. Prior to obtaining the final inspection/certificate of occupancy for the 200th single-family residential Building Permit within the PUD, the final inspection/certificate of occupancy for the clubhouse, playground, and dog park shall be obtained.
- D. Prior to obtaining the final inspection/certificate of occupancy for the 250th single-family residential Building Permit within the PUD, the final inspection/certificate of occupancy for the pool shall be obtained.

15.1.5. 241209ZP - SW 60th Ave LLC, Zoning Change from General Agriculture (A-1) to Planned Unit Development to Allow for a Maximum Proposed Total of 73 Residential Units, ±27.12 Acres, Parcel Account Number 23834-001-01, Site Address 4805 SW 60th Avenue, Ocala, FL 34474

The Board considered a petition by SW 60th Ave, LLC, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Planned Unit Development (PUD) to allow for a maximum proposed total of 73 residential units, on an approximate 27.12 Acre Parcel, on Parcel Account Number 23834-001-01, Site Address 4805 SW 60th Avenue, Ocala, FL 34474

P&Z PUBLIC HEARING ON January 27, 2025

241209ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Gaekwad, to agree with staff's findings and recommendation, and recommend approval with conditions of the Special Use Permit 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 6-1 with Mr. Heller dissenting.

Growth Services Deputy Director Ken Weyrauch, commented on the request for a zoning change from A-1 to PUD.

Commissioner Zalak out at 2:42 p.m.

Mr. Weyrauch advised that the land use is a mixture of Medium Residential (MR) and Commercial (COM). He stated the commercial portion of this property is a conservation area. The proposed project would consist of single-family detached, one and two story with a density of 2.69 dwelling units per acre (du/ac). Mr. Weyrauch advised that along SW 60th Avenue there will be some commercial and residential uses, noting the area along SW 52nd Street is mainly agricultural properties. He referred to a map on the

overhead screens that outlines an old construction and demolition (C&D) landfill. Mr. Weyrauch provided an overview of the Conceptual Plan, which shows the proposed ingress/egress for the development's 73 units, the conservation area to the north and the amenities center.

Mr. Weyrauch addressed the proposed buffers, noting this Item came before the Board in February and was continued due in part to staff working with applicant relating to this matter.

Commissioner Zalak returned at 2:44 p.m.

Mr. Weyrauch stated the parties have come to an agreement for the proposed buffers to be located on tracts separate from the homes. Mr. Weyrauch referred to a buffer table showing the recommended and proposed buffers and advised that it is his belief that staff and the applicant agree. He commented on a slide showing the proposed elevations of the homes (single and two-story), noting the maximum house height of 35 feet and the maximum accessory structure height of 10 feet. Mr. Weyrauch provided an overview of the amenities package including a dog park, play area, gazebo, restroom, parking and a walking trail that could eventually go all the way to SW 52nd Street. He advised that the project will be served by City of Ocala sewer and water.

Mr. Weyrauch addressed the environmental considerations relating to the C&D landfill/mining site, noting when staff interacted with the Florida Department of Environmental Protection (FDEP), they received a letter stating there were no outstanding tasks and that the monitoring for this site is done as the closed C&D landfill.

In response to Chairman Bryant, Mr. Weyrauch stated both the water and sewer will be provided by the City of Ocala due to being located outside of the Marion County Utilities service areas. He clarified that the City of Ocala is adjacent to the north.

Chairman Bryant questioned why this would not have been annexed into the City. Mr. Bouyounes advised that they are not contiguous.

Mr. Weyrauch advised that they were contiguous to the north; however, everything else was not contiguous and the City of Ocala did not want to create an enclave.

Mr. Weyrauch commented on conversations between the applicant, the County and the Ocala International Airport relating to an avigation easement, noting the applicant has agreed to add it to the plat and the Homeowner's Association (HOA) documents.

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

1. The PUD is restricted to a maximum total of 73 single-family dwelling units consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A).
2. Setback for housing shall be provided as shown in the concept plan. Setback for accessory structures shall be 8' minimum for side and rear.
3. Buffers shall be provided as following requirements:
 - A. Buffers along SW 52nd St shall be 15' wide Type-C per LDC, in addition to the north boundary of 30' wide ROW dedication.
 - B. Buffers along the property boundary of PUD area shared with the existing and future adjoining commercial uses on the west and north side of the property shall be 15' wide Type-C with increased planting intensity (double row hedge and shade trees), or 30' wide Type-A buffer per LDC,
 - C. Conservation area on the north side of the property shall remain existing condition as a 'no-touch' buffer,

- D. Buffers along the property boundary of PUD single-family residential area shared with existing adjoining agriculture uses shall be 5' wide Type-E per LDC, with increased planting intensity (double row hedge continuously and shade trees).
 - E. The flag space between SW 52nd St and DRA #2 shall be maintained as a passive open space (open lawn space with walking trail for residential use).
4. Before submitting the Master Plan, the Traffic Study shall be completed to the satisfaction of the County Traffic Engineer and Growth Services Director, and adequate provision shall be made for the coordination of improvements with the PUD.
 5. All access point locations shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the Site Plan approval.
 6. All internal and external vehicle circulation shall be paved.
 7. Show sidewalk along SW 60th Ave and SW 52nd St on the site plan.
 8. Show accessible sidewalks along at least one side of internal roads.
 9. Show parking calculation on the site plan.
 10. The PUD shall connect to water and sewer systems of City of Ocala. Developer shall work with City of Ocala regarding water and sewer connection, extension, and lift station during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.
 11. A Master Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
 12. Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met during Development Review.
 13. Provide a 30' wide ROW dedication along all boundaries at SW 52nd St.
 14. The required parallel access easements on the entrance road leading to SW 60th Ave shall be worked out to the satisfaction of Marion County Office of County Engineering (OCE).
 15. ROW and access easement agreements of the PUD shall be obtained and approved by the County Engineer before the site plan is approved.
 16. On the Master Plan provide a typical illustration and table showing all setbacks.
 17. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the residential zoning classification of the LDC.
 18. A note shall be recorded on the final plat indicating that the site was previously used as a Construction and Demolition (C&D) landfill.
 19. An avigation easement shall be worked out to the satisfaction of Marion County Office of County Engineering (OCE) and the Ocala International Airport. A note shall be recorded on the final plat, acknowledging the airport's proximity and potential impacts from aircraft operations for the property.

20. The developer/HOA shall provide a residential disclosure statement to all buyers, informing them of the airport's presence, potential noise levels, and other aviation-related impacts.
21. On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
22. The final PUD Master Plan or equivalent (Major Site Plan) shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

Miles Anderson, Miles Christian Anderson Consulting Engineers, East Silver Springs Boulevard, applicant, expressed appreciation for staff's presentation, noting they have defined the project exactly as it is intended.

Commissioner Zalak requested additional information relating to what the homes and amenities will look like and the square footages (sf). He opined that the application lacks information relating to what this project will actually look like.

Mr. Anderson advised that he has provided renderings of the floor plans and front elevations for the single and two-story homes. He stated the homes are designed to fit within a 50 foot wide lot. He commented on the ability to provide variation relating to the appearances of the homes and noted there will be a HOA. Mr. Anderson advised that initially there was a developer coming in to provide his product; however, that has changed. He stated the project will be in keeping with what surrounds the project.

In response to Chairman Bryant, Mr. Anderson advised that he spoke with the developer this morning and the intent is that they will perform the site improvements, get the roads approved and start with some of the architecture. He stated he hopes the HOA will be underway and will be presented on the draft prior to the improvement plan approval. Mr. Anderson advised that there may be 2 or 3 contractors. He stated the developer is Dr. Eunus. He clarified that Dr. Eunus may not necessarily sell the lots to contractors, noting he may allow the contractors to build the units and then sell them himself.

Commissioner Zalak questioned whether there is data relating to soil borings for this site. Mr. Anderson stated previously when the property was being considered for purchase there were soil borings around the site, noting there is knowledge relating to the depth of the landfill that exists beneath the cover to be the final covering. He advised that the final cover ranges from roughly 3 feet and 8 inches at the lowest point to approximately 5 to 6 feet.

In response to Chairman Bryant, Mr. Anderson stated the proposed lot sizes are 124 feet long on average and 50 feet wide.

Chairman Stone questioned what the setbacks are from the property line. Mr. Anderson advised that the entire perimeter of the property will have a 15 foot Type E buffer, and it will all be owned by the HOA.

Chairman Bryant opened the floor to public comment.

Nick Meros, Shutts and Bowen, LLP, South Monroe Street, Tallahassee, attorney on behalf Peterson Smith Equine Hospital, commented on staff remarks relating to the lack of ongoing tasks on the property, noting he disagrees. He stated staff were referring to a letter form DEP stating the property was correctly closed; however, that is separate and apart from whether development can actually occur on the property. Mr. Meros advised that Commissioner Zalak made a great point that there has not been any testing of the actual soil, which is a big issue.

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Mr. Meros commented on documents he provided to the Board and advised that there is not competent substantial evidence to approve this application. He stated the application is not in the public interest. Mr. Meros advised of 3 affidavits from neighbors and some members of the Peterson Smith Equine Hospital, as well as the DEP. He stated there are enforcement files on the landfill previously known as the Castle Rock Landfill, which contain site pictures, inspection and sampling reports. Mr. Meros advised of an email from DEP regarding the landfill in addition to a May, 2001 letter from the applicant, Miles Anderson to some of the neighbors. He stated the Castle Rock Landfill used to be licensed and permitted as a C&D landfill. Mr. Meros advised of numerous reports that the landfill was not accepting just construction debris, noting it was clearly and routinely accepting non-permitted items. He stated the referenced affidavits, specifically those from Tim and Marsha Armstrong recognize that they have seen paint cans, tires, household garbage, human and household waste, wood soaked with creosote, concrete byproducts, 55 gallon drums, plastic debris, etc. Mr. Meros advised that in 1993 DEP started its own investigation and based on that they started an enforcement action that it brought against the Castle Rock Landfill and the former owner Michael Oehlerking. He stated these investigations and the enforcement action confirmed that the landfill had been accepting toxic items since at least 1994. He commented on the contents of one of the enforcement reports, noting the Mr. Oehlerking signed a consent order in 1995 admitting that the landfill had accepted "large amounts of prohibited waste such as oil containers, paint buckets, food waste, auto parts, tires, and many containers and buckets." Mr. Merson stated despite that, after the landfill and Mr. Oehlerking paid fees for breaking Florida law and agreed to groundwater monitoring, DEP again, over 4 subsequent site visits, found more unpermitted dumping. He advised that the pictures in the file referred to show abandoned cars and large equipment including earthmovers with leaking fluids, old car batteries, old refrigerators and other appliances, and other household garbage and waste. Mr. Meros stated after the consent order in 1997, Mr. Oehlerking paid \$25,000.00 to settle the enforcement action; however, that apparently was not enough. He advised that the landfill continued accepting things as late as 2007. Mr. Meros stated in 2001 Mr. Anderson sent a letter to neighbors of the landfill, including the Armstrongs, where they mentioned those living next to the landfill would be held legally responsible by DEP for the clean up of any waste put into the landfill. He advised that the letter scared the Armstrongs so much that they decided not to buy some of the property they were considering. Mr. Meros stated the Armstrongs do not drink the water from their own well due to fear of anything coming from the landfill.

Mr. Meros stated the second issue is the legal liability that the Board would be at risk of from approving this application, noting Florida Statute 62-701.610 (1) requires anyone seeking to develop a closed landfill must consult with the DEP and get its approval before actually digging into the soil or developing any of the land. He advised that the applicant is aware of this requirement. Mr. Meros noted page 33 of staff's report stated, "Specifically, the Florida DEP will be required to review and approve an Excavation and Disposal Plan, as well as ensure compliance with all applicable regulations, before any development activities may commence." He commented on an April 11, 2025, email from DEP confirming that no one had reached out to DEP about actually developing this property. Mr. Meros commented on the question Chairman Bryant asked relating to whether the applicant intends to sell the property, noting it is clear they have not gone to DEP to develop. He stated since the staff report makes it clear that they have to go into these things at DEP, the fact they have not raises questions. Mr. Meros commented on a

letter from DEP cited in the staff report that in 2017 DEP approved the closure plan. He noted the closure was required by DEP due to the landfill and former owner refusing to close it for years and years after paying multiple fees and after multiple enforcement actions. DEP confirmed that the closure was appropriate, the 5 years of groundwater monitoring that was required was completed and the groundwater monitoring and testing was approved by DEP. Mr. Meros advised that this is separate and apart from whether there has been any soil testing and there has not been any soil testing that DEP has seen or approved. He clarified that the fact the site has been closed properly does not mean development can occur. Mr. Meros stated the applicant certainly knows this due to Mr. Anderson being the engineer who performed the groundwater testing in 2017 for the closure plan. He questioned why the Board would consider approving this project knowing what was dumped in the landfill and the legal requirements to develop a former landfill. He commented on the risk associated with approving this development knowing there is legal liability and without knowing it is safe. Mr. Meros commented on the former owner's long history of refusing to work with DEP despite years and years of flexibility from the Department. He opined that the applicant should have to get DEP approval first, show it is safe to develop, and then come to the Board for approval. He requested the Board deny the application with leave.

Commissioner Curry questioned what is required to mitigate the property in order for it to be usable. Mr. Meros stated the Florida Administrative Code is not always precisely clear as to what is required. He advised that there is not a list; however, there has to be consultation with DEP who then performs testing of the soil, groundwater and sees the condition of the property. Mr. Meros stated there is some back and forth with the applicant to see what is there, what is required and then DEP has to give the actual approval to start digging.

In response to Commissioner Curry, Mr. Meros advised that he is not an engineer, but the lack of knowledge relating to the subsoil is exactly the issue. He commented on the closure, noting the landfill was not closed with an eye toward development.

Commissioner Curry questioned how long the current owner has owned the property. Chairman Bryant stated the new owner has had the property since 2021.

In response to Commissioner Curry, Mr. Meros advised that he acquired the affidavits that he referred to earlier. He clarified that the affidavits referenced the materials the individuals either put in or saw put into the landfill, noting they are based on personal knowledge.

County Attorney Matthew G. Minter questioned whether any of the affidavits are in the record. Mr. Meros stated he believes they are included, noting he provided them to the Growth Services Deputy Director at the end of last week.

Mr. Minter addressed Mr. Meros' comment relating to the County being exposed to liability if they approved the request, noting in the same breath he stated the County's approval would be subject to the developer obtaining DEP approval.

Mr. Meros advised that he did not say there are any conditions that would apply to an approval.

Mr. Minter clarified that Mr. Meros acknowledged that the staff report noted that before development could commence, there had to be DEP approval concerning excavation and disposal requiring a permit.

Mr. Meros advised that the staff report states the applicant would have to go and get this information, but the vote from the P&Z Commission did not have a Condition saying they approve the project subject to obtaining that approval.

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Mr. Minter stated he disagrees with any representation that the Board is exposing the County to liability for approving this project when it acknowledges the applicant will have to get DEP approval separate and apart from the Board's decision.

Chairman Bryant questioned if the Board should want to know there is approval from DEP prior to approving anything. Mr. Minter advised that it is up to the Board, noting there have been other occasions where there are sequential agency approvals. He stated one of them has to go first. Mr. Minter advised that if the Board wants that information it is within its prerogative.

Chairman Bryant stated personally, she would want to know that a site was clean and clear before giving it vested rights.

Commissioner Curry concurred.

Faith Hughes, NW 21st Street, Peterson and Smith Equine, commented on the dumping that occurred at the landfill in the middle of the night, odor, noise, potential sinkholes and cracks in homes, chemicals in the soil, traffic and safety issues.

Donnie Slone, SE 7th Avenue Road, stated he is the previous owner of Peterson and Smith. He addressed illegal dumping at the landfill, mysterious fires and urged the Board to deny the application.

Tim Armstrong, SW 52nd Street, advised that he has lived on his property for over 30 years, noting when he purchased the home he was informed no one could ever build on the landfill property. He stated 5 years ago when another developer requested a zoning change the County communicated that the site would have to be reclaimed. Mr. Armstrong advised that he worked at the landfill and ran a bulldozer and a loader. He stated he knows how deep it is and what trash is in the landfill. Mr. Armstrong commented on the claims that the site was only dug at 10 acres is greatly misleading, noting except for 3 acres at SW 52nd Street, most of the 24 acres were dug and refilled. He advised that the landfill was unregulated, and he saw what was brought in as fill to a depth of 50 feet including trees, lumber, lawn waste, broken concrete, household garbage, tires, paint buckets and the other items previously mentioned. Mr. Armstrong stated digging on this property will result in toxins impacting the water and soil, noting he and his neighbors have wells for their water source. He opined that the dirt that was brought in to cover the landfill is not quality soil for building and areas will collapse. He questioned who will be liable when the foundations of the homes crack or there are other problems.

Marcia Armstrong, SW 52nd Street, commented on the lack of compatibility of this project with the surrounding area, traffic concerns, vacant apartments on SW 60th Avenue, overdevelopment, and requested the Board deny this application.

Yamiliz Lopez, SW 52nd Street, expressed concern relating to impacts to her animals, accidents, noise, odors, stormwater runoff and water quality. She requested the Board deny the zoning change.

Doug Shearer, South Highway 475, Summerfield, commented on fires at the landfill, rotting trees within the landfill, possible impacts to homes built on the site, reports made to Code Enforcement.

Chairman Bryant advised that public comment is now closed.

Mr. Minter commented on an email he sent to the Board, noting the essence of that is the Board cannot deny the application due to it needing another permit, but if there is other evidence in the record that the Board has heard that is the basis for denial, it can obviously rely on any other evidence.

Mr. Anderson stated he was asked about soil borings, noting he relates that to drainage. He referred to the PUD Concept Plan as seen on the overhead screens showing the

DRA's. Mr. Anderson advised that it is known there is debris inside, work must be performed to clean up some things, it is too deep for what is needed for a DRA and it has to be cleared out and have material moved into it so it will percolate correctly. He stated there will be soil testing. He advised that there was a topography performed at the end of the closure, noting he should have a re-topography today or tomorrow. Mr. Anderson stated he has been on the site since beginning this program taking spot shots looking to see if there are depressions or significant changes in the ground. He advised that during the 5 years of the closure the soil was able to fill the gaps if there are any below and now there are 8 years on top of that for a total of 13 years. Mr. Anderson commented on the records he has from his review prior to the beginning of the 5 year closure and at the final end of that period. He stated there is negligible change. Mr. Anderson advised that he cannot deny they have a consent order, there was punishment, and penalties; however, he was not involved with the project at that time. He commented on the process of "rolling" the landfill and compressing it, noting had that not been done, there would be great depressions, fissures and opens, etc., visible in the soil today. Mr. Anderson provided an overview of the process and requirements relating to the roads for the project. He stated he is aware that the items dumped at the landfill have created contaminations, noting they performed the whole test for 5 years and that has been satisfied. Mr. Anderson advised that he wrote to DEP and questioned if there is anything more the applicant needs to do to get permission to build on this site. He stated a reply was received and it is in the reports. Mr. Anderson stated the applicant has performed a traffic study and the methodology has been approved as has the traffic study. He opined that the applicant is doing everything they need to do to make sure this place will be safe. He expressed concern relating to loudspeakers at Peterson and Smith Equine and the Post Office being used at night. Mr. Anderson stated he is confident any horse carcasses will be managed properly. He advised that the applicant is proceeding as they need to and will make sure the project is environmentally safe for people to build upon and develop. Mr. Anderson stated if DEP wants anything more they will do it gladly.

Chairman Bryant questioned how long the stability of the site has been monitored for changes after it was closed. Mr. Anderson advised that he did it in 2000, 2011, possibly, and in 2017, 2024 and 2025. He stated he is getting surveys today to compare one to the other.

In response to Chairman Bryant, Mr. Anderson stated he did compare the site from 2012 to 2017 and found negligible change. He stated the change from 2017 to 2024 was minimal.

Commissioner Zalak questioned if the changes were all less than a foot. Mr. Anderson advised that they were less than a foot. He commented on one area where wild onions were found noting that depression was shown on the previous surveys.

A motion was made by Commissioner Curry seconded by Commissioner Stone, to deny the request for a zoning change, disagreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will adversely affect the public interest, is not consistent with the Comprehensive Plan and is not compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

(The Deputy Clerk was in receipt of a 1 page electronic mail (email) from Mr. Meros, but did not receive additional correspondence from his firm, nor a copy of the email sent by Mr. Minter.)

April 15, 2025

15.2. Adoption of Ordinance

15.2.1. 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 Zalak, seconded by Commissioner Stone, to adopt Ordinance 25-14 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 25-14 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MARION COUNTY, FLORIDA, APPROVING A REZONING APPLICATION
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 3:38 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk