CALL TO ORDER:
The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, December 19, 2017 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:
The meeting opened with invocation by Commissioner Gold 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-Chair Michelle Stone, District 5; Commissioner David Moore, District 1; Commissioner Jeff Gold, District 3; and Commissioner Carl Zalak, District 4. Also present were Clerk David R. Ellspermann, County Attorney Matthew G. Minter and County Administrator Mounir Bouyounes.

ANNOUNCEMENTS:
Chairman Bryant addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 12B).

1. PROCLAMATIONS AND PRESENTATIONS:
Upon motion of Commissioner Moore, seconded by Commissioner Stone, the Board approved and/or ratified the following:

1A. PRESENTATION - Christmas Carols by the Marion County Volunteer Employee Choir (Presentation Only)
County Administrator Mounir Bouyounes, PE, County Administration, presented the following recommendation:

Description/Background: In 2014, a group of Marion County employees formed a Christmas Choir with the intent to perform a short Christmas program for the County Employees. The Marion County Volunteer Employee Choir since has been invited to perform yearly.

The members of the Marion County Volunteer Employee Choir include:
- Jon Harvey - Development Review Coordinator, Growth Services
- Alfreada Harmon, 911 Specialist, Public Safety Communications
- Jeffrey Askew - Director, Veteran Services
- Loretta Shaffer - Director, Tourist Development
- Suzanne DiPietro - Administrative Manager, Growth Services
- Chelsey Brooks, Administrative Staff Assistant, Public Safety Communications
- Kristie Wright - 911 Specialist, Public Safety Communications
- Clement Daoust, Park Operations Specialist, Parks and Recreation

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1B. PRESENTATION - Appreciation Letters to Christmas Parade Float Committee Staff from the Board of County Commissioners (Approval and Presentation)
Executive Assistant Nadja M. Griffis, Commission Office, presented the following recommendation:

Description/Background: The attached letter is a token of appreciation from the Board to County employees who participated in one of the various committees involved in planning, designing, decorating and disassembling the County's float for the Ocala Christmas Parade. Attached are the names of the volunteers who helped this year.

Budget/Impact: None.
Recommended Action: Motion to approve and present the attached letter to employees.

Commissioner Zalak returned at 9:23 a.m.

Assistant County Administrator (ACA) Jeanie Rickman presented a brief video and expressed appreciation to everyone that assisted with the parade float.

1C. PROCLAMATION - Eagle Scout Luis Gustavo Hernandez (Approval Only)
The Board approved the Proclamation recognizing Luis Gustavo Hernandez upon attaining the status of Eagle Scout in the Boy Scouts of America organization.

2. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:
The chairman will ask if members of the public wish to make comment on items during this portion of the agenda; comments will be limited to two (2) minutes.

2A. Jon Lin, Trial Court Administrator - Request Appointment of Commissioner Liaison to the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Council
Executive Assistant Griffis, Commission Office, presented the following recommendation:

Description/Background: Regina Lewis, Administrative Manager for the Court Alternatives Division of the Marion County Judicial Center, has requested a County Commissioner to serve on the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Council through the Community Council Against Substance Abuse. This appointment is being requested in order to fulfill the requirement needed in order to apply for an expansion grant for the Mental Health Court. The Court Alternatives Division has requested Chairman Kathy Bryant to be appointed.

Budget/Impact: None.
Recommended Action: Motion to appoint Chairman Kathy Bryant to the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Council through the Community Council Against Substance Abuse.

A motion was made by Commissioner Stone, seconded by Commissioner Gold, to appoint Chairman Bryant to the Criminal Justice, Mental Health, and Substance Abuse
Grant Planning Council through the Community Council Against Substance Abuse. The motion was unanimously approved by the Board (5-0).

3. GENERAL PUBLIC ITEMS: All members of the public wishing to speak during the “General Public” portion of the agenda will be limited to two (2) minutes to make their request or presentation and will be heard following scheduled requests, which are limited to five (5) minutes. For unscheduled requests, public comment request forms are available in the lobby. If the request or matter requires investigation by County staff, the Chairman will refer to staff for follow-up with the person making the request.

3A. Cathy Wycoff - Second Chance Grant and Re-Entry
Cathy Wycoff, NW 30th Avenue, presented a 64 page handout entitled, “Justice AHA! Project” and commented on money available from both Federal and State governments to implement programs to reduce recidivism in Marion County.

In response to Commissioner Moore, Ms. Wycoff advised that funding for the program would be available for 3 years. The county is not obligated to continue the program past that time, but the county can request more money if the program is successful. The focus is on people leaving the prison system and will only have a positive impact on the Marion County Sheriff’s Office (MCSO).

Ms. Wycoff stated the Department of Corrections (DOC) would like to place a portal in Marion County.

Chairman Bryant questioned if there are any administrative costs the county will have to cover and what would be required of the Board if they moved forward. Mr. Bouyounes advised that the state is looking for a local partner that will implement and run the portal. The county will need a contract with DOC addressing all issues and terms, as well as an implementation plan.

Commissioner Zalak stated the funding would be approximately $700,000 and DOC does not supply some of the staff, including the Director. To recoup those personnel costs space would be rented to DOC by the county. He advised that he met with MCSO staff and at this time the jail is not interested in the program. County staff does not have the expertise to create a Request for Proposal (RFP) for this project; therefore, a consultant will be needed.

General discussion ensued.

Mr. Bouyounes advised that it will take staff a couple months and $5,000 to $10,000 to hire a consultant and create a contract for Board approval. It was the general consensus of the Board to allow staff to move forward.

In response to Ms. Wycoff, Chairman Bryant stated prior to the Board entering into any agreement or program they will have do their due diligence.

3B. Roger Knechtel – Water
Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on increasing water costs throughout the county.

Chairman Bryant noted it is the ten o’clock hour. She advised that the Board will continue with public comment after the public hearings are 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.

6A. PUBLIC HEARING - To Consider Approval of the DDMM CR42 PUD (formerly Utopia PUD) Restated and Amended Developer's Agreement (Continued from December 5, 2017)

Growth Services Director Samuel Martsolf presented the following recommendation:

Description/Background: The Board of County Commissioners approved the DDMM CR42 PUD (20170704Z - formerly the Utopia PUD) in July, 2017, subject to revising the existing Developer's Agreement to reflect the revised PUD design and completing the final PUD Master Plan. The size and intensity of the project are increasing, and the applicant has proposed an Amended and Restated Developer's Agreement to address the conditions and improvement needs of the project as follows:

1. A) Reflect the change in site ownership, and B) Amend the boundary to add ±1.13 acres at the site's southwest corner at Hwy 42, to result in an overall project size of ±338 acres,
2. A) Remove the age-restricted community requirement; B) Remove the single-family residential (SFR) development limitation to also allow multiple-family residential (MFR) development; C) and increase the gross maximum number of dwelling units possible from 950 dwelling units to 1,395 dwelling units (1,095 SFR and 300 MFR),
3. Address providing central sewer and potable water services, including prepayment of utility capital charges, and development of a new potable water treatment facility,
4. Address providing transportation improvements, particularly for SW 73rd Avenue and SE Highway 42,
5. Acknowledge the Revised PUD Conceptual Master Plan and establish the final overall required perimeter buffers and typical designs (Agreement Exhibits “C” and “D”).

The Board conducted an initial public hearing regarding the Agreement on November 21, 2017. Public comment was also received in a hearing on December 5, 2017 and subsequently continued the public hearing to December 19, 2017 at 10:00 a.m. This consideration now represents the final public hearing wherein the Board may act on the proposed Agreement, which is attached. The existing recorded agreement has also been included for reference. Staff recommends the Board receive public comment and approve the Agreement subject to any revisions identified by the Board.

Budget/Impact: None.

Recommended Action: Motion to approve the attached DDMM CR42 PUD (formerly Utopia PUD) Amended and Restated Developer's Agreement, including other amendments identified by the Board, if any.

Deputy Clerk Lewter advised that there is no Proof of Publication as this is a continued public hearing.

Marion County Growth Services Director Sam Martsolf advised that this is the 2nd and final hearing for the DDMM CR42 PUD Restated and Amended Developer's Agreement. The issues associated with the utilities and the road improvements have been settled and the only remaining items to address are buffering concerns raised by 2 neighbors. The proposed buffering is in compliance with the current Land Development Code (LDC) at
30 feet wide. The prior agreement (Utopia) included a buffer of 50 feet wide. Also, staff is looking to clarify where exactly the road will be placed in relation to the buffer on Mr. Adkins property to the east. 

Steve Gray, NE 1st Avenue, advised that this is the second vision of a project previously referred to as Utopia. The Utopia saga began in 2005 when the property was bought by Ecclestone, which was a very substantial upper-end developer in Palm Beach County. The Ecclestone concept was to continue that building style on this project to capture people who had moved to The Villages, but then realized they had down sized and wanted to move back out. The Ecclestone project continued through 2010 with various versions of the development. Ecclestone never lost ownership of the property, but discontinued action in 2010. The property was purchased in December of 2015 by Mr. Gaekwad through a development entity, which has since been working on the revised project. He stated the new plan increased the number of units from 950 to 1,395, with 300 of those units designated for multi-family in the south area of the project. Also, there is some commercial property on CR 42 near the main entrance. The project is not age restricted, which would subject the development to school impact fees. An updated traffic impact analysis was completed and there are a considerable amount of road improvements required by the developer, including intersections and signalizations of the road on the western side of the project, which is SW 73rd Avenue. The Developer is donating rights-of-way (ROW) to the county to widen the ROW at SW 73rd Avenue and will be installing intersection and signalization improvements. Additionally, in this area of the county there is a water plant that is currently providing water for county projects and has limited capacity. The county has plans to build a larger water plant in the near future and requested the developer prepay $900,000 of water capital charges.

Commissioner Gold out at 10:07 a.m. 

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, advised that a majority of the buffer issues have been resolved. There are 2 locations where a disagreement still exists. The property owner to the north boundary is requesting a 50 foot buffer be installed, but the developer has proposed a 30 foot buffer and a drainage retention area (DRA) in excess of 100 feet wide. He opined that an additional 20 feet is somewhat senseless. The second issue is with a property owner on the east side who is requesting fencing and a sewer stub. The developer has agreed to make a stub out for future connection when the property owner decides to move forward with developing his piece of property.

Commissioner Gold returned at 10:08 a.m. 

Mr. Tillman stated a 30 foot buffer and road will separate the properties; therefore, constructing a fence between similar use properties would just be incurring an unnecessary cost.

In response to Chairman Bryant, Mr. Tillman clarified there will be at least a 24 foot wide road with a 30 foot ROW between the development and neighboring property. 

Chairman Bryant opened the floor to public comment. 

Troy Adkins, SE 147th Place, expressed opposition to the proposed buffering. 

Clarence Lewis, SE 80th Avenue, stated he is favor of the DRA and 30 foot buffer. 

Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on increased need for services the development will cause.

Henry Munoz, Marion Oaks Boulevard, opined that a wall or fence is needed to protect the neighboring property owner from the noise. 

Chairman Bryant advised that public comment is now closed.
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In response to Commissioner Zalak, Mr. Tillman advised that the DRA will not extend the full distance, but the separation does. The access road to the proposed water treatment plant in the Utopia plan carried over to the first concept plan, but it was later determined that subdivision and community roads can be used instead. Commissioner Gold questioned what is currently separating the two properties. Mr. Adkins stated an old barbed wire fence is between the two properties. In response to Chairman Bryant, Mr. Adkins advised that he does not reside on the adjoining property.

General discussion ensued. Chairman Bryant advised that the additional conditions to the proposed agreement are; the field fence, the buffer and the properties facing Mr. Adkins property will be required to install fencing as they are developed.

In response to Mr. Adkins, Chairman Bryant stated Mr. Adkins fence will be there, along with an additional fence and a 30 foot buffer. Mr. Tillman advised that the field fence will be extended and will not be the vertical vinyl type fence or wood fence, but a secondary barrier.

Mr. Tillman clarified a field fence will be provided between the two properties, a 30 foot buffer and the single family lots adjacent to Mr. Adkins property will be fenced at the time of development.

A motion was made by Commissioner Gold, seconded by Commissioner Zalak, to approve and execute the Amended and Restated Developer’s Agreement, Pursuant to Chapter 163, Florida Statutes, with Utopia 42, LLC, including additional amendments identified by the Board. The motion was unanimously approved by the Board (5-0).

6B. PUBLIC HEARING - To Consider the Adoption of an Ordinance Amending Chapter 15, Article III, Division 2 of the Marion County Code Allowing Golf Carts to Cross SW 80th Avenue at SW 90th Street within the On Top of the World Development

County Engineer Tracy Straub, Office of the County Engineer, presented the following recommendation:

Description/Background: A new phase of On Top of the World (OTOW) is currently under construction northeast of the SW 80th Avenue and SW 90th Street intersection. Along with this phase, the developer would like to construct a golf cart path from the new entrance on SW 90th Street to the existing golf cart path on the west side of SW 80th Avenue. This will require golf carts to cross SW 80th Avenue at SW 90th Street. The new path will provide golf cart access from the new phase to amenities in the existing phases of OTOW. This new path does not allow connections to commercial businesses outside of OTOW as details for that access and others are still being worked out.

Currently, Marion County code prohibits golf carts to be operated on SW 80th Avenue; therefore, an ordinance amending this section of code is required to allow golf carts to cross SW 80th Avenue at SW 90th Street. The code was previously amended to allow golf carts to cross SW 80th Avenue at SW 80th Street.

Budget/Impact: None.

Recommended Action: Motion to adopt Ordinance amending Marion County Code to allow golf carts to cross SW 80th Avenue at SW 90th Street within the On Top of the World Development and authorize the Chairman and Clerk to execute the same.

Deputy Clerk Lewter presented Proof of Publication No. A000922970 entitled, “Notice of
Public Hearing” published in the Star Banner newspaper on December 8, 2017. The Notice states the Board will consider adoption of an Ordinance amending Chapter 15, Article III, Division 2 of the Marion County Code pertaining to the operation of golf carts within the On The Top of The World (OTOW) Development.

County Engineer Tracy Straub, Office of the County Engineer (OCE), advised that OTOW is continuing development and the unit located on the east side of the development is away from the majority of amenities. The golf cart crossing will give residents access to those amenities. She stated this will connect the units on the west side to units on the east side.

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 Zalak, seconded by Commissioner Moore, to adopt Ordinance 17-34 relating to operation of golf carts within the OTOW development. The motion was unanimously approved by the Board (5-0).

Ordinance 17-34 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 15, ARTICLE III, DIVISION 2 OF THE MARION COUNTY CODE PERTAINING TO THE OPERATION OF GOLF CARTS WITHIN THE ON TOP OF THE WORLD DEVELOPMENT; PROVIDING DEFINITIONS; ALLOWING GOLF CARTS TO CROSS SW 80TH AVENUE AT SW 90TH STREET; PROVIDING FOR HOURS OF OPERATION, EQUIPMENT AND AGE OF OPERATOR; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE MARION COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

6C. PUBLIC HEARING - To Consider Adoption of an Ordinance Amending Article XI of Chapter 10 of the Marion County Code Adopting Annual Increases of Impact Fees for Transportation Facilities.

Growth Services Director Martsolf presented the following recommendation:
Description/Background: When the transportation impact fee was reinstated January 1, 2017, an eighty percent (80%) discount of the actual fee was given on the residential categories and a larger eighty-nine percent (89%) discount was given on non-residential categories. Attached is a proposed ordinance with a five-year fee schedule to incrementally increase rates to approximately 80% of the calculated value. The proposed ordinance is presented for Board consideration and direction.

In addition to the ordinance, attached are two letters from the Ocala/Marion County Chamber and Economic Partnership; 1) by the Board of Directors and, 2) by the Impact Fee Task Force, with opposition to any increase in impact fees at this time.

If an increase is adopted by the Board, a 90-day notification shall be provided prior to the effective date as required by the Florida Impact Fee Act.

Budget/Impact: None.

Recommended Action: Receive public comment and provide direction as to the proposed ordinance.

Deputy Clerk Lewter presented Proof of Publication of a display ad entitled, “Notice of Public Hearing for Incremental Adjustment of Transportation Impact Fees” published in the Star Banner newspaper on December 8, 2017. The Notice states the Board will
consider amending Article XI of Chapter 10 of the Marion County Code adopting annual increases of impact fees for transportation facilities; and providing for severability, inclusion in Code, and an effective date.

Mr. Martsolf advised that the purpose of transportation impact fees is to offset the cost that new construction puts on the transportation system. Staff is proposing an incremental increase in the impact fees over a 5 year period. He gave a brief history of impact fees in Marion County.

Commissioner Gold out at 10:36 a.m.

Mr. Martsolf shared a brief PowerPoint presentation on the overhead screens. The proposal is a 5-Year plan to get the fee up to 80 percent (%), which will result in an approximate increase of $700 a year in the fees as outlined for a single family. Staff found that it was difficult to find people in surrounding counties that knew the history of the impact fees.

(Ed. Note: The Deputy Clerk did not receive a copy of the presentation for the record.)

Commissioner Gold returned at 10:39 a.m.

Mr. Martsolf advised that Marion County has had 11 months this year of hard numbers for residential (703) and non-residential (104). Of the fees collected, 87% are on the residential side, 14% of residential homes are 1,500 square feet or less. An existing credit liability is on the books in the amount of $13,000,000. Although the county may issue 1,200 residential permits this year, they are only collecting impact fees on roughly 900 because some places like OTOW have credits and age restricted communities pay a reduced rate.

Commissioner Moore commented on the negative effects impact fees will have on future development.

Chairman Bryant opened the floor to public comment.

Terry Thompson, Hickory Loop, stated he is the Chairman of the Planning and Zoning (P&Z) Commission and the incoming President of the Multiple Listing Service (MLS), but is present today as an individual and commented on the difficulties for first time home homebuyers and the limited profit margin for lower end housing.

In response to Chairman Bryant, Mr. Thompson advised that there are less than 100 single family homes that are less than $125,000 and 1,200 square feet.

President and Chief Executive Officer (CEO) Kevin Sheilley, Ocala/Marion County Chamber and Economic Partnership (CEP), advised that approximately 2 to 3 years ago the when the Commission was reviewing reinstating impact fees the CEP created a diverse task force of individuals who are engaged in the development industry. The group considered the issues at that time and supported the need for more funding for infrastructure, but recommended alternative options for obtaining the revenue. He expressed support for the increased sales tax, noting not only do citizens contribute to this fund, but also people using the roads. Mr. Sheilley opined that if the impact fee does increase the development will decrease and the county will lose out in the long term.

Jerry Guerra, Thoroughbred Builders, Inc., Coldwell Banker Ellison Realty, commented on increased building cost for homes and expressed concern with the ability to continue to produce affordable entry level homes.

Ken Ausley, SW 7th Avenue Road, commented on the negative effects increasing the impact fee will have on development in Marion County.

Roger Knechtel, SE 97th Terrace Road, Summerfield, expressed opposition to an automatic increase of impact fees each year.
Bill Slavich, SE 48th Avenue, commented on the negative affect high impact fees can have on a community and urged the Board to consider other ways to fund infrastructure. Mike Monroe, NE 17th Street Circle, expressed support in finding alternative ways to fund infrastructure that is not through impact fees. Henry Munoz, Marion Oaks Boulevard, commented on the negative effects the impact fee may have on the county.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to deny the request to adopt an Ordinance Amending Article XI of Chapter 10 of the Marion County Code relating to Impact Fees for Transportation Facilities. Commission Zalak stated workshops are needed with the Building Department and CEP to come up with the best solution moving forward. Chairman Bryant opined that the sales tax is a much better funding mechanism than anything else the county has had in the past. The motion was unanimously approved by the Board (5-0).

There was a recess at 11:09 a.m. The meeting reconvened at 11:21 a.m.

3C. General Public Comment (Limited to 2 Minutes Each Speaker):
Nancy Baroody, NE Jacksonville Road, presented a 6 page handout entitled, “Comments to Marion County Commissioner’s Meeting”. She addressed the Board in regard to illegal burning at a local business.

Roger Nauyalis, SE 108th Terrace, Summerfield, expressed support for Agenda Item 8A. Henry Munoz, Marion Oaks Boulevard, presented a book to the Board relating to the Bible and Constitution.
(Ed. Note: The Deputy Clerk did not receive a copy of the book for the record.)

4. ADOPT THE FOLLOWING MINUTES: NONE

5. CLERK OF THE CIRCUIT COURT:
5A. Request Adoption of the Following Budget Amendment Resolutions:
Upon motion of Commissioner Moore, seconded by Commissioner Gold, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Clerk Ellspermann:

5A1. 17-R-521 – Dunnellon Airport Authority Fund - Dunnellon Airport - $13,110
5A2. 17-R-522 – Fine & Forfeiture - Sheriff Regular - $3,664
5A3. 17-R-523 – General Fund - Courthouse Capital - $747,000
5A4. 17-R-524 – General Fund - Drug Court Expansion - $26,500
5A5. 17-R-525 – General Fund - Facilities Management - $18,914
5A6. 17-R-526 – General Fund - Facilities Management - $49,500
5A7. 17-R-527 – General Fund - Marion County Public Library System - $25,113
5A8. 17-R-528 – General Fund - Misdemeanor Drug Court - $20,000
5A9. 17-R-529 – General Fund - Sheriff Jail - $3,573
5A10. 17-R-530 – General Fund - Sheriff Emergency Management - $1,710
5A11. 17-R-531 – General Fund - Teen Court - $2,300
5A12. 17-R-532 – Infrastructure Surtax Capital Projects Fund - Infrastructure Surtax - $624,278

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5A13. 17-R-533 – MSTU for Law Enforcement - Sheriff Patrol & CID - $17,686
5A14. 17-R-534 – Parks and Recreation Fees Fund - Parks & Recreation Fees- $123,860
5A15. 17-R-535 – Rainbow Lakes Estates/MSTU for Road Improvements – Contracted Road Const RLE MSTU - $250,000
5A16. 17-R-536 – Solid Waste Disposal Fund - Solid Waste Disposal - $5,000,000
5A17. 17-R-537 – Solid Waste Disposal Fund - Solid Waste Recycling - $84,987

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

Upon motion of Commissioner Zalak, seconded by Commissioner Moore, the Board acted on the Consent Agenda as follows:

7A. Administration:

7A1. Request Approval of Commission Policy 17-01 to Replace Commission Policy 14-01 Concerning Refund Authorizations (Budget Impact - None)

The Board accepted the following recommendation as presented by County Administrator Bouyounes, PE, Administration:

Description/Background: Staff is presenting the attached revised policy concerning refunds for board approval to improve efficiencies and streamline the refund process. It is recommended to authorize the department director to approve all refund requests less than $1,000 within his/her department. Requests from $1,000 and up to $10,000 will continue to be routed to County Administration for approval. Requests for refunds greater than $10,000 will be brought to the Board for approval. This proposed policy change was reviewed by the County Attorney as well as the Clerk’s Finance Department prior to placement on the agenda.

Budget/Impact: None.

Recommended Action: Motion to approve Commission Policy 17-01 concerning refund authorizations.

7B. Community Services:

7B1. Request Approval of a Memorandum of Understanding for FY 2017-18 between Marion County and Citrus Levy Marion Regional Workforce Development Board, Inc., d/b/a/ CareerSource Citrus Levy Marion, to Provide up to $120,000 in SHIP Down Payment Assistance as a Financial Match to the Phoenix Rising Youth Build Grant – (Budget Impact – $120,000 SHIP funds)

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

Description/Background: CareerSource Citrus Levy Marion and Marion County will work in partnership to provide a meaningful opportunity to program participants of the Phoenix Rising Youth Build program. This program will allow for at risk youth an opportunity to gain hands-on construction skills, occupational skills training and basic skills training in a controlled, safe environment while contributing to their community.

The partnership also includes Habitat for Humanity of Marion County, which will assist with education and construction of three (3) homes over a two (2) year span to be sold to qualified, low-income Marion County residents. Marion County will
provide up to $120,000 from its existing State Housing Initiative Program (SHIP) Purchase Assistance funding to assist first time homebuyers. This will also provide the Phoenix Youth Build grant match requirement.

Budget/Impact: SHIP Funds $120,000.00.

Recommended Action: Motion to approve and execute Memorandum of Understanding between Marion County and Citrus Levy Marion Regional Workforce Development Board, and allow Marion County staff to release payment to eligible Marion County SHIP clients to purchase homes built by the Phoenix Youth Build program not to exceed $120,000.00.

7C. Human Resources:

7C1. Request Approval to Add Two (2) Medium Equipment Operator Positions in the Solid Waste Collection Department 4250 (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 17-R-538, as presented by Human Resources (HR) Director Amanda Tart:

Description/Background: Marion County entered into a contract with Waste Pro on June 12, 2012 for collection of recycling containers and processing at their Material Recovery Facility (MRF) in Ocala. The contract was for five (5) years commencing September 01, 2012 and expiring on September 01, 2017. The contract included two (2) five year extensions.

During contract renewal, an agreement between Marion County and Waste Pro was established to renew the contract with Waste Pro maintaining the processing and Marion County Solid Waste assuming the collection activities. Effective January 1, 2018, Marion County Solid Waste will assume responsibility for collection of all single stream recycling collection containers at our eighteen (18) recycling centers.

The renewal is a separate agenda item during this meeting. Solid Waste budgeted $109,000 in 4270-534101 for Single Stream Hauling under contract 12P-039. Estimated expenditures due Waste Pro concluding the current contract for Oct-Dec 2017 will be $24,000, leaving a balance of $85,000 available for transfer. Funding for nine (9) months remaining in FY17/18 will be supported by a Budget Amendment, which is on this agenda, as a request to transfer from 4270-534101-Recycling Contract Services — Single Stream Hauling in the amount of $69,232.14 to 4250-Collections- Salary and Benefits.

Budget/Impact: None.

Recommended Action: Motion to approve the addition of two (2) Medium Equipment Operators in 4250 Collections.

Resolution 17-R-538 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, ADD TWO (2) MEDIUM EQUIPMENT OPERATOR POSITIONS PAY GRADE 8; WITHIN THE SOLID WASTE DEPARTMENT BUDGET #4250 AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7C2. Request Approval of Resolution to Reclassify One Administrative Services Coordinator Position, Pay Grade 15 and One Executive Staff Assistant Position, Pay
Grade 15, to Two Executive Coordinator Positions, Pay Grade 15 within the Administration Department (Budget Impact - None)
The Board accepted the following recommendation to adopt Resolution 17-R-539, as presented by HR Director Tart:

Description/Background: The County Administrator is recommending the following position reclassifications within the Administration Department (2140) to allow for better cross-training opportunities and workload distribution among staff:
- Reclassify one Administrative Services Coordinator position, pay grade 15 to one Executive Coordinator position, pay grade 15
- Reclassify one Executive Staff Assistant position, pay grade 15 to one Executive Coordinator position, pay grade 15.

Following review of the department's work processes, there is an opportunity to improve productivity by instilling a more team-focused approach to the administrative support functions. Therefore, in preparing the recommended job description of Executive Coordinator, management has merged the relevant functions from the two existing job descriptions (Executive Staff Assistant and Administrative Services Coordinator) into one unified job description and included functions both positions will be performing. Moving forward, the roles of both these team members will be similar to each other in coordinating office tasks for senior management and collaborating together in agenda publication and meeting coverage under the direction of the Executive Staff Manager. There is no budget impact for these changes as both positions will be remaining in the same pay grade (15) that they are currently.

Budget/Impact: None.

Recommended Action: Motion to approve the attached resolution and reclassifications of the Administration Department.

Resolution 17-R-539 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO RECLASSIFY ONE (1) ADMINISTRATIVE SERVICES COORDINATOR POSITION, PAY GRADE 15 TO ONE (1) EXECUTIVE COORDINATOR POSITION, PAY GRADE 15 WITHIN THE ADMINISTRATION DEPARTMENT BUDGET 2140; ONE (1) EXECUTIVE STAFF ASSISTANT POSITION PAY GRADE 15 TO ONE (1) ONE (1) EXECUTIVE COORDINATOR POSITION, PAY GRADE 15 WITHIN THE ADMINISTRATION DEPARTMENT BUDGET 2140; ALONG WITH THE CORRESPONDING JOB DESCRIPTIONS AND PAY GRADES, AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7C3. Request Approval of the Resolution to Add the Job Description for Marion County Fire Rescue Trainee, Pay Grade 99 to the Marion County Classification Plan (Budget Impact - None)
The Board accepted the following recommendation to adopt Resolution 17-R-540, as presented by HR Director Tart:

Description/Background: In an effort to fill several vacancies within the Marion County Fire Rescue Department (MCFR), the Fire Chief is revitalizing the non-certified firefighter recruiting program. The retention rates of the last non-certified class in 2016 are nothing short of impressive. To ensure the success of this
program, the Fire Chief is requesting the addition of this new job description, Marion County Fire Rescue Trainee, within the Marion County Classification Plan. Currently Marion County Fire Rescue has forty-five (45) vacant positions. By adding this new job description of MCFR Trainee, Fire Rescue will be able to provide an opportunity to become a firefighter to citizens with no current certification as well as single certified EMTs and paramedics. Upon completion of the program the participants will work for MCFR as dual certified employees. Therefore, we respectfully request the approval of the addition of the new job description within the Marion County classification plan.

Budget/Impact: None.

Recommended Action: Motion to approve the attached resolution and job description for the addition of the Marion County Fire Rescue Trainee position within the Marion County classification plan.

Resolution 17-R-540 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, ADDING THE POSITION OF MARION COUNTY FIRE RESCUE TRAINEE, PAY GRADE 99; AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7D. Parks and Recreation:
7D1. Request Approval to Change Purchase of a 3/4 Ton Truck to a 12 Passenger Van (Budget Impact - None)

The Board accepted the following recommendation as presented by Parks Director Jim Couillard, PLA, ASLA, Parks and Recreation Department:

Description/Background: During the budget preparation season earlier this year, staff had requested a 12-passenger van for the expansion of the department’s recreation programming and revenue generation. An error was made during budget entry and the vehicle was listed as a 3/4 Ton Truck. This was overlooked during the budget approval process.

Currently, the department has $31,000 budgeted in 6120-564101 and has worked with Fleet Management to obtain a quote for a 12-passenger van with a price of $29,122.

Budget/Impact: None.

Recommended Action: Motion to approve the change in vehicles as provided.

7E. Procurement Services:
7E1. Request Approval of Contract Amendment: 17B-006 Yard Waste Mulching and Disposal Services - Raynor Shine Services, LLC, Apopka, FL (Budget Impact - Neutral; estimated annual expenditure $484,250 as approved in FY 17/18 budget)

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

Description/Background: At its December 6, 2016 meeting, the Board approved a contract with Raynor Shine Services, LLC in response to a bid for yard waste processing for materials collected at Baseline Landfill. The scope includes collecting and transporting the mulch in compliance with the County’s processes so the County earns recycling credits. The contract is also supported by a performance bond to ensure materials do not stockpile at Baseline causing
displacement or disruption of other services onsite. With receipt of a positive annual evaluation of its first year, and request to renew with the firm, Solid Waste Director, Mike Sims, was presented with, and approved a 15% rate from the contractor, resulting in an increase in the grind (processing) rate from $9 to $10.35/ton and the transportation and disposal rates will be increased from $5.97 to $6.87/ton. In addition, Mr. Sims has approved a CPI increase not to exceed three percent (3%) and documented by industry performance, which if accepted, will be part of next year's final annual renewal option under the original terms of the agreement. Attached for review is a copy of the draft renewal; upon approval at today's meeting, the First Contract Amendment will be sent to Raynor Shine, and after approval by Legal, forwarded for the Chairman and Clerk's signatures.

Budget/Impact: Neutral; annual expenditure estimated at $484,250.
Recommended Action: Motion to approve recommendation and authorize staff to send contract, and upon approval by Legal, authorize the Chairman to execute the First Contract Amendment with Raynor Shine Services, LLC for 17B-006, Yard Waste Mulching.

7E2. Request Approval of Contract Renewal: 12P-039, Single Stream Recycling - Waste Pro of Florida, Inc, Ocala, FL (Budget Impact - Neutral; estimated expenditure of $85,000 as approved in FY 17/18 budget)
The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its February 7, 2012 meeting, the Board approved a contract with Waste Pro for Single Stream Recycling (SSR), meaning single-container collection and hauling of clear, green, and brown glass; newspapers with inserts; cardboard; aluminum cans; plastics 1-7; steel cans and other materials identified as recyclable by the County at its recycling centers. The contract has met the end of its first five (5) year contract period and has been negotiated to effect several changes to the agreement while still maintaining the original intent to process SSR materials at Waste Pro's Material Recovery Facility (MRF) in Ocala. The most significant changes are removing the transportation of materials from Waste Pro and transferring material transportation responsibility to the County as of January 1, 2018 as well as declaring glass a contaminant material because there is no recycling market for it. Additional changes include modifying the cancellation clause from 30 to 180 days, changing Waste Pro's $10,500 public education obligation to a $5,000 direct payment so that Solid Waste can enhance its current educational efforts, extending the first five (5) year renewal term to the contract's full renewal potential of ten (10) additional years and adjusting the SSR processing fee from $40/TN to $21.25/TN. Attached for review is a draft of the second amendment; if approved at today's meeting, it will be sent to Waste Pro for execution, and upon approval by Legal, forwarded for the Chairman and Clerk's signatures.

Budget/Impact: Neutral; estimated annual expenditure of $85,000.
Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute the Second Contract Amendment with Waste Pro of Florida, Inc., under RFP 12P-039.

(Ed. Note: SSR is the acronym for single stream recycling.)
7E3. Request Approval of Selection Committee Recommendation: 18P-035, Debt Collection Services for Marion County Fire Rescue – United Collection Service, Inc., Lake Mary, FL (Budget Impact - Neutral; expenditure based on value of debt recovered)

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

Description/Background: On behalf of Marion County Fire Rescue (MCFR), a Request for Proposals (RFP) was advertised to contract with a qualified firm to provide debt collection services for delinquent emergency medical services accounts for MCFR. Two (2) submittals were received, evaluated, and scored by Selection Committee members Nikki Hampton, Larry Haney and Ronald Crews. Acting Fire Chief, James Banta supports the Selection Committee recommendation to contract with United Collection Service, Inc. The contract is for an initial five (5) year term with an optional five (5) year renewal pending mutual agreement. This contract will be based on a contingency fee of 17.5% of debt recovered with no up-front fees. Payment will not be made to United Collections until funds are received from the debtor. A summary of the final scores and rankings is listed below.

<table>
<thead>
<tr>
<th>Company</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Collection Services, Lake Mary, FL</td>
<td>420</td>
</tr>
<tr>
<td>LifeQuest Services – Wautoma, WI</td>
<td>340</td>
</tr>
</tbody>
</table>

Attached for review is a draft of the contract. Upon approval at today’s meeting, the contract will be sent to the vendor for execution as written; upon return, it will be forwarded to the County Attorney, Clerk and Chairman for signatures.

Budget/Impact: Budget Neutral; expenditure amount depends the value of debt recovered.

Recommended Action: Motion for the Board to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute the contract with United Collection Services for Debt Collection Services for Marion County Fire Rescue under RFP 18P-035.

7E4. Request Approval of Project Amendment: 12Q-055-PA-09B Marion County Judicial Center HVAC Replacement - Stentiford Construction Services, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of $1,305,005.43 as approved in FY 17/18 budget)

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

Description/Background: On April 3, 2012 the Board approved contracts with two (2) additional construction managers (CM), the terms of which allow the County to select a CM depending on area of expertise, capacity, or availability. Facilities Management assigned Marion County Judicial Center HVAC Replacement to Stentiford Construction Services, Inc. (SCS) On behalf of SCS, Procurement advertised a solicitation for bids from qualified subcontractors to perform the work as described in the scope of work. The sealed bids were submitted to Procurement Services, publicly opened by the CM and witnessed by Procurement staff. The three (3) existing cooling towers located at the Judicial Center Complex with a total capacity of 750 tons are approximately 30 years old. The pans of each tower holds about 500 gallons of water to cool the condenser water from the chill water system. Over the course of three years, Facilities Management was able to patch the towers which had started leaking. Originally they expected to be able to patch for
a period of 2 years but they managed to do 3 years. However, this base metal is no longer able to be patched. An inherent problem with cooling towers is the possibility of legionella growth or the development of Legionnaires Disease. For the past 30 years Facilities Management has been able to keep the towers clean and properly treated with chemicals to avoid an outbreak. The plan and design is to replace the Cooling Towers with Air Cooled Chillers that will eliminate the open water systems. This will save all the cost of chemical treatment, since the new system is what is known as a closed loop system. The new air cooled chillers will reduce operating cost on energy consumption and totally eliminate the cost for water treatment.

Attached for review is a draft of the project amendment; pending approval of a budget amendment at today’s meeting, a copy will be forwarded to the Construction Manager for execution and upon return, be processed for the County Attorney, Clerk and Chairman’s signatures.

Budget/Impact: Neutral; expenditure amount not to exceed $1,305,005.43.

Recommended Action: Motion to approve and authorize the Chairman to execute the project amendment with Stentiford Construction Inc. under 12Q-055-PA-09B.

7E5. Request Approval of Bid Award: 18B-031 Rainbow Park Units 1 & 2 Road Grading - Art Walker Construction, Inc - Ocala, FL (Budget Impact - Neutral; expenditure of $59,862 as approved in FY 17/18 budget)

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

Description/Background: On behalf of MSTU/Assessment, Procurement advertised a bid for grading and compacting approximately eight (8) miles of existing roadways at Rainbow Park Units 1 & 2 approximately four (4) to six (6) times per year, as needed. The estimated budget for this project was $96,000 and four (4) contractors’ submitted bids. MSTU Director, Shawn Hubbuck, requests to contract with the low bidder based on the tabulation below:

<table>
<thead>
<tr>
<th>FIRM NAME</th>
<th>BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art Walker Construction, Inc. – Ocala</td>
<td>$59,862.00</td>
</tr>
<tr>
<td>Goodwin Bros. – Brooksville</td>
<td>$76,395.72</td>
</tr>
<tr>
<td>C.W. Roberts Contracting, Inc. – Ocala</td>
<td>$196,200.00</td>
</tr>
<tr>
<td>Hartman Civil Construction – Ocala</td>
<td>$475,800.00</td>
</tr>
</tbody>
</table>

Attached for review is a draft contract; pending approval at today’s meeting, it will be sent to the contractor for signature and upon return, will be forwarded for the County Attorney, Clerk of the Court and Board Chairman’s signatures.

Budget/Impact: Neutral; project shall not exceed $59,862; up to ten percent (10%) contingency can be added to the purchase order as allowed for in the County’s Procurement Ordinance.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute contract with Art Walker Construction, Inc., the lowest responsive, responsible bidder under 18B-031.

7E6. Request Approval of Selection Committee Recommendation and Contract: 17Q-168, Silver Springs Shores Wastewater Treatment Facility Capacity and Nutrient
Removal - Atkins North America, Inc., Orlando, FL (Budget Impact - Neutral; expenditure of $424,209.60 as approved in FY 17/18 budget)

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

Description/Background: The Silver Springs Shores Wastewater Treatment Facility (SSS WWTF) is in need of expansion and treatment improvements. This project includes evaluating the existing plant, designing expansion and process improvements, permitting, bid-phase assistance, and construction oversight. The project adds 30-50% more capacity to the WWTF to accommodate emerging development and will bring the plant to advanced wastewater treatment standards. Due to the estimated construction value, Florida Statutes requires a unique RFQ be advertised instead of using an engineer under the County's pre-qualified design engineers. Procurement advertised the RFQ on behalf of Marion County Utilities (MCU) and conducted the initial Selection Committee meeting where the Committee (Jeff Lanphere, Gail Mowry, Don Atwell, Larry Starkey, and Kevin Vickers), shortlisted five (5) submitting firms to four (4) firms deemed qualified to make presentations. Atkins' score justified MCU Director, Angel Roussel to recommend Staff enter into negotiations, and after reviewing all needs of the project, finalized a scope and fee schedule that is within eight percent (8%) of the estimated construction value. Attached for review is Atkins' draft agreement; pending approval at today's meeting, it will be presented to the engineer as written for signatures. Upon return and approval by Legal, will be routed for the Chairman and Clerk's signatures.

Budget/Impact: Neutral; expenditure of $424,209.60.

Recommended Action: Motion to approve Selection Committee recommendation and award contract to Atkins North America, Inc. for the Silver Springs Shores Wastewater Treatment Facility Capacity and Nutrient Removal project under 17Q-168, and upon approval by Legal, authorize the Chairman and Clerk to execute same.

7E7. Request Approval of Change Order to Purchase Order 180430: 17B-176, Coehadjoe Park Pickleball Courts - The Nidy Sports Construction Company, Inc., Longwood, FL (Budget Impact - Neutral; additional expense of $123,860.45 as approved in FY 17/18 budget)

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

Description/Background: At its November 7, 2017 meeting, the Board approved bid 17B-176 for the Coehadjoe Park Pickleball Courts to The Nidy Sports Construction Company, Inc. Purchase order 180430 was issued for the initial work, totaling $219,889 to construct four (4) new courts (#1-4). The bid and Section 6 of the contract included an alternate for construction of an additional four (4) courts (#5-8), and Nidy is able to honor that alternate provided the award is made before the end of the calendar year; their Notice to Proceed is scheduled for January 8, 2018. At this time, Marion County Parks and Recreation requests a change order for the construction and lighting of courts #5-8, using Alternates A1 ($61,530) and A3 ($60,500) of the attached referenced contract's Exhibit B. These lines will be funded by a budget amendment appearing on today's agenda, and will be reimbursed by a committed future private donation. Courts #5-8 will also require
additional time, extending the substantial completion from 60 to 120 days. The change order expense also covers the fee (1.5% of A1+A3) for the payment and performance bond rider, as required by Florida Statute. If approved, the original change order is being presented for signatures by the Chairman and Clerk immediately following today's meeting.

Budget/Impact: Budget impact – neutral; project cost for this additional work shall not exceed $123,860.45, which brings the project's total construction cost to $343,749.45. No additional contingency is being requested for the additional work.

Recommended Action: Motion to approve, and authorize the Chairman and Clerk to execute, and allow staff to process change order, the change order for PO 180430 to The Nidy Sports Construction Company, Inc., for the Coehadjuco Pickleball Court contract 17B-176.

7E8. Request Approval of Sole Source Declaration for Bold & Gold® Filtration Media: 18SS-016, Environmental Conservation Solutions, LLC, Apopka, FL (Budget Impact - None)

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

Description/Background: On behalf of the Office of the County Engineer (OCE), a request to waive the formal solicitation process and declare a sole source provider is being presented to the Board for Bold & Gold® Filtration Media (Bold & Gold). Bold & Gold was created by the University of Central Florida (UCF) as a way to reduce nitrogen from stormwater runoff. Marion County was a participant in the original study to assess its effectiveness and as such, Environmental Conservation Solutions (ECS), the only licensed retailer for Bold & Gold, has agreed to enter into a direct buy agreement with Marion County for grant funded projects that require Bold & Gold as the filtration media.

The direct buy concept will provide a significant cost savings and cost control for future projects. The bid item for the Bold & Gold material has historically been paid as "measured in place" by cubic yard (CY). The quoted prices from Contractors have escalated from $37/CY in 2012 to $160.94/CY in 2017. Part of the difference is because the product is no longer allowed to be mixed on site. This is due to performance problems resulting from mixing onsite and allowing onsite sand material to be used as part of the mix. The remaining difference is the movement of product distribution rights to ECS by UCF in its desire to control the production of a uniform product. The contract rate proposed for Marion County is $96.65/ton (equivalent to $115/CY) versus ECS' $145/CY retail rate. Direct buy also offers a sales tax savings. Based on an estimate of 58,000 CY needed in the next 4 years, the result will be a savings of well over $400,000.

Attached for review is a draft of the direct buy agreement which has been reviewed and approved by Assistant County Attorney Russell Ward. Upon approval at today's meeting, a vendor signed original will be presented for the Clerk's and Chairman's signature.

Budget/Impact: None.

Recommended Action: Motion to approve request and declare Environmental Conservation Solutions, LLC the sole source provider for Bold & Gold® Filtration Media and authorize the Chairman to execute the Direct Buy agreement under 18SS-016.
7E9. Request Approval of Contract: 18C-067, TeleStaff Module - Kronos, Inc., Lowell, MA (Budget Impact - Neutral; expenditure of $149,920 as approved in FY 17/18 budget)
The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: With the approval of the Countywide ERP system, Public Safety Communications (PSC) and Fire-Rescue (MCFR) require a more advanced shift scheduling application than what’s currently available through Tyler Munis. TeleStaff is an advanced, interactive scheduling module of the County’s Kronos payroll/time and attendance software, and is compatible with, and sends data to the Tyler Munis ERP system. Its scheduling abilities automate shift workers’ coverage, allocate overtime and control labor costs based on PSC and MCFR rules and configuration of the software, and is the best option for the County’s needs until Tyler develops its own comparable scheduling module.

Although the Clerk executed the original Kronos contract, as payroll is part of Finance, the Board’s contract for TeleStaff originates from US Communities agreement 14-JLR-003 on file and verified through Procurement for validity through March, 2019. Information Technologies (IT) staff negotiated the TeleStaff rate, reducing the final expense to $149,920 which includes 12 months of no-cost maintenance and support (worth $18,067.50). An additional fee for the Integrated Voice Recognition (IVR) component carries an approximate cost of $2,400 per year based on Kronos’ assumption of service by agencies of our type and size for this functionality, and will be paid for by PSC or MCFR monthly as used. If/when this contract is renewed, subsequent years’ expenditures will be for maintenance and support ($18,067.50), and IVR (as needed) only. The 650 PSC and MCFR licenses support three (3) firefighter shifts and four (4) call-taker shifts at the County’s Public Safety Answering Points (PSAPs). A budget amendment to support the funding source is being presented by IT at today’s meeting.

Attached for review is a draft of the contract; the scope of work and costs have been finalized, and verbally approved by Assistant County Attorney, Russell Ward. Pending approval today, the vendor executed contract will be presented for the Chairman’s signature. The cost allocation appears below:

<table>
<thead>
<tr>
<th>Dept (# of licenses)</th>
<th>FY 17/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety (82)</td>
<td>$18,913.30</td>
</tr>
<tr>
<td>Fire-Rescue (568)</td>
<td>$131,006.70</td>
</tr>
</tbody>
</table>

Budget/Impact: Neutral; expenditure of $149,920 for FY 17/18 plus any associated IVR costs incurred.

Recommended Action: Motion to approve contract and authorize the Chairman to execute same with Kronos for its TeleStaff module under 18C-067.

7E10. Request Approval of Contract: 18C-068, Work Order Scheduling and Asset Management Module - Cartegraph Systems, LLC (Budget Impact - Neutral; expenditure of $73,565.60 as approved in FY 17/18 budget)
The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: As part of the approval of the Countywide ERP program, the Office of the County Engineer (OCE) including its Stormwater division, Parks and Recreation, and Facilities Management will be implementing a new work order and Asset Management system. Until such time, the current systems must be
maintained for business continuity and compatibility with other essential applications such as GIS. These functions are currently provided by Cartegraph which will reach end of life and support by December, 2018. Because this functionality within Tyler Munis is not scheduled until the third year of the ERP implementation, a new Cartegraph contract is required to maintain these services, and requires a six (6) month migration from the old system to the new one. The three (3) year Cartegraph term shall not exceed $220,696.80; the first year includes a $48,800 Fixed Fee Service, which will be paid at 50% up front, and the balance upon start-up. Attached for review is a draft of the contract; the scope of work and costs have been finalized, and verbally approved by Assistant County Attorney, Russell Ward. Pending approval today, the vendor executed contract will be presented for the Chairman's signature. The cost allocation appears below:

<table>
<thead>
<tr>
<th></th>
<th>FY 17/18</th>
<th>FY 18/19</th>
<th>FY 19/20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the County Engineer</td>
<td>$48,619.50</td>
<td>$48,619.50</td>
<td>$48,619.50</td>
</tr>
<tr>
<td>Stormwater Division</td>
<td>$9,453.18</td>
<td>$9,453.18</td>
<td>$9,453.18</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>$7,746.46</td>
<td>$7,746.46</td>
<td>$7,746.46</td>
</tr>
<tr>
<td>Facilities</td>
<td>$7,746.46</td>
<td>$7,746.46</td>
<td>$7,746.46</td>
</tr>
</tbody>
</table>

Budget/Impact: Neutral; expenditure of $73,565.60 during FY 17/18.

Recommended Action: Motion to approve contract and authorize the Chairman to execute same with Cartegraph for services and support under 18C-068.

7E11. Request Rejection of all Submittals and Cancellation of RFP 16P-173, Customer Information System (Budget Impact - None)

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

Description/Background: On behalf of Marion County Utilities (MCU), Procurement advertised an RFP for a consolidated software program to support billing, payment, service orders, and other items comprising the Customer Information System (CIS) in June, 2016. The Selection Committee reviewed and ranked the five (5) proposals received and scheduled presentations with the top four (4) ranked firms. After the presentations and before the Selection Committee meeting, Procurement was tasked with issuing the Enterprise Resource Planning (ERP) RFP. All CIS firms were notified after the Selection Committee, that although there was a ranking for the CIS project, it would be put on hold pending the outcome of the ERP selection process as the latter encompassed all the functionality of the CIS system. The contracts for the ERP were approved during the December 5, 2017 and with that approval, it is no longer necessary to pursue this software program for Utilities. Based on the award of the ERP during the last board meeting, Procurement is requesting approval to notify the vendors the CIS project has been terminated.

Budget/Impact: None.

Recommended Action: Motion to reject all proposals and terminate the RFP: 16P-173 for Customer Information System.

7E12. Request Approval of Purchases Over $50,000

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:
Description/Background: The requisitions listed below have been received by Procurement Services and are approved for conformance with the Procurement Code/Manual, pending approval at today's meeting:

**Purchase Order 180463/ESRI** – Information Technology requests approval to purchase annual ArcGIS maintenance and support licenses for BCC users among various departments; 84 licenses in all. Total cost $58,135.89 available in line 552106 for the following departments: 2510 ($30,074/26), 2715 ($317.95), 2730 ($7,986.47), 3390 ($7,916.89), 3930 ($4,211.54), 4121 ($2,939.74), 5225 ($317.95), 6120 ($635.90), 6310 ($317.95), and 7130 ($3,417.24).

**Purchase Order 180471/Hallmark RTC** – Fire-Rescue requests approval to refurbish Engine 120 (pumper), to include replacing worn interior seating, window cranks and handles, emergency lighting, gauges on pump panel, broken door panels, damaged dash, worn engine parts, and repainting cab and body to match current paint design. Total cost $127,985 available in FY 17/18 Infrastructure Sales Surtax Revenue account 1282-564101.

**Purchase Order 180454/Vermeer Southeast Sales** – Office of the County Engineer is requesting to purchase a 74HP Deutz Diesel Stump Cutter, 4WD, includes chip blade and an upgrade for radio remote control. Total Cost $78,325 available in account 4121-564101.

Recommended Action: Motion to approve purchases over $50,000.

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**7F. Transportation - County Engineer:**

**7F1. Request Approval of the Third Amendment for Cooperative Funding Agreement No. 16CF0000154 Between the Southwest Florida Water Management District and Marion County for the Rainbow Springshed Stormwater Retrofit Project (WR04) (Budget Impact - Credit of up to $465,755)**

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

Description/Background: This project, located within the Rainbow Springs 5th Replat, is a joint effort by the County and the Southwest Florida Water Management District (SWFWMD) to improve water quality treatment for stormwater discharges to the Floridan aquifer system. Two of the three drainage retention areas (DRAs) have been completed. The third DRA is at bid. This grant will reimburse 50% of the dollars spent for construction (up to a total reimbursement amount of $465,755). The second amendment for SWFWMD Grant WR04 extends the contract expiration date to August 30, 2018, to accommodate the timeline for the third DRA.

This project is identified as Rainbow Springs 5th Replat, Capital Project 67, in the FY 2017/2018 Stormwater Budget.

Budget/Impact: Credit of up to $465,755 to the Grant Revenue Account 189000-33730016.

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

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**7F2. Request Approval and Execution of an Amendment to Public Ingress and Egress Easement between Marion County and United Southern Bank associated with Parcel #51149-002-00 in Umatilla, Florida (Budget Impact - None)**
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to approve and execute the attached Amendment to Public Ingress and Egress Easement between Marion County and United Southern Bank. A Public Ingress and Egress Easement was previously granted to Marion County on April 29, 2002, and recorded in OR Book 3153, Page 38, associated with an earlier phase of a developer driven project. Further development of the site is now proposed and the Easement has been modified to better serve the development and paving for vehicular and pedestrian access on Parcel #51149-002-00.

Budget/Impact: None.
Recommended Action: Motion to approve the Amendment to Public Ingress and Egress Easement and authorize the Chair and Clerk to execute the same.

7F3. Request Approval to Declare Fifteen (15) Parcels Located in Forest Lakes Campsites as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $8,935)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to declare the parcels listed on the attached BCC Agenda Cover Attachment as surplus and approve the Sale and Purchase Agreements and Statute 125 Deeds between Marion County and Joseph Torre as Manager of Ocala Campsites, LLC, in the amount of $8,935 plus closing costs. These parcels were acquired as Tax Deeds and were individually bid. Staff recommends approval of the bids by Ocala Campsites, LLC.

Budget/Impact: Sale of Surplus Land - 000001 - 0001 - 36400022 - $8,935.
Recommended Action: Motion to approve the request to declare the above referenced parcels as Surplus, approve the Sale and Purchase Agreements and Statute 125 Deeds, and authorize the Chair and Clerk to execute the same.

7F4. Request Approval to Declare Thirty-Five (35) Parcels Located in Forest Lakes Campsites as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $11,767)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to declare the parcels listed on the BCC Agenda Cover Attachment as surplus and approve the Sale and Purchase Agreements and Statute 125 Deeds between Marion County and Lawrence E. Ronco Jr., as Trustee of the R & R Ocala Property Trust, in the amount of $11,767 plus closing costs. These parcels were acquired as Tax Deeds and were individually bid. Staff recommends approval of the bids by R & R Ocala Property Trust.

Recommended Action: Motion to approve the request to declare the above referenced parcels as Surplus, approve the Sale and Purchase Agreements and Statute 125 Deeds, and authorize the Chair and Clerk to execute the same.
7F5. Request Approval to Declare Parcel #0051-005-022 Located in Ocala National Forest Campsites as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $551)

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

Description/Background: This is a request to declare Parcel #0051-005-022 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Joseph Torre as Manager of Ocala Campsites, LLC, in the amount of $551 plus closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of the bid.


Recommended Action: Motion to approve the request to declare Parcel #0051-005-022 as Surplus, approve the Sale and Purchase Agreements and Statute 125 Deeds, and authorize the Chair and Clerk to execute the same.

7F6. Request Approval of Cooperative Funding Agreement with St. Johns River Water Management District through Contract #32379 (Budget Impact - Reimbursement of up to $343,232.00)

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

Description/Background: This grant will pay 50% of the construction costs for Silver Springs Shores Unit 19 Innovative Stormwater Retrofit - CP 76. The intent of the project is to retrofit the bottoms of three (3) Drainage Retention Areas with Bold & Gold soil amendment in order to reduce the amount of nitrogen entering Silver Springs. Modifications to the stormwater conveyance systems adjacent to each DRA are also included. The project is currently in design with commencement starting before 06/30/2018 and completion 09/30/2018. The FY17-18 budget includes $580,650 for construction and related expenses for this project.

Budget/Impact: Reimbursement of up to $343,232 to the Grant Revenue Account 3390-33730016.

Recommended Action: Motion to approve and authorize the chairman and clerk to execute the Cooperative Funding Agreement.

8. COUNTY ATTORNEY:

8A. Request Acceptance of a "Dedication to the Public for Outdoor Recreational Purposes," with Respect to an Approximate 500 Foot Long Tract of Land Currently Owned by Duke Energy in South Marion County, which Tract has been Used by Residents of Stonecrest, Spruce Creek South, and the Villages to Access Walmart and Other Commercial and Professional Establishments by Golf Cart

County Attorney Matthew G. Minter presented the following recommendation:

Description/Background: Duke Energy ("Duke") owns a tract of land at the South end of Marion County close to the Walmart Shopping Center. Duke's facility on such tract of land is fenced. However, the extent of the tract of land owned by Duke is larger than the fenced area. See attached letter from Mr. Larry Stoever and attached aerial photo included in property description, Exhibit "A." For some time, residents of the above-referenced subdivisions have been driving across the non-fenced portion of the Duke property with golf carts, to access Walmart and other businesses. They had no legal right to do so, as they had no easement or other
legal authorization to drive their carts over the Duke property. At some point, individuals even had contractors install some kind of stabilized base or asphalt along this path. Eventually, Duke erected “No Trespass” signs with respect to this path. It is noted that the first sentence of Mr. Stoever’s letter references “the golf cart trail” owned by Duke Energy. It would probably be more accurate to refer to “the land” owned by Duke Energy that others began using for a golf cart trail, as I have no information that Duke Energy ever intended to create such a golf cart trail across its land.

Duke Energy has decided that they do not want to cut off this access for golf cart use, as long as they can eliminate any liability exposure to Duke for such use, and with a reservation of right that Duke may be able to use a portion of the property for their facilities in the future if they determine a need for such. Duke initially proposed dedicating the tract of land to Marion County — which would have removed liability exposure from Duke and placed it on Marion County, both with respect to possible accidents on the path, and with respect to maintenance responsibility. Notwithstanding the statements of Mr. Stoever, the Office of the County Engineer (OCE) does not regard this “golf cart path” as an “Orphan Road,” nor does it consider the path to be a “road” at all. The OCE does not want to be liable either for accidents on, or maintenance of, this path. Over the course of the past several months, conversations between the County and Duke Energy have taken place to reach an acceptable solution. We have concluded that the best solution is a “Dedication to the Public for Outdoor Recreational Purposes.” There is a Florida Statute that protects those who make such dedications from liability from those using the dedicated lands. Marion County’s role is simply to accept the Dedication, not to Marion County, but rather to “the public,” such that Marion County is assuming no liability or responsibility with respect to this path. This will enable those residents who have been using the path and have already made improvements thereto, to continue to do so. It appears to be the best solution to meet the desires of Duke Energy, the residents, and Marion County government. A form of the Dedication document is attached hereto as Exhibit “B.”

Budget/Impact: None.

Recommended Action: Motion to accept, on behalf of the public, the Dedication to the Public for Outdoor Recreational Purposes.

Mr. Minter commented on the Dedication to the Public for Outdoor Recreational Purposes, with respect to a tract of land currently owned by Duke Energy in South Marion County that has been used by residents of Stonecrest, Spruce Creek South, and The Villages to access Walmart and other commercial and professional establishments by golf cart.

In response to Commissioner Zalak, Mr. Nauyalis advised that in order to turn the property over to the Home Owner’s Association (HOA) it would take a formal vote of the community and will require a 30% quorum, noting the community has been unable to achieve a 30% quorum. He assured the Board that the path will be maintained.

Mr. Minter advised that establishment of this path has occurred by virtue of the legal doctrine of public user. Over a period of time residents began using the path and Duke Energy did not object to that use, but eventually became concerned about possible legal issues. The form of dedication being used today is similar to a subdivision plat where simply because the county approves a plat does not amount to an assumption of maintenance responsibility on the part of the county, unless the whole thing was
constructed according to county subdivision regulations. There is no representation here that is what is being done.

A motion was made by Commissioner Gold, seconded by Commissioner Zalak, to accept, on behalf of the public, and execute the Dedication to the Public for Outdoor Recreational Purposes. The motion was unanimously approved by the Board (5-0).

**UPDATE:** Mr. Minter gave a brief update on the opioid litigation. Napoli Shkolnik, PLLC sent a copy of the law suit filed in Osceola County along with their contract. Osceola County did not go through an RFP process, they just talked with this particular firm and negotiated a deal. Pinellas County issued an RFP where 7 law firms responded; and they plan to select a firm on January 10, 2018. He advised that he has reached out to the City of Ocala, but has not spoken with anyone to determine if the city will be joining the county in this matter.

Mr. Minter stated upon review of the contract used by Osceola County there are a number of provisions that are unclear and ambiguous; therefore, he is not prepared to provide a recommendation for the Board to move forward with this firm. He suggested the Board hold off making a decision until they see the outcome of Pinellas County’s process on January 10, 2018. It was the general consensus of the Board to agree.

**9. COUNTY ADMINISTRATOR:**

**9A. Administrative Updates**

**UPDATE:** Mr. Bouyounes advised that he would like to move Items 13A15 and 13A16 forward at this time.

**13A15. Present Notification of the Appointment of James Banta as Fire Chief**

Chief Banta thanked the Board for the opportunity to lead Marion County Fire Rescue (MCFR).

**13A16. Present Notification of the Appointment of Angel Roussel as Public Works Assistant County Administrator**

(Ed. Note: Mr. Roussel was present for pictures.)

**9A1. Community Services Accomplishments - Cheryl Martin, Director**

County Administrator Mounir Bouyounes advised that the Community Services Director will give a brief update on the Community Services accomplishments.

Commissioner Gold out at 11:50 a.m.

Community Services Director Cheryl Martin commented on Item 13A7 regarding the fiscal year (FY) 2016-17 Community Development Block Grant (CDBG)/ Home/ Emergency Solutions Grant (ESG) Consolidated Annual Performance and Evaluation Report. She presented a brief video showing how lives are changed as a result of community service programs. Within 1 year staff has been able to successful house 108 families through the Rapid Re-housing (RRH) programs, purchase assistance and stabilize families through the housing rehab program. The goal in the department’s action plan was to house 61 families, which they exceeded. Through the purchase assistance program, not only are the families benefiting from the assistance, but also the lenders, appraisers, contractors and title companies.

Commissioner Gold returned at 11:51 a.m.
December 19, 2017

Ms. Martin advised that state mandated programs were not included in the reports to HUD, noting staff served 267 families this year through the Decedent Program and state mandated health programs. Community Services reported 7 CDBG projects that were completed, which includes Vets Helping Vets, Shepard’s Light House, Hands of Mercy, Creative Services, ARC, Heart of Florida, and the Boys and Girls Club. Some of these projects did occur over a year ago, but Housing & Urban Development (HUD) does not allow the department to complete those projects, because they assume that projects under construction are not serving people. As an overall goal for HUD, programs are intended to serve low to moderate income people; therefore, Community Services has a year to report the service data back to HUD. The overall people serviced was 3,761, which exceeds the department goal of 3,600. The focuses for 2018 are affordable housing, homelessness initiatives, and leveraging various resources in the community to stretch dollars and serve more people, as well as marketing programs to ensure they are reaching people.

9A2. Legislative Update - Jeannie Rickman, Assistant County Administrator of Public Services

County Administrator Mounir Bouyounes advised that ACA Jeannie Rickman will give a brief Legislative update.

ACA Rickman, Administration, presented a 25 page handout entitled, “Legislative Session 2018” and advised that the Legislative Session begins Tuesday, January 9, 2018 and will conclude on Friday, March 9, 2018. Marion County Day is scheduled for Wednesday, January 4, 2018. A total of 2,446 Bills have been filed this year. She stated the House side has focused on appropriations, particularly for storm related activities, while the Senate has focused more on policy language changes. Staff is in the process of reviewing the report to determine any impacts to the county. House Bill (HB) 2135 relating to the Southeastern Livestock Pavilion (SELP) is moving forward and is in appropriations at this time. Also, HB 2105 relating to the Veterans nursing home is in committee. Both of those Bills are sponsored by Representative Stan McClain.

Ms. Rickman advised that Senate Bill (SB) 484 relates to sentencing and would allow the courts to sentence an offender to the county facilities rather than the DOC facilities. The Sheriff has already responded by letter in opposition and before the Board is a proposed letter to the delegation members in support of the Sheriff’s stance. It was general consensus of the Board for the Chairman to sign and send the letter.

9B. Request Approval of Revised One Cent Infrastructure Sales Surtax Capital Projects Fund Schedule

County Administrator Bouyounes presented the following recommendation:

Description/Background: On April 19, 2016, the Board approved the initial One Cent Infrastructure Sales Surtax Project Schedule which was revised on December 6, 2016, June 20, 2017, and July 18, 2017 to address changing needs and to take advantage of opportunities.

The attached schedule is the first end-of-fiscal-year update and shows actual expenditures in FY 2016/17, available budget in FY 2017/18, and annual budgets the following years. An additional line showing unspent vehicle savings has been included on the schedule. These amounts are being transferred in a Budget Amendment Request on this agenda.
Budget/Impact: Expenditure increase of $357,529 in FY 2017/18 (from savings in FY 16/17); Expenditure increase of $62,991 in FY 2018/19.

Recommended Action: Motion to approve the revised 2016/17 – 2020/21 One Cent Infrastructure Sales Surtax Capital Projects Fund Schedule.

Fiscal Manager Mike McCain advised that the actual dollars spent from the sales tax in FY 2016-17 was approximately $3,800,000. The funds that were not spent will be Carry Forward to FY 2017-18. There are 3 major changes to the sales tax budget: 1) the county replaced radios early, which saved some money; 2) MCSO had a helicopter go down and funds are being used for the replacement helicopter; and 3) staff was able to secure grant funding for a portion of a transportation project; therefore, the full funding was not needed. He stated all remaining funds and revenue will be brought to the Board during budget workshops to decide how those funds will be used going forward. The tax brought in $25,700,000 in revenue during FY 2016-17, which is more than staff anticipated.

Mr. Bouyounes advised that staff included a project in the proposed plan for the fire department. In order for Emergency Medical Services (EMS) to move to 24 hour shifts the county needs a place in the northeast part of the county where employees can be housed and the logistics office needs to be remodeled to accommodate that change. These projects will be completed this year. Mr. McCain advised that savings from vehicles will fund this project.

Chairman Bryant opined that dollars allocated for public safety should remain for public safety projects and funds allocated for transportation will be used within the transportation budget.

Bureau Chief Jerry Holland, MCSO, commented on the progress of the phone system replacement.

Commissioner Zalak stated the Board should review the projects and prioritize them based on need.

General discussion ensued.

Chairman Bryant clarified that savings from a project should remain within that department. Any additional funds collected or new projects can be openly discussed and prioritized.

A motion was made by Commissioner Gold, seconded by Commissioner Stone, to approve the revised 2016/17 – 2020/21 One Cent Infrastructure Sales Surtax Capital Projects Fund Schedule. The motion was unanimously approved by the Board (5-0).

9C. Request Approval of The Mozert Collection Agreement Between the Florida Department of State Division of Library and Information Services, the Board of Trustees of the College of Central Florida and Marion County.

County Administrator Bouyounes presented the following recommendation from ACA Rickman:

Description/Background: At the May 16, 2017, the board approved funding for the preservation and artifacts from the Bruce Mozert collection. Following the board’s approval the County Administrator and Assistant County Administrator were invited by the Florida Department of State Division of Library and Information Services (Division) to participate in several meetings along with the College of Central Florida (College) regarding the following proposal (agreement attached). The agreement provides that the Division will be the lead and sole negotiator in the acquisition of the Collection and in the event of a successful acquisition will be the sole owner of the majority of items. The Division will care for, preserve, and
interpret the Collection for the benefit of the public. Each party in the agreement will contribute the following percentages towards the purchase cost of the collection: Library – 50%; College – 25% and County – 25%. The parties agree that the total purchase cost of the Collection will not surpass $100,000.00. In the event a final purchase cost is successfully negotiated and agreed to between the Division and the Mozert Estate (not to exceed $100,000.00), the Division will pay the Mozert Estate the full purchase cost. Within thirty (30) days of the payment of the full purchase cost, the College and the County will each pay their respective allocated percentages to the Division.

Additionally, upon the successful purchase and acquisition, the parties agree to an equitable distribution of various items as well as having access to all digitized masters of the various photos. Traveling exhibits to occur up to four times per year are also provided.

The agreement has been reviewed and approved by the County Attorney. It is staff’s recommendation to approve the agreement. Pending approval and full execution of the agreement, the Florida Department of State Division of Library and Information Services will proceed with the negotiation for the purchase of the Mozert collection.

Budget/Impact: None (Expenditure of up to $50,000 was previously approved by Board on May 16, 2017).

Recommended Action: Motion to approve the Mozert Collection Agreement between the Florida Department of State Division of Library and Information Services, the Board of Trustees of the College of Central Florida and Marion County.

A motion was made by Commissioner Moore, seconded by Commissioner Stone, to approve and execute the Mozert Collection Agreement between the Florida Department of State Division of Library and Information Services, the Board of Trustees of the College of Central Florida and Marion County. The motion was unanimously approved by the Board (5-0).

10. COMMITTEE ITEMS:
10A. License Review Board - Request Acceptance of One (1) Resignation and Approval to Advertise for Vacancy for an Unexpired Term

Executive Assistant Nadja J. Griffis, Commission Office, presented the following recommendation:

Description/Background: Mr. Ernest Hemschot has tendered his resignation from the License Review Board, effective immediately. Mr. Hemschot is currently serving as a full member whose term expires September 2019.

Budget/Impact: None.

Recommended Action: Motion to accept the resignation of Mr. Hemschot and approve advertisement of one vacancy for a full member for an unexpired term ending in September 2019.

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to accept the resignation of Ernest Hemschot; execute the appropriate letter of appreciation; and advertise vacancy. The motion was unanimously approved by the Board (5-0).

10B. Tourist Development Council - Request Approval to Advertise for Four (4) Upcoming Vacancies for Full Terms

Page 482, Book X
Executive Assistant Nadja J. Griffis, Commission Office, presented the following recommendation:

Description/Background: In February 2018 there are four terms set to expire at the end of the month, current incumbents are eligible for re-appointment.
Budget/Impact: None
Recommended Action: Motion to approve advertisement of four full terms to the Tourist Development Council.

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to authorize advertising vacancies. The motion was unanimously approved by the Board (5-0).

10C. Tourist Development Council - Request Appointment of an Elected Official, Matthew Wardell, to Serve as a Member

Executive Assistant Nadja J. Griffis, Commission Office, presented the following recommendation:

Description/Background: In a regular council meeting held on December 5, 2017 by the City of Ocala, the City Council unanimously approved Council Member Matthew Wardell to serve as the City of Ocala representative to the Tourist Development Council.
Budget/Impact: None.
Recommended Action: Motion to approve the appointment of City of Ocala Council Member Matthew Wardell to the Marion County Tourist Development Advisory Council.

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to appoint of City of Ocala Council Member Matthew Wardell to the Marion County Tourist Development Advisory Council. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11A. Request Approval to Advertise and Schedule an Adoption Public Hearing for the Approval and Adoption of the Five-Year Schedule of Capital Improvements 2018 Annual Update for FY 2017-2018 through FY 2021-2022 on Tuesday, January 16, 2018 at 10:00 a.m.

The Board considered the following recommendation from Growth Services Director Martsolf:

Description/Background: Florida Statutes Section 163.3177(3) requires the county to annually maintain a Schedule of Capital Improvements for the Five-Year Capital Improvements Program as part of the Capital Improvements Element (CIE) of the Comprehensive Plan. The CIE Schedule contains projects for facilities and services with a Comprehensive Plan adopted Level of Service (LOS) standard which includes the following: Potable Water, Sanitary Sewer, Transportation, Solid Waste, Stormwater (drainage), Public School Facilities, and Recreation and Open Space. This annual update must be approved by the Board, but is no longer required to be a formal Comprehensive Plan Amendment that must be reviewed by the Department of Economic Opportunity.
Budget/Impact: None.
December 19, 2017

Recommended Action: Motion to adopt the Comprehensive Plan Five-Year Schedule of Capital Improvements for FY 2017-2018 through FY 2021-2022 on Tuesday, January 16, 2018 at 10:00 a.m.

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to schedule and advertise a public hearing on Tuesday, January 16, 2018 at 10:00 a.m. to consider adoption of the Comprehensive Plan 5-year Schedule of Capital Improvements for FYs 2017/18 – 2021/22. The motion was unanimously approved by the Board (5-0).

12. COMMISSIONER ITEMS:
12A. Commission Comments
Commissioner Moore thanked everyone who attended the memorial for former Building Safety Director Jeff Camden; and all first responders for all their hard work. He wished everyone a Merry Christmas and Happy Hanukkah.

Commissioner Zalak wished everyone a Merry Christmas and thanked staff for all their hard work.

Commissioner Gold wished everyone a safe and happy holiday.

Commissioner Stone wished everyone a Merry Christmas and thanked staff for all their support. She commented on the programs provided by United Way in Marion County.

Chairman Bryant expressed appreciation to staff and the Board for all they were able to accomplish. She urged everyone to remember those who have experienced loss during the holiday season.

12B. Commission Calendar

12C. Additional Public Comment: All members of the public wishing to speak during the “Additional Public Comment” portion of the agenda will be limited to two (2) minutes to make their request or presentation. If the request or matter requires investigation by County staff, the Chair will refer to staff for follow-up with the person making the request.

Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on the importance of God and prayer.

Henry Munoz, Marion Oaks Boulevard, thanked the Board for all their hard work. Emergency Management Director Preston Bowlin expressed support in the Board’s decision to appoint Jamie Banta as the new Fire Chief.

13. NOTATION FOR RECORD:
13A. County Administrator Informational Items:
13A1. Present Monthly Productivity Report for Building Safety Department, November 2017
13A2. Present Letter of Support for The Centers' Children's Crisis Unit to Dr. Christine Cauffield at LSF Health Systems, Inc. sent from Mounir Bouyounes, County Administrator Dated December 7, 2017
13A3. Present Letter of Support for Strategic Behavioral Health sent to Marisol Fitch, Unit Manager Certificate of Need at the Bureau of Health Facility Regulation from Mounir Bouyounes, County Administrator Dated December 7, 2017

Page 484, Book X
13A4. Present Ocala/Marion County Chamber and Economic Partnership (CEP) Activity Report for November and Performance Matrix FY 2018 YTD
13A5. Present Monthly Marion County Federal Legislative Report
13A8. Present RenewPACE 2017 Third Quarter Cumulative Report with Storm Mitigation
13A9. Present FY 2016-2017 Florida Forest Service Annual Reports for Marion County
13A10. Present City of Dunnellon Ordinance #ORD2017-14 Dated December 12, 2017 Requesting and Consenting to the Inclusion of All of the Incorporated Area of the City of Dunnellon within a Municipal Service Benefit Unit Designated by Marion County to Provide Fire Rescue Services
13A11. Present Monitoring Letter for the Edward Byrne Memorial Justice Assistance Grant from Petrina Tuttle Herring, Florida Department Law Enforcement Bureau Chief, dated November 27, 2017
13A12. Present Letter of Receipt and Acceptance for Contract Number 2017-JAGC-MARI-4-F9-188 from Petrina Tuttle Herring, Florida Department Law Enforcement Bureau Chief, dated November 22, 2017
13A13. Present Letter from Southwest Florida Water Management District Executive Director, Brian Armstrong, Addressing Their Goals for the Natural Systems Area of Responsibility of their Mission, dated December 5, 2017
13A15. Present Notification of the Appointment of James Banta as Fire Chief
13A16. Present Notification of the Appointment of Angel Roussel as Public Works Assistant County Administrator
13A17. Present Letter Regarding Debris Removal from Private Roads Dated November 15, 2017 from the Federal Coordinating Officer and Disaster Recovery Manager for the Federal Emergency Management Agency (FEMA)

13B. Present Walk-On Items From Previous BCC Meeting: NONE

13C. General Informational Items:
13C1. Marion County Health Department – For the Latest health news and information, Visit the Website at http://marion.floridahealth.gov/

13D. Clerk of the Court:
13D1. Present Regular Report of Utilization for Reserve for Contingencies
13D2. Present Monthly Report for the Building Department Budget and Actual
13D3. Present Memorandum From David R. Ellsperrmann, Clerk Of Circuit Court And Comptroller, Regarding The Filing Of Ordinances 17-31 (Comprehensive Plan); 17-32 (Revocation); And 17-33 (Zoning) With The Secretary Of State’s Office
13D4. Present Lands Available For Taxes Which The County May Purchase (Within 90 Days From 10/11/17) For The Opening Bid Amounts, Pursuant To Chapter. 197.542(1), Florida Statutes

13E. Present for information and record, minutes and notices received from the following committees and agencies:
13E1. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at http://www.WaterMatters.org
13E2. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at http://www.floridaswater.com
13E3. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at http://www.ocalafl.org/tpo
13E4. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at http://www.wrwsa.org
13E5. Board of Adjustment (BOA) - November 6, 2017
13E6. Marion County Hospital District Board of Trustees (MCHD) - October 30, 2017

There was a recess at 12:20 p.m.

The meeting reconvened at 2:00 p.m. with all members present.

Also present were: Growth Services Director Sam Martsolf, Senior Planners Chris Rison, Ken Weyrauch and Kimberleigh (Kim) Dinkins, Strategic Resources Project Manager Kevin Smith, Administrative Staff Assistant Stephanie Sourcey, Staff Assistant IV Darlene Pocock, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, and County Engineer Tracy Straub.

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

14. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):
Deputy Clerk Bonvissuto advised that there are 2 Proofs of Publication to be presented for this afternoons meeting.
The first is Proof of Publication No. A000922858 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on December 7, 2017. The Notice states the Board will consider adopting an Ordinance approving Small Scale Comprehensive Plan Amendments (CPAs), rezoning and/or Special Use Permit applications, as well as considering adoption of an Ordinance.
The second Proof of Publication is a display ad entitled, "Notice of Change of Land Use, Marion County Comprehensive Plan", published in the Star Banner newspaper on December 8, 2017. The Notice states the Board will consider CPA 17-L06 (Item 14A1), a Large Scale Future Land Use Map (FLUM) Amendment.
Chairman Bryant stated the County Attorney will now address the process for today's zoning hearings.
County Attorney Matthew G. Minter noted Items 14A1 through 14A7 is the consent agenda, which means that no opposition has been received in regard to those items. If anyone present today has any concern with any consent agenda item they may raise their hand and that item will be pulled for separate consideration. Items 14B1 through 14B5 are items for individual consideration and include large scale land use CPA, rezoning and Special Use Permit requests. As to amendments to the Comprehensive Plan; the Comprehensive Land Use Plan in Florida and Marion County is basically considered the Constitution for land development and is intended to set a long-range plan for how development will progress over a period of years in the community. When the BCC establishes that Plan and makes amendments it is considered Policy making; for that purpose the Board is sitting in a Legislative Policy making role. The BCC is interested in
input from citizens in regard to their concerns and opinions of issues, such as the capabilities of the county with its capital improvements, road programs, solid waste, transportation, and what the future land use element (FLUE) of the Comprehensive Plan looks like. This is a policy making discretionary consideration for the BCC.

Under Florida Law, all zoning and Special Use Permits are considered quasi-judicial. In effect, the BCC is basically sitting as judges in those proceedings. Testimony and/or comments about re-zonings or special use permits must be relevant to the situation and are not like a majority vote (i.e., where a majority of those in attendance are either for or against an item). The BCC needs facts as to how the application is beneficial to the community or neighborhood; whether or not the request will have an adverse effect on surrounding properties; or information related to traffic impacts of the project. The BCC also considers Conditions for Special Use Permits to help the project be compatible with surrounding properties. The public is invited to speak to the Board about an additional condition that may be relevant to a Special Use Permit.

The applicant will be given an opportunity to give their initial presentation to the 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.

14A. Planning and Zoning Consent Items:
Growth Services Director Sam Martsolf advised that the seven (7) petitions listed on the consent agenda are recommended for approval by both the Planning Division and the P&Z Commission. He stated the consent agenda items will be acted on in one motion, as follows:

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<td>17-S07</td>
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<td>171201Z</td>
<td>Kenneth and Joyce Lemek A-1 to B-5</td>
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<td>171202Z</td>
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<td>17-S08</td>
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<td>171204Z</td>
<td>Larry Easter A-1 to PUD</td>
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<td>171208Z</td>
<td>Melvin and Patricia Ayers B-2 to R-1</td>
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PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Gaekwad, and seconded by Mr. Bailey, to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (17-S07, 171201Z, 171202Z, 17-S08, 171204Z, 171207SU, and 171208Z) based on the following findings of fact:
1. Will not adversely affect the public interest.
2. Are consistent with the Marion County Comprehensive Plan.
3. Are compatible with the surrounding land uses.

The motion passed 5 to 0.
Chairman Bryant advised that Items 14A1 and 14A2 will be pulled from the Consent Agenda for a separate vote, noting Commissioner Moore is going to recuse himself in regard to those 2 items.

Mr. Martsolf addressed Items 14A3 through 7 and advised that they will be moved in one motion if there are no objections.

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 Zalak, seconded by Commissioner Moore, to approve consent agenda items 14A3 through 14A7, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda items as follows:

**14A3. 171202Z - Ocala Preschool, Inc., A-1 and R-E to B-2, 3.67 Acres**
The Board granted a petition by Ocala Preschool, Inc. (owner) / Terry Angelotti (applicant), 5870 SE 85th Lane, Ocala, FL, for Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and RE (Residential Estate) to B-2 (Community Business) for all permitted uses including a retail center and a pre-school on approximately 3.67 Acres, on Parcel Account Nos. 3752-001-001 and 3752-001-003.

**14A4. 17-S08 - Larry Easter, Commercial to Urban Residential, 7.64 Acres**
The Board approved Small Scale Comprehensive Plan Amendment No. 17-S08 by Larry Easter (owner) / Joseph C. London, P.E. (applicant), 11255 SW 105th Avenue, Dunnellon, FL, for a Land Use Change, Articles 1, 2 and 3 of the Marion County Land Development Code, from Commercial to Urban Residential on approximately 7.64 acres of Parcel Account No. 35334-006-01.

**14A5. 171204Z - Larry Easter, A-1 to PUD, 7.64 Acres**
The Board granted a petition by Larry Easter (owner) / Joseph C. London, P.E. (applicant), 11255 SW 105th Avenue, Dunnellon, FL, for Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) to PUD (Planned Unit Development) for all permitted uses including the enlargement of a future 156 Unit Apartment Complex with associated recreation building and pool (Stone Brook Commons) on approximately 7.64 acres of Parcel Account No. 35334-006-001.

**14A6. 171207SU - Baldwin Angus Ranch, Inc., Special Use Permit in R-4 and R-1, 31.52 Acres**
The Board adopted Resolution 17-R-542 granting a petition by Baldwin Angus Ranch, Inc. (owner) / Nathan Garcia/CG Cattle Company, LLC (applicant), 3660 NW 56th Street, Ocala, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for using subject property for agricultural purposes, until such time that development of the land under the existing Land Use/Zoning is feasible. Also, requesting that Special Use, if granted, will be transferable to future owners of subject property, in R-4 (Mixed Residential and R-1 (Single Family Dwelling) zones on approximately 31.52 acres of Parcel Account Nos. 13338-000-00 and 13338-000-01.
Resolution 17-R-542 contains the following Conditions:

1. The property owner shall file a notice of intent with the Florida Department of Agriculture and Consumer Services (FDACS).
2. The pasture area shall be maintained using FDACS Best Management Practices as the property is located in the Primary Springs Protection Zone.
3. The property shall be limited to a maximum of 1.25 horses or cattle or any combination thereof per acre.
4. This Special Use Permit shall run with the property.
5. This Special Use Permit shall terminate if the parcels are further subdivided. However, boundary adjustments with adjoining properties will be permitted to use up to 1.25 horses/cattle per acre.
6. The Special Use Permit shall expire on December 19, 2027; however it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Manager (or position equivalent to the Growth Services Manager at that time), unless:
   a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
   b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
   c. The Growth Services Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

14A7. 171208Z - Melvin and Patricia Ayers, B-2 to R-1, 1.08 Acres
The Board granted a petition by Melvin E. Ayers, Jr. and Patricia Ayers (owners/applicants), 8535 Florence Cove Road, St. Augustine, FL, for Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from B-2 (Community Business) to R-1 (Single Family Dwelling) for all permitted uses including to build a home, located within an Environmentally Sensitive Overlay Zone (ESOZ) on approximately 1.08 acres of Parcel Account Nos. 16652-003-01 and 16652-003-04.

14A. Planning and Zoning Consent Items: Continued.
Mr. Martsolf addressed Items 14A1 and 14A2 and advised that they will be moved in one motion if there are no objections.
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 Zalak, to approve consent agenda items 14A1 and 14A2, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was approved by the Board by a vote of 4-0, with Commissioner Moore abstaining.
The motion approved the consent agenda items as follows:
14A1. 17-S07 - Kenneth and Joyce Lemek, Low Density Residential to Commercial, 4.89 Acres
The Board approved Small Scale Comprehensive Plan Amendment No. 17-S07 by Kenneth J. and Joyce A. Lemek (owners) / Dana & Debra Barber (applicants), 950 SE 19th Street, Ocala, FL, for a Land Use Change, Articles 1, 2 and 3 of the Marion County Land Development Code, from Low Density Residential to Commercial on approximately 4.89 acres of Parcel Account No. 23305-000-00.
(Ed. Note: Form 8B appears on the following 2 pages.)
**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME — FIRST NAME — MIDDLE NAME
Moore, David

NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Marion Cty. Bd of Cty. Commission

MAILING ADDRESS
601 SE 25th Ave.

CITY
Ocala

COUNTY
Marion

DATE ON WHICH VOTE OCCURRED
12/19/17

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

ELECTED OFFICERS:

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

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

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

APPOINTED OFFICERS:

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

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

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

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, David Moore, hereby disclose that on December 19, 2017, I hereby disclose that on December 19, 2017:

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

- [ ] inured to my special private gain or loss;
- [ ] inured to the special gain or loss of my business associate, Joyce & Kenneth Lenak;
- [ ] inured to the special gain or loss of my relative, by whom I am retained; or
- [ ] inured to the special gain or loss of, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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

Joyce & Ken own the tax service that do my taxes & also are investors in projects that my company does. I YA1 see other for 14A2

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

Date Filed 12-19-17

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.
14A2. 171201Z - Kenneth and Joyce Lemek, A-1 to B-5, 4.89 Acres
The Board granted a petition by Kenneth J. and Joyce A. Lemek (owners) / Dana & Debra Barber (applicants), 950 SE 19th Street, Ocala, FL, for Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) to B-5 (Heavy Business) for all permitted uses including Retail and Warehouse for a Tack Shop on approximately 4.89 acres of Parcel Account No. 23305-000-00.
(Ed. Note: Form 8B appears on the following 2 pages.)

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**
**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

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<thead>
<tr>
<th>LAST NAME — FIRST NAME — MIDDLE NAME</th>
<th>NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE</th>
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<td>Moore, David</td>
<td>Marion County Board of County Commissioners</td>
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<th>MAILING ADDRESS</th>
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<td>Marion</td>
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<th>DATE ON WHICH VOTE OCCURRED</th>
<th>MY POSITION IS</th>
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<td>12/19/17</td>
<td>ELECTIVE</td>
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**WHO MUST FILE FORM 8B**

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

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

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

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

**ELECTED OFFICERS:**

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

- PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and
- WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

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

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

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

- A copy of the form must be provided immediately to the other members of the agency.
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IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

David Moore hereby disclose that on December 19 2017:

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

- [ ] inured to my special private gain or loss;
- [ ] inured to the special gain or loss of my business associate, Joyce A. Kenneth Lemek;
- [ ] inured to the special gain or loss of my relative, by whom I am retained;
- [ ] inured to the special gain or loss of , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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

Joyce A Ken own the tax service that does my taxes also are invest in projects that my company does.  
14 A 2 see other for real

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

Date Filed: 12-19-17
Signature: David Moore

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14B. Planning and Zoning Items for Individual Consideration:
14B1. 17-L06 - The Deltona Corporation, Rural Land to Employment Center, 19.26 Acres
The Board considered the Large Scale Comprehensive Plan Amendment by The Deltona Corporation (owner) / Steve Gray, Esquire (applicant), 8014 SW 135th Street, Ocala, FL, on approximately 19.26 acres of Parcel Account Nos. 41200-035-00 and 41200-006-00.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 0 of 8 = 0%.

PLANNING & ZONING COMMISSION RECOMMENDATION: Motion made by Mr. Colen, seconded by Mr. Lourenco, to agree with staff's findings and recommendation, and recommend approval of the requested land use change based on the following findings of fact:
1. Will not adversely affect the public interest.
2. Is consistent with the Marion County Comprehensive Plan.
3. Is compatible with the surrounding land uses.

The motion passed 5 to 0.

(Ed. Note: The P&Z Commission recommendation is from the 9/25/17 meeting, which was placed on the 10/17/17 BCC Agenda.)

Senior Planner Chris Rison, AICP, Growth Services, advised that the next 2 items (1461 and 1462) are a combination of a large scale land use amendment and a rezoning case for a Planned Unit Development (PUD). He noted staff has revised its recommendation regarding the rezoning case. The CPA is 17-L06 for the Deltona Corporation, who is requesting to amend properties at the Highway 484, I-75 Interchange to change the land use to Employment Center from rural designated lands. Properties to the south, southwest, and east are currently Employment Centers. These are 2 additional properties acquired by Deltona and they are seeking to unite all of their holdings into a single land use designation. This will also match into Deltona's current holdings to the west, which is the special business area for the Marion Oaks development to ultimately result in a Marion Oaks Commerce Center at this interchange intersection. Growth Services staff is recommending approval of the CPA and have received comments from state agencies, noting this is the final adoption consideration for this amendment. None of the state agencies had any objections; however, some technical comments provided technical assistance to staff as this moves through the development process, but no agency objected.

In relation to the surrounding site for the rezoning application, staff is recommending denial, as there are concerns regarding the development status of the area to the west, which is an existing portion of Marion Oaks Unit 7. However, this is a zoning request for a portion of the overall site and it may be more suited to go ahead and do a PUD zoning over the full property holding where it can be better master planned. At this time staff is recommending denial of the zoning change request.

Steven Gray, NE 1st Avenue, attorney representing Ms. Fisher, appeared and presented a 13 page handout regarding the Agreement for Maintenance of Subdivision Improvements Between Deltona Corporation and Marion County, Florida (dated March 20, 2007). He advised that he has no comments on the CPA, but primarily wished to discuss the change in the recommendation for the zoning matter. There are matters they would like to discuss with the BCC on that particular item (14B2).

Mr. Gray stated there are no factual differences between this property as we sit now and the property as when it was originally looked at by staff. He commented on that what he thinks happened, noting he was not at the original hearing. At the hearing County Engineer Tracy Straub brought up some questions about the status of Deltona finishing
some items. Because of proximity in time and the comments that are now inserted into
the recommendation for denial, that this recommendation (for denial) is somewhat of a
general concern about where Deltona is going. Deltona has a lot of land out in this area
and are assembling land near the Interstate, which they intend to create a commerce
district with frontage property on I-75. The Interstate frontage property is not competitive
property to the McGinley Commerce Park, as it is a completely different set of buyers that
are looking for property on the Interstate versus simply commerce park property. A classic
example is the price that the recreational vehicle (RV) center paid for a parcel that backs
up onto I-75. A more classic example, in a commerce park, is after FedEx came in,
AutoZone quickly followed, but had no interest in paying $1 more per acre to be on the
Interstate. FedEx's initial sale of the property was $75,000 per acre for 150 acres; the
second piece (22 acres) they purchased was sold at $125,000. AutoZone came along
and did not care about being on the Interstate and paid $60,000 per acre. The next entity
(Chewy, Inc.) wanted to be on I-75 and paid $160,000 per acre for a large site. Property
on the Interstate is a different product than property that is a commerce park. These
properties, Marco Polo and Deltona, do have the advantage of being very close to the
Interstate.

Mr. Gray referred to the handout, noting he was unaware of the agreement, until Ms.
Fisher provided it to him, dating back to 2007. Shortly after seeing the agreement, a letter
was sent to Ms. Straub advising that he had seen the comments and provided information.
He noted in the letter that if they could get together and meet they may be able to work
through concerns of the county. Mr. Gray addressed the changed recommendation, which
is consistent with concern about where everything is out there. Candidly, their desire is
for a commerce park on what was the old Special Business District and the additional
property owned by Deltona. To do that, they will once again have to come back before
the BCC to vacate some, or large parts, of the plat for the Special Business District to
create a real commerce park roadway design. In the course of that they will have to work
out how to get to CR 484 and how to provide for anyone needing access through this
property, as there are several homes in that area. The county's concern is recognized
and they want to work with staff to get past this, as it will be in the best interest of everyone
to get as much product, industrial relocations, as possible.

Mr. Gray reiterated that there is no factual difference here than what existed when that
first report was issued with a recommendation for approval. The question is probably the
impact of the 2007 agreement as to where Deltona is with the county for those items that
were covered by that document.

Vice President Beth Fisher, SW 85th Street, Central Florida Operations, The Deltona
Corporation, noted that Deltona came to the county back in 2007 and worked with then
County Engineer Mounir Bouyounes to draft the agreement to get all roads in Marion
Oaks completed so that the county could take them over for maintenance. Deltona went
through some hard times due to the cyclical real estate market and was not able to
complete Marion Oaks in a timely manner; however, they wanted to complete the
community. Certain items drafted in this agreement included: 1) the road in Unit 7 would
not be completed as that entire section would be sold since it was all commercial in bulk;
and 2) Marion Oaks Manor was to be 4-laned at a certain point, but is currently only 2
lanes; however, Deltona agreed to complete that in 2020. She inquired as to why the
roads are playing into this zoning request, which should have nothing to do with the
change that should tie into the existing land use. The zoning request will provide a viable
product to market, without that zoning change there is nothing to market. Ms. Fisher
December 19, 2017

requested the Board's consideration to approve the requests, noting they hope to get someone in there that will bring economic development and jobs to Marion County.

In response to Chairman Bryant, Mr. Bouyounes advised that staff has worked with Deltona on the existing roads that they have completed to finish those roads for maintenance purposes. He noted there are a few roads, as was mentioned, that were never finished the way they should have been finished. When the discussion and negotiation occurred in 2007 that was all that the county could get; that the road would be finished in 2020. Mr. Bouyounes opined that it was not a very hard commitment that we can rely on, but that was all the county could get at this time. The link between zoning and roads is that the zoning depends on having infrastructure in place and being able to provide safe access to the development. Nothing has been done in Unit 7. Ms. Fisher clarified that nothing has been done in the portion of Unit 7 they are looking at, but there is housing to the west and those roads are all in. Mr. Bouyounes opined that the best way going forward is to sit down and try to work out all the details as Mr. Gray mentioned.

Chairman Bryant questioned whether the applicant is amenable to a continuance. Ms. Fisher stated her preference to get the zoning approved and then have a sit down. Chairman Bryant noted unfortunately that is not the way it works, as there are certain things the county wants to make sure happens and are taken care of because of history with Deltona. Mr. Bouyounes pointed out that they are talking about certain roads that should have been done a long time ago.

Mr. Minter noted Mr. Gray attributed staff's revised recommendation apparently solely to Ms. Straub's concerns about the roads and opined that the Board needs to hear from Mr. Rison as to whether or not that is the only reason for changing the recommendation. Mr. Rison advised that the primary reason for the revised recommendation is concern with the roadways. He qualified that by stating this application for the rezoning is only for these 2 parcels, the remainder of their unplatted lands is still zoned A-1 and they will still have to make a separate application for those properties. In some respects, they may actually end up revisiting these properties when Deltona finally creates the overall PUD plan for all of their holdings. Mr. Rison noted that is another concern of staff. He opined that it may be better to come in with a single unified Master Plan for all of Deltona’s holdings, including if they actually manage to acquire additional lands, as there are other properties they may potentially obtain and/or how they might better accommodate match to the Marco Polo PUD to the south.

Chairman Bryant opened the floor to public comment.

Henry Munoz, Marion Oaks Boulevard, expressed his concern with the PUD, not the change to Employment Center. He stated Marion Oaks Manor needs to be completed and commented on Avenue 20, which does not go north of CR 484. Mr. Munoz questioned how the Municipal Service Taxing Unit (MSTU) for General Services will fall into this, noting these are not going to be county maintained roads, as well as recreation. Mr. Munoz stated he would like to be present when these issues are discussed since they are concerns that are viable to his community. He voiced his objections for Item 14B2.

Chairman Bryant opened the floor to public comment.

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to continue the Large Scale Comprehensive Plan Amendment No. 17-L06, until February or March of 2018 when Mr. Bouyounes can bring the matter back.

Mr. Rison noted because it is a Large Scale CPA, they have 180 days to act on the CPA after receiving the Department of Economic Opportunity (DEO’s) comments, so if it is January or February they should be alright.
Chairman Bryant requested the motion be amended to bring this back in March, but if anything is wrong with the timeline, staff can move it up to February. Mr. Bouyounes agreed that it should be date specific, noting it can be delayed if needed. Commissioner Zalak opined that it would be a whole lot easier if they had some kind of site plan to put this thing together to make it work so the BCC can see what is going on out there. He stated it is very tough to move this thing at this point. Chairman Bryant suggested a Conceptual Plan be provided. Commissioner Zalak agreed that most of the time there is a Conceptual Plan showing how it will be done, how traffic will be routed, and how all those particular pieces are going to work on a particular project, noting some of that is still missing.

Commissioner Zalak amended the motion to continue the Large Scale Comprehensive Plan Amendment No. 17-L06, until March 20, 2018 at 2:00 p.m. The motion, as amended, was unanimously approved by the Board (5-0).

14B2. 171006Z - The Deltona Corporation, A-1 to PUD, 19.26 Acres
The petition by The Deltona Corporation (owner) / Steve Gray, Esquire (applicant), 8014 SW 135th Street, Ocala, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) to PUD (Planned Unit Development), on approximately 19.26 acres of Parcel Account Nos. 41200-035-00 and 41200-006-00.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 0 of 8 = 0%.
PLANNING & ZONING COMMISSION RECOMMENDATION: Motion made by Mr. Bailey, seconded by Mr. Lord, to agree with staff’s findings and recommendation, and recommend approval of the requested land use change based on the following findings of fact:
1. Will not adversely affect the public interest.
2. Is consistent with the Marion County Comprehensive Plan.
3. Is compatible with the surrounding land uses.
The motion passed 5 to 0.

This matter was addressed with Item 14B1. (17-L06)
(Ed. Note: The P&Z Commission recommendation is from the 9/25/17 meeting, which was placed on the 10/17/17 BCC Agenda.)

It was noted that Growth Services staff revised its recommendation to denial; however, the P&Z Commission recommend approval with the following Alternative Master Plan Recommended Conditions:
1. The PUD shall be developed consistent with the conditions outlined here within and the project PUD Rezoning Application package.
2. Uses within the PUD shall conform with the following:
   a. All uses shall be consistent with the consolidated listing of permitted and prohibited uses as provided with this PUD Rezoning Application and identified as Table "A".
   b. For uses which are not listed as either permitted or prohibited, the Growth Services Director (GSD), or equivalent position at the time, shall be eligible to determine if a use may be permitted within the PUD based upon comparison of the character of the PUD's existing permitted and prohibited uses and the site's existing future land use designation. In the event the GSD determines a use is not permitted
December 19, 2017

and/or is prohibited, an applicant may submit a new PUD Rezoning Application to amend the list of permitted and/or prohibited uses.

c. All uses shall conform to the LDC's B-5 (Heavy Business) design and development standards (e.g., setbacks, height, etc.), subject to compliance with prior items a. and b.

3. Buffers shall be provided along the site's overall boundaries consistent with the current LDC Commercial Buffer development standards as listed below (LDC Section 6.8.6.J):

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4. The PUD shall be designed and developed to provide for coordinated access to the existing Marco Polo Commerce Park PUD to the south of the site, in order to support the potential development of complementary uses and provide for coordinated transportation circulation between the two commerce parks, Hwy 484, SW 29th Avenue Road, and Marion Oaks Trail.

4.5. Prior to the completion of the development of any phase of the PUD, construction of the Owner/Developer's existing Marion Oaks Subdivision Unit 7 lands known as the "Special Business/Commerce Park Area" to the west/southwest shall be completed (particularly roadways and stormwater systems) consistent with the current Land Development Code; alternatively the Owner/Developer may arrange for Plat Vacation, Road Abrogation, and/or re-platting of those lands to resolve the incomplete subdivision sections and/or include those lands in an overall plan of development coordinated with this PUD approved, consistent with the current Land Development Code.

(Ed. Note: Acronyms used above are as follows: LDC — Land Development Code, ROW — Rights-of-Way, AG — Agriculture, IND — Industrial, PUB — Public Use, SFR — Single Family Residential, and MFR — Multi-Family Residential.)

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to continue the Zoning Change from A-1 to PUD, until March 20, 2018 at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

14B3. 171203Z - Robert and Yaima Droese, R-1 to A-3, 1.14 Acres

The Board considered a petition by Robert S. and Yaima Droese (owners/applicants), 9680 NE 25th Court, Anthony, FL, for Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-1 (Single Family Dwelling) to A-3 (Residential Agricultural Estate) for all permitted uses including to allow horses on the property of approximately 1.14 acres of Parcel Account No. 14229-001-00.

WRITTEN OPPOSITION WITHIN 300 FEET: 1 of 13 = 8%.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Lord, seconded by Mr. Lourenco, to agree with staff's findings and
recommendation, and recommend denial of the requested zoning change based on the following findings of fact:
1. Will adversely affect the public interest.
2. Is not consistent with the Marion County Comprehensive Plan.
3. Is not compatible with the surrounding land uses.
The motion passed 5 to 0.

Senior Planner Kim Dinkins, Growth Services, commented on the rezoning request from R-1 to A-3, which came to them as a Code violation case that has been open since June, 2017. The site contains approximately 1.4 acres and is located just north of NE 95th Street on a dirt/slag road (NE 25th Court). The subject parcel is outside of the urban growth boundary (UGB) and is within the primary springs protection zone (SPZ) for Silver Springs. The property is basically surrounded by R-1 properties on the west side of the street and A-1 on the east. At one time there were up to 6 horses on the 1.4 acres, which exceeds the recommended stocking rights for the SPZ. Staff is recommending denial of the request because the A-3 zoning minimum size is 10 acres; given the R-1 nature of the area on the west side of NE 25th Court it is not contiguous with other agricultural zonings. The P&Z Commission also recommended denial; however Growth Services staff is recommending approval of a Special Use Permit instead that will be more consistent with what is found in the area.

Ms. Dinkins referred to the slides/photos shown on the overhead screens that can also be found in the Agenda packet. She advised that the main concerns by staff is the denuded areas and manure management. One issue that came up during the P&Z Commission meeting is that the horses are causing damage to fences next door. The staff analysis noted that A-3 zoning is intended for larger parcels and this property is not eligible for RR-1 zoning since it is not a parcel of record. The appropriate option is a Special Use Permit.

It was noted that both Growth Services staff and the P&Z Commission recommend denial; however, staff recommends approval of a Special Use Permit with the following Alternate Approval Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan.
2. From December 19, 2017 through March 1, 2018, a maximum of three horses are allowed on the property. After March 1, 2018, a maximum 1 horse for personal use may be kept on the property until termination or renewal of the special use permit.
3. A minimum pasture size of 20,000 ft² must be maintained.
4. The pasture(s) will be maintained using acceptable Best Management Practices to prevent denuded areas, accumulation of manure and excessive dust.
5. Animal waste shall be removed from the property on a weekly basis, unless it is spread or composted in accordance with accepted Best Management Practices.
6. A vegetative or opaque buffer shall be maintained along the northern and western pasture boundaries.
7. The Special Use Permit is effective for the total 1.14-acre site. The permit is held by Robert and Yaima Droese for this parcel only and shall be nullified if there is a sale or division of the property.
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8. The Special Use Permit shall expire on December 19, 2021; however it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Zoning Manager (or position equivalent to the Zoning Manager at that time), unless:
   a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
   b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
   c. The Zoning Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

Ms. Dinkins advised that the applicant indicated that he was selling some horses at the Yearling sale in March, noting the conditions allow for those horses to stay onsite until March, at which time it will be 1 horse for personal use.

Robert Droese, NE 25th Court, Anthony, applicant, was present and commented on the process, noting his understanding is that A-3 zoning is for 1 to 5 acres. He stated he tried to go to A-1, but it was large scale rezoning for general agriculture, which is why he went with the rezoning instead of the Special Use Permit. Staff is now saying that A-3 is for 10 acres.

Mr. Droese advised that he does his sales preparation from the property, noting earlier mention of 6 horses was due to him bringing in mares to ween the babies and they were there for a short time. Once the babies were weened the mares left and the 3 babies remained. He noted he has some horses slated for the Ocala Breeders’ and Sales (OBS) January sale.

In response to Chairman Bryant, Mr. Droese stated he is aware of the Conditions, but would like to contest Condition No. 2 in regard to only allowing 1 horse and asked that instead of 1 horse to allow 2 yearlings on the property. Chairman Bryant inquired as to pasture for the horses. Mr. Droese it is a little over 20,000 square feet (sf) and opined that the Code allows 1 horse per 8,000 to 10,000 sf.

Chairman Bryant opened the floor to public comment.

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

In response to Commissioner Stone, Ms. Dinkins clarified that the Special Use Permit could allow the applicant to have 2 horses based on the square footage of pasture land, but staff recommends going with the University of Florida, Institute of Food and Agricultural Science (UF – IFAS), recommendation of 1 horse per 2 acres. Staff recognizes that 2 yearlings may equate to 1 full-size horse. The County Code requires 1 horse per 9,000 sf, but recognizing that is really a dense population of horses on a property when looking at best management practices (BMP) when implementing.

Ms. Dinkins referred to the photos on the overhead screens and pointed out the applicants property where the horses are being kept.

Chairman Bryant passed the gavel to Commissioner Stone, who assumed the Chair.

Commissioner Bryant stated if it is only yearlings and the applicant has 20,000 sf of pasture, noting the Code allows 1 horse per 9,000 sf, she is not opposed to changing that recommendation and allowing the applicant to have up to 2 yearlings.
Chairman Stone returned the gavel to Commissioner Bryant, who resumed the Chair.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt Resolution 17-R-543 granting the Special Use Permit with Conditions 1 through 8 as amended (see below), agreeing with the Growth Services staff and disagreeing the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest.

Commissioner Zalak asked if the Condition can be amended to state either 1 horse or 2 yearlings. Commissioner Stone agreed and amended her motion to 1 horse or 2 yearlings.

CONDITION NO. 2: From December 19, 2017 through March 1, 2018, a maximum of three horses are allowed on the property. After March 1, 2018, a maximum 1 horse or 2 yearlings for personal use may be kept on the property until termination or renewal of the special use permit.

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

Mr. Minter advised that Mr. Droese works with Juan Guerra and his firm, Guerra Development Corporation.

14B4. 171205SU - Ocklawaha River Valley Civic Club, Inc., Special Use Permit in R-4, 1.47 Acres

The Board considered a petition by John Grosso (owner) / Ocklawaha River Valley Civic Club, Inc. (applicant), 23125 NE 160th Avenue Road, Fort McCoy, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for on-site sales and consumption of beer and wine in the existing Club, within 1,000 feet of a church, for members and guests on approximately 1.47 acres in an R-4 (Mixed Residential) zone, on Parcel Account No. 0052-017-010. (Existing Church is approximately 470 feet away from existing Club.)

WRITTEN OPPOSITION WITHIN 300 FEET: 1 of 33 = 3%.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Lord, seconded by Mr. Bailey, to disagree with staff's findings and recommendation, and recommend denial of the Special Use Permit based on the following findings of fact:
1. Will adversely affect the public interest.
2. Is not consistent with the Marion County Comprehensive Plan.
3. Is not compatible with the surrounding land uses.

The vote was 2-3 with Messrs. Lourenco, Gaekwad and Thompson dissenting.

Another motion was made by Mr. Lourenco, seconded by Mr. Gaekwad to agree with staff's findings and recommendation, and recommend approval 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 vote was 3-2 with Messrs. Bailey and Lord dissenting.

Senior Planner Ken Weyrauch, Growth Services, commented on the Special Use Permit for on premise sale and consumption of beer and wine at the civic club located within 1,000 feet of a church.

Commissioner Moore out at 2:37 p.m.
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The subject property is located on NE 160th Avenue Road, approximately 450 feet north of NE 230th Street and contains 1.47 acres. The property is currently zoned R-4 and has a Rural land use designation. Mr. Weyrauch referred to the slide on the overhead screens showing the church, which is approximately 490 feet from building to property line from the civic club. He referenced the Concept Plan shown on the overhead screens, showing grass parking. Additional pictures/slides were shown on the overhead screens as can be found in the Agenda packet. Growth Services staff and the P&Z Commission both recommend approval with Conditions. Mr. Weyrauch addressed the conditions of the Special Use Permit, noting the applicant contested alcohol sales on Sundays, although staff recommends sales on Sundays be prohibited.

Commissioner Moore returned at 2:39 p.m.

Growth Services Department staff and the P&Z Commission recommend approval of the Special Use Permit with the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with and only with the Oklawaha River Valley Civic Club.
3. Beer and wine sales and on-site consumption shall be limited to 1 pm to 10 pm.
4. All beer and wine sales and consumption shall only take place indoors.
5. Sunday sale and consumption of beer and wine is prohibited.
6. Beer and wine sales and consumption operations shall be limited to Oklawaha River Valley Civic Club hosted operation. This special use permit shall not extend to any other organization that may lease or otherwise occupy the facility.
7. No package sales for off-site consumption.
8. Beer and wine shall only be sold to members of the Oklawaha River Valley Civic Club.
9. Playground equipment shall be removed from the property.
10. Grass parking shall be delineated in accordance with Section 6.11.8.E.
11. Signage shall be limited to existing Oklawaha River Valley Civic Club Signage.
12. The Special Use Permit shall expire on December 19, 2020.

Ruth Lawler, NE 246th Place, advised that she serves on the Oklawaha River Valley Civic Club Board of Directors and is a resident of Hog Valley. The Civic Club was established in 1969 as a not-for-profit organization and has long served the community. She requested Board support and approval for the Special Use Permit for beer and wine. Ms. Lawler commented on the not-for-profit center that provides support services, functions for residents and children, as well as serving as a community meeting facility within the remote rural area. She advised of various events and meals provided to the community, noting fund raising and a large volunteer base is an ongoing challenge. A dedicated small group of resident’s volunteer. Granting the request to allow the sale of beer and wine to members of the Civic Club will address both of the challenges by generating a dependable source of funds and engaging more volunteers. It will also allow the Civic Club to expand its services to the rural community, which is the whole purpose for the Special Use Permit. Conditions of the Special Use Permit only allows the sale and on-site consumption for members only until 10:00 p.m., which precludes this from remotely resembling a bar. Additionally, the Civic Center will enforce in-house rules and regulations to keep an
orderly, respectable environment. There are no full-time neighbors immediately adjacent to the building. Ms. Lawler noted of the 30 people notified of the request, 20 have out of area addresses. She advised that she does not drink alcohol, but does support the Special Use Permit as the benefit will far outweigh any perceived downside. Revenue will be generated to help residents in the community.

In response to Commissioner Stone, Ms. Lawler stated only the Civic Club can serve beer and wine; however, they do occasionally rent out the facility to residents for various events, such as private parties, wedding receptions, etc. She clarified that no beer or wine will be served during those events, only to members and guests.

Commissioner Gold inquired as to the number of members. Ms. Lawler stated there are currently about 60 members, noting the goal is to increase their membership.

General discussion ensued.

In response to Commissioner Gold, Ms. Lawler stated the Civic Club also serves as the voting precinct. Commissioner Gold asked if it could continue as a voting precinct. Ms. Lawler advised that the Civic Club is dedicated as a voting precinct and nothing else on that day.

Commissioner Moore inquired as to the definition of guest. Ms. Lawler stated some of the details still need to be worked out, but the intention is that a person can come a maximum of 3 times before they have to become a paid member.

Chairman Bryant opened the floor to public comment.

John Grosso, NE 213th Place, Ft. McCoy, owner, stated the reason going through the Special Use Permit process is to increase memberships and a more reliable income. He opined that going more toward a social club and having 2 prices for alcohol (lower for members and higher for guests) will increase membership and in turn volunteers.

Commissioner Stone commented on no beer and wine sales will take place during any other events on behalf of the community. Mr. Grosso concurred, noting as long as children are present, there will be no beer and wine sales. He addressed the playground area and noted a letter was written to the church and offered the equipment to them, but has not heard back at this time.

Mr. Grosso inquired as to Condition No. 5 prohibiting sales and consumption on Sundays, noting sporting events are held on Sunday afternoons (i.e., football, baseball, basketball, Nascar, etc.) He noted that church is over by noon, but parishioners come back late in the evening; and in the meantime nothing is going on in the afternoon. Mr. Grosso stated rather than be closed all day Sunday, could they have limited hours from 1:00 p.m. to 7:00 p.m. Chairman Bryant stated the Board will discuss all of that when they finish taking public comment.

Pastor Tommy Gray, Forest Baptist Church, NE 14th Court, noted he is not a resident of Hog Valley, but he does shepherd the flock that gathers at that church. As a pastor, church, and from a biblical perspective they do not condemn the use of alcohol; however, it is the abuse of alcohol that is the problem. The concern is with people leaving the Civic Club under the influence of alcohol and get behind a wheel of a vehicle, 4-wheeler, motorcycle, or whatever they are driving and leave the facility. He opined that another establishment in the small community of Hog Valley will not lead itself to the betterment of the community. Mr. Gray stated if the Special Use Permit is granted they would like to see Condition No. 5 be adhered to since they do meet on Sundays, as well as Wednesday evenings. He expressed opposition, as a church, due to concerns that the alcohol will be abused.

Commissioner Gold out at 2:57 p.m.
Eddie Leedy, NE 180th Avenue, advised that he is a member of Forest Baptist Church and lives off Hog Valley Road, noting Mr. Grosso came to the church early on when this application process first started. He advised that members expressed their concerns with alcohol and children events. Mr. Leedy stated he spoke with the Supervisor of Elections Office who advised that if the Special Use Permit is approved they will have to find a new venue for the voting precinct. If the Civic Club is a 501(c)3 organization, they could be in violation if the Special Use Permit is approved. Currently, there is already 1 church and 1 bar in Hog Valley. Another concern is the primary transportation use in Hog Valley of All Terrain Vehicles (ATVs) and Utility Task Vehicles (UTVs).

Commissioner Gold returned at 2:59 p.m.

Patricia Brinser, NE 180th Street, Ft. McCoy, requested the Board to consider children riding school buses and walking home in the afternoons and evenings in the area of the Civic Club.

Milo Enigi, NE 154th Street, Eureka, noted he is Chief of Operations for Pig Pen Saloon, Inc. in Ft. McCoy. He presented a menu from the Hog Valley Civic Club’s Country Café, which is open to the public. Mr. Enigi commented on donated time to the Summer Camp at the Civic Club, noting the playground is not a little playground and is used by a lot of children. He expressed his concerns with the café, as well as the sale and consumption of beer and wine.

In response to Commissioner Gold, Mr. Enigi stated the saloon is 2 to 3 miles up the road from the civic center.

Gunnery Sergeant Retired, United States (US) Marine Corps Hubert Fitzgerald Jones, NE 155th Court, Ft. McCoy, advised that he is extremely impressed by the community centers support of the local community. The Civic Center diligently works to raise money and give to and motivate children who have nothing. He noted Mr. Enigi's establishment also contributes to the community, but cannot say a whole lot for the church.

Kimberly Oaks, NE 236th Street, advised that the kitchen at the community center is inspected and the water is also tested. She stated the Country Café has a good menu. Ms. Oaks commented on bus stops in the area.

James Smith, NE 247th Place, Ft. McCoy, advised that he is a member of the church, noting they are not objecting to the club or people having alcohol, but do object to sales on Sunday.

Rose Leatherman, NE 237th Lane, Ft. McCoy, voiced her support for the Special Use Permit.

Tammy Leedy, NE 180th Street, Ft. McCoy, stated the church does more for the community than people know, but they do not put it out there. She noted they do not have a problem with the Civic Club members socializing or drinking, but do have concerns with the number of children and adults (picking up the children) at bus stops.

Chairman Bryant advised that public comment is now closed.

Commissioner Moore advised that as everyone knows, every time one of these issues have come before the Board during his tenure, he feels that bars or similar establishments close to a church does adversely affect the public interest and opined that this request is no different.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to deny the Special Use Permit, disagreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed uses are not compatible with the surrounding land uses, are not consistent with the Comprehensive Plan and will adversely affect the public interest.
Mr. Grosso advised that a lot of falsehoods have been mentioned. He stated he spoke with the school bus driver, noting the club is in the south side of Hog Valley and there are 18 roads to the north side of Hog Valley. The nearest school bus to the club is right at 600 feet. There are only 4 school buses throughout Hog Valley and only 9 elementary children in the area ride the bus. Mr. Grosso addressed the playground, which would almost fit in the BCC Auditorium. He commented on ATV use, which is illegal on 160th Avenue Road, as it is a paved county road.

Mr. Grosso addressed the sale and consumption on Sunday's. He clarified that they are not looking to open a bar or honky-tonk; they simply want a social club attitude, to sell beer and wine on a limited hourly basis.

In response to Chairman Bryant, Mr. Grosso stated he is aware that a license is needed to sell beer and wine.

Chairman Bryant asked if members can bring their own alcohol to the civic club if they are not granted the Special Use Permit. Mr. Grosso opined that if they do not sell or serve the alcohol it is legal. Mr. Minter stated he would defer to Mr. Martsolf. Chairman Bryant noted it is a private club. Mr. Martsolf stated he does not know if bringing your own alcohol is legal. Chairman Bryant addressed the reason for asking that question should the application be denied today, noting there is a motion and second on the floor for denial. The goal is to increase memberships and funding so there may be membership drives with designated times to gather on a Friday or Saturday evening for socials, but are not selling any beer or alcohol.

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Chairman Bryant advised that a motion by Commissioner Moore, seconded by Commissioner Gold, for denial is on the floor and asked for discussion.

Commissioner Zalak stated he has been out to Hog Valley and has gotten involved in the Civic Center and thrift store and opined that they are genuine folks. There is a bar and package store, but if you want to sit down for dinner or lunch and have a glass of wine you cannot. He opined that the church does not want drunks and disorderly in the public, which no one wants, and the best way to do that is with a Special Use Permit because if they create a nuisance then the permit can be revoked.

Commissioner Stone stated everybody here has the heart for the community and they all do good things, noting she would hate to see them be at odds with one another. She commented on limiting hours sale and consumption from 5:00 p.m. to 10:00 p.m. versus starting at 1:00 p.m., as well as limiting sales during church hours (Wednesday nights and Sunday).

Commissioner Gold noted that would be a separate motion. Chairman Bryant concurred and advised that they will deal with the motion currently on the floor.

The motion failed by a vote of 2-3, with Chairman Bryant and Commissioners Stone and Zalak voting nay.

Chairman Bryant called the applicant to the podium and addressed the possibility of amending the hours to 5:00 p.m. to 10:00 p.m. and no Sunday sales. Mr. Grosso inquired if that is all day Sunday or only when church is being held. Chairman Bryant clarified that it will be all day Sunday. Commissioner Zalak stated he had no problem with the hours of 1:00 p.m. to 5:00 p.m. if it is outside the church hours. Chairman Bryant opined that it would be easier to have no sales on Sunday.

Chairman Bryant noted Commissioner Stone is suggesting that the sales be from 5:00 p.m. to 10:00 p.m. the rest of the week, with the exception of Wednesday nights when the church is meeting. Commissioner Zalak stated the problem with that is that most of their sales for food are during lunch. Mr. Grosso advised that he is not concerned with the
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sales during lunch hours since there are children in and out with their parents during lunch; however 4:00 p.m. to 10:00 p.m. would be nice. Chairman Bryant asked if that is 4:00 p.m. to 10:00 p.m., except for Wednesday nights when the church meets; and noted Commissioner Zalak is suggesting 1:00 p.m. to 5:00 p.m. on Sundays. She clarified that the sales being discussed is from 4:00 p.m. to 10:00 p.m. on Monday, Tuesday, Thursday, Friday, and Saturday. Mr. Grosso questioned the Wednesday hours.

General discussion ensued.

Commissioner Stone referred to the letter from the church in the Agenda packet asking that if the Special Use Permit is approved that it be reviewed in 1 year and no alcohol be sold on Wednesday and Sunday. She stated she would like to see both parties (the church and civic center) walk out feeling like they each got something out of this and for no one to walk out feeling like they would not work together on behalf of the community in the future.

Commissioner Gold stated he did not want to see the Civic Center set up for failure with the 1:00 p.m. to 5:00 p.m. sales on Sunday because it may divide the community.

A motion was made by Commissioner Stone, seconded by Commissioner Gold, to adopt Resolution 17-R-544 granting the Special Use Permit with Conditions 1 through 10, as amended below, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest.

Commissioner Stone noted she is aware of the conversation, but her motion is for sales on Monday, Tuesday, Thursday, Friday, and Saturday from 5:00 p.m. to 10:00 p.m. Commissioner Zalak asked that this be brought back in 1 year to address any issues and massage hours as needed. Commissioner Bryant stated she would amend her motion to include bringing this back in 1 year.

The motion, as amended, was approved by the Board by a vote of 4-1, with Commissioner Moore voting nay.

Resolution 17-R-544 contained the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with and only with the Oklawaha River Valley Civic Club.
3. Beer and wine sales and on-site consumption shall be limited to 5 pm to 10 pm on Monday, Tuesday, Thursday, Friday and Saturday only.
4. All beer and wine sales and consumption shall only take place indoors.
5. Sunday and Wednesday sale of beer and wine is prohibited.
6. Beer and wine sales and consumption operations shall be limited to Oklawaha River Valley Civic Club hosted operation. This special use permit shall not extend to any other organization that may lease or otherwise occupy the facility.
7. No package sales for off-site consumption.
8. Grass parking shall be delineated in accordance with Section 6.11.8.E.
9. Signage shall be limited to existing Oklawaha River Valley Civic Club Signage.
10. The Special Use Permit shall expire on December 19, 2018.
In response to Mr. Bouyounes, Chairman Bryant stated the motion included bringing this back in 1 year. Commissioner Zalak noted the applicant does not need to be charged for bringing this back. Mr. Bouyounes advised that staff will bring this matter back in 1 year.

14B5. 171206SU - Gavin Billings and Morgan Mills, Special Use Permit in A-1, 1.33 Acres
The Board considered a petition by Gavin A. Billings and Morgan W. Mills (owners/applicants), 3574 NE 70th Avenue, Silver Springs, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for parking Lawn Service/Landscaping trailers and trucks. Also, allow parking for independent contractors to park personal vehicles while tractor/trailers are in use, in A-1 (General Agriculture) zone on approximately 1.33 acres of Parcel Account No. 1615-002-011.

WRITTEN OPPOSITION WITHIN 300 FEET: 5 of 14 = 36%.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Lord, seconded by Mr. Bailey, to agree with staff's findings and recommendation, and recommend denial of the requested Special Use Permit based on the following findings of fact:
1. Will adversely affect the public interest.
2. Is not consistent with the Marion County Comprehensive Plan.
3. Is not compatible with the surrounding land uses.

The motion passed 5 to 0.

Senior Planner Kim Dinkins, Growth Services, commented on the Special Use Permit request to operate a landscaping business in an A-1 zone on a 1.33 acre parcel that is located just north of East Highway 40 in the Silver Creek subdivision. The subject parcel is outside the UGB and in the SPZ for Silver Springs. The request is to operate the landscaping company, which came to staff as a Code Enforcement case. Upon inspecting the property Code Enforcement Officer Luckey noticed the site had been altered to include an area of about 6,000 sf of millings to be used for parking for up to 4 large trailers, trucks and employee vehicles. The subject site is almost entirely in a special flood hazard area and is in the Silver Creek subdivision surrounded by single family homes on 1.5 acre lots. The property is zoned A-1, but it is more characteristic of a residential neighborhood as there are no agricultural operations out there and no Special Use Permits for commercial vehicles are in the vicinity. The roads are maintained by Marion County Transportation, but there is no MSTU for the subdivision. Staff's primary concerns is the condition of the road network and the site is in the Federal Emergency Management Agency (FEMA) flood zone, which requires a permit for any hydrologic alterations and a "cup-for-cup", for compensatory storage; meaning that if you bring in a cup of fill that you have to remove a cup of fill. Staff has 3 issues on this site. First, the landscape business and the associated truck and trailer traffic on the existing slag roads that are arguably in disrepair.

Ms. Dinkins noted the Board heard from this community earlier this year looking for some relief from their road situation and because they do not have a MSTU they were unable to get the required votes; however there are a lot of potholes. The county was recently out on a different roadway and did repair those potholes.

The second issue is the fill in the FEMA flood hazard area, which can be seen on the slide shown on the overhead screens, that has raised the site between 2 and 3 feet above the natural grade. The agent for the applicant indicated that about a half-foot of millings were spread over the 6,000 sf area, which equates to a minimum of 3,000 cubic feet. Staff believes that number is probably higher given the non-native appearance of that soil and...
the amount that would be required to raise the elevation to that extent. Ms. Dinkins presented a 4 page handout from the Stormwater group who also inspected the site and agrees with that assessment.

The third issue is the unpermitted milling driveway onto NE 35th Lane that did not exist previously.

Each of the issues have a potential resolution. First would be to obtain a Special Use Permit for the business. Second would be for the applicant to submit a major site plan or an approved alternative. There is over 9,000 sf of impervious surface on the subject site at this time, which would typically require a major site plan. For the third issue regarding the unpermitted driveway the applicant could obtain a permit through OCE.

Ms. Dinkins advised that this is coming before the Board with a recommendation for denial for the Special Use Permit by both the Growth Services Department staff and the P&Z Commission. If the Board approves the Special Use Permit request staff recommends the following Alternate Approval Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval. No additional buildings may be constructed for the purpose of the landscaping business.

2. Use of the property for business activities is limited to Monday-Friday 7:30 am to 6:00 pm. The arrival, departure, and/or operation of machinery to, from, or on the subject property before 7:00 am is prohibited.

3. Storage of trucks or equipment not owned by the applicant is prohibited. However, up to six personal (employee) vehicles may be parked onsite during business hours (7:00 am - 6:00 pm).

4. The applicant shall install and maintain an opaque buffer (vegetation and/or fencing) along the property boundary abutting NE 35th Ln. If vegetation is used, the buffer shall include both shade trees and understory plants, and reach a height of at least 6' within two years of the special use permit.

5. The site shall conform to the requirements of a major site plan and a plan must be submitted for review by the Development Review Committee through the Office of the County Engineer within 30 days of SUP approval. Coordination and permitting with SJRWMD may also be required.

6. The Applicant shall apply to the Office of the County Engineer regarding any necessary off-site road improvements within 30 days of this approval. Once determined, the extent of such improvements shall be completed no later than 90 days after.

7. No site lighting shall be mounted higher than 15', and all lighting shall be screened and shielded to prevent casting any lighting offsite or upward.

8. Expansion or modification of the number, type, approximate size, or location of any of the proposed uses/operations beyond those shown on the conceptual plan is prohibited; however, a new Special Use Permit Application may be submitted for consideration to expand the uses/operations. This prohibition does not apply to new structures for solely agricultural purposes permissible on the property.

9. The Special Use Permit shall run with the owner(s) (Gavin Billings) and not the property.

10. The Special Use Permit shall terminate if any portion of the subject property is sold, divided, or subdivided.
This Special Use Permit for a commercial vehicle parking of up to 4 trailers and 2 heavy-duty pick-up trucks including parking employee vehicles shall expire on December 19, 2018.

Ms. Dinkins noted that if the Special Use Permit is denied and Mr. Billings choses to keep the impervious area he will still be required to submit that major site plan and obtain a permit for the driveway. She advised that he would be within his rights to do that if it is used for his own personal use and equipment (e.g., trucks, trailers, boats, etc.), which are allowed on residential parcels.

Ms. Dinkins shared and briefly explained several photographs on the overhead screens of the subject property and area.

In response to Chairman Bryant, Ms. Dinkins advised that the wetlands are south of the subject site. She referred to the last page of the handout containing a map of the DEM/FEMA Flood Prone Areas/Wetlands, showing how the wetlands are connected and location of the existing depressional area on the property.

In response to Commissioner Zalak, Ms. Straub advised that what Ms. Dinkins has relayed is what they understand; there has been that amount of fill they believe is within that range. When you put fill in the floodplain you displace water onto some other property and in this particular case it appears that water is being displaced onto the neighbors. This neighborhood is already generally viewed as being a fairly wet community that also has road problems. Residents have been before the BCC asking for relief regarding road work and the county has performed considerable roadwork in the area, both historically and this past year. This whole area is in a special hazard flood area, which is an older mapped FEMA floodplain that has existed out there since the floodplain mapping has been done. Based on what is known about the soils she does not expect that will change if this was an area we would improve a lot using newer technology with floodplains; this is a predominantly wet community in a wet area. The DEM shows that the wetland is being impacted by the displacement of whatever is happening with this water, but they do not really know, as nothing more than an inspector doing a visual inspection has occurred. Commissioner Zalak inquired as to the remedy when someone puts down an impervious surface in a wetland or FEMA flood map. Ms. Straub advised that in order for us to maintain our ratings with FEMA that when you fill in a floodplain you have to take out cup-for-cup. Every cup you put in, you have to take a cup out. She stated the county would normally work with them, but does not know how much room they have on their property to work with them. It has to be in the same floodplain since you cannot go over to a neighboring floodplain a mile away and remove compensation, which does not help the neighbors that are being impacted. The remedy could be putting in a stormwater pond, swale storage, hiring an engineer to put in underground storage chambers, or remove the impervious surface and restore the land to what it was before it was put down.

Ms. Dinkins reiterated that staff does work with the applicant and so the requirement would be to prepare that major site plan or an alternative that would be acceptable to the Board that would demonstrate that the impervious area is not impacting offsite. She noted it is also one of the Conditions if the Special Use Permit is granted.

Ms. Dinkins referred to staff analysis, noting the photo in the upper right-hand corner shows the proximity of the subject site to the Silver River and Silver Springs. Staff concern that the slag roadways are not rated to accommodate heavy vehicle traffic as required by the LDC and the fact that residents have requested assistance in the past. The project is not compatible with the surrounding residential area. She addressed the alternate
approval conditions, noting Condition No. 3, was changed from 6 employees to 3 after conversation with the applicant. In regard to Condition No. 4 relating to an opaque buffer, it was noted that the applicant planted some plants that are in the upper portion of the stormwater retention area; however, staff would have recommended that be on the downstream side, but they can work on that issue. The Special Use Permit will expire in 1 year, which will allow the applicant time to get the equipment off the property, if needed. Staff also wanted to add an additional Condition to make sure all of the storage, any sort of fertilizer, is in fact stored indoors due to water quality concerns.

Glen Counts, SW 42nd Street, applicant, presented a binder containing 18 pages (15 of which are photographs). He stated the property owner will speak, but would like to address staff comments about their numbers, noting no fill was hauled to the site. Approximately 8 trees and stumps from broken limbs and storms were hauled. When the stumps were removed and raked the dirt they more than moved the cubic yards out of there. Dirt from the ridge of the onsite swale or pond (shown in the first photograph) was moved to the west so that all the water from this site would be left on Mr. Billings' property. He noted no water is leaving the property and is maintained on the subject site. Mr. Counts commented on the driveway, which is 5,610 sf, which does not need a special permit. He advised that they were very careful to keep the water on the property.

Gavin Billings, NE 70th Avenue, Silver Springs, property owner, stated the home was purchased at the beginning of the year, noting the Special Use Permit would help with the care of his children. He advised that he is an owner/operator of the business and is hoping to have the Special Use Permit approved to meet some of their unique needs. Mr. Billings advised of equipment that was left at a previous location when they first purchased this home and experienced thefts; within 3 months he lost $7,000 in equipment. He stated he cannot afford to keep the equipment off-site. He referred to the photographs (labeled 8 through 14) in the handout, noting there are multiple trailers located on other properties. Commissioner Moore advised that he understands the problem with having equipment stolen, but his concerns are with the environment and asked if the applicant is good with the alternate approval conditions, as well as fertilizer storage indoors. Chairman Bryant clarified that there is to be no outside storage of fertilizer, sprays, etc. that may be used in the business must be stored indoors. Mr. Billings stated he is amenable with the conditions.

Mr. Minter stated the biggest challenge the Board has with this application is the finding by staff that this Special Use Permit is not consistent with the Comprehensive Plan. If it is not consistent with the Comprehensive Plan the Board cannot permit a development order that is inconsistent with the Comprehensive Plan. The BCC would have to find that it is consistent with the Comprehensive Plan in order to approve the Special Use Permit.

Chairman Zalak provided some background, noting this development is one of those that has been on his radar for a couple of years now. He advised that he has met with a lot of handicapped folks in the neighborhood who have had huge road concerns, big washouts where the county has had to go in there and do big patches. The county is trying to work with the neighborhood and it is inconsistent to be running businesses out of something like that when they cannot even pay for a road assessment. There are significant burdens that can be placed on these neighbors when the county starts to allow any kind of businesses to be run out of neighborhoods such as this, that are so challenged.

Chairman Bryant opened the floor to public comment.

Sandra Johnson, NE 35th Lane, Silver Springs, advised that her biggest concerns are the roads.
Franklin Johnson, NE 35th Lane, Silver Springs, expressed his objections to the Special Use Permit.
Mike Blake, NE 70th Avenue, thanked the county for bringing the patch in the road up to his driveway, noting this is a sinkhole prone neighborhood. He commented on the condition of the roads and stated this is a subdivision not a commercial area.
Charles Debardeleben, NE 35th Lane, stated he welcomes Mr. Billings and his family to the neighborhood, but the Special Use Permit sets a terrible precedent for the whole neighborhood. He urged the Board to deny the Special Use Permit.
Jackie Barrett, NE 67th Terrace, voiced her concern with traffic in the small residential community and water quality.
Charlene Ricciuti, NE 67th Terrace, stated she can identify with the property owners having a family and business; noting she and her husband owned a printing business, but never considered putting it in their backyard. She noted they are in an environmentally sensitive area and have issues with the roads with commercial vehicles.
Mark Barrett, NE 67th Terrace, noted he too is a small businessman and appreciates Mr. Billings concerns and commiserates with his loses, but it should not be the burden of the neighborhood to protect his equipment.
Chairman Bryant advised that public comment is now closed.
Mr. Billings addressed comments related to traffic, noting the trucks are just pickup trucks that are no different than an F-250, F-350 or the Suburban they just purchased. He stated he does understand the concerns with the roads and advised that school buses, FedEx, etc. are allowed on the roads and questioned the difference with his trucks. Mr. Billings stated he likes the neighborhood since it is one where neighbors talk to one another and not one where nobody likes anyone and it is not his goal to make it that way. He advised that a lot of the trees within the canopy were half dead and would be gone anyway regardless of whether or not he had trucks. The landscaping of the property has already started with the planting of 40 viburnums. Mr. Billings stated they want to put up a fence in the front with Jasmine growing on it and is fully prepared to plant 5 to 7 fast growing shade trees from the road where the trucks and trailers can be seen.
Mr. Billings commented on the quiet neighborhood and opined that he is not doing anything that a lot of the neighbors do themselves, such as mowing. He advised that his employees are drug tested and clean cut. The lawn service goes into some high-end communities and is not bringing crime into the community. Mr. Billings noted they are not a pest control company and only have a small amount of chemicals. He stated they barely do any landscaping and are primarily a lawn service. All he is asking for is the parking of a couple of vehicles to come to his house and take trailers out into the community, which is nothing out of the ordinary.
Chairman Bryant asked if employees come in at 7:30 a.m., park, take the trucks, leave and they do not come back until they are done. Mr. Billings concurred, noting it is a regular lawn service and they may have to work an occasional Saturday due to rainouts. He noted employees may arrive at 6:30 to get the day started early.
Commissioner Moore commented on the request not being compatible with the Comprehensive Plan and questioned what activities are permissible. Ms. Dinkins referred to the report and the statement regarding the definition of Rural Lands and the commercial use for off-site activities is not contemplated in the Comprehensive Plan, but is eligible for a Special Use Permit under the LDC.
Mr. Minter clarified that a Special Use Permit is a development permit; every development permit has to be consistent with the Comprehensive Plan. A zoning is a development
permit; a Special Use Permit is also a development permit. It is not the same as a situation where we may have some kind of commercial zoning, but you can get a Special Use Permit within that commercial zoning as long as it is consistent with the commercial Comprehensive Plan. Every Special Use Permit has to be consistent with the Comprehensive Plan.

In response to a question, Ms. Dinkins stated this request is not consistent based on what it says in the Comprehensive Plan. Chairman Bryan questioned why this is being addressed. Ms. Dinkins stated they can ask that question about each and every one that is considered on these types of lands. In response to Commissioner Zalak, Ms. Dinkins stated A-1 and Rural Lands are compatible land use and zoning.

General discussion ensued.

Commissioner Zalak opined that a commercial business does not belong in the residential neighborhood and will make a motion for denial. He advised that staff can figure out what is needed from the stormwater end and if they want to keep the driveway a permit will be required. Chairman Bryant inquired if the Board wants to give the applicant time to find a suitable location to move his equipment. Commissioner Zalak agreed and inquired if the Board wanted to allow 60 or 90 days.

It was the general consensus of the Board to allow the applicant 90 days to move the equipment.

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to deny the Special Use Permit, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed uses are not compatible with the surrounding land uses, are not consistent with the Comprehensive Plan and will adversely affect the public interest.

Chairman Bryant noted the motion for denial includes allowing the applicant 90 days to find a suitable location to move his business.

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

**14C. Adoption of Ordinance**

**14C1. 17-S07**

A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to adopt Ordinance 17-35 adopting Small Scale Comprehensive Plan Amendment No. 17-S07, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

Ordinance 17-35 is entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:**

2017-S07, LEMEK & BARBER;
4.89 +/- ACRES;
PID# 23305-000-00;
FROM LOW RESIDENTIAL TO COMMERCIAL
PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

14C2. 17-S08
A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to adopt Ordinance 17-36 adopting Small Scale Comprehensive Plan Amendment No. 17-S08, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

Ordinance 17-36 is entitled:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:
2017-S08, STONE BROOK COMMONS;
LARRY EASTER, OWNER;
7.64 +/- ACRES;
PID# 35334-006-01;
FROM COMMERCIAL TO URBAN RESIDENTIAL
PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

14C3. 17-L06
It was noted that the request to adopt an Ordinance relating to Large Scale Comprehensive Plan Amendment No. 17-L06, was continued to March 20, 2017.

14C4. Zoning
The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Deputy Growth Services Director Sam Martsolf and Deputy Clerk Bonvissuto regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.
A motion was made by Commissioner Zalak, seconded by Commissioner Moore, to adopt Ordinance 17-37 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 17-37 is entitled:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT PETITIONS AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.
December 19, 2017

There being no further business to come before the Board, the meeting thereupon adjourned at 4:24 p.m.

Attest:

Kathy Bryant, Chairman

David R. Ellspermann, Clerk