

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

July 02, 2019

CALL TO ORDER:

The Marion County Board of County Commissioners met in a workshop session in Commission Chambers at 2:02 p.m. on Tuesday, July 2, 2019 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF WORKSHOP BY CHAIRMAN MICHELLE STONE

Chairman Stone advised that the workshop was scheduled this afternoon discuss the Pavement Management Program and Road Assessment Procedures.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Vice Chairman David Moore, District 1; Commissioner Kathy Bryant, District 2; and Commissioner Jeff Gold, District 3. Commissioner Carl Zalak, District 4, arrived shortly after the meeting commenced. Also present were County Attorney Matthew G. Minter and County Administrator Mounir Bouyounes.

STAFF PRESENTATION

Tracy Straub, PE – County Engineer

- Marion County Maintained Road Assets
- Pavement Condition
- Subdivision Streets

County Engineer Tracy Straub presented a 1 page Agenda Outline, a 19 page document containing 37 slides to follow along with the PowerPoint presentation, and a 4 page Draft Policy regarding road assessments. She advised that the Office of the County Engineer (OCE) maintains approximately 2,500 centerline miles of paved roads and roughly 400 centerline miles of unpaved road. Municipal Service Taxing Units (MSTU) maintains 152 miles centerline roads. The pie chart on slide 3 shows the breakdown of the County's road network and the Map on slide 4 shows the roads by classification.

Ms. Straub stated Pavement Condition Indexing (PCI) is done on the major road network every 2 years, unless there is an issue, then it will be reviewed every year. The minor local network staff reviews every 3 years if it is in good shape. She advised that subdivision road networks are reviewed every 5 years. Ms. Straub advised that PCI ratings can be as high as 100, which is a brand new paved road, good is 80, fair is 55, 26 is poor and anything below is a failed road. The PCI ratings provide objective measuring tools for staff to prioritize the repair/rehabilitation program for budgeting purposes.

Slides 7 through 10 provide examples of the different pavement conditions.

Commissioner Zalak arrived at 2:07 p.m.

Ms. Straub commented on the different types of pavement distress. The overall major road network in Marion County has a PCI of 64, which factored in sales tax projects and this year's Transportation Improvement Plan (TIP). She advised that staff's goal is to have a PCI of 70, noting to maintain the current number the county will have to spend roughly

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\$15,000,000.00 per year on resurfacing. Staff has a long way to catch up from what was lost during the economic downturn. The sales tax has allowed staff to improve all the arterial roads that were failing, as well as improve the collector network.

In response to Chairman Stone, Ms. Straub advised that 32% (418 miles) of the non-subdivision roadways are considered good and 35% are in the fair category.

Ms. Straub addressed the typical lifespan of a major road compared to a subdivision road. Chairman Stone questioned if the grading was done in-house. Ms. Straub advised that in-house staff follows predetermined scoring criteria throughout the year. The Department slipped behind during the response to Hurricane Irma and had to catch up over the past year, but it is back on schedule. She stated the Department has good staff who are consistent, noting as staff is transitioning out, new staff members are trained to keep the same consistency throughout the program.

Ms. Straub advised that the PCI number was updated to include everything the Department will complete with the sales tax, but the maps have not been updated. She stated there are 14 miles of failed subdivision roads located within 35 subdivisions, which is 6% of the County's subdivisions. On average, subdivisions are remaining at a PCI of 70 and based on the historical pace MSTU projects are done, the County can maintain that PCI.

Ms. Straub addressed slides 17 through 32, which show the subdivision pavement ratings and examples of subdivisions with low PCIs and high patching costs, as well as examples of recent road assessment projects.

In response to Commissioner Bryant, Ms. Straub advised that over the last 5 years the Department has spent approximately \$2,000,000.00 patching subdivision roads. The previous fiscal year (FY) OCE spent roughly \$450,000.00 on subdivision roads and \$700,000.00 on major road networks. In FY 2013/14 patching costs were \$550,000.00 in subdivisions and \$305,000.00 on the major road network.

Chairman Stone questioned how long the bonding period is on road projects and if the cost shown is before or after finance costs. Ms. Straub advised that the total cost per lot is before figuring in finance cost. Traditionally, MSTU bonds these types of projects for 10 years; however, there may be other options available.

Ms. Straub commented on the PCI value by subdivision at the time of the road assessment (slide 33). She requested the Board consider the level of service they wish to provide to the community, the wear and tear on vehicles, impact on property values, and the quality of life of citizens.

In response to Chairman Stone, Ms. Straub advised that there are several historical reasons the County has taken over responsibility of a road. There was a period of time where a Developer's Agreement was not in place and roads were dedicated public and the Board took action and accepted the road. In the early 1970's there was an all call where subdivisions were able to have the roads on record with the County, but if the County touched the road or provided service the County inherited that road. She stated the County used to respond for emergency needs, but in the late 90's there was interpretation that once the County touched the road they are no longer an emergency response provider, they were responsible for that road. Platting became official in the 1970's and 1980's and roads were platted public for the most part. Ms. Straub advised that the Code was changed in the 2000's, which required subdivisions to have private roads.

Chairman Stone questioned if there was anything that states the County must absorb the roads. Ms. Straub stated if the road was platted public and went through the Developer's

Agreement process and reached a point of completion the County will absorb it into the maintained system.

Chairman Stone questioned if it is easy to determine if Developer's Agreements exist for any of the subdivision presented today. Ms. Straub advised that staff has completed a lot of subdivision research and there is data on what the County maintains, but OCE does not keep data on subdivisions that are not maintained by the County.

Mr. Bouyounes advised that if it is a subdivision that the County is maintaining today one way or another it was accepted by the Board at some time for public maintenance.

Commissioner Moore out at 2:31

Shawn Hubbuck, CPM – MSTU/Assessment Director

- Consideration to Amend Policy 11-02 Road Assessments Program

MSTU Director Shawn Hubbuck gave a brief overview of the road assessment process. Commissioner Moore returned at 2:34 p.m.

BOARD DISCUSSION:

Commissioner Zalak stated some of the subdivisions will not be fixed until the Board has a community discussion about the cost the County incurs. He recommended the Board determine a set level that will automatically trigger a subdivision for a public hearing. Once a year staff can send out notifications to every subdivision that qualifies, and the Board can have a conversation with those citizens to determine how to move forward.

Commissioner Zalak stated some of these subdivisions have not come before the Board because they have to go through the petition process and 51% of the residents have to be in favor of the project, noting at the end of the day it is costing the County a lot of money to maintain and repair these roads. He commented on the possibility of bonding more than one project together for a better rate.

Commissioner Bryant advised that roads are lasting up to 30 years and questioned the possibility of a longer Bonding period. She stated in some subdivisions the cost of the road project will cause a hardship on the property owner and opined that a grant process be established.

Chairman Stone advised that Community Development Block Grant (CDBG) funds could be used for some of these projects. Mr. Bouyounes concurred.

In response to Commissioner Moore, Finance Director John Garri advised that it is possible to Bond road projects for longer periods of time, with a covenant to budget and appropriate funds out of the General Fund.

Chairman Stone questioned if the Board could require the subdivision to move forward with an assessment to improve the road within a certain time frame or the road will be turned back over to the subdivision. Mr. Minter stated it would be similar to the public hearing process to close the road to the public. Prior to the subdivision regulations being adopted and before the County had standards of what a Developer was required to do to build the infrastructure for the subdivision, including roads, sewers, storm ponds etc. The Developer would submit the plans for plat approval with a Bond that would maintain the facilities for a year and then the County would take over maintenance of the road. There are hundreds of subdivisions in Marion County that did not go through that process. There are a lot of platted lands that are not legally platted under the Statute. He advised that if the road is a public road that the County has shown some evidence of assuming the obligation of maintenance than the County is legally responsible to do so. Under the Sovereign Immunity Law there are 2 kinds of functions: immune planning level functions,

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making general Policy statements, which the County is immune from suit from those kinds of decision; and operational decisions, which includes the obligation to maintain County roadways.

Mr. Minter advised that it may be prudent in some cases for the County to place signs which state "beyond this point this is a non-County maintained road" to inform the public Marion County is not responsible for the road. A public hearing would put the people in the subdivision on notice that the County will no longer consider the road a public road, it would then be considered a private road after that point.

Mr. Minter stated some plats prior to subdivision regulations dedicated all the roads within the plat to the County, but the Courts have determined that the simple act of the County approving a plat with a dedication on it does not amount to the County assuming maintenance responsibility if the roads were never built to a standard that the County was willing to accept in the first place.

Mr. Minter addressed claims made to the County and advised that the road is not just the paved surface, but includes the grass right-of-way (ROW). He stated if the County is on notice of the potentially harmful conditions they are obligated to take action, but if there was no evidence that they were on notice the County would not be accountable.

Mr. Bouyounes advised that the purpose of the workshop is to address the pavement condition.

Chairman Stone clarified that the assessment time can be increased, but the funds would have to be guaranteed to the bank with General Reserve Funds. Mr. Garri advised that it is called Covenant to budget and appropriate.

Mr. Bouyounes advised that staff will bring back a draft Policy for Board review.

General discussion ensued.

Commissioner Zalak requested sample notifications be presented to the Board for review.

Commissioner Gold out at 2:59 p.m.

Commissioner Zalak questioned if some roads as they deteriorate could be returned to dirt roads, which is less costly to maintain and a safer condition.

Commissioner Gold returned at 3:01 p.m.

Commissioner Bryant commented on the impact returning a paved road to a dirt road will have on property values.

General discussion resumed.

Ms. Straub advised that slag roads are less expensive, but there are not as many options for contractors.

Mr. Bouyounes advised that there is one standard today on how roads are repaired in subdivisions. If the Board allows chip sealing and slag it will reduce costs.

Mr. Minter recommended the Board of County Commissioners (BCC) create an Administrative Board of at least 3 people who have experience in road issues to preliminary review subdivisions prior to being presented to the BCC. Commissioner Zalak stated it could be similar to the Planning & Zoning Committee.

Chairman Stone questioned if someone being appointed to the Administrative Board would prohibit the individual from bidding on a project. Commissioner Zalak stated that could create some issues.

Commissioner Bryant stated the County has staff expertise to handle road projects.

Commissioner Zalak recommended the Administrative Board be made up of staff similar to the Development Review Committee (DRC).

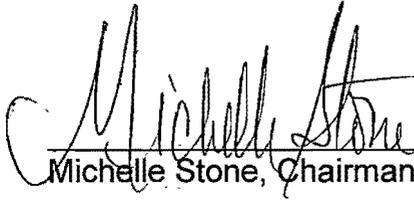
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Mr. Minter advised that the BCC can develop standards the Administrative Board can apply to each case, which will create uniformity in how the data will be presented to the BCC.

Mr. Garri questioned if the Board is going to continue to use the petition process with 10 year financing. Mr. Bouyounes advised that the petition process will always be available. Mr. Garri advised that 15 year and 10 year financing on projects cannot be combined, noting if the time frames are different on projects the County will lose the ability to bundle projects.

Chairman Stone thanked staff for their hard work preparing the presentation.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:11 p.m.


Michelle Stone, Chairman

Attest:


David R. Ellspermann, Clerk

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