CALL TO ORDER:
The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:06 a.m. on Tuesday, May 16, 2017 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:
The meeting opened with invocation by Chairman Zalak 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 Carl Zalak, District 4; Vice-Chairman Kathy Bryant, District 2; Commissioner David Moore, District 1; Commissioner Jeff Gold, District 3; and Commissioner Michelle Stone, District 5. Also present were Clerk David R. Ellspermann, County Attorney Matthew G. Minter and County Administrator Mounir Bouyounes.

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

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

1A. PROCLAMATION - Drug Court Month - Alina Stoothoff, Drug Court Manager (Approval and Presentation)
The Board presented the Proclamation designating the month of May, 2017 as "Drug Court Month" to the Honorable Judge Robert E. Landt and several representatives. Judge Landt announced that a Lunch and Learn event will be held on Wednesday, May 31, 2017 to thank elected officials for their continued support, noting graduates of drug court will be present to speak. He expressed his appreciation to the Board of County Commissioners (BCC) and the community. Commissioner Bryant thanked Judge Landt and staff for their hard work.

1B. PROCLAMATION - Motorcycle Safety Awareness Month - John Melin, Vice President of ABATE or FL - Forest Chapter (Approval and Presentation)
The Board presented the Proclamation designating the month of May, 2017 as "Motorcycle Safety Awareness Month" to Vice President John Melin, ABATE of Florida, Forest Chapter. Mr. Melin commented on an upcoming Motorcycle Awareness event at the Black Bear Pub. He advised that the motorcycle awareness program is available for schools and civic events, noting the program is approximately 1 hour and teaches drivers how to judge distance for a motorcycle compared to other vehicles, as well as estimate speed.
1C. PRESENTATION - Video and Certificate of Appreciation to Chief James C. Phillips, United States Navy, 1941-1958 (Approval and Presentation)

Office of Public Information Director Nick Zoller presented the following recommendation:

Description/Background: To recognize the sacrifices the men and women of the United States Armed Forces have made for our country, the Board of County Commissioners wished to offer a special statement of appreciation, from time to time during commission meetings, to local veterans who have been active in the Marion County community.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Certificate of Appreciation for Chief James C. Phillips, United States Navy, 1941-1958.

Chairman Zalak shared a brief video entitled “Meet the Vets”, where he interviewed Chief Phillips.

The Board presented the Certificate of Appreciation to James Clemit Phillips in appreciation of his sacrifice and service to our country as a Chief Petty Officer in the United States Navy from 1941-1958.

Chief Phillips expressed his appreciation to local and state government, as well as all the people who look after Veterans.

Chairman Zalak invited everyone to attend the opening of the new Veterans Center.

Director Jeffrey Askew, Veterans Services, commented on the significant role Chief Phillips’s daughter plays in transporting and assisting Chief Phillips to events. He thanked Chief Phillips for his service at the Veteran’s Park, as well as throughout the community.

Mr. Askew invited everyone to attend the Memorial Day program at the Veterans Park on Monday May 29, 2017 at 10:00 am and the grand opening of the Veterans Center on Wednesday, May 24, 2017.

Commissioner Moore advised that a Purple Heart Ceremony is taking place today at Westport High School at 11:00 a.m.

1D. PRESENTATION - Recognize Young Student Artists for Their Original Creations Featured in the Newspapers in Education Tabloid “Discover Our Water Resources” (Presentation Only)

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

Description/Background: The Marion County Board of County Commissioners would like to personally congratulate thirteen young student artists selected to have their original creations featured in the Marion County Office of the County Engineer’s Newspaper in Education Tabloid (NIE Tab) “Discover Our Water Resources”. Also being recognized are the students’ art teachers.

The NIE Tab focuses on Marion County’s water resources and covers topics ranging from karst topology and the formation of springs to how to prevent stormwater pollution. Artwork from these Marion County students is displayed throughout the tab and reflects how they have been inspired by the County’s water resources.

The NIE Tab was designed and produced by the Marion County Office of the County Engineer and the Office of Public Information in collaboration with Marion County UF/IFAS Extension Service, Marion County Solid Waste Department and the Ocala Star Banner.

Budget/Impact: None.
Recommended Action: Presentation of certificates to students
Stormwater Engineer Gail Mowry, OCE, presented certificates to students and thanked staff members Yilin Zhuang, Lacey Larramore, Larry Starkey, Ann McCubbin, Stacie Causey and County Engineer Tracy Straub who assisted with the production of the NIE Tab. She advised that the NIE Tab is printed in the Ocala Star Banner annually and distributed to approximately 8,000 fourth and fifth grade students across the county every year.

1E. PROCLAMATION - Eagle Scout Jacob Ross Merritt (Approval Only)
The Board approved the Proclamation congratulating Jacob Ross Merritt upon attaining the status of Eagle Scout in the Boy Scouts of America organization.

WALK-ON: County Attorney Minter presented the following recommendation regarding the request for approval of a Motion to Intervene in the Division of Administrative Hearings proceeding involving a citizen challenge to the St. John’s River Water Management District’s (SJRWMD) proposed rule establishing minimum flows and levels (MFLs) for Silver Springs

Description/Background: Florida Law requires the County to assist in the enforcement of the rules and regulations adopted by water management districts pursuant to Ch. 373, Fla. Stat.: "It shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county official, upon request to assist the department, the governing board of any water management district, or any local board, or any of their agents in the enforcement of the provisions of this law and the rules and regulations adopted thereunder." §373.609, Fla. Stat. Approximately one half of the County is located in the St. Johns River Water Management District. Substantial portions of the Silver Springs basin and associated springs are located within the County. The County will, therefore, have an affirmative duty to assist in enforcement of the Proposed Rule, if adopted.

Budget/Impact: None.

Recommended Action: Motion for approval of a Motion to Intervene in the Division of Administrative Hearings proceeding involving a citizen challenge to the St. John’s River Water Management District’s proposed rule establishing minimum flows and levels for Silver Springs.

Fred Roberts, SE 11th Avenue, advised that he is speaking on behalf of the Governing Board of the SJRWMD, as well as a resident of the community, noting SJRWMD recently passed a new minimum flow and levels (MFL) for Silver Springs. State Statutes requires the MFL to be adopted by July 1st of each year and a challenge has been submitted related to that MFL. He stated 2 Rules were adopted by the District, an Emergency Rule and a Formal Rule. The Emergency Rule was adopted at the same time as the Formal Rule in anticipation of a potential challenge because it becomes effective immediately.

Mr. Roberts advised that the discussion has been whether Marion County should intervene in the matter to take support for the MFL as adopted. The reason for that is this MFL will have a significant impact on Marion County, especially on the public utilities and rate payers. As it currently stands, the MFL as adopted, shows Silver Springs is in a prevention, which is a discrepancy from recovery. He advised that Division Director for Water Supply Assessment Mike Register is present today to answer any technical questions.

Mr. Roberts advised that the distinction for Marion County from being in prevention and in recovery is money; what will have to be done by the stakeholders, coupled with the District
and State in order to bring the body of water out of recovery to achieve the MFL. As Silver Springs is in prevention, immediate attention is not required.

Mr. Roberts advised that he familiarized himself with the issue and reviewed the science produced by the Water Management District, as well as the science set forth by those in support and opposition of the potential MFL. He opined that the MFL is highly defensible and the discussion is not whether or not the MFL as set is accurate or correct, but rather what the impact will be if that MFL is adjusted. The MFL is now subject to an Administrative Law proceeding, (litigation), and in this particular instance the Administrative Law Judge has Final Order authority.

Mr. Roberts stated if the MFL is changed and Silver Springs is put in recovery it would cost Marion County/Marion County Utilities (MCU) money and it would accelerate the time for which that money would need to be spent. As it stands now in prevention, stakeholders in support of the county, District and state will have to do things to expand the water supply as it affects the springs if we intend to continue to grow and to make use of those resources. If Silver Springs is put into recovery it will have a significant impact on the county as rate payers.

Mr. Roberts advised that the question before the Board today is should the Marion County intervene in this litigation in support of the current MFL as adopted and in what respect. He stated it is not necessary to intervene in this action as it will not change the outcome negatively, but if something were to happen, would Marion County want to be on the sideline or an active player in this particular respect.

Chairman Zalak thanked Mr. Roberts for appearing this morning and serving as Marion County’s voice on the SJRWMD Board, as well as volunteering his time. He expressed the BCC’s appreciation of having an advocate on behalf of Marion County. Chairman Zalak advised that the alternative water source planning and processing may be detrimentally costly to the rate payers and the people of Marion County. He commented on having a sustainable source of water and being good stewards of water, noting the science and modeling are also good stewards of the water and we need to fight for those things.

Commissioner Bryant inquired, for the public’s understanding, as to what exactly it means for Marion County to intervene. Mr. Roberts stated to intervene is essentially similar to Marion County making a motion of the court to intervene in the action to give a position or submit a statement or other information within the action.

In response to Chairman Zalak, County Attorney Matthew G. Minter advised that the county is somewhat becoming a party to the proceeding. Mr. Roberts stated if the county became a party to the proceeding, noting it is not the county’s fight; however, the county will live with the consequences. He advised that his understanding from speaking to lawyers of the District is that the county will not become liable for attorney’s fees and there is no potential liability to the county. This is similar to Amicus brief, which is a term used in Supreme Court cases or other federal appellant matters where a party submits a position statement in support or opposition relating to the case and would be more similarly related to that than becoming a third party plaintiff or defendant in a lawsuit.

Commissioner Bryant clarified that the county is basically taking a stand either in support or opposition. Mr. Roberts stated that would be accurate.

Commissioner Moore expressed the importance of being good stewards of the earth and Marion County. He opined that the scientific research conducted backs up the position of the SJRWMD. Mr. Roberts concurred.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to consider the Walk-On Item. The motion was unanimously approved by the Board (5-0).
Chairman Zalak opened the floor to public comment.
Carolyn Torrey, SE 14th Avenue, expressed concern with the possibility of a conflict of interest. Chairman Zalak advised that Mr. Roberts is a local attorney and is not serving as counsel or an attorney, but is serving as the county’s representative on the SJRWMD Governing Board as a member appointed by the Governor. Ms. Torrey further noted her concern for the safety of Silver Springs and the amount of water that is being withdrawn.
Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on the cost of water in Marion County compared to surrounding counties.
Henry Munoz, Marion Oaks Boulevard, questioned the meaning of MFL. Chairman Zalak advised that MFL is an acronym for minimum flow and levels. The Science talks about the maximum amount of water that can be withdrawn from a water body for that water body to still remain healthy and sustainable. He stated science research is conducted by the district and the county to determine how much water people can use and draw off a waterbody and still stay healthy and sustainable. Chairman Zalak noted the SJRWMD Rule is being challenged.
Mr. Munoz expressed concern with the Planned Unit Developments (PUD) that have not been finalized. Commissioner Zalak advised that most of the PUD’s are not located within the SJRWMD, but may affect Rainbow Springs and the Southwest Florida Water Management District (SWFWMD). He commented on the amount of science available now compared 20 plus years ago.
Ms. Straub advised that within Marion County the aquifer is all one for the most part; Silver Springs and Rainbow Springs are tied hand in hand to a lot of their recreations. SJRWMD and SWFWMD have signed a Memorandum of Understanding (MOU), so that when one is pulling a permit the other will review it to determine what the influence is on the respective water body. She noted there is great coordination by the Districts.
Ron Raack, SE 131st Place, Ocklawaha, commented on the need to be good stewards and expressed concern with the amount of water pumped out of the springs by bottling companies.
Carol Ramano, NE Hwy 314, Silver Springs, advised that Marion County is currently in a severe drought and the SJRWMD has issued mandatory water restrictions where residents can only water lawns 2 days a week. She held up a picture of 1 of the trucks that run 24/7, which are allowed to pump and sell millions of gallons of water.
(The Deputy Clerk was not in receipt of the picture)
In response to Ms. Romano, Chairman Zalak clarified that the trucks belong to Silver Springs Bottled Water Company, which transports the water to a plant on NW 42nd Street to be purified and bottled. He advised that the permit was issued prior to Marion County Utilities existence.
In response to Chairman Zalak, Utilities Director Angel Roussel stated Silver Springs Bottled Water Company is permitted to pump up to 100,000 gallons a day.
Mike Register, SJRWMD, advised that if the average annual use is under 100,000 and they do not have a large well (6 inches or above) then a permit is not required.
Chairman Zalak advised that the Districts across the State of Florida have determined that bottled water and water use in homes is the highest and best use, noting human consumption has the highest rating followed by agriculture and the production of food.
Mr. Register commented on the year round water conservation restrictions that as stewards of the environment and water protection they ask everybody use the water as efficiently as possible. He advised that bottle water companies and farmers are required to demonstrate the water is being utilized as efficiently as possible.
General discussion ensued.
Mr. Register stated there is a difference between setting the MFL for a water body and the Consumptive Use Permit (CUP) program. The MFL sets the limit at which further withdrawals will be significantly harmful to that water body. The levels as set protect 94% of the long term mean flow, 98.8% of the instream habitat and 99% of the critical velocities within the instream channels. Based on years of science performed by the District these are the levels necessary to provide the correct environmental protection for the area.
Ms. Romano inquired as to who is permitting the trucks to withdraw water. Mr. Roussel stated he does not have all the information at hand, but noted it is an old agreement with the previous utility owners of the area. He advised that the water runs through MCU wells as part of the CUP; and the amount of water is being tracked.
Richard Graybill, SE 158th Street, commented on the need to make sure there are more true citizens involved instead of those with special interests.
Jack Stackman, NE 248th Avenue Road, Salt Springs, questioned if this Item could wait to be addressed as a regular Agenda Item on June 6, 2017. He stated the most important use for water is human consumption followed by agricultural crops then agricultural animals, noting watering grass would be far down the list. Mr. Stackman commented on the effect that the lack of rain has had on local water bodies.
In response to Chairman Zalak, Mr. Minter advised that the Administrative Hearing is an ongoing proceeding and the longer the County waits to get involved the more attenuated its status is in the case.
Lynn Radok, NE 25th Street, Silver Springs, commented on the negative effects bottled water has on the environment and the low water levels throughout the county. She urged the Board to consider following Arizona’s example and ban watering lawns completely, as well as monitoring commercial watering systems to conserve water.
Chairman Zalak advised that public comment is now closed.
Commissioner Stone advised that Mr. Roberts serves on the SJRWMD Board at the pleasure of the Governor and is not compensated. She thanked Mr. Roberts for his service and further noted that setting the MFL for Silver Springs is being a good steward to our resources.
A motion was made by Commissioner Stone, seconded by Commissioner Moore, to intervene in the Division of Administrative Hearings proceeding involving a citizen challenge to the SJRWMDs proposed rule establishing MFLs for Silver Springs. The motion was unanimously approved by the Board (5-0).
It was noted that the Deputy Clerk received a 9 page document entitled, "Marion County's Unopposed Motion To Intervene" filed with the State of Florida Division of Administrative Hearings.

Chairman Zalak noted it is the ten o’clock hour. He advised that public comment will continue after the public hearing is concluded.

6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed.
6A. PUBLIC HEARING - To Consider an Ordinance Amending Marion County Land Development Code, Articles 1, 2, and 4 to Revise and Update the Land Development Code Regarding Low-THC and Medical Cannabis Dispensaries
Deputy Clerk Lewter presented a display ad entitled, "Notice of Public Hearing" published in the Star Banner newspaper on May 2, 2017. The Notice states the Board will consider adoption of an Ordinance relating to medical marijuana facilities in Marion County. Commissioners Bryant and Gold out at 10:21 a.m.

Growth Services Director Samuel D. Martsolf presented the following recommendation:

Description/Background: On Tuesday, November 8, 2016 a constitutional amendment to expand the legal cultivation and dispensing of Medical Marijuana passed in the State of Florida. On November 15, 2016, the Board adopted a 180 day moratorium on locating a medical marijuana dispensary in Marion County. The current moratorium ends on May 18, 2017. This is the final public hearing for adoption of the ordinance.

The proposed LDC amendments have been reviewed by the Land Development Regulation Commission (LDRC) on April 19, 2017 and the following recommendations were made:

- Pg 4, D.(1).(i) removed dispensary responsibility in "public spaces".
- Pg 5, Added B-2 to the permitted zoning classifications.
- Pg 5, G(2)(a)3. Signs, Changed 5' in height and 4' in width to 8" in each.

The first public hearing on this amendment was heard by the Board on May 2, 2017, public comment was taken and the following changes were proposed:

- Included B-2 in the permitted zoning classification.
- Dispensaries would be permitted by right (no Special Use would be required) in B-2, B-4 and B-5.
- Spacing remained as proposed; 2.5 miles separation between dispensaries, 1000' from church, school, daycare, park and drug rehab facility, and, 500' from residentially zoned parcels.
- Sign dimensions were fixed for wall signs.
- Limit the allowable number of dispensaries to a population based number (to be decided).
- Add provision to allow a Special Use Permit to be requested where despite spacing inconsistency the location is otherwise compliant and appropriate for such use.
- To add options for an application process including the application requirements previously listed including operation, separations and security that will include one of the following:
  1. Ranking applicants who qualify and meet all application requirements.
  2. Complete and compliant application would be accepted in the order in which they came in until the maximum number is reached with no more than two going to any one license holder.
  3. Permit each Medical Marijuana Treatment Center which is authorized by the State of Florida to develop one dispensary in Marion County on a first come first accepted basis. Application locations must be in compliance with the operational, security and spacing provisions of the ordinance in order to be accepted. The total number of dispensaries permitted in Marion County would then be commensurate with the number of State license holders.
Attached is a copy of the proposed ordinance discussed at the first public hearing as well as a clean copy presented for review, and adoption.

This hearing is the second of two public hearings required for the proposed LDC Amendments adoption.

Budget/Impact: None.

Recommended Action: Take public comment regarding the proposed Land Development Code Amendments in Articles 1, 2, and 4. Discuss and vote on desired options or changes and adopt.

Mr. Martsolf advised that this is the second of two public hearings, noting the first hearing on May 2, 2017 resulted in some suggestions and send backs for staff. He presented a 4 page handout entitled, “Final Public Hearing 5-16-2017”.

Mr. Martsolf stated House Bill (HB) 1397 has the most potential to become the end regulations through the special session process, which is in line with the county’s draft. The hearing today addresses the different elements, such as: zoning separation, spacing requirements, the number of dispensaries, signage and security.

Commissioner Bryant and Gold returned at 10:22 a.m.

Chairman Zalak directed staff to provide an overview of the first public hearing.

Mr. Martsolf advised that staff was directed to include the community zoning classification of B-2 (Community Business), with the B-4 (Regional Business) and B-5 (Heavy Business) as permitted locations for a dispensary and removed any requirement for a Special Use Permit. The spacing requirements remained the same, as follows: a minimum of 2.5 miles between dispensaries; 1,000 feet from a church, school, daycare, park, and drug rehab facility; and 500 feet from a residential zoning classification. He advised that wall sign dimensions has been fixed. Limiting the allowable number of dispensaries was discussed, but it was not determined if the number will be defined by population or by other factors. The provision to allow a Special Use Permit if spacing or separations cannot be met was added. An option for the applicants was added and the Board discussed whether or not to rank the applications.

Mr. Martsolf advised that the handout contains bulleted options beginning with the Zoning portion, noting the preemption language in HB 1397 does not allow the Board to treat dispensaries any different than how a pharmacy is treated; however, it does set some separation. He noted there is a little bit of conflict even in the proposed language with the State. Mr. Martsolf stated staff recommendation is to not allow dispensaries in the B-1 (Neighborhood Business), B-2, B-4 and B-5, which is where pharmacies are currently allowed, but instead use language from the first public hearing and allow dispensaries in B-2, B-4 and B-5 districts. The cultivation and processing of medical cannabis will be preempted by the state; therefore, no language is proposed.

Mr. Martsolf stated HB 1397 did not have separation/spacing requirements, but did specify 500 feet from an established public or private school. The language from the 1st public hearing was a 2.5 mile separation. For reference, The City of Belleview's 1st reading proposes a 500 foot separation and the City of Orlando proposes 1 mile separation. Staff proposes staying with the 1,000 feet from any established school, church, daycare, park and drug rehabilitation facilities, which is consistent with the extra language above the HB as does both Belleview and the City of Orlando.

In response to Commissioner Bryant, Mr. Martsolf stated Belleview has a 500 foot separation and the City of Orlando has a 1 mile separation, noting both are still in the process of adopting an Ordinance.

Mr. Martsolf stated the proposed 500 feet from any residentially zoned parcel is more
excessive than other areas, noting Orlando is only 200 feet. Staff proposes additional language in the general requirement that will require notification to any surrounding municipality or other county jurisdictions if a dispensary is proposed within 1,000 feet of their boundary. He advised that language has been added to allow an applicant to apply for a Special Use Permit when the spacing cannot be met, which is similar to what the county does for alcohol.

Mr. Martsolf advised that some of the best language for the number of dispensaries can be found in the City of Orlando’s Ordinance under general requirements, which states, “The cap on dispensaries. Only 1 medical marijuana dispensary is allowed in the city for each of the state approved dispensing organizations.” He stated the number of organizations that will be approved by the state is unknown, currently there are between 7 and 15 and each one will be limited to just a single location. Mr. Martsolf stated another option is for the Board to set the number of dispensaries based on population, which will be approximately 4 or 5.

Mr. Martsolf stated signage is consistent throughout with the Cities of Belleview and Orlando, as well as HB 1397. Staff does not anticipate any changes needed from what was discussed at the 1st meeting. Security is the same as what is currently existing in Statute 381 for the compassionate care operations, which only differs from Marion County’s regulations in requiring a Class D and G security licenses. The current security language only requires 2 people at all times in the dispensary and in the truck, with one staying with the truck at all times.

Commissioner Gold advised that when originally reviewing the security options he was comparing it to industry standards not as pharmaceutical, noting medical use would not be held to the same standard. He noted Option 1(b) requires at least 2 security persons; however, State Statute 381.986 requires at least 2 employees, or employees of a security agencies with whom it contracts, be on premises at all times. He opined that the county language should read the same as the Statute. It was the general consensus of the Board to agree. Mr. Martsolf clarified the language will cover the vehicle and the dispensary.

In response to Mr. Martsolf, Chairman Zalak advised that it is the consensus of the Board to move forward with Zoning Option 2, Separation/Spacing Requirements Option 2, the additional language to notify all other jurisdictions within 1,000 feet of a proposed dispensary and allowing for a Special Use Permit where, other than spacing, the location looks appropriate.

Chairman Zalak advised that the options available to the Board for the number of permitted dispensaries are either by population or by 1 per operating or approved agency by the State, noting at this time the total number of approved agency’s is unclear.

Commissioner Bryant opined that the market will determine how many dispensaries will end up in Marion County, noting there are currently 7 licensed facilities. A company will evaluate the market prior to coming to Marion County to ensure the market can support the operation. She stated the standards put in place by the industry and the State will not make the operation of these businesses inexpensive; therefore, she supports the language as proposed.

Commissioner Stone advised that her preference is to limit the number of dispensaries in the community regardless of however many agencies are approved in the State. There is currently a dispensary in Tallahassee that believes it is okay to sell the marijuana leaf and has started offering the leaf for sale, as well as another dispensary that is in litigation with a corporation that is trying to buy them. She advised that this is a new industry on the market and it will be helpful to those in the market to set them up for success. Limiting the
number at this point and time will elevate the temptation to possibly do illegal sales and ensure the best is in our community. Commissioner Stone stated medical marijuana will be consumed by minors, adults and seniors; having a qualitative scoring metric to get the best of the approved dispensaries; and limiting the number within the community would be more prudent.

Chairman Zalak commented on either taking it slow in the beginning and picking out the high quality applicants or go to the free market, but questioned why limiting to only 1 in Marion County rather than 2 dispensary locations per agency. He stated from a procedural standpoint it makes sense to make sure that this is done right and the process is refined, noting at this time nobody across the country has created a really good process. In response to Chairman Zalak, Commissioner Bryant advised that language included in the Ordinance is for medical marijuana only, noting if marijuana becomes more than just pharmaceutical the Board will have to go through the whole process again.

Chairman Zalak opened the floor to public comment.

Jack Stackman, NE 248th Avenue Road, Salt Springs, commented on the future and current uses of marijuana and expressed concern with the proposed separation.

Ron Raack, SE 131st Place, Ocklawaha, commented on the free market and importance of government following the will of the people.

Roger Knechtel, SE 97th Terrace Road, Summerfield, expressed concern with how dispensaries are being instituted and how signage is displayed in surrounding areas.

Dr. Latresia Wilson, NW 2nd Avenue, advised that the company out of Tallahassee that has begun to sell the flower is Trulieve, which is one of the original 5 companies that was chosen for each region of the state to grow, dispense and deliver medical marijuana. She stated the company began selling the flower chopped up to be utilized in vaporizers, noting it was not intentionally meant for smoking; however, there are some that do use the flower for smoking. Dr. Wilson addressed the entourage effect, which states that all of the terpenes found within the cannabis is found in the whole plant, itself, in the flower, whereas when an oil is made from it, those terpenes are withdrawn and the desired medical effect is not always the same. She advised that she is not affiliated with Trulieve in any way.

Dr. Wilson commented on caps in terms of the number of dispensaries, noting although the county has a responsibility to limit the number. She opined that it should be based on the number of approved dispensaries. Before a cultivation/dispensary site is chosen by the State they go through a rigorous process. She expressed concern with the 2.5 mile separation requirement.

Commissioner Bryant advised that Dr. Wilson attended the Medical Marijuana Summit held by Florida Association of Counties (FAC) and works at a local hospital.

Richard Graybill, SE 158th Street, expressed support for free enterprise and limited government regulations.

Chairman Zalak advised that public comment is now closed.

Commissioner Stone opined that by setting a number of dispensaries allowed in the community the Board is being prudent stewards of the security and safety of Marion County, noting home delivery is an option for those that are not able to get to a dispensary. She advised that applications should be scored out based on the number of dispensaries approved by the Board, noting it can be addressed in the future.

Commissioner Bryant advised that she can support setting the number of dispensaries to begin with, noting the industry is new and it is unclear what will happen within the industry. She expressed concern with the 2.5 miles separation along the 200 corridor and proposed
reducing the distance to 1.5 miles. Commissioner Stone concurred. Commissioner Gold opined that the Board should not limit the separation any more than is done for a CVS or Walgreens, but will support 1.5 miles. General discussion ensued.

Mr. Martosfal advised that if the Board decides to limit the number of dispensaries a ranking system will be needed, which has complications. He stated the Board will have to decide who ranks the applicants and what the criteria is for the ranking. Commissioner Bryant expressed concern with the ranking and that responsibility falling on staff.

Mr. Minter advised that staff may not have the expertise to determine which applicant is most qualified based on Board criteria. He stated the applicants have been vetted by the State with a much more stringent criteria than Marion County, noting the ranking process may expose the county to litigation based on the criteria used.

In response to Chairman Zalak, Mr. Minter advised that if the Board passes an Ordinance basing the number of dispensaries on population; then you have a finite number, which is then first-come first-serve.

Chairman Zalak questioned the amount of time an applicant has to perform once approved. Mr. Martosfal advised that language was included in previous versions, but not in this version of the Ordinance, stating permits were required to be pulled within 180 days of applicant's approval. Chairman Zalak opined that building permits should be pulled within 90 days of approval. Commissioner Stone concurred. Mr. Bouyounes advised that applicants can be required to present a business plan with a performance timeline.

Chairman Zalak opined that instead of ranking applicants on other criteria that has already been reviewed by the State staff can grade them based on local performance. Commissioner Stone opined that information regarding the Medical Director, the qualification of the security team and technical ability should be included in the business plan. Chairman Zalak noted all that information is part of the State application.

Mr. Bouyounes advised that the Board can require an applicant to provide the summary sheet summarizing what is in the State application.

General discussion ensued.

In response to Commissioner Bryant, Chairman Zalak advised that the first 5 people to put their application in will get first right to go ahead, noting the applicant will have to perform. He stated within 90 days of being approved the applicant will have to pull a building permit and construction must commence within 120 days.

Commissioner Bryant expressed concern with the county's ability to achieve the 120 day deadline. The Board should also take into consideration if somebody is presenting a business plan and trying to purchase a piece of property it may take more than 90 days to close on the property, complete the plans, and engineering. She stated 180 days is not unreasonable when you think about somebody going through the process of finding a location, getting the application, purchasing a piece of real estate and closing.

Commissioner Stone opined that dispensaries will come in cash flush and be able to get the process done quickly.

Chairman Zalak stated the applicant will be required to submit for building permits within 120 days of approval. He commented on issues with permit extensions.

Mr. Martosfal advised that the county can follow in line with the State Statute if the applicant does not call for the first inspection within 6 months of pulling the permit then the permit is dead. It was the general consensus of the Board to agree.
Chairman Zalak commented on the need to clarify the population number. Mr. Martsolf stated it will be hard, even for first-come first-serve. He stated staff has everything written that has been discussed and can have new regulations written, through the LDRC and back before the Board within a month.

In response to Chairman Zalak, Commissioner Stone stated by limiting the number of dispensaries based on population the Board has a basis to defend against why a specific amount is chosen, noting other states are using this method. She opined that limiting the number of dispensaries to 7, based on the number of currently approved applicants, can open the county up to a lawsuit if the State approves additional applicants, as there may be more in the future.

Commissioner Bryant suggested language should be changed to allow the first 5 applicants to apply for 1 dispensary each so the Board can see how they perform. She stated the number of dispensaries will be determined by population. Commissioner Stone concurred.

Commissioner Moore questioned why the number is based on population and not determined by supply and demand in the free market. Commissioner Bryant stated the Board is trying to have some methodology as to how many dispensaries are approved.

Commissioner Stone stated allowing the free market approach may give reasons for dispensaries to stretch limits and do unscrupulous things to be successful.

General discussion resumed.

Commissioner Bryant advised that the Board is basing the number of dispensaries on population for the time being to determine how the industry will perform, noting the importance of ensuring that those coming into the community are good players. She expressed support for limiting the number of dispensaries to 5 as the item can be brought back to the Board for revisions at any time.

In response to Commissioner Moore, Commissioner Bryant stated at this time citizens want the Board to make a decision and move forward. If anything changes in Tallahassee the Board can come back and revise the Ordinance as needed.

Chairman Zalak advised that staff can include language stating the item will come back to the Board for review in 1 year, noting over time the Board will move away from the restrictions.

Commissioner Bryant stated eventually the free market is going to determine the number of dispensaries. There is going to come a point and time where it will become more of a free market situation.

Commissioner Stone questioned if language is included to allow the Board authority to pull them from Marion County. Commissioner Bryant opined that if an operator is not doing what they are supposed to do there is probably a process where they will need to go to the state to have the license revoked.

Mr. Minter advised that Marion County's permit will be contingent on the company remaining compliant with state permitting. If for any reason the operator lost their state permitting they will lose their permit in Marion County.

In response to Chairman Zalak, Mr. Minter clarified the operator will lose approval of being a marijuana dispensing facility.

Mr. Bouyounes advised that the licensing is through the state if they lose that the dispensary can no longer operate.

Mr. Martsolf advised that Board direction is to: 1) require a business plan be included in the application; 2) limit the first 5 authorized dispensaries 1 each; 3) 120 day start period will be added to pull the permit; and 4) 180 days from the time the permit is pulled to
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commence construction or the permit will be revoked.

Commissioner Bryant stated the Board can simplify the process by requiring the applicant to be fully operational within a year of being approved or the application becomes null and void, which will eliminate the need for additional checks and balances.

Mr. Martsolf stated the permit must be pulled in order to be on the 180 day time limit. He opined that it is better with the 120 days to pull the permit then the applicant has 180 from that point, which will put them within a year.

Mr. Martsolf noted the last direction from the Board addresses security and will remove the Class D and G license requirements.

Commissioner Bryant advised the separation was changed from 2.5 miles to 1.5 miles.

Mr. Minter stated it is common in local government regulations to include a provision that an applicant can apply for a waiver for good cause shown if they run into some kind of situation. The applicant will have to present the waiver request to the Board to decide whether or not to grant an extension for good cause shown. Chairman Zalak directed staff to include the languages provided by Mr. Minter.

A motion was made by Commissioner Bryant, seconded by Commissioner Gold, to adopt Ordinance 17-11 amending the LDC, with the 5 changes addressed by the Growth Services Director and adding language as suggested by the County Attorney. The motion was unanimously approved by the Board (5-0).

Ordinance 17-11 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING AMENDMENTS TO THE MARION COUNTY LAND DEVELOPMENT CODE, ARTICLES 1 (ADMINISTRATION), AND 4 (ZONING); ESTABLISHING STANDARDS FOR MEDICAL MARIJUANA FACILITIES IN MARION COUNTY; PROVIDING FOR APPLICABILITY, SEVERABILITY, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

2. 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.

Commissioner Gold out at 11:22 a.m.

2A. Ron Raack - Inherent Rights

Ron Raack, SE 131st Place, Ocklawaha, commented on the Constitution and responsibility of the government to protect the rights of the people, as well as flooding issues associated with Ms. Gavin’s property. He noted Ms. Gavin is present today to address the Board.

Commissioner Gold returned at 11:25 a.m.

2B. Richard Graybill – General

Richard Graybill, SE 158th Street, commented on recent Veteran issues that are not being addressed in Tallahassee and urged the Board to continue to advocate on behalf of all Veterans.
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2C. Carol Romano – Water
Carol Romano, NE Hwy 314, Silver Springs, did not appear when called upon to speak. Chairman Zalak noted Ms. Romano spoke earlier in regard to the Walk-On Item.

2D. General Public Comment (Limited to 2 Minutes Each Speaker):
Ms. Gavin, SE 167th Lane, Weirsdale, addressed the Board in regard to flooding issues associated with her property.
Carolyn Torrey, SE 14th Avenue, presented a 4 page document relating to record request fees within the Marion County Sheriff's Office (MCSO).
Commissioner Moore out at 11:35 a.m.
Ms. Torrey commented on the amount charged by MCSO for a records request and the lack of fees charged to monitor sex offenders within Marion County. She opined that the rates charged by MCSO are in violation of the Sunshine Law.
Commissioner Moore returned at 11:37 a.m.
Chairman Zalak advised that staff will share best practices with the Sheriff in regard to the Sunshine Law.
Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on motorcycle safety accessories.

3. ADOPT THE FOLLOWING MINUTES: (4 sets)
3A. March 22, 2017
3B. April 4, 2017
3C. April 11, 2017 A
3D. April 11, 2017 B
A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to adopt the meeting minutes of March 22, April 4 and 11 (2 sets), 2017. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS / GOVERNMENTAL ENTITIES:
4A. Marion County Sheriff Billy Woods - Request for Concurrence in the Expenditure of One Thousand ($1,000) Dollars from the Law Enforcement Trust Fund for the Florida Criminal Justice Executive Institute Associates Leadership Training Conference
The Board considered the following letter dated May 2, 2017 from Chief Deputy Robert Douglas, MCSO, regarding expenditure of $1,000 from the Law Enforcement Trust Fund (LETF):

Dear Chairman Zalak:
I am requesting your concurrence in the expenditure of One Thousand ($1,000) Dollars from the Law Enforcement Trust Fund for the Florida Criminal Justice Executive Institute Associates Leadership Training Conference.
I certify that this request meets the requirements of Chapter 932 of the Florida Statues and that there are no recurring expenses for subsequent fiscal years.
Respectfully Submitted,
Chief Deputy Robert Douglas

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve the expenditure of $1,000 from the LETF for the Florida Criminal Justice Executive Institute Associates Leadership Training Conference. The motion was unanimously approved by the Board (5-0).
4B. Marion County Sheriff Billy Woods - Request Approval 2017-2018 Traffic Enforcement Agreements with Via Paradisus Property Owner’s Association, Inc. and Summerglen Homeowner’s Association, Inc.

The Board considered the following letter dated March 23, 2017 from Sheriff William “Billy” Woods, MCSO, regarding 2017-2018 Traffic Enforcement Agreements between MCSO and Via Paradisus Property Owner’s Association, Inc. and Summerglen Homeowner’s Association, Inc.:

Dear Chairman Zalak:

In accordance with section 316.006(3)(b)(2), Florida Statutes, I hereby waive the requirement that the following traffic enforcement agreements take effect October 1st, and request that they be made effective immediately:

• Via Paradisus Property Owner’s Association, Inc.
• Summerglen Homeowner’s Association, Inc.

The execution of these agreements does not have any budgetary impact. Should you have any questions for me concerning the enclosed please feel free to let me know.

Sincerely,
William “Billy” Woods, Sheriff

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve and execute the 2017-2018 Traffic Enforcement Agreements between MCSO and Via Paradisus Property Owner’s Association, Inc. and Summerglen Homeowner’s Association, Inc. The motion was unanimously approved by the Board (5-0).

5. CLERK OF THE CIRCUIT COURT:

5A. Request Adoption of the Following Budget Amendment Resolutions:

Upon motion of Commissioner Bryant, seconded by Commissioner Moore, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Clerk Ellspermann:

5A1. 17-R-126 – Building Department Fund - Building Department - $300,000
5A2. 17-R-127 – County Transportation Maintenance Fund - Transportation Department - $94,400
5A4. 17-R-129 – General Fund - Extension Services - $13,662
5A5. 17-R-130 – General Fund - Legislative - $10,000
5A6. 17-R-131 – General Fund - MSTU/Assessments - $1,000
5A7. 17-R-132 – General Fund - MSTU/Assessments - $200
5A8. 17-R-133 – Law Enforcement Trust Fund - Transfers - $1,000
5A9. 17-R-134 – MSTU for Law Enforcement - Sheriff Patrol & CID - $1,000
5A10. 17-R-135 – MSTU for Law Enforcement - Sheriff Patrol & CID - $1,200
5A11. 17-R-136 – NW 17th Avenue/Northwoods MSBU for Rd Maint Fund - NW 17th Avenue/Northwoods Rd Maint - $5,000

(Ed. Note: MSTU is the acronym for Municipal Service Taxing District; CID is the acronym for Criminal Investigation Division; and Rd Maint is the abbreviation of Road Maintenance.)

5B. Request Appointment Of Two (2) Commissioners To Serve On The Value Adjustment Board (VAB) For 2017
A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to appoint Commissioners Moore and Gold to serve on the VAB for 2017. The motion was unanimously approved by the Board (5-0).

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 Bryant, seconded by Commissioner Moore, the Board acted on the Consent Agenda as follows:

7A. Airport:
7A1. Request Approval of Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement for Construction of a Quad Box Hangar at Marion County Airport and Attached Resolution (Budget Impact - Neutral - as budgeted in the FY 16/17 budget plus $704,728 in additional revenue)
The Board accepted the following recommendation to adopt Resolution 17-R-138, as presented by Airport Director John Helms:
Description/Background: During the January 17, 2017 meeting, the board approved an amendment to a term contract with Hoyle, Tanner & Associates, Inc. for engineering consulting design of quad box hangers and adjacent pavement. This associated Supplemental Joint Participation Agreement provides 80% FDOT reimbursable funding in the amount of $704,728 for construction of 15,420 SF quad box hangars and 25,800 SF of adjacent pavement structure. The County's matching 20% funding is $176,182 for a total project cost of $880,910. The proposed asphalt structure will be constructed in order to expand the existing taxi lane for accommodating Design Group II aircraft. Additionally, a new restroom facility will be constructed immediately to the north of the proposed hangar building including an associated septic drain field. All necessary grading, drainage, landscaping, and marking will also be completed.
Budget/Impact: Neutral; $704,728 in additional revenue to be reimbursed
Recommended Action: Motion to approve and sign the FDOT Supplemental Joint Participation Agreement and attached resolution.
Resolution 17-R-138 is entitled:
A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF QUAD BOX HANGAR AT THE MARION COUNTY AIRPORT; PROVIDING AN EFFECTIVE DATE.

7B. Attorney:
7B1. Request Approval of Auto Liability Settlement for Gary E. Liebler (Budget Impact - Expenditure of $200,000 from the County's Auto Liability Self-Insurance Fund)
The Board accepted the following recommendation to adopt Resolution 17-R-139, as presented by County Attorney Matthew G. Minter, Legal:
Description/Background: Marion County is currently involved in an Auto Liability claim, Gary Liebler vs Marion County, occurring from a Marion County Code Enforcement incident on June 21, 2016. The $200,000 offer of settlement was
approved at the May 2, 2017 Board meeting. The claimant has agreed to the settlement amount pending final approval by the Board of County Commissioners. County Attorney Matthew Minter and Risk and Benefits Manager Sheri Wiley recommend this settlement.

Budget/Impact: Payment of $200,000 from the County’s Auto Liability Self-Insurance Fund.

Recommended Action: Motion to approve the Gary E. Liebler Auto Liability settlement in the amount of $200,000 to be paid from the County’s Auto Liability Self-Insurance Fund.

Resolution 17-R-139 is entitled:
A RESOLUTION APPROVING SETTLEMENT FOR ALL CLAIMS OF GARY LIEBLER

7B2. Request Approval of Auto Liability Settlement for Timothy Roberts (Budget Impact - Expenditure of $200,000 from the County’s Auto Liability Self-Insurance Fund)

The Board accepted the following recommendation to adopt Resolution 17-R-140, as presented by County Attorney Minter, Legal:

Description/Background: Marion County is currently involved in an Auto Liability claim, Timothy Roberts vs Marion County, occurring from a Rainbow Lakes Estates Volunteer Fire department incident on December 23, 2016. The $200,000 offer of settlement was approved at the May 2, 2017 Board meeting. The claimant has agreed to the settlement amount pending final approval by the Board of County Commissioners. County Attorney Matthew Minter and Risk and Benefits Manager Sheri Wiley recommend this settlement.

Budget/Impact: Payment of $200,000 from the County’s Auto Liability Self-Insurance Fund.

Recommended Action: Motion to approve the Timothy Roberts Auto Liability settlement in the amount of $200,000 to be paid from the Auto Liability Self-Insurance Fund.

Resolution 17-R-140 is entitled:
A RESOLUTION APPROVING SETTLEMENT FOR ALL CLAIMS OF TIMOTHY ROBERTS

7C. Community Services:

7C1. Request Approval to Amend a HOME Investment Partnership Contract with Back to Basic Properties, LLC of Ocala, FL (Budget Impact - Expenditure of HOME Grant Funds not to exceed $479,999)

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

Description/Background: At its April, 4 2017 meeting, the BCC approved the expenditure of $ 531,030 in HOME Investment Partnership funds to acquire and renovate six duplexes (total of 12 units) in Ridge Meadows by Back to Basics Properties, LLC.

Back to Basics Properties, LLC has acquired the properties and has requested to reduce the approved amount of funding to $ 479,999. These units will be available to low-moderate income families for an affordability period of 15 years. This is a five year reduction from the original agreement. This project satisfies the
Department of Housing and Urban Development’s national objectives by sustaining the affordable housing for Marion County residents.
Budget/Impact: Expenditure of HOME grant funds not to exceed $479,999.
Recommended Action: Motion to approve the amended standard professional agreement HOME Rental Project in the amount of $479,999 to support the affordable housing inventory in Marion County.

7C2. Request Approval of Agreement for Acquisition of a Commercial Building for Creative Services, Inc. (Budget Impact - Expenditure of Community Development Block Grant (CDBG) funds not to exceed $366,000)
The Board considered the following recommendation as presented by Community Services Director Martin:
Description/Background: Community Services posted a notice of funding available for CDBG FY 2016/17 in the amount of $576,000. Creative Services submitted a CDBG application on December 30, 2016 to relocate its current offices from the existing building to an adjacent building. At the February 21, 2017 meeting, the Board approved Creative Services, Inc. to be awarded $366,000 in CDBG funds for property acquisition.
Creative Services currently serves up to 58 people and by acquiring this building, will allow them to increase an additional 30 beds. This will also allow them to expand their administrative capacity, services and accessibility within our community. Attached for consideration is the County’s standard professional services agreement for this project.
Budget/Impact: Expenditure of CDBG grant funds not to exceed $366,000.
Recommended Action: Motion to approve the standard professional services agreement for acquisition of a commercial building for Creative Services, Inc. in the amount of $366,000.

Community Services Director Cheryl Martin advised that in January, 2017 Community Services posted a notice of available funding for a CDBG, noting a project was awarded to a grantee that withdrew their application. Creative Services was awarded CDBG funds to relocate offices and expand their shelter.
A motion was made by Commissioner Bryant, seconded by Commissioner Gold, to approve and execute the Marion County Standard Professional Services Agreement Community Development Block Grant with Creative Services, Inc. The motion was unanimously approved by the Board (5-0).

7D. County Extension Service:
7D1. Request Approval of First Amendment to Memorandum of Understanding with the University of Florida for a Community Resource Agent (Budget Impact - Neutral; funding included in FY16/17 budget)
The Board accepted the following recommendation as presented by County Extension Services Director David Holmes:
Description/Background: A Memorandum of Understanding (MOU) was fully executed on April 22, 2014, with the University of Florida for the position of Community Resource Agent. This MOU expired on April 24, 2017 and the first amendment will continue the agreement through September 30, 2020. Florida’s population is currently over 20 million and is projected to grow by 7 million people over the next 15 years. Water – both quality and quantity - is expected to become
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a critical issue. During development of the IFAS Extension Roadmap, Extension’s long range plan for 2013 – 2023, citizen advisors identified water as one of 7 critical elements for IFAS Extension to be addressing in educational programs. Information related to conservation and protection of water resources is essential for Florida moving forward. This position develops educational programs to help citizens change practices in how they use and protect water.

Budget/Impact: Neutral, funding approved in the FY16/17 budget.

Recommended Action: Motion to approve the first amendment to the Memorandum of Understanding with the University of Florida.

7E. Development Review Committee:

7E1. Request Approval of Final Plat for Chatham Acres Subdivision, Application #19817 (Budget Impact - None)

The Board accepted the following recommendation as presented by Growth Services Director Martsolf, on behalf of the Development Review Committee (DRC):

Description/Background: On May 8, 2017, the Development Review Committee approved the Final Plat for the Chatham Acres Subdivision and recommended that the Board approve and authorize execution by the Chair and the Clerk. This subdivision is located in the southeast portion of the County and contains 7 lots and 4 tracts on 46.11 acres with .53 miles of private road.

Budget/Impact: None.

Recommended Action: Motion to approve the subject plat and to authorize the Chair and Clerk to execute the same.

7E2. Request Approval of DRC Waiver Request for Division of Land - LDC 2.16.1.B(8)(g) - Agricultural Lot Split Establishment of County MSBU for Hardwood Hollow, Parcel # 01977-002-00 & 01977-003-00, Project #2017030022, Application #20130, RM Barrineau & Associates (Budget Impact - None)

The Board accepted the following recommendation as presented by Growth Services Director Martsolf, on behalf of the DRC:

Description/Background: Section 2.16.1.B(8)(g) of the Land Development Code states a County MSBU shall be established for the maintenance of the improvements created by this division prior to final approval and recordation. A waiver to this provision may only be granted by the Board upon review and recommendation by the DRC.

The applicant requests waiver because the owner is creating Homeowner’s Association documents to maintain the newly created entrance and the 60 foot ingress/egress and utility easement. This agricultural lot split is located in the northwest portion of the County and contains 8 tracts on 88.10 acres.

DRC action on May 1, 2017, by a vote of 5-0, was to recommend approval.

Budget/Impact: None.

Recommended Action: Motion to uphold the Development Review Committee’s approval to allow the agricultural lot split without the creation of an MSBU for maintenance.

7F. Fire-Rescue:

7F1. Request Approval of Behavioral Health Transportation Plan (Budget Impact - None)
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The Board accepted the following recommendation as presented by Fire Chief Paul Nevels, Marion County Fire Rescue (MCFR):

Description/Background: Changes to Florida Statutes 394 and 397 last year require implementation of a Behavioral Health Transportation Plan, commonly known as the Baker Act Transportation Plan. This plan has been developed by community stakeholders to ensure the proper and humane transport of Baker Act and Marchman Act patients to the appropriate destination.

The plan will allow for the services to be provided in the best interest of persons in need of behavioral healthcare in Marion County and will continue the successful centralization of the Baker Act and Marchman Act system. This Transportation Plan requires approval by the Marion County Board of County Commissioners, Lutheran Services Florida (LSF) Health Systems, as managing entity, and the Department of Children and Families.

Budget/Impact: None.

Recommended Action: Motion to approve the Behavioral Health Act Transportation Plan.

7G. Growth Services:

7G1. Request Approval of Resolution Adopting Revised List of Fees for Growth Services Department (Budget Impact - Additional Revenue of $102,305)

The Board accepted the following recommendation as presented by Growth Services Director Martsolf:

Description/Background: Growth Services has reviewed its current fees regarding development applications given on-going legislative activities and the upcoming fiscal year budget. This fee schedule implements adjusted fees and provides for a Medical Marijuana related application fee corresponding to the Medical Marijuana Ordinance being considered for adoption with the current Board agenda.

The following are the primary changes to the fee schedule:

1. Code Enforcement Code Lien/Violation Search - The revised fee is intended to be consistent with the fee charged by other departments and outside agencies.
2. Fees associated with the new administrative use permit, related to recent adopted changes to the Land Development Code, for Commercial Vehicle Parking.
3. Medical Marijuana Treatment Center - This is the new fee to implement the Medical Marijuana application processing being considered for adoption.
4. DRI or FQD related fees - adding application types to correspond to Florida Statutes titles and processes.
5. Minor Site Plan Commercial/Industrial/Institutional - A fee increase to reflect the actual cost of processing.
6. Distributed Antenna System - An entry is being provided as a place holder once the companion ordinance is completed.

Credit card expenses will increase by $3,345; however, this will be offset by the increase in fees. Staff recommends approval of the attached Resolution.

Budget/Impact: Additional Revenue of $102,305

Recommended Action: Motion to approve attached resolution adopting revised list of fees for the Growth Services Department.

Resolution 17-R-141 is entitled:

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR AND AMENDING VARIOUS USER FEES AND CHARGES, PROVIDING A WAIVER FOR INDIGENT PERSONS, AND PROVIDING AN EFFECTIVE DATE.

7H. Human Resources:
7H1. Request Approval of the Reclassification of Positions within the Traffic Operations, Engineering Services and Support Services Sections of the Office of the County Engineer Department Budget #4121 (Budget Impact - Expenditure of $22,958.27)

The Board considered the following recommendation to adopt a Resolution, as presented by Human Resources (HR) Director Amanda Tart:

Description/Background: The Office of the County Engineer has been subject to staff departure in a variety of positions. In efforts to refill the positions, it has become apparent that many of the job descriptions are not up-to-date. The responsibilities of many positions shifted over the years with staff loss and changed priorities, as the County moved into and now out of the economic recession. It is the Office of the County Engineer’s intention that these revised job descriptions make them competitive to both retain and hire quality staff. Further, offsetting the additional costs associated with the reclassifications of the Traffic Operations Section, it should be noted that an additional $50,218 is being reimbursed to the County annually by the latest Florida Department of Transportation (FDOT) Traffic Signal Maintenance and Compensation Agreement.

Therefore, we respectfully request the approval of the reclassifications of the positions within the Marion County’s Office of the County Engineer department budget #4121.

Budget/Impact: The reclassifications will result in an expenditure of $22,958.27 (but with $50,218 gained from FDOT, there is no overall budget impact).

Recommended Action: Motion to approve the attached resolution; along with corresponding job descriptions and pay grades, for the reclassification of positions within the Office of the County Engineer department budget #4121.

Chairman Zalak passed the gavel to Commissioner Bryant, who assumed the Chair. Commissioner Zalak out at 11:50 a.m.

County Engineer Tracy Straub, OCE, advised that OCE is receiving an additional $50,000 in grant funds from FDOT, which will allow some much needed improvements. The money is specifically for additional monitoring of the traffic management center to better contend with traffic issues. She stated the additional funds will assist in making specific adjustments to traffic and ensure the county is adhering to the requirements of the grants. Ms. Straub stated job descriptions and pay grade adjustments are needed due to staff departure in a variety of positions, as well as additional job responsibilities.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to adopt Resolution 17-R-142. The motion was unanimously approved by the Board (4-0).

Resolution 17-R-142 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO RECLASSIFY ONE (1) ENGINEERING PROJECT MANAGER I POSITION, PAY GRADE 17, TO ONE (1) TRAFFIC SIGNAL SYSTEM ANALYST POSITION, PAY GRADE 19; ONE (1) TRAFFIC SIGNAL TECHNICIAN II POSITION, PAY GRADE 12, TO ONE (1) TRAFFIC SIGNAL TECHNICIAN III POSITION, PAY GRADE 16;
ONE (1) STRIPING EQUIPMENT OPERATOR POSITION, PAY GRADE 10, TO ONE (1) TRAFFIC ENGINEERING TECHNICIAN POSITION, PAY GRADE 13; ONE (1) DESIGN ENGINEER POSITION, PAY GRADE 27 TO ONE (1) TRANSPORTATION ENGINEER POSITION, PAY GRADE 28; ONE (1) TRANSPORTATION CONSTRUCTION MANAGER POSITION, PAY GRADE 22, TO A PAY GRADE 23; ONE (1) TRANSPORTATION ADMINISTRATIVE MANAGER POSITION, PAY GRADE 20, TO A PAY GRADE 22; ONE (1) COUNTY SURVEYOR POSITION, PAY GRADE 24, TO A PAY GRADE 25, ALONG WITH THE CORRESPONDING JOB DESCRIPTIONS AND PAY GRADES WITHIN THE MARION COUNTY OFFICE OF THE COUNTY ENGINEER DEPARTMENT BUDGET #4121, AND INCORPORATING THE FOREGOING ACTIONS INTO THE MARION COUNTY CLASSIFICATION PLAN.

7H2. Request Approval to Rehire a Former Employee within the Utilities Department as Utilities Plant Operator (Budget Impact – None)
The Board considered the following recommendation as presented by HR Director Tart:
Description/Background: Following an internal and external search and an interview round with the most qualified candidates, William Yocum, received the highest composite ranking from the interview panel. Mr. Yocum is a former employee of the Utilities Department who has since retired from the Florida Retirement System; he will be coming as the Utilities Plant Operator, which he previously held for six years.
According to the Employee Handbook, all employees that have formally retired from the Florida Retirement System must have board approval for their rehire. Therefore, we respectfully request the approval to rehire William Yocum as the Utilities Plant Operator for the Utilities department.
Budget Impact: None.
Recommended Action: Motion to approve the request to rehire William Yocum as the Utilities Plant Operator for the Utilities department.

7H3. Request Approval to Rehire a Former Employee within the Utilities Department as Utilities Engineering Manager (Budget Impact – None)
The Board considered the following recommendation as presented by HR Director Tart:
Description/Background: Following an internal and external search and an interview round with the most qualified candidates, Lyle Titterington, received the highest composite ranking from the interview panel. Mr. Titterington is a former employee of the Office of the County Engineer and has since formally retired from the Florida Retirement System. Mr. Titterington will be coming in as the Utilities Engineering Manager.
According to the Employee Handbook, all employees that have formally retired from the Florida Retirement System must have board approval for their rehire. Therefore, we respectfully request the approval to rehire Lyle Titterington as the Utilities Engineering Manager within the Utilities department. 
Budget Impact: None. 
Recommended Action: Motion to approve the request to rehire Lyle Titterington as the Utilities Engineering Manager within the Utilities department.

This matter was addressed with Item 7H2.

A motion was made by Commissioner Stone, seconded by Commissioner Gold, to approve the request to rehire Lyle Titterington as the Utilities Engineering Manager within the Utilities Department. The motion was unanimously approved by the Board (4-0).

71. MSTU:

711. Request Acceptance of Silver Springs Shores 2016 Annual Overlay into Warranty Period and Authorization for Chairman to Execute Letter to Contractor (Budget Impact - None).

The Board accepted the following recommendation as presented by MSTU Director Shawn Hubbuck:

Description/Background: The following road improvement project has been completed and received final inspection. In accordance with the contract, this project is under a Warranty period of one (1) year. This will continue to be a County maintained road.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>BID</th>
<th>ENGINEER</th>
<th>CONTRACTOR</th>
<th>DATE COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver Springs Shores 2016 Annual Overlay</td>
<td>16B-112</td>
<td>Tillman &amp; Associates Engineering</td>
<td>CW Roberts</td>
<td>04/25/17</td>
</tr>
</tbody>
</table>

Budget/Impact: None.
Recommended Action: Motion to accept construction of Silver Springs Shores 2016 Annual Overlay and authorize Chairman to execute letter advising the contractor of the one (1) year Warranty period.

712. Request Acceptance of Marion Oaks 2016 Annual Overlay into Warranty Period and Authorization for Chairman to Execute Letter to Contractor (Budget Impact - None).

The Board accepted the following recommendation as presented by MSTU Director Hubbuck:

Description/Background: The following road improvement project has been completed and received final inspection. In accordance with the contract, this project is under a Warranty period of one (1) year. This will continue to be a County maintained road.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>BID</th>
<th>ENGINEER</th>
<th>CONTRACTOR</th>
<th>DATE COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marion Oaks 2016 Annual Overlay</td>
<td>16B-114</td>
<td>Moorhead Eng.</td>
<td>Pave Rite</td>
<td>04/25/17</td>
</tr>
</tbody>
</table>

Budget/Impact: None.
May 16, 2017

Recommended Action: Motion to accept construction of Marion Oaks 2016 Annual Overlay and authorize Chairman to execute letter advising the contractor of the one (1) year Warranty period.

7J. Procurement Services:

7J.1. Request Approval of Contract Renewal: 14P-074, Tire Service and Repair - Advanced Tire Service, LLC, and Dan Callaghan Enterprises, Inc., both Ocala, FL (Budget Impact - Neutral; estimated annual expenditure of $300,000 as approved in FY 16/17 budget)

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

Description/Background: At its June 3, 2014 meeting, the Board approved a three (3) year contract for tire sales, service and repair with Advanced Tire Service, LLC and Dan Callaghan Enterprises, Inc., after the Selection Committee recommended these top two (2) firms from the six (6) respondents. Both firms have performed in accordance with the intent of the RFP and terms of the contract. The underlying agreement includes a single three (3) year renewal option, and it is with Fleet Management Director Brian Hing's positive evaluation of both firms that Procurement requests the attached first contract amendment (identical for both) for review and approval. Pending acceptance of the renewal, contracts will be sent to both firms, and upon execution and approval by Legal, will be forwarded to the Chairman and Clerk for signatures.

Budget/Impact: Neutral; expenditures are budgeted at $300,000 for this fiscal year.

Recommended Action: Motion to approve renewal and approve staff to issue contract, and upon return and approval by Legal, authorize the Chairman to execute the first contract amendment with both subject firms through June 30, 2020 under RFP 14P-074.

7J.2. Request Approval of Selection Committee Recommendation and Contract: 17Q-037, Heavy Duty Auto Parts Consignment Supplier - Raney's Truck Parts, Inc., and Maudlin International Trucks, both Ocala, FL (Budget Impact - Neutral; annual expenditure estimated at $200,000 as approved in FY 16/17 budget)

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

Description/Background: On behalf of Fleet Management, Procurement advertised an RFP for firms with a service location inside Marion County to provide and supply heavy duty auto parts under consignment. Only two (2) responses were received, and the Selection Committee consisting of Larry Haney, Larry Starkey, and Ken Stoldt deemed both firms responsive and responsible, with a previous working relationship with Fleet of this type. It is Fleet Director, Brian Hing's recommendation to contract with both suppliers. Attached for review is a draft of the contract which will be identical for both firms; although they are providing different product brands, the terms and conditions are identical - most commonly used parts for heavy duty fleet will be stored at Fleet, and used as needed, saving inventory costs and reducing the instances of having outdated or unneeded parts on the shelf. Pending return and approval by Legal, the contracts will be forwarded for the Clerk and Chairman's signatures.

Budget/Impact: Neutral; annual estimated expenditure is $200,000.
Recommended Action: Motion to approve recommendation and allow staff to issue, and upon approval by Legal, authorize the Chairman to execute contracts with Raney's Truck Parts, Inc., and Maudlin International Trucks under RFP 17P-037.

7J3. Request Approval of Contract for Pre-Qualified Underground Utility Contractor: 15Q-121-TO-10, Majestic Oaks Fire Hydrants – Eagle Underground, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of $84,750 as approved in FY 16/17 budget)

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

Description/Background: At its August 4, 2015 meeting, the Board approved contracts with eleven (11) contractors for various projects involving underground utility work. All firms were proposed a detailed scope to install fire hydrants for fire protection throughout Majestic Oaks. The tabulation below summarizes the offers received:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Base Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle Underground</td>
<td>$ 84,750.00</td>
</tr>
<tr>
<td>Salser Construction</td>
<td>$ 101,601.20</td>
</tr>
<tr>
<td>Ciraco Underground</td>
<td>$ 102,730.00</td>
</tr>
<tr>
<td>US Water</td>
<td>$ 110,640.00</td>
</tr>
<tr>
<td>T&amp;C Underground</td>
<td>$ 115,800.00</td>
</tr>
<tr>
<td>Pave-Rite, Inc.</td>
<td>$ 156,453.35</td>
</tr>
</tbody>
</table>

It is Utilities Director, Angel Roussel's recommendation that Eagle be awarded the task order. Attached for review is the contract draft for execution as written and upon return will be forwarded for the County Attorney, Clerk, and Board Chairman's signatures.

Budget/Impact: Neutral; the cost shall not exceed $84,750 as approved in FY 16/17 budget; MCUD has requested 10% contingency be added to the purchase order as allowed by the Procurement Manual.

Recommended Action: Motion to approve recommendation and allow staff to issue contract and upon approval by legal, authorize the Chairman to execute task order with Eagle Underground under project 15Q-121-TO-10.

7J4. Request Approval of Bid Award and Contract: 17B-098 Silver Springs Acres Improvement Area - John L Finch Contracting Corp, Summerfield, FL (Budget Impact - Neutral; expenditure not to exceed $93,944.84 as approved in FY 16/17 budget)

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

Description/Background: On behalf of MSTU/Assessment, Procurement Services advertised this project involving clearing and grubbing the right of way, excavation of swales, sod, limerock in lieu of stabilized subgrade, ditch blocks, finish grading, silt fence, construction layout, maintenance of traffic, and an additional section of road grading and compaction of three (3) miles. Three (3) contractors submitted bids, and the bid opening was conducted by Bryan Matus representing Procurement. MSTU Director, Shawn Hubbuck, requests to contract with the low bidder based on the tabulation below:

<table>
<thead>
<tr>
<th>Firm Name - City</th>
<th>Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Contractor Name</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>John L Finch Contracting Corp</td>
<td>Summerfield, FL</td>
<td>$ 93,944.84</td>
</tr>
<tr>
<td>CW Roberts Contracting, Inc.</td>
<td>Ocala, FL</td>
<td>$ 159,422.95</td>
</tr>
<tr>
<td>Hartman Civil Construction Co, Inc.</td>
<td>Ocala, FL</td>
<td>$ 198,700.00</td>
</tr>
</tbody>
</table>

Attached for review is a draft contract; pending approval at today’s meeting, it will be sent to 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 $93,944.84; 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 John L Finch Contracting Corp, the lowest responsive, responsible bidder for 17B-098.

7J5. Request Approval of Project Amendment for Construction Manager: 12Q-055-PA-15A, Re-Roof SELP Livestock Barn over Stalls – Dinkins Construction, LLC, Ocala, FL

(Budget Impact - Neutral: expenditure of $112,552 as approved in FY 16/17 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 the Re-Roof of SELP Livestock Barn over Stalls to Dinkins Construction, LLC. The project involves installing insulation board and a single ply membrane over the existing 40 year old flat seam metal roof. The added insulation will produce energy savings while the HVAC is in operation. The work is scheduled to be completed within 60 calendar days after receipt of notice to proceed.

Attached for review is a draft of the project amendment with the proposal attached as Exhibit A. Pending approval at today’s meeting, it will be forwarded to the CM for execution, as written, and upon return, be processed for the County Attorney’s, Clerk’s and Chairman’s signatures.

Budget/Impact: Neutral; expenditure amount not to exceed $112,552.

Recommended Action: Motion to approve recommendation and authorize the Chairman to execute project amendment with Dinkins Construction, LLC for work under Re-Roof SELP Livestock Barn over Stalls, as identified in the scope of 12Q-055-PA-15A.

7J6. Request Approval of Bid Award and Contract: 17B-093 Maintenance Project MP 41 (NW Gainesville Rd, NW 219th St Rd, NW 214 Lane & NW 76th Terrace) - John L Finch Contracting Corp, Summerfield, FL

(Budget Impact - Neutral; expenditure not to exceed $148,346.85 as approved in FY 16/17 budget)

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), Procurement Services advertised this project involving work in three (3) general areas:
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- Area 1- Requires maintenance and repair to the swale and stormwater conveyance system on the west side of NW Gainesville Road.
- Area 2- Consists of the replacement of culvert pipes at two locations and cleaning of an existing culvert near Orange Lake.
- Area 3- Consists of the replacement of a culvert pipe in the Mossbrook Subdivision.

Four (4) contractors submitted bids, and the bid opening was conducted by Bryan Matus representing Procurement. County Engineer, Tracy Straub, PE, requests to contract with the low bidder based on the tabulation below:

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>City</th>
<th>Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>John L Finch Contracting Corp</td>
<td>Ocala, FL</td>
<td>$148,346.85</td>
</tr>
<tr>
<td>Art Walker Construction, Inc.</td>
<td>Ocala, FL</td>
<td>$167,441.00</td>
</tr>
<tr>
<td>Hartman Civil Construction Co, Inc.</td>
<td>Ocala, FL</td>
<td>$183,700.00</td>
</tr>
<tr>
<td>Hamlet Underground, LLC</td>
<td>Ocala, FL</td>
<td>$189,575.12</td>
</tr>
</tbody>
</table>

Attached for review is a draft contract; pending approval at today’s meeting, it will be sent to 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 $148,346.85; 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 John L Finch Contracting Corp, the lowest responsive, responsible bidder for 17B-093.

7J7. Request Approval of Project Amendment for Construction Manager: 12Q-055-PA-15B, Re-Roof Fleet Small Truck Repair Building – Dinkins Construction, LLC, Ocala, FL (Budget Impact - Neutral: expenditure of $59,096.40 as approved in FY 16/17 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 the Re-Roof of Fleet Small Truck Repair Building to Dinkins Construction, LLC. The project involves installing a new technology single ply roof system over the existing 30 year old corrugated metal roof. The work is scheduled to be completed within 60 calendar days after receipt of notice to proceed.

Attached for review is a draft of the project amendment with the proposal attached as Exhibit A. Pending approval at today’s meeting, it will be forwarded to the CM for execution, as written, and upon return, be processed for the County Attorney’s, Clerk’s and Chairman’s signatures.

Budget/Impact: Neutral; expenditure amount not to exceed $59,096.40.

Recommended Action: Motion to approve recommendation and authorize the Chairman to execute project amendment with Dinkins Construction, LLC for work under Re-Roof Fleet Small Truck Repair Building, as identified in the scope of 12Q-055-PA-15B.
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7J8. Request Approval of Contract for Pre-Qualified Underground Utility Contractor: 15Q-121-TO-11, CR484 Force Main Relocation – Commercial Industrial Corporation, Ocala, FL (Budget Impact - Neutral; expenditure of $110,058.47 as approved in FY 16/17 budget)

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

Description/Background: At its August 4, 2015 meeting, the Board approved contracts with eleven (11) firms for various projects involving underground utility work. In addition to competitively quoting out task orders, contractors may also be directly assigned work in an emergency situation, or when they have extensive knowledge of, or are already mobilized in close proximity; the latter is the case for this task order and Commercial Industrial Corp (CIC).

Their contract for the Land Bridge phase of the Santos Trails improvements (15P-162) has them on-site and this additional work includes approximately 380 linear feet (LF) of temporary PVC force main to accommodate the construction of the land bridge, as well as 300 LF of permanent DIP force main. Although the Force Main Relocation task order is related to the Office of the County Engineer's (OCE) LAP grant-funded Land Bridge RFP, the funding for will come from Utilities' budget. Pending approval of the attached draft at today's meeting, CIC will be presented the contract as written and upon return will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; the cost shall not exceed $110,058.47 as approved in FY 16/17 budget.

Recommended Action: Motion to approve recommendation and allow staff to issue contract and upon approval by legal, authorize the Chairman to execute Task Order with Commercial Industrial Corp. under project 15Q-121-TO-11.

7J9. Request Approval for Purchases from Capital Savings

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

Description/Background: The requisitions listed below have been received by Procurement for vehicle purchases utilizing the savings from the requesting department's various capital projects.

**Alan Jay Ford Lincoln Mercury, Inc.** – Fleet Management is requesting approval to purchase one (1) 2017 Ford F-150 4WD Super Cab Truck, 2.7L ECO Boost V6 with 6-SPD auto transmission, Trailer Towing Pkg., Whelen Vertex four corner LED kit, HD spray on bed liner. NJPA Contract# 2017-102811-NAF. Total Cost $26,786 – funds will be available in account# 2570-564101 pending approval of a budget amendment at today's meeting.

**Maudlin Trucks, LLC** – Fleet Management is requesting approval to purchase a used 2011 International ProStar Daycab Tractor. VIN# 1HSDJSRJR9BJ395761. Procurement advertised a request for quotes for a used semi-tractor on behalf of Fleet Management, however, no responsible offers were received. Fleet Director, Brian Hing, was able to locate and negotiate pricing for a semi-tractor that met the specifications as advertised. Total Cost $23,000 – funds will be available in account# 2570-564101 pending approval of a Budget Amendment at today's meeting.

Recommended Action: Motion to approve purchases from capital savings.
County Administrator Mounir Bouyounes advised of a revision to this Item. The money is currently available in the existing account; therefore, a budget amendment resolution is not necessary.

Commissioner Zalak returned at 11:52 a.m.
Chairman Bryant returned the gavel to Commissioner Zalak, who resumed the Chair.
A motion was made by Commissioner Moore, seconded by Commissioner Gold, to approve purchases from capital savings. The motion was unanimously approved by the Board (5-0).

7J10. Request Ratification of Purchase over $50,000
The Board considered the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: The item listed below has been received by Procurement Services for approval in conformance with the Procurement Code/Manual:

**Kenworth of Central Florida** – Marion County Fleet Management is requesting approval for ratification of payment due to emergency repairs to the CNG Solid Waste roll off truck that caught on fire. Total Cost is $79,669.09 and the payment was made by Risk Management from funds available in Account# 2550-545701 Risk Claims.

Recommended Action: Motion to ratify the purchase over $50,000.

Commissioner Moore advised that a design flaw in a county vehicle caused it to catch fire while in use at the Baseline Landfill, noting the county will be reimbursed by the insurance company.
Fleet Management Director Brian Hing stated the county currently owns 6 units with the same lower exhaust style, noting the truck that caught fire has been retrofitted and the problem is now corrected. He advised that the parts have been ordered for the 5 remaining vehicles and the problem will be resolved within the next 30 days.
A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to ratify the purchase over $50,000. The motion was unanimously approved by the Board (5-0).

7K. Transportation - County Engineer:
7K1. Request Approval of a First Amendment to Antenna Site Agreement between Marion County and T-Mobile South LLC associated with Parcel #32840-009-00 (Budget Impact - Revenue of $2,569.93 monthly)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to approve a First Amendment to Antenna Site Agreement between Marion County and T-Mobile South LLC associated with Parcel #32840-009-00. This agreement will allow four (4) additional and successive five (5) year terms to the original lease, with the rent increasing at a 3% rate each year.

Budget/Impact: General Fund Revenue - 000001 - 36200020 - $2,569.93 monthly.

Recommended Action: Motion to approve the First Amendment to Antenna Site Agreement and authorize the Chair and Clerk to execute the same.

7K2. Request Approval of an Ingress-Egress Easement between Safe Harbor RV & Boat Storage, LLC and Marion County for a Portion of Parcel #46009-000-00 (Budget Impact - Neutral)
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The Board considered the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to approve an Ingress-Egress Easement between Safe Harbor RV & Boat Storage, LLC on a portion of Parcel# 46009-000-00. The purpose of this easement is so Marion County Utilities can maintain and monitor the sewer station meter on this site.
Budget/Impact: None.
Recommended Action: Motion to approve the Ingress-Egress Easement and authorize the Chair and Clerk to execute the same.

Mr. Bouyounes advised of a revision to this item. He stated the recommended action asks for BCC approval and authorization for the Chair and the Clerk to execute the same. However, there is not a document to be signed by the Chair and Clerk and this item should have only been for BCC approval to accept the easement.
A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to accept the Ingress-Egress Easement by Safe Harbor RV & Boat Storage, LLC to Marion County. The motion was unanimously approved by the Board (5-0).

7K3. Request Approval to Declare Parcel #3216-012-000 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $8,114)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to declare Parcel #3216-012-000 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Joe C. Brown as Trustee for Jocalbro, Inc. Profit Sharing Plan Trust, in the amount of $8,114 plus closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of this bid.
Recommended Action: Motion to approve the request to declare Parcel #3216-012-000 as surplus, approve the Sale and Purchase Agreement and Statute 125 Deed and authorize the Chair and Clerk to execute the same.

7K4. Request Approval to Declare Parcel #4088-068-000 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $4,211)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to declare Parcel #4088-068-000 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Joe C. Brown as Trustee for Jocalbro, Inc. Profit Sharing Plan Trust, in the amount of $4,211 plus closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of this bid.
Budget/Impact: Sale of Surplus Land - 000001 - 0001 - 36400022 - $4,211.
Recommended Action: Motion to approve the request to declare Parcel #4088-068-000 as surplus, approve the Sale and Purchase Agreement and Statute 125 Deed and authorize the Chair and Clerk to execute the same.

7K5. Request Approval to Declare Parcel #10365-002-37 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $959)

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

Description/Background: This is a request to declare Parcel #10365-002-37 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Dennis Sapp and G. Stephen Corun, in the amount of $959 plus closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of this bid.

Budget/Impact: Sale of Surplus Land - 000001 - 0001 - 36400022 - $959

Recommended Action: Motion to approve the request to declare Parcel #10365-002-37 as surplus, approve the Sale and Purchase Agreement and Statute 125 Deed and authorize the Chair and Clerk to execute the same.

7K6. Request Approval to Declare Parcel #1661-004-011 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $4,382)

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

Description/Background: This is a request to declare Parcel #1661-004-011 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Lawrence E. Ronco Jr., as Trustee of the Sunset Harbor Road Trust u/d/t Dated August 18, 2009, in the amount of $4,382 plus closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of this bid.


Recommended Action: Motion to approve the request to declare Parcel #1661-004-011 as surplus, approve the Sale and Purchase Agreement and Statute 125 Deed and authorize the Chair and Clerk to execute the same.

7K7. Request Approval to Declare Parcel #0051-018-016 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $726)

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

Description/Background: This is a request to declare Parcel #0051-018-016 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Ocala Campsites, LLC, in the amount of $726 plus closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of this bid.

Budget/Impact: Sale of Surplus Land - 000001 - 0001 - 36400022 - $726.

Recommended Action: Motion to approve the request to declare Parcel #0051-018-016 as surplus, approve the Sale and Purchase Agreement and Statute 125 Deed and authorize the Chair and Clerk to execute the same.

7K8. Request Approval to Declare Parcel #0051-024-012 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of $656)

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

Description/Background: This is a request to declare Parcel #0051-024-012 as surplus and approve the Sale and Purchase Agreement and Statute 125 Deed between Marion County and Ocala Campsites, LLC, in the amount of $656 plus...
closing costs. This parcel was acquired as a Tax Deed and staff recommends approval of this bid.
Recommended Action: Motion to approve the request to declare Parcel #0051-024-012 as surplus, approve the Sale and Purchase Agreement and Statute 125 Deed and authorize the Chair and Clerk to execute the same.

7K9. Request Approval of the Proposed 5-Year Stormwater Implementation Program (Budget Impact - None in Current FY 2016/2017 Budget)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:
Description/Background: The Stormwater Implementation Program (SIP) is a five-year planning tool used to assist the Stormwater Program in meeting requirements as outlined in the County’s Phase II National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Generic Permit. The Stormwater Program will implement a variety of structural and non-structural projects including public education and outreach, stormwater retrofit projects, and the watershed management program as it relates to NPDES permit requirements, Total Maximum Daily Loads (TMDLs), and flooding issues.
The SIP is reviewed and revised on an annual basis, including project costs and timing. The five-year timeframe is adjusted to reflect the new, fifth fiscal year. This proposed SIP is for 2017/18 – 2021/22 fiscal years.
Budget/Impact: None in current FY2016/2017 budget. Projects and activities listed on the attached Stormwater Implementation Program are for future years.
Recommended Action: Motion to approve the proposed 2017/18 through 2021/22 Stormwater Implementation Program.

7K10. Request Approval of the Proposed 5-Year Transportation Improvement Program (Budget Impact - None in current FY 2016/17 Budget)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:
Description/Background: The Marion County Transportation Improvement Program (TIP) lists the anticipated transportation related capital projects for the county road system over the next five years (2017/18 – 2021/22). The types of projects include capacity, reclamation, resurfacing, signalization, turn lanes, and other miscellaneous maintenance projects such as guardrail, sidewalks, striping, etc. Activities undertaken on these projects include survey, preliminary engineering, design, right-of-way, and construction.
The TIP is revised annually prior to the budget. Each year the project costs and timing are examined and updated as necessary. The five-year timeframe is also revised to reflect the inclusion of the new, fifth fiscal year and the new projects planned for that year.
Budget/Impact: None in current FY 2016/17 budget. Projects and activities listed on the attached Transportation Improvement Program are for future years.
Recommended Action: Motion to approve the proposed 2017/18 through 2021/22 Transportation Improvement Program.
7K11. Request Approval of Grant of Easements to the Florida Department of Environmental Protection from Marion County for the Installation of Monitoring Wells at Two County-Maintained Drainage Retention Areas (Budget Impact - None)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: The Florida Department of Environmental Protection (FDEP) recently requested to install monitoring wells at two drainage retention areas owned and maintained by the County. Easements were processed for each drainage retention area and were approved during the March 21, 2017, Board of County Commissioners meeting. However, FDEP legal staff requested additional changes to the easement language.

This item is to approve and execute two easements with modified language to replace the previously executed easements. FDEP is abandoning the original two easements upon execution of the new easements. A letter to that effect is included as part of the agenda item.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute a Grant of Easement for each location.

7K12. Request Approval of Indemnification Agreement for Indigo East South Phase I Subdivision (Budget Impact - None)
The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: The County Attorney has reviewed and approved the Indemnification Agreement request for 12 individual building permits. This subdivision is located in the southwest portion of the County and contains 126 lots and 8 tracts on 45.25 acres with 1.46 miles of private road.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Indemnification Agreement and authorize the Chair and Clerk to execute the same.

8. COUNTY ATTORNEY:
8A. Request Approval of Release/Reduction of Civil Restitution Liens for Curtis T. Haaker
The Board considered the following recommendation from County Attorney Matthew G. Minter:

Description/Background: On April 24, 2017, the County Attorney received a letter from Curtis T. Haaker, requesting a release/reduction in the Civil Restitution Liens recorded on May 1, 2013 and November 25, 2013. Curtis T. Haaker is requesting the release due to his financial hardship and inability to pay. On March 1, 2013, Mr. Haaker was arrested for Possession of Cannabis Less than 20 Grams (First Degree Misdemeanor). He was sentenced to 1 day in jail and was placed on 12 months of probation. The Court imposed a Judgment for Costs of Incarceration of $50.00 (sentence of 1 day x $50 per day).

Mr. Haaker was re-arrested on August 6, 2013 for violation of probation and adjudicated guilty on October 1, 2013. He was sentenced in Case No. 2013-MM-1731 to 58 days in jail. The Court imposed incarceration costs of $2,900.00 (sentence 58 days x $50 per day).
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Mr. Haaker has signed up for the Job Corps program and is getting ready to reach the maximum age limit to participate in the Job Corps program. The Job Corps’ guidance counselors have informed Mr. Haaker that he has completed the initial steps of the application process for the Job Corps program, however, the Civil Restitution Liens would need to be released or reduced to less than $500.00 in order for him to be considered for the Job Corps program. Mr. Haaker has completed an IT program at MTI while in high school and wishes to continue his education through the programs offered through Job Corps. With the assistance of Job Corps counselors, Mr. Haaker hopes to attend Great Onyx in Kentucky for Computer Technician A+ training.

Mr. Curtis T. Haaker, is requesting a release/reduction of the Civil Restitution Liens totaling $2,950.00.
Budget/Impact: None.
Recommended Action: Board motion to approve or deny Mr. Haaker’s request for a Reduction or Release of the Civil Restitution Liens.

Mr. Minter commented on the request to approve or deny the reduction or release of Civil Restitution Liens on behalf of Curtis Haaker in the amount of $2,950. He advised that Mr. Haaker has applied for the Job Corps Training program, which requires the liens to be cleared before acceptance into the program.

Mr. Haaker gave a brief description of his current situation and was unaware of this as the charges were dropped. He urged the Board to approve the request and stated in order to join the Job Corps the amount owed must be reduced to less than $500.

In response to Chairman Zalak, Mr. Haaker advised that he does not currently have a driver’s license, but if he did it would be suspended due to the civil restitution lien. He reiterated that the charges were dropped, noting the fees associated with the lien are from a probation violation.

Commissioner Bryant opined that from the testimony given by Mr. Haaker today he is attempting to get his affairs in order and move forward. She stated she is in favor of approving the Release of the Civil Restitution Liens. Chairman Zalak requested Mr. Haaker’s submit a letter to the County Attorney from the Job Corps confirming his application.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve Mr. Haaker’s request for a Reduction or Release of the Civil Restitution Liens totaling $2,950. The motion was unanimously approved by the Board (5-0).

Chairman Zalak directed staff to get with Mr. Haaker in regard to providing information/documentation as requested.

8B. Request for Board Direction Regarding County Held Tax Certificates
The Board considered the following recommendation from County Attorney Minter:
Description/Background: Pursuant to the attached letter from George Albright, Tax Collector, Marion County outlining the requirements of the Tax Collectors Office and to notify the Board of County Commissioners regarding application for tax deed on county held certificates. Also attached is a list of several County held certificates.
Budget/Impact: None.
Recommended Action: The Board is requested to direct staff to make application for tax deeds.
Mr. Minter advised that the Marion County Tax Collector has provided an annual statement of tax certificates that are available. Those certificates over $5,000 have been discussed before. State Statutes says that the application of the county shall be made 2 years after April 1 of the year of issuance of the certificates or as soon thereafter as is reasonable, which is somewhat open ended as far as what would be reasonable. The Tax Collector’s information advises the Board that there are approximately 874 parcels that fall into the situation of 2010 tax certificates that will expire on June 1, 2017 if no application for a tax deed is made. The Tax Collector further advises that it will cost $152,950 to apply for all 874 parcels, based on the fees involved. If the certificates go all the way through the process for the tax deed sale it will be $699,200.

Chairman Zalak opined that the Board will continue on their same line of path and not apply for a tax deed for the listed parcels, unless a certificate is requested at which time the county will utilize the established process with Property Management and the Tax Collector in order to notify someone who wants to make application to the county shall do so upon request, up and until June 1st.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to the effect as described by the Chairman. The motion was unanimously approved by the Board (5-0).

8C. Request Adoption of Initial Assessment Resolutions
The Board considered the following recommendation from County Attorney Minter:

Description/Background: Pursuant to the Capital Improvement Ordinance (No. 09-10), the attached Initial Assessment Resolutions have been prepared for the following assessment project.

BIG RIDGE ACRES IMPROVEMENT AREA
SUN COUNTRY ESTATES II IMPROVEMENT AREA

The adoption of these resolutions is the next step in the road assessment process. The final public hearing for these projects is scheduled for June 7, 2017 at 2:00 p.m., respectively.

Budget/Impact: None.

Recommended Action: Motion to adopt the attached Initial Assessment Resolutions and authorize the Chairman and Clerk to execute same.

Mr. Minter commented on the Initial Assessment Resolutions and stated the estimated capital cost for the Big Ridge Acres Improvement Area is $365,329 and $463,018 for the Sun Country Estates II Improvement Area. He advised that what is being presented today is the first step in the road assessment process, noting the final Public Hearing for each improvement area is scheduled for June 7, 2017 at 2:00 p.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to adopt Resolutions 17-R-143 and 17-R-144 relating to the Big Ridge Acres and Sun Country Estates II Improvement Areas, respectively (as noted below). The motion was unanimously approved by the Board (5-0).

Resolution 17-R-143 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED BIG RIDGE ACRES IMPROVEMENT AREA AND THE ROAD IMPROVEMENTS TO BE CONSTRUCTED THEREIN; ESTABLISHING THE METHOD OF
ASSESSING THE COSTS OF THE ROAD IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Resolution 17-R-144 is entitled:
A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED SUN COUNTRY ESTATES II IMPROVEMENT AREA AND THE ROAD IMPROVEMENTS TO BE CONSTRUCTED THEREIN; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE ROAD IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

9. COUNTY ADMINISTRATOR:

9A. Administrative Updates

County Administrator Mounir Bouyounes noted that at the May 2, 2017 Board meeting Thomas Champ requested support from the Board to rename a portion of NW 2nd Street (directly behind the Marion County Courthouse) in honor of Judge Sandra Edwards-Stephens. He advised that he has received all the necessary information and is working with the City of Ocala to move forward.

9B. Request Consideration of Funding to Preserve the Artwork of Silver Springs and Marion County’s Legacy by Bruce Mozert (Budget Impact - Expenditure not to exceed $50,000)

Assistant County Administrator (ACA) Jeannie Rickman, Administration, presented the following recommendation:

Description/Background: Bruce Mozert helped make Silver Springs an international destination. His brilliant photos of individuals happily playing in the park’s crystal clear springs were sent overseas to potential travelers fighting frostbite in Europe and became iconic images that defined the spirit of the springs. During the April 18, 2017 BCC meeting, the Board discussed the potential for helping a local effort to preserve this artwork from Mr. Mozert’s collection in Marion County (attached is flyer and fact sheet with information pertaining to this effort). Following the direction from that meeting, Chairman Zalak and the County Administrator have researched the opportunity further and the Board is requested to discuss the opportunity again and provide direction of how to proceed.

Budget/Impact: Expenditure not to exceed $50,000.

Recommended Action: Discussion and consideration of funding for the preservation and artifacts from the Bruce Mozert collection.
Chairman Zalak commented on the items included in the Bruce Mozert collection and the possibility of partnering with the TDC to use the items as promotional material for Marion County. He advised that both Marion County and the College of Central Florida (CF) will contribute $50,000, noting CF has received initial approval for $50,000 on their side. The college will store the items and the students and people working on this project will continue to do all the inventory and assist with the negatives.

Chairman Zalak advised that if the Board approves moving forward today a bid can be made to the family. If the bid is approved staff will work with the Clerk, Audit Team and everyone else to put together how the ownership will work and all necessary legal documents. He stated a MOU between the Board and the college can outline how the partnership will work.

Chairman Zalak stated some of Mr. Mozert’s pictures of Silver Springs are displayed in Miami.

Jaye Baillie, NE 307th Court, presented a 4 page document entitled, “Robert Bruce Mozert Archives Fact Sheet” and a 1 page handout entitled, “Keep Mozert in Marion”. She shared several images on the overhead screens and commented. Ms. Baillie advised that a small group, which includes Dr. Henningien, Dave Schlenker, Alan Youngblood, Former Mayor Gerald Ergle, Steve Spivey and Tom Ingram have worked for the last couple of months to make sure this collection stays in Marion County. Mr. Mozert’s heirs are currently considering bids from multiple entities; however, Marion is the only local bid and if not competitive in this bid the collection will leave Marion County. She commented on the images taken in Silver Springs, noting through Mr. Mozert’s playful and artistic images he helped bring the spring international attention and visitors. Ms. Baillie noted this is the chance to preserve our history with images of Ross Allen, Paradise Park, Tarzan movies, Creature from the Black Lagoon, as well as visitors from the community, such as Jane Mansfield, Esther Williams and Lloyd Bridges. With the commitment of the BCC and CF, the collection of thousands of images, underwater cameras and housing will be acquired, preserved and protected. The images will be available for use as talked about in a potential new convention center, throughout Silver Springs, traveling exhibits and teaching tools. Dr. Heidi Maier, Superintendent of Marion County Public Schools, has spoken about the possibility of a Bruce Mozert Day and incorporating this into the 4th grade history curriculum. With the proposed renaissance of Silver Springs, the opportunity for this acquisition could not be more timely.

Gerald Ergle, SE 12th Place, advised that he agrees with comments by Ms. Baillie. He stated if this comes about, the private sector has offered to pay for the special cases needed for preservation of the film, movies, etc.

Chairman Zalak encouraged his fellow Commissioners to join him in taking the first step in this to hopefully get to the bid stage and then following up from that point. Commissioner Gold agreed that it is a great collection and questioned how ownership will be established, as well as how will it be audited. Chairman Zalak advised that those questions will be answered in a MOU with the college. The purchase will basically be split 50/50 with CF and the best thing to do is to give both equal opportunity to perform any of the work; however, it will be stored and housed with the college.

Mr. Bouyounes stated an agreement will have to be in place with the college to stipulate all of those conditions and details. He noted the inventory will probably be conducted by the college. Chairman Zalak advised that a lot of the assets have been appraised and inventoried.
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Ms. Baillie advised that the 4 page handout lists all the items included in the collection, noting she just received a text from someone in the audience who saw the murals in the Miami Airport, which is part of the collection. Chairman Zalak noted some of the negatives will be developed.

In response to Commissioner Gold, Chairman Zalak advised that staff did not reach out to the City of Ocala to partner on this project. He stated the funding for this project will initially come from Reserves for Contingencies and TDC involvement will be addressed at a later date.

General discussion ensued.

In response to Mr. Bouyounes, Chairman Zalak advised that he will not make a request to the TDC, noting the Board can make a decision today to move forward using Reserves and work it out with the TDC, media marketing, etc. in the future. He opined that they do not need to go through that process, unless the Clerk tells him they need to do something different. Clerk Ellspermann advised that he is good with using Reserves.

Commissioner Bryant inquired as to whether the Chairman will address this issue with the TDC in the future. He stated the Board needs to make a decision on how they want to do this today and declare it a public purpose. Commissioner Moore opined that preserving Marion County history is a public purpose. Chairman Zalak concurred.

A motion was made by Commissioner Moore, seconded by Commissioner Stone, to declare a public purpose and approve funding not to exceed $50,000 for the preservation of artifacts from the Bruce Mozert collection. The motion was unanimously approved by the Board (5-0).

Chairman Zalak thanked everyone for their hard work and advised that he will continue to work with the team in regard to the acquisition, if Marion County wins the bid, as well as legal documents that will be required for ratification.

10. COMMITTEE ITEMS:

10A. Board of Adjustment - Request Appointment of Two (2) Full Members to Full Terms

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

Description/Background: There have been two applications received for the two vacancies on the Board of Adjustment; one is a current incumbent and is eligible for re-appointment and one is a new applicant.

- Holly Yocum, retired (incumbent)
- Pamela Kern, retired

Budget/Impact: None.

Recommended Action: Motion to re-appoint Ms. Yocum and appoint Ms. Kern to the Board of Adjustment for full terms ending in May 2020

Clerk Ellspermann advised that the applicants received the appropriate votes.

A motion was made by Commissioner Moore, seconded by Commissioner Stone, to re-appoint Holly Yocum and appoint Pamela Kern as members of the Board of Adjustment. The motion was unanimously approved by the Board (5-0).

10B. Tourist Development Council – Request Acceptance of Resignations for Two Members and Approval to Advertise for Two Vacancies for Unexpired Terms

Executive Assistant Griffis, Commission Office, presented the following recommendation:
Description/Background: Mr. Richard Hendrix has submitted his resignation from the Tourist Development Council (TDC), effective immediately. This will create a vacancy for one full, collector member whose term expires February 2020. Further, Mr. Shawn Doherty has also submitted his resignation from the TDC. This will create an additional vacancy for a full, non-collector member with a term expiring February 2018.

The Board is requested to accept the resignations of both Mr. Hendrix and Mr. Doherty from the TDC and to approve the advertisement of the two vacancies.

Budget/Impact: None.

Recommended Action: Motion to accept the resignations of Mr. Hendrix and Mr. Doherty from the TDC, and to approve advertisement of the two vacancies to the TDC, one as a collector with a term expiring February 2020 and one as a non-collector with a term expiring February 2018.

A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to accept the resignations of Richard Hendrix and Shawn Doherty from the TDC; execute the appropriate letters of appreciation; and advertise vacancies. The motion was unanimously approved by the Board (5-0).

Chairman Zalak clarified that 1 position needs to be filled by a collector of the tourist tax and the other one needs to be involved in the tourist industry.

10C. Value Adjustment Board - Request Appointment of One (1) Full Member for a Full Term

Executive Assistant Griffis, Commission Office, presented the following recommendation:

Description/Background: One application has been received for the 2017/2018 citizen member seat on the Value Adjustment Board. The applicant is the incumbent and is eligible for re-appointment. Paula Adams, certified public accountant

Budget/Impact: None

Recommended Action: Motion to appoint Ms. Adams to the Value Adjustment for a full term ending July 2018.

Clerk Ellspermann advised that the applicant received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to appoint Paula Adams as a member of the 2017 Value Adjustment Board (VAB). The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11A. Request Approval to Schedule a Workshop to Discuss an Update on the 2016 Parks and Recreation Master Plan on Tuesday, May 23, 2017 at 1:30 p.m.

The Board considered the following recommendation from Parks Director Jim Couillard, PLA, ASLA, Parks and Recreation Department:

Description/Background: This request is to schedule a workshop to discuss the 2016 Parks and Recreation Master Plan. This meeting will provide the Commissioners with an opportunity to discuss the final version of the Master Plan as provided.

Budget/Impact: None.

Recommended Action: Motion to schedule a workshop on Tuesday, May 23, 2017 at 1:30 p.m. to discuss the 2016 Parks and Recreation Master Plan.
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A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule a workshop on Tuesday, May 23, 2017 at 1:30 p.m. to discuss the 2016 Parks and Recreation Master Plan. The motion was unanimously approved by the Board (5-0).

11B. Request Approval to Schedule and Advertise a Public Hearing for Consideration of Re-enactment of Ordinance 14-20 Monitoring Abandoned Properties in Foreclosure on Tuesday, June 6, 2017 at 10:00 a.m. or as Soon Thereafter as Possible
The Board considered the following recommendation from Growth Services Director Samuel Martsolf:

Description/Background: On August 5, 2014, the Board of County Commissioners adopted Ordinance 14-20 allowing the Code Enforcement Department to monitor abandoned properties in foreclosure and Resolution 14-R-363 providing for a registration fee of $100.00 for each abandoned property, annually.

Section 11 of Ordinance 14-20 notes that this ordinance shall stand repealed effective August 17, 2016, unless re-enacted following the requirements for adoption of an ordinance.

Although declining in numbers, foreclosures and these inspections remain a maintenance factor in the Marion County housing market. Continued attention to this activity is recommended, and staff requests the Board set a public hearing to consider an ordinance to extend the program.

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a public hearing for consideration of re-enactment of Ordinance 14-20 monitoring abandoned properties in foreclosure on Tuesday, June 6, 2017, at 10:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule and advertise a public hearing on Tuesday, June 6, 2017, at 10:00 a.m. to consider the re-enactment of Ordinance 14-20 monitoring abandoned properties in foreclosure. The motion was unanimously approved by the Board (5-0).

11C. Request Approval to Schedule a Departmental Strategic Plan Workshop on Monday, June 12, 2017 at 2:00 p.m.
The Board considered the following recommendation from Fiscal Manager Michael McCain, Administration:

Description/Background: Marion County has developed department Business Plans since 2010 and Strategic Plans since 2014.

To date, 13 departments have created Strategic Plans to be updated every 5 years. All department business plans and strategic plans are posted on the County website located on the page of the Office of Fiscal Review.

http://marioncountyfl.org/departments-agencies/departments-o-z/office-of-fiscal-review

The goals for the department Strategic Plans are to set priorities, focus energy and resources, strengthen operations, ensure that employees and other stakeholders are working toward common goals, establish agreement around intended outcomes, and adjust the department's direction in response to a changing environment.

The following departments will be presenting their five-year strategic plans this year: Human Resources, Animal Services, Parks and Recreation, and Airport.

Budget/Impact: None.
Recommended Action: Motion to approve and schedule the Departmental Strategic Plan Workshop on Monday, June 12, 2017 at 2:00 p.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule the Departmental Strategic Plan Workshop on Monday, June 12, 2017 at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

11D. Request Approval to Schedule a Workshop in Coordination with the Ocala/Marion County Chamber and Economic Partnership (CEP) and J.M. Mullis, Inc. to Discuss and Present Findings Related to the I-75 Florida Commerce Center Project on Friday, June 16, 2017 at 9:00 a.m.

The Board considered the following recommendation from County Administrator Bouyounes, Administration:

Description/Background: The Board is requested to conduct a workshop in coordination with the CEP and J.M. Mullis, Inc. to present findings related to and discuss and present findings related to the I-75 Florida Commerce Center project on County Road 484 in southwest Marion County.

Staff is recommending approval to schedule the workshop on Friday, June 16, 2017 at 9:00 a.m.

Budget/Impact: None.

Recommended Action: Motion to schedule a workshop in coordination with the CEP and J.M. Mullis, Inc. to discuss and present findings related to the I-75 Florida Commerce Center Project on Friday, June 16, 2017 at 9:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule a workshop on Friday, June 16, 2017 at 9:00 a.m. in coordination with the CEP and J.M. Mullis, Inc. to discuss and present findings related to the I-75 Florida Commerce Center Project. The motion was unanimously approved by the Board (5-0).

11E. Request Approval to Schedule a Joint Workshop with the Ocala City Council to Discuss Homelessness on Thursday, June 22, 2017 at 1:00 p.m. in the Growth Services Training Room

The Board considered the following recommendation from Community Services Director Cheryl Martin:

Description/Background: The City of Ocala has requested to hold a joint workshop with Marion County to discuss strategies for homelessness solutions. County and City staff are working together in developing the workshop agenda, and have invited speakers relative to their expertise and knowledge to provide presentation(s) during the workshop.

Staff is requesting approval to schedule the joint workshop on Thursday, June 22, 2017 at 1:00 p.m., to be held at the Marion County Growth Services training room.

Budget/Impact: None.

Recommended Action: Request approval to schedule a joint workshop to discuss homelessness on Thursday, June 22, 2017 at 1:00 p.m. at the Growth Services training room.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule a joint workshop with the Ocala City Council on Thursday, June 22, 2017 at 1:00 p.m. at the Growth Services training room to discuss homelessness. The motion was unanimously approved by the Board (5-0).
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12. COMMISSIONER ITEMS:
12A. Commission Comments
12A1. Commissioner Bryant - Request to Designate a Portion of SW 103rd Street Road, East of SW 49th Avenue and Ending at SW 38th Avenue in Marion County, in Honor of Walter C. Layne
The Board considered the following recommendation from ACA Rickman, Administration:
Description/Background: The members of Kingsland Ocala Waterway Owners Association (KOWOA) have recently made a specific request for a county road designation naming a portion of SW 103rd Street Road in honor of Walter C. Layne.
Mr. Layne, the Volunteer Director and President of KOWOA for 12 years, has gone above and beyond the call of duty in his position to the betterment of this community and its members and has orchestrated paving the roads and implementing an MSBU for continued quality future maintenance of the community. Staff is requesting Board's consideration and approval of the county road designation in honor of Mr. Layne.
Attached is the written request to Commissioner Bryant, three letters of support from members of the community and a map showing the requested county road location designation.
Budget/Impact: None.
Recommended Action: Motion to approve the road designation in honor of Mr. Walter C. Layne.
Commissioner Bryant advised that Mr. Layne has been a volunteer director and president of the KOWOA for 12 years and the residents feel Mr. Layne has gone above and beyond the call of duty; therefore, a request was made for a road designation in honor of Mr. Walter Layne.
A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve the road designation in honor of Mr. Walter C. Layne. The motion was unanimously approved by the Board (5-0).

12A2. Commissioner Moore - Request Approval to Amend the Existing Road Dedication Signs Honoring George J. Albright, Sr. on CR 42 in Weirsdale to Include George J. Albright, Jr.
The Board considered the following recommendation from ACA Rickman, Administration:
Description/Background: On December 2, 1997, the Board dedicated a portion of CR 42 in Weirsdale in honor of George J. Albright, Sr. A map showing the county road location is attached.
Mr. George J. Albright, III, has requested the road dedication signs honoring his grandfather, George J. Albright, Sr. to be amended to include his father, George J. Albright, Jr. in the recognition on the signs.
Staff is recommending approval of the amendment to the dedication signs to reflect both the names of George J. Albright Sr. and George J. Albright, Jr.
Budget/Impact: None.
Recommended Action: Motion to approve amending the existing road dedication signs honoring George J. Albright, Sr. on CR 42 in Weirsdale to include George J. Albright, Jr.
Commissioner Moore commented on the contributions made by George Albright, Jr. to the community.

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A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to approve amending the existing road dedication signs on CR 42 in Weirsdale honoring George J. Albright, Sr. to include George J. Albright, Jr. The motion was unanimously approved by the Board (5-0).

Commissioner Stone stated the Centers’ Chief Executive Officer (CEO) Tim Cowart has resigned, noting Mr. Cowart will remain on staff for 120 days to allow time for a replacement to be found.

Commissioner Moore thanked all first responders and staff for their hard work.

Commissioner Gold shared a brief video that went viral regarding 2 Marion County Fire Rescue employees that happened upon a structure fire. Levi Nevels, MCFR, stated the unit was leaving the hospital when he and Ben Miranda noticed smoke coming from the Spruce Creek area and were able to arrive on scene in approximately 2 minutes. Commissioner Gold expressed his appreciation to both MCFR employees. In response to Commissioner Gold, Fire Chief Paul Nevels, MCFR, advised that the county continues to trend upwards throughout the years with structure fires, noting MCFR runs roughly 700 working fires per year. He stated wall time and bed delays are an ongoing issue, which should decrease as summer approaches. Commissioner Gold questioned if The Villages Hospital is associated with the bed delays. Commissioner Bryant advised that MCFR rarely transports to The Villages. The Board is working with Ocala Regional Medical Center (ORMC), Monroe Regional Medical Center (MRMC), The Centers and The Vines to address issues. She stated changes have been made to procedures to resolve the ongoing issue and a solution should be reached by the beginning of July.

Commissioner Bryant noted an agenda Item will be presented to the TDC Board in the near future to assist with the God and Country Day event. Chairman Zalak advised that the TDC has already approved the item.


Mr. Bouyounes requested the Board allow him to address the Notation for Record in regard to Items 13A5 and 13A6, noting some revisions were made. He stated he needs consensus from the Board to accept them into the record. It was the general consensus of the Board to agree to the revisions. The revision to Item 13A5 corrects scrivener’s errors in the title, which should read as follows: Present Declaration Dated May 3rd, 2017, Extending the Order Dated April 25, 2017, Declaring a State of Local Emergency, Pursuant to Chapter 252.38(3)(a)(5), Florida Statutes, and Placing a Ban on Certain Burning within the County.

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This matter was addressed with Item 13A5. It was the general consensus of the Board to agree to the revisions.
The revision to Item 13A6 corrects scrivener's errors in the title, which should read as follows: Present Declaration Dated May 9, 2017, Extending the Order Dated April 25, 2017, Declaring a State of Local Emergency, Pursuant to Chapter 252.38(3)(a)(5), Florida Statutes, and Placing a Ban on Certain Burning within the County.

12B. Commission Calendar
The Chairman acknowledged receipt of the Commission calendar covering the period of May 16, 2017 through June 15, 2017.

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

13. NOTATION FOR RECORD:
13A. County Administrator Informational Items:
13A1. Outside Counsel Fees/March, 2017 — April, 2017
13A2. Present Building Safety Productivity Report for Month of April, 2017
13A3. Present Ocala/Marion County Chamber & Economic Partnership (CEP) Activity Report for March and Performance Matrix YTD 2017
13A4. Present Solid Waste Department Monthly Operation Report for April 2017
13A7. Present Letter Dated May 2, 2017 from City of Dunnellon Mayor Walter Green Regarding Molly's Law

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 the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 32119, 39435, 39436, 47579
13D2. Present Regular Report of Utilization for Reserve for Contingencies
13D3. Present Monthly Report for the Building Department Budget and Actual
13D4. Present Memorandum From David R. Ellsperrmann, Clerk Of Circuit Court And Comptroller, Regarding The Filing Of Ordinances 17-09 (Wireless Communications Facilities) And 17-10 (Zoning) With The Secretary Of State's Office

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13D8. Present Report No. 2017-08 Regarding MSTU NE 37th Street from NE 14th Avenue to NE 16th Avenue Road Improvements Petition Count by Internal Audit Division

13E. Present for information and record, minutes and notices received from the following committees and agencies:
13E1. Board of Adjustment (BOA) - April 3, 2017
13E2. Development Review Committee (DRC) - April 17 and 24, 2017
13E3. License Review Board (LRB) - January 10, February 14 and March 14, 2017
13E4. Marion County Hospital District Board of Trustees (MCHD) - March 27, 2017
13E5. Planning & Zoning Commission (P&Z) - March 27, 2017
13E7. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at http://www.floridaswater.com
13E8. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at http://www.ocalafli.org/tpo
13E9. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at http://www.wrwsa.org

There was a recess at 12:37 p.m.
The meeting reconvened at 2:04 p.m. with all members present.

Also present were: Growth Services Director Sam Martsof, 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, and ACA Jeannie Rickman.

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 Windberg advised that there are 6 Proofs of Publication to be presented for this afternoon’s meeting.
The first Proof of Publication is entitled, “Notice of Intention to Vacate Plat or Portion of Plat of Brookfield Annex” published in the Voice of South Marion newspaper on April 20 and 27, 2017. The Notice states the Board will consider adoption of a Resolution as petitioned by Mark J. & Leslie A. Weiler and Kathryn M. Scheer, as Trustee of the Kathryn M. Scheer Revocable Trust. (Item 14B1).
The second Proof of Publication is entitled, “Notice of Public Hearing to Close and Abandon Road(s)” published in the Voice of South Marion newspaper on April 6, 2017. The Notice states the Board will consider adoption of a Resolution as petitioned by Peggy T. Gehl, individually and as Manager of Silver Jet Services, LLC. (Item 14B2).
The third 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 May 2, 2017. The Notice states the Board will consider Comprehensive Plan Amendment 17-L04 (Item 14C7), Large Scale Future Land Use Map (FLUM) Amendment.

The fourth 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 May 2, 2017. The Notice states the Board will consider Comprehensive Plan Amendment 16-L08 (Items 14C1 and 14D1), Large Scale Future Land Use Map (FLUM) Amendment.

The fifth 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 May 2, 2017. The Notice states the Board will consider Comprehensive Plan Amendment 17-L02 (Items 14C6 and 14D2), Large Scale Future Land Use Map (FLUM) and Future Land Use Element (FLUE) Amendments.

The final Proof of Publication is No. A000910223 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on May 2, 2017. The Notice states the Board will consider adopting an Ordinance approving Large Scale Comprehensive Plan Amendments, rezoning and/or Special Use Permit applications, as well as considering adoption of an Ordinance (Item 14D3).

Chairman Zalak stated the County Attorney will now address the process for today's zoning hearings.

County Attorney Minter advised that matters pertaining to Special Use Permits and rezonings are considered quasi-judicial proceedings, which means that members of the BCC are in effect acting like judges. The Board needs to hear testimony that is in the form of evidence. When someone from the audience speaks in favor or against the item they are here for they should not give their opinion, such as whether or not you like the proposal. If speaking in support of a proposal, the speaker should address the benefits of the application; on the other hand, if you are here to oppose a particular application, the Board should be given specific facts of things that will be adverse to your interest, neighborhood or area. For instance, if you feel there is some proof that the project will create noise, too much traffic, or some kind of danger, those are the types of facts that the Board needs to hear in order to make a wise decision to either approve or not approve a project.

The Agenda includes a couple of Consent Items that Growth Management Director Martsolf will discuss. If there is no opposition to the Consent Agenda Items they will be approved in one motion by the Board. If you are here regarding Consent Items, you may leave once those items have been approved or denied. Should anyone present have an interest in addressing any of the Consent Items they need raise their hand when they are described by Mr. Martsolf, so that those items can be heard.

Chairman Zalak advised that the applicant will address the Board and describe the project. Those present will then have an opportunity to address the Board as to any questions they may have. At the end of public comment the Board will submit questions asked back to the applicant where they will have an opportunity to provide answers.

14A. Planning and Zoning Consent Items:

Growth Services Director Sam Martsolf advised that the five (5) petitions listed on the consent agenda, including any accompanying sub-items, are recommended for approval by both the Planning Division and the Planning and Zoning (P&Z) Commission. He stated the consent agenda items will be acted on in one motion, as follows:

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<table>
<thead>
<tr>
<th>ITEM NUMBER</th>
<th>OWNER</th>
<th>FROM-TO</th>
<th>ACREAGE</th>
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<tr>
<td>1</td>
<td>170502SU Robert &amp; Wanda Bircher</td>
<td>Special Use Permit in R-4</td>
<td>3.0</td>
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<tr>
<td>2</td>
<td>170505SU Joyce Hill McKee</td>
<td>Renewal of Special Use Permit in B-4</td>
<td>0.27</td>
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<tr>
<td>3</td>
<td>170508SU Dorchester 5, LLC</td>
<td>Special Use Permit in MH</td>
<td>6.09</td>
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<td>4</td>
<td>170510Z Marion County</td>
<td>B-4 &amp; P-MH to G-U</td>
<td>63.81</td>
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<td>4a</td>
<td>170511SU Marion County</td>
<td>Special Use Permit in G-U</td>
<td>63.81</td>
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PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Gaekwad and seconded by Mr. Colen, to agree with staff’s findings and recommendation, and recommend approval of the following Consent Agenda items (170502SU, 170505SU, 170508SU, 170510Z and 170511SU) 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 6 to 0.

Growth Service Director Martsolf referred to Item 14C4 by Castro’s Enterprises, Inc. (170509Z), which is a zoning change request from Conditional B-5 to B-5 (Heavy Business). He advised that although the request did not receive any opposition from surrounding property owners, both staff and the P&Z Commission recommend denial of the zoning change from Conditional B-5 to B-5; however, they both recommend a rezoning to B-4 (Regional Business) with a Special Use Permit. Mr. Martsolf noted the applicant is in agreement with the recommendation; therefore, staff is requesting the BCC move this Item to the Consent Agenda.

It was the general consensus of the Board to include Item 14C4 as part of the Consent Agenda.

Chairman Zalak opened the floor to public comment.
There being none, Chairman Zalak advised that public comment is now closed.
A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve consent agenda items 14A1 through 14A4a and 14C4, 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:

14A1. 170502SU - Robert and Wanda Bircher, Special Use Permit in R-4, 3 Acres
The Board adopted Resolution 17-R-145 granting a petition by Robert and Wanda Bircher (owners) / Leonard & Patricia Price (applicants), 4454 SW 32nd Place, Ocala, FL, for a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, for 2 horses in a R-4 (Residential Mixed Use) zone on approximately 3 acres of Parcel Account No. 23813-015-00. Resolution 17-R-145 contains the following Conditions:
1. A maximum of two horses may be kept on the property. The pasture will be maintained using acceptable FDEP Best Management Practices to prevent denuded areas and excessive dust.
2. Animal waste shall be removed from the property twice each week, unless it is spread or composted in accordance with accepted FDEP Best Management Practices.

3. The Special Use Permit is effective for the total 3 acre site, and shall terminate if the parcel is subdivided.

4. The Special Use Permit shall expire on May 16, 2020. The property owner may submit a new Special Use Permit Application for consideration to renew and extend this permit in the future.

14A2. 170505SU - Joyce Hill McKee, Renewal of Special Use Permit in B-4, .27 Acres
The Board adopted Resolution 17-R-146 granting a petition by Joyce Hill McKee (owner/applicant), PO Box 4674, Ocala, FL, for renewal of Special Use Permit 120201SU, Articles 2 and 4 of the Marion County Land Development Code, for residential use of an existing duplex (1983), in a B-4 (Regional Business) zone on approximately 0.27 acre of Parcel Account No. 29899-000-00. Resolution 17-R-146 contains the following Conditions:

1. This Special Use Permit shall run with the applicant (Joyce McKee) and not the property.

2. The Special Use Permit shall expire May 16, 2022; however it may be renewed administratively for up to 3 consecutive times by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director 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 Director 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).

14A3. 170508SU - Dorchester 5, LLC, Special Use Permit in MH, 6.09 Acres
The Board adopted Resolution 17-R-147 granting a petition by Dorchester 5, LLC (applicant) / Steven H. Gray, Esquire (applicant), 2100 SE 17th Street, Suite 802, Ocala, FL, for a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, for proposed medical clinic, recreational sports field and eventually a larger Guatalupana Mission Church, in an MH (Manufactured Housing) zone on approximately 6.09 acres of Parcel Account Nos. 2130-001-010, 2130-001-011, 2130-001-012, 2130-001-013 and 2130-001-014. Resolution 17-R-147 contains the following Conditions:

1. The site shall be developed and operated consistent with the Concept Plan and the conditions as provided with this approval.

2. The site shall be limited to the following improvements: one 1-story church building (7,000 SF/300 seats), one 1-story medical clinic (2,000 SF), one multi-use sports field (soccer, football), one ballfield (baseball, softball, kickball), and supporting improvements (parking, driveway, signage) as
shown on the Concept Plan. However, the church and clinic may be expanded and/or added to up to but not exceeding 25% of the listed square footage (1,750 SF for the church and 500 SF for the clinic, respectively), without requiring consideration through the Special Use Permit process. Any further expansion beyond the gross maximum structure amounts allowed (8,750 SF for the Church and 2,500 SF for the clinic) will require obtaining a new Special Use Permit per the Land Development Code (LDC).

3. No approval is granted for the three 1-story classroom buildings along the site’s east boundary, and the development of any such buildings would require submitting for and obtaining a new/additional Special Use Permit for authorization.

4. Along the site’s north boundary, development of the site shall comply with the following:
   a. For the LDC required Type “B” Buffer, the interior side buffer wall requirement may not be waived; however, a LDC Waiver(s) may be obtained to phase installation of the buffer and buffer wall to correspond with the site’s development and/or to allow a “blank building wall” to function as the buffer wall in lieu of providing two parallel walls; or
   b. In lieu of the regularly required Type “B” Buffer, a modified Type “A” Buffer, including a minimum 6’ high continuous interior side opaque vinyl privacy/buffer fence shall be installed and maintained to run parallel to the boundary; however, a LDC Waiver(s) may be obtained to phase installation of the buffer and buffer fence to correspond with the site’s development and/or to allow a “blank building wall” to function as the buffer fence in lieu of providing two parallel barriers.

5. Along the west boundary, a modified Type “E” Buffer, increasing the buffer width to a minimum 10’ wide and increasing the minimum number of shade trees from four to five shade trees per 100 linear feet, shall be provided; however, a LDC Waiver may be obtained to phase installation of the buffer to correspond with the site’s development.

6. The sport/ball fields shall not be lighted or used/operated after dark. However, an exception to night-time use maybe permitted as part of a Special Event Permit issued consistent with Marion County regulations.

7. The general/day-to-day ingress/egress shall be from W. Hwy 40 via the existing Guadalupana Mission Complex immediately east of the site.

8. A gated emergency ingress/egress connection may be provided to NW 112th Court and the Dorchester Estates Subdivision (DES); however, no general/day-to-day ingress/egress shall be provided through DES. In the event an agreement to allow general/day-to-day ingress/egress through DES is reached between the site owner and the Dorchester Estates Property Owners Association, and upon recording of said agreement, NW 112th Court may then be used for general/day-to-day ingress/egress without requiring any amendment and/or reconsideration of this specific Special Use Permit condition.

9. Following vacation of the site from the DES, the site shall be consolidated/combined with, and maintained as, a single operational property with the adjoining Guadalupana Mission Complex property
(currently PID# 21108-000-00); further, the Special Use Permit will terminate in the event there is a division or subdivision of the site and/or it is separated from the current Guadalupana Mission Complex property.

10. The Special Use Permit shall run with the Diocese of Orlando/Guadalupana Mission and not with the property.

14A4. 170510Z - Marion County, B-4 and P-MH to G-U, 63.81 Acres
The Board granted a petition by Marion County (owner/applicant), 601 SE 25th Avenue, Ocala, FL, for a Zoning Change, Articles 1, 2 and 4 of the Marion County Land Development Code, from B-4 (Regional Business) and P-MH (Mobile Home Park) to G-U (Government Use), on approximately 1.54 acres on a portion of Parcel Account No. 31872-000-00.

14A4a. 170511SU - Marion County, Special Use Permit in G-U, 63.81 Acres
The Board adopted Resolution 17-R-148 granting a petition Marion County (owner/applicant), 601 SE 25th Avenue, Ocala, FL, for a Special Use Permit, Articles 1, 2 and 4 of the Marion County Land Development Code, for a Fire Station in a G-U (Government Use) zone on approximately 1.54 acres on a portion of Parcel Account No. 31872-000-00. Resolution 17-R-148 contains the following Condition:

1. The site shall be developed and operated consistent with the submitted conceptual plan.

14C4. 170509ZSU - Castro's Enterprises, Inc., Conditional B-5 to B-5, 1.03 Acres
The Board adopted Resolution 17-R-149 granting a petition by Castro's Enterprises, LLC (owner) / Jose Castro (applicant), 8260 SE 58th Avenue, Ocala, FL, for a Zoning Change, Articles 2 and 4 of the Marion County Land Development Code, from B-5 conditional zoning to B-4 (Regional Business) with a Special Use Permit on approximately 1.03 acres of Parcel Account No. 9025-0621-11.
Resolution 17-R-149 contains the following Conditions:

1. The site shall be operated consistent with the existing site plan.
2. No junk vehicles, scrap vehicles or wrecked automobiles will be kept or maintained on the property except those upon which work is actively being performed and those will be kept on property only so long as the work is active. Any vehicles that are on the property for such work will be kept in a fenced area behind the building in which the business is located.
3. The paint and body shop will have no more than three employees assigned to it and business will be conducted in the paint and body shop only between the hours of 8:00am and 8:00pm.
4. This special use permit will expire May 16, 2022 except that it may be renewed administratively for five year increments by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director 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
equivale/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).

14B. Individual DRC Waiver Requests for Consideration:
14B1. Request Approval of a Resolution to Vacate a Portion of the Plat of Brookfield Annex Subdivision, as Recorded in Plat Book M, Pages 77-78

The Board considered the following recommendation from County Engineer Tracy Straub, OCE:

Description/Background: This is a request for approval of a Resolution by Petitioners Mark J. Weiler, Leslie A. Weiler and Kathryn M. Scheer as Trustee of the Kathryn M. Scheer Revocable Trust to vacate Lot 3 of Brookfield Annex Subdivision (Parcels 06114-001-00, 06114-001-02 and 06114-001-01) in order to cure a plat violation resulting from splitting Lot 3. This request was considered by the Development Review Committee on April 10, 2017 and it was the Committee's recommendation that the petition be granted subject to parcels 06114-001-00 and 06114-001-02 being combined back together.


Recommended Action: Motion to adopt the attached Resolution to vacate Lot 3 of Brookfield Annex Subdivision as recorded in Plat Book M, Pages 77-78, subject to combining parcels 06114-001-00 and 06114-001-02 and to authorize the Chair and Clerk to execute the same.

Growth Services Director Martsolf advised that this 32 acre subdivision was platted in 1973 and over time was illegally divided into 3 separate parcels. Approving the request will eliminate the underlying plat and divide the parcels legally. Both staff and the DRC recommended approval.

Chairman Zalak opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Resolution 17-R-150 vacating portion of plat, subject to combining parcels 06114-001-00 and 06114-001-02. The motion was unanimously approved by the Board (5-0).

Resolution 17-R-150 is entitled:

Resolution to vacate a portion of plat of Brookfield Annex as recorded in Plat Book M Page 77 & 78 Public Records of Marion County, Florida

14B2. PUBLIC HEARING - To Consider Adoption of a Resolution to Close and Abandon Certain Streets and Alleys Located in West End Ocala Subdivision, as Recorded in Plat Book A, Page 57

The Board considered the following recommendation from County Engineer Straub, OCE:

Description/Background: This is a request to consider approval of a Resolution to close and abandon certain streets and alleys located in West End Ocala Subdivision, Plat Book A, Page 57. The property associated with this request has been annexed into the City of Ocala limits and the applicant obtained City of Ocala approval of a conceptual site development plan in 2015 (see attached City of Ocala Resolution 2015-77).
During the required notification process, one letter of objection was received from an adjacent owner (also attached). This request and the objection received were considered by the Development Review Committee on February 27, 2017 and it was the committee's recommendation that the petition be granted.

Budget Impact: None.

Recommended Action: Motion to adopt the Resolution closing and abandoning certain streets and alleys located in West End Ocala Subdivision and authorize the Chair and Clerk to execute the same.

Growth Services Director Martsolf advised that the subdivision is located at the intersection of NW 60th Avenue and West Highway 40, was platted in 1889 and has been annexed into the City of Ocala limits. The applicant has submitted a Conceptual Plan to the City of Ocala; however, in order to vacate the plat the applicant must receive approval from the county. Both staff and DRC recommend approval.

Chairman Zalak opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Gold, to adopt Resolution 17-R-151 to close and abandon certain streets and alleys located in West End Ocala Subdivision. The motion was unanimously approved by the Board (5-0).

Resolution 17-R-151 is entitled:

A Resolution of the Board of County Commissioners of Marion County, Florida to close and abandon road(s).

14C. Planning and Zoning Items for Individual Consideration:

14C1. 16-L08 - Manuel Olivier, USA Ymor Lime Investments LP, High Density to Urban Residential, 20 Acres; High Density to Employment Center, 20 Acres

The Board considered the Large Scale Comprehensive Plan Amendment by Manuel Olivier, USA Ymor Lime Investments LP (owner) / Tillman & Associates Engineering, LLC (applicant), 1 Des Huards Street, Verdun PQ, H3E 1X9, for a land use change, Articles 1, 2 and 3 of the Marion County Land Development Code, from High Density to Urban Residential on approximately 20 acres and High Density to Employment Center on approximately 20 acres of Parcel Account Nos. Nos. 35308-000-00 and 35334-008-00.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 0 of 20 = 0%.

PLANNING & ZONING COMMISSION RECOMMENDATION: Motion made by Mr. Lourenco, seconded by Mr. Colen, to agree with staff's findings and recommendation, and recommend approval based on the following Consent Agenda items (161201SU, 161202SU, 161205SU, 161206Z, 161210SU and 16-L08) 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 4 to 0 with Mr. Bailey abstaining due to a conflict of interest.

(Ed. Note: P&Z Commission recommendation from 11/28/16 meeting, which was placed on the 12/20/16 and 2/21/17 BCC Agendas.)

Growth Services Director Martsolf, advised that the next 3 Items (14C1, 14C2 and 14C3) were previously considered and approved by the BCC on February 21, 2017; however, it was later learned that this matter was not properly advertised.

Mr. Martsolf stated Items 14C1, 14C2 and 14C3 are a combination of a land use amendment for a higher density (16-L08), an associated rezoning request (161207Z) from
May 16, 2017

R-1 (Single Family Residential) and B-2 (Community Business) to a Planned Unit Development (PUD), and a Developer’s Agreement Termination (16-DT6), which has expired on the property.

It was noted that both Growth Services staff and the P&Z Commission recommended approval.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, representing the applicant, was present and stated he will wait until after public comment to answer any questions.

Chairman Zalak opened the floor to public comment.

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

Mr. Tillman, opined that the only reason this matter was not placed on the Consent Agenda was due to several inquiries by a resident in the neighborhood. He advised that he spoke with that individual who does not have any issues with the project and is hoping that it moves forward sooner rather than later. Mr. Tillman provided a brief overview of the project, which allows for low density on the west side of the property adjacent to the neighboring residential section, 10 acres of Commercial, 20 acres of High Density, 20 acres of Urban Residential and approximately 20 acres for an Employment Center.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to approve Large Scale Comprehensive Plan Amendment No. 16-L08, agreeing with 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, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

14C2. 161207Z - Manuel Olivier, USA Ymor Lime Investments LP, R-1 and B-2 to PUD, 70 Acres

The Board considered a petition by Manuel Olivier, USA Ymor Lime Investments, LP, 1 Des Huards Street, Verdun PQ, H3E 1X9, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-1 (Single Family Dwelling) and B-2 (Community Business) to PUD (Planned Unit Development) on approximately 70 acres of Parcel Account Nos. 35308-000-00 and 35334-008-00. (16-L08)

Written opposition within 300 feet 0 of 20 = 0%.

Planning and Zoning Commission recommendation: Motion was made by Mr. Colen seconded by Mr. Lord to agree with staff’s findings and recommendation, and recommend approval of the zoning 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 4 to 0 with Mr. Bailey abstaining due to a conflict of interest.

(Ed. Note: P&Z Commission recommendation from 11/28/16 meeting, which was placed on the 12/20/16 and 2/21/17 BCC Agendas.)

This matter was addressed with Item 14C1 (16-L08).

A motion was made by Commissioner Gold, seconded by Commissioner Moore, to approve the Zoning Change from R-1 and B-2 to PUD, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with the surrounding land uses, is consistent with the Comprehensive

Book W, Page 499
Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

14C3. 16-DT6 - Manuel Olivier, USA Ymor Lime Investments LP, Developer's Agreement Termination & Expiration Acknowledgement, 60 Acres
The Board considered the request by Manuel Olivier, USA Ymor Lime Investments, LP, 1 Des Huards Street, Verdun PQ, H3E 1X9, to acknowledge the prior Developer's Agreement expiration without requiring extension and/or renewal. This matter was addressed with Item 14C1 (16-L08).
A motion was made by Commissioner Moore, seconded by Commissioner Gold, to agree with Growth Services staff and the P&Z Commission and grant the Developer's Agreement Termination and Expiration Acknowledgement. The motion was unanimously approved by the Board (5-0).

14C5. 17-L02 - 21069-007-01 LLC., 21087-001-00 LLC., and 21087-001-02 LLC., to Remove Portion of Subject Property from the Farmland Preservation Area, 505 Acres
The Board considered the Large Scale Comprehensive Plan Amendment by 21069-007-01, LLC, 21087-001-01, LLC and 21087-001-02, LLC, Donald R. DeLuca, Vice President, (owner) / Jimmy Gooding (applicant), 7290 College Parkway, Suite 400, Fort Myers, FL, to codify the terms of a Stipulated Settlement Agreement; adjust the Farmland Preservation Area boundary to remove the subject parcels; and amend the minimum development density in Medium Density Residential future land use category in the Comprehensive Plan on approximately 504.48 acres of Parcel Nos. 21069-007-01, 21087-001-00 and 21087-001-2.

WRITTEN OPPOSITION WITHIN 300 FEET: 1 of 32

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen seconded by Mr. Gaekwad to disagree with staff's findings and recommendation, and recommend approval of the Large Scale Amendment based on the following findings of fact:
1. Will not adversely affect the public interest.
2. Is consistent with the Marion County Comprehensive Plan.
3. Is compatible with the surrounding land uses.
The Motion passed 6 to 0.

The Planning and Zoning Commission supported the applicant's request to not be required to have central water and sewer.
(Ed. Note: P&Z Commission recommendation from 2/27/17 meeting, which was placed on the 3/21/17 BCC Agenda.)
Senior Planner Kim Dinkins, Growth Services, presented a 24 page handout and commented on the requests to modify the county's Comprehensive Plan by removing a portion of the subject property, which lies just north of West Highway 40 and west of NW 80th Avenue, from the Farmland Preservation Area. She addressed the background regarding this item, noting the Comprehensive Plan Amendments are being requested to enact the terms of a Stipulated Settlement Agreement that came about as a result of the legal opposition to the BCC's approval for a future land use amendment from Rural Lands to Low Density Residential land use on the combined 504 acre site. The Medium Density Residential was already Medium Density and the Rural Lands have now become Low Density Residential based on BCC actions. The properties were acquired by entities...
under a common ownership of the World Equestrian Center and Golden Ocala and is expected to be part of a larger project.

Ms. Dinkins advised that the applicant is requesting 3 amendments to the Comprehensive Plan, including the 2 Text Amendments and 1 Map Amendment. The Stipulated Settlement Agreement contains 3 provisions being requested for incorporation into the Marion County Comprehensive Plan under a new Objective and Policy. The provisions being requested by the applicant include: all lots must be 3 acres or more in size; the developer may use individual wells and conventional septic systems; and that there is no access to NW 100th Avenue for this portion of the project. The request also asks that the boundary of the Farmland Preservation Area be removed from the subject parcels and that the minimum density of the Medium Density Residential be decreased to less than 1 dwelling unit per acre (du/a) in order to allow for the 3 acre parcels. Staff has addressed 2 of the requests, which can be found on the last page of the handout under Policy 10.6.1. Staff's main concern is the request that the developer may use individual wells and conventional septic systems, which is not consistent with the Comprehensive Plan or the LDC and is the least effective method for managing water and wastewater resources. Staff recently learned that the project engineer is working on an alternative scenario for the additional 175 equestrian sized lots that will be coming before the BCC for consideration in June, 2017.

Ms. Dinkins addressed staff's concern with fire flow and the safety of citizens due to the lack of a centralized water system. She noted Golden Ocala, from a municipal standpoint, is the highest water user in Marion County, and staff has not received any assurance that the new development will be a better steward. In terms of wastewater, staff knows that municipal/centralized wastewater systems are the most effective for nitrogen reduction and conventional septic systems are the worst-case scenario. There are a number of options; however, none have been proposed as part of the development application. In regard to the request that the minimum density of the Medium Density Residential be decreased to less than 1 du/a, Ms. Dinkins stated this is addressed under Policy 10.6.1. for this project only and is not a countywide Policy change.

Jimmy Gooding, SE 36th Avenue, attorney, representing the applicant on the project, advised that some of the language added to the new Text Policy was actually suggested by the Department of Economic Opportunity (DEO) in connection with its expedited review of the Comprehensive Plan Amendment to help clarify the intent of the Amendment. He noted at the last BCC meeting the Board agreed that instead of requiring enhanced nitrogen reduction systems at this time, it will wait and adopt the alternative language for a condition that stipulates the use of enhanced septic tanks when required by the state or county’s LDC. Mr. Gooding advised that the applicant is willing to work with the county on this issue; however, it is his opinion that the technology for enhanced systems is not there yet and densities in this project are less than what central water and sewer systems are designed for and reiterated that he will continue to work with staff. The applicant is requesting that this application only be required to use enhanced nitrogen reduction systems to the extent that the state or county later requires.

Mr. Gooding referred to Policy 10.6.1., and commented on previous discussions relating to the limitation on lot sizes, noting some language was originally suggested that reduced densities on the Table (Table 2-1 of the FLUE concerning minimum densities for Medium Density Residential) of the Comprehensive Plan for which DEO recommended alternative language that instead allows for lower densities in Medium Residential if there is a Text
Policy in other Comprehensive Plan provisions that permit it, which is what is happening here with this Text Amendment.
Chairman Zalak opened the floor to public comment. There being none, Chairman Zalak advised that public comment is now closed.
Chairman Zalak stated the Board needs to make several decisions in regard to the septic tank issue. Mr. Gooding clarified that this property will come back before the Board as part of a larger proposal; however, this issue must be addressed today as part of the Settlement Agreement. Chairman Zalak stated the county would not allow another developer to construct a new subdivision without having an advanced wastewater treatment facility or some type of real plan in place. Mr. Gooding reiterated that the applicant will address this issue as part of a larger proposal and is still working with staff and consultants concerning the technology. Chairman Zalak opined that staff believes there is enough technology to get something going today. Mr. Gooding commented on conflicting reports from the Department of Health (DOH) that states enhanced systems do not work versus consultants that say they do work. He addressed the legal issues associated with the Settlement Agreement and advised that as a Condition of the Settlement Agreement the applicant has agreed to develop at a minimum of 3 acre lot sizes. Based on that Condition he is requesting well and septic systems be allowed on this property only. Mr. Gooding reiterated that based effectiveness, enhanced system technology has not been proven and should not be required at this time.
David Tillman, Tillman & Associates Engineering, LLC, SE 17th Avenue, reiterated that this project needs to be approved independently, but is encompassed in the overall PUD that will be brought back before the BCC in June, 2017. He clarified that the language, as written, will allow conventional septic tanks on this portion of the property.
Mr. Gooding noted this project is part of an overall Development of Regional Impact (DRI) sized Comprehensive Plan, not just a PUD, and will not be effective unless a Text Policy is included. The Text Policy will apply to the entire property, including the subject site, which allows the Board an opportunity to again address water and wastewater issues. Chairman Zalak questioned if, as a collective project, it may be more apt to support the advanced treatment systems. Mr. Gooding stated he cannot make any promises, except that they are looking into it, because it is based on the cost and engineering. Chairman Zalak advised that he is under the impression that as a Board, it should look at the Farmland Preservation Area boundary as a bigger chunk versus just taking this particular property and bumping it out, which may not be the best-case scenario from a planning standpoint. Mr. Gooding concurred, noting he will be bringing that matter forward as part of a larger application. He clarified that the larger application will move the Farmland Preservation line farther to the west side of NW 100th Avenue and then north. He advised that one of the challengers, Dr. Michelle Sivilich, firmly believes that new urban type land uses should not be approved within the existing Farmland Preservation Area boundary. This is one of the issues that the challengers wanted completed in the Settlement Agreement. Mr. Gooding opined that it is a piecemeal solution, but will make for a better boundary line. Chairman Zalak opined that it will be better for the Board to have a review performed relating to amending the Farmland Preservation Area boundaries and have staff bring back a couple of options for the Board to consider and handle internally, whether or not the larger application comes back before the BCC, noting there is more to consider than just this project.
Commissioner Stone stated she is not willing to consider any changes to the Farmland Preservation Area until she has more details/information and a better plan for amending the boundaries.

Chairman Zalak noted he understood the proposed boundary is piece meal; however, the request is part of the Settlement Agreement and opined that at the end of the day the county is getting a much better product than what was originally settled on in the first place.

Mr. Gooding advised that last year the BCC approved changing the property from Rural Density to Low Density, noting attorney David MacKKay, who represented some of the complainants filed an appeal opposing the previous decision for the densities, which started an appeal with the Department of Administration (DOA) involving the applicant and the county. As a settlement of that appeal, the applicant negotiated to increase the minimum lot size to 3 acres rather than 1 du/a, which is currently allowed. The applicant is also increasing the minimum lot size, as to the property (before the Comprehensive Plan Amendment) that had, and still has, Medium Density Residential zoning, which allows 4 du/a. This is a dramatic reduction in density on this property, both before and after the Comprehensive Plan Amendment. He clarified that one of the challengers is very adamant about the need to amend the Farmland Preservation Area boundary and if that part of the request is not approved then the challengers have the ability to nix the Settlement Agreement. That decision will place the applicant, the challengers, and the county back into an Administrative challenge before the DOA.

In response to Commissioner Stone, Ms. Dinkins advised that there are approximately 379 acres affected by changing the Farmland Preservation Area boundaries. Mr. Gooding noted at this time the Farmland Preservation boundary divides the subject property in half.

In response to Commissioner Stone, Mr. Gooding stated the subject acreage currently in the Farmland Preservation Area will all be at least 3 acres, along with the property outside of that boundary as well, noting some may even be larger lots.

Commissioner Stone questioned if the county shifts the Farmland Preservation Area boundary will it still contain the same number of acres. Ms. Dinkins stated the project acreage (379 acres) will be removed from the Farmland Preservation Area. She clarified that the Farmland Preservation Area is an overlay that entitles landowners within that area to place a portion of their property into conservation to receive development credits and can then use those credits in other portions of the county. It does not provide any guarantee against development other than for those areas that are placed into conservation as part of that credit program. Ms. Dinkins explained that the Farmland Preservation Area is based on prime farmland soils, which are recognized by the United States Department of Agriculture (USDA); however, there are portions of the Farmland Preservation Area that are not included in prime farmland soils due to the nature of how they lie geographically.

Chairman Zalak advised that the Farmland Preservation Area was created by past Commissioners to try and prevent the creation of small hamlet developments that would cut up/divide farmlands. He commented on the misconception that the Farmland Preservation Area was created to stop the intrusion of commercial development, which is not the case, noting the area can still have tack shops, hardware shops, etc.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve the Large Scale Comprehensive Plan Amendment No. 17-L02, as amended to include the language as proposed by the applicant, agreeing with Growth Services staff.
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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, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

**14C6. 170302Z - 21069-007-01 LLC., 21087-001-00 LLC. and 21087-001-02 LLC., Modification of PUD, 505 Acres**

The Board considered a petition by 21069-007-01, LLC, 21087-001-01, LLC and 21087-001-02, LLC, Donald R. DeLuca, Vice President, (owner) / Jimmy Gooding (applicant), 7290 College Parkway, Suite 400, Fort Myers, FL, for a modification of existing PUD (Planned Unit Development) 160506Z, Articles 2 and 4, of the Marion County Land Development Code, from PUD with approved concept plan to PUD with revised concept plan, on approximately 505 acres of Parcel Account Nos. 21069-007-01, 21087-001-00 and 21087-001-02. (17-L02).

**WRITTEN OPPOSITION WITHIN 300 FEET**: 1 of 32 = 3%.

**PLANNING AND ZONING COMMISSION RECOMMENDATION**: Motion was made by Mr. Colen seconded by Mr. Gaekwad to agree with staff’s findings and recommendation, and recommend approval based on the following findings of fact:

1. Will not adversely affect the public interest.
2. Is consistent with the Marion County Comprehensive Plan.
3. Is compatible with the surrounding land uses.

The motion passed 6 to 0.

(Ed. Note: P&Z Commission recommendation from 2/27/17 meeting, which was placed on the 3/21/17 BCC Agenda.)

This matter was addressed with Item 14C5 (17-L02).

Senior Planner Kim Dinkins, Growth Services, advised that the request is recommended for approval by both the Planning Division and the P&Z Commission.

Chairman Zalak opened the floor to public comment.

Jimmy Gooding, SE 36th Avenue, attorney, representing the applicant, questioned whether there is language included that will address the number of horses. Ms. Dinkins advised that there is no language in this proposal, noting the issue regarding horses will be addressed by staff during the DRI stage of the project.

Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Gold, to approve the Zoning Change from PUD with approved concept plan to PUD with revised concept plan, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with the surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

**14C7. 17-L04 - McGinley Family Limited Partnership, Employment Center and High Residential to Commerce District, 961.38 Acres**

The Board considered the Large Scale Comprehensive Plan Amendment by McGinley Family Limited Partnership (owner) / Steven H. Gray, Esquire (applicant), 5700 SW Highway 484, Ocala, for a land use change from High Residential and Employment Center to Commerce District on approximately 961.38 acres of Parcel Account Nos. 41205-000-00 and 41205-000-01.

**WRITTEN OPPOSITION WITHIN 300 FEET**: 2 of 466 = 0.4%.
PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen, 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 motion passed 6 to 0.

Senior Planner Chris Rison, AICP, Growth Services, advised that the request is for a Comprehensive Plan Amendment (2017-L04) that will change the land use designation for a portion of the property so that the whole site south of Highway 484 is designated Commerce District, which allows for industrial type distribution centers and manufacturing type activities. Growth Services staff and the P&Z Commission recommend approval. The site is an “out parcel” located within the Marion Oaks Vested Development of Regional Impact (VDRI) development project that makes up the Marion Oaks/McGinley Regional Activity Center (RGAC). The area to the north will remain Employment Center and Urban Residential, which allows for apartment complexes that might support the Commerce District areas to the south. The request will be transmitted to the state (DEO) and come back to the BCC for adoption in approximately 60 days for Board consideration.

Chairman Zalak opened the floor to public comment.
There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Gold, seconded by Commissioner Moore, to approve transmittal of Large Scale Comprehensive Plan Amendment No. 17-L04, agreeing with 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, Florida Statutes (FS) and the Marion County Comprehensive Plan.

Chairman Zalak advised that when the application comes back from DEO, he would prefer staff have a MSTU process setup for this development (i.e., lights, stormwater, long term pavement management, buffering, etc.) so that as businesses come into the development the county can work it out with the industries to help recover some of the long term costs.

Mr. Rison advised that staff can bring this up with the applicant to see if there can be a companion application for a MSTU at that time. It was the general consensus of the Board to concur.

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

Chairman Zalak thanked Mr. McGinley for his help in creating this opportunity, not only for Marion Oaks, but for all of Marion County.

14C8. 170507SU - Hebron Evangelical Church of Marion Oaks, Inc., Special Use Permit in R-1, 5.44 Acres
The Board considered a petition by Hebron Evangelical Church of Marion Oaks, Inc. (owner) / George Parris & John Parris (applicants), 2675 SW 177th Place Road, Ocala, FL, for a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, for a community farmer’s market every Friday 8-2, in an R-1 (Single Family Dwelling) zone on approximately 5.44 acres of Parcel Account No. 8007-0000-21.

WRITTEN OPPOSITION WITHIN 300 FEET: 2 of 47 = 4%.
PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Colen, seconded by Mr. Saju, to disagree 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 motion passed 6 to 0, to recommend approval of a Farmer's Market every Friday.

Senior Planner Ken Weyrauch, Growth Services, commented on the Special Use Permit request for a community farmers market every Friday from 8:00 a.m. to 2:00 p.m. The parcel is zoned R-1 and contains an existing church. The parcel is 5.44 acres in size and the future land use designation is Low Density Residential. Staff analysis reflects that because the site contains a church, it has the facilities to accommodate the request. The applicant has agreed to all of the Special Use Permit Conditions.

It was noted that Growth Services staff originally recommended denial, but later recommended approval; therefore, both Growth Services staff and the P&Z Commission are recommending 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 the applicant Hebron Evangelical Church of Marion Oaks and not the property.
3. Community Farmers Market events be held no more than 1 day a week.
4. Hours of operation will be Fridays between 8 am and 2 pm.
5. Only items permitted in Section 4.3.12, Roadside Vendor and crafts may be sold at this Farmer's Market. No used merchandise, clothes or household furniture/appliances shall be displayed or sold.
6. Ingress and Egress shall be from Marion Oaks Trail only.
7. Over flow parking shall occur on the property and be clearly marked with railroad ties or something similar in effect.
8. The Special Use Permit shall expire May 16, 2020; however the applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

The applicants, Bishop George Parris and his wife Joan Parris were present. Ms. Parris advised that the Centers for Disease Control and Prevention (CDC) has recognized that diabetes prevention involves healthy lifestyle changes. She commented on the number of residents in Marion Oaks that have diabetes, along with high cholesterol and heart disease. Due to these issues, the church currently offers a health program to educate parishioners on the benefits of healthy eating and out of that program came the idea to offer the community affordable, healthy, fresh foods through a farmers market. Ms. Parris noted the church is working with the CDC to offer a Supplemental Nutrition Assistance (SNAP) program.

Chairman Zalak opened the floor to public comment. Pastor Edwin Quintana, SW 31st Avenue Road, opined that it is a great idea to bring fresh foods to the residents of Marion Oaks. He commented on the many different cultures within the community and the need to offer affordable choices that a farmer’s market will offer.

Chairman Zalak advised that public comment is now closed.
Mr. Martzolf referred to the Special Use Permit Condition #4, which states, "Hours of operation will be Fridays between 8 am and 2 pm," and questioned whether the applicants wanted the market specifically on Friday’s or if they would prefer to have the option of any one day per week. He stated the option of having a "floating day" was discussed at the P&Z hearing, but was not included in the Conditions. Bishop George Parris noted his preference to allow for 1 day per week, rather than mandating Friday’s only. Chairman Zalak concurred, noting there may be rain days and the market would have to open on a different day of the week.

Commissioner Bryant commented on a letter of opposition in the Agenda packet from the Marion Oaks Civics Association, noting there is no provision for this venue under their Deed Restrictions.

Mr. Minter advised that the county does not enforce Deed Restrictions, noting this is not a forum to adjudicate the validity of Deed Restrictions. He clarified for the applicant that receiving approval from the county does not resolve a Deed Restriction issue, noting there may be a restriction that will prohibit this type of activity.

Chairman Zalak noted there is also the opportunity to utilize space by the Community Center, so hopefully if it does not work where the applicant is proposing, it will be allowed in and around the Community Center. He stated if there is a Deed Restriction issue, it will have to be resolved outside of the BCC’s purview.

Commissioner Moore stated he has attended many of the Church’s events, which is a multi-cultural church that reaches all in the community.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to adopt Resolution 17-R-152 granting the Special Use Permit with Conditions 1 through 8, as amended (see below), agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest.

**CONDITION NO. 4: Hours of operation will be between 8am and 2pm.**

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

14C9. 170501SU - The Gary L. Phelps Living Trust, Modification of a Special Use Permit in R-1, 4.6 Acres

The Board considered a petition by The Gary L. Phelps Living Trust, Gary Phelps (owner/applicant), 590 NE 63rd Street, Ocala, FL for a Modification of Special Use Permit 161203SU, Articles 2 and 4 of the Marion County Land Development Code, to include 3 head of cattle in an R-1 (Single Family Dwelling) zone on approximately 4.6 acres of Parcel Account Nos. 15137-000-00.

**WRITTEN OPPOSITION WITHIN 300 FEET: 7 of 12 = 58%.**

(17 letters received in favor of the request – 11 of the letters were outside 300’)

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** Motion was made by Mr. Colen, seconded by Mr. Gaekwad, to agree 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 motion passed 4 to 2, with Ms. Mastrantonio and Mr. Lourenco dissenting.
Senior Planner Kim Dinkins, Growth Services, commented on the Special Use Permit request for modification of an existing Special Use Permit that was granted by the BCC to allow for 3 horses in an R-1 zone on approximately 4.6 acres.

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

1. The site shall be developed and operated consistent with the submitted conceptual plan.
2. A maximum of three (3) horses and/or (3) calves, calves being one year in age or less, or combination up to six animals, may be kept on the combined properties, with a minimum pasture size of 20,000 ft² per animal.
3. The pastures will be maintained using acceptable Best Management Practices to prevent denuded areas and excessive dust.
4. Animal waste shall be removed from the property on a bi-weekly basis, unless it is spread or composted in accordance with accepted Best Management Practices.
5. The Special Use Permit is effective for the total 4.6-acre site, and shall terminate if the parcels do not remain together, under the same ownership.
6. The Special Use Permit shall expire on 12/20/2021; 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 staff originally recommended denial; however, since that time staff had the opportunity to meet with the applicants, who have done some improvements to the pasture and the property and provided assurances that they will do the best they can to be good neighbors and adhere to the Special Use Permit Conditions.

Ms. Dinkins presented a 2 page handout containing new Alternate Approval Conditions Nos. 1 through 8, as well as several photographs of the subject property and equipment purchased to maintain the animals (as shown on the overhead screens). She addressed several changes to the proposed Conditions and stated the most notable being that after May 16, 2018, a total of 4 animals will be allowed through 2021.

In response to Chairman Zalak, Ms. Dinkins clarified that the current Special Use Permit 16-R-576 (161203SU) was assigned to the property after the Realtor, Bert Meadows, came before the BCC in advance of a sale of the property and petitioned on behalf of the potential buyers to have that allocation given to the property. She advised that the current Special Use Permit Conditions were broken when the applicant placed cattle on the property; however, the Special Use Permit for the horses is still in place. Once the
applicant was made aware of the issue through a Code Enforcement case, he filed a request to modify the Special Use Permit, but noted the cattle have not been removed from the property. She stated staff originally recommended denial due to the number of residents in the area that are opposed to the request.

Ms. Dinkins commented on the new Special Use Permit Conditions, which will allow the applicant to keep 3 calves and up to 2 horses (for a total of 5 animals) until May 16, 2018, noting the applicant plans on utilizing the calves for personal consumption. She noted when staff originally recommended denial, it was thought that the applicant was going to sell the calves. After May 16, 2018, when the calves are of harvestable age, the applicant will then be allowed a maximum of 4 animals (2 calves and 2 horses, or any combination thereof). This will allow for 1 more animal in addition to what was previously approved and allow cattle instead of just horses on the property. Staff came to this decision after visiting the property and looking at the vicinity, which is transitional from single family residences and Rural Lands to the north, with agricultural properties and a number of livestock type animals to the south and east of this site. She commented on the photographs on the overhead screens that show the applicant has invested in a composter, a dragger to maintain the pasture, as well as planted a hedgerow across the back and eastern sides of the property.

In response to Chairman Zalak, Ms. Dinkins stated the property meets the county's requirement for minimum square footage per animal, noting at the minimum pasture size of 20,000 ft² per animal the applicant can actually maintain up to six animals.

Gary L. Phelps, NE 63rd Street, applicant, was present and addressed the Board in regard to the request. He advised that he moved to Ocala from Ohio and purchased the property through a Real Estate agent who informed him that livestock was allowed on the property. Mr. Phelps stated he raised a lot of cattle in Ohio and is familiar with the process and noted 2 of the horses were brought to Florida from Ohio. He stated he has since bought 3 calves under the impression he was allowed to have livestock on the property. Mr. Phelps noted as soon as he was notified by Code Enforcement that calves are not allowed on this property he filed to amend the Special Use Permit. He stated he loves his animals and noted the area is surrounded by properties that have chickens, donkeys and cattle on them. Mr. Phelps commented on photographs of his property that extends all the way to the road.

In response to Commissioner Gold, Mr. Phelps reiterated that the calves are for human consumption, noting he executed a Statement of Fact; whereby, he stipulated that the calves are for human consumption and will not be sold at auction for profit.

(Ed Note: A copy of the Statement of Fact is included in the Agenda packet.)

Chairman Zalak opened the floor to public comment.

Randy Fenstemaker, NE 63rd Street, advised that he lives on the property directly south of Mr. Phelps and purchased his property from the same owner who divided the large parcel into 3 separate lots that were zoned residential. He showed several pictures of his property and the subject site on the overhead screens and commented on the piles of manure on the applicants' property.

In response to Chairman Zalak, Mr. Fenstemaker stated his property is a flag lot. He advised that the cattle are 10 feet away from his driveway and 60 yards from his front porch, noting the stench from the manure is awful. Mr. Fenstemaker stated that all properties surrounding the subject site are zoned R-1, excluding the top left lot, which is vacant. He commented on the petition (included in the agenda packet) filed by surrounding property owners who are in opposition of allowing cattle on the parcel as part...
of the Special Use Permit. Mr. Fenstemaker reiterated that the property is not being maintained properly, which attracts flies and causes an odor.

Nancy Camp, NE 63rd Street, advised that she agrees with the previous comments, noting she has lived in this area since 1965. She stated years ago, all of the properties were farmlands; however, that is no longer the case since the property has been divided into residential acreage. Ms. Camp opined that it was the applicant’s responsibility to know what he was purchasing and verify that those animals were allowed. She expressed concern that his problem is going to be made everyone else’s problem.

In response to Chairman Zalak, Ms. Camp stated she purchased this property in 1978. Emily Judd advised that she has known the applicant since he moved to Ocala from Ohio, noting she has been to the subject property many times and never noticed issues with odor from the cattle. She stated the property on the other side of the street has cows on it, as well as several llamas. Ms. Judd commented on agricultural properties along NE Jacksonville Road within 1 mile of the subject site (as shown on the overhead screens). Cynthia (no last name given), advised that she lives on the subject property and gave an overview of the updates that are being made on the subject parcel to accommodate the animals (i.e., new gates, equipment, etc.). She commented on animals being kept on surrounding properties, noting the request is for a total of 4 animals.

Robbie Childs, NE 63rd Street, advised that the property used to be owned by a veterinarian, who had all types of animals on the property. He commented on the surrounding residential properties that all have horses on them and opined that the applicant should be allowed to keep his animals. Mr. Childs expressed concern that the applicant is being treated differently than others in the area that have animals.

Barbara Keedy, NE 63rd Street, advised that she lives directly across from the subject parcel, noting she currently has 5 heifers on her property and has had cows on her property for the last 15 years. She noted she has not noticed an increase in odors or flies since the applicant purchased the property and bought his animals. Ms. Keedy opined that the applicant should be allowed to keep his animals.

Chairman Zalak advised that public comment is now closed.

In response to Chairman Zalak, Ms. Dinkins provided an overview of the map for properties surrounding the subject parcel (shown on the overhead screens) and noted the areas in light yellow are zoned R-1 and the orange is R-4. A property owner to the west of the subject site also has a Special Use Permit that allows for 2 horses and does not have an expiration date and does not fall with the owner of the property. She stated the property to south also has horses in an R-1 zoning.

Chairman Zalak opined that it is the cows that are the issue with the request. He questioned whether there were any Code issues when the owners only had horses on the property. Ms. Dinkins stated there was none.

Commissioner Stone clarified that the request is to keep the 3 calves, as well as the 2 horses until May 16, 2018 and after that the Special Use Permit will allow a total of 4 animals that can be any combination of horses and cattle. She advised that she lives in a similar community as being described and is not bothered by any stench whatsoever, noting it does not appear that the calves would be the cause of additional flies.

A motion was made by Commissioner Stone, seconded by Commissioner Gold, to adopt Resolution 17-R-153 granting the Special Use Permit with Alternate Approval Conditions 1 through 9, as amended (see below), based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest.
In response to Chairman Zalak, Ms. Dinkins advised that the animal waste can either be removed from the property on a bi-weekly basis or raked and composted. She stated staff can add a provision that stipulates that the Special Use Permit will run with the owner and not the property. Chairman Zalak concurred, noting it will eliminate a lot of confusion and recommended the provision be part of the Conditions. Commissioners Stone and Gold concurred. He clarified that the Special Use Permit can be renewed administratively for up to 5 years if no complaints or violations.

Commissioner Bryant questioned whether the Special Use Permit should revert back to just horses after May 16, 2018. Commissioners Stone and Gold disagreed.

Resolution 17-R-153 contains the following Conditions:

**CONDITION NO. 1:** The site shall be developed and operated consistent with the submitted conceptual plan.

**CONDITION NO. 2:** From May 16, 2017 through May 16, 2018, a maximum of two horses and three calves, are allowed on the property. After May 16, 2018, a maximum of up to four horses and/or calves, in any combination, may be kept on the property until termination or renewal of the special use permit.

**CONDITION NO. 3:** A minimum pasture size of 20,000 ft² per animal must be maintained.

**CONDITION NO. 4:** The pastures will be maintained using acceptable Best Management Practices to prevent denuded areas and excessive dust.

**CONDITION NO. 5:** Animal waste shall be removed from the property on a bi-weekly basis, unless it is spread or composted in accordance with accepted Best Management Practices.

**CONDITION NO. 6:** A vegetative or opaque buffer shall be maintained along the southern pasture boundary.

**CONDITION NO. 7:** The Special Use Permit is effective for the total 4.6-acre site, and shall terminate if the parcels do not remain together, under the same ownership.

**CONDITION NO. 8:** This Special Use Permit shall run with the applicant (Gary L. Phelps) and not the property.

**CONDITION NO. 9:** The Special Use Permit shall expire on 12/20/2021; 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).

(Ed. Note: Condition NO. 2 was amended and Condition Nos. 3, 6 and 8 were added, which resulted in Conditions 3 through 9 being renumbered.)

The motion was unanimously approved by the Board (5-0).
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14D. Adoption of Ordinance
14D1. 16-L08
A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Ordinance 17-12 adopting Large Scale Comprehensive Plan Amendment No. 16-L08, 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 17-12 is entitled:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING LARGE-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:
   2016-L08, USA Ymor Lime Investments, LP;
   40 +/- ACRES;
   PID# 35308-000-00;
   HIGH DENSITY RESIDENTIAL TO URBAN RESIDENTIAL & EMPLOYMENT CENTER PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

14D2. 17-L02
A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Ordinance 17-13 adopting Large Scale Comprehensive Plan Amendment No. 17-L02, 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 17-13 is entitled:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING LARGE-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES AND TEXT OF THE MARION COUNTY COMPREHENSIVE PLAN:
   2017-L02, D. Wormser/L.R. Roberts/Et. Al. (J. Gooding, Esq.);
   504.48 +/- ACRES;
   PID# 21069-007-01, 21087-001-00, 21087-001-02;
   A – FLUE: NEW OBJECTIVE 10.6 / NEW POLICY 10.6.1 (Reference Exhibit B)
   B- FLUE: AMEND FLUMS MAP MARION COUNTY 2035 FUTURE LAND USE MAP & 12-TRANSFER OF RIGHTS, (Reference Exhibit A, C and D) and PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR
14D3. Zoning
The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Deputy Growth Services Director Sam Martsof and Deputy Clerk Bonvissuto regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Ordinance 17-14 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0). Ordinance 17-14 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.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:25 p.m.

Carl Zalak, III, Chairman

Attest:

David R. Ellspermann, Clerk