



## Marion County Board of County Commissioners

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McPherson Governmental  
Complex

601 SE 25th Ave.

Ocala, FL 34471

Phone: 352-438-2323

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District 1 – David Moore,  
Commissioner

District 2 – Kathy Bryant,  
Vice Chair

District 3 – Stan McClain,  
Chairman

District 4 – Carl Zalak III,  
Commissioner

District 5 – Earl Arnett,  
Commissioner

### A G E N D A

**Date: September 15, 2015**

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The Marion County Board of County Commissioners welcomes you to its regularly scheduled meeting held the first and third Tuesday of each month at 9 a.m. unless otherwise noted. The zoning portion of the meeting is held on the third Tuesday of each month at 2 p.m. All commission and zoning meetings are open to the public.

To encourage participation, ensure equal access to all participants and foster mutual respect, please follow these guidelines.

- **As a courtesy to others, silence your cell phones and other electronic devices before entering the auditorium.** If you need to take a call, please step outside.
- If you want to address Commissioners, you may do so at the beginning or at the end of the meeting as part of the “General Public Items” and “Additional Public Comment” sections.
- When you step up to the podium, state your name and address for the record. You must provide any documentation to the Deputy Clerk. Also, any information you provide will become part of the official public record.
- Please keep comments to no more than two minutes, focus on specific issues and refrain from making sales pitches or personal remarks directed at staff or commissioners.

General public items, public hearings, consent agenda items and other items that the board is expected to discuss are posted on Marion County’s website, <http://www.marioncountyfl.org>, by the Friday before each board meeting. Click the “Agendas” link on the homepage to download the agenda packet and back-up documentation.

Anyone requiring accommodations due to a disability or physical impairment should contact the Office of the County Administrator at 352-438-2300 at least two days before a meeting.

The Marion County Clerk of Court keeps the official minutes and audio recordings of commission meetings, workshops and public hearings. To request a copy of these materials, contact the Clerk's Office at 352-671-5622. The Marion County Office of Public Information also offers video recordings of most board meetings, workshops and public hearings (when applicable). For more information about video recordings, call the Marion County Office of Public Information at 352-438-2300.

## **CALL TO ORDER**

## **INVOCATION AND PLEDGE OF ALLEGIANCE**

## **9:00 AM ROLL CALL**

## **ANNOUNCEMENTS**

### **1. PROCLAMATIONS/PRESENTATIONS/RESOLUTIONS:**

- 1A.** [PRESENTATION - Florida Outdoor Writers Association \(FOWA\) Award to Tourist Development - Loretta Shaffer \(Presentation Only\)](#)
- 1B.** [PRESENTATION - Ocala/Marion County Chamber and Economic Partnership \(CEP\) Monthly Business Highlight - Krausz Industries, Kevin Sheilley President and CEO of Ocala/Marion County Chamber and Economic Partnership \(CEP\) \(Approval and Presentation\)](#)
- 1C.** [PRESENTATION - Horses In the Sun \(HITS\) - Thomas Struzzieri \(Presentation Only\)](#)
- 1D.** [PROCLAMATION - Horses in the Sun Day - Thomas Struzzieri \(Approval and Presentation\)](#)
- 1E.** [PROCLAMATION - Constitution Week - Tevis Fitzpatrick \(Approval and Presentation\)](#)

### **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.**

- 2A.** [Beatrice Camargo - Police Protection in Whispering Sands](#)
- 2B.** [Bobby Dentsey - Confederate Flag](#)
- 2C.** [Emily Folk - Confederate Flag](#)
- 2D.** General Public Comment (Limited to 2 Minutes Each Speaker):

3. **ADOPT THE FOLLOWING MINUTES: (4 sets)**
  - 3A. [July 20, 2015](#)
  - 3B. [July 21, 2015](#)
  - 3C. [July 23, 2015](#)
  - 3D. [July 28, 2015](#)
4. **CONSTITUTIONAL OFFICERS / ELECTED OFFICIALS:**
  - 4A. [Marion County Sheriff, Chris Blair - Request Acceptance of the 2014-2018 Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program 2015-DJ-BX-1047](#)
5. **CLERK OF THE CIRCUIT COURT:**
  - 5A. Request Adoption of the Following Budget Amendment Resolutions:
    - 5A1. [Stormwater Program - Stormwater Department - \\$312](#)
    - 5A2. [Dunnellon Airport Authority Fund - Airport - \\$2,696](#)
    - 5A3. [General Fund - Animal Services - \\$6,100](#)
    - 5A4. [General Fund - Legislative - \\$1,000](#)
  - 5B. [Request Adoption of the Capital Improvement Program Fiscal Years 2015/16 - 2019/20](#)
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 - Consider Adopting the Final Amended and Restated Resolution for Fire Rescue Services Including the Proposed Rates and to Certify the Non-Ad Valorem Assessment Rolls](#)
  - 6B. [PUBLIC HEARING - To Consider the Adoption of an Ordinance Imposing An Additional One-Percent \(The 3rd Percent\) Tourist Development Tax](#)
  - 6C. [PUBLIC HEARING - To Consider the Adoption of an Ordinance Imposing an Additional One-Percent \(The 4th Percent\) Tourist Development Tax](#)
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.**
  - 7A. **Attorney:**

- 7A1. Request Approval of Mediated Settlement Agreement Associated with the Southeast 92nd Loop Road Improvement Project Parcel #126 - Parcel ID #45269-052-00 (Budget Impact - Neutral; Expenditure of \$60,648.00 as Approved in the FY 14-15 Budget)
- 7B. **Community Services:**
  - 7B1. Request Approval of State Housing Initiatives Partnership (SHIP) Program Annual Report for Submission to Florida Housing Finance Corporation (Budget Impact - None)
- 7C. **Development Review Committee:**
  - 7C1. Request Approval of Final Plat for Candler Hills West Stonebridge Phase II Subdivision, Application #16362 (Budget Impact - None)
- 7D. **Human Resources:**
  - 7D1. Request Approval of the Reorganization of the Human Resources Department Budget #'s 2520,2540,2555 (Budget Impact - Savings of \$30,606.38)
- 7E. **Procurement Services:**
  - 7E1. Request Approval of Bid Exemption: 15BE-061, Irish Acres Construction - Hamlet Underground, LLC, Ocala, FL (Budget Impact - Neutral; expenditure not to exceed \$1,700,000 as proposed in FY 15/16 budget)
  - 7E2. Request Approval of Contract Amendment for Multiple Disaster Contracts (Budget Impact - None)
  - 7E3. Request Approval of Award and Contract: 15P-180, Property Management for NSP3 Supportive Housing Units - Neighborhood Housing & Development Corporation (NHDC), Gainesville, FL (Budget Impact - None)
  - 7E4. Request Approval of Award and Contract: 15P-177, Water Conservation Toilet Rebate Program - Demetri's Solutions, LLC, Spring Hill, FL (Budget Impact - \$60,000 as approved in FY 14/15 budget)
  - 7E5. Request Approval of Contract Amendment for Multiple Professional Services Agreements (Budget Impact - None)
  - 7E6. Request Approval of Contract Renewal: 15P-111, Fence Line Herbicide Spraying in County DRAs - EarthBalance Corporation, Kissimmee, FL (Budget Impact - Neutral; annual expenditure of \$60,000 pending approval of the FY15/16 budget)
  - 7E7. Request Approval of Bid Award: 15B-188, Maintenance Project MP-7 (4 DRAs in the NW) - Hamlet Underground,

LLC., Ocala, FL (Budget Impact - Neutral; expenditure of \$82,390 as approved in FY 14/15 budget)

**7E8.** Request Approval of Project Amendment: 15Q-017-PA-04, SW 80th Ave Forcemain and Lift Station (Golden Ocala) - Pigeon-Roberts & Associates, LLC, Ocala (Budget Impact - Neutral; expenditure of \$568,959.75 as approved in FY 14/15 budget)

**7E9.** Request Approval of Purchases \$50,000 and Over

**7F. Solid Waste:**

**7F1.** Request Approval of a Resolution Superseding Resolution 15-R-180 Authorizing Disposal of Agricultural Manure and Stall Bedding at the Baseline Landfill for a Total of 120 Days (Budget Impact - Revenue generating)

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

**7G1.** Request Approval of the Contract between the Withlacoochee Regional Water Supply Authority and Marion County for Local Funding Assistance for Fiscal Year 15/16 (Budget Impact - Grant Revenue up to \$35,475)

**7G2.** Request Approval of a First Amendment to Cooperative Funding Agreement 11C00000039 Priest Prairie Drain Watershed Management Plan (Budget Impact - None)

**7G3.** Request Approval of a First Amendment to Cooperative Funding Agreement 11C00000056 Lake Stafford East Watershed Management Plan (Budget Impact - None)

**7G4.** Request Approval of a Purchase Agreement for the Acquisition of a Parcel Related to Indian Lake Forest and Half Mile Creek Trailhead Connection Project (Budget Impact - Neutral; expenditure of \$15,000 as approved in FY 14/15 budget)

**7G5.** Request Approval of Access Modification Agreement for Lowe's Southwest Marion Subdivision

**7G6.** Request Approval of a Florida Department of Transportation Local Agency Program (LAP) Agreement and Resolution for the Construction and Inspection of Safety Improvements at the Intersection of CR 484 and Marion Oaks Trail (Budget Impact - Neutral)

**7H. Utilities:**

**7H1.** Request Approval to Transfer Project Funds (Budget Impact - None)

**7H2.** Request Approval of a Time Only Change Order for the Contract Between the St. Johns River Water Management

District (SJRWMD) and Marion County Utilities for the Toilet Rebate Program (Contract #26622) (Budget Impact - None)

- 7H3.** Request Approval of a Wholesale Wastewater Service Agreement between Marion County and S & L Utilities Inc. and Approval of Cost-Share Agreement by and between St. Johns River Water Management District and Marion County (Budget Impact - None)

**8. COUNTY ATTORNEY:**

- 8A.** Request Approval of First Amendment to Collaborative Agreement between Ocala Regional Medical Center and Marion County to Provide Critical Care Transport Unit
- 8B.** Request Adoption of Multiple Resolutions Authorizing Use of Eminent Domain Power to Acquire Parcels for the N.E. 35th Street-Phase 1A from U.S. 441 to 715 Feet East of W. Anthony Road Improvement Project in Marion County, FL
- 8C.** Request Ratification of Offers to Landowners for the Right of Way Acquisition for Road and Related Improvements to N.E. 35th Street-Phase 1A from U.S. 441 to 715 Feet East of W. Anthony Road Improvement Project

**9. COUNTY ADMINISTRATOR:**

- 9A.** Administrative Updates

**10. COMMITTEE ITEMS:**

- 10A.** Marion Oaks MSTU for Recreation and Facilities - Request Acceptance of One (1) Resignation and Appointment of One (1) Applicant for an Un-expired Term
- 10B.** Pine Run Estates MSTU - Request Appointment of One (1) Member to One of Two Open, Un-Expired Terms; One Vacancy ending June 2018 or One Vacancy ending August 2018
- 10C.** License Review Board - Request Appointment of Seven (7) Members for Full Terms
- 10D.** Planning and Zoning Commission - Request Appointment of Two (2) Full Members
- 10E.** Tourist Development Council - Request Appointment of One (1) Full Member, Non-collector

**11. NOTATION FOR ACTION:**

- 11A.** Request Approval and Adoption of a Resolution to Declare a Public Hearing for Consideration of a Road Closure Petition Associated with

NE 133rd Place Located in Kershores on Tuesday, October 20, 2015 at 10:00 a.m.

- 11B. Request for a Closed Meeting pursuant to F.S. 286.011(8) to discuss Settlement negotiations and/or litigation strategy in the case of Michael McDougall vs. Marion County on Monday, September 21, 2015 at 9:00 a.m.
- 11C. Request Ratification of Letter Dated September 4, 2015 to US Department of Labor regarding Defining and Delimiting the Exemptions for Executive, Administrative, and Professional Employees; Proposed Rule; Regulatory Information Number (RIN) 1235-AA11
- 11D. Request Ratification of Letter Dated September 8, 2015 to Marion County Sheriff, Chris Blair in Regards to the Crime Prevention Fund

**12. COMMISSIONER ITEMS:**

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

**13. NOTATION FOR RECORD:**

- 13A. County Administrator Informational Items:
  - 13A1. Present DRC Waiver Request LDC 2.16.1.B(10) - Family Division for the Willis and Bertha Wood Property Parcel #00156-002-00, Application #16714
  - 13A2. Present DRC Waiver Request LDC 2.16.1.B(10) - Family Division for the Flavia Hiatt Property Parcel #36759-003-00, Application #16731
  - 13A3. Present Executed Agreement with GovHR USA, LLC., for Services included under Solicitation Award: 15P-155 Executive Recruiter
  - 13A4. Present Approved Holiday Schedule for 2016
  - 13A5. Present Building Safety Productivity Report for Month of August, 2015
  - 13A6. Present Activity Report for the Acceptance of Agricultural Manure and Stall Waste at the Baseline Landfill for June - August 2015



- 13A7.** Present Letter Dated August 18, 2015 from the City of Ocala regarding City of Ocala/Marion County Water and Wastewater Service Territorial Agreement (County Contract 96-2)
- 13B.** Present Walk-On Items From Previous BCC Meeting:
  - 13B1.** WALK-ON -September 1, 2015 - PROCLAMATION - Childhood Cancer Awareness Month (Approval and Presentation) (Approved)
  - 13B2.** ADDITIONAL BACK UP - September 1, 2015 - Draft Ordinance for Notation for Action Item Regarding a 3rd Cent Tourist Development Tax
  - 13B3.** ADDITIONAL BACK UP - September 1, 2015 - Draft Ordinance for Notation for Action Item Regarding 4th Cent Tourist Development Tax
- 13C.** General Informational Items:
  - 13C1.** Present Ocala/Marion Chamber and Economic Partnership (CEP) Activity Report for August and Performance Matrix YTD 2015
  - 13C2.** Present Outside Counsel Fees
  - 13C3.** Present Resolution No. R-315-15 as Provided by Miami-Dade County Clerk of the Circuit and County Courts
  - 13C4.** Marion County Health Department – For the Latest Health news and information, visit <http://Marion.FloridaHealth.gov>
- 13D.** Clerk of the Court:
  - 13D1.** Present Internal Auditor Report No. 2015-06 Regarding EDFIG Compliance Review of IHMC, Inc.
  - 13D2.** Present Internal Auditor Report No. 2015-07 Regarding EDIG Compliance Review of The Refuge - A Healing Place, LLC
  - 13D3.** Present Internal Auditor Report No. 2015-08 Regarding EDFIG Compliance Review of R&L Carriers, Inc.
  - 13D4.** Present Regular Report of Utilization for Reserve for Contingencies
  - 13D5.** Present Monthly Report for the Building Department Budget and Actual
  - 13D6.** Present Memorandum From David R. Ellspermann, Clerk Of Circuit Court And Comptroller, Regarding The Filing Of Ordinance 15-13 (Zoning) With The Secretary Of State's Office



- 13D7. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 19721, 26147, 26149, 29835, 35105, 36270, 36998, 37099, 39018, 39019, 39020, 39021, 39022, 39027, 39627, 40101, 40127, 40248, 40277, 41045, 41206, 41219, 42489, 43125, 43126, 43127, 43128, 43129, 43130, 43131, 43132, 43133, 43134, 43135, 43343, 44994, 44963, 45001
- 13D8. Present Parcel which the County May Purchase (within 90 Days from 08/26/2015) for the Opening Bid Amounts, Pursuant to Chapter 197.502(6)(C), Florida Statutes and 12D-13.063(5)(2) of the Florida Administrative Code
- 13E. Present for information and record, minutes and notices received from the following committees and agencies:
  - 13E1. Development Review Committee (DRC) - April 6, 20, August 17 and 24, 2015
  - 13E2. Land Development Regulation Commission (LDRC) - April 29, 2015
  - 13E3. Marion County Hospital District Board of Trustees (MCHD) - July 27, 2015
  - 13E4. Rainbow Lakes Estates (RLE) Advisory Committee - May 21 and July 16, 2015
  - 13E5. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>
  - 13E6. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <http://www.floridaswater.com>
  - 13E7. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <http://www.ocalafl.org/tpo>
  - 13E8. Planning & Zoning Commission (P&Z) - July 27, 2015
  - 13E9. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

**14. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):**

- 14A. Planning and Zoning Consent Items:

- 14A1.** [150901Z - Kalli Enterprises, Inc., B-4 to P-RV, 1.44 of 8.95 Acres](#)
- 14A2.** [150902SU - Kalli Enterprises, Inc., Special Use Permit in B-4, 8.95 Acres](#)
- 14A3.** [150906SU - Howard and Sheila Russell, Special Use Permit in R-1, .26 Acres](#)
- 14A4.** [150908Z - Ana R. Bonifacio, R-1 to B-2, 1.72 Acres](#)
- 14A5.** [150909Z - Vanessa Angello, R-1 to R-4, .5 Acres](#)
- 14B.** Planning and Zoning Items for Individual Consideration:
  - 14B1.** [150905SU - Victory Baptist Church of Belleview Florida, Inc., Special Use Permit in A-1, 19.31 Acres](#)
  - 14B2.** [150903SU - Julio and Ivonne Vega, Special Use Permit in A-1, 10 Acres](#)
  - 14B3.** [150907SU - REO Funding Solutions V, LLC., Special Use Permit in A-1, 97.84 Acres](#)
- 14C.** Adoption of Ordinance