

MARION COUNTY BOARD OF COUNTY COMMISSIONERS



Dist 1 – Mike Amsden
Dist 2 – Jim Payton
Dist 3 – Stan McClain
Dist 4 – Barbara Fitos
Dist 5 – Charlie Stone

A G E N D A

Marion County Government Complex
601 SE 25th Avenue, Ocala, FL 34471

County Commission Auditorium
March 17, 2009

*****Notice to Board Meeting Attendees: As a courtesy to others, please ensure pager and cell phones are turned off during meeting*****

Welcome to the Board of County Commissioners regularly scheduled meeting. Your participation in County government is appreciated. All regular Board meetings are held on the 1st and 3rd Tuesday of each month at 9:00am. Zoning Board meetings are held on the 3rd Tuesday of each month at 2:00pm.

Please visit the Marion County website at <http://www.marioncountyfl.org> for complete agenda packet including back-up documentation.

All persons wishing to address the County Commission will be asked to limit their comments to the specific subject being addressed. Public opinions and input are valued by the Board of County Commissioners. However, it is requested that comments are directed at specific issues rather than personal comments directed toward Board members or staff in order to foster mutual respect between Board members and the public. **Any documentation or presentation to the Board must be provided to the Deputy Clerk for recordation purposes.**

Any persons requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the Public Affairs Office at (352) 438-2300 at least two (2) business days prior to the meeting.

Official minutes and audio recordings of Board meetings, workshops, or public hearings are available for purchase through the Clerk of Court, Commission Records. Please call (352) 671-5622 for additional information. In addition, VHS/DVD video recordings of the regular Board meetings are available with a deposit for viewing or for purchase through the County's Public Affairs office.

Marion County BOCC Mission Statement
"Meeting Needs by Exceeding Expectations"

- **INVOCATION AND PLEDGE OF ALLEGIANCE**
- **9:00AM – CALL TO ORDER**
- **ROLL CALL**

1. PROCLAMATIONS/PRESENTATIONS/RESOLUTIONS:

- 1A. Proclamation** – “Mel Tillis Day” – 2009 Induction to the Florida Artist Hall of Fame by the Florida Arts Council (*Approval and Presentation*)
- 1B. Presentation** – “Safeguarding Our Seniors” – Randell Brown, Regional Director for Department of Financial Services from the Office of Alex Sink, Chief Financial Officer of the State of Florida (*Presentation Only*)
- 1C. Recognition** – “Ocala-Marion County Veterans Memorial Park for Outstanding Landscape” - Pamela Stafford, Chair of the Ocala Pride in Bloom (*Approval and Presentation*)
- 1D. Proclamation** – “National Association for the Advancement of Colored People (NAACP) Centennial Anniversary – (*Approval and Presentation*)
- 1E. Proclamation** – “Water Conservation Month” – (*Approval and Presentation*)
- 1F. Proclamation** – “Children’s Week” (*Approval and Presentation*)
- 1G. Resolution** - Supporting Efforts to Protect Funding for Florida’s K-12 Grade Educational System (*Approval Only*)
- 1H. Certificate of Recognition** - Jerry L. Nations (*Approval Only*)
- 1J. Proclamation** – “Lake Weir Yacht Club Day” (*Approval Only*)
- 1K. Proclamation** – “Eagle Scout Garrett Rodrigue” (*Approval Only*)

- 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 un-scheduled 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. **Furthermore, Commissioners cannot address any issues that will be considered or are currently being addressed by the Zoning Commission or the Code Enforcement Board during this portion of the meeting.**

2A. Bill Glass – “Taxation”

2B. Brian L. Creekbaum – “Marion County Government and Walk-On Item Abuse”

2C. William C. Friss – “Resolution 01-R-37” – “ Policy of Automatic Gain-Time for County Prisoners”

2D. Daniel Uzar – “Whispering Sands Community Development Issues”

2E. General Public Comment (Limited to 2 Minutes Each Speaker):

- 3. ADOPT THE FOLLOWING MINUTES:** (4 sets)

3A. February 5, 2009

3B. February 17, 2009 (A)

3C. February 17, 2009 (B)

3D. February 17, 2009 (C)

- 4. CONSTITUTIONAL OFFICERS / ELECTED OFFICIALS:**

4A. Request Approval of Expenditure (\$15,650) from Law Enforcement Trust Fund to Purchase Two (2) Neighborhood Electric Vehicles for Volunteer Community Crime Watch Programs in Ocala Palms and Rolling Greens

4B. Request Approval of Expenditure (\$169,271) from Law Enforcement Trust Fund for Purchase of Mobile Data Terminal (MDT's) Laptops for Patrol Deputy Vehicles

- 5. CLERK OF THE CIRCUIT COURT:**

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

5A1. General Fund - Sheriff - Jail - \$10,492

5A2. General Fund - County Administrator - \$186,308

5A3. General Fund - Emergency Medical Services - \$153,300

5A4. General Fund - Emergency Medical Services - \$20,000

5A5. General Fund - Emergency Medical Services - \$1,680

5A6. General Fund - Public Library System - \$5,150

5A7. General Fund - MSTU/Assessments - \$2,000

- [5A8.](#) Fine & Forfeiture - Sheriff - Regular - \$414
- [5A9.](#) Law Enforcement Trust Fund - MSTU for Law Enforcement - \$30,000
- [5A10.](#) 9-1-1 Emergency Telephone System Fund - 9-1-1 Emergency System - \$4,000
- [5A11.](#) MSTU for Law Enforcement - Sheriff - Patrol & CID - \$30,000
- [5A12.](#) MSTU for Law Enforcement - Sheriff - Patrol & CID - \$13,617
- [5A13.](#) Tourist Development Tax - Tourist Development Tax Department - \$450
- [5A14.](#) Parks & Recreation Fund - Parks & Recreation Department - \$56,000
- [5A15.](#) Parks & Recreation Fund - Parks & Recreation Department - \$5,000
- [5A16.](#) Marion Oaks MSTU - Community Resource Facility - \$2,000
- [5A17.](#) Fire, Rescue and EMS Fund - Fire/Rescue Services - \$106,000
- [5A18.](#) Marion County Utilities Fund - Engineering and Construction - \$1,200

[5B.](#) Request approval of County Attorney's recommendation to approve claims for overbid monies from Tax Deed Sale Nos. 283673, 283801, 284114, 284600, 284710; and deny claims from Tax Deed Sale Nos. 283697 and 284779. (*)

[5C.](#) Present revised estimates of State Shared Revenues for Fiscal Years 2008-09 and 2009-10.

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 Adoption of Ordinance Relating to the Pine Run Estates MSTU for Road Improvements

[6B.](#) **Public Hearing** – Consider Amending Section 10-382, Exhibit A of the Marion County Code

[6C.](#) **Public Hearing** – Consider Adoption of Ordinance – Building Permit Moratorium – Rainbow Park Subdivision

[6D.](#) **Public Hearing** – Consider Execution of the Stipulated Settlement Agreement for the 2007 “Not-In-Compliance” Land Use Amendments

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. **Fire-Rescue:**

7A1. Request Approval of Reallocation of Capital Funds (*Budget Impact – None*)

7B. **Marion County Sheriff's Office:**

7B1. Request Approval of 2009-2010 Agreement for Traffic Enforcement with Spruce Creek Golf and Country Club (*Budget Impact – Funds Utilized Through Sheriff's Office Special Detail Program*)

7B2. Request Approval of 2009-2010 Traffic Enforcement Agreement with Stonecrest Property Owners Association, Inc. (*Budget Impact – Funds Utilized Through Sheriff's Office Special Detail Program*)

7B3. Request Approval of 2009-2010 Traffic Enforcement Agreement with The Arbors of Ocala (*Budget Impact – Funds Utilized Through Sheriff's Office Special Detail Program*)

7C. **Parks and Recreation:**

7C1. Request Approval of First Amendment to Lease Agreement – Millennium Dog Park (*Budget Impact – None*)

7D. **Purchasing:**

7D1. Request Approval of Proposal Results – Recommendation of Award – 09P-030 – Recording/Webcasting of Marion County BCC Meetings – Dillon Video and Film Productions, Inc. (*Budget Impact – \$39,343.20*)

7D2. Request Approval of Second Contract Amendment – 08C-002 – Labor Relations Attorney – Fowler White Boggs, P.A. (*Budget Impact – None at this time*)

7D3. Request Approval of Second Contract Amendment 06Q-050-CA-02; 06Q-050 Judicial Center Expansion – Judicial Center Phase I and II – Moss and Associates, LLC (*Budget Impact – None*)

7D4. Request Approval of Project Amendment 05Q-036-PA-74 – 05Q-036 Construction Manager Services for Various County Projects – Ethridge Construction of Marion County, Inc. – Re-Roof of Information Systems – Fire Services Building (Old B&Z) (*Budget Impact – Not to Exceed \$26,000*)

- [7D5.](#) Request Approval of Project Amendment 05Q-036-PA-75 – 05Q-036 Construction Manager Services for Various County Projects – Ethridge Construction of Marion County, Inc. – Baseline Landfill – Fuel Tank (*Budget Impact – Not to Exceed \$19,500*)
- [7D6.](#) Request Approval of Project Amendment 06Q-108-PA-08 06Q-018, Additional Architecture Firm – Starmer Ranaldi Planning and Architecture, Inc. (SRI) – Belleview Fire Station FSBELLV5 (*Budget Impact – Not to Exceed \$36,500 Plus \$3,000 Approved Reimbursable Expenses*)
- [7D7.](#) Request Approval of Project Amendment 06Q-077-PA-03 – 06Q-077 Miscellaneous Services Civil/Site Engineering – Abshier Engineering, Inc. – Belleview Fire Station (FSBELLV5) (*Budget Impact – Not to Exceed \$34,000 Plus \$3,000 Approved Reimbursable Expenses*)
- [7D8.](#) Request Approval of Project Amendment 07Q-080-PA-09 07Q-080 Engineering and Design for Various MSTU Road Assessment Projects – Michael W. Radcliffe Engineering, Inc – Black Jack – Red Fox Farms (*Budget Impact – Approximately \$28,300*)
- [7D9.](#) Request Approval of Project Amendment 06Q-074-PA-03 06Q-074 Perform Elements of Watershed Management Program and Other Professional Engineering Services – Jones Edmunds – Lake Panasoffkee and Marshall Swamp Planning Units (*Budget Impact – None*)
- [7D10.](#) Request Approval of First Contract Amendment – 09B-011 Street Sweeping – ProSweep Central Florida, LLC (*Budget Impact – None*)
- [7D11.](#) Request Approval of Project Amendment 05Q-035-PA-28 05Q-035 Miscellaneous Services Civil/Site Engineering – Arbors to South Oak Potable Water System Connection – GPI Southeast, Inc. (*Budget Impact – Not to Exceed \$46,438*)
- [7D12.](#) Request Approval of Second Contract Amendment – 07P-039, Utilities Water Tank Maintenance – Utility Service Company, Inc. (*Budget Impact – Maintenance Adjustment Reduction of \$1,085.50 Annually; Calculation Error in Initial Contract Value Further Amounts to Reduction of \$10,000 Annually*)
- [7D13.](#) Request Approval of First Contract Amendment – 06Q-052 Consultant Engineers – Boyle Engineering (*Budget Impact – None*)

7E. Transportation:

- 7E1.** Request Approval of Release of Deed to Real Property Posted as Security for the Improvement Agreement of the Fore Oaks Estates Subdivision (*Budget Impact – None*)
- 7E2.** Request Approval of Release of Deed to Real Property Posted as Security for the Improvement Agreement of the Windgate Estates Subdivision (*Budget Impact – None*)
- 7E3.** Request Approval of Release of Deed to Real Property Posted as Security for the Maintenance Agreement of the Silver Meadows Subdivision (*Budget Impact – None*)
- 7E4.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #24794-000-00 (A portion of) (*Budget Impact – \$27,335 Plus Closing Costs*)
- 7E5.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #2473-001-001 (A portion of) (*Budget Impact – \$20,000 Plus Closing Costs*)
- 7E6.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #24611-000-00 (A portion of) (*Budget Impact – \$17,000 Plus Closing Costs*)
- 7E7.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #24612-000-00 (A portion of) (*Budget Impact – \$4,000 Plus Closing Costs*)
- 7E8.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #25030-000-00 (A portion of) (*Budget Impact – \$6,375 Plus Closing Costs*)
- 7E9.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #24789-000-00 (A portion of), 24786-000-00 (A portion of) and 24787-000-00 (A portion of) (*Budget Impact – \$6,975 Plus Closing Costs*)
- 7E10.** Request Approval of Purchase Agreement Associated With the CR 200A Road Improvement Project – Parcel #24784-000-00 (A portion of) (*Budget Impact – \$3,375 Plus Closing Costs*)
- 7E11.** Request Approval of Release of Improvement Agreements for Stone Creek Longleaf Phase 2 and 3 (*Budget Impact – None*)
- 7E12.** Request Approval of Countywide Water Conservation Public Awareness Campaign (*Budget Impact – Not to Exceed \$125,000*)

8. COUNTY ATTORNEY:

- 8A.** Request Approval of Adoption of Initial Assessment Resolution
- 8B.** Request Authorization to Advertise Public Hearing to Consider Adoption of Ordinance Relating to Capital Improvements and Related Services **on Tuesday, April 7, 2009 at 10:00 a.m.**
- 8C.** Request Approval of Resolutions Authorizing Condemnation of Property for C.R. 200-A Between U.S. 441 to 2,000 feet North of N.E. 35th Street in Marion County, Florida

9. COUNTY ADMINISTRATOR:

- 9A.** Request Approval of Acquisition of KP Hole Park Overflow Parking Property
- 9B.** Request Approval of CR 42, Phase 3 – Asphalt Cost Increases
- 9C.** Request Approval of Recommendation to Terminate Interlocal Agreement for Fire Rescue Service in Enclave Areas
- 9D.** Request Approval of Interlocal Agreement for Closeout of EMSA

10. COMMITTEE ITEMS: NONE**11. NOTATION FOR ACTION:**

- 11A.** Request to Schedule Workshop to Discuss City/County Meeting, Board Strategic Planning Session and County Reorganization Plan **on Monday, April 13, 2009 at 9:00 a.m.**
- 11B.** Request to Schedule Workshop with Land Development Regulation Commission (LDRC) to Discuss Proposed Amendment 14 to the Marion County Land Development Code, which Includes Article 6, Springs Protection Overlay Zone (SPZ) and Article 8.2.10, Design and Improvement Standards, Landscape Standards and Tree Preservation **on Wednesday, April 15, 2009 at 9:00 a.m.**
- 11C.** Ratification of Letter dated March 6, 2009 to Aqua Utilities Florida, Inc. Regarding Marion County Utilities Department (*To Be Ratified*)

12. COMMISSIONER ITEMS:

- 12A.** Commissioner Payton – Out of County Travel Request for the period March 31, 2009 through April 3, 2009.

[12B.](#) Commissioner Stone – Discussion of Electronic Monitoring

[12C.](#) Commission Calendar

13. NOTATION FOR RECORD:

13A. County Administrator Informational Items:

[13A1.](#) Old Business

[13A2.](#) Building Department Statistics – February 2009

[13A3.](#) Zoning – Development Review Department – February 2009

[13B.](#) Judicial Center Expansion Update

[13C.](#) Florida Public Utilities Company – Rate Case Synopsis – Dated February 23, 2009

Clerk of Court

[13D.](#) Present letter received from Secretary of State's office advising that Ordinances 09-02 (Zoning) and 09-03 (Local Option Fuel Tax) were filed.

[13E.](#) Present Budgetary Financial and General Ledger Reports for month ending 02/28/09, pursuant to Chapter 136.06, Florida Statutes, including list of checks drawn on Commission accounts. Also provided are detailed reports of account balances, revenues and expenditures. (*)

[13F.](#) Present the Acquisition or Disposition of Property forms authorizing changes in status. (*)

[13G.](#) Present Monthly Report for the Building Department Budget and Actual.

[13H.](#) Present Internal Audit Report No. 2009-01 regarding the follow-up review of Marion County Housing Finance Authority, conducted by Wallace Watford, Internal Auditor.

[13J.](#) Present Internal Audit Report No. 2009-02 regarding a follow-up review of Silver Springs Shores Community Center and Marion Oaks Community Center and General Services, conducted by Wallace Watford, Internal Auditor.

[13K.](#) Present Internal Audit Report No. 2009-03 regarding the follow-up review of Ocala-Marion County Visitors and Convention Bureau, conducted by Wallace Watford, Internal Auditor.

- 13L.** Present Candler Hills Neighborhood Association, Inc. Statement of Revenues and Expenses and Changes in Fund Balance for the year ended December 31, 2008, in accordance with Florida Statute 720.303(7).
- 13M.** Present Circle Square Ranch Master Association, Inc. Statement of Revenues and Expenses and Changes in Fund Balance for the year ended December 31, 2008, in accordance with Florida Statute 720.303(7).
- 13N.** Present Indigo East Neighborhood Association, Inc. Statement of Revenues and Expenses and Changes in Fund Balance for the year ended December 31, 2008, in accordance with Florida Statute 720.303(7).
- 13O.** Present Statement of Receipts and Disbursements for the period January 1, 2008 through December 31, 2008 in accordance with Florida Statutes 720.3086, received from Heritage Management Corporation regarding LPA, Inc. (Palm Cay Subdivision)
- 13P.** Present Statement of Receipts and Disbursements for the Year Ended December 31, 2008 in accordance with Florida Statutes 720.3086, received from Heritage Management Corporation regarding Spruce Creek North, LLC
- 13Q.** Present Statement of Receipts and Disbursements for the period January 1, 2008 through December 31, 2008 in accordance with Florida Statutes 720.3086, received from Heritage Management Corporation regarding Pine Run, LLC.
- 13R.** Present Statement of Receipts and Disbursements for the Year Ended December 31, 2008 in accordance with Florida Statutes 720.3086, received from Heritage Management Corporation regarding Spruce Creek Recreation, LLC.
- 13S.** Present the Proposed Budget for BAYI Community Development District (CDD) for Fiscal Year 2008/2009 (March 5, 2009 through September 30, 2009).
- 13T.** Present regular Report of Utilization of Reserve for Contingencies received from Budget Director Tomich.
- 13U.** Present for information and record, minutes and notices received from the following committees and agencies:
- 13U1.** Board of Adjustment - February 2, 2009.
- 13U2.** Code Enforcement Board - February 11, 2009.

- [13U3.](#) Development Review Committee - February 16 and 23, 2009.
 - [13U4.](#) Public Service Commission (PSC) - Order Suspending Progress Energy Florida, Inc.'s Proposed Tariff Sheets; and Notice of Commissioner Hearing and Prehearing re: Petition for Waiver of Rule 25-17.250(1) and (2)(A), F.A.C. relating to Progress Energy Florida, Inc.
 - [13U5.](#) Southwest Florida Water Management District (SWFWMD) - CD containing the 2009 Consolidated Annual Report pursuant to Section 373.036(7), Florida Statutes (visit the website at <http://www.WaterMatters.org>). (*)
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14. ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):

14A. Zoning Consent Items:

- [14A1.](#) **090301Z** George & Mary Nell Rainey, Tr. , A-1 to B-5, 7.52 Acres

14B. Zoning Items for Individual Consideration:

- [14B1.](#) **090302SU** Delbert & Sandra Van Buren, Special Use Permit in R-4, 0.98 Acres
- [14B2.](#) **090303SU** Rondal & Josephine Gregory, Special Use Permit in R-1, 0.45 Acres
- [14B3.](#) **090304SU** Kathleen Lytell, Special Use Permit in R-4, 2.21 Acres