

May 2, 2006

The Marion County Board of County Commissioners met in regular session in Commission chambers at 9:00 a.m. on Tuesday, May 2, 2006 at the Marion County Governmental Complex located in Ocala, Florida.

The meeting opened with invocation by Commissioner McClain and the Pledge of Allegiance to the Flag of Our Country.

Upon roll call the following members were present: Chairman Payton, District 2; Vice-Chairman Randy Harris, District 4; Commissioner Andy Kesselring, District 1; Commissioner Stan McClain, District 3; and Commissioner Charlie Stone, District 5. Also present were Deputy Clerks Melissa Smith and Cindy Bonvissuto, County Attorney Gordon B. Johnston, County Administrator Pat Howard, a representative of the Sheriff's Office and a member of the news media. It was noted that Clerk David R. Ellspermann was in Tallahassee attending to Legislative business.

County Employees - The Board welcomed forty-three County employees, who were observing the meeting.

Proclamations/Projects & Programs - (1.A. through H.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board approved the following:

- A. Proclamation declaring the week of May 14, through 20, 2006, as "Emergency Medical Services Week".
- B. Proclamation declaring the week of May 21, through 27, 2006, as "National Public Works Week".
- C. Proclamation declaring the month of May 2006 as "Motorcycle Safety Awareness Month".
- D. Proclamation declaring May 13, 2006 as "Surviving the Storm: Preparing for Hurricane Season".
- E. Proclamation declaring the week of May 14, through 19, 2006, as "National Nursing Home Week".
- F. Proclamation congratulating Michael J. Manasterski upon attaining status of Eagle Scout in the Boy Scouts of America.
- G. Proclamation declaring the week of May 1, through 5, 2006 as "Law Day Week".
- H. Proclamation declaring the week of May 7, through 13, 2006 as "Building Safety Week".

Proclamations - (1.A.) - The Board presented the Proclamation declaring the week of May 14, through 20, 2006, as "Emergency Medical Services Week" to EMSA Executive Director David Palmer.

Mr. Palmer stated it was an honor to receive the Proclamation. He recognized and honored Jason Spies, who was present, on his fifteen months of active duty in Afghanistan

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with the Florida National Guard for his services.

Proclamations - (1.C.) - The Board presented the Proclamation declaring the month of May 2006 as "Motorcycle Safety Awareness Month" to ABATE of Florida, Inc., Forest Chapter President Marion Shomer.

Ms. Shomer stated May Days would be held this weekend (5/6 - 7/06) in Hog Valley. She suggested citizens take a second look to make sure there was not a motorcyclist in their path.

Proclamations - (1.H.) - The Board presented the Proclamation declaring the week of May 7, through 13, 2006 as "Building Safety Week" to Building Director John O'Connor.

Mr. O'Connor stated this was the 26th year that building officials and building departments around the Country had observed Building Safety Week. He stated the County had partnered with Lowe's on Silver Springs Boulevard and would be available for a question and answer session on Saturday, May 13, 2006 from 10:00 a.m. until 2:00 p.m.

Proclamations - (1.B.) - The Board presented the Proclamation declaring the week of May 21, through 27, 2006, as "National Public Works Week" to Public Works Bureau Chief Larry Thacker.

Mr. Thacker thanked the Board and Administration for their support. He stated appreciation to the sister Department's that helped with getting their jobs done. Mr. Thacker introduced Engineering Project Manager Frank VanPelt who commented regarding Public Works. Mr. VanPelt stated the Public Works Department was the first responders to disaster response such as clearing roads for emergency vehicles to travel on and be able to respond to calls. He stated the department also cleaned up and repaired all of the infrastructure. Mr. VanPelt gave a brief overview of the services provided by the Public Works Department.

Proclamations - (1.D.) - The Board presented the Proclamation declaring May 13, 2006 as "Surviving the Storm: Preparing for Hurricane Season" to Small Farm Extension Agent Nola Wilson, Marion County Extension Services and Family and Consumer Science Extension Agent Laura Royer, Marion County Extension Services.

Ms. Wilson stated there would be outside demonstrations at the event, located at the Marion County Extension Office on NE Jacksonville Road. She also stated the weatherman from the National Weather Service would be present to project the 2006 hurricane season. Ms. Wilson stated there would also be workshops and educational teaching forms available. She stated there were 48 organizations, County Department's and local businesses that helped put the program together. Ms. Wilson suggested for more information to call the Marion County Extension Office at 352/671-8400.

Minutes - (2.A. through D.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board adopted meeting minutes of March 7, 14, 21, and 22, 2006.

Budgets/Sheriff - (3.A.) - Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board approved the request of Sheriff Ed Dean to expend \$9,570 from the Law Enforcement Trust Fund to be used for the Multi Agency Drug

Enforcement Team (MADET) for Drug Enforcement Agency Basic Narcotics class for new Agents, attendance at the Methamphetamine Summit Conference, Methamphetamine Site Safety Class, attendance at the Drug Trac Program Instructional Class, and Drug Enforcement Agency Advanced Narcotics class. It was noted the request met requirements of Chapter 932 of the Florida Statutes and there would be no recurring expenses in subsequent fiscal years.

Legislature/Sheriff - (Walk-on) - Upon motion of Commissioner Kesselring, seconded by Commissioner McClain, the Board approved the request of Sheriff Ed Dean to expend \$23,234.75 from the Law Enforcement Trust Fund to be used for the printing of pamphlets identifying sex predators and sex offenders for insertion in the Ocala Star Banner. It was noted the request met requirements of Chapter 932 of the Florida Statutes and there would be no recurring expenses in subsequent fiscal years.

Supervisor of Elections - (3.B.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board approved request of the Supervisor of Elections Dee Brown to execute the Certificate Regarding Matching Funds from the Florida Department of State, Division of Elections, providing for reimbursement of funds to be used for poll worker training and recruitment.

Budgets/Resolutions - (4.A.1. through 10.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board adopted the following Budget Amendment Resolutions presented by the Clerk:

1. 06-R-158 transferring \$15,000 within the General Fund for the Drug Court.
2. 06-R-159 transferring \$2,000 within the General Fund for the Code Enforcement Department.
3. 06-R-160 transferring \$200,000 within the General Fund for the Health Department.
4. 06-R-161 transferring \$500 within the General Fund for the Purchasing Department.
5. 06-R-162 transferring \$68,000 within the General Fund for the Public Safety Communications Department.
6. 06-R-163 transferring \$54,225 within the General Fund for the Public Library System.
7. 06-R-164 transferring \$100,000 within the General Fund for the Cooperative Extension Service Department.
8. Budget Amendment Resolution transferring \$17,345 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID was considered later in the meeting.
9. 06-R-165 transferring \$5,000 within the Rainbow Lakes Estates - Fire Protection MSBU for Fire Control Services.
10. 06-R-166 transferring \$53,000 within the Silver Springs Shores Special Tax District for the Recreation Facility.

Commissioner Harris questioned Item 4.A.5. as to whether a new department was being created. County Administrator Howard clarified no new department was being created and that this was in the 9-1-1 Department.

Commissioner Harris questioned Item 4.A.7. as to the term of the land lease. Parks

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& Recreation Director Lee Niblock stated the original term of the lease was 50 years with approximately 43 years left.

Commissioner Harris questioned Item 4.A.8. regarding the transfer of funds listed for a Capital Outlay item and what was the item. He requested that the matter be considered later in the meeting when his questions could be answered.

Chairman Payton questioned Item 4.A.3. regarding the overspending of funds for State mandated out-of-County emergency hospital care. Community Services Director Evelyn Rusciollelli stated under the Healthcare Responsibility Act, it mandated when the Counties indigent residents go out-of-County for emergency room healthcare only, the County was obligated to pay the bill at the Medicaid per diem rate. She stated the hospitals pursue payments of the bill.

Surplus Property - (4.B.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board approved Acquisition or Disposition of Property forms changing the status of the following items of property: 20913, 21798, 22264, 23411, 23418, 23521, 25507, and 39425.

Clerk - (4.C.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board accepted recommendations of the County Attorney's office regarding the following claims for overbid monies from Tax Deed Sales:

1. Granted claim from Peter J. Jaensch, P.A., Attorney at Law, on behalf of Hir S.A. regarding Tax Deed Sale No. 281331.
2. Granted claim from Patricia Lee Galvez regarding Tax Deed Sale No. 281638.
3. Granted claim from Lillian A. Mendrek regarding Tax Deed Sale No. 281919.
4. Granted claim from James E. Brown and Swearingen & Associates, Inc. regarding Tax Deed Sale No. 282763.
5. Granted claim from Cynthia Annette Baker regarding Tax Deed Sale No. 282788.
6. Granted claim from Anna Jansen and Swearingen & Associates, Inc. regarding Tax Deed Sale Nos. 282816 and 282817.
7. Granted claim from Clerk of Court, Child Support Division regarding Tax Deed Sale No. 282838.
8. Granted claim from Michael LiPuma and Swearingen & Associates, Inc. regarding Tax Deed Sale No. 282883.
9. Granted claim from Alice Anita Camilleri and Swearingen & Associates, Inc. regarding Tax Deed Sale Nos. 282902 and 283076.
10. Granted claim from Nancy Anne Goldman, Cynthia Lee Kinder, Robert Mark Kinder, and Kenneth Michael Kinder regarding Tax Deed Sale No. 283024.
11. Granted claim from George R. Lawrence, Carol A. Kersey, Janet E. Minter, and Richard A. Lawrence regarding Tax Deed Sale Nos. 283119 and 283120.
12. Granted claim from William K. Bell and Swearingen & Associates, Inc. regarding Tax Deed Sale No. 283182.
13. Granted claim from Old Canal Financial Corporation regarding Tax Deed Sale No. 283316.

14. Granted claims from William Bedford Greene and Marion County Code Enforcement regarding Tax Deed Sale No. 283364.
15. Granted claim from Marion County Code Enforcement regarding Tax Deed Sale No. 283376.
16. Granted claim from Marion County Code Enforcement regarding Tax Deed Sale No. 283384.
17. Granted claim from Palm Coast Recovery Corp. regarding Tax Deed Sale No. 283398.
18. Granted claim from City of Ocala regarding Tax Deed Sale No. 283441.
19. Granted claim from City of Ocala regarding Tax Deed Sale No. 283450.
20. Granted claim from City of Ocala regarding Tax Deed Sale No. 283451.
21. Granted claim from Juan Concepcion regarding Tax Deed Sale No. 283473.
22. Granted claim from R D M Recovery LLC regarding Tax Deed Sale No. 283594.
23. Denied claim from Myra Suhy Alpert regarding Tax Deed Sale No. 280951.
24. Denied claim from Norma L. DAgostino regarding Tax Deed Sale No. 281799.
25. Denied claim from David Watson Bradley, Jr. regarding Tax Deed Sale No. 282372.
26. Denied claim from Kenneth Paston, as Executor of the Estate of Dorothy Evelyn Paston regarding Tax Deed Sale No. 282542.
27. Denied claim from Fred C. Keylor a/k/a Frederick C. Keylor regarding Tax Deed Sale No. 282635.
28. Denied claim from Lorena Duest Clark regarding Tax Deed Sale No. 282896.
29. Denied claim from Clerk of Court, Child Support Division regarding Tax Deed Sale No. 283020.
30. Denied claim from Edward W. Pflugfelter, as Executor of the Estate of Mary E. Bryson, deceased regarding Tax Deed Sale No. 273175.
31. Denied claim from Prime Options Financial Services LLC, on behalf of Sarah Jane Lynch regarding Tax Deed Sale No. 283256.
32. Denied claim from Gail Smith Wright regarding Tax Deed Sale No. 283317.
33. Denied claim from Prime Options Financial Services, on behalf of Bob Vickery regarding Tax Deed Sale No. 283327.
34. Denied claim from Thomas Riedlinger regarding Tax Deed Sale No. 283355.
35. Denied claims from Eleanor Morgan and Prime Options Financial Services LLC and David Brice Morgan regarding Tax Deed Sale No. 283359.

Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board acted on the Consent Agenda for County Attorney items 5.A.1. through 5., Development Review Committee items 5.B.1. and 2., Library item 5.C.1., Marion County Sheriff's Department item 5.D.1., MSTU Department items 5.E.1. and 2., Purchasing Department items 5.F.1. through 14., and Transportation Department items 5.G.1. through 4., as

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follows:

Budgets/Ordinances - (5.A.1. and 2.) - Accepted recommendation of Chief Assistant County Attorney Thomas D. MacNamara to execute Releases of Code Enforcement Lien for the following:

1. Llewelyn Pennant, Case No. 429390LB.
2. Marc J. and Leone Toles, Case No. 336640JB.

Budgets/Ordinances - (5.A.3.) - The Board considered the following recommendation of Chief Assistant County Attorney MacNamara to approve the Code Enforcement Board recommendation regarding Willie R. and Ruthy M. Collier:

Description/Background: On April 27, 2001, an Order of Marion County Code Enforcement Board was issued for violation of Marion County Ordinance 99-6 Standard Building Code by occupying a mobile home without a certificate of occupancy on real property located at 275 NW 117th Court, Ocala, Marion County, Florida imposing a fine of \$50.00 per day up to a maximum of \$5,000.00. On March 21, 2006, an Affidavit of Compliance was filed reflecting a total lien of \$5,000 existing against Collier. On April 5, 2006, a request for rescission or reduction of the lien by the new property owner, David Colfax, was considered by the Code Enforcement Board. The Building Department reviewed the facts of the case and stated they had no position on the fine. Mr. Colfax testified that based on his discussion with the mobile home owners, the mobile home was repossessed and removed from the property within 15 days of the Board Order without notification to the Code Enforcement Department. The Code Enforcement Board recommends reduction of the lien to the amount of \$750.00 based on the evidence provided that the violation was cleared and the fine would have reached that amount (15 x \$50.00). The Board voted to recommend a partial release of lien to \$750.00. On April 18, 2006, the amount of the \$750.00 was satisfied by payment in full. A release of lien is recommended. Case No. 360275DK.

Budget Impact: Increase in Revenue \$750.00

Recommended Action(s): The Board is requested to approve the recommendation of the Code Enforcement Board and approve the attached Release of Lien and authorize the Chairman and Clerk to execute same and return the executed original to the County Attorney's office for recording.

Commissioner Harris questioned if Item 5.A.3. should be a complete Release of Lien due to the reduction of the fine. Mr. MacNamara agreed that if the recommendation of the Code Enforcement Board was accepted, it would be a complete Release of Lien due to payment in full had already been made. Commissioner Stone questioned the request of the petitioner regarding the reduction of fine after the property was purchased. Mr. MacNamara agreed and stated the owner appeared in front of the Code Enforcement Board and testified he went to the mobile home manufacturer and they stated they had repossessed the mobile home within 15 days. Commissioner Harris stated the violation had been cleared but Code Enforcement had not been notified. Commissioner Stone stated concerns with communications regarding selling property that had a lien against that property. Chairman Payton questioned if the lien was of record, then the obligation was to the County.

A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to approve the Code Enforcement Board recommendation regarding the

Release of Lien for Willie R. and Ruthy M. Collier. The motion was unanimously approved by the Board.

Budgets/Ordinances - (5.A.4.) - The Board considered the following recommendation of Chief Assistant County Attorney MacNamara to approve the Code Enforcement Board recommendation regarding Paul K. Colosimo and Kathleen Desena:

Description/Background: An Order of the Marion County Code Enforcement Board was filed on January 20, 2004, for violation of Marion County Code by having an accumulation of junk, litter and unserviceable vehicles on real property located at 3300 SE 35th Court, Marion County, Florida imposing a fine of \$50.00 per day up to a maximum of \$3,000.00. On April 11, 2006, the lien (\$3,000.00) was satisfied by payment in full. A Release of Lien is recommended. Case No. 410747BP.

Budget Impact: Increase in Revenue \$3,000.00

Recommended Action(s): The Board is requested to approve the attached Release of Lien and authorize the Chairman and Clerk to execute same and return the executed original to the County Attorney's office for recording.

Commissioner Stone questioned the check disbursed from the Clerk to the County. Mr. MacNamara stated the property that was subject to a lien was also subject to a tax sale and the bid on the property exceeded the amount of the taxes due. He stated in the case of surplus, it was applied against existing liens to the property prior to refunding any amount to the previous owner of the property.

A motion was made by Commissioner Stone, seconded by Commissioner Kesselring, to approve the Code Enforcement Board recommendation regarding the Release of Lien for Paul K. Colosimo and Kathleen Desena. The motion was unanimously approved by the Board.

Budgets/Ordinances - (5.A.5.) - The Board considered the following recommendation of Chief Assistant County Attorney MacNamara to approve the Code Enforcement Board recommendation regarding James and Elaine Dispoto:

Description/Background: On March 13, 2006, three (3) Orders of Marion County Code Enforcement Board were filed for the following violations:

- 1) building a tower without permits, Florida Building Code (Case #454993MA)
- 2) Operating a radio station in improper zone, Land Development Code (Case #454989LB)
- 3) Having a telecommunication tower antenna without a Special Use Permit; and by having repeated the aforesaid violations, Land Development Code of Marion County (Case #454988LB)

on real property located at 4360 SE 60th Street, Marion County, Florida imposing fines of violations (1) and (2) in the amount of \$50.00 per day up to a maximum of \$3,000.00. Violation (3) imposed a fine in the amount of \$500.00 for the repeat violation and an additional \$200.00 per day up to a maximum of \$12,000.00.

On April 5, 2006, the Marion County Code Enforcement Board considered a request by Dispotos' attorney, for reduction of all three fines. The Code Enforcement Department presented a summary of the case, photos showing the property currently in violation and recommended denial of the request. The Code Enforcement Board by unanimous vote recommends no reduction of all three fines.

Budget Impact: None.

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Recommended Action(s): The Board is requested to approve the recommendation of the Code Enforcement Board.

Commissioner Harris questioned if the item was the same as the one presented in a prior meeting. Mr. MacNamara stated this was the same item. He stated prior action of the Code Enforcement Board was to assess a fine up to a maximum and that the maximum had been paid. In response to Commissioner Harris, Mr. MacNamara stated a violation was still present, and that this was a continuing violation, new site and a new fine.

Commissioner Harris requested staff to obtain a copy of the case in Seminole County where a citizen was put in jail due to repeated code violations. He suggested the Commissioners discuss with the State Attorney's office pursuing these types of cases more aggressively to reduce the amount of repeat offenders. Chairman Payton questioned if the tower had been removed due to the process of the mitigation hearings. Mr. MacNamara stated the tower remained standing and that there was a future hearing in June, 2006. County Attorney Johnston stated that in order to remove the tower, a court order had to be obtained to have that right. Commissioner Kesselring suggested being more aggressive with specific cases like this, due to the fact that it may be easier for people to keep paying fines as opposed to clearing the violation. Mr. Johnston stated the party involved had hired several attorneys, and every time a court motion was filed, the County had to go through the proceedings from that motion.

Commissioner Harris suggested having a workshop with a representative from the State Attorney's office and try to outline an approach to this recurring problem.

A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to approve the Code Enforcement Board recommendation to deny reduction of the three fines. The motion was unanimously approved by the Board.

Chairman Payton directed staff to arrange a workshop with a representative from the State Attorney's office and the County Attorney's office.

Contracts & Agreements/Resolutions/Subdivisions - (5.B.1.) - The Board considered the following recommendation of Development Review Committee Chairman Dwight D. Ganoe to adopt Resolution 06-R-167 amending requirements for Indemnification Agreements:

Description/Background: The Development Review Committee (DRC) has recommended that the Board of County Commissioners establish by this resolution a maximum number of building permits that may be issued thru the Indemnification Agreement process. The DRC recommends a limit of 10 percent of the total number of platted lots per development phase to a maximum of 50. This will allow the Building Department and 911 Management to properly address and track permits issued for these lots that have yet to be platted.

Budget Impact: N/A

Recommended Action: Motion to approve the attached resolution adopting and establishing a limit to the number of building permits issued per Indemnification Agreements and to authorize the chairman and clerk to execute same.

Commissioner Stone stated he needed more information regarding the aforesaid agreement. Commissioner Harris stated the developer assumed all risks. Mr. Johnston stated that no Certificate of Occupancy would be issued to the developer until the homes met approval, but the houses could be constructed ahead of time. Mr. Ganoe stated this was a policy put in to place for any future agreements to come before the Board that would

limit the number of permits that could be pulled.

A motion was made by Commissioner Stone, seconded by Commissioner Harris, to approve the Code Enforcement Board recommendation to approve the resolution adopting and establishing a limit to the number of building permits issued per Indemnification Agreements. The motion was unanimously approved by the Board.

Subdivisions - (5.B.2.) - Accepted recommendation of the Development Review Committee to execute and record the final plat of Estates at Pleasant Hill.

Grants/Libraries - (5.C.1.) - Accepted the following recommendation of Library Director Julia H. Sieg regarding expenditure of contributions made in honor of Esther B. H. Goolsby for the new Belleview Public Library:

Description/Background: The Goolsby family from the Belleview area donated five acres of land on CR484 to house the new Belleview Public Library. The only acknowledgment the family has asked is that their parents, Allton and Esther Goolsby, be remembered on a plaque at the new library.

On April 13, 2006 the matriarch of the Goolsby family, Esther B. H. Goolsby, passed away. The family has asked that memorial contributions be made to the Marion County Public Library System. The family has communicated that they would like the memorial funds to be used to benefit the new Belleview Public Library.

The library has a book endowment fund already established to receive donations for materials. The library regularly makes deposits into this account. The family has indicated that they would like the memorial contributions to go toward a more lasting memorial and that whatever is purchased be dedicated to the new Belleview Public Library. This necessitates a separate accounting from the book endowment fund. Permission from the Board to receive, earmark, and eventually expend these memorial funds is needed for Finance to establish a separate accounting system for the receipt and eventual expenditure of these memorial funds.

Budget Impact: It is unknown how many individuals will see fit to make a contribution toward the new Belleview Public Library in honor of Esther B. H. Goolsby.

Requested Action: The Board is requested to grant approval for Finance to receive, earmark, and expend memorial contributions made in memory of Esther B. H. Goolsby for the eventual public purpose benefit of enhancing the new Belleview Public Library.

Communications/Contracts & Agreements/Sheriff - (5.D.1.) - Approved request of Marion County Sheriff Ed Dean to approve the proposed Agreement with the Sheriff's Department and the Emergency Medical Services Alliance, Inc. (EMSA) regarding a facility and communications equipment for the provision of communications services. It was noted that the Agreement would be executed during the latter part of the summer.

Road Improvements/Drainage - (5.E.1.) - Accepted recommendation of MSTU/Assessment Director Myra Tedder to accept petitions from property owners of JLW and portions of Lake Weir Harbor Estates Subdivision, and placed the project on the proposed road assessment program list for future road and drainage improvements.

Road Improvements/Drainage - (5.E.2.) - The Board considered recommendation

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of MSTU/ Assessment Director Myra Tedder to accept petitions from property owners of SA-TE-KE Village Subdivision to place the project on the proposed road assessment program list for future road overlay improvements with minor drainage improvements, on an as needed basis.

Commissioner Stone questioned the map and suggested differentiating what part of the County that was being discussed. Ms. Tedder stated the location was in Dunnellon, off of SW 180th Avenue and CR 484. Commissioner Stone requested staff provide a better quality map for review.

A motion was made by Commissioner Stone, seconded by Commissioner Kesselring, to accept petitions from property owners of SA-TE-KE Village Subdivision as recommended.

Contracts & Agreements/Libraries - (5.F.1.) - Accepted recommendation of Purchasing Director Diane Tucker to execute contract amendment with London Engineering, Inc. for the civil/site/environmental design and permitting for the Dunnellon Library, as requested by the Facilities Management Department pursuant to 05Q-035.

Contracts & Agreements/Road Improvements - (5.F.2.) - Accepted recommendation of Purchasing Director Tucker to execute contract with Steven Counts, Inc. for the Road Overlay Project 2005 - 2006, as requested by the Transportation Department pursuant to Bid No. 06B-040.

Projects & Programs - (5.F.3.) - Accepted recommendation of Purchasing Director Tucker to authorize staff to negotiate a contract with Gold and Associates, Inc. to provide advertising services for the Marion County Tourist Development Council pursuant to RFP No. 06P-007.

Contracts & Agreements/Road Improvements - (5.F.4.) - Accepted recommendation of Purchasing Director Tucker to execute contract with Art Walker Construction, Inc. for Sheri Oaks road overlay project - MSTU Road Assessment Program, as requested by the MSTU Department pursuant to Bid No. 06B-017.

Contracts & Agreements/Road Improvements - (5.F.5.) - Accepted recommendation of Purchasing Director Tucker to execute contract with Counts Construction Co., Inc. for the Combined Road Overlay Project - MSTU Road Assessment Program, as requested by the MSTU Department pursuant to Bid No. 06B-053.

Contracts & Agreements/Road Improvements - (5.F.6.) - Accepted recommendation of Purchasing Director Tucker to execute contract with Counts Construction Co., Inc. for Ocala Ridge Units 1-3 - MSTU Road Assessment Program, as requested by the MSTU Department pursuant to Bid No. 06B-016.

Contracts & Agreements/Road Improvements - (5.F.7.) - Accepted recommendation of Purchasing Director Tucker to execute contract with John L. Finch Contracting Corp. for the Lake Weir Ranchettes - MSTU Road Assessment Program, as requested by the MSTU Department pursuant to Bid No. 06B-018.

Contracts & Agreements/Projects & Programs - (5.F.8.) - Accepted recommendation of Purchasing Director Tucker to execute contract with Stentiford Construction Services for the Silver Springs Shores Community Youth Center pool replacement and restrooms, as requested by the MSTU Department pursuant to Bid No. 06B-022.

Contracts & Agreements/Road Improvements - (5.F.9.) - The Board considered recommendation of Purchasing Director Tucker to execute contract with Counts Construction Company, Inc. for Marion Oaks Units 1 - 5 and 7 - MSBU Road Assessment Program 2005-2006, as requested by the MSTU Department pursuant to Bid No. 06B-033.

Commissioner McClain questioned the Bid Tabulation results regarding the base bid amount and the approximate project cost. Ms. Tedder stated when the bid was done for Marion Oaks an alternate to do either 1" or 1½" of asphalt overlay and chose to do the 1½", then took the base bid, subtracted the 1" of asphalt off, then added back in the alternate in which the total became \$1,004,367.60.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to execute the contract with Counts Construction Company, Inc. for Marion Oaks Units 1 - 5 and 7 - MSBU Road Assessment Program 2005-2006 as recommended. The motion was unanimously approved by the Board.

Purchasing/Landfills - (5.F.10.) - Accepted recommendation of Purchasing Director Tucker to issue a Purchase Order to Ring Power Corporation for the purchase of a 2006 Wheel Loader with Waste Handler Package, as requested by the Solid Waste Department pursuant to 06P-047.

Contracts & Agreements/Landfills - (5.F.11.) - Accepted recommendation of Purchasing Director Tucker to execute contract amendment with Perma-Fix of Florida, Inc. to provide the collection, packaging, transportation, treatment and disposal of hazardous waste, as requested by the Solid Waste Department pursuant to Bid No. 00P-023.

Contracts & Agreements/Roads, Miscellaneous - (5.F.12.) - Accepted recommendation of Purchasing Director Tucker to utilize the City of Ocala Bid No. B2929 and execute the contract with Fausnight Strip and Line, Inc. for pavement markings of various County roads, as requested by the Transportation Department.

Contracts & Agreements/Landfills - (5.F.13.) - The Board considered recommendation of Purchasing Director Tucker to execute contract with H & E Equipment Services for the purchase of a 2006 Rough Terrain Forklift 4x4 Lift King "M" Series, as requested by the Solid Waste Department pursuant to Bid No. 06P-048.

Commissioner Stone questioned the alternate proposals to the bid. Solid Waste Director Ken Whitehead stated knowing that H & E was low bid but would have to defer to Diane for the other bids. Ms. Tucker stated she did not have the other two bids but would bring them back later in the meeting.

Commissioners/Communications - A motion was made by Commissioner Harris, seconded by Commissioner McClain, to reschedule the May 3, 2006 workshop regarding the Hospital District Board of Trustees to Tuesday, May 23, 2006 at 2:00 p.m.

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Purchasing - (5.F.14.) - The Board approved Purchase Orders over \$10,000 as listed on schedule dated today.

Resolutions/Traffic Control - (5.G.1.) - Accepted recommendation of County Engineer Mounir Bouyounes to adopt Resolution 06-R-168 terminating the existing forty-five (45) mph speed limit and establishing a thirty-five (35) mph speed limit on SE 110th Street from CR 475 to SE 19th Court.

Contracts & Agreements/Road Improvements - (5.G.2.) - Accepted recommendation of County Engineer Bouyounes to execute Purchase Agreement with Alfredo G. Castillo and Luz Elena Ceranka in the amount of \$81,450 for Parcel No. 3507-013-003 to acquire necessary right of way for the SW 95th Street Road Improvement Project.

Contracts & Agreements/Road Improvements - (5.G.3.) - Accepted recommendation of County Engineer Bouyounes to execute Purchase Agreement with Otto and Fonda Lecuona in the amount of \$88,000 for Parcel No. 3507-016-014 to acquire necessary right of way for the SW 95th Street Road Improvement Project.

Contracts & Agreements/Road Improvements - (5.G.4.) - Accepted the following recommendation of County Engineer Bouyounes to transfer funds from the General Fund to the Transportation Maintenance Fund for the reimbursement of the April 7, 2005 tornado clean-up costs:

Description/Background: In response to the emergency caused by the April 7, 2005 tornado, the Transportation Department was tasked with opening all the impacted roadways and the clean up effort afterward. Our response started on April 7 at about 4:00 p.m. and by 2:00 a.m. on April 8, all roads were opened to the public. The clean up effort to remove vegetative debris and C&D material continued until May 18, 2005. Debris collected and disposed of was approximately 30,000 c.y. at a total cost for this effort of \$700,410.37.

All this work was paid for from the Transportation Maintenance Fund which should be reimbursed from the General Fund.

Budget Impact: General Fund \$700,410.37

Recommended Action: Motion to approve the proposed request and instruct Finance to transfer the funds from the General Fund to Transportation Maintenance Fund.

Garbage/Resolutions - (8.A.) - Deputy Clerk Smith presented three Proof of Publications No. A000153361, A000153363, and A00015080, all entitled "Notice of Public Hearing to Award a Franchise for the Collection, Transportation, and Disposal of Commercial Solid Waste Residential Solid Waste and Construction and Demolition Debris Collection Service Franchise", and published in the Star Banner newspaper on April 12, 2006. The Notices stated the Board would consider applications by Andy's Garbage Service, Roy Young's Garbage, and Waste Management of Central Florida.

Solid Waste Director Ken Whitehead stated the applications were reviewed and found to be in order. He advised that staff recommended approval of the applications for renewal.

There being no public comment, upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board adopted Resolutions 06-R-169, 06-R-170 and 06-R-

171 awarding franchises to Andy's Garbage Service, Roy Young's Garbage, and Waste Management of Central Florida in accordance with the Marion County Code, Chapter 16 Solid Waste, Article II Garbage Collection, Removal and Disposal Facilities, and Collection Franchises, Division 2 Commercial, Residential, and Construction and Demolition Debris Collection Service Franchises, Section 16-30.

Commissioner Harris clarified his motion was to include the condition that all trucks have an I.D. No. and telephone No. visibly marked on the back of the truck within 90 days of the approval.

Ordinances/Public Safety - (8.B.) - Deputy Clerk Smith presented Proof of Publication No. A000158162 entitled "Notice of Intention to Consider Adoption of an Ordinance", published in the Star Banner newspaper on April 21, 2006. The Notice stated the Board would consider adoption of an ordinance relating to begging and panhandling.

Mr. Fowler stated the purpose of the hearing was to consider adoption of an ordinance to prohibit begging and panhandling in the unincorporated areas of the County without a license. He stated it would also prohibit begging and panhandling from the occupants of vehicles and within 500 feet of the on or off ramps of I-75. Commissioner Harris questioned the purpose of the \$100 fee for application of a license. Mr. Fowler stated the ordinance was drafted and modeled by the City of Ocala ordinance that included the provision. Commissioner Harris commented on citizens remarks regarding problems with begging and panhandling done in the right-of-way. He addressed the need to review applications for approval of a license for begging and panhandling.

Upon call for public comment, Marion County Sheriff's Office Lieutenant Dennis McFatten stated there were safety and liability issues developing from the begging and panhandling. He stated people were always stopping to donate and that caused traffic congestion. Lieutenant McFatten stated the citizens were bringing their pets with them when they were in the middle or on the side of the roadways which was a health and safety issue.

Amy Markley, SW 14th Avenue Road appeared and commented that the issue was a daily one close to the area of the subdivision in which she lived. She stated as traffic developed at the intersection, as the area continued to grow, it had become more of a safety issue.

Attorney Peter Sleasman, Legal Advocacy Center of Central Florida, SW Broadway, Ocala, representing the homeless client base who engage in panhandling and charitable solicitation. He stated panhandling and charitable solicitation was a protected constitutional speech activity, especially on traditional public areas such as sidewalks and streets. Mr. Sleasman stated this was a constitutionally protected activity and to exclude or single out a certain group and not allow them to solicit from public right-of-ways became a contact base restriction and was unconstitutional. He stated that the licensing proposal meant a complete ban on homeless citizens being able to solicit charitable contributions. Mr. Sleasman stated the licensing procedure was vague with no guidelines and amounted to an unconstitutional restriction on protected First Amendment speech by low income citizens.

Marion Shomer, SE 49th Court, Belleview, appeared and commented on the amount of citizens with their vehicles parked in the median. She commented on all different sorts of health risks including no available restrooms, great amounts of littering, excessive smoking with no ashtrays to use.

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Commissioner Harris questioned Section 2.a. of the definition of the ordinance, and wanted to know if the word "personal" could be included. Mr. Fowler stated he did not think it would make a difference if the word was or was not included. Mr. Johnston stated if the word was to be included, it would also need to be included in Section 3.a. Commissioner Stone questioned whether there was a constitutional right that Mr. Sleasman spoke about and if it would still apply when the citizen obtained the begging and panhandling license. Mr. Fowler stated there was such constitutional or First Amendment right to beg and panhandle.

Commissioner Stone questioned if and when the begging and panhandling license was issued, could the citizen be issued a badge to wear to identify them as such. He also questioned the reasons for suspension of the citizens license and when the license was up for renewal, if background checks would be done at that time. Commissioner Stone questioned if the County had the prerogative to renew the license without going through the court system. Mr. Fowler stated he would not recommend doing that and advised the County was just trying to regulate the begging and panhandling within the bounds of the law and according to the First Amendment right. Mr. Johnston suggested approving the Ordinance as it was and if problems occur in the future, address them at that time.

A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to adopt Ordinance 06-10 relating to begging and panhandling with the discussed language changes. The motion was unanimously approved by the Board. Ordinance 06-10 was entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO BEGGING AND PANHANDLING; PROVIDING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR RESTRICTIONS ON BEGGING AND PANHANDLING; PROVIDING FOR APPLICATION FOR LICENSE; PROVIDING FOR ISSUANCE OF LICENSE; PROVIDING FOR VIOLATIONS; PROVIDING FOR SUSPENSION OF LICENSE; PROVIDING FOR VIOLATIONS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Contracts & Agreements/Hospitals/Road Improvements - (8.C.) Deputy Clerk Smith presented Proof of Publication No. A000158220 entitled "Notice of Intent to Consider Development Agreement Amendment", published in the Star Banner newspaper on April 21, 2006. The Notice stated the Board would consider the Master Traffic Mitigation Agreement relating to SR 200. The following memo was received from Chief Assistant County Attorney MacNamara:

Description/Background: Pursuant to the request of Steven H. Gray, Esquire, Counsel for Pulte Home Corporation (successor in interest to Circle Fore Corporation), attached please find a copy of the proposed first amendment to agreement generally transferring reserved capacity from Marion Community Hospital to Pulte Home Corporation. The Board is requested to conduct the first of two public hearings to consider the approval of the proposed First Amendment. At the conclusion of the first public hearing, the Board is requested to announce that the second public hearing will be conducted on Tuesday, May 16, 2006, at 10:00 a.m. Budget Impact: None.

Recommended Action: The Board is requested to conduct the first of two public hearings and at the end of the public hearing announce that no action will be taken until the second public hearing and the second public hearing will be on Tuesday, May 16, 2006 at 10:00 a.m. when the Board will consider the approval of the first amendment to Master Traffic Mitigation Agreement.

Mr. MacNamara stated this was a First Amendment to a Development Agreement concerning roadway construction on SR 200. He stated this was a Three-party Agreement that was entered into and construction dollars were matched by the Florida Department of Transportation (FDOT) and concurrency was reserved due to these contributions. Mr. MacNamara stated the Amendment would transfer some of the reserved concurrency from the hospital to Pulte Homes Corporation. He stated any questions should be directed to Mr. Gray. Mr. MacNamara stated this was the first of two public hearings and no action would be taken after the first hearing, just at the second hearing, which was scheduled in two weeks.

Commissioner Kesselring questioned if one of the parties involved would not use all of their traffic concurrency. Mr. Ganoie stated they would be able to exchange some of the trips. Commissioner Harris stated when the Agreement was structured there was no more capacity beyond what was constructed at that time with the exception they retained. Commissioner Kesselring stated he had read information that traffic would go out on the north side and not use SR 200, and that was why there was capacity to sell. Commissioner Harris stated a percentage of the traffic in the study was always planned to go out to the north.

Steve Gray, NE 1st Avenue, attorney representing the private parties of the agreement, was present. He stated when in negotiations for this deal, there was not a North exit for the hospital. Mr. Gray stated the hospital was the reason FDOT was willing to fund the project. He stated the hospital reserved enough trips for a 350 bed hospital and 400,000 square feet of medical office buildings with every trip going on to SR 200. Mr. Gray stated their plans were to expand the hospital but not to 350 beds and do not anticipate building the 400,000 square feet of medical office building. He stated the hospital had reserved more trips than they would ever use. Mr. Gray stated it did not create new trips but allowed the movement of the trips within the parties and they had extra capacity in their reserve trips.

Commissioner Stone stated that it was hard to see any extra capacity when traveling the roadway. Mr. Gray stated the private parties came forward and asked for the ability within their own group to have the capacity of moving the trips from one parcel to the other, which was part of the original deal. Chairman Payton questioned if Pulte was reaching a point where they could not build any more houses if they did not get more concurrency. Mr. Gray stated that more trips were needed beyond the ones that would be moved to complete the Fore and Pulte properties and would not resolve all traffic issues.

Commissioner Harris stated at the time the agreement was put together, there was a lot of discussion regarding a route going out to the north and becoming a reliever. He stated anything that Pulte or anyone else did to the north might be calculated against other improvements being made with developing properties. Commissioner Harris stated this agreement would only pertain to the credits the hospital created by spending the money to go out and six-lane the highway. He stated others were utilizing SR 200 separate and apart from the agreement and there was a tremendous increase in the volume of traffic. Mr. Gray stated for informational purposes that Pulte was doing in excess of \$1.4 million worth

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of other road improvements including roads to the north and west of the project, had put in signals at SW 38th Street, made improvements to the intersection at SW 60th Avenue and SW 38th Street, adding turning lanes to the SW 60th Avenue project and also had paid for some improvements that were designed to get some relief at the intersection on SR 200 closest to the Interstate, which was SW 38th Court. He stated the parties were not ignoring concurrency, but that the hospital and Fore property reserved a certain number of trips on SR 200 in return for \$3.7 million worth of road contributions. Mr. Gray stated they wanted to move some of the excess trips, 147 out of 1208 reserved, from one parcel to another.

In response to Chairman Payton, Mr. Gray stated that the hospital was his primary client and he was currently representing them. Commissioner Stone questioned the percentage of the Impact Fee Credit, who kept track of the trips still available that have not been used, and how many trips were needed to be switched because there was no number listed in the agreement. Mr. Gray stated it was 25% of the Impact Fee Credit, and for the record 147 trips were needed to be switched. He stated within the base agreement for SR 200, there was a requirement of either six or nine months that the City and County was supposed to enter into an area program to coordinate who measured the concurrency on that segment of road. Mr. Johnston stated he had talked with Mr. Ganoe, and Mr. Massey with the Planning Department had been keeping track through the concurrency management system.

Commissioner Kesselring questioned out of the 147 trips, what number of concurrency was provided per residential unit. Mr. Ganoe stated approximately 10-14. Mr. Gray stated there was 7/10 of a trip per unit, with a 200 unit differential. He stated when the SR 200 Agreement was done the intensity was capped by the number of trips they had. Mr. Gray stated they could allocate to residential units. Commissioner Harris stated the parties that had paid, retained the right to sell the trips they were not going to use. Chairman Payton requested staff recommendation. Mr. Ganoe stated they had no objections.

Attorney Landis Curry, NE 1st Avenue, representing Circle Fore Corporation, was present. He stated before the participating private parties received any credit for traffic concurrency, they had to cure an existing deficiency on SR 200, approximately 800 trips. Mr. Curry stated when the agreement was done there were not enough trips to serve all of the parties and their property. He stated the only access at that time was to SR 200, the hospital had to reserve the trips as if every trip they had was going to go on SR 200. Mr. Curry stated when previously discussed with staff, during the negotiations of the Agreement, that there would eventually be a North/South roadway. He stated this would be a continuation of a private, public partnership that started on SR 200 and was still going on with the construction of roadways on the North/South, in which no public money was used for funding the project.

Commissioner Harris out at 10:54 a.m.

Mr. Curry stated Circle Fore Corporation had insufficient trips to complete development. He stated additional capacity would have to be reserved.

Chairman Payton noted the public hearing would continue two weeks from today's date on Tuesday, May 16, 2006 at 10:00 a.m.

Commissioner Harris in at 10:56 a.m.

There was a recess at 10:56 a.m.

The meeting reconvened at 11:05 a.m., with all members present.

Contracts & Agreements/Ordinances/Transportation - (8.D.) - Deputy Clerk Smith

presented Proof of Publication No. A000158161 entitled "Notice of Intention to Consider Adoption of an Ordinance", published in the Star Banner newspaper on April 21, 2006. The Notice stated the Board would consider adoption of an ordinance regarding Transportation Impact Fees.

Mr. MacNamara requested clarification, before the public hearing, regarding the material presented to the Board. He stated the Agenda Item referred that retirement communities could perform independent impact analysis. Mr. MacNamara stated the County may accept, reject or modify the current Code that was in place. He stated the fee payer may appeal the decision. Mr. MacNamara stated after reviewing the tape from the workshop, that was not the direction of the Board. He stated the change was not in the Ordinance that was on the Agenda. Mr. MacNamara presented 3 pages containing suggested language changes and Impact Fee Schedules that could be amended on the ordinance. He stated the language included that all decisions could be appealed to the Board within 30 days. Mr. MacNamara stated concerns with the direction the Board was going to take regarding the amount of impact fee. He stated in 2002 an ordinance was adopted regarding a methodology that had three years of increases. Mr. MacNamara stated Tindale-Oliver's recommendation was to take 71.51% of all of the 2006 fees. He stated Tindale-Oliver's calculation was consistent through all of the land uses and the Boards prior action in 2002. Mr. MacNamara stated he supported the recommendation of Tindale-Oliver to use a fixed percent of 71.51.

Commissioner Harris stated column 5 was consistent with what they were planning to accomplish and suggested doing the increase half way until they came up with another methodology. He stated utilizing the rates that were shown. Commissioner Harris stated the reason for evaluating new methodologies was so there would not be a lower rate for retirement communities. Chairman Payton stated retirement communities should not get any break. He stated the Board had a 6-month sunset and suggested adopting the full methodology. Commissioner Kesselring stated residential rates were too low. He stated 95% of last years impact fees were paid by residential. Commissioner Stone questioned which impact fee schedule was most legally defensible. There was a general consensus to concur.

In response to Commissioner McClain, Mr. MacNamara stated by law, the Board had to offer to allow the retirement community to provide the independent impact analysis.

A motion was made by Commissioner McClain, seconded by Commissioner Harris, to approve column 6 of the 2006 Impact Fee Schedule. Commissioner Harris commented on the disproportionate number of residential units that generate the bulk of the impact fee revenue and for that reason, he could not support the motion. He stated column 5 was consistent with what was discussed previously by the Board. Commissioner Harris stated he thought it was legally defensible because of the 50% differential with what was currently being used and where they would be at 100% with the 2006 study and schedule.

Commissioner Harris withdrew his second. The motion died for lack of a second.

There was no public comment.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to adopt Ordinance 06-11 relating to Transportation Impact Fees. Commissioner Stone questioned why the 5% was noted in Section 2. Code Amendment (d). Mr. MacNamara stated it was existing language in the Code and would remain unchanged. He stated it could be changed if the Board agreed to do so. Commissioner Stone suggested an amendment to Commissioner McClain's motion, to remove the language of 5% noted in

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Section 2. Code Amendment (d).

Commissioner Harris questioned if there were any independent studies done on single family, non-retirement developments. Joel Ray, Tindale-Oliver stated since 1989 approximately 33-34 independent studies had been done by their firm. Commissioner Harris questioned traffic counts that were coming in similar to those that were being calculated for this ordinance. Mr. Ray stated based on their data the single family use had higher vehicle miles of travel. Commissioner Harris questioned if there were any higher than what was calculated for the purpose of this ordinance. Mr. Ray stated the calculation for the purpose of this ordinance was based on the use of Institute of Transportation Engineers (ITE) data as well as the Florida studies data adjusted to the specific county. Commissioner Harris questioned how the independent study compared to the ITE data regarding single family non-retirement residences. Mr. Ray stated their study was at approximately 7.4 - 7.5, which was a couple of trips per day lower and ITE was above 9. Commissioner Harris questioned if there was a difference in the impact fee if the 7.5 was used instead of 9. Mr. Ray stated the 7.41 was used to calculate the residential for its fee and there was a difference. Commissioner Stone commented on a statement made by Mr. Oliver in a previous meeting regarding ITE numbers only being used to verify and that they were within realistic calculations and not to rely on them. Commissioner Harris stated that he could not support the motion. Mr. MacNamara clarified that column 6 would change the formula that was in the proposed ordinance. Chairman Payton clarified the motion was to approve column 6, with language changes and the friendly amendment. The motion was approved by the Board by a vote of 3-2, with Commissioners Harris and Kesselring voting nay. Ordinance 06-11 was entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE XI, OF THE MARION COUNTY CODE, IMPACT FEE FOR FIRE RESCUE FACILITIES AND TRANSPORTATION FACILITIES; AMENDING SECTION 10-273, DEFINITIONS; AMENDING SECTION 10-275, WHO MUST PAY; AMENDING SECTION 10-278, INDEPENDENT IMPACT ANALYSIS; AMENDING SECTION 10-279, LOCAL STUDIES; AMENDING SECTION 10-312, FINDINGS; AMENDING SECTION 10-321, FINDINGS; AMENDING SECTION 10-322, COMPUTATION OF AMOUNT OF FEE; AMENDING SECTION 10-323, DEVELOPER CONTRIBUTIONS/CREDITS; AMENDING SECTION 10-325, USE OF FUNDS; AMENDING SECTION 10-327, TRANSPORTATION IMPACT FEE SCHEDULE; CREATING A NEW SECTION 10-328; SUNSET OF TRANSPORTATION IMPACT FEES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Districts/Ordinances - (6.A.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board authorized advertising a public hearing to consider adoption of an Ordinance amending the County Code relating to Fire Prevention and Protection regarding open burning.

Ordinances/Schools/Transportation - (6.B.) - Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board authorized advertising a public hearing to consider adoption of an Ordinance relating to funds for traffic education programs

regarding the Dori Slosberg Driver Education Safety Act.

Districts/Resolutions - (6.C.) - County Attorney Johnston presented the following memo from Senior Assistant County Attorney Fowler to adopt a resolution providing fees, fines and penalties for violation of the Fire Prevention and Protection Code:

Description/Background: At the workshop held to discuss fees for fire services, the Board directed preparation of new fee resolutions for fire services. The attached resolution increases the fines for illegal burns from a written warning to \$50.00 for a first offense and from \$105.00 to \$130.00 for a second or subsequent offense.

Budget Impact: None.

Recommended Action: The Board is requested to approve the attached Resolution and authorize the Chairman and Clerk to execute same.

A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to adopt Resolution 06-R-172 providing fees, fines and penalties for violation of the Fire Prevention and Protection Code. The motion was unanimously approved by the Board.

Commissioner Harris questioned whether the public would be informed regarding this item. Mr. Fowler stated the ordinance was advertised for the next meeting with an effective date of July 1st, 2006 which would provide enough time to educate the public regarding the matter. Division Chief Fire Marshal Paul Nevels stated the effective date Mr. Fowler gave was correct and the public hearing would be held at the next Board meeting on May 16, 2006, to discuss the Marion County Code to include the proposed language. He stated staff was also working with the media and the Division of Forestry in trying to get the proper information out to the public before it goes into effect.

Districts/Resolutions - (6.D.) - County Attorney Johnston presented the following memo from Senior Assistant County Attorney Fowler to adopt a resolution providing fees for false fire alarms and fees for alarms which fail to deactivate:

Description/Background: At the workshop held to discuss fees for fire services, the Board directed preparation of new fee resolutions for fire services. The attached resolution increases the fees for false alarms from \$325.00 to \$450.00 for residential and from \$420.00 to \$575.00 for commercial.

Budget Impact: None.

Recommended Action: The Board is requested to approve the attached Resolution and authorize the Chairman and Clerk to execute same.

A motion was made by Commissioner Harris, seconded by Commissioner Stone, to adopt Resolution 06-R-173 providing fees for false fire alarms and fees for alarms which fail to deactivate. The motion was unanimously approved by the Board.

Bonds/Resolutions - (6.E.) - County Attorney Johnston presented a memo from Senior Assistant County Attorney Fowler requesting approval of the issuance by the Industrial Development Authority of Industrial Development Revenue Bonds (Ocala Recycling, Inc. Project) not to exceed \$6,000,000.00. The memo advised that the resolution approving issuance would not create any liability or obligation on the part of the County.

Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board adopted Resolution 06-R-174 approving the issuance by the Industrial Development

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Authority of Industrial Development Revenue Bonds in an aggregate principal amount not to exceed \$6,000,000.00 for the Ocala Recycling, Inc. project. The resolution was entitled: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE MARION COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF THE AUTHORITY'S INDUSTRIAL DEVELOPMENT REVENUE BONDS (OCALA RECYCLING, INC. PROJECT) IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$6,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO OCALA RECYCLING, INC., TO FINANCE THE COSTS OF THE ACQUISITION OF AN APPROXIMATELY 10 ACRE TRACT OF LAND LOCATED AT 2020 N.W. 31st STREET IN OCALA, MARION COUNTY, FLORIDA, AND THE FIVE EXISTING STRUCTURES LOCATED THEREON TOTALING APPROXIMATELY 12,600 SQUARE FEET IN THE AGGREGATE, AND THE RENOVATION, CONSTRUCTION, AND EQUIPPING THEREON OF FACILITIES FOR USE AS A MANUFACTURING FACILITY FOR THE PURPOSE OF SHREDDING AND PROCESSING SCRAP METAL AND RELATED PRODUCTS FROM AUTOMOBILES, ALL CONSTITUTING A MANUFACTURING FACILITY, WHICH PROJECT WILL BE OWNED AND OPERATED BY OCALA RECYCLING, INC.

Communications/Utilities - (Walk-on) - A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to schedule a workshop on Thursday, May 18, 2006 to discuss the comprehensive review of the Utilities operations, immediately following the 9:00 a.m. FEMA Flood Maps workshop.

Communications/Comprehensive Plan/Utilities - (Walk-on) - A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to authorize advertising a public hearing on Tuesday, May 16, 2006 at 10:00 a.m. to adopt a resolution regarding PDR and SRF Loans to fund construction of the Stonecrest and Oak Run Water/Wastewater Treatment Plants.

Rights of Way/Roads, Miscellaneous/Subdivisions - (7.A.) - County Administrator Howard requested the Board consider upholding the Development Review Committee's (DRC) decision of the Major Site Plan Submittal waiver request regarding Abracadabra Farm. DRC Chairman Ganoe presented the following recommendation:

Description/Background: Section 8.2.9.a (1) (a) of the County Code provides that if collectively, all existing and proposed impervious surfaces exceed 35 percent of the gross site area, or if existing and proposed impervious surfaces collectively include 9,000 or more square feet of ground coverage, a drainage plan will be submitted. The developer's statement of justification for the requested waiver is as follows:

"DEVELOPER requests waiver because he is building a 16,000 square foot horse barn on a working horse farm of 121.92 acres."

South Magnolia Avenue is an existing roadway corresponding to a Section Line that extends north-to-south between CR 484 and CR 475. South Magnolia Avenue is midway between CR 475-A and CR 475 and will provide an alternative transportation route for the area, including a direct connection to the CR 484

intersection, 600' to the north, where a recent land use amendment and rezoning established a commercial use area. DRC action on April 17, 2006, by a vote of 4-1 with John Carter voting in opposition, was to approve the Major Site Plan waiver subject to dedication of additional right-of-way, either by easement or full dedication, 40 feet from existing pavement centerline, consistent with LDC Section 8.2.5.a (2) (b).

Budget Impact: N/A

Recommended Action: Motion to uphold the Development Review Committee's decision of the Major Site Plan Submittal waiver request.

A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to grant the waiver request by Abracadabra Farm. The motion was unanimously approved by the Board.

Commissioner Stone suggested staff in providing a reliever road north and south bound. Ms. Tedder stated she had a request for a road assessment for that location.

Advisory Committees/Projects & Programs - (9.A.) - Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board approved creation of the Ocala/Marion County Visitor and Convention Bureau as requested by the Tourist Development Council. It was noted that the employees of the Ocala/Marion County Visitor and Convention Bureau were Marion County employees and as such were under all County procedures and guidelines.

Advisory Committees/License & Permits - (9.B.) - Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board accepted the resignation of Walter I. Norton from the License Review Board/Construction Board of Adjustment & Appeals and approved executing a letter of appreciation.

Advisory Committees/Districts - (9.C.) - Deputy Clerk Bonvissuto announced the results of the Commissioners' ballots for the Fire Rescue MSBU Advisory Board.

Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board appointed the following members of the Fire Rescue MSBU Advisory Board: Karen Gold, with a term to expire in 12/2009 and Rodney Jens Zancanata, with a term to expire in 12/2007.

Advisory Committees/Licenses & Permits - (9.D.) - Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board appointed Gary L. Sorensen as a member of the License Review Board/Construction Board of Adjustment & Appeals.

Advisory Committees/Districts - (9.E.) - Deputy Clerk Bonvissuto announced the results of the Commissioners' ballots for the Pine Run MSTU Advisory Council.

Upon motion of Commissioner Harris, seconded by Commissioner Kesselring, the Board appointed Joseph S. Chillari, Sr. and Willard Higgins as members of the Pine Run MSTU Advisory Council.

Budgets/Clerk/Sheriff - (4.A.8.) - The Board continued discussion in regard to Budget Amendment Resolution 06-R-175 transferring \$17,345 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID.

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Lieutenant Thomas Terrell, Marion County Sheriff's Office, stated he had talked with Bureau Chief Jerry Holland, he advised the money was made from the sale of old vehicles at auction and placed in the capital outlay account to use for the future purchase of new vehicles. In response to Commissioner Harris, Budget Director Michael Tomich stated that all equipment for the Sheriff's Office was purchased out of the capital outlay account.

A motion was made by Commissioner Harris, seconded by Commissioner McClain, to approve Budget Amendment Resolution 06-R-175 as requested by the Sheriff's Department. The motion was unanimously approved by the Board.

Zoning - Lloyd Phillips, Palm Road, Ocala, appeared and requested reconsideration of zoning changes to his property.

A motion was made by Commissioner Harris, seconded by Commissioner Stone, to grant the 12 month waiver and consider the zoning issue at the earliest opportunity. The motion was unanimously approved by the Board.

Commissioners - (11.A.) - A motion was made by Commissioner Kesselring, seconded by Commissioner Stone, to approve out-of-County travel for Chairman Payton and Commissioners Kesselring, McClain and Stone to attend the Florida Association of Counties (FAC) Conference at Marco Island, Florida from June 27, through 30, 2006. The motion was approved by the Board by a vote of 4-1, with Commissioner Harris voting nay.

County Employees - (Walk-on) - Deputy Clerk Bonvissuto announced the results of the Commissioners' ballots for the County Attorney position.

Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board authorized negotiations to begin with Attorney Thomas Wright, subject to all of the due diligence. Chairman Payton advised that he would serve as the Board's liaison on the negotiating team. The motion was unanimously approved by the Board.

Commissioners - (12.A.) - The Chairman acknowledged receipt of the May 2006 Commission calendar.

Grants - (12.B.) - Commissioner Kesselring commented on Community Development Block Grant (CDBG) allocation of funds. Commissioner Harris questioned if all possibilities had been exhausted for utilizing the available funds for public purpose. Commissioner Kesselring stated staff would be presenting some recommendations at the next Board meeting that would help clarify with some direction. Community Services Director Evelyn Rusciorelli stated letters of intent staff was reviewing to determine which projects would be CDBG eligible. She stated afterwards, applications would be requested for submission. Ms. Rusciorelli stated one of the applications was for a library. Commissioner Harris suggested the greatest benefit to the community was when the funds were used for public purposes. Commissioner Kesselring stated there were many public needs the County was responsible for and funds could be utilized to help with those needs.

A motion was made by Commissioner Harris, seconded by Commissioner Kesselring, to utilize funds to the greatest extent possible for public purposes. Ms. Rusciorelli suggested meeting with each Commissioner to discuss the application process that was in place and possibly making some amendments. The motion was approved by the Board by a vote of 3-2, with Chairman Payton and Commissioner Stone voting nay.

Communications - Commissioner Stone extended sympathy to the family of Dr. Robert Lynn, former member on the Board of Directors and Foundation Board at The Centers, who passed away on April 28, 2006.

Commissioners - Commissioner McClain commended staff and constituent for their participation in Ocala/Marion County Day in Tallahassee. He stated staff did a great job in representing Marion County and raised the level of awareness.

Contracts & Agreements/Landfills/Purchasing/Vehicles - (5.F.13.) - The Board continued discussion in regard to recommendation of Purchasing Director Tucker to execute contract with H & E Equipment Services for the purchase of a 2006 Rough Terrain Forklift 4x4 Lift King "M" Series, as requested by the Solid Waste Department pursuant to Bid No. 06P-048.

Purchasing Director Tucker advised that the other two proposals were from Ring Power including a trade-in for \$54,169 and Yale Industrial Trucks for \$50,500 with \$12,000 trade-in for a total of \$38,500 which was approximately \$1,100 cheaper, but they did not meet the specifications of the requirements.

A motion was made by Commissioner Harris, seconded by Commissioner Stone, to execute the contract with H & E Equipment Services for the purchase of a forklift as recommended. The motion was unanimously approved by the Board.

Projects & Programs - County Administrator Howard commented on the March of Dimes campaign, noting Animal Center Director Jill Lancon was coordinating the effort. He advised that approximately \$48,000 was raised.

County Employees - Commissioner Harris stated County staff today had a much greater burden placed on them to perform than in the past. He commended all employees involved for their continued efforts.

Communications - (13.) - For information and record, the Chairman acknowledged receipt of the following Notation for Record correspondence, item A from County Administrator Howard, and items B through D from Clerk Ellspermann:

County Administrator:

A. County Administrator Informational Items:

1. Old Business

Clerk Ellspermann:

B. Village Community Development District No. 4, Basic Financial Statements, September 30, 2005 (with Independent Auditor's Report thereon).

C. Regular Report of Utilization of Reserve for Contingencies received from Budget Director Tomich.

D. For information and record, minutes and notices received from the following committees and agencies:

1. Code Enforcement Board - April 5, 2006

2. Development Review Committee - April 3, 2006

3. License Review Board - March 14, 2006

4. Parks & Recreation Advisory Council - March 13, 2006

5. Planning Commission - July 13, 18, 20, 26, and 28, 2005

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6. PSC - Notice of Hearing re: Petition by MCIMetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for Arbitration of certain terms and conditions of proposed Interconnection Agreement with BellSouth Telecommunications, Inc.
7. Silver Springs Shores Special Tax District Advisory Council - March 9, 2006
8. Southwest Florida Water Management District - April 25, and 26, 2006 Agenda; and February 21, 2006 Approved Minutes
9. Tourist Development Council - February 1, and March 8, 2006

There being no further business to come before the Board, the meeting thereupon adjourned at 12:09 p.m.

James T. Payton, Jr., Chairman

Attest:

David R. Ellspermann, Clerk

Adopted by the Board of County Commissioners on Tuesday, June 6, 2006.