

June 6, 2006

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, June 6, 2006 at the Marion County Governmental Complex located in Ocala, Florida.

The meeting opened with invocation by Commissioner Stone, 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 Stan McClain, District 3; and Commissioner Charlie Stone, District 5. Commissioner Andy Kesselring, District 1, was absent. Also present were Clerk David R. Ellspermann, 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.

County Employees - The Board welcomed twenty-five new County employees, who were observing the meeting.

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

- A. Proclamation declaring June 9, 2006 as "Sons of the American Revolution Day".
- B. Proclamation declaring June 12, 2006 as "Bonnie M. Heath United Way Day".

Proclamations - (1.A.) - The Board presented the Proclamation declaring June 9, 2006 as "Sons of the American Revolution Day" to Edward Page, representative of the local Ocala Chapter of the National Society of the Sons of the American Revolution (SAR).

Mr. Page stated he was very glad to accept the Proclamation on behalf of the SAR organization and thanked the Board.

Minutes - (2.A. through C.) - Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board adopted meeting minutes of May 2, 3, and 16, 2006.

Constitutional Officers/Elected Officials - (3.A.) - It was noted for the record that the item presented by Howard H. Babb, Jr., Public Defender, in regard to the Early Intervention Program was withdrawn for two weeks.

Budgets/Resolutions - (4.A.1. through 17.) - Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board adopted the following Budget Amendment Resolutions presented by the Clerk:

1. 06-R-202 transferring \$21,000 within the General Fund for the Court Administrator.
2. 06-R-203 transferring \$185,901 within the General Fund for the Sheriff's

- Department - Jail.
3. 06-R-204 transferring \$38,431 within the General Fund for the Sheriff's Department - Jail.
 4. 06-R-205 transferring \$2,000 within the General Fund for the Code Enforcement Department.
 5. 06-R-206 transferring \$336,191 within the General Fund for the Sheriff's Department - Jail.
 6. 06-R-207 transferring \$336,191 within the CIP Capital Project Fund for the Capital Improvement Projects.
 7. 06-R-208 transferring \$46,000 within the General Fund for the Drug Court.
 8. 06-R-209 transferring \$52,132 within the General Fund for the Sheriff's Department - Emergency Management.
 9. 06-R-210 transferring \$32,805 within the Law Enforcement Trust Fund for the MSTU for Law Enforcement.
 10. 06-R-211 transferring \$135,780 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID.
 11. 06-R-212 transferring \$32,805 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID.
 12. 06-R-213 transferring \$10,850 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID.
 13. 06-R-214 transferring \$175,670 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID.
 14. 06-R-215 transferring \$3,000 within the MSTU for Law Enforcement for the Sheriff's Department - Patrol & CID.
 15. 06-R-216 transferring \$1,000 within the Rainbow Lakes Estates MSD for the Road & Street Department.
 16. 06-R-217 transferring \$350,000 within the Rainbow Lakes Estates - MSTU for Road Improvement for the Road & Bridge Department.
 17. 06-R-218 transferring \$25,000 within the Rainbow Lakes Estates - Comm Rec Facility MSBU for the Recreation Department.

Commissioner Harris questioned Items 4.A.2., 4.A.5. and 4.A.6. regarding the total cost associated with these items to be reconciled with the balances. He stated concern with the purpose of the request for furniture and fixtures and equipment to outfit the jail expansion. Commissioner Harris questioned where the balance of the funding was coming from and the total costs. Budget Director Michael Tomich stated Budget Amendment 4.A.2. verbiage meant that a budget amendment within the operating budget of the Sheriff's office was to move funds from a machinery and equipment account to other operating expenses for items under \$1,000 in value.

Commissioner Harris noted that the memo stated it was for the jail expansion and furnishings with a \$1,000 limit. He stated the total was \$185,901 and questioned the total cost of outfitting the jail expansion. Commissioner Harris questioned if there were funds earmarked to fund the balance of outfitting the jail expansion. Mr. Tomich stated the CIP included \$1 million from surplus land sales for the jail.

Commissioner Harris questioned the memo regarding the total cost of outfitting the jail once the building was constructed. Marion County Sheriff's Office Bureau Chief Jerry Holland stated it was for equipment to open the booking, kitchen, medical unit and laundry room areas of the jail. Commissioner Harris requested a total for when the jail was finished

to make sure funds were set aside to furnish the jail. Mr. Holland stated there were sufficient funds to open the jail. Commissioner Harris requested Mr. Holland provide an itemized budget of what was needed and how it would be satisfied.

A motion was made by Commissioner Harris, seconded by Commissioner Stone, to approve Item 4.A.2. The motion was unanimously approved by the Board.

Commissioner Harris questioned Items 4.A.5. and 4.A.6., as to where funds came from in 4.A.5. Mr. Tomich stated the \$336,191 was the first draw against a total of \$1 million that had been appropriated in the surplus land sales capital project fund. In response to Commissioner Harris, Mr. Tomich stated the money did not come from the sales tax revenue.

A motion was made by Commissioner Harris, seconded by Commissioner McClain, to approve Items 4.A.5. and 4.A.6. The motion was unanimously approved by the Board.

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: 9395, 27718, 27726, 36409, and a one page list from the Zoning Department.

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 claims from Dorothy I. Ellis & the Internal Revenue Service regarding Tax Deed Sale No. 280400.
2. Granted claim from Oxford Finance Companies, Inc., as sole beneficiary of Trust Agreement No. 06-01-009-6080188 regarding Tax Deed Sale Nos. 281911, 281473, 281474, 282250, 282685, 282730, 282741, 282762, 282800 and 283059.
3. Granted claim from Antoine D. Taylor regarding Tax Deed Sale No. 281934.
4. Granted claim from Constance Duley a/k/a Connie Duley of Central Florida Land Development Corporation regarding Tax Deed Sale Nos. 282308, 282310, 282311, 282312, 282313, 282314, 282319 and 282320.
5. Granted claim from Constance Duley a/k/a Connie Duley of Central Florida Land Development Corporation regarding Tax Deed Sale Nos. 282375, 282376, 282377, 282380, 282383 and 282384.
6. Granted claim from First National Bank of Central Florida regarding Tax Deed Sale No. 282625.
7. Granted claim from Swearingen & Associates on behalf of Jacqueline French and Thomas French regarding Tax Deed Sale No. 282673.
8. Granted claim from Marion County Code Enforcement regarding Tax Deed Sale No. 283021.
9. Granted claim from Swearingen & Associates on behalf of Leon Lovejoy for one-half of the overbid proceeds regarding Tax Deed Sale No. 283205.
10. Granted claim from Prime Options Financial Services, LLC on behalf of Enrique Rosa regarding Tax Deed Sale No. 283374.
11. Granted claims from Frank Napolitano and County Administrator Patrick G. Howard regarding Tax Deed Sale No. 283416.
12. Granted claim from Swearingen & Associates on behalf of Felipa V. Fiesta

- regarding Tax Deed Sale No. 283421.
13. Granted claim from Swearingen & Associates on behalf of Margaret J. Meyer for 17-1/2% of overbid funds regarding Tax Deed Sale No. 283429.
 14. Granted claim from James V. Hall and Neal M. McMahon regarding Tax Deed Sale No. 283482.
 15. Granted claim from Peter J. Rodes regarding Tax Deed Sale No. 283540.
 16. Granted claim from Hasty Greene Investments, Inc., as successor to Black Sink Estates, Inc. regarding Tax Deed Sale No. 283551.
 17. Granted claim from Marion County Code Enforcement regarding Tax Deed Sale No. 283567.
 18. Granted claim from William Bedford Green, Sr. and Marion County Code Enforcement regarding Tax Deed Sale No. 283575.
 19. Granted claim from Marion County Code Enforcement regarding Tax Deed Sale No. 283578.
 20. Granted claim from Angelita Ortega and Prime Options Financial Services, LLC regarding Tax Deed Sale No. 283604.
 21. Denied claim from Eric Schnabel regarding Tax Deed Sale No. 281151.
 22. Denied claim from Dianne Osborne, as President of Prophecy Countdown, Inc. regarding Tax Deed Sale No. 281649.
 23. Denied claim from Christine Snow regarding Tax Deed Sale No. 282665.
 24. Denied claim from Clerk of Circuit Court Child Support Division regarding Tax Deed Sale No. 282841.
 25. Denied claim from John F. Hoevenair, as lienholder regarding Tax Deed Sale No. 283021.
 26. Denied claim from Nina W. Fields regarding Tax Deed Sale No. 283296.
 27. Denied claim from County Administrator Patrick G. Howard regarding Tax Deed Sale No. 283376.
 28. Denied claim from Peter Glenn Anderson regarding Tax Deed Sale No. 283381.
 29. Denied claims from County Administrator Patrick G. Howard and International Property Services, Corp Profit Sharing Plan regarding Tax Deed Sale No. 283402.
 30. Denied claim from Dianna P. Goodrich and David G. Paul, Jr., Swearingen & Associates, Inc. and County Administrator Patrick G. Howard regarding Tax Deed Sale No. 283486.
 31. Denied claim from Nina W. Fields regarding Tax Deed Sale No. 283524.
 32. Denied claim from Katrina Torres regarding Tax Deed Sale No. 283530.
 33. Denied claim from John F. Hoevenair regarding Tax Deed Sale No. 283567.
 34. Denied claim from Capital One Bank regarding Tax Deed Sale No. 283578.
 35. Denied claim from James Allen Miller regarding Tax Deed Sale No. 283600.
 36. Denied claim from Nicholas Financial, Inc. regarding Tax Deed Sale 283619.

Budgets - (4.D.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board authorized the Chairman to execute the State Revenue Sharing Application for fiscal year 2006/07.

Ambulances/Budgets - (4.E.) - Mr. Ellspermann presented the Marion County EMS

Alliance Financial & Statistical Report for the period October 1, 2005 through March 31, 2006, received from Finance Director John Garri.

Finance Director John Garri gave a brief overview of the report. He referred to page one regarding billable transports, which showed an increase of 5.5%. Mr. Garri stated on page two of the report, the Commercial wedge was 25%, noting 8% of that was the Blue Cross Blue Shield portion. He referred to the Statement of Net Assets on page three reflecting a healthy balance of over \$2 million, cash on hand. Mr. Garri stated the accrued salaries, wages and benefits balance of \$689,048 included a Workers' Compensation provision. He stated on page four the unrestricted fund balance was \$2,248,689 for the period October 1, 2005 through March 31, 2006 which was an increase of approximately \$220,000 and in his opinion was a sign of a very healthy, functioning organization. Mr. Garri stated on page five the total for transport for the month of March 2006 was down, due to the issue with Blue Cross Blue Shield.

In response to Chairman Payton, Mr. Garri stated the attorney was still in negotiations with Blue Cross Blue Shield to try and settle the contract dispute. He commented on salaries on page eight of the report, which was previously discussed. Mr. Garri stated page six referenced that for the fiscal year, transport was considerably over the budgeted amount. He stated on page seven, the estimates from now until September 30, 2006 showed there would be approximately \$1 million of unrestricted fund balance that would be carried over to the next fiscal year. Mr. Garri stated there were still some unresolved issues, such as budgeting for the TRIDENT's, which was a priority. In response to Chairman Payton, Mr. Garri clarified that on an annual basis there would be \$2.5 million in additional expenses for the Trident issue, depending on what cuts were made and whether it was phased in. Mr. Garri stated he was working with County Administrator Howard to ensure that both Emergency Medical Services Alliance (EMSA) and Fire Service needs were met. He stated with the absorption of the cost of adding more units, more funding would be needed from the County and City. Commissioner Harris commented on eight more ambulance units, noting fire services was heavily subsidizing the cost of the ambulance service. He suggested the funding for those two services be separated and funded properly. Mr. Garri stated that the funding mechanism was 29% - City and 71% - County.

A motion was made by Commissioner Harris, seconded by Commissioner Stone, to approve the Marion County EMS Alliance Financial & Statistical Report for the period October 1, 2005 through March 31, 2006. The motion was unanimously approved by the Board.

Budgets/Resolutions - (4.F.) - Mr. Tomich presented the proposed fiscal 2006-07 budget for the Rainbow Lakes Estates.

Mr. Tomich noted property values increased a substantial amount, from approximately \$128 million to \$309 million due to vacant parcels of land increasing in value. He stated the proposed millage rate for the Municipal Service District (MSD), currently at 2.85 mills with next year's proposed rate of 1.4 mills would provide approximately \$70,000 more in taxable revenue.

Mr. Tomich noted a public hearing was scheduled for Thursday, June 15, 2006 at 10:00 a.m. at the Rainbow Lakes Estates Community Center pursuant to the provisions of Chapter 69-1298, Laws of Florida.

Commissioner McClain questioned the 2.85 millage rate and the increase last year

June 6, 2006

to cover the repayment.

In response to Chairman Payton, Mr. Tomich stated repayment would be made in the upcoming fiscal year in the amount of \$59,999 which would fulfill their obligation. Mr. Tomich noted sale of surplus land generated over \$800,000 and there were significant capital expenditures planned in the budget for the upcoming fiscal year. In response to Chairman Payton, Mr. Tomich stated the millage would not be effected and were as proposed.

Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board acted on the Consent Agenda for County Attorney items 5.A.1. through 7., Development Review Committee items 5.B.1. through 4., Facilities Management Department items 5.C.1. and 2., Fire-Rescue Department item 5.D.1., Fleet Management Department item 5.E.1., 9-1-1 Management Department item 5.F.1., Parks and Recreation Department items 5.G.1. and 2., Planning Department items 5.H.1. through 8., Purchasing Department items 5.J.1. through 13., Transportation Department items 5.K.1. through 15., Utilities Department item 5.L.1., and Zoning Department item 5.M.1., as follows:

Contracts & Agreements/Municipalities - (5.A.1.) - The Board considered the following recommendation of Senior Assistant County Attorney Fowler to approve and execute the Agreement with the Town of McIntosh to provide building plans review and permitting:

Description/Background: The Town of McIntosh has requested that the Marion County Building Department provide building plans review and permitting for the Town. The attached agreement has been prepared which will accomplish this and has been approved and executed by the Town of McIntosh.

Budget Impact: Unknown at this time.

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

Commissioner McClain questioned the budget impact. Mr. Howard stated it was unknown what the dollar figure would be, but the revenue would equal the expenses.

Upon motion by Commissioner Harris, seconded by Commissioner McClain, the Board approved the recommended action.

Budgets/Ordinances - (5.A.2., 3., and 7.) - Accepted recommendations of Chief Assistant County Attorney Thomas D. MacNamara to execute Releases of Code Enforcement Lien for the following:

2. James Cooper, Jr. and Barbara Cooper, Case No. 451139JR.
3. Lloyd Baker, Trustee and Mannie Baker, Case No. 0953-98SL.
7. Kurt Henry Prodell, Case No. 330000LS.

Budgets/Ordinances - (5.A.4. through 6.) - The Board considered the following recommendations of Chief Assistant County Attorney MacNamara to execute Releases of Code Enforcement Lien for the following:

4. Sally Van Dorn f/k/a Sally J. Howe, Case No. 0840-98JR.
5. Donald R. and Linda M. Taylor, Case No. 358674BP.
6. John A. Warner, Sr., Case No. 384059JB.

Commissioner Stone questioned 5.A.4., 5.A.5., and 5.A.6. pertaining to the approval

for Release of Lien that had been paid by overbid monies and requested explanation of the process. Mr. MacNamara stated when there was a tax deed sale, a minimum amount was set to cover the taxes and the cost of incurring the sale required a bid of that minimum amount. He stated when bidding was above the minimum amount, the taxes were paid first and any excess was then used to pay the lien on the property.

Upon motion of Commissioner Stone, seconded by Commissioner McClain, the Board approved the recommended actions, for items 5.A.4. through 6.

Subdivisions - (5.B.1.) - Accepted recommendation of the Development Review Committee to approve and execute the final plat of Meadow Glenn Unit 1.

Subdivisions - (5.B.2.) - Accepted recommendation of the Development Review Committee to approve and execute the final plat of Meadow Glenn Unit 3A.

Subdivisions - (5.B.3.) - Accepted recommendation of the Development Review Committee to approve and execute the final plat of Stone Creek Sebastian.

Subdivisions - (5.B.4.) - Accepted recommendation of the Development Review Committee to approve the P.U.D. Master Plan Amendment for Summerview Estates.

Contracts & Agreements/Jails - (5.C.1.) - The Board considered the following recommendation of Facilities Management Director Andy Race requesting approval for Centex to use the construction contingency funds for construction of the Jail Expansion Project:

Description/Background: The GMP (guaranteed maximum price) from Centex Construction includes a construction contingency of \$1.3 million for unforeseen conditions. At this time, Centex is requesting to use \$188,790.43 of the approved contingency, for conditions as set forth in the contingency funds log, indexed 1-12. These funds are contained in their GMP and customarily for use by the Construction Manager at his discretion. However, in our contract, we changed the language to read "the C.M. will request Board approval prior to using contingency funds" Therefore, recommended action is that this item be placed on the Agenda for Board approval.

Budget Impact: Funds are available in the appropriate budget line and there is no impact on the guaranteed price.

Recommended Action: Approval for Centex to be given permission to use the \$188,790.43 in construction contingency funds as outlined in the attached Contingency Funds Log, items 1 through 12.

In response to Commissioner Stone, Mr. Race stated this was the first request to use any of the \$1.3 million, construction contingency fund. Clerk Ellspermann noted there was additional language in this item stating any prior use of contingency fee required Board approval. He stated Mr. Race requested the Clerks office Internal Audit Division to be involved and assist with the project. Mr. Ellspermann commended Mr. Race for his involvement and knowledge used regarding this project.

Upon motion of Commissioner Stone, seconded by Commissioner McClain, the Board approved the recommendation action.

Buildings & Grounds/Libraries - (5.C.2.) - The Board considered the following recommendation of Facilities Management Director Race requesting approval of the general design for the exterior of the new Belleview and Dunnellon Public Libraries:

Description/Background: The first use of this new library prototype will be at simultaneous construction sites in Belleview and Dunnellon. The Consultants have completed the Program and Schematic Design phases and in conjunction with the Library Director have chosen a design with the following attributes (see attached drawings):

- The exteriors are designed in response to a desire for the building to reflect a Florida vernacular style.
- The gabled roof system affords a column-free design providing maximum operational flexibility, and is the most cost effective use of the pre-engineered metal building system.
- The windows on the north and east walls provide for easy future expansion, with the windows being capable of re-use in the expansion.
- The exterior materials on the building (hardie-board, metal roofing, fieldstone) accommodate the vernacular style while keeping a low maintenance exterior.
- The building's thermal envelope was designed to make use of the orientation of the building. The south and west walls have punched windows with porches to minimize direct sunlight from heating the building. The north wall has generous windows to provide natural reading light into the library. The east wall has a similar layout to the north wall, but the windows are more limited in order that heat gain from the eastern sun is minimized.
- The cupola(s) on the roof are not ornament, but are used to exhaust hot air out of the space above the ceiling.
- The future expansion of the facility is designed so that sections can be constructed in phases.
- The design reflects the desire expressed in community focus groups for an informal, welcoming building that incorporates elements of the existing libraries – fieldstone in Belleview and window boxes in Dunnellon.
- Vernacular style porches provide shelter and gathering space at the exterior public and staff entrances, as well as providing solar shading.

Budget Impact: The recommended design features a pre-engineered steel frame structure that is approximately 15% less costly than alternative steel frame designs.

Recommended Action: Approval to proceed with design of the above recommended aesthetic solution for the exterior of the Library.

Commissioner Harris questioned the floor plans and any other specifications and how it would reconcile with any other overall projected costs. Mr. Race stated staff was requesting approval that went with the shell design. He stated there were two options and the more cost effective was the gabled roof design. Mr. Race stated the library committee selected the gabled roof design and was awaiting Board approval. Commissioner Stone questioned the identification of the pictures included with this agenda item.

Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board approved the recommendation action.

Budgets/County Employees/Districts - (5.D.1.) - Accepted the following recommendation of Fire Chief Stuart Mcelhaney requesting approval for additional

compensation to employees during a declared emergency:

Description/ Background: During the month of May 2006, the Florida State Division of Forestry requested Marion County Fire-Rescue's assistance with wildfire hazard mitigation in Volusia County. Fire-Rescue employees McElhaney and Danenhower deployed with the Florida Division of Forestry Red Team.

According to the Marion County Employee Handbook, the Board of County Commissioners can authorize additional compensation paid to exempt employees for hours worked in excess of their normally scheduled workweek during a declared emergency. Both McElhaney and Danenhower are exempt employees who worked in excess of their normally scheduled workweek while deployed.

MCFR will bill the State to recover this funding pursuant to both State and Federal disaster declarations.

Fiscal Impact: 181 Fund – MSBU for Fire Protection

Total impact \$4,282.97

McElhaney: 73 hours at \$53.25/hr = \$3,887.25

Danenhower: 18.5 hours at \$21.39/hr = \$395.72

Recommended Action: Approve additional compensation.

Districts/Subdivisions - (5.E.1.) - Accepted the following recommendation of Fleet Director Roger Walters to approve the donation of a 10,000 gallon fuel tank to the Homeowners' Association of Silver City Oaks, Inc.

Description/Background: The Fleet Management Department request that the 10,000 gal. fuel tank across from the Dunnellon Airport to be donated to the Silver City Oaks, Inc. Homeowners' Association. The Marion County Sheriff's Office transferred this storage tank to the Marion County Board of County Commissioners in February of 1999. This tank has not been in use for some time now and will need to be removed or put back into service. The Homeowners' Association will move and install said tank per all County and fire fighting service requirements. This would save the County \$2,500.00 to \$5,000.00. The DEP requires that any tanks not in use for 5 years must be removed or be put back into service.

Attached is a copy of the letter from the Sheriff's Office, a copy of the request from the Homeowners' Association of Silver City Oaks, Inc., and the Storage Tank Registration Form making the County owners of the tank.

Budget Impact: None

Recommended Action: Motion to approve the donation of the 10,000 gal. fuel tank to the Homeowners' Association of Silver City Oaks, Inc.

Communications/Ordinances/Resolutions - (5.F.1.) - Accepted recommendation of 9-1-1 Management Director Dick Nelson to adopt Resolution 06-R-219 establishing the 9-1-1 user fee for fiscal year 2006-07 of \$.50. Mr. Nelson advised that the fee was the same as 2005-06. The Resolution was entitled:

A RESOLUTION ESTABLISHING A RECURRING FEE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF, AND A NONRECURRING FEE TO PROVIDE FOR EQUIPMENT ADDITIONS TO, THE "9-1-1" EMERGENCY TELEPHONE SYSTEM FOR MARION COUNTY FLORIDA PURSUANT TO MARION COUNTY ORDINANCE 88-28; CONTAINING FINDINGS; IMPOSING THE RECURRING AND NONRECURRING FEES; ESTABLISHING BEGINNING AND

ENDING DATES FOR COLLECTION OF THE FEES, AND PROVIDING FOR NOTIFICATION OF TELEPHONE COMPANIES.

Contracts & Agreements/Projects & Programs/Resolutions - (5.G.1.) - Accepted the following recommendation of Parks & Recreation Director Lee Niblock to adopt Resolution 06-R-220 authorizing execution of a Local Agency Program Agreement with the State of Florida Department of Transportation for project FPN410759-1-18-01 for a bicycle safety education program:

Description/Background: The Marion County Parks and Recreation Department was awarded a three year, \$90,000 TEA-21 Transportation Enhancement Program grant for a bicycle safety education program for children and families. The program, administered through the Ocala Police Department, is designed to teach elementary school-aged children the skills required for safely riding bicycles on public streets, using an established bicycle / traffic safety education curriculum.

Attached is the Supplemental Local Agency Program (LAP) agreement and Resolution 06-R-_____ with the Florida Department of Transportation. Execution of this agreement will allow staff to proceed with the administration of this project.

Budget Impact: None.

Recommended Action: Motion to execute the State of Florida Department of Transportation Local Agency Program Agreement and Resolution 06-R-_____.

Commissioner Stone questioned why the City of Ocala was the administrator to run the program and if it was under a local agreement. Mr. Niblock stated this was a three year program under agreement with the City of Ocala. He stated the Ocala Police Department administered the money.

Upon motion of Commissioner Stone, seconded by Commissioner McClain the Board approved the recommended action.

Contracts & Agreements/Municipalities/Projects & Programs - (5.G.2.) - The Board considered recommendation of Parks & Recreation Director Niblock to award and execute the Park Partnership Agreement with the City of Belleview for two softball fields:

Description/Background: As a part of the FY 05/06 budget, the Board funded the Park Partnership program to assist community groups in providing athletic and playground facilities throughout the County. The total budget was \$30,000 for improvements and \$30,000 for playground projects, totaling \$60,000. At their March 13 meeting, the Parks and Recreation Advisory Council unanimously voted to recommend the award of Park Partnership funding to the City of Belleview in the amount of \$17,000 for the construction of two softball fields at the Belleview Sportsplex.

Attached is the agreement between the City of Belleview and Marion County. Execution of this agreement will allow staff to proceed with the administration of this project.

Budget Impact: Funding for the City of Belleview not to exceed \$17,000 (50 / 50 match) for two softball fields from the Parks and Land Acquisition Capital Project Fund.

Recommended Action: Motion to approve the recommended grant award listed and to execute the Park Partnership agreement as presented.

Commissioner Harris requested a summary on the relationship with this park. Mr.

Niblock stated it was under agreement with the City of Belleview operating the park. He stated they were eligible for park partnership. Commissioner Harris questioned if the park was being maintained properly. Mr. Niblock stated the park had not been in the past, but staff had been working with them and were doing regular inspections of actual maintenance. He stated the park had a very committed individual and that the City was providing some money for the maintenance. Mr. Niblock stated he thought things had improved. He stated there were two softball fields that required a 50/50 match and with their part would exceed the requirement.

Commissioner Harris commented on his reservations of enlarging the sportsplex if it was not maintained to a reasonable standard. Mr. Niblock stated initially, support was discussed with the Parks & Recreation Advisory Council for renovation. Commissioner Harris questioned if the maintenance was being handled properly. Mr. Niblock stated he was satisfied with the maintenance being back on track, noting it was not up to standards, but staff was working with them. He stated they were aware the County was not paying for maintenance.

In response to Chairman Payton, Mr. Niblock stated the source of the revenue for the County's part came from the Pennies for Parks program bond monies.

Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board approved the recommended action.

Easements/Subdivisions - (5.H.1.) - Accepted recommendation of Planning Department Director Ganoë to authorize execution of the Easement to Jose Lenin Tamariz-Crespo to allow ingress, egress and utilities across the tract:

Description/Background: Marion County owns Tract "A", a 1.00 foot wide strip of land at the easterly end of SW 85th Street in Wingspread Farms. In 2002, Marion County granted an easement for ingress and egress, for a maximum of two (2) single family residences, across the 1.00 foot wide strip to the then owner of a 20 acre parcel (shown as 35626-000-01 on attached map) lying outside of Wingspread Farms and adjacent to Tract "A". The new owner of the 20 acre parcel, Jose Lenin Tamariz-Crespo is now requesting that the easement allow for five (5) dwelling units. This request was considered by the Development Review Committee and it was that committee's recommendation that the request be granted with the easement being limited to providing for ingress/egress and utilities for no more than a total of four (4) single family residences and one (1) guest house.

Budget Impact: None.

Recommended Action: Motion to authorize the Chairman and Clerk to execute easement (attached) to Jose Lenin Tamariz-Crespo across Tract "B", Wingspread Farms to allow for ingress and egress and utilities across the Tract for no more than four single family residences and one guest house.

Districts/Easements - (5.H.2.) - Accepted recommendation of Planning Department Director Ganoë to authorize execution of the Right-of-Way Easement to Clay Electric Cooperative, Inc. for improvements to the Salt Springs Fire Department property.

Description/Background: Clay Electric is requesting an easement needed related to improvements associated with the Salt Springs Fire Department property.

Budget Impact: None.

Recommended Action: Motion to authorize the Chairman and Clerk to executed

June 6, 2006

Right of Way Easement (attached) to Clay Electric Cooperative, Inc., related to improvements to the Salt Spring Fire Department property.

Resolutions/Drainage - (5.H.3.) - Deputy Clerk Smith received Proof of Publication No. A000161060 entitled, "Notice of Intention to Vacate Portion of Plat Ocala Waterway Estates" published in the Star Banner newspaper on April 28, and May 5, 2006. The Notice stated the Board would consider a petition by Granville and Angella Binns.

A memo was received from Planning Director Ganoë advising that the reason for the requested plat vacation was to allow for adequate spacing between structures along the property boundary. He advised that the Development Review Committee had considered the request and recommended the Board grant the petition.

The Board adopted Resolution 06-R-221 vacating the easterly 1.5 feet of the south ½ of that 10 foot wide drainage easement along the westerly side lot line of Lot 30, Block 31, located in Ocala Waterway Estates.

Resolutions/Subdivisions - (5.H.4.) - Deputy Clerk Smith received Proof of Publication entitled, "Notice of Intention to Vacate Portion of Plat of Meadowbrook Ranches" published in the Voice of South Marion newspaper on May 11, and 18, 2006. The Notice stated the Board would consider a petition by John A. Pauls, Jr. and Judy Pauls.

A memo was received from Planning Director Ganoë advising that the reason for the requested plat vacation was to allow for a family division of the property. He advised that the Development Review Committee had considered the request and recommended the Board grant the petition.

The Board adopted Resolution 06-R-222 vacating Lot 213, located in Meadowbrook Ranches.

Resolutions/Subdivisions - (5.H.5.) - Deputy Clerk Smith received Proof of Publication No. A000173362 entitled, "Notice of Intention to Vacate Portion of Virmillion Estates" published in the Star Banner newspaper on May 25, and June 1, 2006. The Notice stated the Board would consider a petition by Donald and Lydia Kenniasty.

A memo was received from Planning Director Ganoë advising that the reason for the requested plat vacation was to allow for a family division of the property. He advised that the Development Review Committee had considered the request and recommended the Board grant the petition.

The Board adopted Resolution 06-R-223 vacating Lot 25, Block "E", located in Virmillion Estates.

Resolutions/Subdivisions - (5.H.6.) - Deputy Clerk Smith received Proof of Publication No. A000169771 entitled, "Notice of Intention to Vacate Portion of Plat of Simonton Farms" published in the Star Banner newspaper on May 18, and 25, 2006. The Notice stated the Board would consider a petition by Marilyn E. Ridge.

A memo was received from Planning Director Ganoë advising that the reason for the requested plat vacation was to allow for a family division of the property. He advised that the Development Review Committee had considered the request and recommended the Board grant the petition.

The Board adopted Resolution 06-R-224 vacating Lots 2 and 3, located in Simonton Farms.

Resolutions/Drainage - (5.H.7.) - Deputy Clerk Smith received Proof of Publication No. A000162870 entitled, "Notice of Intention to Vacate Portion of Plat Candler Hills East Phase 1 Units "B", "C", "D", "F", and "G", published in the Star Banner newspaper on May 8, and 15, 2006. The Notice stated the Board would consider a petition by On Top of the World Communities, Inc.

A memo was received from Planning Director Ganoë advising that the reason for the requested plat vacation was to allow for adequate spacing between structures along the property boundary. He advised that the Development Review Committee had considered the request and recommended the Board grant the petition.

The Board adopted Resolution 06-R-225 vacating portion of drainage easement being the north 4 feet of the south 10 feet of Lot 31, Block 1, located in Candler Hills East Phase 1, Units "B", "C", "D", "F", and "G".

County Property/Districts/Sheriff - (5.H.8.) - The Board considered the following recommendation of Planning Director Ganoë to authorize staff to pursue Agreements for Sale and Purchase of potential Fire and/or Sheriff sub-station sites in the Belleview (Spruce Creek) and Ocklawaha areas for future Board consideration:

Description/Background: Staff has been reviewing the potential availability of parcels of land in the Belleview (Spruce Creek) and Ocklawaha areas that might be suitable for future Marion County Fire Station and/or Sheriff Sub-station sites. Funds would be available within the Sheriff's budget in the amount of \$80,000 for an Ocklawaha Sub-station site. Preliminary estimates for purchases in both areas would total approximately \$625,000 (estimated on 13 acres total). If parcels are to be purchased, it is anticipated that any remaining funding would need to utilize reserve for contingency funds.

Budget Impact: Estimated at approximately \$625,000 (not including closing costs) if purchase agreements were eventually approved by the Board.

Recommended Action: Motion to authorize staff to pursue, for future consideration by the Board, Agreements for Sale and Purchase of potential Fire Station and or Sheriff Sub-station sites in the Belleview (Spruce Creek) and Ocklawaha areas.

In response to Commissioner Harris, Mr. Ganoë stated the proposed piece of property had been reconciled with the associated departments.

Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board approved the recommended action.

Commissioner Harris questioned where the funding would come from and from whose contingency funds, general fund contingency or the County, for the purchase of property for a potential Fire Station and/or Sheriff's Substation sites. In response to Commissioner Harris, Mr. Howard stated staff would prepare and provide the information regarding the funds.

Contracts & Agreements/Communications - (5.J.1.) - The Board considered recommendation of Purchasing Director Diane Tucker to approve and authorize the County Administrator to execute the Equipment Agreement and the Service Agreement between Marion County and Embarq (formerly Sprint) for equipment and service relating to the 9-1-1 communication equipment, as requested by the 9-1-1 Management Department.

Commissioner McClain questioned if this was for the County 9-1-1 Department. Mr. Howard stated it was funded through the .50 cent fee collected on every phone bill.

June 6, 2006

Upon motion of Commissioner McClain, seconded by Commissioner Stone the Board approved the recommended action.

Contracts & Agreements/Projects & Programs - (5.J.2.) - The Board considered recommendation of Purchasing Director Tucker to execute contract amendment with Grubbs Emergency Services, LLC for emergency debris management services to add the Emergency Relief Manual as part of the original contract, pursuant to 01Q-017. (Ed. Note: Discussion follows Item 5.J.3.)

Contracts & Agreements/Projects & Programs - (5.J.3.) - The Board considered recommendation of Purchasing Director Tucker to execute contract amendments with Counts Construction, Steven Counts, Inc., Hamlet Construction, and Conrad Enterprises for debris clearance/initial push to add the Emergency Relief Manual as part of the original contract, pursuant to 05Q-078.

Commissioner Harris questioned items 5.J.2. and 5.J.3., regarding whether the vendors were familiar with the Emergency Relief Manual. County Engineer Mounir Bouyounes stated most of the vendors were familiar with the requirements. Commissioner Harris requested staff to make sure that all vendors were aware of the requirements and any concerns they had should be addressed as soon as possible, prior to a hurricane. Commissioner Stone suggested a letter of acceptance be received from each vendor. Commissioner Harris requested staff to make the Board aware of when all vendors knew what the new requirements now were.

Upon motion of Commissioner Harris, seconded by Commissioner Stone the Board approved the recommended actions, for 5.J.2. and 3.

Buildings & Grounds/Contracts & Agreements - (5.J.4.) - Accepted recommendation of Purchasing Director Tucker to approve and amend the contract with Equus Services, Inc. for pest control services extending term for an additional two years, as requested by the Facilities Management Department pursuant to Bid No. 00B-072.

Purchasing/Vehicles - (5.J.5.) - Accepted recommendation of Purchasing Director Tucker to authorize staff to issue a Purchase Order to Deland Truck Center, Inc. to purchase a 2006 18-foot van truck for the Hazardous Waste Sharps Collection Program, as requested by the Solid Waste Department pursuant to Bid No. 06B-072.

Communications/Contracts & Agreements - (5.J.6.) - Accepted recommendation of Purchasing Director Tucker to approve and execute Lease Amendment with the US Department of Agriculture (Forest Service) for site modifications on the Forest Tower site for the 800 MHz system, as requested by the 9-1-1 Management Department.

Contracts & Agreements/Projects & Programs - (5.J.7.) - Accepted recommendation of Purchasing Director Tucker to approve and execute contract amendment with Coca-Cola Enterprises, Inc. for canned soda vending, pursuant to 99P-023.

Contracts & Agreements/Landfills - (5.J.8.) - Accepted recommendation of Purchasing Director Tucker to approve and execute contract amendment with E-Lab, Inc. for ground water monitoring and lab analysis, as requested by the Solid Waste Department

pursuant to 03P-041.

Buildings & Grounds/Contracts & Agreements - (5.J.9.) - Accepted recommendation of Purchasing Director Tucker to approve and execute contract amendment to the Continuing Contract for Construction Manager for Misc. Projects with Ethridge Construction of Marion County, Inc. for the Judicial Center security upgrade, as requested by the Facilities Management Department pursuant to 05Q-036.

Contracts & Agreements/Landfills - (5.J.10.) - Accepted recommendation of Purchasing Director Tucker to approve and execute contract amendment with S2Li Engineering for the Newton Landfill, as requested by the Solid Waste Department pursuant to 04Q-088.

Contracts & Agreements/Projects & Programs - (5.J.11.) - Accepted recommendation of Purchasing Director Tucker to approve and execute contract amendment with Leesburg Concrete Company, Inc. for the purchase and installation of mobility ramps, as requested by the Community Services Department pursuant to 03P-038.

Contracts & Agreements - (5.J.12.) - The Board considered the following recommendation of Purchasing Director Tucker to approve and execute contract amendment to the Continuing Contract for Construction Manager for Misc. Projects with Ethridge Construction for the 4-H Farm Classroom Pavilion, as requested by the Facilities Management Department pursuant to 05Q-036:

Description/Background: On April 19, 2005, the Board approved a continuing contract for Construction Managers for Miscellaneous Projects. One of the projects slated to go under this contract is the 4H Farm Classroom Pavilion. The two firms that were chosen to serve as Construction Managers were Ethridge Construction and MOSS & Associates, LLC. This project has been assigned to Ethridge Construction.

The scope of service includes the construction and construction management services for a new 3,240 square foot steel frame 4H agriculture/classroom building with kitchen, restrooms, storage and covered open space.

Construction Manager, with Board approval, has been authorized to proceed based on Alternate #1 (see attached spreadsheet), however, if value engineering, sales tax savings and material discounts reduces the overall amount, Construction Manager can proceed with Alternate #2 (see attached spreadsheet), which includes air conditioning for this building. This shall only be done with approval by the County Facilities Department.

Budget Impact: Funds in the amount of \$246,000. are available for the construction contract. After significant efforts at cost reduction, the Contractor has offered the price of \$245,043.60 to complete Alternate #1.

Recommended Action: Motion to approve and execute the contract amendment to the Continuing Contract for Construction Manager for Misc. Projects, with Ethridge Construction for the 4H Farm Classroom Pavilion and to approve the addition of air conditioning from Alternate #2 if we produce enough savings from direct purchases.

Commissioner Harris questioned the amount of and usage for the concrete involved. County Extension Director David Holmes commented on the original projection by Vitetta

June 6, 2006

on the amount needed, noting they had since gone back and were now in the process of revising to a lesser amount of concrete. Commissioner Harris suggested withdrawing the item for two weeks in order to receive the corrected information. Mr. Race stated this was a steel building. Mike Ethridge, Ethridge Construction, stated the structural engineer had reviewed the foundation site on three separate occasions. He stated the structural engineer provided a budget of costs that reflected the price of concrete. In response to Commissioner Harris, Mr. Ethridge stated approximately 40% of the building was open, which was a pavillion covered area.

Mr. Race stated the request was to approve Option #2. Commissioner McClain questioned if \$32,295 was for material only. Mr. Ethridge stated it was for material and labor. Commissioner Harris suggested building a concrete block structure instead. Commissioner Harris questioned the \$22,000 for site work. Mr. Ethridge stated it was for clearing trees, preparing a path, run the water for the well and the septic tank.

Commissioner Harris suggested the item be withdrawn for two weeks to review the plans and discuss it further. It was the general consensus of the Board to withdraw the item.

Purchasing - (5.J.13.) - The Board considered request to approve Purchase Orders over \$10,000 as listed on schedule dated today.

Commissioner Harris questioned Purchase Order No. 600841 for a passenger van for the Library. Assistant Library Director Patsy Marsee stated the mini van was used to transport, predominantly the Branch Services Manager around to the various libraries to perform supervisory activities. She stated it was also used to transport staff to training within the County, and travel to Gainesville and Jacksonville provided by the consortium.

Commissioner Harris questioned Purchase Order No. 600835 for a tractor for the Parks & Recreation Department. He stated the County had worked hard and struggled to privatize this service over the years and requested an explanation for the purchase. Parks & Recreation Director Lee Niblock stated this was a replacement tractor to use in areas that a four wheel drive vehicle could not travel. He stated it would also be used for maintenance along fire lines. Mr. Niblock stated the other tractor was kept an extra two years and now the life cycle maintenance had expired. Commissioner Harris questioned why the maintenance of the fire lines had not been privatized. Mr. Niblock stated most of the large parks perimeters were maintained. He stated the tractor was used for hauling supplies and pulled a wagon. Mr. Niblock stated they also did a lot of their internal maintenance.

Chairman Payton questioned Purchase Order No. 600909 regarding Sprint Public Safety 9-1-1 Technology for the 9-1-1 Management Department. He stated the service was unreliable and thought public safety was at risk. Chairman Payton questioned the level of comfort by the use of the Sprint equipment under the 9-1-1 Technology Refresh. 9-1-1 Management Director Dick Nelson stated there were several divisions of Sprint. He stated Embarq broke away from Sprint and was extremely reliable. Mr. Nelson stated there had not been a failure in the 9-1-1 equipment since it was installed in 1999. He stated the Refresh was to replace the computers and update the operating systems.

Commissioner McClain questioned Purchase Order No. 600839 regarding the hose crimping machine for the Fleet Department. In response to Commissioner McClain, Fleet Director Roger Walters stated the machine would be placed in the 16' trailer that was previously purchased. Commissioner McClain stated he had previously asked the Fleet Department if it had all of the needed equipment and would obtain previous minutes

reflecting that conversation. Mr. Walters stated the Department had some equipment but not the hose crimping machine. In response to Commissioner Harris, Mr. Walters stated the Department had a crimping machine, which only crimped one style and would not take care of the needs for the Caterpillar or John Deere equipment. Mr. Walters stated he did not know why the crimping machine was disposed of that did everything. Commissioner Harris suggested finding out why the crimping machine was disposed of, before the new machine was purchased. He requested the minutes Commissioner McClain referred to in order to reconcile the situation.

Commissioner Harris stated he had another question regarding Purchase Order No. 600835 for a tractor requested by the Parks & Recreation Department. He requested information on the existing tractor that was being replaced, such as the year, amount of hours it had been used and why it was being replaced.

Commissioner Harris questioned Purchase Order No. 600879 regarding the carpet replacement at the Supervisor of Elections Office per the Facilities Department. He questioned whether all the carpet had to be replaced. Mr. Race stated there were tears and trip hazards in the carpet and the carpet would replace all areas except storage areas.

Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board approved the Purchase Orders, except Purchase Order Nos. 600835 and 600839, which were withdrawn.

Contracts & Agreements/Subdivisions - (5.K.1.) - Accepted recommendation of County Engineer Mounir Bouyounes to execute an Improvement Agreement with Irrevocable Letter of Credit in the amount of \$4,283,700.44 with On Top of the World Communities, Inc., developer, for improvements in Windsor Phase 1-A, Sections 3 and 4.

Contracts & Agreements/Subdivisions - (5.K.2.) - Accepted recommendation of County Engineer Bouyounes to execute an Indemnification Agreement with Pulte Home Corporation, developer of Stone Creek by Del Webb - Pinebrook. It was noted the developer had met all required conditions under Policy 95-02.

Contracts & Agreements/Subdivisions - (5.K.3.) - Accepted recommendation of County Engineer Bouyounes to execute an Indemnification Agreement with On Top of the World Communities, Inc. developer of On Top of the World Phase 1a, Sections 3 and 4. It was noted the developer had met all required conditions under Policy 95-02.

Resolutions/Traffic Control - (5.K.4.) - Accepted recommendation of County Engineer Bouyounes to adopt Resolution 06-R-226 establishing a twenty (20) mph speed limit on all local residential roads within the Windsor Subdivision.

Contracts & Agreements/Road Improvements - (5.K.5.) - Accepted recommendation of County Engineer Bouyounes to execute two Purchase Agreements with Edward Albart in the amount of \$80,000 each for Parcel Nos. 3507-016-015 and 3507-012-003 to acquire necessary right of way for the SW 95th Street Road Improvement Project.

Contracts & Agreements/Road Improvements - (5.K.6.) - Accepted the following recommendation of County Engineer Bouyounes to execute the Purchase Agreement with Anthony L. and Gertrude D'ercole in the amount of \$1,060,000 for Parcel No. 39946-001-

00 to acquire necessary right of way for the CR 464 Road Improvement Project and Agreement with St. Johns River Water Management District for the Exchange, Purchase and Sale of Real Property Relating to the County Road 464 Road Widening Project:

Description/Background: Agreement to exchange property for a 4.74 acre water retention area along with an exchange of a 10.5 acre portion to satisfy the wetland mitigation requirements for permitting from SJRWMD. Marion County has obtained a purchase agreement to purchase a 22.40 acre parcel in the amount of \$1,060,000, which is supported by an approved appraisal prepared by Albright & Associates in the amount of \$1,050,000 along with an appraisal review prepared by George Cuddeback, MAI. SJRWMD will acquire the remaining 7.15 acres from Marion County for the amount of \$250,000. Additionally, the District will release Marion County of any responsibility for any plantings and maintenance of the exchanged property that is typically required by the District for Wetland Mitigation.

Initially during the design phase of the project it was determined that Marion County require approximately a 4.74 acre Drainage Retention Pond within the basin mentioned above. It was anticipated that SJRWMD would be a willing seller of property to the County instead of acquiring the properties located on the other side of the road consisting of small acreage parcels with either mobile homes or built site homes. The estimated cost to purchase these properties is a minimum of \$375,000. Additionally, there were requirements to mitigate the impacted wetlands that would require the County to acquire approximately 6.14 acres of property and provide mitigation plantings and maintenance along with an adjacent 3 acre parcel due to the 6.14 acre having power line easement that traverses the proposed site across the northerly top of the property. Early contact with the owners of the proposed wetland mitigation site indicated that they were against the acquisition of their property and would most likely have to go through Condemnation for the acquisition. The proposed wetland mitigation would require the acquisition of approximately 9 acres estimated cost of \$35,000 per acre totaling \$315,000. The estimated cost for the wetland planting would be \$250,000 with additional unknown costs for the maintenance. Additionally, the power company and SJRWMD had concerns for the mitigation site having the power lines contained within the property and having a Conservation Easement contained within a power line easement. The initial option for the land costs for the mitigation site and drainage retention area would be approximately \$940,000 along with the unknown costs and exposure associated with Condemnation.

Staff has worked closely with SJRWMD. An option was discussed to acquire the proposed acquisition of the 22.40 acre site and SJRWMD would exchange the 4.74 acre site for an equal exchange and we have received a favorable determination for upland mitigation of 10.5 acres. Typically upland mitigation to replace wetland mitigation is not permissible, but the proposed site is favorable for SJRWMD to have a contiguous boundary for the 5,000 acre Oklawaha River Prairie Restoration Project. Additionally, SJRWMD will waive the requirements for Marion County to be responsible for any type of plantings or maintenance for the future. SJRWMD will reimburse Marion County \$250,000 for the remaining 7.15 acres. The total costs for Marion County will be \$810,000 with a relative assurance that there are not any unknown costs associated with Condemnation as well as future maintenance associated with Wetland Mitigation.

Initial Plan Costs:

3-Residential properties	\$375,000
6.14 acres for Wetland Mitigation and 3 acre site	\$315,000
Wetland Mitigation Planting and maintenance	<u>\$250,000</u>
	\$940,000

Proposed Plan Costs:

22.40 acre site	\$1,060,000
Reimbursement from SJRWMD 7.15 acres	<u>\$ 250,000</u>
	\$ 810,000

The agreement to purchase the property along with the agreement between Marion County and the District is attached for approval. The owner has requested extended possession after the Closing to allow them to build their replacement residence. There are not any attorney fees or costs incurred at this time. The negotiated settlement can be further be supported by additional cost avoidance of condemnation costs such as appraisal and attorney fees for the property owner and jury sympathy that can occur during condemnation proceedings and long term costs associated with maintaining wetland mitigation requirements associated with the permits that will be issued from St. John's Water Management District. This purchase is necessary to widen the existing roadway for additional travel and turn lanes and to accommodate the required drainage system.

Budget Impact: 1197-561301 \$1,060,000.00 (plus closing costs from Title Company)

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

Rights of Way - (5.K.7.) - Accepted recommendation of County Engineer Bouyounes to adopt and execute the SE 117th Avenue Maintained Right-of-Way Map depicting right-of-way between Sunset Harbor Road and CR 42 which has been maintained or repaired continuously and uninterrupted by the County for four years.

Contracts & Agreements/Road Improvements - (5.K.8.) - Accepted recommendation of County Engineer Bouyounes to execute Purchase Agreement with Puran Sukai in the amount of \$130,823 for Parcel No. 3507-021-004 to acquire necessary right of way for the SW 95th Street Road Improvement Project.

Contracts & Agreements/Road Improvements - (5.K.9.) - Accepted recommendation of County Engineer Bouyounes to execute Purchase Agreement with Joseph A. And Carol A. Faust in the amount of \$185,000 for Parcel No. 2981-002-005 to acquire necessary right of way for the SE 31st Street Extension Improvement Project.

Contracts & Agreements/Road Improvements - (5.K.10.) - Accepted the following recommendation of County Engineer Bouyounes to execute Warranty Deed to Lisa Ann and Peter Henry Major for a portion of Parcel No. 323916-000-00 to acquire necessary right of way for the SE/SW 31st Street Improvement Project:

Description/Background: This item is to convey property back to the property owner due to an error by First American Title Company when they prepared the Warranty Deed for Closing. The letter from the Title Company explaining their request to make the correction of the error has been included with this agenda item. Apparently they

utilized the legal description for the entire property instead of the legal description for the right of way. They are requesting that Marion County convey back to the owner the entire property less and except the portion required for the 31st Street Project instead of issuing a Corrective Deed, which they state would require additional documents.

This purchase is necessary to correct an error with a legal description made during the closing of the acquisition of right of way for the SE 31st Street Improvement Project.

Budget Impact: None

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

Contracts & Agreements/Road Improvements - (5.K.11.) - Accepted the following recommendation of County Engineer Bouyounes to bid the SW 60th Avenue Project/South Phase from SW 66th Street to SW 38th Street and begin construction:

Description/Background: The project involves reconstructing the existing two lane rural road to a four lane urban section divided road with a grass median, curb and gutter, bike lanes and sidewalk. \$5,750,000 was budgeted for this project in the 05/06 budget, but \$3,947,835.15 was taken to fund the "North" Phase (From SW 38th Street to SR 40). Currently \$1,802,164.85 is available for construction, and additional funding is included in the 06/07 budget. The design of the project is complete and we request approval to bid the project and begin construction as soon as possible. Funding will be split between the 05/06 and 06/07 budget years.

Budget Impact: None at this time.

Recommended Action: Motion to approve to bid the project and proceed with construction.

Contracts & Agreements/Drainage/Road Construction - (5.K.12.) - Accepted the following recommendation of County Engineer Bouyounes to approve and execute the Drainage Plans & Permitting Agreement (SW 60th Avenue Project) with Banyan Construction & Development, Inc.:

Description/Background: The subject Agreement is a successor to the Traffic Concurrence Development Agreement (John B. Penn, Tr.), dated December, 19, 2002 and incorporates the rights and responsibilities therein, as well as those agreeably amended between Banyan and Marion County. Specifically Banyan is required to provide design services for and construct a segment of SW 60Th Ave., contiguous with their development property's western boundary, from SW 80th Ave. to a point approximately 0.63 miles south. This segment of SW 60Th Ave. will be designed as a four lane divided highway accommodating pedestrians and bicyclists. Marion County has contemplated within its 5 Year Transportation Program to design and construct in a similar manner, with the assistance of adjacent developing properties, the remaining 0.89 miles of roadway continuing south to the intersection of SW 95th St. The County is currently performing the entire 1.52 miles of roadway design with county staff. By this Agreement Banyan is providing drainage design and permitting support services to Marion County design staff. These services will be credited towards Banyan's overall obligation to design and construct the original 0.63 miles of roadway contiguous with their development property.

Budget Impact: None.

Recommended Action: Motion to approve the attached Drainage Plans & Permitting Agreement and authorize the Chairman and Clerk to execute same.

Contracts & Agreements/Road Construction - (5.K.13.) - Accepted the following recommendation of County Engineer Bouyounes to approve bidding of the CR 464 North Phase from Locust Road to Oak Road Reconstruction Project:

Description/Background: The project involves reconstructing CR 464 from the existing two lane rural road to a four lane divided with a median, curb and gutter, and sidewalk. The project is in the Transportation Improvement Program (TIP) for the 05/06 budget year. Due to increased costs the funding in the 05/06 budget is believed to be insufficient. The design of the project is complete and we request approval to bid the project and begin construction as soon as possible. Funding will be split between the 05/06 and 06/07 budget years.

Budget Impact: None at this time.

Recommended Action: Motion to approve to bid the project.

Roads, Miscellaneous - (5.K.14.) - Accepted the following recommendation of County Engineer Bouyounes to approve Statement of Support for Basin Management Action Plan Development and Implementation to Achieve Department of Environmental Protection (DEP)-Adopted Upper Ocklawaha River Basin Total Maximum Daily Loads (TMDLs):

Description/Background: The Basin Management Action Plan (BMAP) is being finalized for the Upper Ocklawaha River Basin. The BMAP is part of the Total Maximum Daily Load (TMDL) process and is a collaborative decision-making process that works with local stakeholders to specify how established goals will be achieved by:

- recommending management activities,
- establishing who is responsible for implementation,
- establishing a schedule for implementation, and
- noting how the effectiveness of the plan will be assessed.

While the plan will focus on implementation of TMDLs developed in the basin, it will also address more general watershed goals.

FDEP has requested a statement of support or a resolution be provided by all government entities involved in the Basin Working Group. The statements of support or resolutions, whichever is provided by these entities, will be incorporated as supporting documentation within the final BMAP.

Budget Impact: N/A

Recommended Action: Motion to approve statement of support.

Contracts & Agreements/Road Improvements/Subdivisions - (5.K.15.) - Accepted the following recommendation of County Engineer Bouyounes to approve and authorize staff to process a Change Order to remove the wall from the Anderson Columbia contract and to provide a check in the amount of \$219,620 to the Windstream Community Association:

Description/Background: This project includes 1,150 linear feet of privacy wall to be constructed along the property line of the Windstream Subdivision which was

requested during a public hearing for the SW 31st Street project. The Windstream Community Association has submitted a proposal to remove the wall from the Anderson Columbia construction contract and allow the homeowners association to construct the wall through their own contractor. The cost of the wall currently in the Anderson Columbia contract is \$222,000 as compared to the proposed cost if the wall is constructed by the homeowners association is \$219,620. In addition to the cost savings of \$2,380, there will be additional benefit to the county in that the wall will be constructed on the home owner's property and maintenance will be by the home owners. County staff proposes that the County agree to the proposal, but without any conditions that will cost the county additional money. The property owners will assume complete responsibility for construction and maintenance of the wall.

Attached are (1) a copy of the proposal from Windstream Community Association, (2) a copy of the page from the contract identifying the contract price for the wall, and (3) a letter from Anderson Columbia agreeing to have the wall removed from their contract.

Budget Impact: A savings of \$2,380.00 for the SW 31st Street Project.

Recommended Action: Motion to approve and authorize staff to process a change order to remove the wall from the Anderson Columbia contract (reducing the contract by \$222,000), and to provide a check for \$219,620 to the Windstream Community Association.

Budgets/Utilities - (5.L.1.) - Accepted the following recommendation of Utilities Director Gary Koltz to deposit \$117,750 from the County Utilities Department fund with the Circuit Court of the Fifth Judicial Circuit relating to the Boodhram Eminent Domain Action, Case No. 06742-CAG Parcel 01:

Description/Background: As advised by Special Utilities Counsel, (Gray/Robinson), Marion County is requesting the appraised value (\$117,750.00) of the property located at 17230 SE 115th Avenue and administrative filing fee be deposited with the Fifth Judicial Court in relation to the condemnation suit for the Boodhram property.

Budget Impact: \$117,750.00 from FY Budget 05/06 (7130-563101).

Recommended Action: The Board of County Commissioners approve a motion to authorize the Chairman to allow Marion County to deposit \$117,750.00 from the Utilities Department fund with the Circuit Court of the Fifth Judicial Circuit in and For Marion County, Florida.

Zoning - (5.M.1.) - Accepted the following recommendation of Zoning/Development Review Director Mike May to approve fee in the amount of \$288,125 in lieu of tree replacement for the Beall's Retail Development:

Description/Background: The Developer of the Beall's Retail Development is required by the Land Development Code to preserve and protect 1153 inches (caliper/diameter at breast height, dbh) of the 14.52 acre project site. The Developer has agreed to pay a fee rather than replace 1153 inches of trees.

Article 8.2.10.d.(2)(j), Marion County Land Development Code, provides that: At the County's discretion in lieu of replacement, a permittee may pay a fee for replacement trees. The calculation shall be recommended by the County

Administrator and approved by the Board prior to permit issuance. Such fees are to be placed in a trust fund for use by the County for the installation, maintenance, and replacement of trees on public property within Marion County, and shall be utilized for such purposes within (3) years or returned to the property owner of such property at the end of three (3) years.

An average price was derived from the Plant & Supply Locator, Bent Oak, Cherry Lake and Marshall's Tree Farms wholesale guide 3.5 inch caliper, Florida Grade No.1 shade tree. The total cost is then determined by using a multiplication factor of 2.5 to include expenses associated with shipping, planting and irrigation during establishment. The average of all cost evaluated was \$625.00 per 3.5 inch caliper/2.5 inch diameter tree.

Fiscal Impact: 461 trees at 2.5 inch diameter would be required to replace the 1153 inches 461 trees at \$625.00 each = \$288,125.00. Funds to be placed in a trust for use by the County Parks Department for use on public property within the County.

Recommended Action: **APPROVAL** of a fee in the amount of \$288,125.00 in lieu of tree replacement.

County Attorney/County Employees - County Attorney Gordon B. Johnston introduced the new County Attorney, Thomas L. Wright.

Mr. Wright thanked the Board and stated he was looking forward to getting involved and working with the Board and knew he had a steep learning curve. He stated his wife, Harriet, and son, William, were in the audience. Mr. Wright stated he knew this was going to be a challenge for him. He stated his previous experiences with issues he had faced, should give him insight with the issues that would face this community in the years to come. Mr. Wright stated he would be happy to share any insight he had to help in formulating the policy which had been set for this community.

Resolutions/Road Construction - (6.A.) - County Attorney Johnston presented the following recommendation from Senior Assistant County Attorney Jeff Fowler to adopt a resolution amending Initial Assessment Resolutions 06-R-193 through 06-R-196 and scheduling a public hearing on Tuesday, June 21, 2006 at 9:00 a.m.:

Description/Background: Pursuant to the attached memorandum from Nabors, Giblin and Nickerson, P.A., County Bond Counsel, the Board is requested to adopt the attached resolution amending the Initial Assessment Resolutions for the following assessment projects:

SW 26th Avenue

Sherwood Hills Subdivision

Ocala Ridge (Units 1, 2 & 3)

Sheri Oaks Improvement Area

The attached resolution changes the public hearing date from June 8, 2006 to June 21, 2006, and changes the name of the Ocala Ridge area to include Unit 3.

Budget Impact: None.

Recommended Action: The Board of County Commissioners is requested to adopt the attached Resolution and authorize the Chairman and Clerk to execute same.

Mr. Fowler stated the Board had previously adopted Initial Assessment Resolutions and this one amended those and changed the public hearing date.

Upon motion of Commissioner Harris, seconded by Commissioner McClain, the

June 6, 2006

Board adopted Resolution 06-R-227, entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS; AMENDING AND CONFIRMING RESOLUTION NOS. 06-R-193, 06-R-194, 06-R-195 AND 06-R-196 RELATING TO THE PROPOSED SW 26TH STREET IMPROVEMENT AREA, SHERWOOD HILLS SUBDIVISION IMPROVEMENT AREA, OCALA RIDGE (UNITS 1 & 2) IMPROVEMENT AREA AND SHERI OAKS IMPROVEMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

Commissioners/Resolutions/Supervisor of Elections - (6.B.) - County Attorney Johnston presented the following recommendation from Senior Assistant County Attorney Fowler to adopt a resolution altering twelve existing precincts changing the boundaries and creating eleven new precincts:

Description/Background: At the request of the Supervisor of Elections the attached resolution has been prepared. The resolution changes the boundaries of certain existing voting precincts and creates new precincts.

Budget Impact: None.

Recommended Action: The Board of County Commissioners is requested to adopt the attached resolution and authorize the Chairman and Clerk to execute same.

Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board adopted Resolution 06-R-228, entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PURSUANT TO SECTION 101.001, FLORIDA STATUTES, CREATING NEW PRECINCTS, DESIGNATING POLLING PLACES, AND REVISING BOUNDARY LINES OF EXISTING PRECINCTS.

Districts/Resolutions - (6.C.) - County Attorney Johnston presented the following recommendation from Senior Assistant County Attorney Fowler to adopt a resolution expanding boundaries of the Silver Springs Shores Special Tax District:

Description/Background: The Silver Springs Shores Special Tax District Advisory Board has previously recommended holding an election in order to determine whether to expand the boundaries of the Silver Springs Shores Special Tax District. The attached resolution authorizes a non-binding election to be held in affected areas of Silver Springs Shores in order to obtain the sentiment of the voters on this issue. The election will be held at the primary election on September 5, 2006.

Budget Impact: Estimated cost of the election is \$3,000.00 - \$5,000.00.

Recommended Action: The Board of County Commissioners is requested to adopt the attached resolution and authorize the Chairman and Clerk to execute same.

Commissioner Harris questioned the vote to expand the balance of the Shores area. He questioned how the owners that lived out of town would know about the straw ballot initiative and decide whether they wanted to participate. Commissioner Harris questioned why a mail out had not been done, which in his opinion was more accurate. Chairman Payton commented that the Supervisor of Elections determined who were the property owners. Commissioner Harris stated the approach was hap hazzard at best. He stated with the straw ballot initiative not everyone would be informed of what was occurring in the

County. Commissioner Harris stated over time it would cost a great deal of money to be included without their knowledge and questioned why the matter was not approached from a petition direction.

MSTU/Assessment Director Myra Tedder stated the Advisory Board was requested by the public to conduct this type of ballot. Commissioner Harris questioned which type would give the most thorough response from the owners. He stated this was for an MSTU expansion. Commissioner Harris stated this was an enormous expansion and with an honest effort to communicate should be handled by the petition process versus the straw ballot initiative. Chairman Payton stated he was not sure how all citizens would be reached that were impacted and what it would accomplish. Ms. Tedder stated she would send notices to all property owners.

Chairman Payton stated that only the property owners should be eligible to vote. Ms. Tedder stated only those in the precincts were eligible to vote. Senior Deputy Administrator Wesley Wilcox, Supervisor of Elections stated staff only tracked registered voters, noting a registered voter did not have to be a property owner. Chairman Payton stated he did not think the Board could take action on the issue today. Commissioner Harris stated the difficulty was knowing the familiarity with the exhaustive efforts to inform every property owner.

Commissioner Payton suggested the item be withdrawn for two weeks to discuss it further. It was the general consensus of the Board to withdraw the item.

Resolutions/Road Construction - (6.D.) - County Attorney Johnston recommended the Board adopt initial assessment resolutions for the following road assessment projects: Lake Weir Ranchettes (North) Improvement Area and Lake Weir Ranchettes (South) Improvement Area. It was noted in a memo received from Senior Assistant County Attorney Jeff Fowler that a public hearing to consider adoption of the final assessment resolutions would be scheduled on July 19, 2006.

Upon motion of Commissioner McClain, seconded by Commissioner Stone, the Board adopted the following Resolutions:

1. 06-R-229 establishing the Lake Weir Ranchettes (North) Improvement Area.
2. 06-R-230 establishing the Lake Weir Ranchettes (South) Improvement Area.

Comprehensive Plan - (6.E.) - County Attorney Johnston requested authorization to advertise two public hearings on Wednesday, July 19, 2006 at 1:00 p.m. to consider (1) Presentation of Mediator's recommendations concerning the denial of transmittal of Comprehensive Plan Amendment 04-L28, Goolsby Family Partnership and (2) Transmittal hearing for a revised amendment of the Comprehensive Plan Amendment.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, scheduling the public hearings on Wednesday, July 19, 2006 at 1:00 p.m. The motion was unanimously approved by the Board.

Road Improvements - (6.F.) - County Attorney Johnston presented the following recommendation from Chief Assistant County Attorney Thomas D. MacNamara to approve and authorize Patrick Gilligan, Esquire, to execute the Mediated Settlement Agreement in regard to the case of Marion County versus Bahia Honda Real Estate Investments V, LLC, a Florida Limited Liability Company, et al, Case No. 05-617-CA-G in relation to the SE/SW 31st Street Road Improvement Project:

June 6, 2006

Description/Background: As background, the Board has hired outside counsel to represent the County in the negotiation and acquisition of necessary road right-of-way for the 31st Street Project.

Attached please find a letter dated May 24, 2006, from Patrick G. Gilligan, Esquire, describing efforts to reach a mediated Settlement Agreement requiring approval by the Board.

Budget Impact: \$1,175,000.00.

Recommended Action: The Board is requested to approve the attached Mediated Settlement Agreement and authorize Mr. Gilligan to execute same.

Commissioner Harris requested a brief explanation of the property. Patrick G. Gilligan, Esquire, stated this was the 110 acre Casaclang family parcel. He stated approximately 20 acres was taken by the State. Mr. Gilligan stated it was on Lake Louise, the northern side of SE 31st Street and runs from Shady Road to the "S" curve. He stated it was the wetlands mitigation area. Chairman Payton questioned the \$1,175,000 cost of the property. Mr. Gilligan stated the original good faith appraisal was \$791,000 and claimed approximately \$1.3 million. He stated the Casaclang family platted the property all around Lake Louise.

In response to Commissioner Harris, Mr. Gilligan stated the property had been platted for approximately 20 to 30 years. He stated the family never developed the property. Mr. Gilligan stated the easterly end of SE 31st Street ran parallel to several platted lots located next to a road that was never built that would have served the subdivision if it had been built. He stated it was claimed the road would detrimentally affect those lots and road. Chairman Payton stated he thought the property was worthless. He stated just because a plat was filed did not mean it could be developed.

Mr. Gilligan stated the road improvement project would enhance the value of the properties.

A motion was made by Commissioner Harris, seconded by Commissioner Stone, to approve the recommended action. The motion was unanimously approved by the Board.

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 Right-of-Way Dedication waiver request regarding A Secure Storage, LLC. DRC Chairman Ganoe presented the following recommendation:

Description/Background: Section 8.2.5.a(2)(b) of the Land Development Code provides that right-of-way dedication on section and quarter section lines shall be in accordance with Marion County construction details. Table 8.1 of the Code provides that collector roads rights of way are to be 100 feet in width. The subject project is located on the east side of US 301/441, with the northerly boundary of the property being located on a section line. If extended due west, NW 49th Street would follow along this section line and the northerly boundary of this property. The right of way dedication for this project under the Code would 50 feet (1/2 of the required 100 foot width). The project plans, as submitted, provide for a 40 foot wide right of way and the applicant requested a waiver for the remaining 10 feet. On May 8, 2006, by a vote of 4-1, the Development Review Committee denied the applicants requested waiver.

Budget Impact: N/A

Recommended Action: Motion to uphold the Development Review Committee's

denial of the Right-of-Way Dedication waiver request for A Secure Storage, LLC.

Commissioner Harris questioned the plan regarding the extension of NW 49th Street. Mr. Ganoë stated there were plans to extend NW 49th Street around I-75. In response to Chairman Payton, Mr. Ganoë stated he was comfortable with the DRC's recommendation, noting the waiver request was for a 50 foot right-of-way.

Charles Speake, North Highway 441, Ocala, partner with A Secure Storage, LLC, questioned whether this was in the current TIP plan and if the road would ever be built. He stated if NW 49th Street was extended across the property to Highway 441, it would intersect the building located there and would require removal. Mr. Speake stated there was a billboard recently placed and the edge would be at the highway right-of-way. He stated to him that was an indication there were no plans of a four-lane road at that point. Mr. Speake stated another difficulty was with the median and questioned if the road would be two-lane or four-lane. He also questioned if the road would facilitate the subdivisions that were being developed or whether it would be a major cross County Road.

In response to Chairman Payton, Mr. Speake stated the negative impact to him would be approximately \$80,000 yearly. Commissioner Harris questioned the typical section on 31st Street that was narrowed. Mr. Bouyounes stated it was 100 feet. Commissioner Harris questioned the plans and long range projection with the TIP for NW 49th Street. Mr. Bouyounes stated it was not in the 5 year plan, but was in the 20 year plan to construct. He stated NW 49th Street may need to be realigned. Commissioner Harris questioned if the set back requirements could not be met with the 10 feet. In response to Commissioner Harris, Mr. Speake stated he was only working with a 5 foot set back, a traffic buffer.

Mr. Ganoë stated the applicant was proposing to build 45 feet off of the property line, the set back would begin at the section line. He stated the applicant was not providing the set back in addition to the right-of-way, the set back was within the right-of-way. Chairman Payton questioned if a variance was given, would that be workable. Commissioner Stone questioned if the storage unit size was decreased, would that create a loss of \$80,000 a year in revenue. Mr. Speake stated if the road was built there he would not build the mini storage. He stated it was onerous with the financing issue.

Commissioner McClain questioned whether this was the same section line that the church asked for a waiver and was denied.

A motion was made by Commissioner McClain, seconded by Commissioner Harris, to uphold the DRC recommendation and deny the waiver request by A Secure Storage, LLC. The motion was unanimously approved by the Board.

There was a recess at 10:48 a.m.

The meeting reconvened at 10:56 a.m., with all members present except Commissioner Kesselring.

Garbage/Landfills - (7.B.) - County Administrator Howard presented the following recommendation from Solid Waste Director Ken Whitehead regarding the current credit system for Franchise Haulers:

Description/Background: The current credit system for franchise haulers is based on an estimated 1.0 tons of garbage per household per year. As this estimate is an average, haulers are collecting garbage from homes that generate more or less than this amount of garbage. If a hauler is collecting from homes that generate more than 1.0 tons per year, then the hauler would not get full remuneration for those homes

as the credit system will only allow 1.0 tons of garbage per household per year. If the hauler is collecting from homes that generate less than 1.0 tons per year, and collects mixed loads, some of the credit could end up being applied to commercial tonnage.

Three staff workshops were conducted in February and March of 2006, with all seven garbage haulers invited, to discuss these issues. As a result of these workshops, there appears to be three primary options available to the Board of County Commissioners as shown below:

Option 1: Leave the credit system as is with no changes.

Option 2: Require haulers to use separate collection equipment by April 1, 2009.

Option 3: Implement a commercial business assessment.

Options one, two, and three are discussed in the following pages, along with a summary of the advantages and disadvantages of a commercial business assessment.

Budget Impact: Option 2 could result in \$50,000 to \$120,000 in lost revenue until April 1, 2009. Option 3 could result in an increase of \$100,000 of new revenue due to economic flow control, but will likely increase County staff by at least two persons.

Recommended Action: County staff recommends the Board select Option 2.

It was the general consensus of the Board to withdraw the item until Wednesday, July 5, 2006, when all five Board members would be present.

Advisory Committees/Ordinances/Zoning - (9.A.) - A motion was made by Commissioner Harris, seconded by Commissioner Stone, approving the execution of a letter of appreciation to Don Merrill for his service on the Zoning Commission. The motion was unanimously approved by the Board.

Advisory Committees/Districts - (9.B.) - Clerk Ellspermann announced the results of the Commissioners' ballots for the Land Development Regulation Commission. Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board re-appointed William A. Cobb and Robert L. Rogers and appointed Lawrence Bland as members of the Land Development Regulation Commission.

Advisory Committees/Licenses & Permits - (9.C.) - Clerk Ellspermann announced the results of the Commissioners' ballots for the License Review Board/Construction Board of Adjustment & Appeals. Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board appointed Jody A. Wilson as a member of the License Review Board/Construction Board of Adjustment & Appeals.

Advisory Committees/Ordinances - (9.D.) - Clerk Ellspermann announced the results of the Commissioners' ballots for the Code Enforcement Board. Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board re-appointed Pat Anderson and Tom Gaver as members of the Code Enforcement Board.

Advisory Committees/Comprehensive Plan - (9.E.) - Clerk Ellspermann announced the results of the Commissioners' ballots for the Planning Commission. Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board re-appointed Dennis

J. Haag, Jimmy D. Walton and appointed Raymond Finn and William E. Howe as members of the Planning Commission.

Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board appointed Roy L. Dowless as an alternate member of the Planning Commission.

Advisory Committees/Zoning - (9.F.) - Clerk Ellspermann announced the results of the Commissioners' ballots for the Zoning Commission. Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board re-appointed Clayton P. Fell, Danny Gaekwad, Gregory Lord, and Susann Shields-Mangram as members of the Zoning Commission.

Advisory Committees/Districts - (9.G.) - Clerk Ellspermann announced the results of the Commissioners' ballots for the Rainbow's End MSTU for General Services Advisory Council. Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board appointed Cynthia J. Hadzima as a member of the Rainbow's End MSTU for General Services Advisory Council.

Landfills - (11.A.) - Upon motion of Commissioner Stone, seconded by Commissioner McClain, the Board scheduled two public hearings on Wednesday, July 5, 2005 at 10:00 a.m. and 10:15 a.m. to consider accepting two applications for a construction and demolition debris collection service franchise requested by Job Site Services, Inc., and a commercial and residential collection service franchise requested by Waste Pro of Florida, Inc.

Resolutions/Road Discontinuances/Subdivisions - (11.B.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board adopted Resolutions 06-R-231 scheduling a public hearing on Tuesday, July 18, 2006 at 10:00 a.m. to consider a petition by Timothy Gruebel, representing Deepak Jaisinghani, to consider the abrogation of portions of Palmetto Street and Pasteur Street in Monterey Village.

Resolutions/Road Discontinuances/Subdivisions - (11.C.) - Upon motion of Commissioner Harris, seconded by Commissioner Stone, the Board adopted Resolutions 06-R-232 scheduling a public hearing on Tuesday, July 18, 2006 at 10:00 a.m. to consider a petition by Country Oaks Property Owners' Association to consider the abrogation of SE 45th Street in Country Oaks.

Ordinances/Utilities - (11.D.) - Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board scheduled a public hearing on Tuesday, June 20, 2006 at 10:00 a.m. to consider amending Ordinance 04-4 regarding water and wastewater utility rates.

Budgets/Clerk/Commissioners - (11.E.) - Upon motion of Commissioner Harris, seconded by Commissioner McClain, the Board approved the proposed budget workshop schedule.

Garbage/Landfills - (11.F.) - Upon motion of Commissioner McClain, seconded by Commissioner Stone, the Board scheduled a public hearing on Tuesday, July 11, 2006 at

June 6, 2006

9:00 a.m. to consider a proposed rate increase to hauler rates for Onyx Waste Services, Inc.

Projects & Programs/Zoning/Comprehensive Plan - (12.A.) - Chairman Payton questioned whether the Board desired to schedule a workshop to discuss enhanced septic systems.

Chairman Payton stated Glen Lane offered to have the engineer he had consulted with regarding Via Paradisus make a presentation on the enhanced septic systems. He commented on the need to be informed and develop policies. Mr. Johnston stated enhanced septic systems were required in the Environmental Sensitive Overlay Zone (ESOZ) areas. Chairman Payton questioned if more information was needed regarding the systems and could continuing regulations be done. Mr. Johnston stated there was a requirement for those ESOZ areas which were around water bodies currently in place. He stated they could be placed where the Board required them, pertaining to a Special Use Permit or Zoning Application.

Commissioner Stone stated enhanced septic systems had been addressed and was required in Developer's Agreements and other zones. He stated the vested properties the developer wanted to build on did not require enhanced systems. In response to Commissioner Stone, Commissioner Harris stated legally, they would be required and were not vested or exempt from local codes and regulations. Mr. Johnston stated the vested properties were vested as to density requirements.

Commissioner Harris stated he had concerns with the transition period and availability of the systems. He stated the systems were not available in the County to meet the permit applications on hand. Chairman Payton stated he agreed with Commissioner Harris' statement. He stated he was not sure if there was a requirement for anyone other than those placed upon Developer's Agreement. Commissioner Harris stated in a workshop discussion it was his understanding the plan was to begin requiring enhanced systems where sewer was not available. Mr. Johnston stated they were required in the ESOZ areas.

Mr. Ganoë stated it was a component of the Springs Protection. He stated vested properties or areas being developed that did not have a water and sewer table, the enhanced septic system would be the only alternative and was part of the Ordinance. Chairman Payton stated there was more than one technology available. Mr. Ganoë stated the system would be defined as an enhanced system. He stated the maintenance would also have to be addressed. Commissioner Harris commented on the need to establish the threshold for the removal of the nitrates or nutrients. Commissioner McClain stated if the system was not maintained, then the system does not function properly. He stated he was not opposed to holding a workshop.

Commissioner Harris requested staff to prepare information regarding the issue so the Board could get the answers to its questions.

The Board directed Planning Director Ganoë to meet with Chairman Payton to present information, an outline and recommendation to be able to set a tentative workshop date.

In response to Commissioner Stone, Mr. Wright stated he had not previously dealt with any enhanced septic system issues.

Commissioners - (12.B.) - The Chairman acknowledged receipt of the June 2006 Commission calendar.

Ordinances/Schools - (Walk-on) - Chairman Payton stated the School Board provided the Board with the proposed Ordinance to implement school impact fees. He noted staff had not reviewed the information provided. Chairman Payton suggested withdrawing the item for two weeks. Mr. Johnston advised there had to be a request to advertise in two weeks.

It was the general consensus of the Board to withdraw the item.

Roads, Miscellaneous - Commissioner McClain directed staff to place commemorative road signs along CR 314A dedicating portion as "Meadors Corner" in honor of Harold Meadors, Sr.

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

County Administrator:

- A. County Administrator Informational Items:
 - 1. Old Business.
 - 2. Solid Waste Operations and Monthly Litter Control Report for April 2006.
- B. Present letter from Sumter County Board of County Commissioners regarding MSTU Department.
- C. Present letter from USDA Forest Service regarding proposed burning project in the Ocala National Forest.

Clerk of Court:

- D. Letters received from Secretary of State's office advising that Ordinances 06-10 (Begging and Panhandling), 06-11 (Impact Fee for Fire Rescue Facilities and Transportation Facilities), 06-12 (Funds for Traffic Education Programs), 06-13 (Open Burning) and 06-14 (Zoning) were filed.
- E. Constitutional Officers' and Commissioners' bonds pursuant to Chapter 137.05, Florida Statutes.
- F. Annual Financial Report for the Fiscal Year ended March 31, 2006 in accordance to Ordinance 00-20 received from On Top of The World Central Condominium Association, Inc.
- G. First report of activities and expenditures of the Marion County Health Department for the fiscal year October 1, 2005 through September 30, 2006.
- H. Internal Audit Report No. 2006-06 regarding follow-up review of Agreement to Construct Fire Station performed by Wallace K. Watford, Internal Auditor.
- I. Regular Report of Utilization of Reserve for Contingencies received from Budget Director Tomich.
- J. For information and record, minutes and notices received from the following committees and agencies:
 - 1. Code Enforcement Board - May 3, 2006.
 - 2. Development Review Committee - May 1, 2006.
 - 3. License Review Board - April 11, 2006.
 - 4. Marion County MSBU Fire Advisory Board - March 9, 2006.
 - 5. Marion County Hospital District Board of Trustees - March 27, 2006 and April 24, 2006.

June 6, 2006

6. Marion County Housing Finance Authority - March 7, 2006.
7. Marion Oaks MSTU Advisory Council - April 11, 2006 and May 9, 2006.
8. Parks & Recreation Advisory Committee - April 19, 2006.
9. Silver Springs Shores Special Tax District Advisory Council - April 13, 2006.
10. Southwest Florida Water Management District - March 28, 2006 Approved Minutes; May 30, and 31, 2006 Agenda.
11. Tourist Development Council - April 5, and 12, 2006.
12. TPO - May 23, 2006 Agenda (visit website at www.ocalamariontpo.org)

There being no further business to come before the Board, the meeting thereupon adjourned at 11:14 a.m.

James T. Payton, Jr., Chairman

Attest:

David R. Ellspermann, Clerk

Adopted by the Board of County Commissioners on Tuesday, July 18, 2006.