The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, April 21, 2009 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-Chair Barbara Fitos, District 4; Commissioner Mike Amsden, District 1; Commissioner Stan McClain, District 3; and Commissioner Charlie Stone, District 5. Also present were Clerk David R. Ellspermann, Deputy Clerks Cassandra Li and Cindy Bonvissuto, County Attorney Thomas L. Wright, County Administrator Lee Niblock, a representative of the Sheriffs Office and a member of the news media.

Proclamations/Projects & Programs/Resolutions—(1.A. through E.)—Upon motion of Commissioner Stone, seconded by Commissioner McClain, the Board approved the following:

A. Reunion ceremony between Umatilla residents Otto and Barbara Zimmerman and Marion County Firefighters.
B. Proclamation designating the month of April as ‘Marion County Volunteer Month’.
C. Proclamation designating the week of April 26 through May 2, 2009 as ‘National Crime Victims’ Rights Week’.
D. Proclamation designating the week of April 27 through May 1, 2009 as ‘Law Day Week’.
E. Proclamation recognizing Charles Jacob Shippee upon attaining the status of Eagle Scout in the Boy Scouts of America organization.
F. Resolution supporting the cause to reduce youth smoking and improve the health of Florida citizens.
G. Resolution supporting pollution prevention regarding Silver Springs/River Pollution Reduction Project.

Commissioner McClain acknowledged that one of the Resolutions (item 1.G.) was in support of pollution prevention at the Silver Springs River Pollution Project and relative to the monster pipe moving forward. He thanked staff for communicating with the Department of Environmental Protection (DEP) to reach a solution. Commissioner McClain expressed his appreciation to Deputy Secretary Bob Ballard, Land and Recreation, DEP, who went above and beyond the call of duty to work with the County on the issue.

Ambulance/Districts—(1.A.)—Fire Chief Stuart McElhaney addressed the reunion ceremony between Umatilla residents Otto and Barbara Zimmerman and Marion County Fire Rescue (MCFR) firefighters from South Forest Station 6 and Weirsdale Station 27.
He stated the crews provided advanced life support (ALS) emergency medical care to Mr. Zimmerman who was suffering a heart attack. Chief McElhaney advised that an ambulance from the Weirsdale Station 27, staffed with dual certified firefighter/paramedic and firefighter/Emergency Medical Technicians (EMTs), transported Mr. Zimmerman to the hospital. Halfway to the hospital firefighters used the LifePak 12, a professional grade defibrillator, along with performing cardiopulmonary resuscitation (CPR) to save Mr. Zimmerman who was unconscious, had no heartbeat and was not breathing.

Chief McElhaney noted the crewmembers involved were: Lieutenant/Paramedic Bill Thomas, Firefighters/EMTs Caleb Bankston, Jaime Grisales and Christopher Caravetto from the South Forest Station 6, as well as Firefighter/Paramedic Pablo Echevarria, Firefighters/EMTs Matthew Daily and Steven Spencer from the Weirsdale Station 27.

Chief McElhaney advised that the success story was directly attributable to the Commissioners regarding the 10 Year Plan for MCFR. Dual-certified paramedic/firefighters were located at the South Forest Fire Station and were able to respond within 5 minutes to initiate lifesaving care to Mr. Zimmerman.

Lieutenant/Paramedic Bill Thomas stated it was good to be able to serve the community and save one life. He noted the fact of the matter was that if it was not for Mrs. Zimmerman acting quickly and calling 9-1-1, the situation could have been worsened. Lieutenant Thomas advised that no one should hesitate to call 9-1-1. He noted fire trucks may respond to the call and advised that the same life-saving equipment, medicines and training were also available, similar to that of an ambulance.

Mr. Echevarria recalled the details of transporting Mr. Zimmerman to the hospital. He stated if it were not for the 10 Year Plan and the Board of County Commission (BCC) support, the situation may have turned out differently because it was a 40 minute transport to the hospital from the Zimmerman residence.

Lieutenant Thomas presented the Mended Heart Award to Mr. Zimmerman, along with other gifts.

Mr. Zimmerman thanked and acknowledged the duty that MCFR provided, noting he would not be here if not for their efforts. Mrs. Zimmerman thanked all for the quick response as she would not know where she would be without her husband. She noted the whole family thanked MCFR.

Chairman Payton stated he was honored to be surrounded by the young men and women of MCFR, noting the BCC continued to be proud of the firefighters, EMTs and the way Chief McElhaney and executive staff were able to seamlessly merge the ambulance service into the MCFR service.

**Proclamations/Projects & Programs** – (1.B.) – The Board presented the Proclamation designating the month of April as “Marion County Volunteer Month” to a representative from United Way, who acknowledged it was an honor for United Way to be able to represent many volunteers and agencies that relied on volunteers for day to day operations. An intense volunteer process was completed this month with 63 volunteers, who helped decide where the money raised during the campaign would be invested.

**Public Health/Resolutions** – (1.F.) – Upon motion of Commissioner Stone, seconded by Commissioner McClain, the Board adopted Resolution 09-R-131
supporting the cause to reduce youth smoking and improve the health of Florida citizens.

**Resolutions/Water** – (1.G.) – Upon motion of Commissioner Stone, seconded by Commissioner McClain, the Board adopted Resolution 09-R-132 supporting pollution prevention for Silver Springs and Silver River and authorizing execution of the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for the SR 40 Half-Mile Creek Retrofit Project also known as (a/k/a) the Silver Springs/River Pollution Reduction Project and Project FM#422786-1-58-01. (Refer also to Item 7.G.1.)

**Municipalities/Projects & Programs/Transportation/Water** – (2.A.) – Jackson Sullivan, Executive Director, Withlacoochee Regional Water Supply Authority (WRWSA), appeared to provide a PowerPoint presentation to bring member governments up to speed and obtain feedback on the WRWSA's efforts to provide a long-range water supply plan. Also present was Peter Hubbell, Water Resources Associate. The specific issue was a proposal by WRWSA to create a 'Regional Framework' over the next 15 to 30 years to make the ultimate transition from utilizing exclusively groundwater to the introduction of "alternative water supplies" such as surface water and desalinated water into the system.

As part of the WRWSA's development of a regional water supply master plan for water supply development in its region it was necessary to explain in more detail of how the Authority expected an integrated, interconnected water supply system to evolve within the region. A future water supply system for the region was based on the premise that a sustainable and economical water supply development must be provided utilizing not only groundwater, but surface and desalinated water as well. The subject of today's presentation was how to make this costly transition to alternative water supplies over time.

Commissioner McClain stated he was in favor of the concept and commented on managing by crisis. He noted it would be good to schedule a workshop to discuss the matter with WRWSA. Commissioner McClain acknowledged that the water management districts were closer to discovering alternative water supplies (AWS's) when Marion County had a fairly good supply of groundwater. He questioned how all the factors would fit as conservation methods were taking place to decrease usage and the water management districts were a driving factor.

Commissioner McClain stated he would participate in the discussions regarding his concerns to help move things forward. He expressed concern with the ability to take water from one side and ship it to the other side of the Marion County as it was not feasible from an economic standpoint. Commissioner McClain noted a plan needed to be in place as to how to proceed regarding conservation versus AWS.

Commissioner McClain stated he wanted to avoid a crisis and commented on having the transition of AWS becoming less abrupt as the utilities were not as mature, which would result in a huge cost for citizens. He suggested the water management districts invest into the system.

Mr. Sullivan commented on the hesitations arising in regard to the different methods by which the St. Johns River Water Management District (SJRWMD) and Southwest Florida Water Management District (SWFWMD) handled water supply issues. He commented on different groundwater modeling techniques and how that information was used in regulations as SJRWMD was conservative, forcing Marion
Mr. Sullivan advised that SJRWMD stated there was no groundwater in Marion County while SWFWMD indicated there was significant groundwater available. WRWSA attempted to bring the two water management districts together to develop a hybrid as to how the water supply authority could handle water supply issues in Marion County. Mr. Sullivan stated he requested a consultant make a presentation to the water management districts as to the concerns before making decisions on the issues.

Commissioner Stone agreed that a joint workshop with WRWSA to discuss the County's concerns was needed.

Commissioner McClain noted the municipalities should also be included in the joint workshop and questioned when WRWSA would make a presentation to the City of Ocala. Mr. Sullivan advised that he would present to the City of Belleview tonight and had placed a request to be on the City of Ocala agenda. He suggested scheduling a workshop in late May or early June so that Marion County could be integrated into the presentation to provide a better idea as to the effects to the County. A presentation would be made on May 19 to Sumter County. Mr. Sullivan stated a presentation would be made to Citrus County towards the end of May.

Chairman Payton requested Commissioner McClain to come back to the Board and provide a workshop date.

Commissioners/Communications – (2.B.) – Brian Creekbaum, NE 31st Terrace, appeared to address the Board on “Cutting the Fat from Marion County Government: The Case of County Commissioner Compensation”. He commented on campaign mail he received from all five Commissioners promising to watch taxpayer money.

Mr. Creekbaum referred to backup material that was provided (in the agenda packet) and addressed the current annual cost to compensate a member of the BCC regarding salary, FICA, retirement, health insurance, disability, life insurance and workers’ compensation. He compared the Marion County BCC annual salaries with Alachua County Commissioners and Ocala City Council members.

Mr. Creekbaum opined that since the Ocala City Council salary was locally set, it was a better measure of local taxpayer opinion on appropriate compensation. He commented on the historical salary growth comparisons from 1986, which was the first year for which the Florida Legislative Committee on Intergovernmental Relations calculated statutorily determined salaries as a service to County governments. Mr. Creekbaum acknowledged the salary in relation to the Consumer Price Index (CPI) and purchasing power, noting civilian workers, using data published by the US Bureau of Labor Statistics (BLS), indicated an 8% increase in purchasing power.

Mr. Creekbaum addressed the membership in the Elected Officer's class in the Florida Retirement System (FRS) pension plan, noting all five Commissioners were participants. He advised that since Marion County was not a Charter County, the salaries for Commissioners and Constitutional Officers was determined by State Statute. Mr. Creekbaum commented on the Florida Attorney General Opinion (AGO) regarding the St. Lucie County Sheriff salary that could not be voluntarily reduced, which did not mean there was no control over what it cost taxpayers to compensate because nothing precluded the Sheriff from donating his or her salary, or a portion thereof, to the County once the Statutorily prescribed salary was received as it would apply to all others. He acknowledged the front-end control over participation in the FRS pension plan and stated when Larry Cretul was elected in 1994, he opted out of the
FRS, as well as others.

Mr. Creekbaum commented on Commissioner Amsden's ability to opt out before the final business day in May. He addressed the perilous times and questioned what extraordinary actions would be taken by the Board. Mr. Creekbaum questioned the creation of an elite class with salaries, a cushy retirement program and paid campaign consultant and opined that the compensation system was dysfunctional. Mr. Creekbaum advised that an email address was set up to provide all of the referenced material to those interested: cutfat@cox.net.

Sheriff—(2.C.)—William Friss, NE 12th Street, appeared and commented on the gain time policy that was established in 2001. He addressed the opinions of County Attorney Wright and attorney David Porter, Marion County Sheriffs Office (MCSO) legal counsel. Mr. Friss noted the Commission's policy granted 9 days for work programs for inmates that exhibited both good conduct and exceptional industry. He opined that the attorneys had not reviewed the actual writing.

Mr. Friss referenced Resolution 01-R-37 that stated:
The Board of County Commissioners, under the authority of Section 951.21, F.S., hereby discontinues the policy of automatic granting of gain-time for good conduct and directs the Sheriff, or his designee, to implement the following policies:

a) County prisoners who qualify and participate in work programs at the county jail will be eligible to receive up to nine (9) days gain-time for every thirty (30) days work performed at the rate of 0.3 hours per day.

Mr. Friss advised that good time gain-time was discontinued and could not be given for both good conduct and exceptional industry. He stated it violated the law when the gain-time was discontinued in 2001. Gain-time could only be given to inmate workers if there was already the prerequisite of giving gain-time for good conduct, which should apply to everybody as a whole.

Mr. Friss advised that it was essential to have some type of system to help provide an incentive for good behavior. He noted the Sheriffs duty was to protect the public and the Commission, as owners of the county jail, established the rules.

Minutes—(3.A. through F.)—A motion was made by Commissioner Stone, seconded by Commissioner Fitos, to adopt the meeting minutes of March 3, 10 (3 sets) 11 and 17, 2009. The motion was unanimously approved by the Board (5-0).

Clerk/Resolutions—Clerk Ellspermann thanked the Board for its support relative to the Legislative Bills that proposed stripping the duties of the Clerk. He stated both Bills were stripped of the duties language before moving forward and the transfer of duties from the Clerk to the courts was also removed. He thanked the Board for passing a Resolution in support as it showed support and professionalism, as well as a positive reflection of the County.

Budgets/Resolutions—(5.A.1 through 33.)—Clerk Ellspermann advised that the County Administrator had several budget amendments that would impact transfers of department budgets based on recommendations that would be presented for Board approval later in the agenda. He noted Budget Amendments 5.A.11., 5.A.12, 5.A.20., 5.A.24., 5.A.26., 5.A.27. and 5.A.33. should be withdrawn at this time for approval along
with the County Administrator's recommendations.

Commissioner Stone requested Budget Amendment 5.A.23. be withdrawn and presented on a future agenda. He stated he wanted to meet with County Administrator Niblock and MSTU/Assessment Director Myra Tedder to be comfortable with the progress regarding the Hills of Ocala.

Upon motion of Commissioner McClain, seconded by Commissioner Amsden, the Board adopted the following Budget Amendment Resolutions as presented by Clerk Ellspermann:

1. 09-R-133 transferring $39,000 within the General Fund for the Court Administrator.
2. 09-R-134 transferring $1,000 within the General Fund for the Animal Center.
3. 09-R-135 transferring $270,000 within the General Fund for Legislative.
4. 09-R-136 transferring $15,000 within the General Fund for the Sheriff's Department-Emergency Management.
5. 09-R-137 transferring $5,000 within the General Fund for the Sheriff's Department-Emergency Management.
6. 09-R-138 transferring $6,500 within the General Fund for the Veterans Service Office.
7. 09-R-139 transferring $4,506 within the General Fund for the Medical Examiner.
8. 09-R-140 transferring $48,971 within the General Fund for the Fleet Management Department.
9. 09-R-141 transferring $29,819 within the General Fund for the Cooperative Extension Service Department.
10. 09-R-142 transferring $6,000 within the General Fund for the Facilities Management Department.
11. The Budget Amendment Resolution transferring $1,254,922 within the General Fund for Legislative was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)
12. The Budget Amendment Resolution transferring $211,239 within the County Transportation Maintenance Fund for the Road & Street Facilities Department was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)
13. 09-R-143 transferring $7,500 within the Dunnellon Airport Authority Fund for the Dunnellon Airport.
14. 09-R-144 transferring $169,271 within the Law Enforcement Trust Fund for the MSTU for Law Enforcement.
15. 09-R-145 transferring $16,397 within the MSTU for Law Enforcement for the Sheriff's Department-Patrol & CID.
16. 09-R-146 transferring $25,920 within the MSTU for Law Enforcement for the Sheriff's Department-Patrol & CID.
17. 09-R-147 transferring $10,000 within the MSTU for Law Enforcement for the Sheriff's Department-Patrol & CID.
18. 09-R-148 transferring $169,421 within the MSTU for Law Enforcement for the Sheriff's Department-Patrol & CID.
19. 09-R-149 transferring $8,595 within the MSTU for Law Enforcement for the Sheriff's Department-Patrol & CID.
20. The Budget Amendment Resolution transferring $327,514 within the Building Fund for the Building Department was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)

21. 09-R-150 transferring $1,600 within the Local Housing Assistance Trust Fund for the State Housing Initiative Partnership Act.

22. 09-R-151 transferring $25,000 within the Silver Springs Shores Special Tax District for the Recreation Facility.

23. The Budget Amendment Resolution transferring $20,000 within the Hills of Ocala MSTU for Recreation was withdrawn.

24. The Budget Amendment Resolution transferring $440,350 within the Fire, Rescue and EMS Fund for Fire/Rescue Services was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)

25. 09-R-152 transferring $35,000 within the Clean Water Program for the Clean Water Program Department.

26. The Budget Amendment Resolution transferring $23,936 within the Clean Water Program for the Clean Water Program Department was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)

27. The Budget Amendment Resolution transferring $157,131 within the Solid Waste Disposal Fund for Solid Waste Disposal was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)

28. 09-R-153 transferring $110 within the Marion County Utilities Fund for Water.

29. 09-R-154 transferring $800 within the Marion County Utilities Fund for Customer Service.

30. 09-R-155 transferring $42,000 within the Marion County Utilities Fund for Wastewater.

31. 09-R-156 transferring $100 within the Marion County Utilities Fund for Engineering and Construction.

32. 09-R-157 transferring $6,420 within the Marion County Utilities Fund for Water Maintenance.

33. The Budget Amendment Resolution transferring $106,623 within the Marion County Utilities Fund for Customer Service was postponed to later in the meeting. (Refer to agenda item 9.A. for discussion and motion.)

Clerk Ellspermann advised that Budget Amendment 5.A.3. originated from the Tax Collector as it was his commitment to the Board for pursuing his decreases in this budget year, as well as next year.

Clerk – (5.B.) – Upon motion of Commissioner McClain, seconded by Commissioner Stone, the Board accepted recommendations of the County Attorney's office regarding the following claims for overbid monies from Tax Deed Sales:

1. Granted claim from Savant Asset Recovery Services on behalf of Karri Mupo and Joseph Mupo regarding Tax Deed Sale No. 284057.

2. Granted claim from John M. McCormick, Esquire, on behalf of the beneficiaries of the Estate of Dorsey D. Cox regarding Tax Deed Sale No. 284123.

3. Granted claim from Scott Pruitt, as attorney in fact for Phyllis Conner regarding Tax Deed Sale No. 284350.
4. Granted claim from Robert D. Friedman, on behalf of Imperial Financial & Capital Group, LLC regarding Tax Deed Sale No. 284454.
5. Granted claim from Scott Pruitt, as attorney in fact for Phyllis Conner regarding Tax Deed Sale No. 284617.
8. Granted claim from Clerk of Court, Child Support Division regarding Tax Deed Sale No. 284728.
9. Denied claims from Clerk of Court, Criminal Division and Earmon Rucker, Jr. regarding Tax Deed Sale No. 284728.

Contracts & Agreements/Schools/Sheriff – (Walk-On) – County Administrator Niblock presented an Agreement with the Sheriff and Marion County School Board regarding the School Resource Officer program:

The following letter, dated April 15, 2009, was received from Major Patti Lumpkin, Bureau Chief, Youth & Community Services Bureau, Marion County Sheriff's Office (MCSO):

Attached are three (3) original copies of an Agreement between the School Board of Marion County, Florida and Ed Dean, as Sheriff of Marion County, Florida, and the Board of County Commissioners of Marion County, Florida for The School Resource Officer Program for school year 2009-2010. The Legal Request Memorandum (LRM) has been completed and is attached as well.

Superintendent Jim Yancey has requested that we obtain necessary signatures as soon as possible so this contract can be presented to the School Board for review and approval.

According to County Administrator Niblock's assistant, Jeannie, this item will be placed on the agenda for the May 5, 2009 Commissioners, after your approval.
If you need additional information, please contact me at 352-368-3547.
Thank you in advance for your assistance.

Mr. Niblock advised that Major Lumpkin, MCSO, was present. In response to Commissioner Payton, Mr. Niblock advised that the Board was being asked to authorize the agreement.

Clerk Ellspermann advised that the item was for the Resource Officer contract between the Sheriff and the School Board. Commissioner Payton noted it was the same contract as in the past.

A motion was made by Commissioner McClain, seconded to Commissioner Fitos, to approve and execute the Agreement for the School Resource Officer Program.

Commissioner Stone referred to the memorandum and inquired as to the item being scheduled on the May 5 agenda.

Major Lumpkin stated Superintendent Yancey requested the agreement be rushed through to be on the agenda for the School Board while possible. She advised that she was working with the School Board to obtain funding and had requested it be placed on the May 5th agenda.

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

Upon motion of Commissioner Stone, seconded by Commissioner McClain, the
Board acted on the Consent Agenda for Community Council Against Substance Abuse (CCASA) item 7.A.1., Marion County Sheriffs Office (MCSO) item 7.B.1., MSTU/Assessment Department items 7.C.1. and 2., Parks and Recreation Department items 7.D.1. through 5., Planning Department items 7.E.1. through 5., Purchasing Department items 7.F.1. through 8., and Transportation Department items 7.G.1. through 6, as follows:

Grants/Projects & Programs – (7.A.1.) – Accepted the following recommendation from Prevention Coordinator Matt Matthews, Community Council Against Substance Abuse (CCASA) relating to the 2008 Criminal Justice, Mental Health and Substance Abuse (CJMHS) Reinvestment Act–Planning Grant Final Progress Report:
Description/Background: On March 28, 2008 Marion County was awarded a $59,000 Planning Grant from the Florida Department of Children and Families. The purpose of the program was to provide funding to counties with which they could plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal and juvenile justice, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems.
The County Commission is required to review the final progress report and direct the chairman to certify the report.
The planning grant was a coordinated effort of the Board of County Commissioners, CCASA, 5th Judicial Circuit, The Centers, Marion County Sheriffs Office, Marion County Wellness Coalition and other interested parties.
Budget Impact: None.
Recommended Action: Motion to approve the CJMHS Reinvestment Act Planning Grant Final Progress Report and direct the Chairman to certify the report.

Contracts & Agreements/Sheriff/Subdivisions/Traffic Control – (7.B.1.) – Approved and executed Agreement with Oak Run Associates, Ltd. and the Sheriff to provide additional traffic enforcement service over private roads or roads located within the Oak Run community from April 1, 2009 through March 31, 2010, as submitted by the Marion County Sheriffs Office.

Drainage/Road Improvements/Subdivisions – (7.C.1.) – Approved recommendation of MSTU/Assessment Director Tedder to accept petitions from property owners within Ocala Waterway Estates to place on the road assessment program for future road and drainage improvements.
(Ed. Note: MSTU is the acronym for Municipal Service Taxing Unit.)

Contracts & Agreements/Road Construction – (7.C.2.) – Accepted recommendation received from the MSTU/Assessment Department regarding a road assessment project, as follows:
1. Orange Blossom Hills Units 2, 3 & 4 Road Assessment Program pursuant to Bid No. 08B-009 - Accepted construction of improvements and
executed letter to Counts Construction Co., Inc., contractor, advising of one year warranty period beginning this date.

Contracts & Agreements/Parks & Recreation/Projects & Programs/Sheriff – (7.D.1.) – Accepted the following recommendation from Acting Parks and Recreation Director Gina Peebles to approve and execute the License Agreement Carney Island Citrus Grove with the Marion County Sheriff's Department:

Description/Background: The Citrus grove at Carney Island was purchased in 1996 from the Ward Family. In 1999, Marion County entered into an Interlocal Agreement with the Marion County School Board to operate the grove as a school project. Through the years, it became apparent that the agreement was not a viable solution to maintain a productive citrus grove.

Four options were presented to the Parks and Recreation Advisory Council (PRAC) for consideration at their August 13, 2008 meeting:
1. Maintenance by the Marion County Sheriff's Department Inmate Work Farm
2. Maintenance by a private citrus company
3. Maintenance by Marion County Parks & Recreation Department
4. Restore grove to upland sandhill community

The Council unanimously agreed that option one would be the best option for the Department. The Marion County Sheriff's Inmate Work Farm has offered to manage the grove. In exchange, they will utilize the fruit to offset the cost of feeding the inmates, which is the most expensive portion of their food program.

Budget Impact: None.

Recommended Action: Authorize the Chairman and Clerk to execute the attached License Agreement, as presented.

Contracts & Agreements/Parks & Recreation/Projects & Programs – (7.D.2.) – Accepted the following recommendation from Acting Parks and Recreation Director Peebles to approve and execute the Non-Exclusive Fee Agreement for Use of Rotary Sportsplex with Rotary Sportsplex of Marion County, Inc.:

Description/Background: On October 1, 2006, the County began day-to-day operation of the Rotary Sportsplex. At that time, a formal agreement was not executed to identify the responsibilities of both parties. The attached Non-Exclusive Fee Agreement between the Rotary Sportsplex Board and Marion County details those responsibilities and establishes fees for the use of the facilities and additional services.

The Rotary Sportsplex Board (RSB) has been a model partner. Over the past 12 years, the RSB has invested more than $3 million in capital improvements and in-kind services for the use and enjoyment of the Sportsplex's thousands of participants and spectators.

Budget Impact: No additional budget impact.

Recommended Action: Authorize the Chairman and Clerk to execute the attached Non-Exclusive Fee Agreement for Use of Rotary Sportsplex as presented.

Contracts & Agreements/Parks & Recreation/Projects & Programs – (7.D.3.) – Accepted the following recommendation from Acting Parks and Recreation Director
Peebles to approve and execute the First Amendment to Lease Agreement with the Millennium Dog Park:

Description/Background: Marion County entered into a five-year Lease Agreement for the Millennium Dog Park on December 1, 2000. At the March 17 Commission meeting, the Board requested the proposed First Amendment to Lease Agreement between Marion County and the Millennium Dog Park be revised to renew for one additional five year period in lieu of automatic renewal. The attached agreement has been revised, as requested.

Budget Impact: No budget impact.

Recommended Action: Motion to execute the attached First Amendment to Lease Agreement as presented.

County Deeds/Parks & Recreation—(7.D.4.)—The Board considered the following recommendation from Acting Parks and Recreation Director Peebles regarding the Warranty Deed relating to the Heagy-Burry Boat Ramp property donation by Wesley G. and Kathleen F. Ripperger:

Description/Background: Attached is a Warranty Deed executed by Wesley and Kathleen Ripperger to provide .47 acres of adjacent property to the Heagy–Burry Boat Ramp. The Ripperger family has generously donated the swath of land for access and other park related purposes.

Budget Impact: None.

Recommended Action: Accept the property donation and authorize the Chairman and Clerk to execute any background documentation required to complete the transfer of ownership, if needed.

County Administrator Niblock stated there was updated information to be included. The information before the Board indicated no budget impact on the donation of the property, but the applicants requested the 2008 outstanding taxes of $274.32 also be included along with the donation. Staff was not in opposition of that because it was an adjacent parcel to the site and money was available in the Pennies for Parks account. The County Administrator recommendation was for the $274.32 tax payment to be included with the donation of the land.

A motion was made by Commissioner Amsden, seconded by Commissioner Stone, to accept the Warranty Deed from Mr. & Mrs. Ripperger for the Heagy-Burry Boat Ramp property donation; authorize the Chairman and Clerk to execute any necessary documents to complete the transfer of ownership; and approve payment of the 2008 outstanding taxes in the amount of $274.32. The motion was unanimously approved by the Board (5-0).

Parks & Recreation/Water – (7.D.5.) – Accepted the following recommendation from Acting Parks and Recreation Director Peebles to approve and execute the letter of support to the Florida Communities Trust Governing Board regarding Jubilee Creek:

Description/Background: The Conservation Trust for Florida (CTF) is a non-profit area land trust whose goal is to protect rural working lands. The CTF is preparing a Florida Communities Trust application for Jubilee Creek, the 2,000 acre headwaters of Barr Hammock and Levy Prairie. A requirement of the grant is a letter of support that Marion County will serve as the backup manager for the parcels within Marion County. This property is comprised mostly of mostly open space and wetlands and would require minimal management.
Budget Impact: None.
Recommended Action: Authorize the Chairman to execute the attached letter of support as presented.

Refunds/Transportation—(7.E.1.)—Accepted the following recommendation from Impact Fee Coordinator Kimberly Hatcher, Planning Department, to approve the Industrial/Manufacturing Use Rebate to Quality Banner in the amount of $1,034.98:
Description/Background: Prior to being deleted from the County Code in June 2004, Section 10-234 of the County Code allowed for an industrial or manufacturing use business to apply for a rebate of the transportation impact fee paid. The rebate is based on a percentage of the differences in property and sales tax between the year prior to the land development activity and the year being evaluated. Applicants are required to submit annual reports to the County documenting the differences. Each year is calculated and applied towards the initial transportation impact fee paid until the impact fee has been rebated in full or up to five years, whichever is sooner. The rebate agreement for Quality Banner was approved by the Board in August 2003, and their first rebate was approved in April 2005 for the 2004 tax year.
Quality Banner has submitted information for their fifth and final year of the rebate. Attached is the calculation sheet for the 2008 tax year and a final analysis of the project. The initial impact fee paid was $10,824.00 and the total rebate to Quality Banner, including the $1,034.98 being requested for tax year 2008, is $4,468.35. The code provides that impact fee rebates are to be paid from the General Fund. Funds for industrial/manufacturing use rebates are budgeted for within the Planning Department and the amount being requested ($1,034.98) is available in the current budget year. As shown on the attached Final Analysis sheet, Quality Banner will have been rebated forty-one percent (41%) of the actual transportation impact fee paid.
Budget Impact: $1,034.98 from the General fund through a Planning Department line item 2710-549112.
Recommended Action: Motion to approve industrial/manufacturing use rebate to Quality Banner in the amount of $1,034.98.

Refunds/Transportation—(7.E.2.)—Accepted the following recommendation from Impact Fee Coordinator Hatcher, Planning Department, to approve the Transportation Impact Fee Refund to Second Chance Jai Alai, LLC in the amount of $57,282.39:
Description/Background: Building permit 2007121079 was obtained to enclose 6,842 square feet of the existing porte-cochere at the Jai Alai fronton for a poker cardroom. The transportation impact fee was calculated at the racquet club/health spa rate with the fee totaling $152,282.39. In order for the cardroom to open, the transportation impact fee was paid with the understanding that the owner would have the option to pursue the computation mechanism in Section 10-322(c) (I) of the County Code listed below.
Section 10-322(c) (1) Computation of amount of fees states, "If the land development activity being commenced cannot be classified into a development type identified in Exhibit "A" (transportation impact fee schedule), the feepayer may, at his option, use the current edition of the Institute of Transportation Engineers (ITE) Manual entitled Trip General and the methodology referenced in
this section set forth above, to determine the transportation impact fee." After discussion with the applicant's attorney and consultant, staff agrees that due to the nature of the business it best fits the trip criteria of retail. Due to reclassification from racquet club/health spa to retail, the applicant is entitled to a refund of the overpayment in the transportation impact fee on building permit 2007121079 in the amount of $57,282.39.

Budget Impact: $57,282.39 from Transportation Impact Fee Trust Account for District 2.

Recommended Action: Motion to approve a transportation impact fee refund in the amount of $57,282.39 to Second Chance Jai Alai, LLC.

Contracts & Agreements/Zoning – (7.E.3.) – Accepted the following recommendation from Senior Planner Christopher Rison, Planning Department, to approve and execute the Developer's Agreement with HITS, Inc. in association with Rezoning Case No. 20090205Z:

Description/Background: Rezoning Case #20090205Z was approved by the Board on February 17, 2009, subject to a Developer's Agreement specifying that the subject property would be developed and operated in common with the adjoining Horseshows in the Sun (HITS) Complex, as represented by the applicant's attorney W. James Gooding, III. The zoning process has been completed and the Developer's Agreement, with the required provisions, has been executed by the current owner and submitted by the applicant's attorney. The Planning and Zoning Department staff, along with the Attorney's Office, has reviewed the Agreement. The agreement is attached for approval and execution.

Budget Impact: None.

Recommended Action: Motion to approve the Developer's Agreement (attached) with HITS, Inc., and authorize execution by the Chairman and Clerk.

Surplus Property–(7.E.4.)–The Board considered the following recommendation from Property Management Agent Stephanie Galarza, Planning Department, relating to the bid submitted by Faneza Sewnarine regarding Surplus Parcel No. 3545-003-023:

Description/Background: On September 2, 2008, the Board declared the subject parcel as surplus and due to its size, location and value, authorized possible disposition of the parcel to an adjacent owner in accordance with the provisions of Section 125.35(2) F.S. All property owners adjacent to the subject parcel were contacted and advised as to the availability of the property. Two adjacent owners submitted a bid on the parcel with the highest bid amount being $5000.00, submitted by Faneza Sewnarine. The subject parcel is located within Hibiscus Park Unit 2 with a 2008 assessed value of $10,625. It is approximately 0.11 acre in size (50' X 100') and fronts a recently paved road that has a 10-year road assessment in the amount of $308.00 per year (beginning in 2007 and ending in 2016). Any delinquent taxes along with the road assessment will be the responsibility of the purchaser.

Budget Impact: None.

Recommended Action: Motion to reject the bid of $5,000.00, submitted by Faneza Sewnarine.

Acting Planning Director Jimmy Massey advised that the offer was less than the appraised assessed value and generally staff recommended rejecting any bids that
were less than the assessed value. Chairman Payton noted assessed values were being reduced.

Commissioner McClain questioned if the road assessments and taxes were the responsibility of the purchaser. Mr. Massey stated that was correct.

Chairman Payton addressed the cost of ownership with owning the land for another 5 or 6 years. Commissioner Stone inquired as to the process of selection and whether there were other interested parties in bidding. Mr. Massey noted four people were originally notified and two responded. After the bid was received, staff contacted the winning bidder to ask if there was any interest in offering more, but the reason for not doing so was because of the assessment payment of the road. Mr. Massey stated if the Board rejected the bid, then staff would notify the same four people and go through the process again. He noted the parcel was already declared a surplus. Commissioner Stone stated the County may or may not receive a higher bid as the assessed value may change over time.

Clerk Ellspermann advised of current tax deed sales in Silver Springs Shores and Rainbow Lakes were on average about $2,800 to $3,000 per lot, for larger parcels. Commissioner Stone stated he was not opposed to accepting the bid.

A motion was made by Commissioner McClain, seconded by Commissioner Amsden, to disagree with staff recommendation and accept the $5,000 bid. The motion was unanimously approved by the Board (5-0).

Easements/Utilities – (7.E.5.) – Accepted the following recommendation from Property Management Agent Galarza, Planning Department, to approve and execute the Easement across Tract ‘C’ in Belle Oaks Subdivision to allow for ingress, egress and utilities for a single family residence:

Description/Background: On January 13, 2009, an Application for Easement was made by Lawrence C. Callaway III, requesting on behalf of his client, Sandra Waldron, easement across a strip of land Marion County owns, commonly referred to as Tract ‘C’. Sandra Waldron owns a parcel of land adjacent to Tract ‘C’. Tract ‘C’ is a 1.00 foot wide strip of land at the southwesterly end of SE 129th Place, in the SW corner of Belle Oaks Subdivision, Plat Book 2, Page 47. In 1994, Marion County granted an easement across Tract ‘C’ to a parcel adjacent to the parcel owned by Sandra Waldron. The Development Review Committee considered this request on March 16, 2009 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 a maximum of one (1) single family residence.

Budget Impact: None.

Recommended Action: Motion to authorize the Chairman and Clerk to execute easement (attached) to Sandra Waldron across Tract ‘C’, Belle Oaks Subdivision to allow for ingress, egress and utilities across the Tract for a maximum of one (1) single family residence.

Contracts & Agreements/Districts – (7.F.1.) – Accepted the recommendation of Purchasing Director Susan Olsen to approve and execute five (5) contracts with: a) Elite Fire & Safety Equipment, Inc. in the amount of $19,425; b) Municipal Equipment Co., LLC in the amount of $6,067.50; c) Hall-Mark Fire Apparatus in the amount of $4,271.78; d) Law Enforcement Supply in the amount of $2,932.25; and e) Ten-8 Fire
Equipment, Inc. in the amount of $112.50 (initial purchases totaling $32,809.03) for Fire Rescue Equipment 08-09, as requested by the Fire/Rescue Department pursuant to Bid 09B-046.

Contracts & Agreements/Projects & Programs – (7.F.2.) – Accepted the recommendation of Purchasing Director Olsen to approve and execute the contract amendment with Jones Edmunds & Associates (JEA) extending contract to November 30, 2009 for disaster debris monitoring services for the 2009 hurricane season; and authorize staff to solicit for a consultant to provide those services under RFQ No. 05Q-100 at the end of the 2009 hurricane season.

(Ed. Note: RFQ is the acronym for Request for Quote.)

Contracts & Agreements/Road Improvements – (7.F.3.) – Accepted the recommendation of Purchasing Director Olsen to approve and execute the contract with Guerra Development Corp. for the NE 35th Street project, with a cost of final design services estimated at $775,000, as requested by the Transportation Department pursuant to RFQ No. 06Q-098.

Contracts & Agreements/Road Improvements – (7.F.4.) – Accepted the recommendation of Purchasing Director Olsen to approve and execute the contract with Guerra Development Corp. for CR 200A (from Highway 441 to NE 35th Street) post design services, at an estimated cost of $150,300, as requested by the Transportation Department pursuant to RFQ No. 06Q-098.

Contracts & Agreements/Road Improvements – (7.F.5.) – Accepted the recommendation of Purchasing Director Olsen to approve and execute the contract with Lotspeich and Associates, Inc. to provide ecological consulting services relating to SW 31st Street Phase II, with a project cost estimate of $44,340, as requested by the Transportation Department pursuant to RFP 98P-081.

(Ed. Note: RFP is the acronym of Request for Proposals.)

Contracts & Agreements/Transportation – (7.F.6.) – Accepted the recommendation of Purchasing Director Olsen to approve and execute nine (9) First Contract Amendments with: a) Osburn Associates, Inc.; b) 3M Company; c) Custom Products Corp.; d) Universal Signs and Accessories; e) Municipal Supply and Sign; f) The Sherwin-Williams Co.; g) Potters Industries, Inc.; h) Flint Trading, Inc.; and i) Swarco Industries, Inc., effective through April 14, 2010 for sign shop materials, as requested by the Transportation Department pursuant to Bid No. 08B-035. It was noted that the total costs for materials would vary depending on quantity and frequency items were needed.

Contracts & Agreements/Utilities – (7.F.7.) – Accepted the recommendation of Purchasing Director Olsen to approve and execute the project amendment with Jones Edmunds & Associates (JEA) for professional consultant services relating to the Oak Run Reclaimed Water System project, not to exceed $300,000, as requested by the Utilities Department pursuant to RFQ No. 06Q-052.

Purchasing – (7.F.8.) – Accepted Purchase Orders over $10,000 as listed on schedule dated today.
Contracts & Agreements/Transportation/Utilities—(7.G.1.)—Accepted the following recommendation of the Transportation Department to approve and execute the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for the Silver Springs/River Pollution Reduction project:

Description/Background: This Joint Participation Agreement (JPA) is between the Florida Department of Transportation (FDOT) and Marion County for the Silver Springs/River Pollution Reduction Project, also known as the State Road 40 Stormwater Retrofit and Project FM#422786-1-48-01. As part of this agreement, FDOT agrees to provide $500,000 towards the construction of said project and provide routine maintenance of the facilities constructed in the FDOT’s right-of-way.

Budget Impact: Credit of $500,000 to the Grant Revenue Account 189000-33431010.

Recommended Action: Motion to approve the proposed agreement and authorize Chairman and Clerk to execute.

Contracts & Agreements//Rights of Way/Road Improvements—(7.G.2.)—Accepted the recommendation of County Engineer/Transportation Department Director Mounir Bouyounes to approve and execute Purchase Agreement with Sara V. Cullison in the amount of $60,200 (plus closing costs) for Parcel No. 21522-001-000 (a portion of) to acquire necessary right of way for the NW 44th Avenue Road Widening Project.

Contracts & Agreements/Rights of Way/Road Improvements—(7.G.3.)—Accepted the following recommendation of County Engineer/Transportation Department Director Bouyounes to approve and execute Purchase Agreement with Frank H. and Sandra L. Green for a portion of Parcel Nos. 24728-002-00 and 24778-000-01 to acquire necessary right of way for the CR 200A Road Improvement Project:

Description/Background: A request to approve a purchase agreement to obtain a 1,070 sq. ft. temporary construction easement and permanent drainage easement associated with the CR200-A Road Improvement Project. The property being acquired is valued at $4.50 per square foot and is currently commercially zoned. Marion County agrees to construct a 24’ commercial driveway in exchange the property owner agrees to waive compensation for both the permanent drainage easement and the temporary construction easement which are valued at $3,575. The negotiated settlement is supported by cost avoidance of condemnation costs such as appraisal and attorney fees.

Budget Impact: 1196-561301 $0.00

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

Road Improvements – (7.G.4.) – Accepted the recommendation of County Engineer/Transportation Department Director Bouyounes to approve the Preliminary Engineering Report along with the attached typical section and alternative 1 and authorize staff to proceed with the design phase for segment 1 relating to NE 35th Street from NE 36th Avenue to the west crossing over US 441:

Description/Background: This is a request to approve the Preliminary Engineering Report, typical section and alignment for NE 35th Street from NE 36th Avenue.
Avenue to the west crossing over US 441. The Preliminary Engineering Report was presented to the Board of County Commissioners at the workshop on March 10, 2009 and the final copy is available at the Transportation Department for further review if necessary. The report divided the project into 3 segments and evaluated 3 different alignment alternatives. Segment 1 is from US 441 to CR 200-A, Segment 2 is from CR 200-A to NE 25th Avenue and Segment 3 is from NE 25th Avenue to NE 36th Avenue. The 3 different alignment alternatives that were considered consisted of alternative 1 being a combination of a centerline alignment with both a north and south shift in the proposed right of way and alternative 2 and 3 were either a north side shift or a south shift. The report considered factors such as safety, number of residences affected, feasibility of design and permitting, cost of right of way acquisition, cost of construction, environmental, cultural and archaeological factors, traffic, geotechnical and flexibility to meet future expansion needs. Additionally, the typical section took into consideration and is suitable for the year 2035 design year and the recommendation is a right of way width of 120' for a 4-lane divided roadway with sidewalks, bike lanes, curb and gutter and posted speed of 45 miles per hour (50 MPH design speed). It is recommended that alternative 1 alignment be selected for final design and construction and be implemented in 3 segments as mentioned above.

Budget Impact: Approval of the proposed typical section and alignment will have no budget impact. Partial funding for design is in the current budget from Impact Fee District 2 in FY 2008/2009 as shown in the County Transportation Improvement Program.

Recommended Action: A motion to approve the Preliminary Engineering Report along with the attached typical section and alternative 1 and authorize staff to proceed with the design phase for segment 1.

Easements/Water—(7.G.5.)–Accepted the following recommendation from County Engineer/Transportation Department Director Bouyounes to approve and execute the Easement for Silver Springs/River Pollution Reduction Project with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida:

Description/Background: Easement Number 31969 is being granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and provides the County permission to construct and maintain a stormwater pond on the state-owned parcel identified as PID 31752-001-00 and shown as Exhibit A. The stormwater pond construction is part of the Silver Springs/River Pollution Reduction Project, also known as the State Road 40 Stormwater Retrofit Project. Budget Impact: $300 Annual Administration Fee for Easement.

Recommended Action: Motion to approve and authorize the Chairman to sign the easement.

Contracts & Agreements/Grants/Road Improvements – (7.G.6.) – The Board considered the following recommendation from County Engineer/Transportation Department Director Bouyounes regarding the County Incentive Grant Program (CIGP) Agreement associated with the SE 31st Street Extension Road Improvement Project with the State of Florida Department of Transportation (FM No. 424379-1-58-01):
Description/Background: This is a request to approve a County Incentive Grant Program (CIGP) Agreement associated with the SE 31st Street Extension Road Improvement Project between The State of Florida Department of Transportation and Marion County. The State of Florida Department of Transportation will be providing funds of $4,000,000 towards the construction of SE 31st Street Project and Marion County will be able to receive progress payments throughout the construction phase of the project. The Transportation and Legal Department has reviewed the proposed agreement and are making recommendation for approval.

Budget Impact: Impact District 3 Positive Impact ($4,000,000.00)

Recommended Action: The Board is requested to approve the attached CIGP Agreement and to authorize three (3) original documents to be executed by the Chairman and Clerk.

Mr. Niblock clarified that the Florida Department of Transportation (FDOT) was going to transfer $4,000,000 on that particular item, but a correction was made in the amount to $3,993,936, which was $6,064 less. Staff was recommending the agreement move forward.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve and execute the CIGP Agreement associated with the SE 31st Street Extension Road Improvement project with FDOT. The motion was unanimously approved by the Board (5-0).

Contracts & Agreements/Road Improvements—(8.A.)—County Attorney Thomas L. Wright presented the following recommendation regarding an agreement with the City of Ocala providing for Courthouse access to parking lot for Judicial Center on NE 1st Street:

Description/Background: As part of the Judicial Center renovation project, it is necessary to provide access to a parking lot which will require the City of Ocala to vacate the north one half of the right of way of N.W. 1st Street from N.W. 1st Avenue to N.W. 2nd Avenue. An Agreement has been negotiated with the City of Ocala which provides for the City to undertake the necessary steps to vacate this portion of roadway, and to acquire needed rights of way for relocation of power poles necessary for the access, and to surrender jurisdiction of the affected portion of NW 1st Street to Marion County. Under the Agreement Marion County will pay the City the costs for acquisition of necessary easements and relocation costs; and obligates itself to utilize the portion of the vacated roadway for the purposes set forth in the Agreement and maintain one-way traffic on the portion of the roadway over which it is transferred jurisdiction by the City.

Budget Impact: $9,694.02 for acquisition of necessary easements, and the actual cost of relocating power poles.

Recommended Action: Board of County Commissioners approve the attached Agreement, and authorize Chairman to sign on behalf of the Board, and deliver to City of Ocala for approval and execution.

Commissioner McClain noted the County would be responsible for maintenance from here forward.

A motion was made by Commissioner McClain, seconded by Commissioner Fitos, to approve execution of the Marion County Courthouse Access Agreement Between Marion County and City of Ocala. The motion was unanimously approved by the Board (5-0).
Advisory Committees/Contracts & Agreements/Bonds/Resolutions—(8.B.)—County Attorney Wright presented the following recommendation from Senior Assistant County Attorney Fowler to consider a Resolution authorizing the Escambia County Housing Finance Authority (HFA) to operate within the boundaries of Marion County:

Description/Background: Pursuant to the attached letter from Michael E. Dean, Esquire, the attorney for the Housing Finance Authority of Marion County, the Board is requested to adopt the attached resolution authorizing Escambia County Housing Finance Authority to operate within the boundaries of Marion County and on behalf of the Marion County HFA. Also attached is the Interlocal Agreement of the Housing Finance Authority of Marion County approving a joint program with the Escambia County Housing Finance Authority for the issuance of single family mortgage revenue bonds. The resolution does not create any liability or obligations on the part of Marion County.

Budget Impact: None.

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

In response to Chairman Payton, Mr. Fowler stated he could not specifically say the item was for low-income properties, but generally speaking, the Housing Finance Authority financed such projects.

A motion was made by Commissioner McClain, seconded by Commissioner Amsden, to adopt Resolution 09-R-158 authorizing the Escambia County HFA to operate within the boundaries of Marion County. The motion was unanimously approved by the Board (5-0). Resolution 09-R-158 was entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AUTHORIZING THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY TO OPERATE WITHIN THE BOUNDARIES OF MARION COUNTY, FLORIDA ON BEHALF OF MARION COUNTY, FLORIDA AND THE HOUSING FINANCE AUTHORITY OF MARION COUNTY, FLORIDA, TO FINANCE QUALIFYING SINGLE FAMILY MORTGAGE LOANS; AUTHORIZING THE HOUSING FINANCE AUTHORITY OF MARION COUNTY, FLORIDA, TO ENTER INTO AGREEMENTS WITH THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY; APPROVING A FORM OF AND EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE HOUSING FINANCE AUTHORITY OF MARION COUNTY AND THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY; APPROVING THE ISSUANCE BY THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY OF NOT EXCEEDING $300,000,000 SINGLE FAMILY MORTGAGE REVENUE BONDS ON BEHALF OF MARION COUNTY, FLORIDA AND THE HOUSING FINANCE AUTHORITY OF MARION COUNTY, PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING THAT SUCH BONDS CONSTITUTE LIMITED, SPECIAL OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.
Attorney Fowler regarding a Resolution relating to Public Improvement Revenue Bonds, Series 2009A and Public Improvement Revenue Refunding Bonds, Series 2009B:

Description/Background: Attached is a resolution proposed to be adopted by the Board of County Commissioners at its meeting on April 21, 2009, which was received from Nabors, Giblin & Nickerson, P.A., bond counsel for Marion County. This resolution supplements the County's Amended and Restated Public Improvement Revenue Bond Resolution (No. 86-R-198) and is related to funding certain transportation projects within the County and, assuming favorable market conditions, refinancing the County's outstanding Series 1996 Bonds. The pledge for such bonds are funds received by the County from the Local Government Half-Cent Sales Tax Clearing Trust Fund. However, under the bond resolution the County is permitted to use any legally available monies to pay the principal and interest on such bonds.

Upon meeting certain parameters regarding the interest rate and other related terms of the bonds, this resolution authorizes the issuance of such bonds, provides for certain covenants and details of the bonds (including the use of bond insurance if deemed favorable to the County), approves various forms of documents necessary to issue and sell the bonds, appoints U.S. Bank National Association as the registrar and paying agent for such bonds, and authorizes the Chairman and Clerk to execute various documents related to such bond issuance.

Budget Impact: The issuance of the Series 2009A Bonds will result in annual debt service payments of approximately $1,900,000 for 20 years. The issuance of the Series 2009B Bonds (to refund the Series 1996 Bonds) will only occur if the County can meet the required debt service savings parameter of 3% of the refunded par amount (equates to $210,000 minimum savings).

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

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to adopt Resolution 09-R-159.

Commissioner McClain commented on setting aside money to guarantee the bond payments, which may be about $4.5 million in cash. He acknowledged the disturbing issue with the Utilities in regard to purchasing bond insurance and opined the intent was to try to get as much money on the streets to spur economic development. He suggested buying the insurance to be able to use the money on the street in projects versus having to tie up funds.

Clerk Ellspermann commented on concern by the bonding agents, noting there was a recommendation to postpone it for a year or two before moving forward.

Jay Glover, Senior Managing Consultant, Public Financial Management (PFM) addressed feedback with Assured Guaranty Corporation, who was providing a bond insurance policy to guarantee a scheduled interest and principal payment, as to whether a surety policy would also be provided to cover the debt service reserve fund. The initial issue was about $1.8 million that needed to be deposited. Mr. Glover stated if Phase II was included, the total would be $4.5 million. Initial feedback from Assured Guaranty indicated the company would be willing to allow for that if there was a separate, secured, series-specific reserve. In other words, Assured Guaranty did not want to put a reserve in place to cover all the outstanding obligations, but would be willing to do so for this series only.
Mr. Glover noted discussion with bond counsel revolved around the documents that would need to be modified to process. Bond counsel had said they could allow for the surety policy if it was the County's desire to do so. Mr. Glover stated he discussed the matter with Assured Guaranty and slight modifications to the documents could be made as needed.

Chairman Payton questioned if some cash had to be placed in reserves in addition to the premium. Mr. Glover stated the County would not be forced to put cash aside to the extent the Board purchased a surety policy to cover that reserve requirement, but if there was further deterioration of that provider, the Board could potentially have to come back at a later date and put those funds away. He noted there were two methods: the funds could be deposited in reserve from bond proceeds of $1.8 million to come back to at a later date to take the cash out and replace it with a surety once the conditions stabilize; or 2) the County could move ahead with that surety policy and not set that $1.8 million aside. Mr. Glover advised that the cost of purchasing the surety policy would probably range from $50,000 to $100,000 as it had not yet been negotiated.

Commissioner McClain inquired if the cost would reduce the insurance if the market recovered over the next 12 months and the risk became better. Mr. Glover stated the more stable the conditions, the less risk there would be to the surety policy because it was the first line of defense if secured revenues were reduced, as it would be used to pay the bondholder. Chairman Payton noted the difference in the cost was not just the arbitrage and if cash was placed in reserves to earn interest, the County could always buy the policy when market conditions were more favorable. Mr. Glover agreed as there was an opportunity cost for setting the $1.8 million aside versus paying about 5% to issue additional debt. The funds would then be vested for the life of the transaction and since investment rates were between 1.5% to 2.5%, there was a negative cost of carrying a balance versus setting those bond proceeds aside, which would eat up the cost of the surety policy premium of $50,000 to $100,000.

Mr. Glover advised that one reason it was not initially recommended was to eliminate the potential for having to come back in the future, similar to the Utility system, to set the funds aside. It was easier to issue bonds today to fund rather than come back 2 to 3 years from now and have to find $1.8 million from reserves or excess revenues to place in the actual reserve fund.

Commissioner McClain referred to the $1.8 million and the opportunity cost to the community in general and inquired if it offset the risk that the County would take or did some tax revenue have to be created. He stated if the option moved forward, it may end up being $4.5 million, which would accomplish a lot of work. Chairman Payton stated that was a business decision. Commissioner Stone agreed that it would be better to implement the surety bond and have the money used to complete work.

Commissioner McClain asked how quick the money would be used. County Engineer Bouyounes stated the $1.8 million would be added to the total amount borrowed, noting the first phase was estimated at $20.7 million. He advised that one project was already out to bid, another would bid next week and the third would be ready for bid in May.

Commissioner McClain inquired as to the effects if the $1.8 million were tied up. Mr. Bouyounes stated there should be no impact on Phase I. Finance Director John Garri questioned borrowing the $1.8 million, noting if the reserves were not funded, there was no need to borrow. Chairman Payton agreed.
Mr. Glover clarified that the $1.8 million would not be added to the project, noting less of the par amount would be borrowed, so the annual payments would decrease. In order to fund the $20.3 million of projects, it would be anticipated that about $22.6 million of bonds would be issued. Mr. Glover stated the amount would decrease by $1.8 million, which would reduce the cost on an annual basis.

Commissioner McClain clarified that his motion was to adopt Resolution 09-R-159 relating to Public Improvement Revenue Bonds, Series 2009A and Public Improvement Revenue Refunding Bonds, Series 2009B to include the bond insurance.

Chris Traber, Nabors, Giblin and Nickerson (NGN), bond counsel, stated if the County wanted to move in that direction, there was a revised Resolution which accomplished four things, as follows: 1) authorized the Chairman to execute an insurance agreement to procure the policy; 2) created a separate account in the reserve fund that only secured the 2009A Bonds; 3) directed staff to deposit the policy that would procure, just in that account, to secure those bonds; and 4) made certain amendments to the original Resolution from the 1980s and 1990s to accomplish this with a number of cross reference changes that were added.

Chairman Payton clarified the motion was to adopt the Resolution and secure the insurance rather than place the cash in reserves.

Commissioner Fitos stated she was in favor of supporting the original Resolution that was presented and did not support going with the bond insurance since the County was investing long-term in sustainability issues. She noted it was prudent and practical that the Board implement the reserve requirement on the front-end because there were options of taking that money at a later date and using it appropriately if the indemnity markets improved to where the County could secure the insurance.

Commissioner Amsden advised that he supported the motion as stated.

The motion was approved by the Board by a vote of 3-2, with Chairman Payton and Commissioner Fitos voting nay. Resolution 09-R-159 was entitled:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING AND SUPPLEMENTING RESOLUTION 86-R-198 OF THE COUNTY, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $33,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE COUNTY’S PUBLIC IMPROVEMENT REVENUE BONDS AND PUBLIC IMPROVEMENT REVENUE REFUNDING BONDS FOR THE PURPOSES OF FUNDING VARIOUS TRANSPORTATION PROJECTS WITHIN THE COUNTY AND, ASSUMING FAVORABLE MARKET CONDITIONS, REFUNDING THE COUNTY’S PUBLIC IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 1996; PROVIDING CERTAIN TERMS AND DETAILS OF SAID BONDS, INCLUDING AUTHORIZING A NEGOTIATED SALE OF SAID BONDS AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT WITH RESPECT THERETO; AUTHORIZING THE DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING MUNICIPAL BOND INSURANCE FOR ALL OR A PORTION OF SAID BONDS; APPOINTING THE ESCROW AGENT, PAYING AGENT AND
REGISTRAR FOR SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; AMENDING THE ORIGINAL RESOLUTION IN CERTAIN RESPECTS; ESTABLISHING A SEPARATE ACCOUNT IN THE RESERVE ACCOUNT FOR THE BONDS AND AUTHORIZING THE PURCHASE OF A RESERVE ACCOUNT INSURANCE POLICY; PROVIDING FOR GENERAL AUTHORITY; AUTHORIZING THE ESTABLISHMENT OF A BOOK-ENTRY ONLY SYSTEM; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Contracts & Agreements/Road Improvements – (8.D.) – County Attorney Wright presented the following recommendation from Attorney Jim Spalla, Special Counsel for Eminent Domain Matters in regard to attorney's fees associated with eminent domain property owners' settlements for the SE 31st Street Extension Project, Parcels 3, 4, 5, 39, 44, 45 and 46:

Description/Background: The Board has previously approved at its meetings held on March 3, 2009 and April 7, 2009 the settlement of the above-listed parcels in an eminent domain case in which property was taken by the County for the widening of 31st Street. The total settlement paid to the owners for all seven parcels was approximately $1.7 million.

As per Florida Statute 73.092(2), in addition to the amount paid for the property taken, the County is required to pay the owners' attorney's fees and costs and expert fees and costs.

The amount of the statutory attorney's fee in this case was dictated by application of the statutory criteria as contained in Florida Statute 73.092(2). The amount of the supplemental, attorney's fee and costs was negotiated down to $41,115.47, which was approximately 65% of the invoice submitted by owners' counsel, and works out to $5,874 for each parcel. The expert witness fees totaling $18,178.00 for an appraiser and economist were negotiated down to approximately 68% of the experts' invoiced amount to $12,500.00. In addition, consideration was given to the fact that a negotiated settlement would avoid further costs of litigating the amount of fees & costs which would involve hiring and paying the County's own experts to testify as well as those of the owners, including the owners' attorneys fees for litigating the amount of fees and costs.

Both eminent domain counsel and the County Engineering Department approve of the terms of the stipulation and request that the special counsel be given authority to execute the stipulation to be entered by the Court.

Budget Impact: $53,615.47

Recommended Action: The County staff and the attorney representing the County in this case recommend the special counsel representing the County be given the authority to execute the stipulation to be entered by the Court.

Special Counsel for Eminent Domain Services for Marion County A.J. “Jim” Spalla, with the firm of Akerman, Senterfitt, Attorneys at Law, Tallahassee, advised that the County was required to pay attorney's fees for the other side. He noted there was a substantial amount with $1.7 million for the properties and 7 parcels. Mr. Spalla stated the costs were negotiated to approximately 65% of what was claimed, plus a savings of
about $10,000 for fees and costs, noting appraisal fees and expert witness fees were also included in the amount.

A motion was made by Commissioner Amsden, seconded by Commissioner Fitos, to approve the attorney's fees associated with eminent domain property owners' settlements for the SE 31st Street Extension Project, Parcels 3, 4, 5, 39, 44, 45 and 46. The motion was unanimously approved by the Board (5-0).

Ordinances/Utilities/Water – (8.E.) – County Attorney Wright presented the following recommendation regarding advertising a public hearing to consider adoption of amendments to the Marion County Water Conservation Ordinance for Landscape Irrigation (Section 19, Article IV, Marion County Code):

Description/Background: On February 17, 2009, the Board approved a two-month extension to the current Interagency Agreement (IA) between SJRWMD and SWFWMD, which provides for uniform watering restrictions in the unincorporated areas of the county. The extension provided time for the water management districts to draft a REVISED IA, which per the Board's expressed desire, will further enhance countywide consistency. The revised IA is further described and presented for Board consideration under separate Agenda cover. To be consistent with the revised IA, the Water Conservation Ordinance for Landscape Irrigation under Section 19, Article IV, Marion County Code, must be amended. Attached is a DRAFT copy of the ordinance showing the proposed changes. The most significant change is that all of Marion County (including all cities except Dunnellon) will fall under the same SJRWMD watering restrictions, during periods of normal water levels as well as during water shortages. Currently, SJRWMD's year-round restrictions are in place, which allow watering two days per week during Daylight Savings time (second Sunday in March until the first Sunday in November) and one day per week during Eastern Standard Time (first Sunday in November until the second Sunday in March). Consequently, when the Board adopts the changes, county residents will be allowed to switch from watering one day per week to two, at least through October. Other restrictions and exemptions apply.

Budget Impact: None

Recommended Action: Motion to authorize advertisement of a Public Hearing to consider amendments to the Marion County Water Conservation Ordinance for Landscape Irrigation. Recommended date is May 5, 2009.

A motion was made by Commissioner McClain, seconded by Commissioner Fitos, to authorize advertising a public hearing on Tuesday, May 5, 2009 at 10:00 a.m. to consider adoption of amendments to the Marion County Water Conservation Ordinance for Landscape Irrigation. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Contracts & Agreements/Ordinances – (8.F.) – County Attorney Wright presented the following recommendation regarding Task Assignment pursuant to Engagement Letter with Special Counsel Tom Lewis, Jr. for work relating to Comprehensive Plan issues:

Description/Background: At the February 17, 2009 meeting of the board of County Commissioners, the board approved and authorized the Chairman to execute (the attached) Letter of Engagement with Tom Lewis, Jr., to provide
legal services to Marion County on issues related to the development and approval of the County’s Comprehensive Plan and various land use issues. The motion provided that the initial task assignment submitted with the Letter of Engagement was to be omitted and that the Board would consider and approve the task assignment at a later time.

At the workshop held April 14, 2009 to consider Comprehensive Plan issues, Acting Planning director, Jimmy Massey, presented a plan to utilize the services of Mr. Lewis, and sought direction for approval of a suggested task assignment. The Board considered the recommendation of Mr. Massey and directed the Task Assignment be presented for approval under the County Attorney’s Agenda at the next Board Meeting.

Budget Impact: $30,350.00 (estimated) as outlined on the attached Task Assignment.

Recommended Action: Board of County Commissioners consider and approve the attached Task Assignment and authorize its execution by the Chairman.

Mr. Wright stated the information provided by Mr. Lewis was received after negotiating what would be done with the Planning Department.

Chairman Payton stated he had some outstanding unresolved issues with the Department of Community Affairs (DCA) regarding needs and noted he was unsure when reviewing the curriculum that it would satisfy any objection from DCA. He requested assurance from Mr. Massey and addressed the engineering firm involved in the proposal. Mr. Massey advised that the schedule of tasks included in the packet comprised of a planning consultant, a number of hours and associated costs. The consultants were with Glatting, Jackson, Kercher & Anglin.

Mr. Massey noted staff, Mr. Lewis and the consultants drafted the list of tasks. He advised that the goal was to have the Evaluation and Appraisal Report (EAR) adopted on time. Mr. Massey referenced the needs analysis and stated it was an issue to be resolved during the EAR-based amendments rather than the initial assessments. He advised that the initial assessment was of the Comprehensive Plan and identification of the changes needed to be made. Mr. Massey stated a needs methodology was done in the EAR-based amendments, which would not begin until after the EAR was found in compliance. He noted that was the reason why the specific topic was not outlined in the initial task list.

Chairman Payton expressed concern with the outstanding 2008 amendments, noting the needs analysis was the issue. He stated if the County had to wait to go through the EAR process, then all of the amendments would be held in abeyance. Mr. Massey commented on correspondence received from DCA responding to the proposal to resolve the 2008 amendments. He read a portion of the letter into the record and noted there were approximately 17 amendments not in compliance, with about 8 or 9 involving residential. Mr. Massey clarified that DCA would be willing to entertain moving forward with the non-residential amendments and waiting to get the EAR in place before reconsidering.

Chairman Payton stated it was critical to identify the planner who would help with the methodology as it was not covered in Mr. Lewis’ agreement. Mr. Massey advised that DCA’s preference was not to submit changes to the Comprehensive Plan before the initial assessment was complete as it would identify what needed to be fixed. Chairman Payton questioned the method of approach. Mr. Massey anticipated the possibility of a
second request to engage Mr. Lewis and the consultants when approaching the changes to the Comprehensive Plan.

Commissioner Amsden questioned why the task could not be separated with a Request for Proposals (RFP) issued for the needs assessment to find a separate planning agency to conduct, facilitate and resolve the issue with DCA. Mr. Massey stated it could be accomplished. Commissioner Amsden opined that it was not the best avenue to go to for the citizens of the community as he would rather see the issues separated. He inquired as to how many planning agencies were recognized and what the turnaround time would be to achieve getting the process in the works to resolve the issues. Commissioner Amsden stated he anticipated broaching the needs analysis with DCA as to whether or not the County could move forward. He noted he was not sure an RFP was needed in order to resolve the issue.

Commissioner Stone stated he was the Board appointed liaison to DCA to work through the issues and had spent time to come to the understanding as to what was desired. He noted it was important to focus on the process as the needs analysis was confusing according to DCA's interpretation. Commissioner Stone commented on solving the problem after the EAR program was finished before staff could focus on the needs analysis. DCA's needs analysis was being challenged statewide and may not be able to come up with a decision as to how to handle it any time soon. Commissioner Stone suggested completing the EAR before focusing on the needs analysis, which may result in delaying the 9 residential applications. Mr. Massey agreed.

Commissioner Fitos referenced three elements as a result of the meeting with DCA, noting DCA dealt on statewide issues. She noted the County was tasked with completing the EAR assessment to meet the December 31 deadline. Commissioner Fitos advised that it was important to revisit the common issues specifically with DCA before suspending the needs methodology. She commented on the planning horizon, the urban service boundary and getting the Comprehensive Plan in compliance with DCA requirements.

Commissioner Fitos noted she was uncomfortable with the outline of the task assignment as it was unclear how the $134,000 in total would be split between counsel and the planning consultant. She stated it was not her intent to bring on Mr. Lewis as a lobbyist because expertise was required to balance planning staff's efforts.

Commissioner Fitos suggested obtaining clarification from DCA relative to the EAR and the three major issues as she was not in favor of suspending the needs analysis. She recommended establishing another meeting with DCA or making arrangements to designate someone to clarify. Mr. Massey stated the only specific way to get answers was for staff to draft a letter from the Chairman asking those questions. He clarified that the questions concerned adopting an urban service boundary, a needs methodology and making additional changes to the Comprehensive Plan before 2010. Chairman Payton agreed, noting staff would have to come back and ask to engage a planner because the needs analysis methodology would have to be covered. He stated staff was not in a position to internally accomplish the task.

Commissioner Stone noted Mr. Lewis listed two different segments: special counsel for 69 hours and a planning consultant for 65 hours. He opined that the needs analysis would be included in the hours listed and that Mr. Lewis and the planning consultant would be in direct contact with DCA as to what happened on a statewide basis. Mr. Massey advised that staff would communicate and research the establishment of an urban service boundary and extending the planning horizon.
had to complete the initial evaluation of the entire Comprehensive Plan and the task list was intended to get another set of eyes on the documents to recommend format, language changes, etc. so staff could start preparing a formal document to be submitted to DCA. Mr. Massey acknowledged that the task list was not as specific as possible, but he was confident it would achieve what staff needed accomplished. Commissioner Stone agreed.

Commissioner McClain inquired if DCA could set a timeline as to when to submit the needs analysis, etc. Mr. Massey stated DCA provided no definitive answer, but staff had begun to compile a methodology. He commented on the submission of amendments versus the EAR and clarified that staff could draft a letter to DCA to obtain answers regarding current issues. Chairman Payton stated it may not be necessary. Commissioner Stone stated it may be appropriate in the not too distant future, but DCA would not respond for the next few weeks.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve the Task Assignment pursuant to the Engagement Letter with Special Counsel Tom Lewis, Jr. for work relating to Comprehensive Plan issues. The motion was approved by the Board by a vote of 3-2, with Chairman Payton and Commissioner Amsden voting nay.

Communications/Districts – (Walk-On) – County Attorney Wright advised that a motion was needed to ratify the extension of the burn ban made Monday, April 13, 2009 and the rescinding of the burn ban that took place on April 15, 2009.

A motion was made by Commissioner McClain, seconded by Commissioner Fitos, to ratify the Extended State of Emergency Order Pertaining to a Ban on the Use of Flares, Explosives, Sparklers or Outdoor Burning Devices or Otherwise Lawful Outdoor Burning, dated April 13, 2009 and rescinded on April 15, 2009. The motion was unanimously approved by the Board (5-0).

Budgets/County Attorney – (Walk-On) – County Attorney Wright presented a one page document entitled, “Outside Counsel/January, February & March 2009." He stated he was unsure of the format the Board wanted the information presented as he could expand or provide additional data for the monthly reports. Mr. Wright explained the fees presented for review, approval and authorization before the Finance Department was directed to make payment. He explained that Mr. Thiele was involved in litigation dealing with the challenge through the Association of Counties, noting he was the attorney working for Leon County. Mr. Stewart was the attorney involved with the assessment litigation regarding Rainbow Springs. Messrs. Spalla and Gilligan handled independent issues. Mr. Wright noted the document was for Board review and inquired if there was additional information or a different format that was preferred.

Commissioner Fitos questioned if all of the data provided was for the countywide legal counsel expenses. Mr. Wright stated the information was for those that required Legal Department approval within the last three months as some were provided on a regular basis and others were periodic. Commissioner Fitos noted the document was a snapshot that did not show patterns. She questioned the year-to-date numbers for legal fees in general, noting a spreadsheet should be created to indicate by department who incurred the expenses. Commissioner Fitos asked if that would be possible to create or if it was already generated by Finance. She opined there was no analysis as to how the
expenses were utilized. Mr. Wright advised that an annual break down was provided in February and addressed the sporadic schedule that affected the regularity in billing.

Commissioner Fitos questioned retainer contracts. Mr. Wright noted engagement letters existed that set hourly rates. Commissioner Fitos inquired if there were any retainers in terms of a certain amount of dollars expensed per month as it would be helpful to have an analysis showing the engagement letters in place, year-to-date expenditures, patterns for litigation, consulting or in preparation of reports.

Commissioner Amsden stated the format provided by the City of Ocala may satisfy all the questions and information that Commissioner Fitos was seeking because it addressed the cases, hours, times and retainers. He suggested County Attorney Wright contact City of Ocala for a copy to use as a template.

County Employees – (9.A.) – County Administrator Lee Niblock presented the following recommendation regarding the Marion County Organizational Restructuring and the five (5) major issues facing Marion County as presented at the April 13, 2009 Board of County Commissioners workshop in a report entitled, “Doing More With Less – It’s All About Change”:

Description/Background: On February 2, 2009 a joint City/County meeting was held to discuss items of mutual interest. On February 5, 2009 the Board conducted a Strategic Planning Workshop. From these two (2) meetings critical issues were identified and action items were developed. On March 3, 2009 the County Administrator received direction/approval to present a comprehensive plan of action, within six (6) weeks, to address these issues. As a result of that action the Board conducted a workshop on April 13, 2009 and reviewed a report entitled Doing More With Less - It’s All About Change. As this report is a dynamic work it will be revised as needed. Also changes as approved will be incorporated into a revised version, after receiving individual input from each Commissioner, and then will be posted on the County’s website.

As presented by the County Administrator the five (5) Major Issues are Improve Internal/External Communication and Create a Continuously Improving Service Culture and Organization; Stimulate and Encourage Diversified and Sustainable Economic Growth; Address the Long-Term Disposal of Solid Waste; Address the Management of our Water Supply and the Long-Term Protection of our Springs and Aquifer; and Improve our Transportation Infrastructure. Task accomplishment progress updates will appear on the first BCC meeting of each month under Item 9, County Administrator. The detailed report also contained a new organizational structure developed as a result of a bottom-up review and designed to increase the efficient and effective delivery of public services. At the April 13, 2009 workshop the Board, by unanimous consensus, approved for immediate implementation the five major issues to be addressed and the reorganization plan, with formal adoption to occur at the April 21, 2009 BCC meeting.

Budget Impact: FY08/09 County-wide budget reduction of $2,360,601, resulting in an increase in Board Reserve for Contingencies of $1,093,810.

Recommended Action: Approve implementation of Organizational Restructuring plan with associated job descriptions/changes/budget savings and identification of five (5) Major Issues to be systematically addressed, as presented during the Board workshop on April 13, 2009.
Chairman Payton advised that the item also included the following Budget Amendments: 5.A.11., 5.A.12., 5.A.20., 5.A.24., 5.A.26., 5.A.27. and 5.A.33. He questioned the personalities in each sector. Mr. Niblock advised that the Public Service Assistant County Administrator would be advertised, but Human Resources Director Drew Adams would be appointed in the interim since he expressed no interest in the position. He noted Fire Chief Stuart McElhaney would be heading Public Safety; Public Works Bureau Chief Larry Thacker would be in charge of Public Works and Budget Administrator Bill Kauffman would oversee Administrative Services.

Commissioner Amsden expressed concern as to any of the lateral movements of positions circumventing the citizen boards and the recommendations or process of running the boards. Mr. Niblock advised there had been some discussions specifically in the area of public safety, which had an advisory board that was presented with the plan. Chief McElhaney sent an email to those board members that there would be a thorough discussion on the proposed changes. Mr. Niblock noted his appreciation for the efforts of Chief McElhaney to the two major budget areas for position reductions, which would take effect. He stated when the Board addressed the budget workshops, the organizational chart would be reviewed.

Mr. Niblock mentioned that the Transportation Department would have a continued look and changes would be made, as needed, on an interim basis until final adoption by the Board at a workshop. The organizational chart, as presented, would be implemented now and if there was an advisory board, it would be engaged.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve the Marion County Organizational Restructuring, along with the five (5) major issues facing Marion County as presented at the April 13, 2009 BCC workshop and adopt the following Budget Amendment Resolutions:

5.A.11. 09-R-160 transferring $1,254,922 within the General Fund for Legislative.

5.A.12. 09-R-161 transferring $211,239 within the County Transportation Maintenance Fund for the Road & Street Facilities Department.

5.A.20. 09-R-162 transferring $327,514 within the Building Fund for the Building Department.


5.A.26. 09-R-164 transferring $23,936 within the Clean Water Program for the Clean Water Program Department.

5.A.27. 09-R-165 transferring $157,131 within the Solid Waste Disposal Fund for Solid Waste Disposal.

5.A.33. 09-R-166 transferring $106,623 within the Marion County Utilities Fund for Customer Service.

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

County Planning/Municipalities—Mr. Niblock recognized Commissioner McClain's efforts in keeping an eye on the water ordinances, aquifer protection, etc. and being instrumental in securing a 60 acre parcel to help clean up the monster pipe. He noted one of the major issues staff was working on with the City of Ocala was the industrial business park development. Mr. Niblock requested Board support to electing Commissioner Amsden's assistance as a representative to provide interaction with the
City regarding the industrial park element of cooperative things to accomplish per the February 2, 2009 joint City/County meeting.

Commissioner Stone advised that he had been working with the Economic Development Corporation (EDC) relative to site selection and was up to speed on all the properties that were identified as well as the contracts with owners, etc. In response to Mr. Niblock, Chairman Payton stated Commissioner Stone was the lead advocate for industrial development and did not see any reason to circumvent what had been accomplished. Commissioner Stone noted he would continue in his efforts, which may include working with City of Ocala.

Commissioner Fitos opined that each Commissioner in their own respective manner had been working relative to either direct committee assignments to put together an original business park plan with recommendations. She noted Commissioner Amsden's portion was just the specific element that dealt with the City's efforts regarding the airport property and development. Commissioner Fitos stated she did not see a problem because more engagement by each Commissioner would better serve everyone.

Chairman Payton stated he would like to see Commissioner Stone continue the work that was being accomplished, which did not preclude Commissioner Amsden from any interaction on the Board's behalf with the City. Mr. Niblock suggested that as early (in May) as possible another joint meeting be held with the City of Ocala as directed from the February joint meeting. He stated Executive Assistant Jeannie Rickman, County Administration, contacted the City of Ocala as to dates to place under Notation for Action, but was unable to obtain a date at this point.

Comprehensive Plan/Ordinances/Roads, Miscellaneous – (9.B.) – County Administrator Niblock presented the following recommendation from Development Review Committee (DRC) Chairman Mounir Bouyounes to consider a waiver regarding major site plan submittal as requested by Triple Crown Homes regarding James and Christine Garemore's residence:

Description/Background: Section 8.2.5.a(12)(b) of the County Code provides that if collectively, all existing and proposed impervious surfaces exceed 35 percent of the gross site area, or if existing and proposed impervious surfaces collectively include 9,000 or more square feet of ground coverage a drainage plan shall be submitted. The developer's statement of justification for the requested waiver is as follows:

DEVELOPER requests waiver because the customer has removed an existing mobile home from the property and requests a waiver to build a single family residence and a detached barn/workshop on a 30 acre farm.

DRC action on March 23, 2009, by a vote of 5-0, was to approve the request subject to a site plan for stormwater and final inspection by the Stormwater Department, a 50 foot right-of-way easement from the centerline of NE 100th Street, and utilization of one common driveway.

The owner requests a new driveway for the new residence.

Budget Impact: N/A.

Recommended Action: Motion to uphold the Development Review Committee's motion of the waiver request

Mr. Niblock advised that the item was a major site plan waiver to add a residential unit in a detached farm workshop on a 30 acre parcel. The DRC approved it
with conditions and one which the owner did not agree was to have one driveway only to serve the farm and the proposed residence.

Commissioner McClain requested clarification that the only disagreement was over the driveway. Mr. Bouyounes stated that was correct.

John Pluckett, East Silver Springs Boulevard, noted the parcel was 30 acres and Mr. Garemore could have it divided into three separate parcels with a different driveway on each to avoid having to install one driveway and giving up the 50 foot easement, which was not his preference. Mr. Bouyounes stated the DRC discussed the issues and the applicant never objected to the 50 foot easement, but only the one driveway. It would be a different scenario if the applicants did not agree to the easement. Mr. Pluckett clarified that it was agreeable, but Mr. Moore preferred not give up the easement.

Mr. Bouyounes advised that it was staff's recommendation to allow the waiver for not having to do the site plan with the conditions that were stated from DRC. He noted he did not have a strong objection to the driveway and acknowledged that DRC did not go along with the two driveways. Mr. Pluckett stated the two driveways would be approximately 470 feet apart and would come out on NE 100th Street. Mr. Bouyounes clarified that the parcel was located north of Anthony, east of US 441.

In response to Chairman Payton, Mr. Pluckett noted it was not near the airport. Commissioner Stone advised of several curb cuts traversing NE 100th Street, which was not a high traffic road, so he would not have a problem with two driveways.

A motion was made by Commissioner Stone, seconded by Commissioner Fitos, to agree with DRC and approve the waiver as requested by the developer, subject to a site plan for stormwater and final inspection by the Stormwater Department, a 50 foot right-of-way easement from the centerline of NE 100th Street with the exception of allowing two driveways for the parcel. The motion was unanimously approved by the Board (5-0).

Contracts & Agreements/Municipalities/Ordinances/Utilities/Water–(9.C.)–County Administrator Niblock presented the following recommendation from County Engineer/Transportation Department Director Bouyounes regarding the Revised Interagency Agreement providing for expanded uniformity of Countywide landscape watering restrictions:

Description/Background: SWFWMD and SJRWMD have prepared a new Interagency Agreement (IA; see Exhibit 1) to replace the existing agreement approved by the Board on January 22, 2008, and extended on February 17, 2009. The revised IA designates SJRWMD as the single agency with authority over landscape irrigation rules and water shortages in Marion County. This change means all county residents except those in the City of Dunnellon (see note below) will have the same watering restrictions during periods of normal water levels and during periods of declared water shortages. While the current IA improved consistency for unincorporated areas, it did not address consistency between the county and cities. By addressing this issue, the revised IA will greatly reduce public confusion about which rules apply, and will enhance each local government's ability to promote public awareness through clear and consistent conservation messaging. Once the revised IA is approved, the Board must amend its existing Water Conservation Ordinance for Landscape Irrigation, to make it consistent with the new IA and SJRWMD's new landscape irrigation
rules. A copy of the proposed changes, along with a request to advertise for public hearing, is provided under separate Agenda cover.

Note: The revised IA includes the City of Ocala because it, like the county, straddles two districts and is subject to different watering restrictions. The City of Dunnellon is entirely in SWFWMD, and Districts do not have statutory authority to delegate their authority for local units of government that lie entirely within one district. The other cities (Belleview, Reddick and McIntosh) are entirely within SJRWMD and already subject to their rules; therefore, they do not need to be party to this agreement.

Budget Impact: None.

Recommended Action: Motion to approve and authorize the Chairman to sign the revised Interagency Agreement, presented as Exhibit 1.

(Ed. Note: SJRWMD is the acronym for St. Johns River Water Management District and SWFWMD is the acronym for Southwest Florida Water Management District.)

Mr. Niblock advised that the item allowed for consistent watering restrictions across the entire County, with the exception of Dunnellon. The City of Ocala was added to the agreement as a partner having the same restrictions as the County. Mr. Niblock stated the revised Interagency Agreement would reduce public confusion and increase observance because a singular consistent message would be transmitted through internal and external broadcasting. The additional benefit was that the revised Interagency Agreement did not automatically expire as opposed to the current one.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve and execute the Revised Interagency Agreement.

Commissioner Stone stated he disagreed as to the fact that citizens were being informed with one message because there were two different ads portraying two different watering schedules. He noted at least the County could do its part to help. The motion was unanimously approved by the Board (5-0).

Ordinances/Municipalities/Utilities/Water – (9.D.) – County Administrator Niblock presented the following recommendation regarding the status of Marion County’s Florida-Friendly Fertilizer Ordinance:

Description/Background: On November 4, 2008, the Board adopted the Marion County Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes (attached). The ordinance was adopted with a postponed effective date of 180 days. The purpose of postponing the effective date was to provide time to gain support from local municipalities to adopt similar ordinances in order to promote countywide consistency. A letter was sent to each municipality on November 13, explaining the Board's action and desire for countywide consistency and cooperation.

Subsequent to sending letters, staff prepared a presentation to give to municipalities that wanted more information about provisions in the ordinance and the Board's request for cooperation. Staff gave presentations to the Cities of Dunnellon and Belleview on Feb. 4 and 17, respectively. The Cities of Ocala, McIntosh and Reddick had not requested presentations. Following is the status of municipal action towards adopting a fertilizer ordinance:

1) City of Ocala: Is drafting ordinance language; adoption timeline not set.
2) City of Belleview: Does not intend to adopt an ordinance at this time.
3) City of Dunnellon: Intends to adopt a similar ordinance in April.
4) Cities of McIntosh and Reddick: No response.

Unless the Board takes action to the contrary, the Fertilizer Ordinance will go into effect May 3, 2009. Further information regarding the status of municipal action towards adopting an ordinance is also attached in a Memo from the County Engineer.

Budget Impact: None.

Recommended Action: Motion to confirm implementation of the adopted Marion County Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes, to go into effect May 3, 2009, as currently scheduled.

Mr. Niblock stated there was a grandfathering indication and noted the Board rescinded its Ordinance, which would mean the County would likely lose that status, along with the ability to have provisions different from the State's model. In that case, the adoption of the new Ordinance or amendments to the current Ordinance at any point in the future would likely require spending money to come up with science-based data to demonstrate more stringent requirements that were warranted.

A motion was made by Commissioner Stone, seconded by Commissioner Fitos, to confirm implementation of the adopted Marion County Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes, effective May 3, 2009.

Commissioner Stone noted his disappointment with the response from the municipalities and suggested changing the Ordinance to include the latest publication of the Florida Friendly best management practices (BMPs) because there was a new edition and the one that was referred in the Ordinance was dated 2002. Also, the effective date listed was May 3rd, which was Sunday and it would be appropriate to pick a Monday to enact. Commissioner Stone inquired if the reference to the latest addition could be changed without having to redo the whole Ordinance. County Attorney Wright stated he would check with Water Resource Manager Troy Kuphal. County Engineer Bouyounes advised that the Ordinance was not coming back for review. Commissioner Stone suggested forgetting the addition of the latest publication.

Commissioner Stone amended the motion to confirm implementation of Ordinance 08-35, effective May 4, 2009. Commissioner Fitos’ second stood. The motion, as amended, was unanimously approved by the Board (5-0).

Contracts & Agreements/Utilities—(9.E.)—County Administrator Niblock presented the following recommendation from Utilities Director Andrew Neff regarding the Marion County Water System Standard Developer's Service Agreement Contract No. 09-03 with the Shoppes at Spruce Creek LTD:

Description/Background: Shoppes at Spruce Creek LTD is located at the Southeast corner of Del Web Boulevard and US Hwy 441 in front of the Spruce Creek Golf and Country Club development. The project desires to connect to the County's water utility system. In coordination with the development, Marion County Utilities requested a water main to be upsized from 8' to 12' and connected to the water main on the west side of US Hwy 441. Water transmission credits will be provided to the developer for upsizing the water main and the extension. Since all water transmission credits will not be utilized on site, an ERC recovery area is established in this agreement.
Budget Impact: The Developer will receive $71,031 in ERC reimbursements over seven years for the upsizing of the water main and extension of the main across US Hwy 441.

Recommended Action: Marion County Utilities is requesting that the Marion County Commissioners make a motion requesting the Chairman to execute the Marion County Wastewater System Developer's Service Agreement Contract No. 09-03 between the Shoppes at Spruce Creek LTD and Marion County.

A motion was made by Commissioner Fitos, seconded by Commissioner McClain, to execute the Marion County Wastewater System Developers Service Agreement Contract No. 09-03 with the Shoppes at Spruce Creek LTD. The motion was unanimously approved by the Board (5-0).

Commissioner Stone stated he would get with staff to clarify the timeline on the agreement.

(Ed. Note: Hwy is the abbreviation of Highway and ERC is the acronym for Equivalent Residential Connections. 8' and 12' represents 8 inches and 12 inches, respectively.)

Comprehensive Plan/Ordinances – (11.A.) – Acting Planning Department Director Jimmy Massey presented the following recommendation regarding a second 2009 Large Scale Comprehensive Plan Amendment Cycle:

Description/Background: At the Boards' workshop on April 14 planning staff indicated a need to conduct a second cycle of 2009 amendments to the County's Comprehensive Plan for County initiated amendments.

Budget Impact: None.

Recommended Action: Motion to authorize planning staff to conduct a second 2009 large scale amendment cycle for County initiated amendments to the Comprehensive Plan only.

Mr. Massey advised of items that Planning Department staff wanted to bring forward regarding an Economic Element, a water supply plan and a compatibility study for the bombing range. There were also text amendments for Regional Activity Centers. He requested the Board authorize staff to open up the second cycle of large scale amendments for those County-initiated amendments only and then have staff process the individual map amendments at a later date.

A motion was made by Commissioner Stone, seconded by Commissioner Fitos, to schedule a second 2009 Large Scale Comprehensive Plan Amendment Cycle. The motion was unanimously approved by the Board (5-0).

Commissioners/Municipalities – (11.B.) – A motion was made by Commissioner Fitos, seconded by Commissioner McClain, to schedule a joint meeting with the City of Belleview Commission to be held at Belleview City Hall on Monday, May 18, 2009 at 6:00 p.m. The motion was unanimously approved by the Board (5-0).

Commissioner McClain out at 11:41 a.m.

Advisory Committees/Ordinances – (10.A.) – Clerk Ellspermann announced the results of the Commissioners' ballots for the Board of Adjustment.

A motion was made by Commissioner Stone, seconded by Commissioner Fitos, to appoint Cecil E. Atkins and Robert M. Olson as members of the Board of Adjustment.
with terms expiring in June of 2012. The motion was unanimously approved by the Board (4-0).

Advisory Committees–(10.B.)–Clerk Ellspermann announced the results of the Commissioners’ ballots for the Golden Hills Turf & Country Club MSTU Advisory Council.

A motion was made by Commissioner Stone, seconded by Commissioner Fitos, to appoint Charles K. Murray and John E. Yeoman as members of the Golden Hills Turf & Country Club MSTU Advisory Council with terms expiring in June of 2012. The motion was unanimously approved by the Board (4-0).

Commissioner McClain returned at 11:42 a.m.

Advisory Committees/Ordinances–(10.C.)–County Administrator Niblock advised that the attachment did not appear with the agenda items and backup documentation was provided.

Clerk Ellspermann announced the results of the Commissioners’ ballots for the Scenic Roads Advisory Committee.

A motion was made by Commissioner Amsden, seconded by Commissioner Stone, to appoint Joseph Richard Alfonso as a member of the Scenic Roads Advisory Committee with a term expiring in June of 2013. The motion was unanimously approved by the Board (5-0).

Commissioners–(12.A.)–The Chairman acknowledged receipt of the April and May 2009 Commission calendars.

Commissioners/Projects & Programs/Schools–Commissioner Fitos noted Marion Technical Institute (MTI) was initiating a new program under the Finance Academy called Law and Government. Mrs. Frances Lynch, lead instructor, and Principal Mark Vianello had put together an advisory group. Commissioner Fitos advised that she and Chief of Staff Dan Kuhn, MCSO, also served on the committee.

Commissioner Fitos stated the committee was tasked with putting together curriculum recommendations, noting the court system had agreed (as Judge Rogers sat on the committee) to allow some classroom time to be spent in the courtrooms. The bulk of the meetings would be held at MTI and one of the requests was for the construction of a mock courtroom on campus. Commissioner Fitos suggested forming a good partnership for the Facilities staff to volunteer expertise and talent in terms of helping to design the workspace. She stated there was a Construction Academy at MTI that would perform the actual construction.

Commissioner Stone agreed the recommendation was a worthy cause, but expressed concern with the workload for Facilities staff. He suggested Facilities Management Director Andy Race meet with Commissioner Fitos to discuss what would be involved and what part the County would play in the project and bring information back to the Board.

County Administrator Niblock advised that internal, non-load bearing wall work and the Americans with Disabilities Act (ADA) restroom compliance work should be completed within 3 or more weeks and there may be an opportunity after that time. Commissioner McClain stated he was in support as long as staff had time. Commissioner Amsden agreed.
Commissioner Stone requested a dollar value be placed on the proposed work. He stated he could agree within reasons, but was not willing to commit over $50,000 of labor.

Chairman Payton noted it was the general consensus of the Board to agree and commented on the difference between a few thousand dollars versus $25,000. Mr. Niblock inquired if it included materials cost or was solely based on consulting. Commissioner Fitos stated it was not her intent to provide physical materials, but rather technical expertise. Commissioner Fitos stated she would work with the County Administrator to figure the amount of relative number of hours involved.

Legislature/Municipalities/Projects & Programs/Railroads—Commissioner McClain addressed the SunRail issue, noting the City of Ocala would discuss the matter at its Board meeting and may ask for BCC support. In response to Chairman Payton, Commissioner McClain opined that the BCC would support the City's position, which may be negative because of the impact and not having dollars appropriated to help overcome some discrepancies.

Commissioner Stone commented on Senator Evelyn Lynn's request to schedule a meeting to voice the County's preference on the SunRail project, noting he recommended waiting and discussing the issue at the next Transportation Planning Organization (TPO) meeting. He stated the incident did not only involve one party, but rather all of Marion County and municipalities. Commissioner Stone expressed hesitation of having a definitive position as to the City's standing without discussing the issue and addressing concerns.

Commissioner McClain questioned if the Board was willing to schedule a meeting before April 28, 2009 as the matter would be settled by that time. He addressed the consequences if the BCC did not voice its opinion. Chairman Payton stated he was opposed to the issue. Commissioner Amsden agreed.

Greg Slay, TPO Director, noted the Bill passed by a 4-3 vote from the Senate Transportation and Economic Appropriations Committee on Monday. He stated in talking with some of the lobbyists, no one had knowledge of where the project would progress as there was a chance it may proceed to the Committee on Ways and Means. Mr. Slay advised that there was a bigger chance of going straight to the Senate floor, noting Senator Dockery suggested she obtained 25 votes against it due to concern about the timeline. The TPO did not meet until Tuesday, April 28, 2009 and the session ended next Friday (May 1, 2009).

Mr. Slay suggested that if the commuter rail was worked out, it would be during the budget conference because the House was proposing to pull $400,000,000 out from the Department of Transportation's (DOT) trust fund and if that occurred, there would not be any money for SunRail. Currently, it was approximately a 50/50 proposition whether or not it would make the session. Mr. Slay noted some concern as to the timing in terms of the TPO meeting versus the end of the session.

Chairman Payton inquired if the BCC wanted to assume the other parties had contrary feelings to the SunRail. Commissioner McClain addressed taking a general approach, noting he was in favor of the thought process. He opined that he did not care to pay for the track once by means of Federal funds and again as a State. Commissioner McClain stated there were issues that had to be resolved.

Mr. Slay addressed language in the Bill that was passed requiring DOT to work with affected communities to identify and address the anticipated impact associated with
the increase in freight rail traffic. He noted some requirements were addressed, but there was no money tied to the issues as to how it would be mitigated. There was some language in the Bill requiring DOT to go back and take a more comprehensive look at the impact. Chairman Payton noted there were 4 major intersections within the City and there may not be enough money to build overpasses to all.

Commissioner Amsden noted that he did not know how the BCC could say it would not support the City as he opined that the approach Ocala took to voice concerns on the impact would be reasonable, logical and sensible. He advised that it was pertinent upon the Board to at least state its position in some form and let it be known so at the end of the day the concerns for the infrastructure needs and the impact on the community were acknowledged.

Commissioner Fitos noted she did not disagree with the idea of rail for commuter purposes, but inquired if studies were completed as to what a rail through the I-4 corridor would do in terms of mitigating the amount of automobile traffic. She stated the project made certain assumptions that could not be validated relative to people changing practices regarding automobile dependence. Commissioner Fitos advised that an enormous amount of money was being invested that would create a serious impact relative to rerouting freight trains that may impact the S-line, which would impact Marion County. She noted some established communities in which a train was successful with citizens abandoning automobiles, but an enormous risk was taken by putting in and disrupting infrastructure, as well as transit in other areas of the State on the assumption that people would rather give up their automobiles. Commissioner Fitos expressed concern with not having concrete evidence that would validate how much it would save in terms of the traffic patterns on I-4. She noted she could not unilaterally support the matter.

Commissioner McClain advised that the SunRail was a 7-year commitment made by the State, but afterwards the counties were burdened with the cost of operations and maintenance. He inquired as to the amount of Federal dollars that were available. Mr. Slay noted the amount was $300,000,000.

Commissioner McClain noted the issue was if all the problems would be mitigated. Mr. Slay stated the TPO meeting was advertised for next week, noting the concern from a timing standpoint. Chairman Payton stated the Board would take no action today. Mr. Slay noted he would also be at the City of Ocala's meeting and would relay what the Board acknowledged.

Legislation/Utilities – Commissioner McClain commented on a prior discussion with Stacey Webb, Southern Strategy Group, regarding Senate Bill 274, which was the Springs and Groundwater Protection legislation. He stated that because there was not a sponsor in the House, there was some movement to try to attach it to another Senate Bill, which would align it with a House Bill. Commissioner McClain advised that there were some issues to address and resolve. He opined that perhaps the BCC failed to relay its position to Southern Strategy Group.

Commissioner McClain presented a one page document entitled, "SB 274–Water Resources; Springs and Groundwater Protection." He noted there were 7 bullet points that addressed issues in the Bill. Commissioner McClain addressed requirements to have central system hookup on densities of 1 unit per acre, of which the County had approximately 100,000 to 130,000 that needed to be connected by 2016 with a cost of approximately $1 billion to $2 billion dollars. He opined that the issue was more of a
Commissioner McClain addressed one bullet that designated the entire County as a Springs Protection Zone (SPZ), which he had no issue with because there was also language that would allow the Board to be able to present scientific evidence based on methodology that all the cooperating entities could present to receive a waiver.

The second issue regarded the dollars involved. Commissioner McClain stated Southern Strategy Group had no idea what it would cost to implement the requirements. The original Bill had 300 units per 640 acres, which would be every place we had 1 unit per 2.13 acres that the County needed to provide water and sewer, all accomplished by 2016.

Commissioner McClain advised that the Bill would not allow any land application of wastewater residuals, which would be a year from now. He noted it cost about $540 a year and would total $1.35 million for the County, which was not figured in the rate increase over the past 5 years that would need to be immediately reviewed. The permitting of onsite sewage would be conducted by the Department of Health (DOH), which may place the honey wagons (a tanker truck used to suck up matter from septic waste or grease traps) out of business. Commissioner McClain addressed having to add to the tonnage into the landfill versus transferring to another location. He noted the timing issue because the Bill would require the County to pass a Springs Protection Bill by the next Comprehensive Plan or in the EAR process. Commissioner McClain opined that it would revert back to local government control and may prohibit any plan amendments until the measures were adopted.

Commissioner McClain stated the proposed Bill would require the County to develop and implement a remediation plan for stormwater management systems. The Bill needed to be clarified as to whether the requirement included public, private, etc. as well as who would be responsible to make sure the job was completed. Commissioner McClain advised that there was no funding to carry out the plans because cleaning up the stormwater would be expensive. He stated he would like to forward the list to Ms. Webb to provide a better idea as to some of the major issues.

Commissioner Stone suggested verifying the permitting of on-site sewage and whether it was the DOH or the Department of Environmental Protection (DEP). Commissioner McClain stated the Bill, as currently written suggested going to the DOH, but had prior reference to go to DEP. He stated he would double check and expressed concern with the timeline of the Bill, noting the County could not financially or physically have all the work completed by 2016. Commissioner McClain noted the County needed the same kind of time frame to remediate other issues as well.

Chairman Payton stated it was the general consensus of the Board to agree. Commissioner Amsden thanked Commissioner McClain for his efforts.

Communications—(13.)—For information and record, the Chairman acknowledged receipt of the following Notation for Record correspondence, items A and B from County Administrator Niblock, and items C through F from Clerk Ellspermann:

County Administrator:
A. County Administrator Informational Items:
   1. Old Business.

B. Judicial Center Expansion Update.
C. Project Close Out—Jail Expansion
D. Present memorandum dated March 23, 2009, from Kathy Richardson, Marion County Public Schools regarding: Community Council Against Substance Abuse—Notice of Withdrawal From Agreement.

Clerk Ellspermann:
J. Present letter received from Secretary of State's office advising that Ordinances 09-06 (Pine Run Estates), 09-07 (Tourist Development Tax), 09-08 (Rainbow Park) and 09-09 (Zoning) were filed.
K. Present Budgetary Financial and General Ledger Reports for month ending 03/31/09, pursuant to Chapter 136.06, Florida Statutes, including list of checks drawn on Commission accounts. Also provided are detailed reports of account balances, revenues and expenditures.
L. Present Monthly Report for the Building Department and Actual.
M. Present Interim Financial Statements for Solid Waste Disposal Fund and Marion County Utilities Fund for period of January 1, 2009 through March 31, 2009 received from Finance Director John Garri.
N. Present Internal Audit Report No. 2009-04 regarding special review of the Lake Tropicana Ranchettes petitions count as requested by Chairman Payton, conducted by Internal Auditor Wallace Watford.
O. Present the Acquisition or Disposition of Property forms authorizing changes in status, as follows: 16928, 17106, 21771, 22778, 030957, 30958, 033020, 033021, 33083, 034085, 034086, 034101, 034102, 035087, 035088, 035089, 035090, 035091, 035092, 035093, 035094, 034838, 37746, 37747, 37767, 38808, 38811, 39153, 39280, 39552, 39833, 41068, 42555, 35216, 35215, 36011, 36012 and 36013.
Q. Present Annual Financial Reports in accordance with Ordinance 00-20 received from Venture Associates Corporation in regard to Ocala Palms.
R. Present regular Report of Utilization of Reserve for Contingencies received from Budget Director Michael Tomich.
S. Present for information and record, minutes and notices received from the following committees and agencies:
4. Marion County Hospital District Board of Trustees – January 26 and February 23, 2009.
5. Marion County Tourist Development Council (TDC) – Ocala/Marion County Visitors and Convention Bureau – February 4 and 11, 2009.
7. Munroe Regional Health Systems, Inc., d/b/a Munroe Regional Medical Center (MRMC) – closed meetings and confidential records report and list for reporting period October 1, 2008 through December 31, 2008.
11. Public Service Commission (PSC) – Order Denying Florida Public Utilities Company’s Objections and Motion for Protective Order; and Notice of Commission Conference Agenda for Tuesday, April 21, 2009.

Commissioners – County Attorney Wright clarified that the Board would reconvene in the library for an open meeting before going to closed meetings, then would reopen, recess and reconvene at 2:00 p.m.

There was a recess at 12:13 p.m.
The meeting reconvened at 2:00 p.m. with all members present.


Zoning Director Mike May, Supervisor Jon Harvey, Senior Planner Chris Rison, Planner Justin Ryan, Planner Andrew Persons, Executive Staff Assistant Carol Pacheco and County Attorney Thomas L. Wright were present.
Mr. May presented a letter dated April 10, 2009 from Carlton Fields, Attorneys at Law, requesting a continuance to May 19, 2009 in regard to the rezoning petition by John and Connie Wise, 7500 SE Highway 42, Summerfield, FL. It was noted that the request was for a Zoning Change of the Marion County Land Development Code, Article 5, from A-1 (General Agriculture) to R-1 (Single Family Dwelling) for the intended use of single family residential development, and any other use permitted in an R-1 zone, on Parcel Account No. 48361-000-00.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to continue the rezoning matter to May 19, 2009 at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

Mr. Beverly, applicant for 090401SU, asked to have Condition No. 5 deleted. The purpose of the Special Use Permit is to increase the number of residents from 6 to 7 in the assisted living facility. There is no need to apply for a building permit and a new certificate of occupancy.

Mr. Fell amended his motion, seconded by Mr. Smith, to approve the prior 4 items listed on the Consent Agenda with the deletion of Condition No. 5 on Item No. 090401SU, Timothy and Louise Beverly. The amended motion carried 6-0.

Ordinances/Zoning–(14.A.)–Zoning Director May advised that four petitions listed on the consent agenda were recommended for approval by both the Planning Department and Zoning Commission. He stated the consent agenda would be acted on in one motion. It was noted that the Zoning Commission recommended approval, as follows:

Motion was made by Mr. Fell, seconded by Mr. Smith, to approve the following four items on the Consent Agenda because they were recommended for approval by the Planning Department, they had no written opposition within 300 feet, and there was no opposition at the Zoning Commission meeting:

1. 090401SU Timothy & Louise Beverly Special Use Permit in R-E 3.00
2. 090402SU The Juniper Club, Inc. Special Use Permit in A-1 147.00
3. 090403SU TeleCom Properties, LLC Special Use Permit in A-1 4.19
4. 090404Z Katica Pavicic A-1 to B-4 1.50

Motion carried 6-0.

Mr. Amsden, seconded by Mr. Smith, to approve consent agenda items 14.A.1. through 4., based on Planning Department staff and Zoning Commission findings and recommendations that the proposed uses were compatible with the surrounding land uses, were consistent with the Comprehensive Plan and would not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).
to 7 residents in an R-E (Residential Estate) zone, on Parcel Account No. 37739-000-00. Resolution 09-R-167 contained the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. The assisted living facility shall be limited to seven (7) residents.
3. Expansion of the structure and/or an increase in the number of residents beyond the limits identified above is prohibited; however the owner/applicant may submit a new Special Use Permit Application for review and consideration for an expansion/increase.
4. Ingress/egress shall be via SE 110th Street Rd. using a paved driveway apron. Within thirty (30) days of approval of this Special Use Permit, the applicant shall contact the Marion County Transportation Department to determine if a driveway apron and/or other driveway apron improvements are required. Any driveway apron and/or other driveway apron improvements required by the Marion County Transportation Department shall then be completed by the applicant within 60 (sixty) days of issuance of a suitable Driveway Permit.
5. The owner/operator shall reside on-site.
6. The Special Use Permit shall run with the owner/operator and not the property.
7. The Special Use Permit shall expire/terminate in the event there is any division/subdivision of the overall property from its 3.0 acre size.

Resolutions/Zoning–(14.A.)–2. (Z. C. 090402SU–Consent)–The Board adopted Resolution 09-R-168 granting a petition by The Juniper Club, Inc., 18535 Juniper Hunt Club Road, Fort McCoy, FL requesting a Special Use Permit of the Marion County Land Development Code, Section 5.9.5 for the purpose of a 250 ft. telecommunications tower and related equipment in an A-1 (General Agriculture) zone, on Parcel Account No. 32909-006-00. Resolution 09-R-168 contained the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan (‘Zoning Plan’) and the conditions as provided with this approval.
2. The ingress/egress shall be from N. Hwy 19 using a paved driveway apron. The applicant shall contact the Florida Department of Transportation to establish how access will be provided to the site and determine the type and extent of driveway apron and/or other driveway apron improvements required, including obtaining any necessary R/W Permit(s). Any driveway apron and/or other related improvements required by the Florida Department of Transportation, pursuant to this condition, shall be completed prior to commencing any operation/use of the telecommunications tower.
3. The maximum height of the proposed telecommunications tower is to be 250 feet, and the tower shall be designed and constructed to accommodate collocation for a minimum of 4 other telecommunications service provider levels.
4. The tower shall use a standard galvanized finish with a dual lighting plan using aviation red obstruction lights for nighttime and medium intensity flashing white lights during the daytime and twilight hours. The tower shall
not use alternating bands of aviation orange/white or any other paint combination for daytime visual purposes.

5. A Type “E” Buffer (minimum 5’ wide, 4 trees per 100 LF, and a continuous double staggered hedgerow to reach 60’ in two years) shall be provided and maintained around the telecommunications tower base compound, allowing an opening for driveway access, to screen the tower compound from surrounding properties and N. Hwy 19. Provision of the Buffer may be deferred as long as the surrounding overall tower site remains forested and vegetated to provide opaque screening of the tower base compound. In the event all or a portion of the overall tower site is cleared, suitable and appropriate portions of the Type “E” Buffer shall be installed within ninety (90) days after the clearing activity to reestablish the opaque screening effect.

6. Construction of the telecommunications tower shall be complete, or subject to an issued un-expired building permit, within 2-years after the date of the approval of this Special Use Permit. If the tower is not completed and not subject to an issued un-expired building permit within 2 years, the Special Use Permit shall terminate.

Resolutions/Zoning – (14.A.) – 3. (Z. C. 090403SU – Consent) – The Board adopted Resolution 09-R-169 granting a petition by TeleCom Properties, LLC, 301 West Third Street, Defiance, Ohio, requesting a Special Use Permit of the Marion County Land Development Code, Section 5.9.5, for the purpose of replacing an existing 210 ft. radio tower with a 210 ft. telecommunications tower in an A-1 (General Agriculture) zone, on Parcel Account No. 05928-000-00. Resolution 09-R-169 contained the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.

2. The ingress/egress shall be from NW 110th Avenue using a paved driveway apron. The applicant shall contact the Marion County Transportation Department to establish how access will be provided to the site and determine the type and extent of driveway apron and/or other driveway apron improvements required, including obtaining any necessary R/W Permit(s). Any driveway apron and/or other related improvements required by the Florida Department of Transportation, pursuant to this condition, shall be completed prior to commencing any operation/use of the new telecommunications tower.

3. The maximum height of the proposed (new/replacement) telecommunications tower is 210 feet, and the tower shall be designed and constructed to accommodate co-location for a minimum of 4 other telecommunication service provider levels.

4. The tower shall use a standard galvanized finish with a dual lighting plan using aviation red obstruction lights for nighttime and medium intensity flashing white lights during the daytime and twilight hours. The tower shall not use alternating bands of aviation orange/white or any other paint combination for daytime visual purposes.

5. A Type “E” Buffer (minimum 5’ wide, 4 trees per 100 LF, and a continuous double staggered hedgerow to reach 60’ in two years) shall be provided
and maintained around the telecommunications tower base compound, allowing an opening for driveway access, to screen the tower compound from surrounding properties. Provision of the Buffer may be deferred as long as the surrounding overall tower site remains forested and vegetated to provide opaque screening of the tower base compound. In the event all or a portion of the overall tower site is not forested and/or cleared, suitable and appropriate portions of the Type “E” Buffer shall be installed with construction of the new/replacement tower or within ninety (90) days after the clearing activity to re-establish the opaque screening effect as applicable.

6. Construction of the telecommunications tower shall be complete, or subject to an issued un-expired building permit, within 2-years after the date of the approval of this Special Use Permit. If the tower is not completed and not subject to an issued un-expired building permit within 2 years, the Special Use Permit shall terminate.

Zoning – (14.A.) – 4. – (Zoning Commission - 090404Z – Consent) – The Board granted a petition by Katica Pavicic, 13561 SW 40th Circle, Ocala, FL requesting a Zoning Change of the Marion County Land development Code, Article 5, from A-1 (General Agriculture) to B-4 (Regional Business) for the intended use of any use permitted in a B-4 zone, on Parcel Account No. 41200-081-02.

Zoning – (14.B.) – 2. (Z. C. 090405Z) – The Board considered a petition by Nick Pucek, 7097 SE 12th Circle, Ocala, FL requesting a Zoning Change from A-1 (General Agriculture) to PUD (Planned Unit Development) for the purpose of commercial, industrial and professional office uses as allowed in a PUD zone, on Parcel Account No. 45446-000-00.

Located: US 441 south to property on right. Property is located at the intersection of US 441 and SE 132nd Street Road, just south of Market of Marion.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 4 OF 39 = 10%.

ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Meadows, seconded by Mr. Fell, to agree with staff findings and recommendation, and recommend approval of a Zoning Change from A-1 to PUD for purpose of commercial, industrial and professional office uses. Motion resulted in a tie vote of 3-3 and goes to the Board of County Commissioners with no recommendation.

Mr. May advised that several petitions were received, which included 247 names, with at least 12 (of the 247) within the 300 foot radius. He stated it was his understanding that additional petitions may be presented today by those present in the audience.

David MacKay, SW College Road, attorney, representing the applicant, was present and noted that Planning staff recommended approval of the Zoning Change. He advised that the property was previously granted a land use change in 2005 (Amendment 05-L69), which was finalized in 2006. Mr. MacKay stated the application submitted was consistent with the land use change and also incorporated a Developer's Agreement that was recorded in the public records (Book 4641/Pages 392–397). He noted that the Developer's Agreement along with a site map was included in the agenda packet.
Mr. MacKay commented on the land use changes, which included a variety of uses, such as Commercial, Professional Offices and Industrial. The Developer's Agreement required a PUD that would allow the BCC the maximum control over what would ultimately be placed on the property as well as the configuration of the development. He opined that the application submitted for the PUD approval was the first step toward completion of an overall development plan that would come back before the Board in a number of stages and was in compliance with the underlying land use.

Mr. MacKay stated he understood that a number of individuals were present and concerned with the 17 acres at the southwest corner adjacent to the railroad and south of CR 484 that was designated for Industrial use. He pointed out that the Developer's Agreement provided that unless the property was utilized for residential purposes access to SE 135th Street was not permitted. Ingress/egress from the parcel would be required to access from CR 484 through an alternate entry point to the north and not from the south. In addition, 50 feet along the south and east side of the property to the southeast in the corner, was not included in the application for land uses and still had a rural designation that would not be rezoned by this application. The intent was to leave a 50 foot buffer to primarily protect the existing tree line along the south and east borders of that property to the southeast corner below CR 484. Mr. MacKay advised that the terms of the Developer's Agreement further allowed the Board to require additional landscaping to be added to the 50 feet to enhance buffering. He stated as part of the land use approval negotiations, the property was approved for Industrial and the applicant was now requesting a consistent zoning. Mr. MacKay noted the Board was obligated to follow the land use that was granted, noting the PUD gave the BCC future review. He requested the ability to come back and address any issues that may arise due to public input.

In response to Commissioner Payton, Mr. MacKay advised that the parcel was designated as Industrial, noting property north of CR 484 was also Industrial. Chairman Payton stated if the property was developed as Industrial, ingress would have to be from CR 484. Mr. MacKay concurred, noting that was the reason for leaving the 50 foot buffer out of the land use approval.

Upon call for public comment, William Dennison, SE 141st Loop, Summerfield, stated his main concern was the 14 to 15 acres located to the south, noting he did not object to the other two portions. He stated development should be residential only, noting homes were located next to the subject site. Mr. Dennison advised that the Zoning Commission vote resulted in a 3-3 tie and came to the Board with no recommendation. He requested a portion of the property to be addressed separately and approved for residential development only. Mr. Dennison commented on the access to the property due to a bridge, which was discussed at the Zoning Commission hearing and presented 3 photographs (color photocopies). He noted zoning was designed for people to make long term planning and any industrial complex or PUD would be damaging to property values. Mr. Dennison stated it would be unfair to property owners on all sides of the subject site who expected the area to retain a rural atmosphere.

In response to Mr. Dennison, Chairman Payton advised that any argument needed to be made at this time since rebuttal was not permitted as this was not a debate, but rather a hearing. Mr. Dennison reiterated that development should be for residential or agricultural uses and had no objections to changes to the other parcels.
Jeff Jenners, SE 135th Street, Summerfield, addressed the purchase of his property, which was located next to the subject parcel. He noted the area appeared to be mostly residential or horse/cattle farm type community and could not imagine an industrial type venue. Mr. Jenners stated the road was not adequate to support more traffic. He noted concern with a negative impact and declining property values.

Joyce Vandevander, Inner Circle, The Villages, presented a two page petition against the zoning change. She noted property across from the subject site was purchased jointly between herself and husband and their son and daughter-in-law because of the country atmosphere. Ms. Vandevander commented on the 50 foot buffer, which was not adequate. She stated anything other than residential on the property would be undesirable for the rest of the residents. Ms. Vandevander addressed the Shady Oaks Mobile Home Park, which was primarily elderly residents. She stated the Realtor advised that the property would remain country and farmlands. Ms. Vandevander stated it would be unfair to those who had invested money into their property to change the zoning and requested that it remain unchanged.

Marianne Lopez, SE 135th Street, Summerfield, stated she owned a five acre horse farm along with her mother and a 50 foot buffer was not appropriate. She stated she did not object to residential and would settle with the property being developed as a park. Ms. Lopez advised that she tried to contact the property owner to determine what the plans were for the property, but was not able to speak with the owner, noting she had gathered signatures for a petition against the zoning change. She addressed her concern with the possibility of wells being contaminated.

John Deckman, SE 91st Avenue, stated he did not live on SE 135th Street, but did drive on it quite a bit and noted the difficulty getting onto Highway 441. He stated Highway 301 would eventually require signalization and sooner or later SE 135th Street would have to be improved. Mr. Deckman voiced his concern with taxes and the ruining of the residential area.

Shirley Label stated she agreed with previous comments, noting her concerns were more philosophical. She noted the distrust with government and misinformation. Ms. Label advised that people looked to government for consistency and fairness. She stated SE 135th Street was not appropriate to handle truck traffic and the Board had the opportunity to preserve the neighborhood from becoming a developer's paradise. Ms. Label requested that the character of the neighborhood be retained.

Mr. MacKay commented on the number of public hearings held in 2005 and 2006, noting the zoning change was consistent with the 441 Corridor Study and the applicant was now asking for consistency to move forward in accordance with the land use plan granted in 2005. He reiterated that there would be no access to SE 135th Street, and advised of the restrictive covenant under the county's jurisdiction that prohibited access to the roadway, unless the property was developed as residential. Mr. MacKay stated the property was designated as Industrial, therefore it could not be developed as residential. The request for a PUD zoning reflected that it was Industrial, which was consistent. He noted access would have to be worked out to the north and commented on the Department of Transportation (DOT) plan provided for access coming to the south from that segment of CR 484 along with a directional cut at that same location (to the north). Mr. MacKay addressed the width of the road and railroad crossing bridge, noting it was something to be investigated with DOT. He requested to move forward with the first step in the process (Zoning Change), stating 2-1/2 acres had
been left out of the application that was undesignated and un-zoned, and commented on setbacks.

Mr. MacKay advised that the Developer's Agreement addressed prohibited uses in an attempt to alleviate heavy industrial type uses. He noted the property to the north as well as the piece at the south side of the intersection of CR 484 and Highway 441 had not been particularly discussed and advised that the applicant was trying to move forward with a mixed use development that was consistent with the land use and was in compliance with the 441 Corridor Study. He commented on proposed text language to add an Economic Activity Center provision in the Land Use Code to be debated in the near future. Mr. MacKay requested that the application be moved forward.

Commissioner Fitos questioned if the applicant was originally aware of the status of the new road when requesting the land use change. Mr. MacKay advised that he was as it was clearly designated and shown as the access point for the property. Commissioner Fitos inquired if the Industrial designation was selected as the road went over the railroad track. Mr. MacKay stated it created the buffer to the north, to the west was the existing rail line, which was not adjacent to the homes to the west, and was the main rail line that went through the city. In response to Commissioner Fitos, Mr. MacKay advised that there was no proposed residential, as it was an employment center with 10 acres of Professional Offices, 25 acres for Commercial, and 25 acres for Industrial, all in a land use blending overlay (LUBO) along with an additional 5.5 acres of Commercial and 17.8 acres of Industrial, but with a buffer of 2.5 acres. A map with the land uses was attached to the Developer's Agreement and included in the agenda packet.

Senior Planner Rison advised that the need for a PUD for this property was focused primarily on the northern portion where there was a LUBO with three different land uses that were granted. The two parcels to the south were the applicant's choice of the overall master plan concept. Commissioner Fitos questioned the reason for not citing more of the professional office type in the area adjacent to all of the residential. She stated Professional Offices had less of an impact to the residential. Mr. MacKay stated part of the issue was the adjacent railroad track and CR 484 to the north. He noted going to Professional Offices would require seeking access on SE 135th Street and was the selection made in 2005. Mr. Rison advised that a specific land use of Industrial was granted to the south, in the southwest quadrant, and was not part of the LUBO, therefore Professional Offices could not be shifted down to that southwest site.

Chairman Payton recalled the debate when the land use amendment was approved and noted it was unfortunate to those that were advised that the property would remain as rural land, however, it was part of the public record as of 2005. He commented on traffic, noting there was no industrial ingress/egress to SE 135th Street. Chairman Payton stated there may be a weight limit on the road, but truck traffic was currently not prohibited. He noted most of the objections had been addressed.

Commissioner McClain also recalled the debate and noted one of the things the Board was trying to do at that point was create employment centers, not only retail, but creating jobs. He noted part of the debate was in regard to the railroad and the 4-laning of CR 484. Commissioner McClain addressed the 484 Corridor, which went from I-75 to Highway 441, along with the possible funding for the Belleview ByPass and the 4-laning of Baseline out to Highway 40. He stated when looking at planning there was a consistency to the way things were planned, noting residential was not normally put near railroad tracks. Commissioner McClain stated the Board had to consider the best use for the property given the parameters it had to work with and the reason for a PUD.
He commented on the 441 Corridor Study, which showed where employment centers should be located and available to the public. Commissioner McClain noted the land use amendment was discussed over 4 years ago and the Board worked out many of the details before it was approved and required a Developer's Agreement.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve the Zoning Change from A-1 to PUD based on Planning Department staff findings and recommendations that the proposed use was compatible with the surrounding land uses, was consistent with the Comprehensive Plan, and would not adversely affect the public interest. The motion was approved by the Board by a vote of 4-1, with Commissioner Fitos voting nay.

Ordinances/Zoning—The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Zoning Director Michael May and Deputy Clerk Bonvissuto regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

Upon motion of Commissioner McClain, seconded by Commissioner Stone, the Board adopted Ordinance 09-12 amending the Marion County Zoning Map pursuant to petitions heard earlier in the public hearing, and entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT PETITIONS AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Resolutions/Zoning—Mr. May advised that staff had been reviewing Special Use Permit applications along with Conditional Zoning applications for purging. He noted that staff was coming across many that were no longer valid and the desire was to start purging those and have the Board remove the invalid Special Use Permits and Conditional Zoning applications. Mr. May stated the intent was to bring approximately 10 Special Use Permits and/or conditional zoning applications to the Board every other month to remove in order to prevent any conflicts.

Chairman Payton advised that the Board invited staff to begin the process. Mr. May stated staff would move forward with bringing some of the items to the Board shortly for removal. Commissioner Stone stated he had been looking forward to removal of those Special Use Permits that were no longer valid for some time.

Subdivisions/Zoning – (14.C.1.) – Senior Planner Rison advised that County Engineer/Transportation Department Director/Development Review Committee (DRC) Chairman Mounir Bouyounes was unable to appear, but had presented the following recommendation to approve the family division waiver as requested by Marty Collums regarding Parcel No. 35300-229-00:

Description/Background: The Development Review Committee (DRC) considered a waiver request by Marty Collums to allow for a family division. The owner requests a waiver for family division of 2.44 acres out of an 11 acre parcel for his daughter. The property is located in the southwest and is 11.0 acres in size with 1 single family residence.

DRC action on March 16, 2009, by a vote of 5-0, was to approve the waiver request subject to a single shared access driveway off of 484, no family or guest cottages on the division, connecting to central water and sewer if and when
available, and providing a 60 foot right-of-way easement dedication along Highway 484 for the parent and for the division.  
Budget Impact: N/A.  
Recommended Action: Motion to uphold the Development Review Committee's approval of the family division waiver request.  
Mr. Rison commented on the request and DRC recommendation for approval.  
A motion was made by Commissioner McClain, seconded by Commissioner Amsden, to agree with the DRC and approve the family division, subject to a single shared access driveway off of 484, no family or guest cottages on the division, connecting to central water and sewer if and when available, and providing a 60 foot right-of-way easement dedication along Highway 484 for the parent and for the division. The motion was unanimously approved by the Board (5-0).  

Subdivisions/Zoning – (14.C.2.) – Mr. Rison noted that County Engineer/Transportation Department Director/Development Review Committee (DRC) Chairman Bouyounes presented the following recommendation to approve the family division waiver as requested by James Hope regarding Parcel No. 37353-000-00:  
Description/Background: The Development Review Committee considered a waiver request by James Hope to allow for a family division. The applicant requests the family division because he would like to place a mobile home on his father's land. There are already two residences on the parcel. His children and he are presently staying with his brother and need their own home. He is on social security and has an eight year old and an eleven year old and has no other place to go. The property is located in the southeast and is 8.72 acres in size with one single family residence and one mobile home.  
DRC action on April 6, 2009, by a vote of 4-0, was to approve the waiver request subject to a 40 foot access easement along the southern portion of the property to connect to a new 40 foot access easement on parcel 37353-001-00 which will connect this family division to SE 10th Court and use a single shared driveway.  
Budget Impact: N/A.  
Recommended Action: Motion to uphold the Development Review Committee's approval of the family division waiver request.  
Mr. Rison commented on the request and DRC recommendation for approval.  
A motion was made by Commissioner McClain, seconded by Commissioner Fitos, to agree with the DRC and approve the family division subject to a 40 foot access easement along the southern portion of the property to connect to a new 40 foot access easement on parcel 37353-001-00 which will connect this family division to SE 10th Court and use a single shared driveway. The motion was unanimously approved by the Board (5-0).  

There being no further business to come before the Board, the meeting thereupon adjourned at 2:55 p.m.
James T. Payton, Jr., Chairman

Attest:

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David R. Ellspermann, Clerk

Adopted by the Board of County Commissioners on Tuesday, May 19, 2009.