

MARION COUNTY BOARD OF COUNTY COMMISSIONERS



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

A G E N D A

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

County Commission Auditorium
July 7, 2009

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

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

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

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

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

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

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

- **INVOCATION AND PLEDGE OF ALLEGIANCE**
 - **9:00AM – CALL TO ORDER**
 - **ROLL CALL**
1. **PROCLAMATIONS/PRESENTATIONS/RESOLUTIONS:**
 - 1A. **Presentation** – Employee Service Awards to Officially Recognize County Employees for their Length of Service and Dedication to the Marion County Board of County Commissioners (*Approval and Presentation*)
 - 1B. **Proclamation** – “Recreation and Parks Month” (*Approval and Presentation*)
 - 1C. **Proclamation** – “Eagle Scout Christian Guerra” (*Approval Only*)
 2. **GENERAL PUBLIC ITEMS:** All members of the public wishing to speak during the “General Public” portion of the agenda will be limited to two (2) minutes to make their request or presentation and will be heard following scheduled requests, which are limited to five (5) minutes. For un-scheduled requests, public comment request forms are available in the lobby. If the request or matter requires investigation by County staff, the Chairman will refer to staff for follow-up with the person making the request. **Furthermore, Commissioners cannot address any issues that will be considered or are currently being addressed by the Zoning Commission or the Code Enforcement Board during this portion of the meeting.**
 - 2A. Brian Creekbaum – Grand Jury Presentment
 - 2B. Larry Morrow – Dunnellon Airport
 - 2C. Bernard LeCorn, President, Samaritan Corporation – Juvenile Divisionary Mentoring Program
 - 2D. Suzanne McGuire, District Volunteer Coordinator – Special Projects Manager and Homeless Children Liaison - Operation “Stuff the Bus”
 - 2E. General Public Comment (Limited to 2 Minutes Each Speaker):
 3. **ADOPT THE FOLLOWING MINUTES:** (1 set)
 - 3A. June 18, 2009
 4. **CONSTITUTIONAL OFFICERS / ELECTED OFFICIALS:**
 - 4A. Request Approval of Annual Contract for Basic Law Enforcement for Town of Reddick (*Budget Impact – Revenue of \$26,525*)

5. CLERK OF THE CIRCUIT COURT:**5A.** Request Adoption of the Following Budget Amendment Resolutions:

- 5A1.** General Fund – CDBG – ARRA - \$475,454
- 5A2.** General Fund – Sheriff – Emergency Management – \$63,165
- 5A3.** General Fund – Sheriff – Emergency Management – \$12,250
- 5A4.** General Fund – Southeastern Livestock Pavilion/Fairgrounds – \$200
- 5A5.** General Fund – HOME Investment Partnership Program – \$202
- 5A6.** General Fund – Community Services/CDBG – \$1,000
- 5A7.** General Fund – Animal Center – \$48,780
- 5A8.** County Transportation Maintenance Fund – Road & Street Facilities – \$1,118,629
- 5A9.** County Transportation Maintenance Fund – Road & Street Facilities – \$5,469,727
- 5A10.** County Transportation Maintenance Fund – Road & Street Facilities – \$843,000
- 5A11.** Law Enforcement Trust Fund – MSTU for Law Enforcement – \$72,000
- 5A12.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$72,000
- 5A13.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$13,685
- 5A14.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$27,000
- 5A15.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$325
- 5A16.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$36,580
- 5A17.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$1,002
- 5A18.** MSTU for Law Enforcement – Sheriff – Patrol & CID – \$4,594
- 5A19.** Tourist Development Tax – Tourist Development Tax Department – \$1,200
- 5A20.** Local Housing Assistance Trust Fund – State Housing Initiative Partnership Act – \$153,900
- 5A21.** Impact Fees Trust Fund – District 2 - \$900,000
- 5A22.** Rainbow Lakes Estates MSD – Road & Street – \$2,000
- 5A23.** Rainbow Lakes Estates – Fire Protection MSBU – Fire Control Services – \$2,000
- 5A24.** Fire, Rescue and EMS Fund – Fire/Rescue Services – \$21,035

5B. Request approval of County Attorney's recommendation to approve claims for overbid monies from Tax Deed Sale Nos. 284030 and 284862. (*)

- 5C.** Request to dispose of records pursuant to Section 28.31, Florida Statutes.
- 6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am:** Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed. **NONE**
- 7. CONSENT:** A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner.
- 7A. Community Council Against Substance Abuse (CCASA):**
7A1. Request Approval of Application for the U.S. Justice Department Byrne JAG Program for 2009. (*Budget Impact – Grant revenue of \$154,893*)
- 7B. Community Services**
7B1. Request Approval of Updated (First Amendment) Inter-local Agreement for District 5 Medical Examiner. (*Budget Impact – None*)
7B2. Request Approval of Updated Policies and Procedures for Unclaimed Decedent Program. (*Budget Impact – None*)
- 7C. Development Review Committee:**
7C1. Request Approval of Final Plat for Candler Hills East Phase 1 Unit “A” Replat. (*Budget Impact – None*)
- 7D. Fire-Rescue:**
7D1. Request Approval of Assistance to Firefighters Station Construction Grant - FEMA Funding. (*Budget Impact – Possible grant revenue of \$8,000,000*)
- 7E. Growth Management:**
7E1. Request Approval of Transportation Impact Fee Refund. (*Budget Impact – \$2,212*)
- 7F. Human Resources:**
7F1. Request Approval of Adoption of Resolution for the Reclassification of Three (3) Positions in the Community Services Department and a Requested Classification Title Change. (*Budget Impact – \$414*)

7G. Marion County Sheriff's Office:

7G1. Request Approval of 2009-2010 Agreement for Traffic Enforcement – Spruce Creek Preserve. (*Budget Impact – Funds Utilized through the Sheriff's Office Special Detail Program*)

7H. MSTU:

7H1. Request Approval to Accept Petitions, Kingsland Country Estates, Whispering Pines. (*Budget Impact – All fees associated with this proposed road assessment will be assumed by the affected property owners*)

7J. Procurement Services:

7J1. Request Approval of Selection Committee Recommendation and Negotiation Results - 09Q-036 - Additional Civil-Site Services for Miscellaneous Projects Countywide. (*Budget Impact – See Attached*)

7J2. Request Approval of Fourth Contract Amendment 05P-091 Cleaning Services – USSI, Ft. Myers, FL. (*Budget Impact – See Attached*)

7J3. Request Approval of Proposal Results/Recommendation of Award - 09P-026 - Canned & Bottled Soda Vending - Ocala Coca Cola. Ocala, FL. (*Budget Impact – First year revenue of approximately \$28,000*)

7J4. Request Approval of Second Contract Amendment - 08P-079 Mosquito Control – Clarke Environmental Mosquito Management, Inc., Kissimmee, FL. (*Budget Impact – See Attached*)

7J5. Request Approval of Bid Tabulation Results – 09B-087 Silver Springs Conservation Area Fire Line and Fence Project – Florida Tractor Service, LLC – Ruskin, FL. (*Budget Impact – Not to exceed \$50,624*)

7J6. Request Approval of Bid Tabulation Results / Recommendation of Award - 09B-106 – CR 318 Culvert Improvements (West of CR 315) – Utility Systems Construction, Inc., Wildwood, FL. (*Budget Impact – \$123,678.37 with 10% contingency of \$12,367.84*)

7J7. Request Approval of Proposal Results/Recommendation of Award – 09P-077 Miscellaneous Road Right-of-Way Maintenance & Drainage Work – Marcum Underground – Ocala, FL. (*Budget Impact – Approximately \$250,000*)

7J8. Request Approval of Bid Tabulation Results – Recommendation of Award - 09B-091 - Arterial Road Pipes and Swales Maintenance Project - GWP Construction, Inc., Ocala, FL. (*Budget Impact – \$166,872.65 with 10% contingency of \$16,687.27*)

- [7J9.](#) Request Approval of Project Amendment 08Q-056-PA-04 – 08Q-056, Demolition and Debris Removal – CR 200A, A & A Trucking & Excavating, Ocala, FL. (*Budget Impact – Not to exceed \$17,894*)
- [7J10.](#) Request Approval of Bid Tabulation Results / Recommendation of Award - 09B-076 Grading of Non-Paved Roads - Art Walker Construction, Inc., Ocala, FL. (*Budget Impact – Not to exceed \$81,533*)
- [7J11.](#) Request Approval of Bid Tabulation Results – 09B-057, CR 484 Stormwater Retrofit, Phase I (Dr. Curtis Nelson Bridge) - Commercial Industrial Corp, Reddick, FL. (*Budget Impact – \$85,532 plus a 10% contingency in the amount of \$8,553.20*)
- [7J12.](#) Request Approval of Project Amendment 06Q-052-PA-20 – Commercial Water Efficiency Study – 06Q-052 Consulting Engineering Services for Utilities – Metzger & Willard, Inc. – Tampa, FL. (*Budget Impact – Not to exceed \$14,705 with a 10% contingency of \$1,470.50*)
- [7J13.](#) Request Approval of RFQ Results/Selection Committee Recommendation – 09Q-071, Utilities Underground Contractor. (*Budget Impact – None at this time*)
- [7J14.](#) Purchase Orders \$10,000 and Over:
- 7K. Tourist Development Council:**
- [7K1.](#) Request Approval of the Ocala/Marion County TDC Tourism Enhancement Grant Application Packet Revision No. 3. (*Budget Impact – Maximum Grant award will be \$10,000*)
- 7L. Transportation:**
- [7L1.](#) Request Approval to Execute Against Escrow Posted as Maintenance Security for the Hidden Lake, Unit 4 Subdivision. Accept the Roads and Drainage Facilities for County Maintenance. (*Budget Impact – None*)
- [7L2.](#) Request Approval of a Purchase Agreement Associated with the CR 42 Road Improvement Project - Parcel # 51057-000-00 (a portion of). (*Budget Impact - \$300 plus closing costs*)
- [7L3.](#) Request Approval of a Corrective Deed Associated with a Transfer of Property by Marion County. (*Budget Impact – None*)
- [7L4.](#) Request Approval of a Purchase Agreement Associated with the SE 31st Street Extension Road Improvement Project – 29850-000-51 (a portion of). (*Budget Impact - \$29,000 plus closing costs*)
- [7L5.](#) Request Approval of a Purchase Agreement Associated with the CR 200A Road Improvement Project – Parcel # 24782-000-00 (a portion of). (*Budget Impact - \$19,775 plus closing costs*)

- [7L6.](#) Request Approval of a Settlement and a Proposed Stipulated Final Judgment for Parcel #37A Associated with an Eminent Domain Property Owner's Settlement for the NW 44th Avenue Project. (*Budget Impact - \$53,950*)
- [7L7.](#) Request Approval of a Settlement and a Proposed Stipulated Final Judgment for Parcel #40 Associated with an Eminent Domain Property Owner's Settlement for the NW 44th Avenue Project. (*Budget Impact - \$76,957*)
- [7L8.](#) Request Approval of a Settlement and a Proposed Stipulated Final Judgment for Parcel #65 Associated with an Eminent Domain Property Owner's Settlement for the NW 44th Avenue Project. (*Budget Impact – \$108,613*)
- [7L9.](#) Request Approval of a Settlement and a Proposed Stipulated Final Judgment for Parcel #76 Associated with an Eminent Domain Property Owner's Settlement for the NW 44th Avenue Project. (*Budget Impact - \$62,462*)
- [7L10.](#) Request Approval of a Settlement and a Proposed Stipulated Final Judgment for Parcel #69 Associated with an Eminent Domain Property Owner's Settlement for the NW 44th Avenue Project. (*Budget Impact - \$50,090*)
- [7L11.](#) Request Approval of a Settlement and a Proposed Stipulated Final Judgment for Parcel #96 Associated with an Eminent Domain Property Owner's Settlement for the NW 44th Avenue Project. (*Budget Impact - \$92,874*)
- [7L12.](#) Request Approval of a Purchase Agreement and Deed Conveying Surplus Parcel # 3545-003-023 to Marcia M. Stevens & Pauline N. Couchon. (*Budget Impact – Receipt of the \$5,000 Purchase Price*)
- [7L13.](#) Request Approval of a Purchase Agreement Associated with the CR 42 Road Improvement Project – Parcel # 51078-001-02 (a portion of). (*Budget Impact - \$1,742 plus closing costs*)
- [7L14.](#) Request Approval of a Purchase Agreement Associated with the CR 200A Road Improvement Project for Parcel #24651-000-00 (a portion of). (*Budget Impact – \$56,000 plus closing costs*)

8. COUNTY ATTORNEY:

- [8A.](#) Request Approval of a Resolution Authorizing Condemnation for a Portion of Property from Parcel ID 24626-000-00 Project Parcel #91 Associated with the 4-lane Project for C.R. 200-A, between U.S. 441 to 2,000 feet North of N.E. 35th Street in Marion County, Florida.
- [8B.](#) Request Approval or Attorneys' Fees and Costs Pursuant to Section 2-36 of the Marion County Code (Commissioner McClain).

- 8C. Request Approval for Attorneys' Fees and Costs Pursuant to Section 2-36 of the Marion County Code (Commissioner Payton).
- 8D. Request Approval for a Closed Meeting Pursuant to F.S. 286.011(8) to Discuss Settlement Negotiations and/or Litigation Strategy **on Tuesday, July 14, 2009 at 8:00 AM** in the Following Cases:
 - 1) William McDonald vs. Marion County
 - 2) Nichols Wilder vs. Marion County
 - 3) Emma Henthorn vs. Marion County
- 8E. Request Authorization to Schedule and Advertise Ordinance Relating to Marion County Procurement Code **on Tuesday, July 21, 2009, at 10:00 AM.**
- 8F. Request Authorization to Schedule and Advertise Ordinance Relating to Marion County Building Code **on Tuesday, July 21, 2009, at 10:00 AM.**
- 8G. Request Approval of Letter of Engagement (Tom E. Lewis, Jr. of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.)

9. COUNTY ADMINISTRATOR:

- 9A. Request Approval of Consultant Presentation of Review Report on the Draft Comprehensive Plan Evaluation and Appraisal Report (EAR).
- 9B. Request Approval of Decision Regarding Proposed Letter to Federal Aviation Administration regarding Aerobatics Box at Dunnellon Airport.
- 9C. Request Approval of Protest of Bid Rejection – 09B-061 SE 31st Street (from SE 19th Avenue to CR 464) – Westwind Contracting, Inc., Bunnell, FL.
- 9D. Request Approval of Acquisition of Heagy Burry Boat Ramp Adjacent Properties.
- 9E. Request Approval of Application to Participate in TDR (Transfer of Development Rights) Program.
- 9F. Economic Development Financial Incentive Grant

10. COMMITTEE ITEMS: NONE

11. NOTATION FOR ACTION: NONE

12. COMMISSIONER ITEMS:

- 12A.** Memorandum from Commissioner Fitos re: Addition to Language – Employee Handbook.
- 12B.** Commission Calendar

13. NOTATION FOR RECORD:

- 13A.** County Administrator Informational Items:

- 13A1.** Old Business

Clerk of Court

- 13B.** Present letter received from Secretary of State's office advising that Ordinance 09-17 (Springs Protection) was filed.
- 13C.** Present the proposed budgets for the Village Center Community Development District for Fiscal Year 2009/2010 in accordance with Chapter 190.008(2)(b)(c), Florida Statutes.
- 13D.** Present the approved proposed budget for the Village Community Development District No. 4 for Fiscal Year 2009/2010 in accordance with Chapter 190.008(2)(b)(c), Florida Statutes.
- 13E.** Present the Acquisition or Disposition of Property forms authorizing changes in status. (*)
- 13F.** Present Internal Audit Report No. 2009-05 regarding a compliance review of the contract for security services provided by the Wackenhut Corporation as conducted by Internal Auditor Wallace Watford.
- 13G.** Present regular Report of Utilization of Reserve for Contingencies received from Budget Director Tomich.
- 13H.** Present for information and record, minutes and notices received from the following committees and agencies:
 - 13H1.** Code Enforcement Board – May 27 and June 10, 2009.
 - 13H2.** Development Review Committee (DRC) – June 8, 15 and 22, 2009.
 - 13H3.** Marion County Hospital District Board of Trustees – April 25, 2009.
 - 13H4.** Marion Oaks MSTU Advisory Council – May 12, 2009.
 - 13H5.** Tourist Development Council (TDC) – May 6 and 13, 2009.
 - 13H6.** Transportation Planning Organization (TPO) – Notice of Cancellation of the June 23, 2009 meeting. The next regularly scheduled meeting will be held on August 25, 2009 (visit the website at <http://www.ocalamariontpo.org>).