



# Ocala

## City Council

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

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**Tuesday, February 15, 2022**

**5:00 PM**

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Revised - 6a added Redline

#### **1. Call to Order**

- a. Opening Ceremony
  1. Invocation - Chaplain Gene Kenney
  2. Pledge of Allegiance
- b. Welcome and Roll Call

Municipal Officers/Others Present: The meeting was also attended by City Manager Sandra Wilson, City Attorney Robert Batsel Jr., Assistant City Manager Bill Kauffman, Assistant City Manager Ken Whitehead, Assistant City Manager Pete Lee, City Clerk Angel Jacobs, Deputy City Clerk Pamela Omichinski, Fire Chief Clint Welborn, Director of Electric Utility Doug Peebles, Police Chief Michael Balken, Internal Auditor Randall Bridgeman, Growth Management Director Tye Chighizola, Marketing & Communications Manager Ashley Dobbs, Urban Design Coordinator Aubrey Hale, Budget Director Tammi Haslam, Contracting Officer Tiffany Kimball, Director of Facilities & Fleet Management John King, City Engineer & Director of Water Resources Sean Lanier, Director of Public Works Darren Park, Director of Telecommunications Mel Poole, Director of Parks & Recreation Preston Pooser, Assistant Director of Cyber and Physical Security Christopher Ramos, Strategic & Legislative Affairs Administrator Jeannine Robbins, Director of Finance Emory Roberts, Real Estate Project Manager II Tracy Taylor, Ocala Police Dept Representative, IT Representative, The Press and other interested parties.

**Present:** Mayor Reuben Kent Guinn  
Pro Tem James P. Hilty Sr  
Council Member Kristen M. Dreyer  
Council Member Barry Mansfield  
Council Member Jay A. Musleh  
Council President Ire J. Bethea Sr.

#### **2. Public Notice**

**Public Notice for the February 15, 2022 City Council Regular Meeting was posted on December 21, 2021**

#### **3. Proclamations & Awards**

- a. Service Award - Brett Ortagus - Fire Rescue - 25 years of Service

City Manager Wilson and Mayor Guinn presented a service award to Brett Ortagus in appreciation of his 25 years of service to the City of Ocala. He started his career with the Ocala Fire Rescue in 1997. During his career, he provided outstanding customer service to the community. Today, he is using his expert skill set to help support the Fire Prevention Division.

- b. Engineers Week Proclamation - Florida Engineering Society Forest Chapter members and Amber Gartner, Region 2 Vice President

Mayor Guinn presented a proclamation for Engineer's Week. The City proclaims February 20, 2022 to February 26, 2022, as Engineer's Week.

Amber Gartner thanked City Council and City staff for sponsoring various events during Engineers Week. She encouraged families to attend the Discovery Science Center Engineering Day on March 5, 2022.

#### **4. Presentations**

##### **Jim Williams 1130 SE 15th Ave – Doug Oswald Bronze Plaque Proposal presentation**

Jim Williams 1130 SE 15th Avenue, Ocala, FL, discussed a proposal for a bronze plaque to celebrate the life of Doug Oswald. He shared Mr. Oswald's history and accomplishments with Council. He was previously the Mayor of Ocala and was involved in numerous community projects. He requested Council approve the placement of the bronze plaque near the north entrance of the banquet room, at the Ocala Golf Club. He provided Council with letters of support and cost estimates.

Council Member Musleh commented on his past friendship with Mr. Oswald. He requested Council support the plaque proposal.

Council concurred with Council Member Musleh.

Council President Bethea requested Mr. Williams work with City Manager Sandra Wilson.

#### **5. Public Comments**

##### **Kevin Towles, 3429 NE 10th Street invited Council to the 5th Annual Emergency Preparedness EXPO scheduled on March 30, 2022**

Kevin Towles, 3429 NE 10th Street, invited Council to the 5th Annual Emergency Preparedness EXPO scheduled on March 30, 2022 at the Ed Croskey Recreation Center, for people with disabilities. The Center for Independent Living supports individuals living in the community with disabilities. Currently, they offer services in 16 counties.

##### **Todd Frobish, 538 SE 39th Terrace, requested Council schedule a workshop to discuss the concept of converting the CXL rail line into a bicycle/pedestrian trail**

Todd Frobish, 538 SE 39th Terrace, stated he is speaking on behalf of a group of Ocala/Marion County residents through the Downtown Business Alliance. He discussed converting the CXL rail line into a bike trail for the public. He requested Council schedule a workshop to discuss the proposed bike trail project. He noted the community needs a safe place to bike.

City Manager Wilson reminded Council of a previous request from Mr. Barber called the "Rail to Trail". She asked Council if they are interested in scheduling a workshop. To note, the CXL rail line is carrying goods to the Shores.

Mayor Guinn commented the CXL rail line delivers goods to one building in the Shores.

Council President Bethea requested the City schedule a workshop to discuss the matter.

Mayor Guinn commented City Attorney Gooding has documentation to share with Council. To note, the City paid \$127,000 to build the railroad crossings. Ms. Wilson responded City Engineer & Director of Water Resources Sean Lanier provided the documentation.

Ms. Wilson commented she will schedule a workshop for Council to further discuss the matter.

**Mary S. Rich, 1802 NW 24th Court, discussed the Ed Croskey Center mural and comments made by Council Members**

Mary S. Rich, 1802 NW 24th Court, commented the mural on the side of the Ed Croskey Center is beautiful and thanked Council for the mural. She expressed concern regarding comments made by Council Member Mansfield and Council Member Dreyer. She questioned why the mentioned Council Members are trying to terminate City Manager Sandra Wilson and stated Ms. Wilson is doing a good job. Furthermore, she requested the Mayor contact West Ocala regarding any celebration for Gold Medal Olympic Athlete Erin Jackson.

**Anthony Dicapua, 3601 W Silver Spring Blvd, commented on Saving Mercy Corporation**

Anthony Dicapua, 3601 W Silver Spring Blvd, stated he is a resident of Saving Mercy Corporation. He asked Council when the residents must vacate the RV park and what is the actual rent amount due is. Furthermore, he submitted video evidence showing he did not assault a Saving Mercy Board Member. He expressed concern residents of the RV park will be evicted without proper notice. To note, the rent pay schedule for RV residents was changed from monthly to daily.

Mayor Guinn requested clarification on the new rent schedule. Mr. Dicapua responded the RV park residents are required to pay rent daily. Many of the residents have lived in the RV park community for over 30-years. He expressed concern the residents are being unlawfully evicted.

Mayor Guinn discussed the proposed apartment development project that has not started. He

questioned if the City has any authority over the property.

City Attorney Batsel explained City Council has no authority of evictions or rent.

President Bethea commented he spoke with the Continuum of Care and Mr. Dicapua. Mid Florida Legal Services scheduled a meeting to meet with the management of Saving Mercy this week.

Council Member Hilty noted he previously spoke with Mr. Dicapua. He advised the Saving Mercy attorney is reviewing the matter. Saving Mercy has scheduled several meetings to discuss the eviction matter.

Mr. Dicapua thanked Council for their assistance.

## **6. Public Hearings**

- a. Approve a Chapter 163 Concurrency Development Agreement for approximately 23.51 acres of property located at 2550 SE 24th Street (Parcel # 29850-000-27) (CDA21-44540). This is the second of two public hearings. The first public hearing was held on December 21, 2021. This public hearing was postponed from the January 4, 2022 and February 1, 2022 City Council Meetings.

City Attorney Batsel commented the City did not perform legal advertising for Council to consider item 6b. The City will advertise 6b for the next City Council meeting scheduled on March 1, 2022. Council can consider item 6a being presented tonight. If Council approves 6a, a revision must be adopted. He explained the 163 Chapter Developers Agreement will need to be approved subject to the adoption of Ordinance 2022-13; rezoning the property to R-3.

The applicant ensured the level of concerns are addressed through onsite/off-site improvements. Council has the authority to accept/deny mitigation strategies. The City has discussed if the matter is considered quasi-judicial or legislative; however, the comprehensive plan amendment is legislative. He suggested the matter be deemed legislative to allow Council to have discussions with Mr. Roper. To note, Mr. Roper believes the matter is quasi-judicial and expressed concern regarding comments from Council Members, stating they visited the property on the record. Council Members who visited the property must state their decision is solely based on the evidence presented tonight.

Council Member Musleh stated he drove to the entrance of property and did not enter the site. He also spoke with Mr. Albright in early November about the request.

Council President Pro Tem Hilty stated he was escorted around the property and spoke with Mr. Albright two weeks ago.

Council President Bethea stated he had no conversations and drove to the property.

Mayor Guinn stated he spoke with Clay Albright and drove through the property.

Council Member Dreyer stated she had no conversations and has drive through the property to access a private residence behind the property.

Council Member Mansfield stated he spoke with Clay Albright and drove through the property.

All Council Members assured their visitations or conversations will not influence their decision.

Growth Management Director Tye Chighizola briefly recapped the previous Council meeting. He explained the City has included decel lanes in the proposed agreement and spoke about the right of way being extended. The traffic study shows the proposed improvements will remedy traffic concerns. The applicant will be presenting a PowerPoint presentation to Council to address right-in/right-out intersection turns. To note, staff recommends approval of the Chapter 163 Concurrency Development Agreement.

Attorney Chris Roper, 420 S Orange Ave Orlando, FL 32801, presented a PowerPoint presentation to Council. He discussed the proposed R-3 zoning with development agreement. The applicant is requesting approval for the following: single-family (180 units), multi-family (320 units), or a mix of both. The site is 23.65-acres and located on SE 24th Street. Furthermore, they are proposing 13.5 units per acre, with a maximum height of 3-stories. He provided an overview of the project chronology.

FDOT reviewed the land use policy amendment and determined it would have no significant adverse impacts to traffic. The Developer's Agreement ensures compatible with surrounding neighborhood uses. City staff finds the project is consistent with the City comprehensive plan, including amended Land Use Policy (Ordinance 2021-80). The Developer's Agreement requires consistency with all applicable sections of City Land Development Code. The applicant submitted a traffic study prepared by Kimley-Horn & Associates, which was approved by the City on October 13, 2021.

The traffic study revealed the following: rebuild SE 24th Street to City standards and proportionate share required for a signalized intersection in front of Fluid Routing Solutions. The right-in/right-out intersection located at SE 24th & Maricamp; will meet or exceed adopted levels of service once rebuilt to City standards. FDOT is known for converting a full intersection into a right-in/right-out intersection, which are safer for the public. A loop road is not required for the Albright development; however, Mr. Albright is willing to dedicate 1,300 feet of right-of-way to the City.

Amber Gartner, 101 E Silver Springs Blvd, Suite 400, stated she works for Kimley-Horn & Associates. She advised Council of the traffic impact analysis. The traffic study was performed in October 2021, and the methodology for the study was reviewed/approved by City staff. The study included the ARC commercial development as background traffic. The impact is projected to be less than 3%, which is not a significant impact.

She provided an overview of PM peak hour traffic projections. The right-in/right-out intersection located at SE 24th & Maricamp is considered a level service "D". The signalized intersection on 24th Street showed a transportation deficiency. To note, they are not required to make any improvements or proportionate share contributions for the signalized intersection on 24th Avenue or the right-in/right-out intersection located at SE 24th Street. She explained that ARC was included in this study for background traffic, but the other proposed developments were not included, as they were approved after this property, and thus the Albright property would be background traffic to them. However, they did projections for a loop road in the event everything was developed and the recommendations would remain the same.

To note, SE 24th Street will be improved to City standards. She agrees with FDOT regarding right-in/right-out intersections, which are safer for the public. She showed several current right-in/right-out intersections around the City.

Mr. Roper commented the project is compatible with the surrounding uses. Furthermore, the project is consistent with the comprehensive plan and Land Development Code as demonstrated with competent substantial evidence. The benefits to the City include the following: additional housing, road upgrades, proportionate share funds, 1,300 feet of right-of-way, impact fees, utilities fees, and increased property taxes. In summary, City staff and P&Z recommend approval.

City Attorney Batsel asked if Mr. Roper is requesting approval subject to the revisions described earlier? Agreement is effective upon the rezoning approval. Mr. Roper responded yes.

Eric Hayden, 2314 SE 19th Circle, spoke in opposition of the proposed request. He expressed concerns the development will impact residents located at Woodland Villages. He questioned why development impacts are evaluated individually and not together to determine the true community impact. He suggested Council look at the community and aggregate impact as a whole.

Michael Lay, 2309 SE 18th Circle, stated he is a resident of Woodland Villages and spoke in opposition of the proposed request. He expressed concern the proposed development project will impact traffic for residents in the community. According to the National Press, traffic fatalities are up 17.5% from 2019. He requested Council remedy the existing traffic problems on Maricamp Road, before approving new development projects.

Jim Tingler, 2402 SE 23rd Place, stated he is a resident of Woodland Villages and spoke in opposition of the proposed request. He expressed concern the development will contribute to the 8:00 a.m. morning traffic. He suggested Council utilize the intersection behind the Wawa to mitigate traffic. He anticipates the continued use of a right-in/right-out intersection will cause problems in the future.

Debra Griffin, 2415 SE 23rd Street, spoke in opposition of the proposed request. She

expressed concern a right-in/right-out intersection will cause traffic accidents. She does not feel it is feasible to put multi-family homes in the area, which will greatly contribute to the existing traffic problems. She requested Council take into consideration the residents in the community when evaluating the proposed development.

Mr. Roper explained they are not proposing a connection to the 25th Avenue & Maricamp connection. He noted the property owners have been paying property taxes in the community for decades. The applicant has hired many qualified professionals to perform research.

Council Member Musleh questioned why the traffic study was conducted for PM hours only. Ms. Gartner explained the traffic study is performed during the peak hour. The City guidelines state the traffic study must be performed for the PM peak hour; however, there is a provision to request the study of additional time periods. The traffic study evaluated the operations of the site driveway and signalized intersection of 24th Street during the AM peak hour.

Council President Pro Tem Hilty expressed concern the proposed development will increase the traffic problems in the area. He noted the traffic on Maricamp is horrendous and the lane extension will cause further issues for traffic needing to make a U-turn to go north on Maricamp. . He anticipates individuals will navigate through residential streets to avoid traffic, which can lead to higher fatalities and car accidents.

Mayor Guinn concurs with Council President Pro Tem Hilty. He shared his experience with the Publix development. He suggested adding a service road in front of the Wawa. Kimley-Horn & Associates have been involved in many of the development projects.

Council President Bethea commented the property owner has the right to develop their property. Furthermore, he anticipates development will continue to grow in the area.

City Attorney Batsel requested Council modify the motion to include the revised contingency.

Mr. Chighizola commented 31st Street is a universal solution used to mitigate traffic off Maricamp. Since the bypass was built, it has taken about 20,000 cars off Maricamp. He is hopeful for some traction with Fluid Routing Solutions for another option to help mitigate traffic in the area. The intersection improvements on 25th Avenue will help remedy the traffic concerns, as well as reducing the speed limit and adding decel lanes to reduce traffic impacts.

Council Member Musleh revised his motion to make the project contingent upon R-3 zoning being approved at the next City Council meeting.

There being no further discussion the motion carried by roll call vote.

**RESULT:** APPROVED

**MOVER:** Jay A. Musleh

**SECONDER:** James P. Hilty Sr

**AYE:** Dreyer, Mansfield, Musleh, and Bethea

**NAY:** Hilty Sr

- b. Adopt Ordinance 2022-13 for a zoning change to R-3, Multi-Family Residential, for approximately 23.51 acres of property located at 2550 SE 24th Street (Parcel # 29850-000-27) (Case ZON21-44541). This public hearing was postponed from the January 4, 2022, February 1, 2022 and February 15, 2022 City Council Meetings (Quasi-Judicial)

**Introduced By:** Jay A. Musleh

Council agreed to postpone discussion until the next City Council meeting scheduled on March 1, 2022.

**RESULT:** POSTPONED

**MOVER:** Jay A. Musleh

**SECONDER:** Barry Mansfield

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

## 7. Second and Final Reading of Ordinances

(All are Public Hearings)

- a. Adopt Ordinance 2022-20 to adjust the General Employees' Retirement System investment assumption rate. This public hearing was postponed from the February 15, 2022 City Council meeting.

**Introduced By:** James P. Hilty Sr

Council agreed to postpone discussion until the next City Council meeting scheduled on March 1, 2022.

**RESULT:** POSTPONED

**MOVER:** James P. Hilty Sr

**SECONDER:** Barry Mansfield

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

- b. Adopt Ordinance 2022-21 for a zoning change from B-4, General Business, to M-1, Light Industrial, for approximately 7.72 acres of property located at 2905 and 2957 N Pine Avenue (Case ZON21-44608) (Quasi-Judicial). This public hearing was postponed from the February 15, 2022 City Council meeting.

**Introduced By:** Kristen M. Dreyer

Council agreed to postpone discussion until the next City Council meeting scheduled on March 1, 2022.



**RESULT:** POSTPONED  
**MOVER:** Kristen M. Dreyer  
**SECONDER:** Jay A. Musleh  
**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

**8. General Business**

- a. Approve three-year contract with Ford of Ocala and Advance Auto Parts to supply consignment auto parts for an estimated expenditure of \$500,000

There being no discussion the motion carried by roll call vote.

**RESULT:** APPROVED  
**MOVER:** Jay A. Musleh  
**SECONDER:** James P. Hilty Sr

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

- b. Approve the purchase of physical security devices including digital cameras, building access controls, building alarms, and server storage from Morse Communications for the Mary Sue Rich Community Center in the estimated amount of \$116,363

There being no discussion the motion carried by roll call vote.

**RESULT:** APPROVED  
**MOVER:** James P. Hilty Sr  
**SECONDER:** Kristen M. Dreyer

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

- c. Approve award of contract to Marion Rock, Inc. for the Lift Station #91 Force Main Upgrade project for the bid of \$3,032,916 plus 10% contingency for a total of \$3,336,208

There being no discussion the motion carried by roll call vote.

**RESULT:** APPROVED  
**MOVER:** Kristen M. Dreyer  
**SECONDER:** Barry Mansfield

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

- d. Approve two-year contract with C.W. Roberts Contracting, Inc. for the Parking Lot Improvement Program with a contract value not to exceed \$1,000,000

There being no discussion the motion carried by roll call vote.

**RESULT:** APPROVED  
**MOVER:** Jay A. Musleh  
**SECONDER:** Barry Mansfield

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

**9. Consent Agenda**

Consent Agenda items are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of Council or the public request specific items to be removed for separate discussion and action.

- a. See item 10
- b. Approve the purchase of a Bauer air cascade system from Breathing Air Systems Inc. of Ocala in the amount of \$59,952
- c. Approve 2-year contract with Frank Fraunfelter, M.D. as the Medical Director for Ocala Fire Rescue in the amount of \$60,000
- d. Adopt Budget Resolution 2022-129 amending the Fiscal Year 2021-2022 budget to transfer funds from the Infrastructure Sales Surtax Reserve account for the purchase of a Cascade System in the amount of \$9,952
- e. Adopt Budget Resolution 2022-130 amending the Fiscal Year 2021-2022 budget to appropriate funds from the General Fund Reserve for Contingencies to cover expenditures incurred as a result of a judgment for taxable cost in the amount of \$67,472
- f. Approve the purchase of two Vaughan turbo mixers from FJ Nugent & Associates, Inc. for \$66,412
- g. Approve the first renewal option with Univar Solutions USA, Inc. to supply hydrofluosilicic acid used at Water Treatment Plant No. 1 in the amount of \$45,000
- h. Approve the release of an Electric Line Easement (above ground line) that will be replaced by an Electric Utility Easement to facilitate an underground line on Marion County Parcel #31865-000-00.
- i. Approve two Quit Claim Deeds (QCD) for parcels 21818-000-00 and 21817-002-00 to correct legal description errors and release mineral rights.
- j. Approve contract for rehabilitation of the Weems residence located on NW 2nd Street to Alcatraz Enterprises, Inc. for a total project cost not to exceed \$79,425
- k. Approve January 2022 city attorney invoices for general city business legal services in the amount of \$34,636.25 and for risk management-related legal service in the amount of \$7,942.75
- l. Approve City Council Work Session Minutes for Tuesday, January 25, 2022
- m. Approve Regular Meeting City Council Minutes for Tuesday, February 1, 2022

**RESULT:** APPROVED THE CONSENT AGENDA

**MOVER:** James P. Hilty Sr

**SECONDER:** Kristen M. Dreyer

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

**10. Consent Agenda Items Held for Discussion**

Should any items be removed from the Consent Agenda for discussion, they will be discussed at this time.

- 9a.** Amend existing agreement for litter control services with Wear Gloves Inc. for an additional contract expenditure of \$28,600

Mayor Guinn asked what area Wear Gloves Inc. provides contract services. Director of Public Works Darren Park responded the non-profit organization provides litter control in city parks, city-owned property in the midtown area, and road rights-of-way. The services will be expanded to the northwest and northeast, some to the south, and they target hot spot locations.

Mayor Guinn commented he supports expanding the budget to provide more litter control services. He noted he receives numerous emails from the public regarding the large amounts of litter throughout the City.

Council Pro Tem Hilty discussed receiving numerous calls about Jervey Gantt after football games.

There being no further discussion the motion carried by roll call vote.

**RESULT:** APPROVED

**MOVER:** Jay A. Musleh

**SECONDER:** James P. Hilty Sr

**AYE:** Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

**11. Introduction and First Reading of Ordinances - None**

**12. Internal Auditor's Report - None**

**13. City Manager's Report**

**City Manager Sandra Wilson invited Council members to attend a public information session about the proposed parking garage, on February 16 at noon and 5:30pm at Florida Institute for Human and Machine Cognition (IHMC), 15 SE Osceola Avenue**

**Ms. Wilson invited Council members to attend a Building Community Roundtable scheduled on Wednesday, February 23, 2022 at Elevation 89 at the Ocala Airport**

City Manager Sandra Wilson commented they are requesting feedback from the community. The Building Community Roundtable event is scheduled on Wednesday, February 23, 2022, from 7:30 a.m. to 9:00 a.m.; location Elevation 89 (Ocala Airport).

**Ms. Wilson asked Council if they would be interested in a Golf Cart Ordinance 2-year expansion review**

City Manager Sandra Wilson asked Council if they would be interested in a Golf Cart Ordinance 2-year expansion review. The Police Chief stated no major issues have been reported. She asked Council if they would like to expand the golf cart territory.

Mayor Guinn commented there are no existing issues due to the new process. He expressed

concern mixing golf cart traffic with vehicle traffic. To note, the community greatly supports the gold cart parade. He suggested Council not change the current policy.

Council Member Mansfield stated he supports the Golf Cart Ordinance. Furthermore, he supports mixing golf cart traffic with vehicle traffic. He anticipates the use of golf carts Downtown will help support local businesses.

Mayor Guinn expressed concern allowing golf carts Downtown. He asked if the golf cart expansion includes the northside of the boulevard. Ms. Wilson responded no.

Growth Management Director Tye Chighizola commented the City will have a traffic engineer perform a study before revising the ordinance. The City will perform an implementation period and currently, 300 golf carts are registered in the southeast.

Council President Bethea asked if golf carts will be expanded to other areas. Mr. Chighizola responded the City will perform a study before expanding to other areas.

Council President Bethea noted many individuals are driving golf carts out of the designated area.

Council President Pro Tem Hilty stated parking is very scarce Downtown. He suggested Council revisit the matter after the parking garage is built.

Council Member Mansfield stated he supports expanding the Golf Cart Ordinance. He noted there are many beautiful neighborhoods to expand the use of golf carts.

Council President Bethea commented many golf carts double park in the Villages.

Police Chief Mike Balken commented the Police Department took into consideration traffic impacts, fatal crashes, possible alcohol consumption and increased crime. To note, golf carts do not have child restraints or seat belts to protect the public. Currently, the Police Department does not have negative data to present regarding the use of golf carts.

Council Member Dreyer suggested Council explore the use of golf carts.

Ms. Wilson commented the City will have the transportation engineers perform a study.

Council President Bethea commented many residents have contacted him to inquire about allowing golf carts in their area. He suggested the study include expanding the use of golf carts to multiple areas.

Council President Pro Tem Hilty concurs with Council President Bethea. He suggested the City explore parking options for golf carts.

#### **14. Police and Fire Department Report**

Police Department Public Safety Opioid Response Efforts

Fire Department Public Safety Opioid Response Efforts

##### **Police Chief Mike Balken – Public Safety Opioid Response Efforts**

Police Chief Balken discussed the public safety Opioid response efforts for January 31, 2022 to February 13, 2022. The Police Departments Opioid response efforts 15, overdose deaths 4, Narcan leave behind 2 and Amnesty participation 4. He noted fentanyl is being shipped from China to Mexico, and illegally imported into the United States.

Council President Bethea thanked the Police Department and Fire Department for combating illegal drugs in the community. Furthermore, he supports stopping the illegal drug trade in the United States.

Police Chief Balken stated they will continue fighting the war on drugs. He anticipates the numbers will continue to trend up as long as there is a high demand. He noted a 15-year old is recovering in the ICU from a drug overdose.

Council President Bethea stated he supports combating drugs in the community to protect the youth.

##### **Fire Chief Clint Welborn – Public Safety Opioid Response Efforts & Community Paramedicine**

Fire Chief Welborn discussed the public safety Opioid response efforts and community paramedicine program. The overdose response efforts 13, overdose deaths 1 and Narcan leave

behind 1. For the month of February, 337 people have enrolled in the Opioid Recovery Project and they had a total of 135 community paramedicine graduates.

## **15. Mayor's Report**

### **Mayor Guinn commented on two Ocala USA Olympians**

Mayor Guinn played a video about Brittany Bowe and Erin Jackson USA Olympians from Ocala. Ms. Jackson is the first African American woman to win an individual medal in speed skating at the USA Olympics. The City will honor the Ocala Olympians upon their return. He read a letter he received from the White House Liaison. Furthermore, he suggested creating a plaque and establishing a flagpole to honor Ms. Jackson at the MLK Jr. Recreational Center. He requested the City reach out to Clear Channel regarding the donation of digital billboards to honor the Olympians.

City Manager Sandra Wilson commented the City will contact Clear Channel to discuss the donation of digital billboards.

## **16. City Attorney's Report**

- a. Approve start time of recurring attorney-client meeting pursuant to Florida Statute § 286.011 in the matter of Discount Sleep of Ocala et al vs. City of Ocala

City Attorney Batsel reported recurring meetings will occur at 3:15 p.m. due to the change of time for City Council meetings.

### **Discount Sleep Final Hearing May 10, 2022 at 1:30 PM, Court Room 3A, Marion County Courthouse**

City Attorney Batsel reported the court ordered the City to utilize a third party to send a notice of final hearing to disperse funds, attorney fees, costs and class representative service awards. The final hearing is scheduled on May 10, 2022, at 1:30 p.m.; location Marion County courtroom 3A. The public can attend the meeting and exercise their right to object or be heard, but must sign up in advance. The City will be expensing \$6,649,681.08 to the plaintiff's attorney and \$6,480,957.75 amounts to attorney fees. Furthermore, \$68,723.33 will go to non-taxable costs and each class representative will receive \$50,000.

The remaining \$72 million will be available for payment in the form of refunds to class members. The checks can be mailed to the last known address or through the formal claims administration process. If all the funds are not dispersed, the plaintiff's counsel will receive \$100,000 for attorney fees. Furthermore, the order contains a web link for the public to register to speak at the hearing.

### **Carlton Arms litigation update**

City Attorney Batsel reported the deadline passed for the voluntary dismissal of prejudice. The

plaintiffs attorney requested more time. The plan is to proceed with bond validation on Friday, unless the notice of dismissal is filed.

#### **Notice of lawsuit filed concerning the Firefighter Retirement Plan**

City Attorney Batsel reported the City received notice of lawsuit filed concerning the Firefighter Retirement Plan. The City retained an outside Pension Attorney named Glenn Thomas. A complaint for declaratory judgment was filed regarding the overtime pay cap effect on pension interests. He requested approval from Council to retain Mr. Thomas to represent the City.

### **17. Informational Items**

#### **a. Calendaring Items**

17a1. City Council meeting start time changes to 4:00 pm starting Tuesday, March 1st

17a2. City Council Strategic Planning Session - Tuesday, March 22nd - 8:30am - 12:00pm - Location TBD

#### **b. Comments by Mayor**

#### **Mayor Guinn commented on the Great Cattle Drive event**

Mayor Guinn congratulated the Parks & Recreations Department on the successful Great Cattle Drive event. To note, 3,000 people attended the event.

#### **Mayor Guinn commented on maintaining the Tusawilla Historic District**

Mayor Guinn expressed concern Larry Bridges is building halfway houses in the Tusawilla area. He was informed halfway houses are being built in the area. The City has received numerous complaints from residents regarding the operating halfway houses. The units are constructed with four bedrooms per unit and tenants pay \$700-\$800 monthly rent. He requested Council not allow people to build dwellings that are not approved by the City, to help preserve the Tusawilla Historic District.

City Attorney Batsel commented a code case is pending. He suggested Council schedule workshop or strategic planning session to discuss the matter. He noted Federal laws deem halfway houses as providing housing for individuals with a disability. The City must be careful they are not discriminating against individuals with a disability. The City can enforce code violations, if the people residing in the facility are recovering from recent incarceration or criminal conduct.

Mayor Guinn commented the zoning code needs to be enforced.

Council President Pro Tem Hilty asked who is responsible for enforcement. Mayor Guinn responded the Building Department.

City Manager Sandra Wilson commented the applicant applied for the correct permits.

City Attorney Batsel commented if the applicant is operating a transitional recovery facility, but

zoned R-1; it is considered a code violation.

- c. Comments by Council Members

**Council President Bethea commented the next City Council meeting is scheduled at 4:00 p.m.**

- d. Informational

- a. Executed Contracts under \$50,000

**18. Adjournment**

7:37 PM

**Adjourned at 7:37 p.m.**

**Minutes**

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Ire Bethea Sr.  
Council President

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Angel B. Jacobs  
City Clerk