



Ocala

City Council

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Tuesday, September 5, 2023

4:00 PM

1. Call to Order

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

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

Municipal Officers/Others Present: The meeting was also attended by City Manager Peter Lee, City Attorney William Sexton, City Clerk Angel Jacobs, Deputy City Clerk Pamela Omichinski, Fire Chief Clint Welborn, Police Chief Michael Balken, Internal Auditor Randall Bridgeman, Assistant Finance Director Peter Brill, City Projects Director Tye Chighizola, Marketing & Communication Manager Ashley Dobbs, HR/Risk Management Director Devan Kikendall, Deputy Economic Development Aubrey Hale, Budget Director Tammi Haslam, Planning Director Patricia Hitchcock, Director of Facilities & Fleet Management John King, Chief Central Lights Maintenance Richard Knight, City Engineer & Director of Water Resources Sean Lanier, Chief Financial Officer Janice Mitchell, Director of Public Works Darren Park, Director of Electric Utility Doug Peebles, Director of Telecommunications Mel Poole, Director of Parks & Recreation Preston Pooser, Assistant Director, Cyber & Physical Security Christopher Ramos, Strategic & Legislative Affairs Administrator Jeannine Robbins, Procurement & Contracting Officer Daphne Robinson, Chief of Staff Chris Watt, Senior Budget Analyst Sadie Daniel, Senior Budget Analyst Cindy Krepps, Ocala Police Dept Representative, IT Representative, The Press and other interested parties.

2. Public Notice

Public Notice for the September 5, 2023 City Council Regular Meeting was posted on August 11, 2023

3. Proclamations & Awards

- 3a. Constitution Week Proclamation will be presented to The Daughters of the American Revolution Regent, Renee Coventry; 2nd Vice-Regent, Dr. Sandra Jablonski; Treasurer, Kathie Radcliffe; Chaplain, Maryellen Yamamoto; and Constitution Week Chair, Elizabeth Coleman

Mayor Guinn presented a proclamation for Constitution Week. The City proclaims September 17, 2023 to September 23, 2023, as Constitution Week.

Chaplain Maryellen Yamamoto invited the public to attend the Bells Across America event scheduled on September 17, 2023, at 4:00 pm.

4. Presentations

5. Public Comments

None

6. Public Hearings

Note: Items 6e through 6h will be heard at 5:05pm or soon thereafter.

- 6a.** Approve the sale of beer and wine for off-premise consumption for 7-Eleven Inc d/b/a 7-Eleven #41941H located at 2655 SW 42nd Street (Quasi-Judicial)

Planning Director Patricia Hitchcock reported the applicant is requesting a permit for the sale of beer and wine for off premise consumption. Council previously approved the permit last year in August 2022; however, the applicant failed to complete the State's licensing requirements within the expiration period, which requires reapproval by Council.

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Ire J. Bethea Sr

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

- 6b.** Adopt Resolution 2023-36 to abrogate the portion of SW 13th Street between South Pine Avenue and SW Third Avenue and a 12-foot-wide alley running south of said portion of SW 13th Street to SW 14th Street, approximately 0.36 acres, subject to reservation of easements (Case ABR23-45262) (Quasi-Judicial)

Planning Director Patricia Hitchcock reported the applicant is requesting to abrogate the rights-of-way to develop a medical office with parking. Abrogation will provide more design flexibility for the development project; and the applicant owns both properties adjacent to the alleyway. The City is reserving easements over the rights-of-way and alleyway improvements. The Planning & Zoning Commission and staff recommend approval.

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

RESULT: ADOPTED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

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

6d. Adopt the 2023-2026 Title VI update concerning SunTran

Growth Management Director Tye Chighizola reported the City is required to update the Title VI requirements every three years. The adoption will be evaluated by the FDA for final review; staff recommends approval.

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

RESULT: ADOPTED

MOVER: Ire J. Bethea Sr

SECONDER: Kristen M. Dreyer

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

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

7. Second and Final Reading of Ordinances

(All are Public Hearings)

7a. Adopt Ordinance 2023-57 adding Chapter 14 (Animal Control) to the Code of Ordinances by adopting Chapter 4 of the Marion County Code as the applicable animal control and enforcement code provisions (Case No. COD23-45297)

Introduced By: Kristen M. Dreyer

City Projects Director Tye Chighizola provided a brief overview of the Chapter 14 (Animal Control) ordinance. The proposed ordinance adoption before Council is a housekeeping item; the ordinance was previously deleted in 2010.

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

RESULT: ADOPTED

MOVER: Kristen M. Dreyer

SECONDER: Ire J. Bethea Sr

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

7b. Adopt Ordinance 2023-58 to rezone from B-4, General Business, and M-1, Light Industrial, to M-1, Light Industrial, for property located in the 1800 block of US Highway 27, approximately 2 acres (Case No. ZON23-45220) (Quasi-Judicial)

Introduced By: Ire J. Bethea Sr

Planning Director Patricia Hitchcock reported the applicant is proposing to rezone both properties under the same zoning, removing the split zoning. The application has undergone site plan approval, and the rezoning will allow construction services uses in the M-1 zoning. The applicant has provided adequate buffering. The Planning & Zoning Commission and staff recommend approval.

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

RESULT: ADOPTED

MOVER: Ire J. Bethea Sr

SECONDER: Barry Mansfield

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

8. General Business

- 8a.** Approve the Collective Bargaining Agreement with the International Association of Firefighters Local 2135, Firefighter & Officer Bargaining Unit, for the period of October 1, 2023 through September 30, 2026

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

RESULT: APPROVED

MOVER: Barry Mansfield

SECONDER: Kristen M. Dreyer

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

- 8b.** Consider a twelfth amendment to the Acquisition and Redevelopment Agreement for Mixed-Use Development (Hilton Garden Inn)

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: Jay A. Musleh

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

- 8c.** Adopt Budget Resolution 2023-164 amending the Fiscal Year 2022-2023 budget to accept and appropriate funding from the Federal Transit Administration in the amount of \$1,891,824 and \$188,000 in program income to support SunTran for a total amount of \$2,079,824

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

RESULT: ADOPTED

MOVER: Ire J. Bethea Sr

SECONDER: Barry Mansfield

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

- 8d.** Approve additional funds required on contract for transformer supply and delivery services with Gresco Supply, Inc. in the estimated amount of \$2,677,562

Director of Electric Utility Doug Peebles confirmed the City has adequate stock with Council Member Mansfield. The lead time for the items is from four months to one year. The request is for future planned developments.

Council Member Mansfield inquired about the process the City uses to ensure sufficient stock of building supplies such as the transformers, given the high rate of new construction within the City. City Manager Pete Lee confirmed the City utilizes a review queue involving multiple departments to keep track of planned developments.

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

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

- 8e. Approve three-year renewal with Premise Health Employer Solutions, LLC for the continued provision of an on-site health and wellness center for City employees, retirees, and dependents in the amount of \$4,090,087.

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

RESULT: APPROVED

MOVER: Ire J. Bethea Sr

SECONDER: Barry Mansfield

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

- 8f. Approve the purchases of various public safety information technology software annual licenses and renewals in an amount not to exceed \$147,915

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

RESULT: APPROVED

MOVER: Ire J. Bethea Sr

SECONDER: Barry Mansfield

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

- 8g. Approve appointment of Justin MacDonald to the Board of Adjustment to an unexpired four-year term ending March 1, 2024, by ballot vote

City Clerk Angel Jacobs confirmed via ballot vote Justin MacDonald will be appointed to the Board of Adjustment.

- 8h. Approve appointment of Rick Hugli to the Ocala Historic Preservation Advisory Board to an unexpired three-year term ending March 1, 2025, by ballot vote

City Clerk Angel Jacobs confirmed via ballot vote Rick Hugli will be appointed to the Ocala Historic Preservation Advisory Board.

- 8i. Approve appointment of Edward Ferrentino to the Municipal Code Enforcement Board as an alternate, by ballot vote

City Clerk Angel Jacobs confirmed via ballot vote Edward Ferrentino will be appointed

to the Municipal Code Enforcement Board.

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.

RESULT: APPROVED THE CONSENT AGENDA

MOVER: Barry Mansfield

SECONDER: Kristen M. Dreyer

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

- 9a.** Adopt Budget Resolution 2023-165 amending the Fiscal Year 2022-2023 budget to appropriate grant funding from the Florida Department of Transportation in the amount of \$36,920
- 9b.** Adopt Budget Resolution 2023-166 amending the Fiscal Year 2022-2023 budget to appropriate funds from the American Public Power Association in the amount of \$66,545
- 9c.** Approve agreement with the Florida Department of Transportation State Safety Office and the University of Florida Institute of Police Technology Management for the Florida Bicycle Pedestrian High Visibility Enforcement Initiative totaling up to \$36,920
- 9d.** Adopt Resolution 2023-38 approving the City of Ocala's State Housing Initiatives Partnership (SHIP) Annual Report for program closeout year 2020-2021
- 9e.** Approve Labor Attorney invoices for July 2023 in the amount of \$290
- 9f.** Approve the Cala Hills Tract J Conceptual Subdivision Plan (SUB23-45110)
- 9g.** Approve the Carson's Place PH 1 Conceptual Subdivision Plan (SUB22-45024) located on NE 28th Street between Northeast 19th Avenue and Northeast 24th Avenue
- 9h.** Approve the RTG Ocala Final Plat (SUB22-44870) for property located in the 2800 block of SW College Road
- 9i.** Approve the purchase of software-defined network switches from Schweitzer Engineering Laboratories in the amount of \$66,545
- 9j.** Approve appointment of Wanda Adams to the Recreation Commission for an unexpired three-year term ending March 1, 2025
- 9k.** Approve City Council meeting minutes from August 15, 2023
- 9l.** Approve assignment of airport terminal office lease from Jet Genius Florida Holdings, Inc. to JetLevel Aviation LLC (AIR# 230698)

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.

11. Introduction and First Reading of Ordinances

(Second and Final Reading - September 19, 2023)

- 11a.** Introduce Ordinance 2023-59 amending the Code of Ordinances Subsection 122-244(b) (District Criteria Chart) concerning the zoning districts allowed under the future land use classifications (Case COD23-45170)

Introduced By: Ire J. Bethea Sr

- 11b.** Introduce Ordinance 2023-60 to rezone from OP, Office Park, and O-1, Office, to OP, Office Park, for property located approximately 520-feet southeast of the intersection of SE Maricamp Road and SE 25th Avenue (Parcel 29509-000-27), approximately 5.14 acres (Case No. ZON23-45222) (Quasi-Judicial)

Introduced By: Kristen M. Dreyer

- 11c.** Introduce Ordinance 2023-61 concerning a rezoning from M-1, Light Industrial, to M-2, Medium Industrial, for a portion of the property located in the 3000 block of NE 36th Avenue, between NE 25th Street and NE 33rd Street (Parcel 24236-000-00), approximately 2.12 acres (Case ZON23-45261) (Quasi-Judicial)

Introduced By: Jay A. Musleh

- 11d.** Introduce Ordinance 2023-62 to amend the future land use designation from Neighborhood and Low Intensity to Low Intensity for property located at 2199 NW 10th Street, approximately 4.84 acres (Case LUC23-45252)

Introduced By: Barry Mansfield

- 11e.** Introduce Ordinance 2023-63 to amend the future land use designation from Neighborhood and Low Intensity to Low Intensity for property located at 2191 NW 10th Street and the property located directly to the east, approximately 8.6 acres (Case LUC23-45253)

Introduced By: Ire J. Bethea Sr

12. Internal Auditor's Report - None**13. City Manager's Report**

- 13a.** Proposed 2024 state legislative priorities

City Manager Pete Lee asked if Council would like to make any changes to the list of legislative priorities. Furthermore, he requested consensus from Council to move forward with the list, which will be presented to the Marion County Legislative Delegation.

Council Member Bethea requested arterials be added to the list of priorities.

Council agreed with the list of priorities.

- 13b.** Hurricane Idalia Update

City Manager Pete Lee reported City offices were closed last Wednesday due to

hurricane Idalia. He provided a brief overview of the City's successful emergency preparations, such as sandbag barrier, storm response, and command room. The storm caused power outages (restored power the same day by 7 pm), and tree debris. Furthermore, he recognized City staff for their emergency readiness during the storm.

Marion County Builders Round Table scheduled on Thursday, September 7, 2023, 7:30 am

City Manager Pete Lee reported the event will take place at the Golf Club, and Community Outreach Manager Rachel Faustch is the designated host. The event will discuss the following topics: Florida Building Code updates, Marion County updates, and City of Ocala updates.

Fire User Fee Class Action Suit Update

City Manager Pete Lee provided a brief overview of the fire user fee class action suit: issued over 67,000 checks totaling \$64 million, of which \$46 million has cleared, 3,000 voids, and \$8.25 million in returns. Currently, the City is reviewing backlog claims, and will issue a second distribution (\$5 million) in the coming weeks.

Council President Hilty questioned if the second check deadline is still August. Chief Financial Officer Janice Mitchell responded the original deadline intent was August 30, 2023; however, the City did not receive bank approval until last Monday. The checks will start to be issued by the end of next week.

14. Police and Fire Department Report

Police Chief Mike Balken – Public Safety Opioid Response Efforts

Police Chief Mike Balken discussed the public safety Opioid response efforts for August 21, 2023 to September 3, 2023. The Police Department's Opioid response efforts 10, overdose deaths 1, Narcan leave behind 2, and Amnesty participation 2. Year-to-date, dispatch calls 48,800, self-initiated calls 70,600, traffic crashes 2,241, traffic-related deaths 2, Marchman Acts 257, drug-related incidents 375. He thanked the Risk Management Department and City staff for helping an injured Police Officer.

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 for August 21, 2023 to September 3, 2023. The overdose response efforts 6, overdose deaths 0, Narcan leave behind 0, community paramedicine calls 41, OD2A calls 77, and emergency calls 2,273. Year-to-date, 501 OD2A Program participants, and 317 community paramedicine graduates. On Wednesday, August 30, 2023, Florida Task Force 8 was activated and deployed for Hurricane Idalia; returned home on September 4, 2023. The task force consisted of eight Ocala Fire Rescue employees, and they focused on structural assessment/surveying damages. The Hometown Heroes Gala is scheduled on Thursday, September 7, 2023, at 5pm; and Patriots Day is scheduled on Saturday, September 9, 2023, at 9:15 am.

15. Mayor's Report

Land purchase near Interfaith

Mayor Guinn reported Father Pat Sheedy, Blessed Trinity Catholic Church, purchased land near Interfaith to feed the homeless. He expressed concern concerning developmental growth impacts, local business impacts, increased crime, and burdening the Police Department. He requested Council take action to stop Father Pat's development project, which will significantly increase the homeless population issue Downtown.

Council Member Musleh asked if the parcel will need to be rezoned. City Manager Pete Lee responded the property will need to be rezoned, and Father Pat has acquired part of the property.

Mr. Chighizola commented Father Pat proposed separating the soup kitchen from Interfaith.

Mr. Lee stated Father Pat plans on relocating the soup kitchen. Mayor Guinn questioned if the City could deny a building permit. Mr. Lee explained the City is mandated to issue building permits if all requirements are met. The property is considered a split zoning (B-4 and R-3); will provide a full report at the next meeting. To note, Interfaith is building an Engagement Center. Furthermore, he discussed the importance of upholding the provision of service by private providers to combat homelessness.

16. City Attorney's Report**School Impact Fee Update**

City Attorney Sexton reported the meeting with the County Attorney and School Board Attorney was a great success. The meeting discussions resulted in drafting an impact fee ordinance for the County to address the concerns and needs of the City and School Board. The County Attorney advised the County Commission to move forward with scheduling two required joint workshops.

Declaration and Emergency Management Authority Ordinance

City Attorney Sexton reported the City Code is missing a Declaration and Emergency Management Authority ordinance. He requested to amend the code to provide specific delegation of emergency declaration of management authority to the City Manager.

Council agreed to amend the City Code.

17. Informational Items**17a. Calendaring Items**

- Special City Council Meeting to discuss FY 23/24 Fire Assessment rates - Tuesday, September 12, 2023 at 5:00pm - Council Chambers

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Ire J. Bethea Sr

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

- City Council Workshop: Strategic Planning Session Updates - Tuesday, September 26, 2023 at 12:00pm - Council Chambers

- 6e.** Adopt Budget Resolution 2023-160 establishing the tentative Fiscal Year 2023-2024 millage rates for the Downtown Development Districts at the current rates of 1.7185 (District A), 1.6332 (District B) and 1.4699 (District C)

Council President Hilty opened the public hearing for Downtown Development District's tentative millage rates and tentative budget at 5:11 pm..

City Clerk Jacobs read the following information into the record:

1. Name of Taxing Authority - City of Ocala Downtown Development Districts A, B and C
2. The Fiscal Year 2023-2024 operating millage rate for Downtown District A is 1.7185, which is greater than the rolled-back rate of 1.5802 by 8.75%.
3. The Fiscal Year 2023-2024 operating millage rate for Downtown District B is 1.6332, which is greater than the rolled-back rate of 1.5716 by 3.92%.
4. The Fiscal Year 2023-2024 operating millage rate for Downtown District C is 1.4699, which greater than the rolled-back rate of 1.1853 by 24.01%.
5. Ad valorem tax revenues are increasing to support increased operating expenditures in the Districts.

Budget Manager Tammi Haslam reported the proposed rates are consistent with the current millage rates; staff recommends adoption.

Council adopted the resolution at 5:14 pm.

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

RESULT: ADOPTED

MOVER: Ire J. Bethea Sr

SECONDER: Jay A. Musleh

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

- 6f.** Adopt Budget Resolution 2023-161 for the tentative Fiscal Year 2023-2024 budget for the Downtown Development fund in the amount of \$339,474

City Clerk Jacobs announced the total of the Fiscal year 2023-2024 Downtown Development fund operating budget is \$339,474.

Council adopted the resolution at 5:15 pm.

Council President Hilty closed the public hearing at 5:15 pm.

RESULT: ADOPTED

MOVER: Barry Mansfield

SECONDER: Jay A. Musleh

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

- 6g.** Adopt Budget Resolution 2023-162 establishing the tentative Fiscal Year 2023-2024 millage rate for the City of Ocala at the current rate of 6.6177

Council President Hilty opened the public hearing at 5:15 pm.

City Clerk Jacobs read the following information into the record:

Name of Taxing Authority - City of Ocala

The Fiscal Year 2023-2024 operating millage rate is 6.6177, which is greater than the rolled-back rate of 6.1139 by 8.24%.

Ad valorem tax revenues are increasing to support the addition of public safety employees as well as to assist with increasing cost pressures related to salary, benefit, and operating costs.

Budget Manager Tammi Haslam reported the proposed rates are consistent with the current millage rates; staff recommends adoption.

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

Council adopted the resolution at 5:16 pm.

RESULT: ADOPTED

MOVER: Ire J. Bethea Sr

SECONDER: Jay A. Musleh

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

- 6h.** Adopt Budget Resolution 2023-163 for the tentative Fiscal Year 2023-2024 budget for the City of Ocala in the amount of \$1,000,397,742

City Clerk Jacobs announced the tentative Fiscal Year 2023-2024 General Fund budget total is \$158,581,618. The City's total tentative Fiscal Year 2023-2024 budget is \$1,000,397,742.

Budget Manager Tammi Haslam reported the proposed budget was presented at a City Council workshop on August 22, 2023. The budget includes an increase in revenue for the fire assessment, which will be discussed at a public hearing scheduled on Tuesday, September 12, 2023 at 5:00 pm. Furthermore, bargaining agreements are provided, and all funds are balanced (revenues to expenses). Reserve requirements have been met and

staff recommends adoption.

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

Council adopted the resolution at 5:18 pm.

Council President Hilty closed the public hearing at 5:18 pm.

RESULT: ADOPTED

MOVER: Jay A. Musleh

SECONDER: Barry Mansfield

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

17b. Comments by Mayor

Mayor Guinn requested landscaping improvements for the median on 7th Street on behalf of a local homeowner

Mayor Guinn commented a local resident requested the City beautify the median's landscape design by adding grass and brick pavers.

City Manager Pete Lee stated the City will work on beautifying the medians landscape design.

17c. Comments by Council Members

Council Member Mansfield recognized City staff for successful storm preparations

17d. Informational

17d1. Monthly budget to actual report and Capital Improvement Project status report as of July 31, 2023

17d2. Executed Contracts Under \$50,000

17d3. Power Cost Adjustment Report - July 2023

18. Adjournment

Adjourned at 5:21 pm

Minutes

James P. Hilty Sr.
Council President

Angel B. Jacobs
City Clerk