



Ocala

City Council

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Tuesday, March 1, 2022

4:00 PM

1. Call to Order

a. Opening Ceremony

1. Invocation - Chaplain Sydney Hart
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 Attorney Patrick Gilligan, Assistant City Attorney Jimmy Gooding, 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, Assistant Finance Director Peter Brill, Growth Management Director Tye Chighizola, Marketing & Communication 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, Strategic & Legislative Affairs Administrator Jeannine Robbins, Director of Finance Emory Roberts, Director of HR/Risk Management Chris Watt, IT Network Security Officer Christopher Ramos 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 March 1, 2022 City Council Regular Meeting was posted on February 15, 2022

3. Proclamations & Awards

4. Presentations

5. Public Comments

Jerry Lourenco, 2350 NW 27th Avenue, commented on the Solid Waste Workshop

Jerry Lourenco, 2350 NW 27th Avenue, commented on the recent Solid Waste Workshop. He stated his facility, Friends Recycling, has no operation issues related to odor or traffic in the year it has been operating. He noted he has also run WastePro for eight years with no complaints. He presented several photos to Council of garbage trucks and commented on the contents of each of the truck load. He explained one truck picked up a dumpster that should have contained only cardboard, but it was only 41% cardboard. Another truck, upon return from a recyclables pickup, contained 37% garbage. Currently, the City Code requires garbage trucks to empty loads at landfills only. He requested Council amend the City Code to fit the facilities within the City limits.

Council President Pro Tem Hilty asked Mr. Lourenco if he knows what types of loads trucks are bringing into his facility. Mr. Lourenco responded they assume all loads are recyclable contents; however, the loads are often mixed with garbage, and his crew doesn't know until it's opened. He requested Council amend the City Code to allow garbage dumping at this facility. Council Member Mansfield asked how long the business has been operating in Ocala. Mr. Lourenco responded he has been there since 2006; the facility has been there since 1986. Council Member Mansfield asked for clarification what materials his facility accepts. Mr. Lourenco told him the facility accepts construction and demolition debris, recyclables, cardboard and yard waste.

Mr. Lourenco expressed frustration regarding his experience working with City staff to get his Certificate of Occupancy (CO) last year, and a letter he received from the City.

City Attorney Batsel explained the letter sent to Mr. Lourenco approximately a year ago, regarding the facility's operations. The Florida Department of Environmental Protection (FDEP) classifies the facility's operations as a dirty MRF (Materials Recovery Facility); however, the City does not allow dirty MRF's in the City. The City issued the CO, with the understanding that the facility can only operate as a clean MRF for the time being. Mr. Batsel asked Mr. Lourenco to verify he is now asking for the City to update the Code to allow his facility to operate as a dirty MRF.

Mr. Lourenco discussed how he felt the City was blackmailing him and withholding the facility's CO. He noted there is not one operating facility that meets the City Code of a Recycling Center.

City Attorney Batsel explained Friends Recycling has two separate layers of regulation; the State-level FDEP regulations, and those of the City of Ocala's zoning code. Council has the authority to modify the Zoning Code.

Council Member Dreyer commented Mr. Lourenco is unaware of a trucks' true contents until the load is dumped for processing of recyclables. Mr. Lourenco agreed and explained how the loads received are contaminated and the process they would need to follow to remain compliant with City Code.

Mayor Guinn asked if the current operations violate the Zoning Code. City Attorney Batsel

responded yes.

Mayor Guinn questioned why Code Enforcement has not issued any violations. He suggested the ordinance be modified to fit the facility operations or shut them all down.

City manager Sandra Wilson asked Assistant City Manager Pete Lee to elaborate on this matter. Mr. Lee stated staff understood what they were permitting. He explained the recycling discussion held with Mr. Lourenco, and noted Mr. Lourenco was permitted for a Recycling Center, with staff understanding there would be some level of contamination. He provided several examples of ordinance violations to Council.

Council Member Dreyer questioned how garbage from a recycling bin is treated differently from a non-recycling bin. Mr. Lee explained the difference is the intent; a recycling bin is intended to contain recycling; a garbage bin is not. Council Member Dreyer interjected there is a lot of garbage contamination in recycle bins. Mr. Lee agreed and commented a need for more community education. To note, the recyclables service offered by Friends Recycling is very important to the community. Mr. Lee added there have been no Code Enforcement complaints because no one is witnessing Friends Recycling picking up garbage bins; the company is picking up recycling containers.

Council President Bethea stated he does not favor changing the Zoning Code to benefit Mr. Lourenco's business, and questioned why the matter keeps coming back before Council.

Council Member Dreyer expressed concern only having one company for garbage collection. The City could save \$250,000 a year, if companies like Friends Recycling were allowed to remove recyclables from garbage collection within the City and send the remaining garbage to the landfill.

Council President Bethea disagrees with Council Member Dreyer. He noted garbage collection does not benefit the people who live in the community. He explained the difference between recyclables and garbage collection. The area is undergoing residential development, which would be negatively impacted by garbage collection.

Council Member Dreyer disagrees with Council President Bethea. She noted the garbage does not stay at the facility.

Mr. Lourenco commented the City expanded the C&D landfill. Amending the City Code to allow garbage sorting at their facility, is in the best interest of the City. He explained how the population is growing and development is occurring around the City.

City Attorney Batsel clarified Mr. Lourenco is not requesting to modify the use of the landfill area.

Council President Bethea asked where the water goes that washes the sorting deck. Mr. Lourenco responded the City sewer.

Council Member Dreyer made a motion for City staff to add recovery facility to the City Code.

Council Member Musleh commented the motion is too vague and suggested staff be instructed to draft an ordinance to present to City Council.

City Manager Sandra Wilson commented City staff will present several options to Council.

Council Member Dreyer withdrew her motion.

Glenn Fiorello, 838 SE 3rd Street, thanked City Manager Sandra Wilson and Assistant City Manager Pete Lee for the wonderful round table discussion for builders in the City

Glenn Fiorello, 838 SE 3rd Street, thanked City Manager Sandra Wilson and Assistant City Manager Pete Lee for the wonderful round table discussion for builders in the City. He shared insight regarding a builder's mindset when developing properties in the City. He encouraged the City to create a strong business relationship with the building community.

Council President Bethea commented the City is working hard to bring organizations together to create better success in the future.

6. Public Hearings

- a. Approve a Concurrency Development Agreement between the City of Ocala and Country Green, LLP for property located at the 5300 block of SW 20th Street (Parcel # 23320-005-03/Country Green PD) (CDA21-44612). This is the second of two public hearings. The first public hearing was held on January 4, 2022. Postponed from the January 18, 2022 and March 1, 2022 City Council Meetings. Request to postpone the public hearing to the April 5, 2022 City Council Meeting.

Council postponed discussion of the item until the next City Council meeting scheduled on March 15, 2022.

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

RESULT: POSTPONED

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

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

- b. Approve a Concurrency Development Agreement between the City of Ocala, W.G. One Corp, and Country Green, LLP for property located in the 4300 block of SW 20th Street (Parcels # 23320-005-25 and 23812-000-00/Wintergreen PD) (CDA21-44613). This is the second of two public hearings. The first public hearing was held on January 4, 2022. Postponed from the January 18, 2022 and March 1, 2022 City Council Meetings. Request to postpone the public hearing to the April 5, 2022 City Council Meeting.

Council postponed discussion of the item until the next City Council meeting scheduled on March 15, 2022.

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

RESULT: POSTPONED

MOVER: James P. Hilty Sr

SECONDER: Kristen M. Dreyer

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

- c. Approve a Chapter 163 Development Agreement for approximately 26.63 acres of property located on the east side of SW 43rd Court in the 3600 block (across from Saddlewood Elementary) (DMA22-44686). This is the second of two public hearings. The first public hearing was held on March 1, 2022. Request to postpone until the April 5, 2022 City Council Meeting

Council President Bethea opened the public hearing.

Growth Management Director Tye Chighizola discussed the Chapter 163 Development Agreement for a rezoning to R-3. The City will host two public hearings to discuss the item. The Chapter 163 agreement focuses on traffic; it will require a traffic study to be performed. If the roadway is not constructed, or there is no capacity, development of the property will be restricted. Council will be able to take action on the item at the next City Council meeting scheduled on March 15, 2022.

Kimberly Sindy, 4572 SW 44th Court, spoke in opposition of the proposed development project. She expressed concern regarding traffic impacts, overcrowded schools and negative property value impacts. She suggested the City focus on building schools to address the overcrowding issues.

Donna Rodriguez, 4064 SW 50th Road, spoke in opposition of the proposed development project. She expressed concern regarding traffic impacts, overcrowded schools and negative property value impacts. She explained the residents of Fore Ranch are responsible for maintaining the vegetation and private facilities in the area.

Cynthia Genero, 4585 SW 44th Street, spoke in opposition of the proposed development project. She expressed concern regarding traffic impacts, overcrowded schools and negative property value impacts. She questioned why the residents pay numerous amounts of tax monies to the City but have no public sidewalks.

Lauren Sovino, 4560 SW 44th Street, spoke in opposition of the proposed development project. She concurs with Ms. Genero regarding the developments negative impact on the community. She expressed concern regarding traffic impacts, overcrowded schools, loss of privacy, wildlife impacts, increased pollution and increased crime. She encouraged Council to use the available space to build more schools and parks for the community.

Rock Gibboney, 597 NE 45th Terrace, spoke in opposition of the proposed development project. He explained how property owners are not allowed to develop whatever they please. He anticipates the in-field development design will negatively impact the residents in the community.

Mr. Chighizola commented City staff will present a map of all the proposed developments at the next City Council meeting.

7. Second and Final Reading of Ordinances

(All are Public Hearings)

- a. 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

Growth Management Director Tye Chighizola commented Council approved the Chapter 163 Development Agreement at the City Council meeting scheduled on February 15, 2022, contingent on zoning approval. The policy was amended to allow multi-family; however, not increase the number of trips. The applicant was provided the following options: PD zoning or the Chapter 163 Development Agreement for a rezoning to R-3, the latter of which the applicant chose.

Chris Roper, 420 South Orange Avenue, Orlando, FL 32801, stated he is representing the applicant. He submitted a binder into evidence for Council to review. The staff reports conclude the project is in compliance with the City Code and compatible with the adjacent properties.

Steph Mahoney, 2419 SE 21st Street, spoke in opposition of the proposed request. She expressed concern regarding traffic impacts and overcrowded schools. She questioned why another developer applied for an alcohol license near a subdivision. Furthermore, she requested Council deny the rezoning request.

Lou Molhan, 2410 SE 18th Circle, spoke in opposition of the proposed zoning change. He expressed concern regarding traffic impacts, overcrowded schools, increased crime and increased noise. He favors single-family homes over 3-story homes; and requested Council maintain R-1 zoning in the community.

Debra Griffin, 2415 SE 23rd Street, spoke in opposition of the proposed zoning change. She presented several pictures of the community. She expressed concern regarding traffic impacts, overcrowded schools, increased crime and loss of privacy. She noted the proposed zoning is not compatible with the existing homes and businesses in the area. She questioned why Council Member Mansfield did not recuse himself, considering Cullison-Wright Construction is owned by his father in-law. Furthermore, she requested Council deny the rezoning request to protect the residents in the community.

Council Member Mansfield explained how Cullison-Wright Construction was only involved in one 7-11 project, which was a bid project and not in the area. He also noted the 7-11 item to which Ms. Griffin referred was presented to Council prior to his term beginning.

Fred Bolser, 899 Drakewood Ave., The Villages, spoke on behalf of Woodland Village resident Emily Nutter, 2420 SE 23rd St, who opposes the proposed zoning change. He

anticipates changing the zoning will cause problems in the future. He suggested building 180 single-family homes. He explained how the proposed development impacts Ms. Nutter's privacy, as she is an adjacent property owner.

Michael Lay, 2309 SE 18th Circle, spoke in opposition of the proposed request. He expressed concern regarding traffic impacts. He noted R-1 zoning is compatible with the surrounding area. He requested Council deny the rezoning request to protect the residents in the community.

Cathy Calvaler, 2315 SE 18th Circle, discussed the existing intersection issue. She invited Council to drive to the intersection, which is the neighborhood exit. She noted there is no infrastructure in place for the proposed developments or traffic impacts. Furthermore, she does not support developers looking for an opportunity to maximize their profits.

Sherry Smith, 2336 SE 18th Circle, spoke in opposition of the proposed request. She requested Council maintain the R-1 zoning in the community. She discussed how developers are taking away the American dream of homeownership by buying single-family homes, to develop apartment buildings.

Jim Tingler, 2402 SE 23rd Place, requested Council thoroughly evaluate the developments impact on the community.

Elina Garess, 2316 SE 19th Circle, expressed concern regarding increased crime and traffic impacts. She explained the existing traffic impacts will increase with the development project. She questioned why there are many gas stations and car washes in the City. Furthermore, she will move to another city if the development is approved.

Lawren Moody, 506 SE 17th Avenue, stated he is representing his family's interest regarding the property located at 2301 SE 26th Street, which is adjacent to the subject property. He noted there is no access road to the property and the existing easement does not support the proposed use. He asked Council how they can proceed forward with an application missing entitled access.

Ken Nato, 2421 SE 18th Circle, spoke in opposition of the proposed request. He is speaking on behalf of 180 families. The proposal is disrupting homeownership for residents in the community. The zoning change to R-3 is not compatible with existing R-1 zoning in the area. Furthermore, R-1 zoning supports local businesses and encourages homeownership. He suggested Council address the existing traffic issues before approving development projects.

Mr. Roper addressed concerns expressed by residents. He explained the traffic study was reviewed by the City and approved by the County. The traffic improvements consist of drainage and sidewalks. The applicant will pay 100% of the cost for the Fluid Routing intersection. The development projects traffic will be directed to the Wawa intersection, which will undergo improvements.

He explained how the property was never zoned R-1 and the existing access easement on Mr. Moody's property. To note, the proposed project is consistent with future land use of Low Intensity. He discussed how there is a great need for housing in the community. A change was made to the Chapter 163 Development Agreement, which eliminates the City from responsibility of the easement. The proposed project has been thoroughly reviewed by the City for over a year.

City Attorney Batsel explained the access to the property has been addressed in the Chapter 163 Development Agreement. If sufficiency of the easement does not allow a two-lane road, the CO for the property will not move forward.

Council Member Musleh questioned if easement disputes will take several years in the court system. City Attorney Batsel responded that could be correct.

Mayor Guinn shared his Council experience approving Deerwood several years ago.

Council Member Hilty stated he reviewed the County CIS map and several development projects approved by the County. He expressed concern regarding traffic impacts and suggested directing traffic to the Fluid Routing intersection. Furthermore, he favors R-1 zoning in the area.

Mr. Roper commented the traffic study determined there is ample road capacity on Maricamp. He explained how there are many opportunities for the public to make necessary U-turns on the roadway.

Council Member Hilty stated R-3 zoning is not compatible in the area.

Council Member Musleh explained how several issues are being combined into one major problem. He noted R-3 zoning is very compatible in the area. The equivalent trips for 180 single-family residential homes, equals 320 apartments.

Mayor Guinn noted the traffic is horrendous in the area.

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

RESULT: ADOPTED

MOVER: Jay A. Musleh

SECONDER: James P. Hilty Sr

AYE: Dreyer, Mansfield, Musleh, and Bethea

NAY: Hilty Sr

- b. 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

Director of Human Resources & Risk Management Chris Watt discussed the adoption of Ordinance 2022-20 to adjust the General Employees' Retirement System investment assumption rate. City Staff and the General Employees' Retirement Board recommend lowering the Investment Assumption Rate from 7% to 6.5%, over five years, at 10 basis points each year starting October 1, 2022.

Council Member Musleh commented the change does not impact the employees; however, the City will pay an increased pension cost.

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

RESULT: ADOPTED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

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

- c. 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

Growth Management Director Tye Chighizola commented the rezoning will allow construction/farm equipment sales as a special exception in M-1 zoning. If Council approves the request, the Board of Adjustment will review the proposal on March 21, 2022. To note, staff recommends approval.

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

RESULT: ADOPTED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

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

8. General Business

- a. Discussion and vote on changing the City Attorney position from an outside counsel position to an in-house employee position reporting to the City Council as discussed in the City Attorney workshop held on January 25, 2022.

City Manager Sandra Wilson thanked the Attorney's Office for their services. She noted some of the discussion points in the presentation were taken out of context and apologized for any misunderstanding. To note, the City expressed concern regarding the firm's invoices. She requested feedback from Council regarding legal services for the City. The City recommends Council consider in-house counsel for the City Attorney Position, noting that the position of City Attorney would continue to report to City

Council, as well as be appointed by City Council.

City Attorney Batsel explained how their firm wants to help the City transition and remedy any miscommunication. He noted he had reached out to City staff and City Manager Sandra Wilson prior to the January 25th workshop and had asked if he can provide information, or if anything was being presented, to which he was told no. The contents of the PowerPoint presentation were never discussed with the firm. He described a meeting with City Manager Wilson and HR/Risk Director Chris Watt, in which he learned of a survey sent to City staff, and during which was presented with a memo commissioned in February 2021 by the City Manager's Office drafted by a staff member to determine if the firms' practices/billing were appropriate and if that staff member could perform the City Attorney's job. He offered his firm's support to help the City make a smooth transition and encouraged the City to communicate with the City Attorney's Office.

Assistant City Attorney Gilligan stated that he is scheduled to speak later on in the agenda; however, he is requesting more than 3 minutes to speak now. Council President Bethea requested he speak during the agenda item.

Council Member Musleh requested Assistant City Attorney Gilligan speak now. To note, he does favor an in-house City Attorney.

16b. Ethics Allegation

Assistant City Attorney Gilligan discussed how the firm's character was slandered with untrue allegations of unethical behavior during a City workshop. The firm is very unsettled by damages caused by the false/defamatory statements made by the City. He explained how the issue started with City Manager Sandra Wilson requesting a City employee within the Purchasing Department critique the firm. The critique report created by the employee was copied verbatim into the PowerPoint presentation. To note, parts of the PowerPoint presentation ended up in the newspaper.

The firm does not perform duplicate billing, which is an illegal practice and can result in the firm's licensed attorney's being disbarred. The firm performs ethical billing practices. During the 30-years of service, previous City Managers have never questioned the integrity of the firm's billing practices, which are public record. He expressed disappointment the firm ended up in the newspaper regarding unethical acts. He discussed how the firm spent several years building its reputation by following ethical practices.

Mr. Gilligan spoke about damage to the reputation of the firm's paralegals and other staff by association with firm. He questioned why the City Manager never reported an accusation of unethical conduct received a year ago, and how a PowerPoint presentation ended up in the newspaper. He explained the firms ethical billing practices. The PowerPoint presentation was defamatory and damaged the firms long standing reputation. Furthermore, he supports the City's decision of seeking Mr. Minter's opinion

for in-house counsel, if that is the direction Council would prefer to go. During his legal career, securing the City of Ocala as a client, was one of his greatest accomplishments.

City Attorney Batsel explained a clause the firm includes in agreements for representation. The firm never fails to mention to their private clients that they represent the City, first and foremost, and noted they have lost clients due to the clause. He is concerned about the damage to their reputation caused by the newspaper article. He explained the disclosure/consent process for contractors. The firm has never done anything unethical and the notion of "favoring developers" is false.

Assistant City Attorney Gooding stated he supports the City choosing to establish in-house counsel. He explained the changing nature of legal practice and the pros/cons of in-house counsel. He anticipates the City will experience challenges finding in-house counsel with an expertise in all areas and local to Ocala. He suggested Council thoroughly review the pros and cons of in-house counsel. The firm will continue to help the City make a smooth transition.

Mary Sue Rich, 1802 NW 24th Court, expressed the importance of being transparent. She expressed concern regarding in-house counsel's limited knowledge. She requested Council continue to utilize the professional services offered by the Batsel, Gilligan and Gooding law firm. To note, the firm has saved the City lots of money. She suggested Council schedule another workshop and involve all the attorneys.

Mayor Guinn shared his great experience working with the law firm over the years. He explained the importance of reporting suspected unethical behavior immediately. To note, the firm did not commit unethical behavior. He expressed disappointment regarding the newspaper article's false context. He agrees with Ms. Rich; the City should continue with outside counsel, which greatly benefits the City.

Council Member Mansfield stated it makes more sense to have an in-house attorney.

City Attorney Batsel explained in-house counsel operations. The goal is to help the City make a smooth transition based on the decision they make.

Council Member Dreyer agrees an in-house Attorney is more appropriate. She expressed disappointment regarding the PowerPoint presentation. She asked Ms. Wilson why the suspected unethical behavior was not immediately reported. Ms. Wilson explained the intent of the assignment was not to perform an assessment of the City Attorney. The plan was to use the report to determine which tasks the City can perform in-house.

City Attorney Batsel discussed how the Contracts & Procurement Department plays a huge role in decreasing the legal bill for the City. The firm created form contracts for the department to utilize and decrease tasks sent to the firm, which resulted in City cost savings. He disagrees with Ms. Wilson's comments; he believes the memo was created to investigate billing practices.

Ms. Wilson commented the intent was not to investigate billing practices; the goal was to

identify tasks the City can perform in-house. The independent survey determined City staff does not agree with the firm's billing.

City Attorney Batsel commented he will provide Council with the survey and memo evidence. He requested Council provide feedback regarding the urgent matter.

Council Member Dreyer expressed concern regarding the accusations presented in the PowerPoint. She thanked Assistant City Attorney Gilligan for speaking tonight and defending his law firm. She expressed great disappointment regarding the lack of transparency from the City. To note, she looks forward to reviewing the memo.

Council President Pro Tem Hilty explained his comments regarding conflict of interest were not allegations against the firm. He favors establishing in-house counsel and understands the challenges of finding talented individuals. Furthermore, he suggested the item be postponed, to allow Council time to review the memo.

Council Member Musleh agrees the City should establish in-house counsel. He thanked the firm for greatly supporting the City over the years. He requested more information regarding the pros/cons of in-house/out-house counsel. To note, the City contract with the firm ends in October 2022. He suggested the item be postponed for further discussion.

City Manager Wilson suggested discussing the matter at the upcoming Strategic Planning Session.

Council Members Hilty and Musleh suggested the City schedule a separate meeting to discuss the matter.

Council Member Hilty requested clarification on the billing practices between the now-separated law firms, citing an example of Mr. Gilligan conferring with Mr. Gooding about a hypothetical land use development. Assistant City Attorney Gilligan explained he has not been charged by Assistant City Attorney Gooding for legal work for that type of work. He explained the legal billing rates to Council and noted the City has a blended rate. Furthermore, shared the law firm's growth plans for the future.

Assistant City Attorney Gooding stated after October 31, 2022, Assistant City Attorney Gilligan will not be able to contact him for advice regarding land use matters; he cannot provide advice regarding non-client matters. He suggested the City seek hiring special attorneys. The firm encourages the City to seek the best representation possible.

President Bethea thanked Mr. Batsel, Mr. Gilligan and Mr. Gooding for their services. He requested Ms. Wilson schedule a workshop to discuss the matter.

Council Member Musleh requested the City create a presentation that shows how to establish in-house/out-house counsel.

- b. Approve a contract and addendum to purchase six parcels in Downtown Ocala owned by**

Mt. Moriah Church for a future parking garage in the amount of \$1,765,000. Tabled from February 1, 2022, City Council Meeting.

Council Member Mansfield asked how the City will proceed if the northwest parcel is not obtained. Furthermore, he questioned if the parking garage will fit in the area. Assistant City Manager Pete Lee responded the City is awaiting acceptance of the proposal sent to the property owner. He stated the parking garage will fit on the parcel.

Council Member Mansfield asked if the City met with a local builder. Mr. Lee responded not at this time.

Council Member Mansfield questioned how the City will design the parking garage if the City does not receive the adjacent parcel.

City Attorney Batsel advised the agreement includes a 90-day clause to protect the City.

Glenn Fiorello, 838 SE 3rd Street, stated he opposes taxpayers paying for the parking garage project. He believes the parking garage expense is a private sector function, not a government function. He estimated the garage project will cost taxpayers \$15 million. He asked if the Chamber & Economic Partnership (CEP) is funded by taxpayers. Mayor Guinn responded the CEP is funded by the City and County.

Mr. Fiorello requested Council postpone discussion and focus on other urgent matters. He believes the private sector should be responsible for funding the garage project.

Mr. Lee anticipates there will be great interest from the private sector to build the garage. The City will continue to have discussions around the project's development.

Growth Management Director Tye Chighizola commented the addendum will extend the closing to 60-days (June 1, 2022). To note, 90 parking spaces will be dedicated to the private sector. If the garage is built, the City will be able to sell Lots 7 and 9, which will offset the purchase cost. Furthermore, the Church has been actively contacting the City about selling their lot.

Chris Arroyo, 4716 SE 31st Street, Ocala, FL, supports the proposed parking garage project. He thanked Council for taking more of an active role in meeting the transportation needs of citizens. Furthermore, he believes the private sector is not interested in prioritizing the needs of the public at this time.

Regis Boatwright, 2100 SW 5th Place, requested Council support placing a monument in remembrance of Mt. Moriah Church. The church is historic to the community and was established 155-years ago.

Mayor Guinn shared his experience with his past childhood church.

There being no further 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 contract with HDR Engineering, Inc., to prepare the 10-year Transit Development Plan (TDP) for SunTran not to exceed \$230,000

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

- d. Adopt Resolution 2022-24 authorizing Truist Bank to complete the funding of a drawdown loan in an amount not to exceed \$60,000,000

Council President Pro Tem Hilty asked if the City would be charged interest for the drawdowns. Director of Finance Emory Roberts responded the City will be charged a variable interest rate until July 1, 2022. The City has an extension in place to go beyond October 1, 2022; however, the interest rate will increase. He suggested the City lock-in a fixed rate as soon as possible.

Council President Pro Tem Hilty asked what rate he recommends. Mr. Roberts responded 3% is the going rate, he anticipates the rates will increase. The variable rate will remain in place until the City selects a fixed rate. The City has the option to pay off the loan sooner (within five years).

Mayor Guinn asked if the City is locked into doing business with Truist Bank. Mr. Roberts explained the City sought professional advice from Dunlap & Associates. The quotes were submitted to 24 banks; only two banks responded (JP Morgan and Truist Bank). The Truist Bank structure will allow the City to secure a lower interest rate compared to JP Morgan.

Mayor Guinn suggested the City submit a quote to Goldman Sachs. He believes the City could save \$2 million on interest through Goldman Sachs.

Mr. Roberts noted he will verify if Goldman Sachs was on the list.

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

RESULT: ADOPTED

MOVER: James P. Hilty Sr

SECONDER: Kristen M. Dreyer

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

- e. Adopt Budget Resolution 2022-131 amending the Fiscal Year 2021-2022 Budget to

accept and appropriate funding for the City of Ocala's HOME Investment Partnership Program grant in the amount of \$407,420

There being no discussion the motion carried by roll call vote

RESULT: ADOPTED

MOVER: James P. Hilty Sr

SECONDER: Jay A. Musleh

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

- f. Adopt Budget Resolution 2022-132 amending the Fiscal Year 2021-2022 budget to accept and appropriate funding for the City of Ocala's Home Investment Partnership Program in the amount of \$270,000

There being no discussion the motion carried by roll call vote

RESULT: ADOPTED

MOVER: Jay A. Musleh

SECONDER: Barry Mansfield

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

- g. Approve one-year contract with Lewis Steel Works, Inc. for front load steel containers in the amount of \$185,000

Council President Pro Tem Hilty asked why a local bidder was not chosen. Director of Public Works Darren Park responded the City did not receive a bid from a local vendor that constructs dumpsters. The City encourages local businesses to participate and all bids are publicly noticed to the public.

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

RESULT: APPROVED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

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

- h. Approve the purchase of a SWAT supply vehicle from MBF Industries, Inc. for the Ocala Police Department in the amount of \$204,610

Council President Pro Tem Hilty asked if the City is replacing an older vehicle model. Police Chief Balken responded yes, the department is replacing the 19-year old ambulance.

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: Jay A. Musleh

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

- i. Approve Interlocal Agreement with the Marion County Board of County Commissioners for the administration and expenditure of opioid settlement funds

City Attorney Batsel congratulated staff on their hard work.

Council President Bethea requested clarification on the funding. City Attorney Batsel explained the Opioid litigation taking place. The State Attorney General negotiated settlement terms for funding to the City and County. The City and County must work together in a partnership agreement for funding.

There being no further 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

- j. Approve two-year contract with Southern Lawn Care Mid Florida, Inc. for Fire Rescue grounds maintenance with an estimated expenditure of \$109,140

There being no discussion the motion carried by roll call vote

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

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

- k. Approved appointment of Steve Forrest and Matt Leibfried as Regular Members and Michael Kroitor as Alternate to the Municipal Code Enforcement Board by ballot vote

Council was provided ballot slips to vote for two Regular Members from four applicants to the Municipal Code Enforcement Board. City Clerk Angel Jacobs announced Council appointed Steve Forrest and Matt Leibfried as Regular Members. Council was provided ballot slips to vote for one Alternate Member to the board from the two remaining applicants. Michael Kroitor was appointed as Alternate to the Municipal Code Enforcement Board.

- l. Approved appointment of Kevin Lopez and Brent Malever to three-year terms ending March 1, 2025 to the Planning and Zoning Commission by ballot vote

Council was provided ballots to vote for two members from three applicants. City Clerk Angel Jacobs announced Council appointed Kevin Lopez and Brent Malever to the Planning & Zoning Commission.

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.

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

RESULT: APPROVED THE CONSENT AGENDA

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

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

- a. Adopt Budget Resolution 2022-126 to appropriate funds from the General Fund Reserve for projects for the purchase of six parcels in Downtown Ocala owned by the Mt. Moriah Church in the amount of \$1,765,000. Tabled from the February 1, 2022 City Council Meeting
- b. Approve three-year contract with Aquasol Commercial Chemical, Inc. d/b/a Poolsure, to supply and deliver pool chemicals for the City's pools in the amount of \$78,077
- c. See item 10
- d. Approve the proposed Fence and Roadway Encroachment Agreement with Richard B. Van Eldik and Siglinda M. Van Eldik regarding Marion County parcel #2898-000-00
- e. Adopt Resolution 2022-25 to designate Marion Cultural Alliance (MCA) as a Local Arts Agency (LAA) of the City of Ocala
- f. Approve reappointments of Anthony Ortiz and Doug Peebles to the General Employees Retirement System Board of Trustees for new three-year terms ending March 1, 2025
- g. Approve appointment of Arnold Hersh to the General Employees Retirement System Board of Trustees unexpired three-year term ending March 1, 2024
- h. Approve reappointment of Phil Howell to the Tree Commission for a new four-year term ending March 1, 2026
- i. Approve reappointment of James Hartley and Dustin Magamoll to the Board of Adjustment for new four-year terms ending March 1, 2026
- j. Approve reappointment of Shari Ausley and Michelle Partin to the Ocala Historic Preservation Advisory Board for new three-year terms ending March 1, 2025
- k. Approve City Council Work Session Minutes for Tuesday, February 8, 2022
- l. Approve Regular Meeting City Council Minutes for Tuesday, February 15, 2022

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.

9c. Approve an amendment to Mark's Prime Steakhouse Valet parking lot location

Growth Management Director Tye Chighizola explained Mark's Prime Steakhouse previously utilized the old Gause lot for valet parking, until the property recently sold. The applicant is requesting approval to relocate the parking of vehicles from the old Gause lot to the Big Wig, LLC lot.

Council Member Hilty noted the applicant has been violating the contingency agreement for years, by parking "VIP" vehicles along Broadway, and requested the City enforce violations. Mr. Chighizola explained the City is working with the applicant to enforce

zoning compliance. To note, the City does follow-up on all reported complaints.

Council Member Hilty stated the valet permission should be removed for continuous violations.

City Manager Sandra Wilson commented the City will enforce stronger enforcement action for parking along Broadway.

Council Member Hilty noted parking is very scarce in the area.

Mr. Chighizola expressed concern the chosen lot is too small for valet parking.

Council Member Musleh requested an update on the valet license. Mr. Chighizola responded the valet license is active and changes require Council approve. To note, the business was not operating during the COVID pandemic.

Mayor Guinn asked why the business parks vehicles along Broadway. Mr. Chighizola responded the vehicles were parked along Broadway initially due to COVID issues. The business can park cars in front of the business for fifteen minutes. Furthermore, the City is monitoring the new license for the parking garage. He asked if Council would like the applicant to speak before Council.

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

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

11. Introduction and First Reading of Ordinances

(Second and Final Reading - March 15, 2022)

- a. Adopt Ordinance 2022-22 to amend and add ordinances under Chapter 70 Article I. In General, Section 70-39, 70-51, and 70-59 in accordance with new Environmental Protection Agency rules.

Introduced By: James P. Hilty Sr

RESULT: INTRODUCED

MOVER: James P. Hilty Sr

- b. Adopt Ordinance 2022-23 to amend the Future Land Use designation from Employment Center (County) and Commercial (County) to Employment Center (City) for property located north of the curve where NW 40th Avenue transitions easterly to NW Third Street, approximately 71.58 acres. (Parcels #22844-002-00 and 22844-002-03) (Case LUC21-44528)

Introduced By: Kristen M. Dreyer

RESULT: INTRODUCED

MOVER: Kristen M. Dreyer

- c. Adopt Ordinance 2022-24 to rezone certain property from A-1, General Agriculture, M-1, Light Industrial and R-E, Residential Estate (County), to M-2, Medium Industrial (City), located north of the curve where NW 40th Avenue transitions easterly to NW Third Street, approximately 71.58 acres. (Parcels #22844-002-00 and 22844-002-03) (Case ZON21-44529) (Quasi-Judicial)

Introduced By: Kristen M. Dreyer

RESULT: INTRODUCED

MOVER: Kristen M. Dreyer

- d. Adopt Ordinance 2022-25 for a zoning change to R-3, Multi-family Residential, for approximately 15 acres of property located on the east side of SW 43rd Court in the 3600 block (across from Saddlewood Elementary) (Case ZON22-44645) (Quasi-Judicial). Request to postpone until the April 5, 2022 City Council Meeting.

Introduced By: Barry Mansfield

RESULT: INTRODUCED

MOVER: Barry Mansfield

- e. Adopt Ordinance 2022-26 for a zoning change from INST, Institutional, to RO, Residential Office, for approximately 0.34 acres of property located at 819 NE 10th Street (Case ZON22-44635) (Quasi-Judicial).

Introduced By: Jay A. Musleh

RESULT: INTRODUCED

MOVER: Jay A. Musleh

- f. Adopt Ordinance 2022-27 for a zoning change from B-1, Neighborhood Business, to M-2, Medium Industrial, for approximately 6.47 acres of property located between SW 44th Avenue and SW 46th Avenue in the 400 block (420 SW 44th Avenue) (Case ZON22-44636) (Quasi-Judicial)

Introduced By: James P. Hilty Sr

RESULT: INTRODUCED

MOVER: James P. Hilty Sr

- g. Adopt Ordinance 2022-28 to annex approximately 9.23 acres located between SW 44th Avenue and SW 46th Avenue in the 400 block (430 SW 44th Avenue) (Case ANX22-44640).

Introduced By: Barry Mansfield

RESULT: INTRODUCED

MOVER: Barry Mansfield

- h. Adopt Ordinance 2022-29 for an amendment to the Future Land Use Designation from Commerce District (County) to Employment Center (City), for approximately 9.23 acres of property located between SW 44th Avenue and SW 46th Avenue in the 400 block

(430 SW 44th Avenue) (Cases LUC22-44643).

Introduced By: Jay A. Musleh

RESULT: INTRODUCED

MOVER: Jay A. Musleh

- i. Adopt Ordinance 2022-30 for a rezoning from A-1 General Agriculture (County), to M-2, Medium Industrial (City), for approximately 9.23 acres of property located between SW 44th Avenue and SW 46th Avenue in the 400 block (430 SW 44th Avenue) (Cases ZON22-44642) (Quasi-Judicial).

Introduced By: Barry Mansfield

RESULT: INTRODUCED

MOVER: Barry Mansfield

12. Internal Auditor's Report

13. City Manager's Report

City Manager Sandra Wilson requested a CRA meeting for March 15, 2022, at 3:45 pm

Ms. Wilson commented on the FMEA Lineman Rodeo

City Manager Sandra Wilson congratulated City employees who participated in the FMEA Lineman Rodeo event. To note, the City received two trophies.

Ms. Wilson noted the Strategic Planning meeting is scheduled on March 22, 2022

City Manager Sandra Wilson provide Council with a copy of the City Business Plan for Council to review, before the Strategic Planning meeting scheduled on March 22, 2022.

14. Police and Fire Department Report

Police Chief Mike Balken – Public Safety Opioid Response Efforts

Police Chief Balken discussed the public safety Opioid response efforts for February 14, 2022 to February 27, 2022. The Police Departments Opioid response efforts 6, overdose deaths 0, Narcan leave behind 5 and Amnesty participation 4. The Police Department arrested 16 individuals for trafficking narcotics/weapons. The investigation recovered 8 firearms, 36 pounds of crystal-meth, 3 pounds of MDMA, cannabis, fentanyl and heroin.

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 10, overdose deaths 0 and Narcan leave behind 0. For the month of February, 337 people have enrolled in the Opioid Recovery Project and they had a total of 135 community paramedicine graduates. The Narcan leave behind for the OD2A Program amounts to 65 participants and trained 47 individuals to administer Narcan.

15. Mayor's Report

Mayor Guinn commented the Olympian athletes will return home on March 25, 2022 to March 27, 2022

16. City Attorney's Report

- a. Approve settlement payment of \$60,000 to William and Janelle Marin

City Attorney Batsel reported Council was provided with a settlement memo/agreement. The City was at-fault for the traffic incident, which they recommend Council approve the settlement presented.

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

Mr. Batsel commented the litigation initiated by Carlton Arms was voluntarily dismissed. He will report back to Council with the bond validation

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Barry Mansfield

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

- b. See Item 8

17. Informational Items

- a. Calendaring Items

Strategic Planning Session - Tuesday, March 22, 2022, 8:30am - 12pm - Hilton Garden Inn Ocala Downtown

- b. Comments by Mayor

Mayor Guinn requested an update regarding Ambelside School

Mayor Guinn requested an update regarding Ambleside School. Growth Management Director Tye Chighizola explained the applicant is making the necessary upgrades to use the second floor. Furthermore, the applicant received a grant from the County to help cover the construction expenses.

Mayor Guinn expressed concern the applicant is violating the agreement. Mr. Chighizola explained how the change of occupancy use requires necessary upgrades to be in compliance with the Building Code. Currently, the building is not in compliance with the ADA (Americans with Disabilities Act) or Fire Code.

Mayor Guinn asked why the upgrades were not needed when the City occupied the building. Mr. Chighizola responded the City was in continuous use of the building prior to many regulations coming into effect. He noted the State provided feedback on the matter as well.

Mayor Guinn questioned why \$300,000 needs to be spent to upgrade the building. Council Member Musleh explained the new owners of the building must bring the building up to code with ADA and Fire Code.

c. Comments by Council Members

Council Member Dreyer commented on the FMEA Lineman Rodeo competition

Council Member Dreyer thanked Task Force 8 for their service and congratulated City staff for attending the FMEA Lineman Rodeo competition.

d. Informational

- a. Monthly Budget to Actual Report as of January 31, 2022 and Capital Improvement Project Status Report
- b. Executed Contracts under \$50,000
- c. Power Cost Adjustment Report - January 2022

18. Adjournment

Adjourned at 8:34 p.m.

Minutes

Ire Bethea Sr.
Council President

Angel B. Jacobs
City Clerk