



# Ocala

## City Council

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

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**Tuesday, February 8, 2022**

**12:00 PM**

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#### **Work Session: Solid Waste/Recycling & Animal Control**

#### **1. 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, Internal Auditor Randall Bridgeman, Growth Management Director Tye Chighizola, Budget Director Tammi Haslam, Contracting Officer Tiffany Kimball, Director of Public Works Darren Park, Director of Finance Emory Roberts, Community Engagement Coordinator Ramona Williams, Senior Contract Specialist Daphne Robinson 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 8, 2022 City Council Work Session Meeting was posted on January 18, 2022**

#### **3. Public Comments**

#### **4. Topics for Discussion**

##### **4a. Solid Waste/Recycling**

##### **1. Solid Waste Disposal and Recycling**

Public Works Director Daren Park discussed solid waste disposal and recycling. The City executed a solid waste disposal agreement with GFL Environmental Inc., which is valid until September 30, 2025. The sanitation service is provided to 27,718 accounts. The City collects 62,564 tons of solid waste and 74,000 cubic yards of yard waste annually. He provided an overview of the different solid waste classifications.

The commercial sanitation operates six days a week and shuttle trucks are used for hard-to-reach customers downtown. As well, the commercial sanitation services 10,944 accounts and 2,437 dumpsters. The current commercial rates: \$80.16/month for a 2-yard dumpster serviced once a week and \$1,309.57/month

for an 8-yard dumpster serviced six times a week. The residential garbage collection utilizes side/rear loaders and provides medical waiver/yard waste collection. The clam shell trucks are used to pick up large piles of waste and storm debris.

He provided an overview of the current residential rates. The City Council approved rate increases for fiscal year 2017 to fiscal year 2021. The City has not increased rates since 2005. The Public Works Department will need to replace 5-6 sanitation trucks every year to maintain an acceptable sanitation fleet. To note, \$3.9 million is transferred annually to the General Fund.

He explained the current disposal rates, tonnage, tipping fees and fuel costs. Council reviewed a map of eligible solid waste disposal facilities in North Central Florida. GFL Environmental is the closest facility, which the City has an established rate of \$55 per ton gate rate. If the City was to transfer garbage to the Baseline Landfill instead of GFL's Transfer Station, the costs will increase. The data shows 55% higher costs and 67% more miles.

The cost to transport solid waste to the Baseline Landfill amounts to \$4,464,000, versus \$2,880,000 to GFL Transfer Station. The City executed an agreement with Waste Pro to collect recycling, which is valid until September 30, 2023. The City expensed \$1.3 million on the recycling program. To note, China was the top destination for recyclable trash, until China made changes in 2018, which stopped the collection of recyclables around the world. As a result, commodity prices are way down, and glass is no longer being accepted by many recyclable processors.

Marion County stopped accepting glass as a recyclable material. The recycling providers are offsetting market conditions by charging higher rates for collection. As of August 2021, five Florida cities have cancelled their curbside recycling programs. He provided an overview of the current commodity pricing and composition studies.

Council Member Musleh asked why the contamination percentages dropped in October 2021. Mr. Park responded he believes the outreach efforts had a great effect. He noted the percentages are based on weight.

Council Member Dreyer asked what the contamination percentages were for October 2019. Mr. Park responded the food contamination percentage was higher.

Mr. Park discussed the Recycling Education & Outreach Program. The Sanitation Division participated in 26 events, reaching approximately 4,300 people in the community. He provided an overview of the residential rates. The fiscal year 2021 cost for contamination amounted to \$80,823.93 (\$125 per ton).

Council Member Musleh commented the recycling cost per ton amounts to \$362.64, versus \$45 dump charge.

Council Member Mansfield asked why the costs are extremely different. Mr. Park explained the price increase for accounts for the years. The majority of the cost is for collection (garbage 75% and collection disposal 25%) and the City expenses most of the money for labor and collection.

Council Member Musleh asked if glass can be taken out of the recycle bin. Mr. Park explained how glass is a major tonnage contributor. To note, the vendor is guaranteed 3,800 tons.

## 2. Solid Waste Friends Recycling

Assistant City Manager Pete Lee discussed the solid waste transfer station and Friends Recycling. He provided an overview of the solid waste transfer station operations and solid waste process. The City Code does not allow solid waste transfer stations. In January 2014, City Council directed staff to prepare an ordinance for consideration concerning a "solid waste transfer station". In July 2014, staff made a presentation to the Governor's West Ocala neighborhood Revitalization Council at the Lillian Bryant Community Center.

On September 9, 2014, City Council did not move forward with an ordinance to allow for a solid waste transfer station. In 2017, City Council proceeded to not move forward with an ordinance. He explained the Recycling Center definition to Council. He noted Friends Recycling is approved for two uses and can only operate as a recycling center. The construction/debris landfill is zoned M-2 and is subject to a Chapter 163 Development Agreement.

Council Member Musleh requested clarification on contaminated waste. Mr. Lee responded a complaint must be filed for the City to investigate which trucks have contaminated waste.

Mr. Lee provided an aerial picture of the site, which showed the buffers and restricted use areas. The solid waste transfer stations are growing in popularity around the United States. In Florida, all solid waste transfer stations are regulated by the Department of Environmental Protection (FDEP). The use of solid waste transfer stations provide many benefits, such as reduction in overall community truck traffic by consolidating smaller loads into larger vehicles. However, there are many disadvantages, such as increased odor and traffic.

Mayor Guinn asked if an efficient transfer station will reduce the costs. Mr. Park responded yes, the final disposal arrangement will affect the cost.

Council Member Dreyer asked for clarification of the mileage difference when traveling to Friends Recycling versus GFL. Mr. Park responded Friends Recycling is closer in distance.

Council Member Dreyer asked if GFL performs sorting. Mr. Park explained how GFL is permitted as a transfer station and does not operate as a normal material recovery facility.

Council Member Dreyer asked if the City was to utilize Friends Recycling for the recyclables and transfer, what will the cost savings amount to. Mr. Park responded the City will need a bid from Friends Recycling to estimate cost savings. In 2018, the City opened two contracts to the public for bidding (recycling and solid waste). The City received only one bidder for each bid.

Council Member Mansfield asked why the City prohibits Friends Recycling from operating as a transfer station. Mr. Lee explained the matter was discussed during the public hearing process many times, which resulted in prohibiting a transfer station within the City limits.

City Manager Sandra Wilson commented the previous City Council took into consideration the impact the transfer station will have on the community and future development.

Council Member Mansfield asked how long Friends Recycling has been operating in the community. Mr. Lee responded since the 80's.

Council Member Dreyer asked when Friends Recycling was considered non-conforming. Mr. Lee responded the site was non-conforming since April 20, 2021. The City allowed the use to continue on the established site and could not be expanded.

Jerry Lourenco, 2350 NW 27th Avenue, explained the difference between a transfer station and material recovery facility (MRF). He noted there are two different types of MRFs (clean and dirty). The City has never brought less than 10% contamination to Waste Pros MRF. He expressed concerns of discrimination by the City. He discussed how the City failed to inform him a solid waste permit was needed for a proposed building operation, which the City had site plans for.

He explained how Waste Pro operates out of compliance. He noted a transfer station is needed in the community, despite the public's negative feedback. He discussed how the process has been convoluted over the years. Furthermore, the City is withholding the Certificate of Occupancy (CO) for his building. He expressed frustration and disappointment regarding how the City has done business with Friends Recycling.

City Attorney Batsel clarified the letter sent to Mr. Lourenco and explained the purpose of the meeting with staff. The purpose of the meeting was regarding expanding the footprint of the C&D landfill. The City drafted a Chapter 163 Agreement, which defined what was permitted per the City Code.

Mr. Lourenco stated the City is withholding his CO for the building. He noted Waste Pro and Friends Recycling are both operating with code violations. Furthermore, none of the facilities inside the City limits operate within the City's definition of a recycling center. He requested Council add MRF to the City Code.

President Bethea commented the City held several town hall meetings to discuss the matter. He noted the facility was never supposed to operate in the community. He discussed how the facility's operations negatively affect the environment and community. Furthermore, he voted in favor of the Chapter 163 Agreement for Friends Recycling, even though he did not support the request.

Growth Management Director Tye Chighizola explained he enforces the City Code; not what Mr. Lourenco wants. He supported Mr. Lourenco's proposed expansion of the C&D landfill with the buffers. The City is working hard to educate the public, to reduce the contamination numbers. Council has the authority to change the City Code to allow solid waste facilities. To note FDEP does not permit recycling facilities.

Council Member Dreyer asked if the City released the CO to Friends Recycling. Mr. Chighizola responded Friends Recycling received the CO for the building in June 2020.

Council Member Dreyer asked how Friends Recycling differs from Waste Pro. Mr. Chighizola explained how the transfer stations operate differently from a recycling center. He noted there are 20 different FDEP transfer station categories.

Council Member Dreyer commented Waste Pro is strictly recyclables, however, it can differ depending on the waste received.

Mr. Chighizola commented the City is working hard to educate the public to reduce contamination. To note, the City's contamination is higher than the national average.

Council Member Musleh asked if Friends Recycling can take recyclables from Waste Pro. Mr. Chighizola responded yes, they must establish a recyclable contract. In 2014, Friends Recycling was accepting the recycles at the C&D landfill without permission from the City.

Council Member Musleh commented Friends Recycling or Waste Pro cannot have loads dumped on the ground for recycle sorting.

Mr. Lourenco stated Friends Recycling is constructed to handle solid waste. He discussed how the facility operated as a transfer station for 14-months, before it was shut down by the City. He noted the FDEP permit allows garbage trucks on their property. Furthermore, the other landfills do not have the facilities to handle the materials.

Ms. Wilson commented Friends Recycling has a FDEP permit, however, the operation is prohibited according to the City Code.

City Attorney Batsel commented the special exception in the Chapter 163 Agreement provides information regarding what is allowed and prohibited. Council has the authority to make revisions to the ordinance.

Mayor Guinn stated he vetoed the previously proposed ordinance, to allow a 300-foot buffer with expansion.

City Attorney Batsel commented Council can make revisions to the Code.

Mr. Lourenco asked if Friends Recycling is considered a MRF or Recycling Center. City Attorney Batsel responded Friends Recycling is a State-permitted MRF, which must operate in compliance with the City Code.

Mr. Lourenco asked if Waste Pro is considered a MRF or Recycling Center. City Attorney Batsel responded he does not know at this time.

Mr. Lourenco expressed concern Waste Pro is operating as a MRF. He noted no facility in the City of Ocala is in compliance with the City Code.

Mayor Guinn suggested Council revise the ordinance to prevent facilities from violating City Code.

Ms. Wilson commented she will work with City staff to determine what code revisions are needed.

Mr. Chighizola noted FDEP classifications are very different from the City Code.

Council Member Dreyer expressed concern facilities will be unable to maintain a clean MRF due to the high contamination numbers.

Mr. Chighizola commented FDEP regulates dirty MRFs in the City.

Council President Bethea requested staff research what is going on at other facilities.

Council Member Musleh left meeting room at 1:10 p.m.

4b. Animal Control

1. Animal Control

Public Works Director Darren Park discussed animal control. In 2009, the City executed an interlocal agreement with the County to takeover animal control services. The City transferred its staff and equipment to the County and paid a total of \$375,000 over three years to receive these services in perpetuity. The County states the costs have increased and the current interlocal agreement is not valid because there is no specified term. Under Florida law, the City or County are not legally obligated to provide animal control services.

To note, other municipalities within Marion County have entered into agreements with the County to pay for animal control services based on the State's Half-Cent Sales Tax Formula. The County is proposing the City sign a new interlocal agreement based on the State's Half-Cent Sales Tax Formula. The County is proposing that for the first year, only half (\$144,290) would be funded by the City of Ocala. The second year would see 75% funded by the City and the third year, the full amount (\$288,581) would be funded by the City. To note, the City would need to adopt the County's Animal Control Ordinance.

The City believes the previous agreement is valid despite the County's comments. Mr. Parks provided an overview of the options available to the City. The City can allow the existing agreement to terminate and have City staff provide animal control services within the City limits or the City can negotiate the proposed request by the County.

City Manager Sandra Wilson commented the City would like to maintain their business relationship with the County and negotiate the contract agreement. The City would like to avoid challenging the agreement in court.

City Attorney Batsel noted they met with the County Attorney's Office to discuss the matter. In 2009, the City repealed ordinances regarding animal control from the City Code. The County is requesting the City pay their fair share of the agreement. He explained how a judge evaluates perpetual terms in an agreement. He anticipates the judge will determine the existing term is unreasonable and create a reasonable term.

Mayor Guinn requested information regarding the calls for services. Ms. Wilson responded the data shows 2,200 service calls per year. The County did not supply

data for non-response calls.

Mayor Guinn asked what the amount of calls services were, before they were transferred to the County. Mr. Park responded 1,800 to 2,500 calls per year. He noted the calls have gradually increased.

Mayor Guinn asked why the County does not want to provide animal control services for Ocala. Ms. Wilson responded the County wants to establish a new agreement with the City.

Mayor Guinn asked what happens if the City decides not to change the agreement. City Attorney Batsel explained the County could choose not to provide animal control services to residents in the City.

Mayor Guinn discussed how the County constantly chooses not to uphold City agreements.

Ms. Wilson explained how new County staff have different viewpoints when honoring City agreements. She noted it would be cost effective for the City to secure animal services with the County and adopt an Animal Control Ordinance.

Mayor Guinn requested detailed data from the County regarding the number of non-response calls.

Ms. Wilson commented the City will meet with the County to negotiate the level of service expected.

Council President Pro Tem Hilty suggested the City negotiate the proposed agreement with the County.

Ms. Wilson commented she has only received one animal control services complaint regarding cats.

Brian Creekbaum 103 NE 31st Terrace, Ocala, FL, commented on the animal control services issues in the community. The County is unable to provide response time reports to the public because the information is not tracked. The City's previous response time to animal control calls was two days compared to the County's several weeks. He expressed frustration regarding how the City and County dismiss animal control issues raised by the public. Furthermore, he explained how the County does not provide 24-hour animal control services.

The funding for animal control services is from the General Fund (25% of the ad valorem tax revenue). He requested Council oppose the new agreement from the County and review the interlocal agreement, which states City residents pay a



prorated share through the ad valorem tax revenue. Furthermore, he questioned why the County is requesting a significant amount of money to retain animal control services. The City has the resources available to provide City animal control services. In closing, the City of Ocala performed great animal control services compared to the current services agreement with the County, which has greatly depleted in response time.

Council Member Dreyer commented the revenue details in the old agreement are not part of the new agreement. She suggested adding to the new agreement information regarding City tax currently being paid to the County.

City Manager Sandra Wilson commented they will discuss the tax revenue with the County.

Mayor Guinn discussed how the County never paid the City for 6-months of fire service. He noted the County never follows through with executed City agreements.

Mayor Guinn left the meeting at 1:50 p.m.

Council President Bethea requested staff proceed with the following: review both agreements, revisit in-house animal control services and review retrieving animal control equipment from the County.

## **5. Adjournment**

1:52 pm

**Adjourned at 1:52 p.m.**

**Minutes**

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Ire Bethea Sr.  
Council President

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Angel B. Jacobs  
City Clerk