



# Ocala

## City Council

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

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**Tuesday, July 16, 2024**

**4:00 PM**

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**1. Call to Order**

**2. Roll Call**

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

Municipal Officers/Others Present: The meeting was also attended by City Manager Peter Lee, City Attorney William Sexton, Assistant City Manager Ken Whitehead, City Clerk Angel Jacobs, Deputy City Clerk Pamela Omichinski, Police Chief Michael Balken, Internal Auditor Randall Bridgeman, City Projects Director Tye Chighizola, Battalion Chief Lawrence Doerffel, Deputy Multimedia & Communications Coordinator Danielle Dyals, Planning Director Aubrey Hale, Budget Director Tammi Haslam, Community Development Services Director James Haynes, Director of Parks & Recreation Julie Johnson, HR/Risk Management Director Devan Kikendall, 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 Ocala Fiber Network Mel Poole, IT Director Christopher Ramos, Strategic & Legislative Affairs Administrator Jeannine Robbins, Procurement & Contracting Officer Daphne Robinson, Growth Management Director Jeff Shrum, Chief of Staff Chris Watt, Ocala Police Dept Representative, IT Representative, The Press and other interested parties.

**2a. New Employees**

- Morgan Cole, Electric
- Leon Ridaught, Electric
- Desi Conley, Growth Management
- Andy Gray, Growth Management
- Rachel Harvick, Growth Management
- Kristina Wright, Growth Management
- Juan Molina, Public Works
- Kyle Smith, Public Works
- Amanda Scotti, Water Resources
- Matthew Stanley, Water Resources

**3. Public Notice**

- **Public Notice for the July 16, 2024 City Council Regular Meeting was posted on June 25, 2024**

**4. Proclamations and Awards****4a.** Mayor Ben Marciano will present the Key to the City to Dr. Segismundo Pares

Mayor Marciano presented a Key to the City to Dr. Segismundo Pares in recognition of his numerous contributions to the community, including his involvement with starting the local YMCA, hospice, Big Brothers/Big Sisters, and Track Camp..

Dr. Segismundo Pares thanked the Mayor and expressed his appreciation to the City.

**4b.** The Mayor's Citizen Recognition Award will be presented to RJ Jenkins

Mayor Marciano recognized RJ Jenkins presenting to him the Mayor's Citizen Recognition Award.

**4c.** The National Night Out Proclamation will be presented to Ocala City Councilmember Ire Bethea, Ocala Police Department Coordinator Community Liaison Tara Woods, and to the National Night Out Committee Members

Mayor Marciano presented a proclamation for National Night Out. The City proclaims August 6, 2024, as National Night Out.

**4d.** Service Award - Jason Rhodes - Ocala Electric Utility - 25-Years of Service

Mayor Marciano and City Manager Pete Lee presented a service award to Jason Rhodes in appreciation of his 25 years of service to the City of Ocala.

**5. Presentations****5a.** Communications Update

Public Information Officer Gregory Davis presented a quarterly update from the Communications Office. He reviewed earned media, paid media, owned media, top performing social media posts, and Patriotic Skies event. To note, the Patriotic skies event was a media success, resulting in several media interviews.

**6. 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:** James P. Hilty Sr

**SECONDER:** Ire J. Bethea Sr

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

**6a.** Approve the Florida Department of Law Enforcement Florida Incident Based Reporting System grant extension

- 6b. Approve Memorandum of Understanding with the City of Gainesville for participation and cooperation in the North Florida Internet Crimes Against Children Task Force
- 6c. Adopt Budget Resolution 2024-147 to accept reimbursement funds from the North Florida Internet Crimes Against Children Task Force through a memorandum of understanding agreement with the City of Gainesville to foster cooperation in combating internet crimes against children in an approximate amount of \$10,000
- 6d. Approve the Florida Department of Law Enforcement State Assistance for Fentanyl Education grant extension for fentanyl eradication operational funding
- 6e. Adopt Budget Resolution 2024-152 amending the Fiscal Year 2023-24 budget to accept and appropriate funds from the Department of Justice for task force officer overtime expenses totaling \$4,000
- 6f. Approve Labor Attorney invoices for May 2024, in the amount of \$2,977.55
- 6g. Item pulled
- 6h. Approve minutes from July 2, 2024 City Council meeting

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

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

**8. Introduction and First Readings of Ordinances - None**

**9. Public Hearings / Second and Final Readings / Adoption of Ordinances**

The City Clerk filed proof of publication for Ordinance 2024-43 thru 2024-45 (Legal Ad KHItBnIByY9fpDBBvNIg, published July 5, 2024 in the Ocala Gazette). The City Clerk read the ordinance titles into the record.

- 9a. Adopt Ordinance 2024-43 to change the code of ordinances by revising the outdoor storage requirements/uses in the M-1, Light Industrial Zoning District (Chapter 122-Division 25) (Case COD24-45660)

**Introduced By:** Jay A. Musleh

City Attorney Sexton spoke on the public hearing procedures.

Planning Director Aubrey Hale discussed the adoption of Ordinance 2024-43. The City is requesting to revise the outdoor storage requirements/uses in the M-1 (Light Industrial) Zoning District, to allow for additional outdoor storage. He provided a brief overview of the proposed ordinance changes. The Planning & Zoning Commission and staff recommend approval.

No public comment.

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

**RESULT:        ADOPTED**

**MOVER:** Jay A. Musleh

**SECONDER:** Kristen M. Dreyer

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

**9b.** Adopt Ordinance 2024-44 to rezone approximately 0.93 acres for property located at 1703 and 1713 NE Eighth Road (Parcel 26020-000-00 and 26018-000-00) from M-1, Light Industrial, to B-2, Community Business (Case ZON24-45638) (Quasi-Judicial)

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

Planning Director Aubrey Hale discussed the adoption of Ordinance 2024-44. The applicant is requesting to rezone the property from M-1 (Light Industrial) to B-2 (Community Business), to allow personal service uses. He provided a brief overview of the following: property's history, zoning, proposed use, and staff findings. Staff recommends approval.

No public comment.

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

**RESULT:** ADOPTED

**MOVER:** James P. Hilty Sr

**SECONDER:** Ire J. Bethea Sr

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

**9c.** Adopt Ordinance 2024-45 to rezone approximately 12.85 acres for property located at 1123 NW 22nd Street (Parcel 25260-000-00) from M-1, Light Industrial, to M-2, Medium Industrial (Case ZON24-45671) (Quasi-Judicial)

**Introduced By:** Ire J. Bethea Sr

Planning Director Aubrey Hale discussed the adoption of Ordinance 2024-45. The applicant is requesting to rezone the property from M-1 (Light Industrial) to M-2 (Medium Industrial), to allow increased outdoor storage. He provided a brief overview of the following: property's history, zoning, proposed use, and staff findings. To note, staff recommends approval.

No public comment.

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

**RESULT:** ADOPTED

**MOVER:** Ire J. Bethea Sr

**SECONDER:** Kristen M. Dreyer

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

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

- 15a.** Conference call with American Center for Law and Justice, outside counsel for the City of Ocala in the matter of Rojas v. City of Ocala, for the purpose of (1) obtaining an update on the litigation following issuance of the Order (on motions for summary judgment) issued by Judge Timothy J. Corrigan on June 26, 2024; and (2) providing direction in light of said order - THIS AGENDA ITEM IS SCHEDULED FOR 4:30 PM.

Abby Sutherland debriefed Council on the matter of Rojas v. City of Ocala. She provided a brief overview of the following: case history, evidence, and recent rulings.

City Attorney Sexton discussed the matter of Rojas v. City of Ocala. Council has two options: appeal (appeal decision back to the 11th Circuit) or not appeal (negotiate payment of Plaintiff's estimated attorney fees of \$500,000). He requested direction from Council on how they wish to proceed.

Council Member Musleh spoke in favor of settling the case.

Council Member Dreyer questioned how appealing the decision would benefit the City. Ms. Sutherland responded the goal is to reverse the District Court's decision, and explained how strong historical legal precedent will be used to demonstrate the Establishment Clause was never intended to apply to prohibit a prayer vigil. The standing issue is a separate matter.

Ms. Sutherland advised Council there is no guarantee the Supreme Court will hear the case. If the appeal is successful, the City will not be responsible for the Plaintiff's attorney fees.

City Attorney Sexton clarified the Supreme Court's Kennedy decision and historical precedent.

Ms. Sutherland spoke on the appeal process.

Council Member Bethea expressed concern regarding the high legal costs associated with appealing the decision. He believes the public has the right to pray.

Mayor Marciano spoke in support of Council voting in favor of appealing the decision.

President Mansfield expressed concern regarding the high legal costs associated with appealing the decision. He questioned if the City has a chance at winning the case.

City Attorney Sexton stated he cannot advise Council on chances of winning the case; however, Ms. Sutherland expressed the City has a great chance of winning on appeal.

Ms. Sutherland stated the City has a great chance of winning in the 11th Circuit with an appeal. She confirmed the appeal fees are minimal and explained how billables are evaluated. She opined the estimate of \$500,000 to be very generous and noted the plaintiffs had sought approximately \$250,000 in fees prior to the first appeal; after filing a brief objecting to many of those fees, her team asserted the plaintiffs' attorneys would

only be entitled to approximately \$157,000.

President Mansfield asked if the City won, how would this affect the Country as a whole. Ms. Sutherland commented she believes leaving the decision on the books as-is is concerning and should be challenged.

President Mansfield requested Police Chief Mike Balken's thoughts. Chief Balken clarified he was not involved in the event. He agrees with Council Member Musleh's expressed concerns regarding appeal costs. The public is watching to see the outcome of the case.

City Attorney Sexton confirmed the City will have the opportunity to challenge the Plaintiff's attorney fees.

President Mansfield and Council Member Hilty spoke in support of submitting an appeal.

Kent Guinn, 320 NW 3rd Avenue, Ocala, FL, spoke in support of appealing the decision. He cautioned Council that losing could result in new lawsuits from groups, such as Freedom from Religion and American Humanist. He encouraged Council to uphold the constitution and fight.

Kathy Wyckoff, 720 NW 30th Avenue, Ocala, FL, spoke in support of prayer vigils. She requested Council table discussion and meet with pastors in the City.

Rock Gibboney, 597 NE 45th Terrace, Ocala, FL, encouraged Council to do what is right for the City. He suggested setting up a Go Fund Me account in case the City loses.

City Attorney Sexton confirmed the City can satisfy judgments with charitable donations.

Council Member Dreyer encouraged Mr. Gibboney to start a Go Fund Me account.

Motion by Council Member Hilty to appeal issuance of Order by Judge Timothy J. Corrigan on June 26, 2024.

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

**RESULT:** APPROVED

**MOVER:** James P. Hilty Sr

**SECONDER:** Ire J. Bethea Sr

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

## **10. General Business**

- 10a.** Approve the purchase of emergency audio/visual warning devices from East Coast Emergency, Inc., with an aggregated expenditure not to exceed \$300,000

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

- RESULT:** APPROVED  
**MOVER:** James P. Hilty Sr  
**SECONDER:** Jay A. Musleh  
**AYE:** Dreyer, Bethea Sr, Hilty Sr, Musleh, and Mansfield
- 10b.** Adopt the Fiscal Year 2024-25 tentative millage rates: Basic City - 6.6177; District A - 1.7185; District B - 1.6332; District C - 1.4699

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

- RESULT:** ADOPTED  
**MOVER:** Ire J. Bethea Sr  
**SECONDER:** Kristen M. Dreyer  
**AYE:** Dreyer, Bethea Sr, Hilty Sr, Musleh, and Mansfield
- 10c.** Adopt Resolution 2024-31 providing for the reimposition of non-ad valorem Fire Assessments, establishing proposed rates for Fiscal Year 2024-25, directing preparation of the Fire Assessment Roll, setting a date for a public hearing, and directing published and mailed notices of proposed Fire Assessment

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

- RESULT:** ADOPTED  
**MOVER:** James P. Hilty Sr  
**SECONDER:** Kristen M. Dreyer  
**AYE:** Dreyer, Bethea Sr, Hilty Sr, Musleh, and Mansfield
- 10d.** Approve the purchase of various inventory items for Ocala Electric Utility from multiple vendors in an amount not to exceed \$975,274

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

- RESULT:** APPROVED  
**MOVER:** Kristen M. Dreyer  
**SECONDER:** Ire J. Bethea Sr  
**AYE:** Dreyer, Bethea Sr, Hilty Sr, Musleh, and Mansfield
- 10e.** Approve additional expenditures under the Agreement for SunTran Transit Management Services with RATP Dev USA, Inc., in the amount of \$1,200,000

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

- RESULT:** APPROVED  
**MOVER:** Kristen M. Dreyer  
**SECONDER:** James P. Hilty Sr  
**AYE:** Dreyer, Bethea Sr, Hilty Sr, Musleh, and Mansfield

- 10f.** Approve Modification No. 1 to Subgrant Agreement No. H0413 between the Florida Division of Emergency Management and the City of Ocala

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

**RESULT:** APPROVED

**MOVER:** Kristen M. Dreyer

**SECONDER:** Jay A. Musleh

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

- 10g.** Adopt Budget Resolution 2024-153 appropriating funds from Florida Division of Emergency Management No. H0413 for generators, utility protection for lift stations and drainage improvements for Fisher Park Pond in the amount of \$246,052

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

**RESULT:** ADOPTED

**MOVER:** James P. Hilty Sr

**SECONDER:** Ire J. Bethea Sr

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

- 10h.** Approve grant agreement with the Florida Department of Environmental Protection to perform the City of Ocala Comprehensive Vulnerability Assessment in the amount of \$350,000

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

**RESULT:** APPROVED

**MOVER:** Kristen M. Dreyer

**SECONDER:** James P. Hilty Sr

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

- 10i.** Adopt Budget Resolution 2024-154 appropriating funds from the Florida Department of Environmental Protection to perform a City of Ocala Comprehensive Vulnerability Assessment in the amount of \$350,000

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

**RESULT:** ADOPTED

**MOVER:** Ire J. Bethea Sr

**SECONDER:** James P. Hilty Sr

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

- 10j.** Adopt Resolution 2024-32 authorizing the adoption of the 2023 Statewide Mutual Aid Agreement between the City of Ocala and State of Florida Division of Emergency Management

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



**RESULT:** ADOPTED

**MOVER:** Kristen M. Dreyer

**SECONDER:** James P. Hilty Sr

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

**11. Internal Auditor's Report**

**12. City Manager's Report**

**- Utility deposit refunds**

City Manager Pete Lee reported the utility refunds will start in August. He provided a brief overview of the refund criteria. The City will issue utility deposit refunds totaling an estimated \$1.89 million.

**- Recognized City staff for hosting a successful Fourth of July celebration**

**13. Ocala Police Department Report**

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

Police Chief Mike Balken discussed the public safety Opioid response efforts for July 1, 2024 to July 14, 2024. The Police Departments Opioid response efforts 3, overdose deaths 0, Narcan leave behind 1, and Amnesty participation 1. The department has made arrests for 569 offenses and recovered large quantities of illegal narcotics and firearms. Furthermore, the department has made several successful arrests related to parcel/porch theft.

**14. Ocala Fire Rescue Department Report**

**- Fire Chief Larry D. – Public Safety Opioid Response Efforts & Community Paramedicine**

Deputy Fire Chief Larry discussed the public safety Opioid response efforts and community paramedicine program, for July 1, 2024 to July 14, 2024. The overdose response efforts 2, overdose deaths 0, Narcan leave behind 0. For the month, community paramedicine calls 34, OD2A calls 18, emergency calls 931, and unit responses 1,368.

**16. Public Comments**

**- John Case, 6432 SW 44th Avenue, requested Council bring fireworks back for the next Fourth of July celebration**

John Case, 6432 SW 44th Avenue, discussed how his family's business (Skylighters of Florida) has hosted several fireworks events for the City. He requested Council bring fireworks back for the next Fourth of July celebration.

**17. Informational Items and Calendaring Items**

- Tuesday, August 6, 2024 - City Council meeting - 4:00pm, Council Chambers
  - Tuesday, August 13, 2024 - FY24/25 Budget Workshop - 12:00 pm, Council Chambers
  - Tuesday, August 20, 2024 - Community Redevelopment Area Agency Meeting - 3:45pm, Council Chambers
  - Tuesday, August 20, 2024 - City Council meeting - 4:00pm, Council Chambers
  - Monday, September 2, 2024 - Labor Day holiday - City offices closed
  - Tuesday, September 3, 2024 - City Council meeting - 4:00pm, Council Chambers
- 17a. Executed Contracts Under \$50,000**

**18. Comments by Mayor**

- **Recognized City staff for hosting a successful Fourth of July celebration**
- **Recognized 911 Communications Center staff for their community support efforts**

**19. Comments by City Council Members**

- **Council Member Bethea thanked City staff for hosting a successful Fourth of July celebration**
- **Council Member Hilty shared his experience visiting the 911 communications center and thanked City staff for hosting a successful Fourth of July celebration**
- **Council President Mansfield shared his experience visiting 911 the communications center and thanked City staff for hosting a successful Fourth of July celebration**

**Council Member Dreyer thanked City staff for hosting a successful Fourth of July celebration and sidewalk improvements on SE 3rd**

**20. Adjournment**

**Adjourned at 6:03 pm**

**Minutes**

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Barry Mansfield  
Council President

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Angel B. Jacobs  
City Clerk