



110 SE Watula Avenue

Ocala, FL 34471

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Ocala

City Council

Minutes

Tuesday, May 3, 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

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.

Municipal Officers/Others Present: The meeting was also attended by Interim City Manager Pete Lee, Assistant City Attorney Jimmy Gooding, Assistant City Manager Ken Whitehead, City Clerk Angel Jacobs, Deputy City Clerk Pamela Omichinski, Fire Chief Clint Welborn, Police Chief Michael Balken, Internal Auditor Randall Bridgeman, Growth Management Director Tye Chighizola, Civil Engineer III Noel Cooper, Marketing & Communication Manager Ashley Dobbs, Director of Airport Matthew Grow, Urban Design Coordinator Aubrey Hale, Budget Director Tammi Haslam, Director Community Services James Haynes, Contracting Officer Tiffany Kimball, City Engineer & Director of Water Resources Sean Lanier, Director Public Works Darren Park, Director of Telecommunications Mel Poole, Director of Parks & Recreation Preston Pooser, Strategic & Legislative Affairs Adm Jeannine Robbins, Director of HR/Risk Management Chris Watt, Senior Contract Specialist Daphne Robinson and other interested parties.

2. Public Notice

Public Notice for the May 3, 2022 City Council Regular Meeting was posted on April 7, 2022

3. Proclamations & Awards

- a.** Motorcycle Safety Awareness Month Proclamation presented to John Melin, President of Forest Chapter, and Vice President Bridgette Pace.

Mayor Guinn presented a proclamation for Motorcycle Safety Awareness Month. He discussed motorcycle safety and training. The City proclaims the month of May 2022, as Motorcycle Safety Awareness Month.

John Melin thanked Mayor Guinn for the proclamation. He explained the importance of the Motorcycle Safety Awareness Program and school partnerships. He encouraged the public to attend the program.

Bridgette Pace encouraged businesses to partner with the Motorcycle Safety Awareness Program. She explained how the public can eliminate driving blind spots, such as removing handicap placards from the rearview mirror while driving.

4. Presentations

5. Public Comments

City Attorney Batsel explained the protocol for public hearings and public comments

City Attorney Batsel explained the protocol for public hearings and public comment. He summarized tonight's discussion items and key terms. City Council makes legislative and zoning decisions, based on competent substantial evidence. The public will have three minutes to speak.

Glenn Fiorello, 838 SE 3rd Street, expressed concern regarding the City budget

Glenn Fiorello, 838 SE 3rd Street, expressed concern regarding the City budget. He encouraged the City to cross train staff and eliminate "C" level employees. He noted property appraisals should be released by the Property Appraisers Office in June and warned not to base the City budget on the current overpriced market. Furthermore, he shared his experience riding his Harley-Davidson motorcycle.

Whitfield Jenkins, 2200 NW 24th Road, expressed concern regarding the termination of City Manager Sandra Wilson

Whitfield Jenkins, 2200 NW 24th Road, expressed concern regarding the termination of City Manager Sandra Wilson. He noted City Council made a huge decision without allowing public comment. He discussed how Ms. Wilson was the first African American female City Manager in the history of Ocala.

Rock Gibboney, 597 NE 45th Terrace, commented on the termination of City Manager Sandra Wilson

Rock Gibboney, 597 NE 45th Terrace, commented on the termination of City Manager Sandra Wilson. He shared his wonderful experience working with Ms. Wilson. He encouraged the public to move forward to the future.

Brian Creekbaum, 103 NE 31st Terrace, commented on public participation during meetings

Brian Creekbaum, 103 NE 31st Terrace, commented on public participation during meetings. He read the rules of order for public participation at City Council meetings. He noted City Council violated Florida Statutes by not allowing public comment regarding the termination of the City Manager. He expressed disappointment regarding three City Council Members who ignored the recommendation of another Council member to make the City Manager termination an agenda item, and failing to ask for public comment.

6. Public Hearings

- 6c.** Approve a "Second Amendment to Concurrency Agreement and Contribution Agreement" to be entered into pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes, between the City of Ocala (City) and KAS OCALA, LLC, project CDA22-44744. This is the second of two public hearings. The first public hearing was held on Tuesday, April 19, 2022.

Presentation By: Tye Chighizola

Assistant City Attorney Jimmy Gooding provided a history on the property. This item is in regards to the road easement/donation/right of way agreement, and the contract extends concurrency from the original agreement to match the Carll agreement that was approved at the April 19, 2022 City Council meeting.

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: James P. Hilty Sr.

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

- 6a.** Adopt 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. Postponed from the March 15, 2022 and April 19, 2022 City Council Meetings.

Presentation By: Tye Chighizola

Council President Bethea opened a public hearing for both items 6a & 6b at 4:38 pm.

Growth Management Director Tye Chighizola commented items 6a & 6b are related. He explained 6c was moved ahead of these items to ensure there was a commitment to build the roadway before discussion of these items. The property was annexed into the City in 2013, but no zoning was applied. Staff feels R-3 is the best zoning to addresses issues such as compatibility and traffic. He noted there is currently no traffic study or site plan yet, as that would be required after the zoning step. He provided an overview of the 16 development projects in the area, which could be up to 8,600 units, and highlighted the new 4-lane roadway that will be constructed that will tie into the flyover through Heathbrook, across SR-200 and to US-27 and eventually SR-326. He commented the

multi-family generates less trips on average than single family.

Council President Pro Tem Hilty questioned how multifamily creates less trips than single family. Mr. Chighizola explained traffic studies have shown single family homes generate about 10 trips per day versus 6.5 trips per day for multi-family, noting single family homes on average have more people in each dwelling and are likely to own more vehicles.

Council Member Mansfield questioned how school overcrowding will be addressed and traffic studies for the area. Mr. Chighizola explained the redistricting process to address overcrowding in the southwest corridor and City. The School Board must follow State requirements when proposing school developments. Many of the development projects require traffic studies. The four-lane roadway development will have a 35,000 vehicle capacity, which will be enough. The School Board is facing great challenges with individual school capacity.

Council Member Dreyer commented the School Board is working hard to address the overcrowding at schools; but the Board has not sought City Council assistance with concurrency.

Interim City Manager Pete Lee explained how school concurrency is not within the City's jurisdiction. The Marion County School Board must abide by State rules, and the State looks at overall capacity within the County versus individual schools.

Council Member Dreyer stated she and Mr. Chighizola meet with the School board twice a month.

Mr. Chighizola noted there are 4,000 vacancies in schools, mainly in the northeast and southeast of the County, which hinders the School Board from seeking State funding.

Fred Roberts, 40 SE 11th Avenue, shared a power point presentation. The property is 26.63 acres and the land use is zoned as Medium Intensity. The property has a maximum density of 30-units per acre and minimum density of 5-units per acre. He provided an overview of the Catalyst Ocala design concept. He explained it is a transitional location, surrounded by residential and a school. The requested land use is in line with the surrounding property.

The Chapter 163 Development Agreement was included to address future development of the property, requiring a traffic study as part of any development review. He noted, in theory, 798 units could fit on the site under R-3 zoning; the Chapter 163 agreement will limit the total amount to 320 units, as well as includes limitations on height, requirements of enhanced buffering a screening, and addresses parking concerns. The developer has developed multiple properties in Florida and Georgia and the intention is to build a luxury product with a clubhouse and other amenities. He reiterated R-3 zoning will require an architectural review and traffic study. He provided an overview of the zoning map and aerial view. The developer intends to develop multi-family on the southern portion only, leaving a 700-foot tree buffer between the development and the single-family homes to the north.

Mr. Roberts explained the postponements for this agreement were to ensure the new right of way was approved. It is currently fully funded as a 2-lane road, to begin construction by the end of this year. There is a grant application to have it as a 4-lane road that is currently on Governor DeSantis' desk. Construction of this property won't start until well after the road construction starts, noting there is a safeguard within the agreement that if the road isn't built, the apartments can't be built. The applicant will be conducting a traffic study and install necessary improvements. To note, Amber Gardner with Kimley-Horn, is the traffic engineer for the project. The project generates 158 peak hour trips (2.6 cars per minute) and the traffic calculations can be verified by the City Engineer. Furthermore, single-family residential generates .158 child per residential unit and multi-family generates .097. He explained the student capacity data for the development project.

Brigitte Smith, 4275 SW 85th Avenue, expressed concern regarding traffic at Saddlewood Elementary. She questioned the presented student data and requested the City build access roads to remedy traffic impacts.

Council Member Dreyer commented SW 38th is a County road. She asked if the City has control over the road. Interim City Manager Pete Lee explained the City does not have control over County roads.

Sarah Williams, 4238 SW 50th Court, expressed concern regarding rapid growth, traffic, declining property values, increased crime and school overcrowding. She encouraged the City to thoroughly review the request and protect the residents of Ocala.

PG Schafer, 2015 SW 43rd Place, expressed concern regarding rapid growth, traffic and infrastructure. She requested Council take into consideration the public's feedback. She suggested the City allow controlled/smart growth.

Jason Schnelle, 8555 SW 152nd Place, Dunnellon, expressed concern regarding rapid growth. He questioned what Council considers "smart growth".

Allison Campbell, 1821 SE 34th Lane, stated she is a Member of the School Board. She explained the overcapacity data and new developments in the area. She noted the interlocal agreement has not been utilized/revised for several years. The next School Board work session is scheduled on May 19, 2022. Currently, the City is approving projects at a rapid pace and the School Board is struggling to catch-up.

Cynthia Gennaro, 4585 SW 44th Street, requested Council stop construction until infrastructure can catch-up. She expressed concern regarding school overcrowding and

irresponsible growth management. She questioned why the City does not consider the representation of developers by City Attorneys as a conflict of interest; and why the City does not charge developers impact fees.

Mayor Guinn requested the public not clap.

Kimberly Sindy, 4572 SW 44th Court, expressed concern regarding traffic impacts,

school overcrowding, scarce employment opportunities and the City Attorney's conflict of interest.

Justin Savino, 4560 SW 44th Street, expressed concern regarding roadways, school overcrowding, limited transportation, infrastructure, law enforcement and rezoning. He discussed how his children alternatively attend a local, private school, that is not overcrowded. He added the City is not following smart growth, and suggested Council enforce impact fees.

Diane Erwin, 4490 SW 44th Street, stated the charter school has a long waiting list. She suggested the School Board request concurrency to remedy overcrowding.

Debbie Williams, 3740 SW 56th Court, expressed concern regarding roadways. She requested Council build roads and schools first, prior to development. She questioned the student data mentioned by Mr. Roberts; and encouraged Council to vote no.

Cathy Wyckoff, 2101 SW 42nd Court, expressed concern regarding safety, transportation and school overcrowding. The City needs better infrastructure to support the rapid growth.

Ronna Goldbach, 4550 SW 44th Court, explained the climate change effects due to construction and loss of trees. Trees help remove CO2 from the air and release oxygen into the atmosphere. Development projects results in a loss of trees/vegetation, which can cause the release of greenhouse gases into the atmosphere, increased electricity use and increased garbage. To note, the proposed development area is home to endangered species and wildlife. The area has no sidewalks, which is a safety concern for the students who attend the neighboring school. She encouraged Council to implement smart growth.

Laura Savino, 4560 SW 44th Street, stated rapid growth does not benefit the City of Ocala. She requested Council follow a more responsible growth approach and take into consideration the Ocala culture. Furthermore, she requested more information regarding the roadway construction project.

Mr. Roberts stated there are only twelve medium intensity special districts in the City of Ocala. He explained how the intensity use for the site is very low, considering what is being contemplated for the area. The area is unable to meet the R-1 requirements; however, the area is meant to be developed as medium intensity. The goal is to construct a four-lane major roadway to alleviate traffic impacts on neighboring roadways. He discussed the high demand in Ocala and need for development.

Council President Bethea thanked the public for their feedback. The City is working hard to involve all government entities in growth/development discussions. He shared his growth experience where he resides.

Council Member Dreyer stated conversations are happening with the School Board. She encouraged the public to attend the next School Board meeting scheduled on May 9, 2022. Furthermore, she agrees the City does not have the proper infrastructure in place to support new development. She suggested Council evaluate ways to improve traffic

impacts in the area.

Council Member Musleh asked if the City has funding available to build a four-lane road? Interim City Manager Pete Lee responded the City does not have the funding available; however, the City is waiting for the Governor to sign a bill for an \$8 million appropriation.

Council Member Musleh expressed concern regarding the traffic impacts. He suggested Council delay the vote until the roadway is completed.

Mr. Roberts stated the City Engineer assured the City will be receiving funding from FDOT to construct a two-lane roadway. He noted the traffic study will dictate if the development can continue with a two-lane roadway.

Council Member Dreyer expressed concern a two-lane roadway will not resolve the traffic impacts. Mr. Roberts responded the methodology for the traffic study was approved by the City. The City will have funding once the Governor signs the bill to appropriate \$8 million to the City, which they can request FDOT modify the agreement to construct a four-lane roadway.

City Engineer Sean Lanier explained there is an agreement coming next Council meeting for a \$1 million appropriation. The two-lane roadway is budgeted for this fiscal year. The appropriation with the State will provide an additional \$8 million to four-lane the entire stretch and is just waiting on the Governor's signature.

Council Member Musleh stated the two-lane roadway will not remedy traffic impacts. Mr. Lanier explained how the two-lane roadway will provide an outlet to alleviate traffic impacts.

Council Member Musleh commented the infrastructure should be paid for before proceeding with development.

Council Member Hilty stated he is confident the \$8 million will be appropriated to the City. He explained how development is not considered smart growth. Furthermore, he suggested the roadway be completed before development starts.

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

RESULT: DENIED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

NAY: Hilty Sr., Dreyer, Mansfield, Musleh, and Bethea

- 6b.** 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). Postponed from the March 15, 2022 and April 19, 2022 City Council Meetings.

Presentation By: Tye Chighizola

Introduced By: Barry Mansfield

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

RESULT: DENIED

MOVER: Barry Mansfield

SECONDER: James P. Hilty Sr.

NAY: Hilty Sr., Dreyer, Mansfield, Musleh, and Bethea

- 6d.** Open a Public Hearing for a Concurrency Development Agreement between the City of Ocala and Cradle Holdings, Inc. concerning the approximately 1,008 acres located on SR 200 between SW 66th Street and SW 60th Avenue. This is the first of two public hearings. The second public hearing on the proposed Concurrency Development Agreement will be held on Tuesday, May 17, 2022.

Presentation By: Tye Chighizola

Council President Bethea opened a public hearing at 6:08 pm.

Growth Management Director Tye Chighizola commented the request is a Concurrency Development Agreement for the Winding Oaks development. It will be approximately 3,000 residential units, plus commercial and office space. Part of the Concurrency Development agreement is to pay their “fair share” to address the deficiencies. There was a Chapter 163 agreement for a portion of the property a few years ago, and this will update it to address the entire property so it isn’t done in phases. He noted no vote is needed.

There were no public comment.

Council President Bethea closed the public hearing at 6:10 pm.

RESULT: OPENED A PUBLIC HEARING

- 6e.** Approve the College Park Townhomes Major Site plan for approximately 1.72 acres located in the College Park 2nd Addition on SW 34th Avenue Circle (Case SPL21-44519)

Presentation By: Tye Chighizola

Growth Management Director Tye Chighizola commented the small development is considered an infill project and they finished the platting process. He noted staff recommends approval.

Austin Daley, 40 SE 11th Avenue, Ocala, FL 34471, stated he is representing the applicant. He thanked staff for their hard work. He noted they had held a community meeting where two residents attended; one property owner requested a hedge be planted on their property across the street, to which the developer agreed. He requested Council approval of their proposed site plan.

Council Member Dreyer disclosed she has a personal relationship with the engineer on record for the project, which will not affect her decision regarding the request. To note, she has no financial interest regarding the property.

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

7. Second and Final Reading of Ordinances

(All are Public Hearings)

- 7a.** Adopt Ordinance 2022-39 concerning a zoning change from M-3, Heavy Industrial, to M-2, Medium Industrial, for approximately 3.2 acres of property located approximately 450 feet east of NW Martin Luther King Jr. Avenue in the 1700 block (Case ZON22-44673) (Quasi-Judicial)

Presentation By: Tye Chighizola

Introduced By: Barry Mansfield

Growth Management Director Tye Chighizola commented the request is a zoning change from M-3, Heavy Industrial, to M-2, Medium Industrial, for approximately 3.2 acres of property, located approximately 450 feet east of NW Martin Luther King Jr. Avenue. The goal is to bring the zoning in consistency with the land use and staff recommends approval.

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

RESULT: ADOPTED

MOVER: Barry Mansfield

SECONDER: Kristen M. Dreyer

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

- 7b.** Adopt Ordinance 2022-40 approving a future land use policy for approximately 88.73 acres of property located northeast of the intersection of Southwest Seventh Avenue and Southwest 32nd Street near Lake Louise (Case FLUP21-44568)

Presentation By: Tye Chighizola

Introduced By: Kristen M. Dreyer

Council President Bethea noted items 7a and 7b are related.

City Attorney Batsel addressed the public's expressed concerns regarding conflict of interest. The law firm has done business with the applicant in the past. He explained the

clause included in client contracts regarding legal matters with the City. The firm is able to represent their clients in legal matters that do not involve the City. Furthermore, he has never violated the Florida Bar Rules of Ethics. He disclosed he has represented the applicant in other matters and is not involved in the presented land use matter.

Growth Management Director Tye Chighizola commented the City performed the annexation in the beginning of the year and negotiations were handled by staff. He noted items 7a and 7b were previously transmitted to the State, and now they are back before Council for adoption. The policy states a PD (Planned Development) zoning for the future use and there is a limitation on the number of units. Council will have the ability to lower the number of units and the traffic study will be performed during the PD process. The requested Future Land Use Designation of Low Intensity is consistent with the Comprehensive Plan. The City sought advice from City Attorney Batsel regarding the annexation consistency with State Statutes.

Fred Roberts, 40 SE 11th Avenue, stated he is representing the applicant. The land use designation allows a higher density of units than the developer needs. The land use policy includes a dwelling unit cap and requires a PD. He noted any contemplated use will be presented to Council as a planned development. A portion of the property is under staff review; however, a PD master plan will be presented for the entire property in the future. He reiterated the annexed property meets the land use designation and limits industrial/manufacturing/distribution/warehouse uses.

City Attorney Batsel noted the annexation was completed.

Charles Bianculli, 965 SW 33rd Place, expressed concern regarding traffic impacts, safety and school overcrowding. He suggested Council take time to plan responsible growth/development.

Kimberly Davis, 1220 SW 26th Street, expressed concern regarding school overcrowding and traffic impacts. She recommends Council maintain single family residential uses until the City remedies existing traffic impacts and overcrowding.

Laurie Yonge, 600 SE 48th Avenue, expressed concern regarding the attorney conflict matter, traffic impacts, imposed commercial uses and safety. He questioned why the public was not informed of the annexation. He submitted a letter to Council regarding the attorney conflict of interest matter. He requested Council not approve the proposal and postpone the matter for further discussion. Furthermore, residents in the area will engage independent counsel if the request is approved.

Mr. Roberts explained how the land use policy establishes density caps at very low levels. The land use policy establishes safeguards and requires a PD plan. He noted a traffic study was completed for a multi-family development. He explained the annexation of the property into the City. The request before Council is to establish the land use of a property that was annexed into the City.

Mayor Guinn discussed remedying traffic impacts in the area.

Council Member Musleh stated he supports the development project and use of a PD

plan. Furthermore, he supports the Ocala City Attorney's involvement.

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

RESULT: ADOPTED

MOVER: Kristen M. Dreyer

SECONDER: Jay A. Musleh

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

- 7c. Adopt Ordinance 2022-41 amending the Future Land Use Designation from Medium Residential (County) to Low Intensity for approximately 88.73 acres of property located northeast of the intersection of Southwest 7th Avenue and Southwest 32nd Street near Lake Louise (Case LUC21-0003)

Presentation By: Tye Chighizola

Introduced By: James P. Hilty Sr.

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

8. General Business

- 8a. Approve Employment Agreement for Interim City Manager

Presentation By: Chris Watt

Brian Creekbaum, 103 NE 31st Terrace, shared his experience with the School Board. He expressed concern appointing Interim City Managers on a permanent basis. He questioned if the City will be performing a search for a City Manager.

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

- 8b. Approve payout terms of employment agreement between the City and Sandra Wilson

Presentation By: Chris Watt

Whitfield Jenkins, 2200 NW 24th Road, asked if the City Manager was terminated with cause or without cause. Council President Bethea responded the City Manager was terminated without cause.

Council Member Musleh stated Ms. Wilson is receiving a payout within the terms of the contract. To note, the contract includes a general release of any claims against the City.

Council Pro Tem Hilty noted the reasoning for Ms. Wilson's termination was disclosed in

the motion at the previous City Council meeting.

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

- 8c.** Approve recommendation of Colin Baenziger & Associates as executive search recruiter for in house city attorney services

Presentation By: Chris Watt

Council President Pro Tem Hilty motioned for approval. Council Member Musleh asked who the motion was for. Council President Pro Tem Hilty withdrew his motion to further discussion.

Council Member Musleh recommended Colin Baenziger & Associates as executive search recruiter for in house city attorney services.

Mayor Guinn stated Council is making a mistake choosing the inside counsel route. He expressed concern Council is making their decision based on conflict of interest newspaper articles supplied by City Manager Sandra Wilson. Furthermore, he supports the current City Attorney.

City Attorney Batsel stated they will not be reapplying and thanked Mayor Guinn for his support.

Council Member Musleh made a motion to hire Colin Baenziger & Associates at a cost of \$42,500.

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

- 8d.** Approve the scope of work and associated cost of a Fiscal Year 2022-2023 update to the Fire Assessment Study conducted by Benesch totaling \$59,590

Presentation By: Tammi Haslam

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: James P. Hilty Sr.

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

- 8e.** Approve agreement with Marion County accepting Emergency Solutions Grant-Coronavirus grant funding as the lead agency for the Marion County Continuum of Care totaling \$133,539

Presentation By: James Haynes

Mayor Guinn asked what the point in time count is. Director Community Development Services James Haynes responded the point in time count is similar to last year's number. He explained how the point in time count is based on unsheltered individuals. The City will be tracking the average number of people housed on a monthly basis.

Council Pro Tem Hilty asked if an individual living in their car is counted. Mr. Haynes responded the individual is not counted under the HUD definition. He explained the various data they collect.

Council Member Dreyer asked what the total population number is. Mr. Haynes responded he will send her the information.

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: James P. Hilty Sr.

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

- 8f.** Approve three-year agreement with WellSky Corporation to purchase Homeless Management Information System software in the amount of \$127,839

Presentation By: James Haynes

Glen Fiorello, 838 SE 3rd Street, asked what the purpose of the software is. Council President Pro Tem Hilty explained how software is used to track the homeless population and helps the City retrieve grant funding from the Federal Government.

Director Community Development Services James Haynes commented the new software is superior to the current software and will result in cost savings for the City.

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

- 8g.** Approve U.S. Department of Housing and Urban Development grant amendment to properly assign Continuum of Care Program grant funds to the City of Ocala totaling \$83,491

Presentation By: James Haynes

There being no 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

- 8h.** Approve a one-year contract renewal with C.W. Roberts Contracting, Inc. for Transportation Rehabilitation Improvement Program with a value not to exceed \$3,000,000

Presentation By: Sean Lanier

Mayor Guinn stated the area is in great need of improvements. He noted South Magnolia is also in great need of improvements.

City Engineer/Director of Water Resources Sean Lanier noted the City will be performing a condition assessment on the roadways.

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

- 8i.** Approve a franchise license to SafeParc, LLC to provide valet service from the Downtown Hilton to the parking garage.

Presentation By: Tye Chighizola

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: James P. Hilty Sr.

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

- 8j.** Approve Conceptual Subdivision Plan for West Oak Phase 2 Residential

Presentation By: Aubrey Hale

Chris Roper, 420 S. Orange Avenue, Orlando, FL 32801, stated he is an Attorney with the Ackerman Law Firm, representing Trademark Metals & Recycling. He presented findings into evidence. He noted their client expressed concern they will be inundated

with noise complaints in the future, explaining his client has permission to work their metal shredder starting at 6am on weekdays. He provided an overview of the comprehensive plan, pointing to a lack of noise mitigation or buffer in the plan. He requested Council approve the plan with proposed conditions to address noise. The phase plan is inconsistent with Developer's Agreement for the proposed plan. Furthermore, he requested phase four be changed to phase one.

David Mackay, 2801 SW College Road, stated he is representing the applicant. He explained the project is compliant with the approved timelines. He would be happy to discuss the noise concerns. The applicant is requesting Council approve a conceptual plan, not a final plan. Furthermore, the development is not in any sound contour mentioned by Mr. Roper. The mentioned items will be taken into consideration when reviewing the project. The traffic study was performed, and a proposed concurrency document was submitted to the City.

Council Member Dreyer disclosed her personal relationship with the project's engineer, noting she has no financial interest in the project.

Council President Pro Tem Hilty asked if the development contributes to affordable housing. Urban Design Coordinator Aubrey Hale responded the proposed project is a single-family housing development and the affordable housing element will be incorporated into the Developers Agreement. He explained how the changes reduced the size of the phase. Furthermore, a PD amendment will be presented to Council in the future.

Council President Bethea asked how long Trademark Metals & Recycling has been operating in the community. Mr. Roper responded the facility received a special use permit in 2006, so it's been over 16 years.

Council President questioned why a shredder was placed near the golf course.

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

RESULT: APPROVED
MOVER: James P. Hilty Sr.
SECONDER: Jay A. Musleh
AYE: Hilty Sr., Dreyer, Mansfield, Musleh, and Bethea

9. Consent Agenda

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

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

RESULT: APPROVED THE CONSENT AGENDA

MOVER: Barry Mansfield

SECONDER: Kristen M. Dreyer

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

- 9a.** Adopt Budget Resolution 2022-151 amending the Fiscal Year 2021-2022 budget to accept and appropriate funding from the US Department of Housing and Urban Development for the Marion County's Continuum of Care Homeless Information System program grant in the amount of \$83,491

Presentation By: Tammi Haslam

- 9b.** Adopt Budget Resolution 2022-152 amending the Fiscal Year 2021-2022 budget to appropriate supplemental funding for a fire assessment update totaling \$19,590

Presentation By: Tammi Haslam

- 9c.** Adopt Budget Resolution 2022-153 amending the Fiscal Year 2021-2022 budget to appropriate Emergency Solutions Grant-Coronavirus funding for the Marion County Continuum of Care (CoC) totaling \$133,539

Presentation By: Tammi Haslam

- 9d.** Approve the First Amendment to City Redevelopment Agreement for Brick City Residences & Shops, LLC.

Presentation By: Aubrey Hale

- 9e.** Approve Conceptual Subdivision plan for Circle Fore at SW 48th Avenue

Presentation By: Aubrey Hale

- 9f.** Approve Ocala Community Redevelopment Agency (CRA) FY 2021 Annual Report

Presentation By: Tye Chighizola

- 9g.** Approve new East Ocala CRA Historic Building Grant Program

Presentation By: Tye Chighizola

- 9h.** Approve the donation of a 2008 Ford F150 surplus city vehicle to Wear Gloves Inc. with an estimated residual auction value of \$4,100

Presentation By: Liza Warmuth

- 9i.** Approve one-year contract renewals with Tetra Tech, Inc. and Geo-Technologies, Inc. for emergency debris monitoring services

Presentation By: Darren Park

- 9j.** Approve Labor Attorney invoices for the month of March 2022 in the amount of \$6229.85

Presentation By: Chris Watt

- 9k.** Approve renewal of Trakit software maintenance with Superior LLC for as long as the software is in use with an estimated annual expenditure of \$45,000

Presentation By: Christopher Ramos

- 9l.** Approve contract with Wolen, LLC for Ocala International Airport air traffic control tower equipment in the amount of \$74,921

Presentation By: Matthew Grow

- 9m.** Approve Regular City Council Meeting Minutes for Tuesday, April 19, 2022

Presentation By: Angel Jacobs

10. Consent Agenda Items Held for Discussion

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

11. Introduction and First Reading of Ordinances

(Second and Final Reading - May 17, 2022)

- 11a.** Adopt Ordinance 2022-42 for a zoning change from B-4, General Business & B-5, Wholesale Business, to M-1, Light Industrial, for approximately 8.45 acres of property located at 1205 NW 27th Avenue (Case ZON22-44688) (Quasi-Judicial).

Presentation By: Tye Chighizola

Introduced By: James P. Hilty Sr

RESULT: INTRODUCED

- 11b.** Adopt Ordinance 2022-43 for a rezoning from Planned Unit Development, PUD, to Planned Development, PD for approximately 32.22 acres of property located at 5451 SW 66th Street between SW College Road/State Road 200, SW 49th Road, and SW 66th Street (Case PD21-0001) (Quasi-Judicial).

Presentation By: Aubrey Hale

Introduced By: Barry Mansfield

RESULT: INTRODUCED

- 11c.** Adopt Ordinance 2022-44 for an annexation of approximately 9.10 acres located at 4240 SW 43rd Ct and 4300 SW 43rd Ct (Case ANX20-0012).

Presentation By: Aubrey Hale

Introduced By: Barry Mansfield

RESULT: INTRODUCED

- 11d.** Adopt Ordinance 2022-45 for an amendment to the Future Land Use Designation from Low Residential (County) to Neighborhood (City) for approximately 9.10 acres of property located at 4240 SW 43rd Ct and 4300 SW 43rd Ct (Case LUC20-0004).

Presentation By: Aubrey Hale

Introduced By: James P. Hilty Sr

RESULT: INTRODUCED

- 11e.** Adopt Ordinance 2022-46 for a rezoning from A-1, Agricultural (County), to PD, Planned Development for approximately 9.10 acres of property located at 4240 SW 43rd Ct and 4300 SW 43rd Ct (Case PD20-0009) (Quasi Judicial).

Presentation By: Aubrey Hale

Introduced By: Barry Mansfield

RESULT: INTRODUCED

- 11f.** Adopt Ordinance 2022-47 for a zoning change from R-3, Multi-Family Residential, to B-2, Community Business, for property located at 432 NW Martin Luther King Ave, approximately 3.97 acres. (Case ZON22-44678) (Quasi-Judicial).

Presentation By: Tye Chighizola

Introduced By: Jay A. Musleh

RESULT: INTRODUCED

- 11g.** Adopt Ordinance 2022-48 for a zoning change from OP, Office Park, and Pending to PD, Planned Development, of approximately 40.38 acres of property located at the 4400 block of SW 20th Street (Case PUD17-0003) (Quasi-Judicial).

Presentation By: Tye Chighizola

Introduced By: James P. Hilty Sr

RESULT: INTRODUCED

12. Internal Auditor's Report

13. City Manager's Report

Solid Waste Providers Program scheduled on May 4, 2022, 2 – 4 pm, located at MLK First Responders Campus Community Building

Marion County Commission Workshop: Growth and Development Projects scheduled on May 9, 2022, 1:30 pm to 3:30 pm, located at McPherson Governmental Campus Auditorium

Builders Round Table event pending June 2022

Interim City Manager Pete Lee commented the City will be implementing some of the feedback from the previous round table event.

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 April 18, 2022 to May 1, 2022. The Police Departments Opioid response efforts 8, overdose deaths 1, Narcan leave behind 3 and Amnesty participation 1. The Police Departments Big Brother's & Big Sister's Program will launch on Saturday, May 6, 2022, at 10 am.

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 6, overdose deaths 0 and Narcan leave behind 0. For the month of April, 340 people have enrolled in the Opioid Recovery Project and they had a total of 147 community paramedicine graduates. The Narcan leave behind for the OD2A Program amounts to 97 participants and trained 71 individuals to administer Narcan.

15. Mayor's Report

Mayor Guinn expressed concern regarding 16th Street

Mayor Guinn commented he has received numerous complaints from the public regarding 16th Street. He suggested the City install speed bumps to slow down traffic on 16th Street.

Interim City Manager Pete Lee commented the City will evaluate ways to improve the safety in the area.

Mayor Guinn commented on the Rail-to-Trail project

Mayor Guinn discussed how the new railroad line is actively soliciting new customers. He explained the railway crosses the City's road. He noted Assistant City Attorney Gooding found some documents; however, the documents are in cursive and need to be transposed.

City Attorney Batsel explained the railroad territory issue. The City believes the railway crosses the City road; the railway believes the City road crosses their tracks.

Mayor Guinn he encouraged Council to take action now to eliminate the railroad track.

Interim City Manager Pete Lee discussed eliminating the railroad to create a public trail (Rail-To-Trail project).

Council Member Mansfield requested a follow up regarding the Rail-To-Trail project.

Council Member Musleh expressed concern regarding lawsuits from the new railroad line and asked what would be the likelihood of success.

City Attorney Batsel explained the railroads are a condemning authority, whereas the City has condemnation authority. The goal is to determine who was there first, the City or the railroad. The City pays a high cost annually for the crossing agreements.

Council Member Musleh requested information regarding the purchase and maintenance of the proposed trail.

Mr. Lee commented he will collaborate with the PTO and County regarding the railroad.

16. City Attorney's Report

16a. Approve Council President, on behalf of Council, authority to accept opioid settlements

City Attorney Batsel stated there is still a trial being held with Walgreens. The packet given to Council contains settlement information and funding breakdown. He requested Council make a motion to allow the Council President to sign the participation agreement to allow the City Attorney's to approve the settlements.

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: James P. Hilty Sr

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

17. Informational Items

a. Calendaring Items

17a1. Marion County Commission Workshop: Growth and Development Projects -
May 9, 2022 - 1:30pm - McPherson Governmental Campus Auditorium

b. Comments by Mayor

Mayor Guinn shared his experience judging a hot dog tasting contest

Mayor Guinn shared his experience judging a hot dog tasting contest, which will be live on Monday May 9, 2022, at 9 pm; on the Food channel.

c. Comments by Council Members

Council Member Hilty presented a presentation on increasing energy costs and the solar project phase III

Council Member Hilty presented a presentation on increasing energy costs and the solar project phase III. He explained how inflation is affecting the economy and the challenges solar production is facing.

Interim City Manager Pete Lee stated they will create an agenda item to discuss the matter at the next City Council meeting.

Council Member Hilty anticipates customers will experience large financial impacts due to the increasing costs.

Mayor Guinn asked if they discussed battery storage. Council Member Hilty responded no.

Council Member Musleh commented on the Internal Auditor's findings on the banking services

Council Member Musleh commented on the Internal Auditor's findings on the banking services. The Auditor's report did not mention any criminal activity or findings. He discussed how the false comments were very devastating to his reputation.

d. Informational

17d1. Power Cost Adjustment Report - March 2022

17d2. Monthly Budget to Actual Report as of March 31, 2022 and Capital Improvement Project Status Report

17d3. Executed Contracts Under \$50,000

18. Adjournment

Adjourned at 8:10 p.m.

Minutes

Ire Bethea Sr.
Council President

Angel B. Jacobs
City Clerk