



Ocala

City Council

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Tuesday, February 1, 2022

5:00 PM

1. Call to Order

- a. Opening Ceremony
 - 1. Invocation - Chaplain Doug Green
 - 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.

2. Public Notice

Public Notice for the February 1, 2022 City Council Regular Meeting was posted on December 21, 2021

3. Proclamations & Awards

Black History Month

Mayor Guinn presented a proclamation for Black History Month. He discussed how Black History Month honors the accomplishments and contributions made by generations of African Americans. The City proclaims February 2022, as Black History Month.

Mayor Guinn encouraged the community to support the program Kut Different, Inc.

Jamie Gilmore Jr. thanked the City for honoring Black History Month.

President Bethea recognized individuals in Marion County, who should be honored during the celebration of Black History Month.

4. Presentations

5. Public Comments

Glenda Vietinghoff, 2721 NE 27th Street, Ocala, FL, requested follow-up to her concerns about a neighbor owning pigs within the City limits

Glenda Vietinghoff, 2721 NE 27th Street, Ocala, FL, discussed a code enforcement case regarding pigs housed in a residential neighborhood. She explained she had collected and submitted 91 petitions from surrounding neighbors requesting the City uphold the City code prohibiting pigs in the City. She requested a follow-up from the City regarding the case.

City Attorney Batsel explained the situation is before the Special Magistrate. The City Attorneys cannot have direct conversations with a Special Magistrate outside of a hearing. Furthermore, he will follow-up with the Special Magistrate at the request of Ms. Vietinghoff.

Ms. Vietinghoff noted her letter was not documented in the portal for the code enforcement case. She believes the resident should not be exempt from following the code enforcement regulations.

6. Public Hearings

- 6a.** Approve a Chapter 163 Concurrency Development Agreement for approximately 23.51 acres of property located at 2550 SE 24th Street (Parcel # 29850-000-27) (CDA21-44540). This is the second of two public hearings. The first public hearing was held on December 21, 2021. This public hearing was postponed from the January 4, 2022 and February 1, 2022 City Council Meetings.

Council Member Musleh requested the hearing be postponed to the next City Council meeting on February 15, 2022.

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

RESULT: POSTPONED

MOVER: Jay A. Musleh

SECONDER: James P. Hilty Sr

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

- 6b.** 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

Council President Pro Tem Hilty requested the hearing be postponed to the next City Council meeting on February 15, 2022.

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

RESULT: POSTPONED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

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

7. Second and Final Reading of Ordinances - None

8. General Business

- 8a.** Approve Task Work Order #13 to provide SunTran fixed-route bus transit design services using Kimley-Horn and Associates Inc. for bus stop prioritization, surveying, construction plans, and permitting for twenty-five bus stops in the amount of \$218,07

There being no 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

- 8b.** Approve Task Work Order #14 with Kimley-Horn and Associates Inc. for architectural and engineering design services for renovations to the SunTran bus facility located at 1805 NE 30th Avenue in the amount of \$79,646

There being no 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

- 8c.** Approve contract to purchase six parcels in Downtown Ocala owned by Mt. Moriah Church for a future parking garage in the amount of 1,765,000

Assistant City Manager Pete Lee presented a map that showed 7 properties City staff have considered for a future parking garage. He explained the Mt. Moriah Church property is the most suitable for numerous reasons, including the price, location and redevelopment opportunities in the surrounding parcels. It is equidistant from the downtown core as the existing garage by City Hall, as well as it would spur redevelopment opportunities on the western edge of the Downtown as part of the Vision 2035 plan. He noted Downtown is lacking in parking.

Council President Pro Tem Hilty requested insight into the discussion with JJAB Investments and any potential residential development plans on that site. Assistant City Manager Pete Lee responded the parcel has two separate owners. One of the owners purchased the parcel to develop residential housing in the community, however, the City has not yet received any development plans.

Council President Pro Tem Hilty asked if the City should consider purchasing the parcel. Mr. Lee responded the sale price is out of the price range.

Council President Pro Tem Hilty expressed safety concerns regarding pedestrians walking from the parking garage. Mr. Lee noted the area isn't as developed, but there are restaurants around it such as The Courtyard and Pi, which is currently being renovated.

He provided an overview of potential development plans in the area.

Council President Pro Tem Hilty requested clarification on the lease to purchase agreement. Mr. Lee responded the lease agreement will be finalized during closing.

Council Member Mansfield questioned how the City purchases property, or if there had been any workshops regarding this agreement. Mr. Lee noted staff had talked to each Council Member about this agreement. City Attorney Batsel explained these types of contracts are subject to Council approval, and are entered into prior to coming to Council.

Mr. Lee discussed the Vision 2035 plan. The City plans on developing a third parking garage on the north side of SR40, but there isn't currently enough traffic to warrant. That development will likely include a public-private partnership or private builder. To note, the development plan for a second parking garage south of SR40 was discussed with Council in 2019. The City can install street lights to alleviate safety concerns in the area. The Vision 2035 plan included an expectation that surface parking would be replaced with structured parking.

Council Member Mansfield asked when the item will be opened for public comment. Mr. Lee responded the discussions for the project were held internally. The City performed market research on pricing before making any purchases.

Council Member Mansfield asked what the due diligence is on the contract. City Attorney Batsel responded 90-days from Council approval of the contract.

Mayor Guinn stated he supports the proposed garage location. He noted the garage is surrounded by local entertainment establishments. He asked who owns the top left parcel. Mr. Lee responded Martin Ryan owns the property and plans on selling the property to the City.

Mayor Guinn requested clarification on the development plans for the remaining parcels. Mr. Lee responded the City will list the parcels for sale on the real estate market after construction.

Council Member Mansfield stated he wants to receive feedback from the public.

Council Member Dreyer commented the City should seek public input from local Downtown businesses. She noted many of the business owners are upset the City did not ask for their feedback. She requested the City allow Downtown businesses to comment on the project. Furthermore, she concurs with Council President Pro Tem Hilty regarding the safety concerns.

Council Member Dreyer questioned why the City is not interested in purchasing the McDoniels property. Mr. Lee responded the requested price is too high. He noted the City has more development opportunities on the parcel they have acquired. The City will remedy all safety concerns at the proposed location. Furthermore, the garage project will

take several years to complete.

Council Member Musleh asked what the purpose of the due diligence period is. Mr. Lee responded to allow the City to review the geo-technical aspects of the property.

Council Member Musleh asked if Council can terminate the agreement due to negative public input. City Attorney Batsel explained the termination clause. The City would have to determine if the property is suitable for the proposed use, which requires a Phase 1 environmental inspection. The concerns raised by Council can be used to terminate the contract during the feasibility period.

Council Member Dreyer asked if the item can be tabled until Council receives input from Downtown businesses. City Attorney Batsel responded the contract was executed on January 5th, and the contingency must be accepted by Council within 60-days. The City can make a minor amendment to extend the contingency. The request will need Council approval on March 1, 2022, without the seller extending the contingency.

Council Member Dreyer commented Council can receive feedback from local businesses within the specified timeframe.

Glenn Fiorello, 838 SE 3rd Street, Ocala, FL, commented on the building decisions of the parking garage by City Hall and asked if more floors could be added to increase parking for the public. City Engineer & Director of Water Resources Sean Lanier explained the design does not allow for more than 3 floors. He noted the City did not have the budget to go beyond three floors.

Council President Bethea asked if there is a height limit for the garage project. Mr. Lee responded the form-based code would allow for an exception on height limits. .

Mr. Fiorello suggested the City consider more floors instead of more garages. He shared his experience building the Judicial Center. The County forgot to include the parking in the Judicial Center design.

Gerald Ergle, 3631 SE 12th Place, Ocala, FL, expressed disappointment the City did not schedule a public hearing to discuss the location of the proposed parking garage. He noted City business must be discussed with the public. He requested Council table the item to receive public input.

Kevin Sheilley, 310 SE 3rd Street, Ocala, FL, spoke in support of the proposed garage site. He believes the garage project will be a catalyst for additional development Downtown (\$50 million investment). Furthermore, the proposed location will drive additional investment and revenue in the form of ad valorem taxes. He encouraged Council to support the proposed garage development site.

Council Member Dreyer asked if businesses are not investing in the Downtown due to limited parking. Mr. Sheilley responded yes; parking is a huge issue in the City. He anticipates more businesses will invest in the Downtown, if there is more available

parking for the public.

Council Member Dreyer asked what the time frame is for the \$50 million investment. Mr. Sheilley responded the City will see the \$50 million investment return in year 2024 to 2025.

Council President Pro Tem Hilty questioned the walkability of the area and noted the lot north of SR40 isn't any further away from the Downtown than the Mt. Moriah lot. Mr. Sheilley responded pedestrians hesitate to cross SR40. He believes that a parking garage north of SR40 would greatly benefit the businesses north of SR40.

Council President Pro Tem Hilty asked if the one-year delay impacts development plans. Mr. Sheilley explained the development process. He anticipates there will be no significant impacts.

Mayor Guinn commented the Master Plan from 2003 identifies the area for a parking garage. He noted the City will make the garage safe for the public. Furthermore, he anticipates the garage project will increase new development in the City.

President Bethea commented the Vision 2035 plan included comments from business owners and citizens.

Council Member Dreyer commented the perception is the public believes north 40th is unsafe for the pedestrians to cross. She requested the item be tabled before the City wastes money on a location the public is unwilling to travel to.

Mayor Guinn commented the City will remedy the pedestrian safety concerns by installing lights. He noted the City scheduled a year's worth of meetings before the plan was approved.

Rock Gibboney, 597 NE 45th Terrace, Ocala, FL, encouraged City staff to get Council and citizens involved in the process and provide project updates. Furthermore, the City needs to communicate better with the new Council Members.

Council President Pro Tem Hilty stated he supports postponing the item for further discussion. He requested more information regarding the neighboring lots and sales price. Mr. Lee responded the price is based on the appraised value of the parcel.

Council President Pro Tem Hilty questioned if the City has communicated enough with the business owners Downtown. Council Member Dreyer responded no.

Council Member Dreyer asked how much McDoniels previously wanted to sell the property for. Mr. Lee responded he does not know.

Council Member Dreyer commented the amount of parking spaces do not differ from the current lot.

Mr. Lee commented they will conduct an analysis on the parcels to determine redevelopment potential.

Council Member Dreyer commented the public assumes Council discussed the matter. Mr. Lee responded the City discussed the details of the project with Council. He noted the City can schedule two public meetings within two weeks.

Council President Pro Tem Hilty stated he favors the proposed development; however, the item needs to be postponed for further discussion.

Mr. Lee suggested postponing discussion until March 1, 2022

Council President Pro Tem Hilty asked if the individuals can move out of the property sooner. Mr. Lee responded they can explore shortening the timeframe and the individuals requested one year.

Council agreed to postpone discussion to the next City Council meeting scheduled on March 1, 2022.

RESULT: TABLED

- 8d.** Adopt Resolution 2022-21 accepting a Federal Aviation Administration grant for the Airport Coronavirus Relief Grant Program and authorize the City Council President to sign and execute the grant agreement totaling \$148,000

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

RESULT: ADOPTED

MOVER: Barry Mansfield

SECONDER: James P. Hilty Sr

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

- 8e.** Approve award of three-year contract to Boot Barn, Inc. for the provision of discount pricing on protective footwear for City employees in the amount of \$150,000

There being no 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

9. Consent Agenda

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

RESULT: APPROVED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

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

9a. See Item 10

9b. Adopt Budget Resolution 2022-127 amending the Fiscal Year 2021-2022 budget to appropriate grant funding from the Federal Aviation Administration totaling \$148,000

9c. Approve Task Work Order #4 utilizing Kimley-Horn and Associates for traffic management design for the State Road 464 Force Main Replacement project with a not-to-exceed cost of \$76,949

9d. Approve the purchase, delivery and assembly of filtration boxes from Oldcastle Infrastructure Inc. for the Edgewood Pond drainage retention area with a cost not to exceed \$61,835

9e. Approve agreement with the Diocese of Orlando concerning the conveyance of property for Trinity Catholic High School and granting a new drainage easement to the City of Ocala

9f. Approve the purchase of an Apex Interactive Crisis Intervention, De-Escalation, and Use of Force Training Simulator in the amount of \$89,296

9g. Approve a grant contract from the Florida Department of Law Enforcement (FDLE) to reimburse expenses for implementation assistance with the Florida Incident Based Reporting System (FIBRS) program totaling \$44,671

9h. Adopt Budget Resolution 2022-128 amending the Fiscal Year 2021-2022 budget to accept and appropriate funds from the Florida Department of Law Enforcement (FDLE) to reimburse expenses for implementation assistance for the Florida Incident Based Reporting System (FIBRS) totaling \$44,671

9i. Approve contract for rehabilitation for the English residence located on NW 19th Ct to Algat Enterprises, Inc. for a total project cost not to exceed \$92,078

9j. Approve contract for rehabilitation of the Roney residence located on NE 16th Ct. to Algat Enterprises, Inc. for a total project cost not to exceed \$84,819

9k. Approve Labor Attorney invoices for the month of December 2021 in the amount of \$298.75

9l. Approve appointment of Christina Snook to the Ocala Historic Preservation Advisory Board for an unexpired three-year term ending March 1, 2024

9m. Approve Regular Meeting City Council Minutes for Tuesday, January 18, 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.

9a. 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

RESULT: TABLED

11. Introduction and First Reading of Ordinances

(Second and Final Reading - February 15, 2022)

- 11a.** 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

RESULT: INTRODUCED

- 11b.** 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

RESULT: INTRODUCED

12. Internal Auditor's Report

13. City Manager's Report

14. Police and Fire Department Report

Police Chief Mike Balken – Public Safety Opioid Response Efforts

Police Chief Balken reported the overdose deaths amount to seven, due to a hot batch of drugs. The Police Department is working hard to combat illegal drugs in the community and 58 employees tested positive for COVID-19.

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 8, overdose deaths 1 and Narcan leave behind 2. For the month of January, 336 people have enrolled in the Opioid Recovery Project and they had a total of 136 community paramedicine graduates. The Narcan leave behind for the OD2A Program amounts to 76 participants and trained 26 individuals to administer Narcan.

15. Mayor's Report

Mayor Guinn shared his experience attending the US Conference of Mayor's

He discussed local issues and the migration of people moving to the City of Ocala. He encouraged Council to view the event photos online. Furthermore, he anticipates the defund the police movement has died down.

Mayor Guinn discussed a Bill currently under review by the Senate.

Mayor Guinn stated he opposes a Bill currently under review by the Senate. The Bill allows the release of prisoners for serving 65% of their time. The Bill will release many violent prisoners into the community. He discussed a recently released prisoners that killed Detective Rivera in New York. Furthermore, he plans on traveling to Tallahassee to speak to the Senate Committee regarding the proposed Bill.

16. City Attorney's Report

16a. Approve City Attorney's representation of City employee in ethics complaint

City Attorney Batsel explained the provision of the City Code that deals with representing a City employee with an ethics complaint filed against them. The employee's identity is kept confidential throughout the process. The code states the employee must be reimbursed if they are acquitted or charges have been dismissed. He noted the technical application of the code creates a hardship for an employee to hire an attorney. He discussed a pervious case with an employee last August.

The City staff determined there was no ethics violation after analyzing the file. Furthermore, the employee met with Assistant City Attorney Patrick Gilligan and they are requesting Council allow Assistant Attorney Gilligan to represent the employee. Council previously requested the ordinance be revised to allow an exception when the City Manager or his/her designee determine no ethics violation occurred. He requested Council vote on the motion: Assistant City Attorney Gilligan to represent the employee and discuss presenting a revision of the ordinance. Council had no objections to the City Attorney bringing back revisions to the ordinance.

There being no 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

Council agreed to delegating the Council President to sign agreements relating to opioid litigation settlements

City Attorney Batsel reported Council approved several settlement agreements. He anticipates the City will receive more settlements for Council to review soon. He discussed an email he received regarding approving participation in the settlements. Due to quick deadlines and short notices, he requested Council delegate authority and allow Council President Bethea to execute the agreements in the short term.

Council agreed with the request.

City Attorney advised Council of a court hearing on February 11th at 10:00 AM to determine the final claim administration process

City Attorney Batsel reported a hearing is scheduled on February 11, 2022, at 10 a.m.; to discuss the plaintiffs class motion to approve the class notice of final hearing. The hearing could result

in a formal claims administration process.

17. Informational Items

17a. Calendaring Items

17a1. City Council Work Session - Solid Waste/Recycling & Animal Control -
Tuesday, February 8, 12pm Noon

17a2. Strategic Planning Session - Tuesday, March 22 - Time/Location TBA

17b. Comments by Mayor

Mayor Guinn discussed appointing Council Members to the Bid Committees

Mayor Guinn suggested Council appoint Members to the Bid Committees. He asked if Council was interested in participating in the Bid Committee.

Council Member Dreyer commented she will be meeting once a month with City staff to discuss City projects.

Mayor Guinn shared his experience as a City Council Member participating in the Bid Committee.

Council President Bethea commented he meets once a month with City management.

17c. Comments by Council Members

Council Member Mansfield commented on the importance of transparency and suggested reviewing the City Manager position

Council Member Mansfield commented on the importance of transparency with the public. He noted the public is the shareholders for the City. He suggested Council perform a nationwide search for a new City Manager from outside the community, with a strong background in civil and construction matters. Furthermore, his perception of City staff, is they only want Council to vote on requests, but not ask questions.

President Bethea questioned finding a new City Manager with an expertise in all City Departments

Council Member Musleh commented on the contract renewal process for the City Manager position

Council Member Musleh stated it is inappropriate for Council to discuss the City Manager position at this time. The City Manager contract ends in October 2022. He suggested Council extend the current City Manager the length of their contract; if Council chooses not to renew the contract in October, an interim City Manager will be appointed during the City Manager search. The City previously selected an outside candidate for the City Manager position, however, the candidate moved back to their hometown. Furthermore, he concurs with Council President Bethea; Council will not find a candidate with an expertise in all departments.

President Bethea commented on City Manager Sandra Wilson's exceptional business skills

President Bethea stated City Manager Sandra Wilson has a vast knowledge of City operations and exceptional business skills.

Council Member Dreyer commented on the importance of transparency

Council Member Dreyer expressed concern regarding transparency with Council and the public. The City staff need support and guidance from the City Manager. She noted one of the City Managers direct reports requested she not discuss certain things during City Council meetings. She questioned why it would be inappropriate to start the search for a new City Manager now.

City Manager Sandra Wilson asked Council Member Dreyer what she requested she not speak about. Council Member Dreyer responded she approached her prior to the meeting and requested she not mention the City lawsuit. Ms. Wilson confirmed Council Member Dreyer was referring to pending litigation. Council Member Dreyer responded in the affirmative.

17d. Informational

17d1. Monthly Budget to Actual Report as of December 31, 2021 and Capital Improvement Project Status Report

17d2. Power Cost Adjustment Report - December 2021

17d3. Executed Contracts Under \$50,000

17d4. Risk Management Status Report

18. Adjournment

6:45 PM

Adjourned at 6:45 p.m.

Minutes

Ire Bethea Sr.
Council President

Angel B. Jacobs
City Clerk