



Ocala

City Council

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Tuesday, May 17, 2022

4:00 PM

1. Call to Order

- a. Opening Ceremony
 - 1. Invocation - Chaplain Gene Kenney
 - 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, City Attorney Robert Batsel Jr., City Clerk Angel Jacobs, Deputy City Clerk Pamela Omichinski, Fire Chief Clint Welborn, Police Chief Michael Balken, Director of Utility Doug Peebles, Internal Auditor Randall Bridgeman, Assistant Finance Director Peter Brill, Growth Management Director Tye Chighizola, Sanitation Division Head Dwayne Drake, Chief Development Official Aubrey Hale, Budget Director Tammi Haslam, Director of Facilities & Fleet Management John King, Director Community Dev Services James Haynes, Contracting Officer Tiffany Kimball, City Engineer & Director of Water Resources Sean Lanier, Director Public Works Darren Park, Director of Parks & Recreation Preston Pooser, Director of HR/Risk Management Chris Watt and other interested parties.

2. Public Notice

Public Notice for the May 17, 2022 City Council Regular Meeting was posted on April 7, 2022

3. Proclamations & Awards

- 3a. Service Award - Sergeant Melissa Buetti - Ocala Police Department - 25 Years of Service**

Interim City Manager Pete Lee and Mayor Guinn presented a service award to Sergeant Melissa Buetti in appreciation of her 25 years of service to the City of Ocala. She started her career with the City of Ocala in 1997. During her career, she was promoted to

multiple leadership positions.

Sergeant Melissa Buetti thanked the City for the service award.

- 3b.** National Public Works Week Proclamation presented to Director of Public Works Darren Park, Sanitation Division Head Dwayne Drake, and Division Head Tom Casey

Mayor Guinn presented a proclamation for National Public Works Week. He discussed how the Public Works Department supports the community. The City proclaims the week of May 15-21, 2022, as National Public Works Week.

Mr. Park thanked the City for the opportunity to serve the public.

- 3c.** Water Reuse Week Proclamation presented to Water Resources Director Sean Lanier and City Staff

Mayor Guinn presented a proclamation for Water Reuse Week. He discussed how water reuse supports the community. The City proclaims the week of May 15-21, 2022, as Water Reuse Week.

Water Treatment and Reclamation Manager Robyn Preston introduced and complemented Water Resources Department lead operators, Lead Operator Jeff Greve and Operator 2 Bill Davis and Jeffrey Sheffield. He explained how the water reuse process works.

4. Presentations

- 4a.** NW-SW 44th Avenue Extension

City Engineer & Director of Water Resources Sean Lanier reported on the NW-SW 44th Avenue extension project. The City plans on constructing a four-lane road in phases. The project consists of four phases: Phase One, a two-lane project, amounts to \$3 million; Phase two will complete the four-lane north of SR 40 and amounts to \$6.5 million; Phase Three will complete the stretch from SW 20th to SR 40 and amounts to \$2.9 million; and, Phase Four involves returning to the first phase to widen the roadways to four-lanes, which amounts to \$3.5 million. The City plans on resurfacing the existing SW 43rd Court.

Interim City Manager Pete Lee explained if the Governor signs the appropriation of \$8 million, the City will have funding available to complete the project (\$16 million in project expenses).

Mr. Lanier explained phases of the project included in the current budget. Phase 1 is funded in the current budget, which includes a match the City will be receiving from FDOT. The \$8 million appropriation will be used to complete the four-lane project (SR 40 to US 27). He suggested Council proceed with the current budget funding for the project and revisit the agreement in the future with FDOT.

Council Member Hilty questioned the time frame. Mr. Lanier responded the first phase will start next calendar year.

Milton Fraser, 4541 SW 46th Street, Country Oaks, requested clarification on the four-lane connections. He questioned if the public will be able to make a left-hand turn on 46th. Mr. Lanier explained the connection to the flyover. He confirmed the public will be able to make a left-hand turn on 46th.

Council Member Musleh commented the four-lane construction project will help alleviate the traffic concerns.

Mr. Lanier commented the City will add signalization on 20th Street and the four-way stop.

Justin Savino, 4560 SW 44th Street, expressed concern regarding failed retention ponds in the area, increased traffic and increased noise.

Diane Irvin, 4490 SW 44th Street, requested Council take into consideration Saddlewood Estates only entrance/exit on 43rd.

5. Public Comments

6. Public Hearings

- 6a.** Adopt 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 second of two public hearings. The first public hearing on the proposed Concurrency Development Agreement was held on Tuesday, May 3, 2022

President Bethea opened the Public Hearing at 4:28 p.m.

City Attorney Batsel explained the procedures for Public Hearings on the agenda.

Growth Management Director Tye Chighizola discussed the second public hearing for the Winding Oaks Concurrency Development Agreement, for the property located south of 66th on SR 200. The project consists of two phases: Phase 1 agricultural process/commercial and Phase 2 residential portion. The agreement will address all the improvements. The proposed development will consist of 3,000 residential units, and 950,000 square feet of commercial/office uses over the total buildout which is expected to be in the year 2040. Furthermore, the project includes 3,500 new peak hour trips at buildout. The concurrency agreement will last until 2040. The project will assist in the continuation of 49th Avenue and connecting to the flyover.

Amber Gardner, Kimley-Horn, 101 E. Silver Springs Boulevard, Suite 400, Ocala, FL 34470, provided additional background on the agreement. The property was annexed into the City in 2017; and the PD zoning was approved a year ago by City Council. She explained the two traffic studies that were performed to evaluate impacts of the

development. Many of the improvements are related to County and City facilities. The agreement outlines the right-of way contributions to the City/County. The total mitigation for a 1,000-acre development amounts to \$8.3 million, with \$2.5 million dedicated to the roadway right-of-way, \$1.1 million dedicated to Marion County and \$4.7 million in cash contributions to the City. The agreement outlines specific development triggers for when these are due based on the impacts of the 20-year build-out of the project.

Arthur Roy Jr., 6500 SW 50th Terrace, expressed concern regarding the preservation of horse burials in the area. He requested the developer and the City preserve the historic house located in the area.

Mayor Guinn questioned if 300-acres of the property will be preserved for farming. Ms. Gardner explained a portion of the property will be maintained by a separate owner for agricultural horse operations. The ordinance requires the horse cemetery be set aside as a preserved park; and a monument plaque will be placed at the park.

Council Member Musleh asked if the 300-acres was annexed into the City. Ms. Gardner responded the 300-acres was annexed into the City and included in the PD.

Mr. Chighizola explained how the PD allows an existing horse track facility to be a conforming use. The 300-acres are part of the PD; and future development will modify the PD.

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

- 6b.** 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)

Introduced By: Barry Mansfield

Council President Bethea opened a public hearing for items 6b and 6c at 4:34pm.

The City Clerk filed proof of publication for Ordinances 2022-42 - 2022-48 (Legal Ad - 7264846 - 5/6/2022). The City Clerk read the ordinance titles into the record.

Chief Development Official Aubrey Hale reported the property was originally proposed as a PUD, for a 150-unit townhouse development, which is part of the Heathbrook development master plan. In 2007, the final development plans were approved; roads/utility lines were constructed after the improvement plans were approved. The

project was postponed due to the housing market crash in 2008; however, substantial changes were made, which require a planned development, including that PUD zoning is no longer an active zoning district. The applicant is proposing a 146-unit multi-family residential development consistent with the previous approved plan.

Carlos Jeffers, 654 78th Avenue North, Pinellas Park, stated he is the property owner; and they are requesting an amendment to the plan. He noted they are proposing to build less units than what the City allows.

Barbara Dobbins, Executive Director of Operations for Marion County Public Schools, 4753 SE 34th Terrace, stated the School Board will be discussing the impacts of developments in the City/County on Thursday, May 19, 2022, at 9 am. She noted the proposed development does impact three overcrowded schools in the area, Saddlewood Elementary, Liberty Middle and Westport High School.

Council President Bethea closed the public hearing for 6b. and 6c. at 4:48pm.

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

- 6c.** Adopt Resolution 2022-33 approving a Planned Development (PD) plan and standards book 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)

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

- 6d.** 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)

Introduced By: Barry Mansfield

Council President Bethea opened public hearings for items 6d, 6e, 6f, and 6g at 4:49pm.

Chief Development Official Aubrey Hale commented the applicants are BDG Albee, LLC and Belleair Development LLC. The property locations under consideration: 4240 SW 43rd Ct and 4300 SW 43rd Ct. The property is 9.104-acres and has a Low Residential County land use; applicants are proposing Neighborhood land use. The applicant is requesting to change the zoning from A-1 (Agricultural County) to PD

(Planned Development). The project will consist of 84 multi-family dwelling units (8.58-units per acre). The land use allows up to 12 dwelling units per acre. City Water and Sewer is also available. He provided an overview of the aerial map and PD plan.

On June 14, 2021, the Planning & Zoning Commission recommended denial; however, the annexation and land use were recommended for approval. The drainage retention areas are along 43rd Court, and the driveway is located along 43rd. The City did not require the applicant to perform a traffic study since the trip generation is less than 100 pm peak hours; however, the applicant submitted a traffic analysis (identified 57 pm peak hour trips). P&Z recommended denial (3:/3); however, staff recommended approval. The proposed annexation is contiguous to the City; and the future land use of Neighborhood is consistent with the surrounding areas.

The requested zoning designation of PD is eligible to implement the land use designation of Neighborhood. The PD plan is consistent with the Comprehensive Plan and the land development regulations.

David McKay, 2801 SW College Road, stated he is speaking on behalf of applicant. The development project was presented to P&Z initially in June 2021; and was originally filed in January 2021. City Staff has made several revisions and suggestions to the developer. The annexation and land use are consistent with Comprehensive Plan. The proposed land use designation of Neighborhood is considered a low intensity use, which allows up to 12 multi-family units.

A cement/concrete wall will be constructed on the west/south; and a wrought iron fence will be established along southwest 43rd Court. The drainage basin will be expanded to the south. He explained how the anticipated construction timelines align with the completion of the two-lane segment from the flyover around to 20th . Furthermore, utilizing the School Board's formula for student estimates, shows the development is estimated to have 5 potential elementary students and 2 middle schools students. He noted the overcrowding issue is a function of school capacity. School Board sets the boundaries for attendance and can be remediated by the School Board changing the boundaries.,

The TPO plans define the area as a complete street which has automobile, pedestrian, bicycle and future heavy truck traffic. The proposed development is consistent with the neighborhood.

Cynthia Genero, 4585 SW 45th Street, expressed concern regarding school overcrowding, increased crime, failed drainage retention area and traffic impacts. She questioned the formula used to determine the number of students per development.

Justin Savino, 4560 SW 45th Street, Ocala, FL 34474, expressed concern regarding increased density, school overcrowding, scarce emergency services, increased noise and traffic impacts. He questioned why the City is changing the land use from agricultural to PD; and the estimated student data. He stated the traffic study was not performed during peak hours. Furthermore, he suggested Council follow responsible growth.

Rhonda Goldbach, 4550 SW 45th Court, expressed concern regarding traffic impacts, pedestrian safety and school overcrowding.

Diane Irvin, 4490 SW 44th Street, Ocala, FL 34474, expressed concerns about how the property is cared for currently. She explained how the City has a responsibility to promote children safety. She questioned why the development has only one entrance/exit on SW 43rd.

Milton Fraser, 4541 SW 46th Street, expressed concern regarding existing traffic impacts on 43rd Court and leading to Sam's Club. He requested Council implement responsible growth in the City of Ocala. He stated developers are taking advantage of the City.

Barbara Dobbins, 4753 SE 43rd Terrace, requested Council evaluate the developments impact on public education. She anticipates the development will add over 1,300 students to the area, which will significantly impact student/teacher ratios. Furthermore, she requested Council attend the School Board meeting scheduled on Thursday, May 19, 2022, at 9 am.

Mr. McKay commented the development is not low-income housing. The development will be enclosed with a single-entry point and amenities including a fitness center, swimming pool and club house. Furthermore, an on-site manager will be on the property assisting with rentals. If the property was annexed/developed under the City's land use code, the number of traffic trips would be the same. He noted single-family generates more traffic per dwelling unit than multi-family.

The development project will take longer to complete, compared to the road expansion project. He anticipates the School Board will change the standards for calculating impacts or establishing an impact fee. He suggested establishing traffic calming devices to alleviate pedestrian safety concerns. He noted the current property conditions are not controlled by the applicant; however, demolition/remediation will be taking place next month.

City Attorney Batsel explained how school concurrency was utilized to determine development impacts. School concurrency was removed from Chapter 163 and replaced with language regarding an Interlocal agreement. Legally the City cannot burden one applicant due to years of neglect. The City can apply concurrency by establishing an element in the Comp Plan or Interlocal. The City is following statutory criteria implemented by the State, which removed school concurrency from the Comp Plan.

He cautioned Council from considering whether the request meets the requirements in a concurrency system; however, Council can consider if a proposed development is compatible with the neighborhood. Council can meet with the School Board to discuss ways to address overcrowding by utilizing data/metrics (must be fairly applied).

Council President Pro Tem Hilty expressed concern regarding existing traffic impacts, overcrowding and pedestrian safety. City Attorney Batsel reiterated he is advising Council regarding school overcrowding.

Council Member Dreyer questioned if other zoning districts are compatible with the area. Mr. Hale responded the following zoning districts are compatible: R-1, R-1AA, R-2, R-3, B-1 and B-1A.

Council Member Dreyer stated she favors items 6d and 6e. Furthermore, she agrees with the Planning & Zoning denial recommendation for items 6f and 6g. The project design and scale of units is not compatible with the neighboring property or existing access.

Council Member Musleh questioned why Council would agree to annex the property, if they plan on denying items 6f and 6g. He expressed the importance of the City establishing a zoning use.

Council Member Dreyer stated she favors a less intense zoning use. Council Member Musleh responded Neighborhood is considered a less intense zoning.

Council Member Musleh asked what least intense residential zoning is. Mr. Hale responded R-1 zoning districts.

Council Member Musleh noted Council has more control over the development project with a PD. He questioned how many houses can be built in an R-1 zoning district. Mr. Hale responded the subdivision is limited to 5 dwelling units per acre.

Council Member Musleh commented he understands the overcrowding concerns. He questioned if Council would like to annex the property.

Interim City Manager Pete Lee suggested applying the Neighborhood land use and revisit the zoning. The PD is tied to the development plan before Council. The applicant can choose to address the compatibility issues and present a less intense PD. He noted the roadway construct will take place in 1-year.

Council Member Musleh anticipates the completion of the roadway project/sidewalks will help remedy traffic impacts and pedestrian safety concerns.

Mr. Hale noted the applicant is required to install sidewalks.

Mr. McKay commented the small piece of property was redesigned at City staff's request.

He explained the site plan details, which shows a 100-foot distance between the adjacent properties and multi-family units. The County can change the zoning to allow other unsuitable uses. Furthermore, he expressed gratitude for the City and School Board working together to remedy overcrowding issues. He addressed the appropriateness of the entrance/exit in the site plan; and encouraged Council to allow the project to move forward.

Council Member Musleh commented the proposed project is much smaller than project denied at previous Council meeting. He questioned if the previous project Council declined was not a PD. Mr. Hale responded the previous project was an R-3 with a

Chapter 163 agreement.

Council Member Musleh commented Council has more control over the development project with a PD.

City Attorney Batsel commented Council is considering if the annexation is contiguous and compact.

There being no further 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

- 6e. 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)

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: Barry Mansfield

AYE: Dreyer, Mansfield, Musleh, and Bethea

NAY: Hilty Sr

- 6f. 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)

Introduced By: Barry Mansfield

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

RESULT: DENIED

MOVER: Barry Mansfield

SECONDER: James P. Hilty Sr

AYE: Musleh, and Bethea

NAY: Hilty Sr, Dreyer, and Mansfield

- 6g. Adopt Resolution 2022-34 approving a PD plan and standards book for approximately 9.10 acres of property located at 4240 SW 43rd Ct and 4300 SW 43rd Ct (Case PD20-0009) (Quasi-Judicial)

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

RESULT: DENIED

MOVER: Barry Mansfield

SECONDER: James P. Hilty Sr

AYE: Musleh, and Bethea

NAY: Hilty Sr, Dreyer, and Mansfield

Deny Ordinance 2022-46 and Resolution 2022-34 based on the following findings of facts for case PD20-0009: the proposed zoning standards are not compatible with surrounding single family residential subdivisions, the design is not compatible, and proposed access to development is not conducive to the area

Growth Management Director Tye Chighizola explained for the applicant, the property was annexed into the City; and the Neighborhood land use will be evaluated by the State. He noted the annexation is appropriate and contiguous. The property needs water and sewer, which the County cannot provide. Furthermore, he believes the Neighborhood land use is appropriate. The applicant can submit a new version of a PD or low land use proposal after one year. The City is responsible for assigning a zoning land use to the property.

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

AYE: Hilty Sr, Dreyer, Mansfield, and Bethea

NAY: Musleh

- 6h.** 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)

Introduced By: James P. Hilty Sr

Council President Bethea opened a public hearing for items 6h and 6i at 5:52pm.

Growth Management Director Tye Chighizola commented the zoning addresses the Wintergreen Concurrency Development Agreement that was approved by Council a few weeks ago. The mixed-use project consists of 685 residential units with office/retail use, which is related to the Chapter 163 Concurrency Agreement. He noted staff recommends approval.

Barbara Dobbins, 4753 SE 34th, stated College Park is at capacity. Furthermore, they are working on the Interlocal Agreement for concurrency.

Council President Bethea closed the public hearing at 5:55pm.

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

- 6i.** Adopt Resolution 2022-35 concerning the Wintergreen PD, Planned Development Plan/Standards for property located in the 4400 block of SW 20th Street (Case PUD17-0003) (Quasi-Judicial)

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

- 6j.** Approve the sale of beer and wine for on-premise consumption for Franks N Steins, LLC d/b/a Franks N Steins located at 1216 E Silver Springs Blvd (Quasi-Judicial)

Growth Management Director Tye Chighizola commented the request is for a new alcohol permit located between the Citgo and church. Currently, they have a vape shop and tattoo parlor at the location. The Downtown merchant is proposing a new product, and staff recommends approval.

Council Member Musleh asked if the 500-foot requirement applies, since the establishment is located near a church. Furthermore, he asked if the establishment previously served alcohol. Mr. Chighizola explained the City can enforce the footage requirement through the code with a public hearing. He noted Citgo previously served alcohol; and the church previously objected to a bar establishment across the street, which was rejected by City Council.

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

7. Second and Final Reading of Ordinances

(All are Public Hearings)

- 7a.** 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)

Introduced By: James P. Hilty Sr

Growth Management Director Tye Chighizola commented the request is for a rezoning

off US-27 and 27th Avenue. He noted staff recommends approval.

Council President Bethea questioned if the car auction will be removed. Mr. Chighizola responded that is correct.

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

RESULT: ADOPTED

MOVER: James P. Hilty Sr

SECONDER: Jay A. Musleh

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

- 7b.** 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)

Introduced By: Jay A. Musleh

Growth Management Director Tye Chighizola commented the property has been an inconsistent zoning for several years. The existing R-3 zoning is not compatible with the funeral home. The applicant is requesting approval for B-2 zoning, to expand the property to add a crematorium. The B-2 is consistent with previous rezoning requests; and the goal is to encourage retail along MLK & State Road 40. He noted staff recommends approval.

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

RESULT: ADOPTED

MOVER: Jay A. Musleh

SECONDER: James P. Hilty Sr

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

8. General Business

- 8a.** Approve use of Omnia Partners competitive piggyback contract for playground equipment with Playcore Wisconsin, Inc. d/b/a GameTime in the amount of \$476,252

There being no 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

- 8b.** Approve the Economic Investment Program Agreement with R & L Carriers, Inc.

City Attorney Batsel disclosed his firm does other work for R&L Carriers, but he represents solely the City in this matter.

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

8c. Adopt Resolution 2022-36 amending the Electric Power Cost Adjustment Rate for monthly electric energy billing effective June 1, 2022

Electric Utility Director Doug Peebles noted the Resolution amends the Power Cost Adjustment rate from 2.8 cents to 5.1 cents effective June 1, 2022. Due to rising fuel costs the adjustment is necessary.

Mike McCleary with FMPA, discussed rising energy costs and inflations effect on consumers. Florida residents will see a cost increase in energy costs, ranging from \$3,000-\$4,000. The US energy prices have increased by 200% in the last year; and 75% of Florida's energy is generated by natural gas. He provided an overview of increased agricultural costs and provided an overview of rates for Florida's major utilities, which are struggling to keep up with the curve. He noted FMPA is working hard to lower controlled costs. The City of Ocala has beat the national average and offers competitive prices.

Rock Gibboney, 597 NE 44th Terrace, stated the COVID pandemic did not cause price increases. He discussed how the federal administration is responsible for the high price increases in America. He noted the proposed doubled rate increase will cause harm to individuals in one month. He suggested Council reach out to neighboring communities to gather support to oppose the rate increase.

Council President Pro Tem Hilty expressed concern regarding the increased costs. He discussed how the increased rate will affect operations.

Director of Electric Utility Doug Peebles commented the electric rate is a base rate (fixed cost \$8.964) with a PCA stabilizer. The customer impact is between 21%-23%. To note, an average household that utilizes 1,000 kilowatt hours, amounts to \$28 per month.

Council Member Mansfield requested clarification of the City's fuel source. Mr. McCleary explained the portfolio is 75% natural gas, and 25% is considered nuclear/solar/coal. He noted there are two coal plants, which are not considered cost effective.

Council President Pro Tem Hilty noted the FMPA plant in Crystal River was shut down.

Council Member Mansfield asked if the City receives off-shore natural gas. Mr. McCleary explained the natural gas is collected from pipes in the north.

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

RESULT: ADOPTED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

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

- 8d.** Approve one-year renewal with Unifirst Corporation to provide uniform services to Ocala Electric Utility and Ocala Fiber Network with an estimated annual cost of \$100,000

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, and Bethea

ABSENT: Musleh

- 8e.** Approve use of Sparks Energy, Inc. for a temporary six-person line worker crew in the amount not to exceed \$300,000

Mayor Guinn requested clarification on the temporary request. He questioned if the request is due to the reduction in manpower. Director of Electric Utility Doug Peebles explained several of the large CIP projects have urgent deadlines that need to be met. He is asking Council for additional funding to provide additional services as needed to complete projects. In April 2021, the department lost 13 employees; however, many of the employee returned to the City. The department is trying to avoid over hiring additional staff; and they are requesting Council approval for additional support.

Council President Bethea asked how many employees returned. Mr. Peebles responded five line workers returned, and the remaining vacancies have been filled.

Council Member Musleh stated Council did not receive a synopsis of the item being presented. Interim City Manager Pete Lee ensured all items will have a synopsis for Council to review.

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

- 8f.** Approve the purchase of five R-Mag circuit breakers and one control panel from ABB Inc. for the Dearmin Substation upgrade in the amount of \$146,638

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

- 8g.** Approve repair of Water Treatment Plant well #3 with the Layne Christensen Company in the amount of \$116,392

There being no 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

- 8h.** Approve one-year renewal of piggyback agreement with Evoqua Water Technologies, LLC for wastewater odor and corrosion control in the amount of \$845,210

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

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

- 8i.** Accept a grant agreement funding the SW 44th Avenue Extension (Phase I) from the Florida Department of Transportation in the amount of \$1,000,000

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

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

- 8j.** Approve one-year contract with StreetScan Inc. for pavement inspection and management services in the amount of \$152,172

Council Member Mansfield requested clarification on the process. City Engineer & Director of Water Resources Sean Lanier explained how they drive the streets with cameras to perform high resolution photography of the street, to perform a condition assessment. The City will rank/categorize the data into a recommend plan for rehabilitation projects.

Mayor Guinn questioned how the City tracks roads that need to be repaved. Mr. Lanier explained how the City performs an engineering evaluation to rank the roads based on traffic to determine priority. The evaluation is performed every 4-5 years.

Council President Bethea asked if all City roads are evaluated. Mr. Lanier responded yes,

all City roads are evaluated.

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

RESULT: APPROVED

MOVER: James P. Hilty Sr

SECONDER: Kristen M. Dreyer

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

- 8k.** Approve a Performance Incentive Program for SunTran employees for the next four fiscal quarters in an amount not to exceed \$75,000

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Barry Mansfield

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

- 8l.** Approve the Economic Investment Program Agreement with GTI Florida, LLC

Mayor Guinn requested clarification on GTI. Chief Development Official Aubrey Hale responded GTI is a national cannabis consumer packaging company. He noted they are a heavy electric user.

Council Member Musleh asked if they used the program before. He questioned if the program will be used for an accounting project. Mr. Hale responded the Economic Investment Program Agreement is being implemented by the City for the first-time. The agreement can be utilized for job creation and capital improvements.

Council Member Musleh asked what will happen if the request is denied by Council. Mr. Hale responded the applicant will be held at the same rate for electric.

Council Member Dreyer asked if the project is receiving concessions from the County. Mr. Hale responded he does not know.

Council Member Dreyer concurs with Council Member Musleh; she does not see the benefits of the City proceeding with the request.

Council Member Musleh explained how there are many companies on the boarder. He questioned approving a rebate for a non-City entity.

Mr. Hale explained how the applicant must meet the terms of the agreement.

Interim City Manager Pete Lee discussed the importance of the 50 full time employees and \$54,000 salary jobs.

Council President Pro Tem Hilty expressed concern tracking the return on investment. Mr. Hale responded the return on investment will be tracked through the annual reporting.

Council Member Musleh stated the City will not be able to track where the employees live.

Council President Bethea asked what action will be taken if the requirements are not met. Council Member Musleh responded the applicant must pay the City back.

Council Member Dreyer stated she would be favorable of the request if they were required to connect with the City's fiber network.

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

RESULT: DENIED

MOVER: James P. Hilty Sr

SECONDER: Jay A. Musleh

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

- 8m.** Approve a three-year contract with multiple DSBE vendors to provide janitorial services in the amount of \$420,778

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

RESULT: APPROVED

MOVER: James P. Hilty Sr

SECONDER: Jay A. Musleh

AYE: Hilty Sr, Dreyer, Mansfield, and Musleh

AWAY: Bethea

- 8n.** Approve Letter of Intent with Burrell Aviation Ocala, LLC to develop 70 acres of aviation property at the Ocala International Airport

Council Member Mansfield requested clarification on the proposed project. Airport Director Matthew Grow responded the developer is proposing to construct maintenance repair operation hangars, air cargo distribution hangars, fixed base operator, cold storage and corporate hangars.

Council President Pro Tem Hilty questioned if the request will impact the relationship with Sheltair. Mr. Grow responded the City does not have an exclusive use agreement with Sheltair, and they are aware of the project. To note, Sheltair is a well-established company located at other airport facilities.

Council Member Musleh asked if the request is more of a commercial FBO. Mr. Grow responded the project is highly focused on commercial distribution and development.

Council President Pro Tem Hilty asked if other opportunities will be placed on hold. Mr. Grow responded other airport developments will not be impacted by the 70-acre development. The Airport does not have anyone else interested in the area.

Mr. Grow commented the property requires infrastructure development. He anticipates the project will take 5-years to complete.

Council Member Mansfield asked if the runway will be extended. Mr. Grow explained the three runway extensions. The extensions at crosswind runway will take place in 5-8 years, if funding is available. He noted the FAA does not get involved in the vertical aspect of the hangars. The Airport plans on establishing a 40- to 50- year ground lease.

Mayor Guinn requested clarification on the hangar size. Mr. Grow explained the Airport will expand to accommodate larger aircraft.

Council Member Mansfield requested clarification on commercial transportation. Mr. Grow responded the development preserves property for airline terminals. The Airport Rescue Firefighting team will be relocated to the Airport to support commercial services.

Interim City Manager Pete Lee responded the City will be evaluating Fire Station 8, and the request is considered a second priority.

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

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

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 THE CONSENT AGENDA
MOVER: Jay A. Musleh
SECONDER: Kristen M. Dreyer
AYE: Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea

9a. Approve agreement with the School Board of Marion County for rental of buses for Recreation's summer programs in the amount of \$900

RESULT: APPROVED
MOVER: Jay A. Musleh
SECONDER: Kristen M. Dreyer

- 9b. Adopt Budget Resolution 2022-149 amending the Fiscal Year 2021-2022 budget to appropriate funds to purchase playground equipment for the Ocala International Airport in the amount of \$156,252
- 9c. Adopt Budget Resolution 2022-154 to appropriate grant funds from the State of Florida Department of Transportation for the construction of SW 44th Avenue Extension (Phase 1) in the amount of \$1,000,000
- 9d. Approve one-year contract renewals for Ceres Environmental Services, Inc. and Crowder-Gulf Joint Venture, Inc. for as-needed emergency debris removal services
- 9e. Approve Developer's Agreement for the Heath Preserve Subdivision
- 9f. Approve the acceptance of a warranty deed for Right-of-Way from the Esquire Trustee Service as Trustee of the 1001 NE 77th Land Trust
- 9g. Approve an encroachment easement agreement with MRL Restaurant Holdings
- 9h. Approve Regular City Council Minutes from May 3, 2022
- 9i. Approve City Council Strategic Planning Session Minutes from March 22, 2022
- 9j. April 2022 city attorney invoices for general city business legal services in the amount of \$35,592.25 and for risk management-related legal services in the amount of \$21,298.75

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 - None

12. Internal Auditor's Report - None

13. City Manager's Report

Brownsfield Grant Update

Interim City Manager Pete Lee reported the City received the Brownsfields Grant (\$500,000 over 4-years). The funding will be used to cover Phase 1 and Phase 2.

Council Member Musleh questioned if the applicant requested monitoring wells, will the funding be allocated towards that expense. Mr. Lee responded the funding is dependent on the program. Many of the programs support monitoring wells and site mediation.

Chief Development Official Aubrey Hale explained how the City can apply for mediation grants to cover future expenses. The initial project cost was \$300,000; increased by \$200,000 (totaling \$500,000).

Mr. Lee explained how the anticipated funding of \$500,000, will not be easily spent.

Mr. Hale noted the funding can be used to support future development projects.

Update on Golf Cart timeline & signage

Interim City Manager Pete Lee reported the City finished the maps for the Downtown golf carts. The City will be working with the Police Department to evaluate the maps/signs. The plan is to implement the project in December/January. He suggested hosting a Downtown information session. Many merchants have expressed concern regarding the proposed golf cart ordinance, and the public has suggested moving the golf carts to the north of State Road 40.

Council Member Musleh expressed concern regarding golf cart going into the Downtown area and across State Road 40. He suggested hosting a public informational meeting.

Council President Pro Tem Hilty shared his frightening experience driving with golf carts on the road. Many golf cart operators do not follow City regulations and endanger pedestrians. Currently, there is an existing parking problem Downtown, and golf carts will make the matter worse.

Council President Bethea suggested the City meet with businesses Downtown to hear their concerns.

Mr. Lee commented the City will schedule a session, and the results will be shared with Council. He provided an overview of the proposed golf cart map. To note, Council can make revisions to the golf cart map and limit the golf carts to a certain area.

Quasi-Judicial Hearings workshop

Interim City Manager Pete Lee stated he not comfortable with the current hearing procedures and suggested a formalized process. He suggested scheduling a workshop to discuss the quasi-judicial matter further.

City Council supports scheduling a workshop.

Building Round Table event scheduled on Wednesday, June 22, 2022 at the Ocala Airport

Interim City Manager Pete Lee commented the City will address a list of items during the pending Building Round Table event.

Fallen Memorial Ceremony scheduled on Thursday, May 19, 2022, at 9:00am

Parking Garage cleaning scheduled on May 23-25, 2022

Growth Management Director Tye Chighizola reported the City will be closing several parking garage floors for the cleaning. The City will distribute information to the public.

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 May 2, 2022 to May 15, 2022. The Police Departments Opioid response efforts 11, overdose deaths 2,

Narcan leave behind 5 and Amnesty participation 4. He encouraged Council to attend the Fallen Memorial Ceremony.

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 0 and Narcan leave behind 0. For the month of May, 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 33 participants and trained 13 individuals to administer Narcan.

15. Mayor's Report

Mayor Guinn shared a video for an event he attended

Mayor Guinn provided some history between Ocala and San Rossore. The cities share a love of horses. The mayor of San Rossore has sent a letter requesting Ocala renew the Sister-City status with San Rossore, and Mayor Guinn presented a video of the San Rossore City Council reading a letter he sent to them. He requested feedback from Council, and provided multiple dates with events scheduled for the delegation from San Rossore.

Council President Pro Tem Hilty shared his experience attending past events. Furthermore, he supports renewing the relationship with San Rossore.

Mayor Guinn encouraged Council to attend the swearing in ceremony for twelve Officers on Thursday, May 19, 2022, at 3 pm; location Deputy Training Auditorium.

16. City Attorney's Report

Discount Sleep Update

City Attorney Batsel reported the final hearing for Discount Sleep took place on Tuesday. The order was entered yesterday, and the City has been working hard to administer the claims. A third-party claims administrator will mail checks to individuals within 60-days. For returned hearing notices, the City established a webpage for the public to file a claim (English/Spanish language options), and the webpage is ADA (Americans with Disabilities Act) accessible. The City will hire a Claims Administrator to assist the public and answer any questions the public may have.

Opioid Related Issue Update

City Attorney Batsel reported Walgreen's settled for \$683 million, which will be payable to the State of Florida. Council agreed to allow President Bethea to sign the participation agreements due to the quick turnaround time required.

Workshop on Quasi-Judicial Hearings

City Attorney Batsel reported the workshop will discuss due process issues, such as ex parte communications and disclosure. The City does not have an ordinance governing ex parte communications. He explained how the ordinance will benefit Council conversations. Currently, the City prohibits ex parte communications. The ordinance will allow applicants to schedule meetings with Council. A draft ordinance will be provided for Council to discuss at the workshop.

Mayor Guinn questioned if every ordinance is quasi-judicial. City Attorney Batsel explained they will provide an overview during the training. He noted Mayor Guinn possesses a veto authority.

Approve Council President Bethea to engage Claims Administrator up to a maximum of \$200,000

City Attorney Batsel commented the City is in a hurry to hire a Claims Administrator. Procurement will gather quotes for staff to review. He requested a motion from Council authorizing Council President Bethea to engage a Claims Administrator in the interim prior to the next meeting.

Council Member Musleh questioned what it will cost the City. City Attorney Batsel responded the cost amounts to 150% of the cost of postage (\$60,000-\$65,000). The estimated cost is \$100,000.

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

17. Informational Items**a. Calendaring Items**

17a1. Memorial Day Holiday - Monday, May 30, 2022 - City Hall Offices closed

b. Comments by Mayor**c. Comments by Council Members****President Bethea requested Council permission to utilize the City's insurance for Mock trials, "Who's In the Box" to be held at MTI June 23, 2022 for at-risk youth**

President Bethea requested Council permission to utilize the City's insurance for Mock trials "Who's in the Box" to be held at MTI. Event to be held on June 23rd.

Council President Bethea discussed the youth shooting and increased violence. The City is working on partnering with several entities, such as Who's in The Box; to support the

youth in the community. The School Board has agreed to allow the City to use MTI at no cost. He asked if the City is self-insured. Interim City Manager Pete Lee responded he believes the City is self-insured.

HR/Risk Manager Chris Watt commented the City can create a signed agreement for any property being used to hold them harmless, and the City is self-insured for events.

Council President Bethea requested Councils support to host an event at MTI, on June 23, 2022, at 6 pm. The City plans on having several departments present, such as Ocala Police Department, Sheriff's Department and School Board. The goal is to end the violence in the community.

Police Chief Balken supports the proposed event to support youth and combat violence in the community. The staged skit tends to have a powerful positive effect on the community. Furthermore, he collaborated with Judicial Intervention to require at-risk youth to attend the event.

Mayor Guinn questioned how the event will be marketed towards the correct audience. Police Chief Balken explained how they are working with SRMI to bus the youth to the event. The goal is to have many at-risk youths attend the event.

Council President Bethea shared his experience working with at-risk youth. Unfortunately, one of the students was involved in a homicide. He expressed the importance of educating and supporting the youth in the community.

d. Informational

17d1. Information notification for switch of cellular service from Verizon to AT&T (FirstNet)

17d2. Executed Contracts Under \$50,000

18. Adjournment

Adjourned at 7:40 p.m.

Minutes

Ire Bethea Sr.
Council President

Angel B. Jacobs
City Clerk