



Ocala

City Council

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Tuesday, April 19, 2022

4:00 PM

1. Call to Order

1. Opening Ceremony
 1. Invocation - Chaplain John Hanks
 2. Pledge of Allegiance
2. 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 City Manager Sandra Wilson, Assistant City Attorney Jimmy Gooding, Assistant City Manager Bill Kauffman, Assistant City Manager Ken Whitehead, Assistant City Manager Pete Lee, City Clerk Angel Jacobs, Deputy City Clerk Pamela Omichinski, Fire Chief Clint Welborn, Police Chief Michael Balken, Internal Auditor Randall Bridgeman, Assistant Finance Director Peter Brill, Growth Management Director Tye Chighizola, Marketing & Communication Manager Ashley Dobbs, Multimedia & Comm Coord Danielle Dyals, Director of Airport Matthew Grow, Urban Design Coordinator Aubrey Hale, Budget Director Tammi Haslam, Contracting Officer Tiffany Kimball, Director of Facilities & Fleet Management John King, City Engineer & Director of Water Resources Sean Lanier, Director of Public Works Darren Park, Director of Telecommunications Mel Poole, Director of Parks & Recreation Preston Pooser, Strategic & Legislative Affairs Adm Jeannine Robbins, Director of Finance Emory Roberts, Director of HR/Risk Management Chris Watt, Director of Electric Utility Doug Peebles, Senior Contract Specialist Daphne Robinson and other interested parties.

2. Public Notice

Public Notice for the April 19, 2022 City Council Regular Meeting was posted on February 15, 2022

3. Proclamations & Awards

- 3a. Service Award - Officer Roger Wissinger, Jr., - Ocala Police Department - 25 Years of Service

Mayor Guinn and City Manager Sandra Wilson presented a service award to Officer Roger Wissinger Jr. in appreciation of his 25 years of service to the City of Ocala. He started his career with the City of Ocala in 1997. During his career, he was promoted to multiple leadership positions and received numerous recognition awards.

Officer Roger Wissinger Jr. thanked the City for the service award. He shared his love and support for the City of Ocala.

4. Presentations

5. Public Comments

6. Public Hearings

- 6a.** Approve a Donation Agreement between the City of Ocala, W.G. One Corp, and Country Green, LLP for properties that will be used for right of way concerning the extension of SW 44th Avenue.

President Bethea opened a Public Hearing for items 6a, 6b and 6c at 4:06 pm.

Growth Management Director Tye Chighizola commented items 6a, 6b and 6c are related. Items 6b and 6c are Concurrency Development Agreements which address the reserving of trips and the donation of right-of-way..

Assistant City Attorney Gooding discussed the properties' ownership histories and litigation. Beginning in 2005, the Wintergreen property owner and adjacent property owner to the south, Ransome Group, were trying to develop their properties that did not have sufficient access. As part of a roadway agreement, the Ransome Group would donate right-of-way and construct SW 44th Avenue from SW 20th Street to SR 200; the Wintergreen property owner would donate a portion of the SW 44th Avenue right-of-way. He explained the need to extend the SW/NW 44th Avenue corridor to help move traffic from SR 200 to SR 326. Over the past few years, staff has been working with the Wintergreen property owner concerning the development approvals for his property and the donation of the right-of-way.

The City needs the right-of-way to complete this segment of the road, which is part of the beltway around the City. The proposed Concurrency Development Agreement along with a Donation Agreement are the necessary mechanisms needed to convey the right-of-way to the City. As part of the Concurrency Development Agreement, the City will support the property owner's application to receive transportation impact fee credits for the donation of the right-of-way. Section 10-323 of the County Impact Fee Ordinance provides for a developer/property owner to receive a credit against impact fees according to a written impact fee credit agreement approved by the County Commission for the conveyance of ROW and construction or expansion of transportation facilities. Furthermore, the City is being conveyed a drainage easement to access a drainage retention area built by the Ransome Group. The property owner is requesting more space in the DRA; however, the agreement is not contingent upon the request.

Kimberly Sindy, SW 44th Court, expressed concern regarding traffic impacts from the proposed multi-family development projects. She encouraged Council to support the public by not allowing anymore development in the area.

Mr. Chighizola commented the City has been working on the road project for over 20 years. The plan is to build a four-lane road to connect to the flyover. He noted the road project is not related to proposed development projects in the area.

Council President Bethea commented he received several concerns from the public regarding the road project in relation to the multi-family development projects.

Ms. Sindy expressed concern the multi-family development will affect education for existing students in the community.

Council President Bethea commented he has requested for the different entities - Marion County School Board, Transportation Planning Organization, Marion County, and the City - to work together to discuss planned growth in the community.

Ms. Sindy stated the growth of the City should not be at the cost of the people. She explained how the development projects are going to increase traffic, cause usage damages and impact education. She questioned City Council Members and staff's investment/involvement in the proposed developments. She warned the community will hire an attorney to fight for the rights of the citizens of Ocala.

Debbie Williams, 3740 SW 56th Court, asked when the road will be completed. She requested the infrastructure of the road be completed before development takes places. She questioned if the developer could build houses instead of apartments. She expressed concern the proposed developments will impact traffic and safety in the area.

Mr. Chighizola noted the project will take approximately 9-months to 1-year to complete.

Council President Bethea commented the City will have proper infrastructure in place and they will work with the School Board to remedy overcrowding. He explained how the City communicates with all the entities.

Ms. Williams questioned why the City does not have more restaurants or Costco, why there are so many car washes and gas stations. Council President Bethea explained how the areas are zoned for certain uses.

Cindy Gintero, 4585 SW 44th Street, expressed concern regarding traffic impacts, high crime, school overcrowding, property values impacts and invasion of privacy. She requested Council deny the proposed request and all multi-family development projects. She referred to a petition of 350 signatures collected in the community who are against the proposed developments.

Assistant City Attorney Gooding clarified the confusion regarding the request. The request has nothing to do with proposed developments in the area. The public should attend the land use/zoning hearings for the development projects.

City Attorney Batsel clarified the City is only discussing concurrency agreements for roadways. He believes the public is referring to items 6e. and 6f., which are being pulled for consideration.

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

- 6b.** Approve a Concurrency Development Agreement between the City of Ocala, W.G. One Corp, and Country Green, LLP for property located in the 4300 block of SW 20th Street (Parcels # 23320-005-25 and 23812-000-00/Wintergreen PD) (CDA21-44613). This is the second of two public hearings. The first public hearing was held on January 4, 2022. Postponed from the January 18, 2022, March 1, 2022 and March 15, 2022 City Council Meetings.

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

RESULT: APPROVED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

- 6c.** Approve a Concurrency Development Agreement between the City of Ocala and Country Green, LLP for property located at the 5300 block of SW 20th Street (Parcel # 23320-005-03/Country Green PD) (CDA21-44612). This is the second of two public hearings. The first public hearing was held on January 4, 2022. Postponed from the January 18, 2022, March 1, 2022 and March 15, 2022 City Council Meetings.

Council President Bethea closed the public hearing at 4:36 pm.

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

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: James P. Hilty Sr

- 6d.** 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.

Growth Management Director Tye Chighizola commented no vote is needed from Council and the public can provide feedback on the request. The item is an amendment to a Concurrency Development Agreement, which has existed for over 15-years and will extend the reservation of trips. The proposed Concurrency Development Agreement is necessary to convey the right-of-way for the SW 44th Ave extension to the City.

Assistant City Attorney Gooding explained the agreement is for the conveyance of drainage retention areas/easements to the City. The request to extend the term of the agreement was based on the City obtaining portions of the right-of-way for SW 44th Avenue Extension from RGI.

Council President Bethea opened the public hearing at 4:35 pm. There being no public comment, he closed the public hearing at 4:36 pm.

- 6e.** 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.

Growth Management Director Tye Chighizola requested the vote for item 6e be postponed to the next City Council meeting scheduled on May 3, 2022. He explained they received a request from the applicant earlier in the day for the item to be postponed.

Mayor Guinn questioned where the entrance would be located. Attorney for the applicant, Fred Roberts, 40 SE 11th Avenue, explained the applicant has many options to choose from. The goal is to make sure the donation/concurrency agreements are approved by Council to proceed with a conceptual plan. The roadway needs to be constructed to make major traffic improvements a safeguard. He discussed how development projects can be used to improve the infrastructure in the community. The property has no zoning use; however, it was annexed into the City with a County Medium Intensity land use designation.

Mayor Guinn asked if the road will be considered a City or County road. Mr. Chighizola explained how 38th is considered a County road. The County will be making improvements to the roadway. To remedy the traffic impacts, the City will be mitigating the trips towards 44th and the flyover.

Council Member Mansfield questioned if these projects are being discussed with the School Board. Mr. Chighizola explained there is a School Board representative who attends every Planning & Zoning meeting and they are working together on an interlocal agreement. He explained how school concurrency was removed by the State and capacity is looked at as an entire district.

Council Member Mansfield questioned if the City has worked with developers to discuss expanding existing schools to remedy overcrowding. Mr. Chighizola explained how the State limits funding towards public education.

Council Member Mansfield suggested the City put pressure on the State to increase public education funding to remedy overcrowding issues. He expressed the importance of the City working with developers to support rapid growth in the City.

Mr. Chighizola noted the Winding Oaks elementary development project could alleviate overcrowding in Saddlewood.

Council Member Dreyer discussed how the School Board is a separate elected body. The City does not control where the School Board chooses to build new schools or what their capacity is. She explained how the School Board is working to hire a Deputy to manage traffic, and the County will be installing new sidewalks for students that commute to school from Fore Ranch.

Mayor Guinn concurs with Council Member Dreyer regarding the School Boards authority over new school developments and capacity requirements.

School Board Member Allison Campbell discussed the properties the School Board has been able to acquire over the years, and funding issues for development projects. She spoke about the possibility of a K-8 school in Winding Oaks but noted the School Board doesn't currently have the \$20-30 million it would take to build the school. The School Board has a work session scheduled in May. She noted interlocal agreement conversations have not taken place in years. The pandemic has caused rapid growth in the City that was unplanned. She thanked the City and Council for taking action to discuss the overcrowding issues.

Council President Pro Tem Hilty made a motion to postpone discussion until all concurrency agreements are approved.

Council agreed to postpone discussion until the next City Council meeting scheduled on May 3, 2022.

Ronda Goldberg, 44 SW 44th Court, expressed concern expansion of the roadway will cause safety issues for students who attend Saddlewood Elementary. She discussed how the school caters to a large group of special needs students. She named several locations that have overcrowding issues and requested Council thoroughly evaluate proposed development requests in the area.

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

RESULT: POSTPONED

MOVER: James P. Hilty Sr

SECONDER: Kristen M. Dreyer

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

- 6f.** 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.

Introduced By: Barry Mansfield

The City Clerk filed proof of publication for Ordinance 2022-25 (Legal Ad 3/4/22 - 6972371). The City Clerk read the ordinance title into the record.

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

RESULT: POSTPONED

MOVER: James P. Hilty Sr

SECONDER: Barry Mansfield

- 6g.** Approval of Future Land Use Policy transmittal to Florida Department of Economic Opportunity for approximately 61.39 acres of property located at the east side of SW 60th Avenue, between SW 31st Street and SW 38th Street, including staff recommendations (Case FLUP22-44631).

Growth Management Director Tye Chighizola explained the transmittal process. The applicant is looking to amend an ordinance approved in 2007/2008 which allowed 600,000 square feet of commercial development on the property. The transmittal would include a PD Plan with mixed use, possibly retail, commercial, offices and residential including multi-family. Staff has three areas of disagreement with the applicant. He noted the Planning & Zoning Commission voted for this transmittal including staff's recommendations.

The areas of disagreement are:

- 1) No access to SW 31st St, which is an access road to Timberwood subdivision without any lights or sidewalks; and,
- 2) 35' height limit. The applicant wants 45-55'. The location is close to the airport, so the City would prefer to limit height. Also, the property backs onto single-family lots; and,
- 3) Construction standards at a higher level due to the proximity to the airport, to limit noise and other complaints in the future.

Council Member Musleh asked for clarification on how to phrase the motion. Is the motion including the applicant's request? Mr. Chighizola explained the item before Council is the Planning & Zoning Commission's recommendation.

Fred Roberts, 40 SE 11th Avenue, explained the land use policy encumbering the property. The land use policy does not include a height restriction and limits the development to 600,000 square feet of commercial development. He explained City staff proposals add extra limitations to the land use proposal and noted there will be a PD Zoning change to come later. Only a portion of the property is within the noise corridor. The PD rezoning will allow Council to thoroughly review the proposed development projects details. The City concerns about access to 31st St are subjective. For instance, if

the property is developed into 5-acre estate lots, access shouldn't be limited. However, if it is a larger development akin to the Paddock Mall, then limited access would be appropriate. He argued that the concerns about height do not relate to the airport, as immediately north of the airport the height is 60'. He remarked it would relate to the adjacent uses and could be appropriate but would be dependent on the use, which would be on the PD plan.

He requested the items be removed during the transmittal phase and continue discussion in the future. He thanked City staff for their hard work.

Corey Hewitt, 5016 SW 31st Street, stated he is speaking on behalf of the HOA Board of Directors of the Timberwood subdivision. He encouraged Council to thoroughly evaluate development proposals and rapid growth of the City. He expressed concern regarding traffic impacts and noted they are working with the County to obtain appropriate signage for pedestrian safety. He played a recorded message from a Timberwood resident who is currently deployed to Ukraine. The resident echoed Mr. Hewitt's concerns and noted there is a lot of uncertainty that will affect Timberwood if this is approved, such as concerns about crime, traffic, water supply and sinkholes.

Jean Scheppers, 3262 SW 49th Terrace, expressed concern establishing no project limitations. She thanked the City for establishing project limitations to protect the residents of Ocala. She requested Council agree with City Staff's recommendation.

John Taylor, 3230 SW 56th Avenue, expressed concern regarding traffic impacts, landscape buffer, invasion of privacy, well water, crime increases, resident safety and school overcrowding. He would like to review the PD when available to the public. He thanked the City for their hard work.

Mr. Roberts commented the PD Plan will have all the project details. He explained how Council has full authority over the project during the PD Plan phase. He noted they do not have a user for the property. The goal is to remove the implied restrictions and continue with the transmittal process.

Mr. Chighizola explained the item will come back to Council for adoption.

Council Member Musleh stated he agrees with City Staff's recommendation, but understands Mr. Robert's argument. He questioned if Council will have authority over the PD Plan. Mr. Chighizola explained it is a way of doing conditional zoning, and has been used quite often before. Coming back with a PD Plan makes more sense than an R-3 zoning, as it gives design criteria. The issue about the construction standard can be addressed with the PD, but he noted he wanted to include the restriction language in this transmittal so it has to be addressed, as sometimes the issue can get lost. He explained 35' is consistent with the area, as it is mostly surrounded by suburban development.

Mayor Guinn shared his experience with a similar development project. He encouraged Council to visit the area and thoroughly review the request.

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 - Items 7g and 7h will be heard at 5:00pm or as soon as possible thereafter)

- 7g.** Adopt Ordinance 2022-31 concerning an amendment to the code of ordinances to allow multi-family dwellings in the Shopping Center zoning district (Case COD22-44701). This is the second of two public hearings. The first public hearing was held on April 5, 2022.

Introduced By: Jay A. Musleh

The City Clerk filed proof of publication for Ordinances 2022-31 - 2022-38 (Legal Ad 4/8/2022 - 29655134). The City Clerk read the ordinance titles into the record.

Growth Management Director Tye Chighizola commented the code change will allow multi-family dwellings in the Shopping Center zoning district. The City favors allowing multi-family dwellings as part of a Shopping Center zoning district and 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

- 7h.** Adopt Ordinance 2022-32 concerning an amendment to the code of ordinances to create a definition for a satellite hospital emergency room and allow the use in the Institutional, B-4, B-5, and SC zoning districts (Case COD22-44700). This is the second of two public hearings. The first public hearing was held on April 5, 2022.

Introduced By: James P. Hilty Sr

Growth Management Director Tye Chighizola commented the amendment will create a new definition for a satellite hospital emergency room and allow the use in the Institutional, B-4, B-5, and SC zoning districts. A satellite hospital functions similar to an emergency room. The requested ordinance is needed to address the new applications for freestanding emergency rooms and staff recommends approval.

Fred Roberts, 40 SE 11th Avenue, commented the amendment will allow the new use, satellite hospital emergency room, to expand outreach to emergency medical care.

Mayor Guinn asked if the ordinance proposal is related to UF Health. Mr. Chighizola responded, no, UF Health submitted a PD Plan for a full emergency hospital. The satellite hospital emergency room is similar to the facility located at 30th & Maricamp, or what Advent is building on SR 200.

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

- 7a.** Adopt Ordinance 2022-33 that enables the City to conduct criminal background checks on employees, appointed positions, and third parties doing business with or in the City of Ocala where the City determines such screenings are necessary for security or public safety reasons. This ordinance is authorized by Florida Statute, § 166.0442.

Introduced By: Jay A. Musleh

City Attorney Batsel discussed how the City conducts criminal background checks on employees, appointed positions, and third parties doing business with or in the City of Ocala. An audit of the City determined an enabling ordinance was missing for background checks. The City Attorney's Office recommends approval of Ordinance 2022-33.

Council Member Mansfield asked who performs the background checks. City Attorney Batsel responded the background checks are performed internally by the Ocala Police Department and FDLE. The applicants are given a copy of their background check results.

A member of the audience asked if it is a Level 1 or Level 2 background check. Mr. Batsel responded it is a Level 2 check.

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

RESULT: ADOPTED

MOVER: Jay A. Musleh

SECONDER: Barry Mansfield

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

- 7b.** Adopt Ordinance 2022-34 for a zoning change from GU, Governmental Use, to B-2, Community Business, for approximately 4.19 acres of property located at 2735 E Silver Springs Blvd (Case ZON22-44665) (Quasi-Judicial)

Introduced By: Kristen M. Dreyer

Growth Management Director Tye Chighizola explained the property was previously owned by the State for several years. Staff recommends a zoning change from GU (Governmental Use) to B-2 (Community Business), for approximately 4.19 acres of

property located at 2735 E Silver Springs Blvd.

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

RESULT: ADOPTED

MOVER: Kristen M. Dreyer

SECONDER: James P. Hilty Sr

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

- 7c. Adopt Ordinance 2022-35 for zoning change from B-2 Community Business, to R-3, Multi-family Residential, for approximately 19.34 acres of property located at the dead end of SW 40th Ave, south of SW 43rd Street (Case ZON22-44689) (Quasi-Judicial).

Introduced By: Barry Mansfield

Growth Management Director Tye Chighizola commented the request is a zoning change from B-2 (Community Business) to R-3 (Multi-family Residential), for approximately 19.34 acres of property located at the dead end of SW 40th Avenue. The property was previously an industrial park. To note, the County is building the last of the extension from 66th to the flyover, which will be reviewed by Council in a tri-party agreement. The goal is to build a major road to support 30- to 40,000 trips from the South and City staff recommends approval.

Fred Roberts, 40 SE 11th Avenue, reiterated the request is a proposed rezoning from B-2 (Community Business) to R-3 (Multi-family Residential). The properties were previously rezoned from M-1 (Light Industrial) to B-2 (Community Business). The requested use is appropriate for the SW 40th expansion. The demand is high in the area for residential housing units and coincides well with the new infrastructure development with Heathbrook.

Aaron Dunlap, Carlton Fields Law Firm, 215 S Monroe Street, Tallahassee, FL, stated he is representing the owners of Heathbrook. He stated they do not oppose this zoning change however they are requesting their back access to Market Street & 40th remain open to keep people off SR 200. He previously met with the County to discuss creating a turn lane (northbound) into the property.

Mr. Chighizola commented City Staff supports keeping the back access open, noting it is critical to allowing apartment access to the shopping center.

Council Member Musleh stated the access needs to remain open, and asked how it will be handled. Mr. Chighizola responded the City is working with the County on the road design for the County road, and the County is aware there will be more residential.

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

- 7d.** Adopt Ordinance 2022-36 for an annexation of approximately 35.6 acres of property located at 3848 NW 27TH AVE (Case ANX22-44696).

Introduced By: James P. Hilty Sr

Growth Management Director Tye Chighizola noted 7d, 7e and 7f are related. The property owner has requested annexation into the City to develop 450,000 square feet of industrial warehouse. He noted staff recommends approval of the land use and zoning.

Mark Rieker, 2088 Wembley Place, Oviedo FL, stated he is representing applicant, who is requesting annexation into the City to develop 450,000 square feet of industrial warehouse as a spec development.

Council President Bethea asked if the development will be located on the corner by the traffic light. Mr. Rieker responded the development is located across the street from Chewy and Amazon.

Mayor Guinn asked if the site is the last lot available. Mr. Chighizola explained the site is not part of the 489 agreement.

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

- 7e.** Adopt Ordinance 2022-37 for a land use change of approximately 35.6 acres of property located at the SE corner of 3848 NW 27TH AVE (Case LUC22-44697).

Introduced By: Barry Mansfield

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

- 7f.** Adopt Ordinance 2022-38 a zoning change from General Agriculture, A-1 (County), to Medium Industrial, M-2 (City), for approximately 35.6 acres of property located at SE corner of 3848 NW 27TH AVE (Case ZON22-44698) (Quasi-Judicial)

Introduced By: James P. Hilty Sr

There being no 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

Growth Management Director Tye Chighizola informed Council the County is having a workshop on May 9th to discuss development within the City and County, and is inviting School Board members, City Council, and others to attend. Council Member Musleh asked where it is going to be held. Mr. Chighizola responded at the County Commissioners Auditorium.

8. General Business

- 8a.** Approve Florida Department of Environmental Protection Grant Agreement No. WG093 for citywide wastewater system improvements with grant funding of \$1,750,000

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 final one-year renewal with Marcum Enterprises, LLC for annual sidewalk maintenance and repair services with a value not to exceed \$150,000

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

- 8c.** Approve two-year contract with Tip Top Tree Experts, LLC (as primary) and Marion Tree and Stump Removal, LLC (as secondary) for tree trimming and removal services with an annual estimated expenditure of \$400,000

Council Member Musleh questioned if the service is for hurricane recovery, or if it is more for nuisance trees. Director of Public Works Darren Park explained the tree trimming services take place once a year. The vendor will also help with the following: remove trees from the right-of-way, trees that have fallen due to weather storms and diseased/unhealthy trees.

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

- 8d.** Approve three-year contract with Millennium Floor Care LLC to provide city-wide janitorial services in the amount of \$380,484

Mayor Guinn asked if Bright Corners Inc. was the only local vendor who submitted a bid, noting it is double the bid amount of the winning bid. Director of Facilities & Fleet Management John King responded yes, that is correct.

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

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: James P. Hilty Sr

SECONDER: Jay A. Musleh

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

- 9a.** Amend existing agreement to add five north drainage retention mowing areas utilizing multiple Diverse Small Business Enterprise vendors with an additional expenditure of \$53,176.11

- 9b.** Approve Conceptual Subdivision Plan for West Oak Phase 2 Residential

RESULT: PULLED

- 9c.** Adopt Resolution 2022-30 amending the Public Transportation Grant Agreement with the Florida Department of Transportation (FM 449123-1-94-01) for airfield pavement markings and Fog Seal totaling \$64,320

- 9d.** Adopt Resolution 2022-31 approving Public Transportation Grant Agreement with the Florida Department of Transportation (FM 422449-4-94-01) for Upgrade Air Traffic Control Tower Equipment at Ocala International Airport in the amount of \$60,000

- 9e.** Adopt Resolution 2022-32 approving Public Transportation Grant Agreement with the Florida Department of Transportation (FM 450682-1-94-01) for Airport Layout Plan Update at Ocala International Airport in the amount of \$39,916

- 9f.** Approve adding the following City-owned parcels on SW 60th Avenue to the Surplus Property List: 23820-015-01, 23820-015-02, and 23820-015-03

- 9g.** Adopt Budget Resolution 2022-145 amending the Fiscal Year 2021-2022 budget to appropriate grant funding from the Florida Department of Transportation (SPTGA

#450682-1-94-01) in the amount of \$39,916 and matching City funds in the amount of \$9,979

- 9h. Adopt Budget Resolution 2022-146 amending the Fiscal Year 2021-2022 budget to appropriate grant funding from the Florida Department of Transportation (FM 449123-1-94-01) for airfield pavement marking and Fog Seal in the amount of \$64,320
- 9i. Adopt Budget Resolution 2022-147 amending the Fiscal Year 2021-2022 budget to appropriate funds for Grant Agreement No. WG093 with the Florida Department of Environmental Protection for Citywide Wastewater System Improvements in the amount of \$1,750,000.
- 9j. Adopt Budget Resolution 2022-148 amending the Fiscal Year 2021-2022 budget to appropriate grant funding from the Florida Department of Transportation (FM 422449-4-94-01) for Upgrade Air Traffic Control Tower Equipment at Ocala International Airport in the amount of \$60,000
- 9k. Adopt Budget Resolution 2022-150 amending the Fiscal Year 2021-2022 budget to transfer funds from the General Fund Reserve for Contingencies to cover expenditures incurred as a result of legal notices totaling \$55,029
- 9l. March 2022 city attorney invoices for general city business legal services in the amount of \$33,720.75 and for risk management-related legal services in the amount of \$3,501.86
- 9m. Approve City Council Work Session Minutes for Monday, March 28, 2022
- 9n. Approve Regular Meeting City Council Minutes for Tuesday, April 5, 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.

11. Introduction and First Reading of Ordinances

(Second and Final Reading - May 3, 2022)

- 11a. Introduce 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)

Introduced By: Barry Mansfield

RESULT: INTRODUCED

- 11b. Introduce 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)

Introduced By: Kristen M. Dreyer

RESULT: INTRODUCED

- 11c. Introduce 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)

Introduced By: James P. Hilty Sr

RESULT: INTRODUCED

12. Internal Auditor's Report - None

13. City Manager's Report

13a. Additional Homestead Exemptions for Person 65 and Older

City Manager Sandra Wilson commented the City received a request from a property owner requesting the City consider additional Homestead exemptions peoples aged 65+.

Budget Director Tammi Haslam discussed additional Homestead exemptions for persons 65 or older. The exemption is authorized under the following: section 6(d) of Article VII of the Florida Constitution and Section 196.075, Florida Statutes. The eligibility requirements: age 65+ and makes less than \$32,561 per year income. The income threshold is adjusted annually and requires City Council adoption by ordinance. The two available adoption options: Option 1 - additional exemption up to \$50,000 if permanent residence; Option 2 - additional exemption equal to assessed value if the just value of the property is less than \$250k and the owner has maintained permanent residence for at least 25 years.

Option 1 was adopted by the municipalities of Belleview (\$25,000) and McIntosh (\$50,000). On January 4, 2022, the Marion County Board of County Commissioners, tasked staff with drafting an ordinance to enact Option 2. The estimated revenue loss for each option: Option 1, \$155,483; Option 2, \$30,686. Ms. Haslam noted an additional exemption of \$50,000 for critical public employees such as law enforcement officers, Florida National Guard, teachers, fire fighters, active duty military, correctional officers , emergency medical personnel and child welfare service professionals, and applies to the assessed value between \$100,000-\$150,000, will be voted on by the public at General Election, scheduled on November 8, 2022. The City does not know what the fiscal impact will be at this time.

Council Member Musleh asked if the income limitations are household or homeowner related. Ms. Haslam responded the income limitations are household related. To apply, applicants must complete State approved forms and provide tax documents. The Property Appraisers Office will be implementing the exemption requests.

Council President Bethea questioned the estimated loss of revenue amounts. Ms. Haslam explained the estimated revenue for each option: Option 1, \$155,483 and Option 2, \$30,686.

Council President Pro Tem Hilty suggested tabling the item until the City knows what the impact will be.

Ms. Haslam commented the City will need to notify the Property Appraiser's Office of Council's decision by December 1, 2022.

Council Member Musleh questioned if Council can limit the exemption amount. Ms. Haslam responded yes, Council can limit the amount up to \$50,000 and the County chose Option 2.

Ms. Haslam commented Option 2 evaluates the total assessed value of the home that does not exceed \$250,000 market value. To note, Option 2 increases the available exemption; however, it applies to a smaller group of residents who have lived in the community for over 25-years and make less than \$32,000.

Council Member Dreyer favors Option 2.

Council Member Musleh asked if the 25-year requirement can be lowered to 15 years. Ms. Haslam responded she does not know and will follow up with Council. She believes the criteria is set by the Florida Statute.

Council President Pro Tem Hilty favors Option 2.

Council concurred with Option 2.

Ms. Wilson commented staff will work with the City Attorney's office to draft the exemption.

Ms. Wilson commented on the Class 3 rating for the National Flood Insurance Program community rating system

Ms. Wilson commented the City retained the Class 3 rating for the National Flood Insurance Program community rating system, which equates to a 35% discount on flood insurance premiums. The City did an amazing job with the flood mitigation strategies to remedy flooding issues in the City.

Ms. Wilson discussed the nine proposals for executive recruitment firms

Ms. Wilson commented the City received nine proposals for executive recruitment firms for the recruitment of the in-house City Attorney. The item will be listed on the agenda for the next City Council meeting.

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 4, 2022 to April 17, 2022. The Police Departments Opioid response efforts 4, overdose deaths 0, Narcan leave behind 1 and Amnesty participation 1. The Police Department has 10 Police recruits that will be graduating from the Police Academy next Tuesday.

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 3, overdose deaths 0 and Narcan leave behind 1. For the month of April, 339 people have enrolled in the Opioid Recovery Project and they had a total of 142 community paramedicine graduates. The Narcan leave behind for the OD2A Program amounts to 56 participants and trained 54 individuals to administer Narcan.

Council President Bethea requested an update on the Mentorship Program. Fire Chief Welborn responded the program is doing great in the community.

Mayor Guinn asked what the ISO rating is. Fire Chief Welborn responded the ISO rating is 2.

13b. Ocala Fiber Network Update

Director of Telecommunications Mel Poole reported on the OFN projects. The four neighborhoods that were selected in 2018 are now complete. The City spent \$600,000 in construction costs and the revenue amounts to \$243,000. The next four areas: Poinciana Heights, Historic District, Highlands Phase 4 and Brick City Park. He explained the Broadband Development Act, which Governor DeSantis signed in May 2021, addresses Florida's broadband needs and provides more money for broadband infrastructure.

The County established a team to oversee the project and perform an assessment. The study will be performed in three phases (discovery/assessment, analysis and planning/reporting). The assessment will take approximately 6-months to complete. The team will meet once a month and the next meeting is scheduled on May 16, 2022. Mr. Poole stated he will report back after the meeting with more information.

15. Mayor's Report

Mayor Guinn shared his experience helping a property owner restore electricity for families

Mayor Guinn shared his experience helping a property owner with repairs to prevent families from being without electricity, after an accident damaged the electrical box requiring replacement. He thanked Family's Choice Electrical Repair for working with him and OEU, including picking up the replacement electric unit from Miami.. He invited Council to attend a catered lunch event with show to thank the City for their hard work during the Olympic events.

16. City Attorney's Report

17. Informational Items

- a. Calendaring Items
 - Community Redevelopment Area Agency Board meeting - May 3, 2022 - 3:45pm
- b. Comments by Mayor
- c. Comments by Council Members

Council Member Mansfield discussed findings of a whistle blower complaint.

Council Member Mansfield explained the complaint detailed how management failed to address a number of issues. The complaint included several recommendations, such as managing contract expiration dates and educating personnel on the Invitation to Negotiate & Request for Proposals (ITN/RFP) process. He stated he believes City staff is lacking leadership from the City Manager, and motioned to terminate the City Manager contract immediately.

17c1. Approve terminating the contract of City Manager Sandra Wilson

Council Member Dreyer commented she had rhetorically asked at a previous workshop ‘what else is happening in the background’, and following that, a whistleblower came forward, as well as others with less serious accusations indicating of a lack of leadership. She read a quote from an employee’s response to the employee engagement survey that spoke of how the City’s leadership team affects the employees. She expressed concern regarding accusations against the City Attorney’s Office in a memo from February 23, 2021. She questioned why no one can answer her questions regarding an employee engagement survey performed last year. The engagement survey results presented to Council during a workshop gave the impression there were no employee concerns.

She explained how an employee gave her a tip to read the written comments in the survey. She stated she didn’t know there were written comments. After investigating the top two questions, employees disagreed with what is expected of them and disagreed that there is good team communication. She explained how the recommendations in the complaint blame the whistleblower. She noted there is zero accountability for the Assistant City Manager. She questioned why the City does not have a policy that mentions ethical behavior.

Furthermore, she expressed disappointment an employee would think they would be fired for reporting inappropriate behavior; the employee was told to do something that was out of line. She asked Council if they support promoting a positive environment or will they allow inappropriate behavior to continue at the expense of the taxpayers. In closing, she stated the City staff need a great leader.

Council President Pro Tem Hilty concurs with the lack of leadership comments. He commented the survey was unorganized and useless to the City. He questioned why City Manager Sandra Wilson would fly to Washington, DC after the tornado. He expressed disappointment the City Manager allows the Assistant City Manager’s to do whatever they want and asked who is running the show.

Council President Bethea stated Council has not allowed Ms. Wilson to do her job without micromanaging her. He believes Ms. Wilson does an amazing job leading the City. He expressed concern employees are being led by outside influencers. He questioned why certain Council Members want to terminate Ms. Wilson when she has not violated any City policies.

Council Member Dreyer stated she does not appreciate the comments made by Council President Bethea.

Council Member Musleh expressed disappointment regarding Council's actions and comments towards the previous Council, noting he has been on the City Council for 12 years. He believes Ms. Wilson has not been properly treated by the new Council since their election. He explained how the Councilman discussed in the report might be referencing him, as he works in the banking industry and is on the Investment Committee. His intent was never to lobby anyone; he wanted to know what was going on and understand the costs involved. Furthermore, he supports the whistleblower who came forward. If Council wants to move forward with terminating the City Manager, it should be set as an agenda item at the next meeting.

Council President Pro Tem Hilty believes there are more issues beyond the whistleblower complaint that is beyond the scope of the report.

He explained how the City Manager should be held responsible for the outcome.

Mayor Guinn explained how the City Manager reports to City Council and the City Manager has not been restricted from performing their job. He noted the HR complaint filed against former Police Chief Greg Graham cost the City \$80,000.

Council President Bethea asked if Council wanted to bring this issue back at the next Council meeting as an agenda item. Council Member Mansfield stated he had made a motion and directed Council President Bethea to call the vote.

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

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

17c2. Approve appointment of Peter Lee as Interim City Manager

Council Member Mansfield recommended Assistant City Manager Pete Lee to act as the Interim City Manager. Mr. Lee accepted the request.

City Manager Sandra Wilson thanked the City for the opportunity to serve the City for over 22 years, and she appreciates every experience she has had at the City.

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

RESULT: APPROVED
MOVER: Barry Mansfield
SECONDER: James P. Hilty Sr

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

Council Member Musleh explained how Council needs to appoint someone to meet with Mr. Lee to determine an interim salary. Furthermore, Council needs to approve Ms. Wilson payout of her contract.

Council President Bethea chose to meet with Mr. Lee and City Attorney Batsel to discuss the salary.

City Attorney Batsel assured the City they will meet with Ms. Wilson to discuss severance.

d. Informational

17d1. Executed Contracts Under \$50,000

18. Adjournment

7:11 PM

Adjourned at 7:11 p.m.

Minutes

Ire Bethea Sr.
Council President

Angel B. Jacobs
City Clerk