



Ocala

City Council

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Tuesday, November 1, 2022

4:00 PM

1. Call to Order

a. Opening Ceremony

1. Invocation - Chaplain John Hanks
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 City Manager Pete Lee, City Attorney William E. Sexton, Assistant City Manager Ken Whitehead, 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, Growth Management Director Tye Chighizola, Marketing & Communication Manager Ashley Dobbs, Multimedia & Comm Coord Danielle Dyals, Community Outreach Manager Rachel Fautsch, Deputy Director Planning Aubrey Hale, Budget Director Tammi Haslam, HR/Risk Management Director Devan Kikendall, City Engineer & Director of Water Resources Sean Lanier, Director Public Works Darren Park, Director of Telecommunications Mel Poole, Director of Parks & Recreation Preston Pooser, Director of Finance Emory Roberts, Division Head Facilities Lisa Warmuth, Ocala Police Department Representative, IT Representative, The Press and other interested parties.

c. New Employees

- TJ Fulmer - Customer Service Office
- Brandi Newhouse - Customer Service Office
- Josh Cooper - Electric
- Charles Hogan - Engineering
- Kelly Roberts - Engineering
- Clifford King - Public Works
- Erica Cole - Water Resources
- Lloyd Daniels - Water Resources
- Jeffery Sheffield - Water Resources

2. Public Notice

Public Notice for the November 1, 2022 City Council Regular Meeting was posted on October 4, 2022

3. Proclamations & Awards

3a. Mobility Week Proclamation presented to Transportation Planner, Ji Li, and SunTran General Manager, Olanrewaju Adelekan

Mayor Guinn presented a proclamation for Mobility Week. The City proclaims October 21, 2022 to October 28, 2022, as Mobility Week.

Ji Li, Transportation Planner with SunTran, thanked Mayor Guinn and City Council. He spoke on the company's mission and upcoming events.

Olanrewaju Adelekan, General Manager with SunTran, thanked Mayor Guinn and City Council.

4. Presentations

4a. Recognition to the Ocala Police officers who were deployed to Hardee County, Florida to assist in the wake of Hurricane Ian

Mayor Guinn recognized the following individuals for their emergency response efforts in wake of Hurricane Ian: Police Chief Michael Balken, Emergency Management Director Preston Bowlin, and Police Department staff.

Police Chief Balken spoke on the Police Department's Hurricane Preparation Plan. He expressed gratitude for his department's fast emergency response efforts.

Mr. Bowlin expressed gratitude to be part of the emergency response efforts and leading an amazing team.

Mayor Guinn, Police Chief Balken, and Mr. Bowlin, recognized several First Responders with Humanitarian Service Awards for their emergency response efforts in Hardee County in the wake of Hurricane Ian.

4b. Recognition to the Ocala Electric Utility employees who assisted the City of Lakeland, Florida to restore power in the wake of Hurricane Ian

Mayor Guinn and Electric Utility Director Doug Peebles recognized several Electric Department employees who helped restore power to the City of Lakeland after Hurricane Ian. Mr. Peebles presented a short video highlighting their efforts.

- 4c.** Recognition to the Ocala Fire Rescue USAR Task Force 8 team members who were deployed from September 29th to October 13th, 2022, at North Port and Ft. Myers Beach to assist with Hurricane Ian search and rescues

Mayor Guinn and Fire Chief Clint Welborn recognized the Ocala Fire Rescue Task Force (8 team members) for their emergency response efforts in wake of Hurricane Ian.

- 4d.** Recognition of service to Patrick G. Gilligan, Robert W. Batsel, Jr., and W. James Gooding

Mayor Guinn and City Manager Pete Lee recognized the law office of Gilligan, Gooding, & Batsel, with a Resolution for their service to the City of Ocala.

Robert W. Batsel thanked the City for the opportunity to serve as the City Attorney.

Patrick G. Gilligan shared his amazing experience working with City staff. He expressed gratitude to be able to work with City Council and City staff.

W. James Gooding shared a story regarding the Adult Use Ordinance.

5. Public Comments

Phillip Berske, 5507 SE 107th Place, commented on policy regarding artistic nudity in exhibits at the First Friday Art Walk event

Phillip Berske, 5507 SE 107th Place, Belleview, spoke on the censorship issues regarding the First Friday Art Walk event. He stated the City was unable to provide a copy of a policy regarding artistic nudity at a recent meeting and questioned if a nudity policy exists. He encouraged City Council to support the expression of art in all forms.

Christy House, 240 NW 137th Terrace, expressed concern regarding censorship of public art during public events

Christy House, 240 NW 137th Terrace, expressed concern regarding censorship of art during public events. She noted her sister's artwork is on display at the Appleton Museum and questioned whether it would be considered unsuitable for the Art Walk. She encouraged City Council to support artistic representations of the female form.

Brian Creekbaum, 103 NE 31st Terrace, commented on animal control services

Brian Creekbaum, 103 NE 31st Terrace, commented on Marion County Animal Control Services' lack of response efforts. He expressed concern regarding pedestrian safety and submitted several news articles regarding Florida dog attacks into evidence.

6. Public Hearings**7. Second and Final Reading of Ordinances - None****8. General Business**

- 8a.** Approve contract with Foundation Services, Inc., for surface depression injection grouting services in an amount of \$141,250, plus a 10% contingency, for a total expenditure of \$155,375

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 Sr

- 8b.** Approve agreement with Commercial Industrial Corp. for the provision of construction services for Phase I of the SW 44th Avenue Extension Project in the amount of \$2,880,186, plus 10% contingency, for a total expenditure of \$3,168,205

Council Member Mansfield asked if the City controls the 10% contingency in the agreement. City Engineer & Director of Water Resources Sean Lanier responded yes; unused funds will be allocated to the Trip Fund.

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 Sr

- 8c.** Approve one-year renewal agreement with Service and Technology Network Solutions, Inc. for the provision of conduit installation services in the amount of \$750,000

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 Sr

- 8d.** Approve one-year renewal agreement with Service and Technology Network Solutions, Inc. for the provision of aerial fiber installation services in the amount of \$200,000

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

RESULT: APPROVED

- MOVER:** James P. Hilty Sr
SECONDER: Kristen M. Dreyer
AYE: Hilty Sr, Dreyer, Mansfield, Musleh, and Bethea Sr
- 8e.** Approve the purchases of city-wide information technology equipment and annual software licenses in an amount not to exceed \$1,684,350
- 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 Sr
- 8f.** Approve contract for the purchase of an overhead and underground cable puller tensioner from Sherman & Reilly, Inc., for the Ocala Electric Utility Department in the amount of \$149,771
- 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 Sr
- 8g.** Approve the purchases of public safety information technology equipment and annual software licenses in an amount not to exceed \$1,971,965
- 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 Sr
- 8h.** Approve continued use of Sourcewell Contract No. 081419 for the purchase of information technology related services, hardware, and software from CDW Government LLC and SHI International Corp. for the Ocala Police Department in the additional amount of \$328,200
- 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 Sr
- 8i.** Adopt Resolution 2023-7 revising the official golf cart map to include portions of

downtown Ocala

Growth Management Director Tye Chighizola discussed the history of the golf cart ordinance and map. He explained the proposed expansion of the map would allow golf carts to drive downtown to Pine Ave and south of SR 40. It would not allow golf carts to cross any State roads. The proposed effective date is April 1, 2023, to allow staff time to update signage and educate the community.

He noted the first read of the updated ordinance is also on this agenda. It includes language that would restrict the driving of golf carts to fully licensed drivers only, as well as addresses registration requirements.

Jessica Fieldhouse, Ocala Mainstreet Executive Director, 5307 SE 108th Street, spoke in support of the proposed expansion. A Downtown business survey showed 80% favored the expansion project and within the 20% opposed the project, the main concerns involved parking and safety. The City held several public meetings to address those concerns and she noted there were no further comments of concern from the businesses at that time. The use of golf carts will increase surface parking due to the smaller size of the vehicle. She commented that people who come downtown in a golf cart, by bike or walking spend up to 40% more than people who drive, and encouraged City Council to support the adoption of Resolution 2023-7.

Mayor Guinn requested more information regarding the statistics data. Ms. Fieldhouse responded the study was conducted by a national Mainstreet organization. The data shows golf cart owners spend more money Downtown; the goal is to support Downtown local businesses.

Council Member Hilty spoke in opposition of the expansion. He expressed concern regarding traffic impacts and pedestrian safety, citing the current traffic concerns on Magnolia Ave., as well as his experience seeing people use flashlights as headlights on Halloween night.

Council Member Musleh concurs with Council Member Hilty. He expressed concern regarding vehicle accidents.

Council Member Dreyer asked if the City has crash data related to golf carts. Council Member Musleh responded no, there haven't been any accidents reported yet, but commented it's inevitable.

Council Member Mansfield spoke in support of the expansion project. He noted licensed vehicle operators must operate their vehicle with caution; and believes the introduction of golf carts will help calm traffic.

Council President Bethea spoke in opposition of the expansion project. He expressed concern regarding pedestrian safety.

Council Member Hilty commented golf carts are already driving outside the allowed area and expressed concern regarding increased vehicle accidents.

Council Member Mansfield discussed the importance of educating the public to prevent vehicle accidents.

Council Member Musleh reiterated he does not support the proposed expansion , nor does he want to abolish the use of golf carts. He suggested Council support maintaining the current golf cart map.

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

RESULT: DENIED

MOVER: Barry Mansfield

SECONDER: Kristen M. Dreyer

AYE: Dreyer, and Mansfield

NAY: Hilty Sr, Musleh, and Bethea Sr

8j. Approve settlement in the matter of Bowlin v City of Ocala in the amount of \$200,000

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 Sr

8k. Approve appointment of Jean Floten to the Ocala Municipal Arts Commission by ballot vote

Council Member Dreyer noted one of the applicants does not reside or work in the City; however, the second applicant resides in the City and possesses a strong skill set.

City Clerk Angel Jacobs commented City Council approved the appointment of Jean Floten to the Ocala Municipal Arts Commission by ballot vote.

8l. Approve appointment of Thomas G. Smallen to the Airport Advisory Committee by ballot vote

Council Member Mansfield spoke in support of appointing Thomas G. Smallen to the Airport Advisory Committee.

Mayor Guinn concurs with Council Member Mansfield.

Council Member Musleh asked Mr. Smallen if they will be relocating their commercial operations. Mr. Smallen responded no, the commercial operations will remain in Ocala.

City Clerk Angel Jacobs commented City Council approved the appointment of Thomas

G. Smallen to the Airport Advisory Committee by ballot vote.

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: Kristen M. Dreyer

SECONDER: Barry Mansfield

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

- 9a. Approve annual expenditure with Friends Recycling, LLC for pallet disposal in the amount of \$55,000
- 9b. Approve the purchase of replacement pistols for the Ocala Police Department for \$96,670
- 9c. Approve the purchase of two sets of battery-powered extrication equipment from Purchase Point Equipment Supply, LLC, in the amount of \$78,252
- 9d. Approve Labor Attorney invoices for the month of September 2022 in the amount of \$2,910
- 9e. Adopt Budget Resolution 2023-104 approving new Park and Facility Reservations fees for the Recreation & Parks department
- 9f. Approve use of two-year Master Subscription and Services Agreement for continued and upgraded cloud-based project management and collaboration software with Wrike, Inc., with an aggregate expenditure not to exceed the amount of \$75,350
- 9g. Approve the Oak Hill Plantation, Phase 2B Re-plat (SUB22-44838)
- 9h. Approve reappointment of Glen Fiorello and Robert Davis to the Firefighters' Retirement System Board of Trustees
- 9i. Approve appointment of David M. DeSantis to the Police Officers' Retirement System Board of Trustees
- 9j. Approve Regular Meeting City Council minutes from October 18, 2022

10. Consent Agenda Items Held for Discussion

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

11. Introduction and First Reading of Ordinances

(Second and Final Reading - November 15, 2022)

- 11a. Introduce Ordinance 2023-9 concerning alcohol requirements

Note: Council Pro Tem Hilty introduced this ordinance, but later withdrew his introduction after further discussion by Council during 17c.

Council Member Musleh asked if the ordinance will allow the sale of alcohol at stores on

Christmas Day. Growth Management Director Tye Chighizola responded yes.

Council Member Musleh stated he does not support the proposed ordinance.

Mr. Chighizola commented many businesses have requested the City modify the ordinance to allow the sale of alcohol on Christmas Day.

Council Member Musleh reiterated he does not support allowing stores to sell alcohol on Christmas Day; however, he favors allowing restaurants to serve alcohol on Christmas Day.

RESULT: NOT INTRODUCED

- 11b.** Introduce Ordinance 2023-10 amending Chapter 62 of the Code of Ordinances of City of Ocala allowing for an additional homestead exemption for certain senior citizens

Introduced By: Jay A. Musleh

- 11c.** Introduce Ordinance 2023-11 concerning a rezoning from M-1, Light Industrial, to M-2, Medium Industrial, for property located along the west side of NE 19th Avenue in the 2000 block adjacent to CSX Railroad (portion of parcel #26500-002-00), approximately 13.17 acres (Case ZON22-44951) (Quasi-Judicial)

Introduced By: Barry Mansfield

- 11d.** Introduce Ordinance 2023-12 annexing property located at the northeast corner of West Highway 40 and NW 52nd Avenue (Parcel # 23180-000-00), approximately 27.27 acres. (ANX22-44952) (Quasi-Judicial)

Introduced By: James P. Hilty Sr

- 11e.** Introduce Ordinance 2023-13 amending the future land use designation from Employment Center (County) and Employment Center (City) to Employment Center (City) for property located at the northeast corner of West Highway 40 and NW 52nd Avenue (Parcel # 23180-000-00), approximately 27.27 acres (LUC22-44953)

Introduced By: Barry Mansfield

- 11f.** Introduce Ordinance 2022-14 concerning a zoning change from B-2, Community Business, and OP, Office Park, to R-3, Multi-family Residential, for property located northwest of the intersection of SW 48 Avenue and SW 48 Road in the Fore Ranch development, approximately 18.24 acres (Case ZON22-44855)(Quasi-Judicial)

Introduced By: Kristen M. Dreyer

- 11g.** Introduce Ordinance 2022-15 amending the future land use policy (18.21) for property located northwest of the intersection of SW 48 Avenue and SW 48 Road, approximately 18.24 acres. (Case FLUP22-44857)

Introduced By: Barry Mansfield

- 11h.** Introduce Ordinance 2023-16 revising Section 66-193 concerning the operation of golf carts and Section 66-194 concerning the operation of low-speed vehicles and mini trucks

Introduced By: Jay A. Musleh

12. Internal Auditor's Report**13. City Manager's Report**

Redistricting & Review of City's EIP, Surplus Property and Catalytic Site Policies Workshop scheduled on Tuesday, November 8, 2022

Annexation Policy & Water Plant Workshop pending Tuesday, December 13, 2022

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 October 17, 2022 to October 30, 2022. The Police Department's Opioid response efforts 9, overdose deaths 3, Narcan leave behind 0 and Amnesty participation 2. He provided a brief overview of SWAT Teams annual training, and new miniature horse mascot named Magic.

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 5, overdose deaths 1 and Narcan leave behind 1. For the month of October, 384 people have enrolled in the Opioid Recovery Project and they had a total of 184 community paramedicine graduates. The Narcan leave behind for the OD2A Program amounts to 14 participants, and 2,283 calls for service. The Florida Fallen Firefighter Memorial is scheduled on November 17, 2022, and the Florida Fallen Firefighter Memorial Service & Breakfast is scheduled on November 18, 2022; location Florida State Fire College. He provided a brief overview of the Ocala Fire Rescue Task Force efforts in southwest Florida.

15. Mayor's Report**Mayor Guinn commented on the Maritime Commission's donation of the Ocala Victory Builder's Plate & Ocala Victory Ship's Clock to the City**

Mayor Guinn commented the Ocala Victory Builder's Plate & Ocala Victory Ship's Clock will be given to the museum on Veterans Day. The City will maintain ownership of the items given to the museum for public display.

16. City Attorney's Report**17. Informational Items****a. Calendaring Items**

- CRA meeting scheduled on Tuesday, November 15, 2022, at 3:45 pm
- City Council Workshop - Redistricting & Review of City's EIP, Surplus Property and Catalytic Site Policies - Tuesday, November 8 - 12pm noon - Council Chambers
- Veteran's Day Holiday - Friday, November 11 - City Offices closed

b. Comments by Mayor

Mayor Guinn commented on the intersection at 22nd Avenue & Fort King St.

Mayor Guinn stated a traffic light or roundabout is not needed at the intersection of 22nd Avenue & Fort King. He suggested the City trim the hedges and add new markings at the intersection.

Council Member Hilty commented the hedges are causing a public safety issue by obstructing visibility. City Manager Pete Lee responded the City will verify the intersection has clear visibility.

Mayor Guinn commented on the Firefighter Memorial events

Mayor Guinn encouraged Council to attend the Florida Fallen Firefighter Memorial and the Florida Fallen Firefighter Memorial Service & Breakfast.

Council Member Hilty asked if the public must RSVP for the breakfast. Fire Chief Welborn responded yes; contact the Fire Department to RSVP for the event.

c. Comments by Council Members

Council Member Musleh requested an update regarding the animal control services agreement

Council Member Musleh requested an update regarding the animal control services agreement. City Manager Pete Lee responded the potential in-house budget details, currently estimated total between \$750,000 to \$1 million, will be presented at the first City Council meeting in December. City Council will have the opportunity to provide feedback and direct City staff on how to proceed forward.

Council President Bethea asked if the City is proposing to provide animal control services county-wide. Mr. Lee responded no; the City plans on assigning dedicated officers inside of the City limits or bringing animal control services in-house. Council Member Dreyer stated she favors the in-house approach. She expressed disappointment regarding the County's animal control response times.

Mr. Lee commented if the County retains control of the department, the City intends to have two dedicated officers to only work within the City limits and monetary concessions would likely be necessary to the County, to remedy the response time issues.

Council President Bethea expressed concern the County might instruct City Officers to assist with issues outside of the City limits.

Mayor Guinn concurs with Council President Bethea.

Council President Bethea commented the City should consider taking back from the County the City's portion of animal control services. Mr. Lee expressed concern that the City would lose its access to the no-kill shelter, resulting in the City spending more money.

Council Member Dreyer stated the County General Fund collects tax monies for animal control services.

Council Member Musleh spoke to the shelter issue. Council Member Dreyer questioned why the City would be penalized for bringing a large number of captured animals to the shelter.

Council Member Musleh stated the in-house approach will allow the City to unite captured animals with their owners.

Council Member Hilty commented on the solar farm tour

Council Pro Tem Hilty shared his experience attending the solar farm tour. The City receives 2% of their electrical power from the solar farm, and the under-collection rate amounts to \$24 million.

City Manager Pete Lee stated the City will be presenting recommendations at a future City Council meeting. The City staff plans on scheduling individual meetings with Council to discuss the matter.

Council Member Dreyer questioned how the City plans on maintaining the PCA rate. Mr. Lee responded the rate must fall below the current rate, to avoid increasing the PCA rate.

Council Pro Tem Hilty asked how much money is left in the fund. Council Member Musleh responded \$8 million to \$9 million.

Mr. Lee commented the projected revenue is over \$200 million, and \$150 million in expenses.

Council President Bethea suggested the City perform outreach to the residents regarding PCA rates, and requested staff create a short video for residents to better understand the situation.

Council Member Musleh corrected himself and noted there is \$12.9M in the reserve fund. Council President Bethea commented that is down nearly half of the \$24 million previously in the reserve fund. Council Pro Tem Hilty noted the fund has been subsidizing the rates and agreed educating the public needs to be a priority.

Mr. Lee responded the City will create an educational component for the public.

Council Member Dreyer suggested City staff clarify the sale of alcohol on Christmas Day

Council Member Dreyer suggested City staff modify the ordinance language to not allow the sale of alcohol at liquor stores on Christmas Day. Growth Management Director Tye Chighizola responded yes, the City can modify the ordinance language or create a separate ordinance. He noted Council can choose to adopt each section of the ordinance. He suggested Council withdraw the introduction of tonight's ordinance, and City staff will reintroduce the ordinance.

Council Member Hilty withdrew his introduction of Ordinance 2023-9

Council President Bethea thanked City staff and Council for their hard work during Hurricane Ian

d. Informational

17d1. Power Cost Adjustment Report - September 2022

17d2. Executed Contracts Under \$50,000

18. Adjournment

Adjourned at 6:02 pm

Minutes

Ire Bethea Sr.
Council President

Angel B. Jacobs
City Clerk