

MINUTES
OCOEE CITY COMMISSION
APRIL 18, 2023

REGULAR CITY COMMISSION MEETING

• **CALL TO ORDER 6:15 PM**

Mayor Johnson called the regular session to order at 6:15 PM in the Commission Chambers of City Hall. The invocation was led by **Brad Lomneck**, *Ocoee Resident*, followed by the Pledge of Allegiance to the Flag led by **Commissioner Kennedy**. **City Clerk Sibbitt** called the roll and declared a quorum present.

Present: Mayor Johnson, Commissioner Kennedy, Commissioner Wilsen, Commissioner Firstner, Commissioner Hart (*Sworn-in at 6:25 PM*)

Also Present: City Manager Frank, City Attorney Cookson, City Clerk Sibbitt

• **PRESENTATIONS AND PROCLAMATIONS 6:17 PM**

Proclamations for April 2023

- Arbor Day proclaimed by **Mayor Johnson**
- Water Conservation Month proclaimed by **Mayor Johnson**

Selection and Appointment of Interim District 4 Commissioner - **City Attorney Cookson** explained the circumstances surrounding the vacant District 4 seat; and furthermore, announced two (2) residents have contacted the City indicating their interests to be appointed as the interim District 4 Commissioner until the Special Election. He asked the City Commission to consider filling the current vacant seat as set forth by the City Charter with the swearing in to follow the vote.

Both interested residents for the interim District 4 Commissioner seat, Ages Hart and Dr. Jim Moyer, briefly introduced themselves to the City Commission.

Motion: Move to appoint Ages Hart as interim District 4 Commissioner until the successor is elected at the upcoming Special Election; Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried 4-0.

Ocoee Music Festival Chick-fil-A 5k Beneficiary Check Presentation - **Parks and Recreation Director Johnson** announced West Orange Babe Ruth League as the recipient of the Chick-fil-A fundraiser check in the amount of \$1,180.00. **Beth Otts** with Chick-fil-A provided a brief overview of the 2023 Music Fest 5K event and thanked City staff, sponsors, and the Community for their support. She then presented the check to the West Orange Babe Ruth League.

Recognition of the Ocoee Youth Council for Winning the 2022 Youth Council Video Competition - **Eryn Russell, Florida League of Cities**, announced the Ocoee Youth Council (OYC) won the Florida League of Cities 2022 Annual Youth Council Video Competition and presented them with a trophy. She further provided a brief overview on the

Florida League of Cities, thanked the City for being a dedicated member of the League of Cities, and explained the video competition submission requirements.

• **STAFF REPORTS AND AGENDA REVIEW** – *None*

• **PUBLIC COMMENTS** 6:42 PM

The following person(s) addressed the City Commission:

- **Angel de la Portilla**, *Ocoee Resident*, voiced election concerns with the City's Charter and the need for the Charter Review Board to meet sooner. He shared there is a Presidential Preference Primary Election scheduled for March 19, 2024, and recommends that the City Commission consider appointing a Charter Review Board to place charter amendments on that ballot. He also recommended the City bring in a Special Council that is board certified in City, County, and Local Government Law to assist the Charter Review Board. He read section C-17 of the City Charter and questioned if the June Special Election should also be held on March 19, 2024.
- **Brad Lomneck**, *Ocoee Resident*, echoed the election concerns with the City's Charter and agrees that the Special Election should be held during the next national election since it is within the 12-month timeframe.
- **Jason Mellen**, *Ocoee Resident*, commented on the need for the Charter Review Board to meet sooner than later, and also agrees that he feels the City needs to review March 2024, as an option for the Special Election.

Commissioner Hart commented on recent election concerns, specifically with regard to no time frame on residency to run for office, and supports having the Charter Review Board start early.

Commissioner Wilsen shared her support in calling the Charter Review Board with a facilitator or election attorney who is qualified in municipal elections. She commented on some oversights during the last Charter Review that need to be corrected.

Commissioner Firstner agreed on a comprehensive review of the City Charter, specifically on the election section. He shared support on the request of a facilitator, and agrees that if the Charter allows the Special Election to be held in March 2024, that would be a better option.

Commissioner Kennedy agreed with expediting the Charter Review Board, and commented on the need for better definitions on residency, as well as on the vacancy of a seat. He shared that he has received inquiries on the cost of the Special Election, and supports having a qualified municipal elections specialist review the City's Charter.

Mayor Johnson commented on the requirements for his resignation back in 2015, and how it differed from this election. He also voiced his concerns with the election section in the Charter, and the need to add a residency timeframe requirement, as found in other neighboring City's Charters.

Commissioner Wilsen inquired about the deadline for the Charter Review questions to be placed on the ballot. **City Clerk Sibbitt** addressed her question.

Motion: Approval to proceed with establishing a Charter Review Board to include a qualified individual in Municipal Elections to work with the Charter Review Board as a facilitator. Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried 5-0.

City Attorney Cookson voiced his understanding from the discussions that there is a consensus to not have the June Special Election. He advised that the City Charter has been looked at extensively, the City has an obligation to hold a Special Election, and it is his interpretation that it should be held as originally scheduled. He further noted that the discussion on the Special Election was not placed on the agenda, and feels it will be improper to make a motion to change the Special Election when it was not noticed to the public.

Discussion ensued on the Special Election, and the interpretation of when it could be held. **Commissioner Kennedy** requested for an agenda item to be placed on the May 2nd City Commission Meeting, and inquired if a second opinion could be provided. **City Manager Frank** explained City staff could obtain a second opinion, if that is their request. **Consensus of the City Commission was to place an agenda item on the May 2nd City Commission Meeting to discuss the Special Election, and include a second opinion on the interpretation of the Charter as it relates to when the Special Election can be held.**

- **Brad Lomneck, Ocoee Resident**, inquired if qualifying would be affected since they are bringing forth a question on the Special Election date. He further recommended they suspend the qualification process.

City Attorney Cookson opined that they should move forward with the qualifying period, even if the City Commission determines to move the Special Election to March. **City Manager Frank** shared that a notice should be drafted to be placed in the qualifying packets to inform candidates that the election date is being contested.

- **Jim Moyer, Ocoee Resident**, spoke about internal audits and explained the need for them.

• **CONSENT AGENDA 7:20 PM**

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Items #1-12.

Moved by Commissioner Firstner, seconded by Commissioner Hart; Motion carried 5-0.

1. Approval of the Minutes for the Regular City Commission Meeting and City Commission Special Session held March 21, 2023. (**City Clerk Sibbitt**)

2. Approval of Elections Services Contract with the Orange County Supervisor of Elections and Allow them to Open and Run Unquestionable Vote-By-Mail Ballots for the June 2023 Municipal Special Election Utilizing the Orange County Canvassing Board Criteria. **(City Clerk Sibbitt)**
3. Approval of Fee Proposal for Final Design and Engineering Services for RFQ #21-003 South Bluford Avenue Streetscape from Old Winter Garden Road to Geneva Street. **(Deputy Development Services Director/CRA Administrator Corless)**
4. Approval to Piggyback Omnia's Contract for the Tiger Minor Inclusive Playground Project. **(Parks & Recreation Director Johnson)**
5. Approval to Piggyback Omnia's Contract for the Jim Beech Recreation Center Playground Project. **(Parks & Recreation Director Johnson)**
6. Approval to Award RFQ #23-006 Continuing Contract for Surveying and Mapping Services. **(Procurement Manager Tolbert)**
7. Approval to Award RFQ #23-004 Construction Manager at Risk for Floral Street Water, Sewer and Road Reconstruction. **(Procurement Manager Tolbert)**
8. Approval for Declaration of City Surplus Property. **(Procurement Manager Tolbert)**
9. Approval of Duke Energy Easement on Ocoee Crown Point Parkway Extension. **(Public Works Director Krug)**
10. Approval to Purchase a 2023 Ford Transit Build-Out and Rover X Crawler Camera Inspection System. **(Utilities Director Croteau)**
11. Notification of Emergency Purchase with J. Malever Construction for the Palm Drive Park Sanitary Sewer System flowing into Lift Station #21 per Emergency Notification – Section 21.6, Chapter 21, City of Ocoee Code of Ordinances. **(Utilities Director Croteau)**
12. Notification of Emergency Purchase with PSI Technologies for Pumps and Motor for Reuse and Transfer Pump Stations at the Wastewater Treatment Plant per Emergency Notification – Section 21.6, Chapter 21, City of Ocoee Code of Ordinances. **(Utilities Director Croteau)**

• **COMMISSIONER COMMENTS** *(Heard out of agenda order)* 7:20 PM

Mayor Johnson advised that the Wesmere HOA is in discussions to cut down trees that lie between the streets and sidewalks within the development. Discussion ensued regarding the current situation between the homeowners of Wesmere and their HOA. He requested City staff to have a public meeting with the Wesmere HOA, the homeowners and the public to discuss their current issues. **City Manager Frank** indicated a similar situation happened in the past, and it would be in the best interest of the City to coordinate a public meeting. **Commissioner Firstner** agreed and indicated the Wesmere HOA is dictating to the homeowners that this will be done whether the homeowners agree or not. He suggested the City facilitate a meeting between the HOA Board and the homeowners in order to come to an agreement. **Commissioner Kennedy** commented that as an HOA president himself, he knows historically the City policy has been the City does not get

involved with HOA/Homeowner issues; however, he believes it is a nice gesture for the City to assist with a public meeting. **City Manager Frank** advised a public meeting should be posted for more than one commissioner present and facilitated at a public venue.

Mayor Johnson stated it has been seven years since the redevelopment of Downtown started, which includes Oakland Avenue, and he is dissatisfied with how long it is taking to develop the Downtown area and Oakland Avenue. He also stated he is dissatisfied with the lack of paving the streets, which has been placed in the budget. **City Manager Frank** explained numerous delays with the Downtown redevelopment.

- **FIRST READING OF ORDINANCE – None**
- **SECOND READING OF ORDINANCE – PUBLIC HEARING 7:43 PM**

13. Second Reading of Ordinance for 911 Marshall Farms Road - Surujlall Property - Annexation & Rezoning; Project No(s). AX-01-23-01 & RZ-23-01-01. (**Zoning Manager Whitfield**)

City Attorney Cookson read the titles of the ordinances.

Zoning Manager Whitfield presented a brief overview of the subject property which is vacant, contains approximately 2.22 acres, and is located in District 3 on the east side of Marshall Farms Road. This property is currently zoned Orange County A-1 (Citrus Rural District) with a proposed rezoning to City of Ocoee C-2 (Community Commercial). The subject property is bordered on the west and east by the City's jurisdictional limits and, as such, is contiguous to the City. The property is located within the Ocoee-Orange County Joint Planning Area (JPA) Agreement boundary, and the proposed annexation is consistent with the terms of the JPA Agreement. However, the requested C-2 zoning on the entire property is inconsistent with the JPA Future Land Use Map which designates greater than half (50%) of the eastern portion of the property as Conservation. The applicant is requesting to annex into the City for a home office for her truck hauling business with one (1) private service bay.

The Development Review Committee and Planning and Zoning Commission recommended approval subject to the condition that the C-2 zoning classification is limited to only that front portion of the site (approximately 325 feet from the west property line) that is outside of the designated Conservation Area and the remainder of the property will be classified as Unclassified in order to protect the Conservation Area.

Public hearing was opened. As no speaker forms were received, the public hearing was closed.

Annexation Ordinance:

Motion: Move to adopt Ordinance No. 2023-06, 911 Marshall Farms Road - Surujlall Property Annexation; Project No. AX-01-23-01, subject to conditions and staff's recommendations; Moved by Commissioner Firstner, seconded by Commissioner Wilsen; Motion carried 5-0.

Rezoning Ordinance:

Motion: Move to adopt Ordinance No. 2023-07, 911 Marshall Farms Road - Surujlall Property Rezoning; Project No. RZ-23-01-01, subject to conditions and staff's recommendations; Moved by Commissioner Firstner, seconded by Commissioner Hart; Motion carried 5-0.

14. Second Reading of Ordinance for 413 Whittier Avenue - Phat An Temple Inc. Property - Annexation & Rezoning; Project No(s). AX-01-23-02 & RZ-23-01-02. **(Zoning Manager Whitfield)**

City Attorney Cookson read the titles of the ordinances.

Zoning Manager Whitfield presented a brief overview of the subject property which is located in District 2 on the east side of Whittier Avenue, beginning approximately 325 feet north of State Road 438, and is approximately 0.16 acres and currently vacant. The current zoning is Orange County R-1 (Single Family Residential District) with a proposed rezoning to City of Ocoee R-1 (Single Family Dwelling District). The subject property is contiguous to the City on the east and south and does not create an enclave. Instead, it furthers the City's efforts to reduce existing enclaves within the city limits. The Development Review Committee and Planning and Zoning Commission recommended approval of the proposed annexation and rezoning. The applicant is requesting to annex into the city for water services.

Public hearing was opened. As no speaker forms were received, the public hearing was closed.

Annexation Ordinance:

Motion: Move to adopt Ordinance No. 2023-08, 413 Whittier Avenue - Phat An Temple Inc. Property Annexation; Project No. AX-01-23-02, subject to staff's recommendations; Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried 5-0.

Rezoning Ordinance:

Motion: Move to adopt Ordinance No. 2023-09, 413 Whittier Avenue - Phat An Temple Inc. Property Rezoning; Project No. RZ-23-01-02, subject to staff's recommendations; Moved by Commissioner Wilsen, seconded by Commissioner Hart; Motion carried 5-0.

• **PUBLIC HEARING 7:54 PM**

15. First Reading and Public Hearing of a Resolution Creating the Ocoee Northwest Brownfield Area. **(Development Services Director Rumer)**

Development Services Director Rumer explained this is a first reading and public hearing and summarized the proposed resolution designating a Brownfield Area for the Ocoee Northwest area, located south of Fullers Cross Road and east of Ocoee Apopka Road.

City Attorney Cookson read the title of the resolution.

Public hearing was opened. As no speaker forms were received, the public hearing was closed.

Mayor Johnson announced this will be presented as a second reading and public hearing at the next scheduled City Commission meeting.

**16. Adoption of Resolution Increasing Rates for Solid Waste/Residential Service.
(Public Works Director Krug)**

Public Works Director Krug explained back in September of 2022 the City Commission approved to increase the rate for solid waste/residential service by \$1.25 per month (\$15.00 annually) in order to create a Sanitation Coordinator's position to be a liaison between the City, the citizens and the franchise vendor to ensure contract service requirements and customer service expectations are met. The new rate will include the 1.4% annual increase, plus the additional \$15.00 annual fee, to provide a new annual fee of \$294.12 (\$24.51 monthly).

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Jim Moyer**, *Ocoee Resident*, inquired what is in the Solid Waste Fund at this time. **Public Works Director Krug** addressed his question.

The public hearing was closed.

City Attorney Cookson read the title of the resolution.

Commissioner Wilsen commented on her initial vote to not prioritize solid waste, and stated the staff liaison will be an asset to the City. **Mayor Johnson** and **Commissioner Hart** made additional comments and also shared their support of the resolution.

Motion: Move to adopt Resolution No. 2023-05, Increasing rates for solid waste/residential curbside (garbage, recycling and yard & bulky waste) service; moved by Commissioner Hart, seconded by Commissioner Kennedy; Motion carried unanimously.

• REGULAR AGENDA 8:03 PM

17. Approval of Commission Liaisons to Various Boards. (City Clerk Sibbitt)

Mayor Johnson asked for this item to be continued to the next agenda, May 2, 2023.

18. Approval to Appoint the Mayor Pro Tem. (City Clerk Sibbitt)

(Mayor Johnson passed the gavel to Mayor Pro Tem Firstner.)

Motion: Move to appoint Commissioner Wilsen as Mayor Pro Tem. Moved by Mayor Johnson, seconded by Commissioner Hart; Motion carried unanimously.

19. Discussion of Agenda Format for City Commission Meetings. (City Manager Frank)

City Manager Frank asked the Mayor to present his proposed agenda revisions to the City Commission.

Mayor Johnson stated he would like to only have one public comment section at the beginning of the meeting, and take the commissioner comments from 10-minute limit to three minutes. Commissioner Wilsen asked if it could be five minutes.

(Mayor Pro Tem Firstner has the gavel.)

Motion: Move to revise the City Commission Agenda to retain Public Comments prior to the Consent Agenda and remove Comments from Citizens/Public near the end of the agenda. Moved by Mayor Johnson, seconded by Commissioner Kennedy; Motion carried unanimously.

Motion: Move to revise the City Commission Agenda to limit the Comments from Commissioners from 10 minutes to five (5) minutes. Moved by Commissioner Wilsen, seconded by Mayor Johnson; Motion carried unanimously.

Motion: Move to eliminate the City Commission Announcements Meeting following the adjournment of the City Commission meeting; and further, all revised City Commission Agenda items to go into effect at the next City Commission meeting. Moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried unanimously.

• **COMMENTS FROM CITIZENS / PUBLIC 8:09 PM**

The following person(s) addressed the City Commission:

- **Nate Robertson**, *Ocoee Resident*, shared his concerns regarding delaying the upcoming Special Election.
- **Fanny MacTavish**, *Ocoee Resident*, asked who her current District 4 commissioner is, and commented about sanitation in her neighborhood.

• **COMMENTS FROM COMMISSIONERS 8:20 PM**

Commissioner Hart- Commented on the following:

- 1) Thanked everyone for the opportunity to serve his community.
- 2) Announced this month is Child Abuse Month and stated if you see something, say something.

Commissioner Firstner - Commented on the following:

- 1) Announced the date, time and location of the Ocoee Fire Department Open House.
- 2) Announced the date, time and location of the Cinco De Mayo Block Party.
- 3) Announced the date, time and location of the Take Back Day.
- 4) Asked if there are any plans on opening up the HRDB for applications. **Mayor Johnson** said that can be brought up at the next meeting.
- 5) Announced the date, time and location of the Community Picnic.

Commissioner Wilsen – Commented on the following:

- 1) Thanked Mr. Moyer for volunteering his time, and shared that she does not believe an internal audit is necessary at this time, because of the City's healthy reserve fund in which she thanked staff for.
- 2) Shared she believes this is a good time to address City Commission expenses with providing spending limits on travel.
- 3) Shared she would like to see parameters set on the City Commission discretionary funds for the upcoming budget.

Commissioner Kennedy – Commented on the following:

- 1) Stated he plans to file a monthly Written Commissioner's Report for communication and transparency for District 1 outlining what he is doing, working on and what is happening.
- 2) Shared he currently is attending the Ocoee's Public Safety Academy with PD & FD, which has been very informative and makes him very proud of the City's public safety departments.
- 3) Stated the Police Department is currently working with Grow Healthy Kids to collect sports balls. He donated \$250 of his discretionary funds to Grow Healthy Kids. See growhealthykids.org to donate.
- 4) Shared he maintains an Action Item Book which currently has 52 Action Items. He works at City Hall every Friday afternoon, and he has been meeting with department heads addressing issues and advocating for his district. Email him at Skennedy@occoee.org if you have an issue or want to see the status of any items.
- 5) Noted the number one issue in his district is traffic and congestion. He stated the Lakewood shutdown exacerbates all other issues and needs to be reopened immediately. The following is a current update on Lakewood: The roundabout was open on Friday, April 7th; and the paving up to the extension of 2nd Street is scheduled to be April 28th, which will allow access from N. Lakewood to Adair St. and connection to Clarcona Ocoee Rd. The Clarke Road widening is waiting on SWFWMD.
- 6) Shared he has been busy recruiting citizens for open spaces on advisory boards, and listed events he has recently attended.
- 7) Thanked Mr. Moyer for stepping up and volunteering, and congratulated Commissioner Hart on his appointment.
- 8) Informed he wishes to reform the HRDB and update the board to a more modern concept and rename it Inclusion, Diversity, Equity & Access (IDEA). He further stated he would like to reshape the board's mission and requirements for volunteers.

Mayor Johnson – Commented on the following:

- 1) Shared he wants the Christmas parade to start up this year. **Cathy Sills** stated she was devastated when the parade was canceled and offered her services to assist with the parade behind the scenes. **Commissioner Wilsen** shared a lot of positive comments were received about the Jolly Jamboree. **City Manager Frank** stated with Cathy Sills and enough volunteers, it can be very successful.
- 2) Announced the date, time and location of the Cinco De Mayo Block Party.
- 3) Thanked all residents who voted in the election.
- 4) Asked the Commission to start thinking about the upcoming budget meetings.
- 5) Thanked Mr. Moyer and Commissioner Hart for their time and efforts.
- 6) Asked residents to watch their speed and slow down on the roads.
- 7) Asked for something to be placed on the roads in downtown to slow traffic down.

• **ADJOURNMENT 8:52 PM**

APPROVED:

Attest:



Melanie Sibbitt, City Clerk

City of Ocoee



Rusty Johnson, Mayor



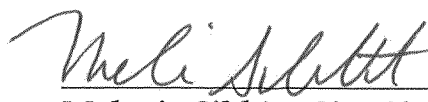
Oath of Office

I, Ages Hart, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States of America and of the State of Florida, and the Charter and Ordinances of the City of Ocoee; that I will bear true faith, loyalty, and allegiance to the same; that I am entitled to hold office under the State Constitution and the City Charter; that I will faithfully perform all duties of the office of District 4 Commissioner of the City of Ocoee, which I am about to enter, so help me God.



Print Name: Ages Hart

SWORN and Subscribed before me this
18th day of March, 2023.



Melanie Sibbitt, City Clerk