



OCOEE CITY COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

May 16, 2023

AGENDA

6:15 PM

REGULAR CITY COMMISSION MEETING

• CALL TO ORDER

Invocation

Pledge of Allegiance

Roll Call and Determination of Quorum

• PRESENTATIONS AND PROCLAMATIONS

Proclamation for Florida Emancipation Day ~ May 20th. **(Mayor Johnson)**

Presentation on the Audit Results for Fiscal Year Ending September 30, 2022, and the GFOA Excellence in Financial Reporting Award by Matt Ganoe with PurvisGray

• STAFF REPORTS AND AGENDA REVIEW

• PUBLIC COMMENTS

The public is allowed to comment on any items that are on the Agenda but not part of a Public Hearing. Public Hearing comments are to be heard during that portion of the meeting.

• CONSENT AGENDA

Matters listed under the consent agenda are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items unless discussion is desired by a member of the commission, in which case the Mayor will instruct the City Clerk to remove that item from the Consent Agenda and such item will be considered separately.

1. Approval of Minutes from the Regular City Commission Meeting held May 2, 2023. **(City Clerk Sibbitt)**
2. Approval of Reappointment on the Code Enforcement Board (3-year term). **(City Clerk Sibbitt)**
3. Approval of Road Closure for the Ocoee High School Homecoming Parade on September 6, 2023. **(Development Services Director Rumer)**
4. Approval of a Road Closure for the 23rd Annual Downtown Ocoee Car Show. **(Development Services Director Rumer)**
5. Approval of a Two-Year Warranty Surety and Maintenance, Materials, and Workmanship Agreement for Wynwood Phase 1 and 2. **(Development Engineer Keaton)**

• FIRST READING OF ORDINANCE

6. First Reading of Ordinance Ratifying Resolution 2023-06 to Rescind the City's Call for a Special Election for June 13, 2023, and Calling for the General City Election Date to

Coincide with the Orange County Municipal Election Day and the Presidential Preference Primary Date of March 19, 2024. **(City Clerk Sibbitt)**

• **SECOND READING OF ORDINANCE – PUBLIC HEARING**

7. Second Reading of Ordinance for Siri Office Building Market Street ROW - Annexation & Rezoning to PUD; Project No(s). AX-03-23-03 & RZ-23-03-03. **(Zoning Manager Whitfield)**

• **PUBLIC HEARING**

• **REGULAR AGENDA**

8. Appointment of Five (5) Members, Two (2) Alternate Members and a Facilitator to the Charter Review Commission. **(City Clerk Sibbitt)**
9. Appointment of Members to the Human Relations Diversity Board (HRDB). **(City Clerk Sibbitt)**
10. Notification of Initial Three-Year Term Ending for Two (2) Regular Members and One (1) Alternate Member on the Planning and Zoning Commission. **(Development Services Director Rumer and City Clerk Sibbitt)**
11. Discussion and Direction from the City Commission about the Procurement of a City Attorney. **(City Manager Frank)**

• **COMMENTS FROM COMMISSIONERS**

(Limit to Five Minutes)

• **ADJOURNMENT**

Notice: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based. Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the office of the City Clerk, 1 N. Bluford Avenue, Ocoee, FL 34761, (407) 905 -3105 48 hours in advance of the meeting.



Proclamation

WHEREAS, Our Country is made up of great people from all over the world, who are, declared equal not only in freedom but also in justice; and

WHEREAS, Our nation was conceived on July 4, 1776, with the Declaration of Independence, the timeless statement being: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”; and

WHEREAS, On January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as slaves within any State or designated part of a State “shall be then, thenceforward, and forever free;” and

WHEREAS, On May 20, 1865, 11 days after the end of the Civil War, and two years after the Proclamation first issued by President Abraham Lincoln freed those enslaved in Southern states, Union Brigadier Gen. Edward McCook formally announced President Abraham Lincoln’s Emancipation Proclamation from the steps of the Knott House in Tallahassee; and

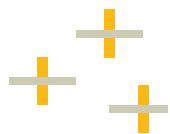
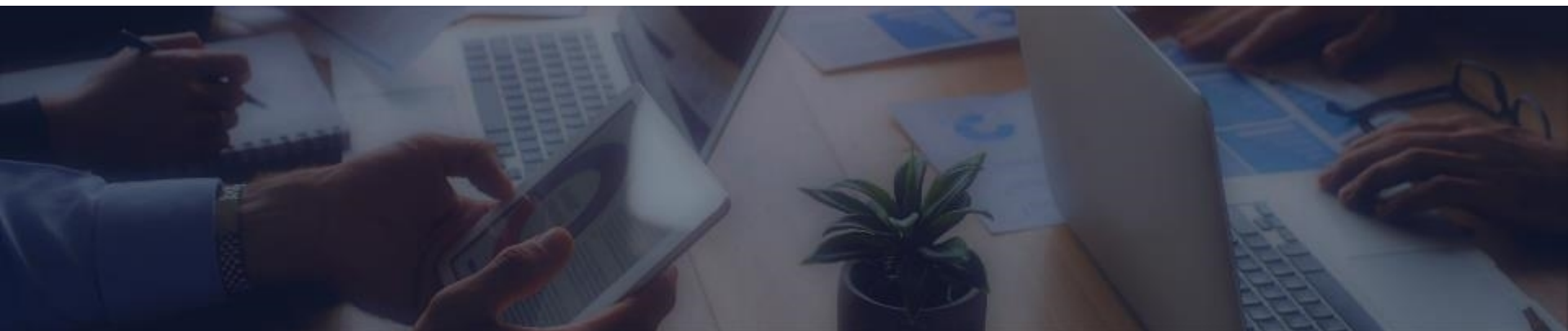
WHEREAS On May 20, 2023, we celebrate 158 years of Freedom.

NOW, THEREFORE, be it resolved that the City Commission of the City of Ocoee does hereby proclaim *May 20, 2023*, as

Florida Emancipation Day

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Ocoee, Florida to be affixed this 16th day of May, 2023.

Rusty Johnson



City of Ocoee, Florida

Audit Results for the Year Ending
September 30, 2022

PURVIS GRAY

75TH
ANNIVERSARY



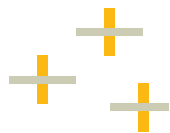
PURVIS GRAY

CERTIFIED PUBLIC ACCOUNTANTS

purvisgray.com

AN INDEPENDENT MEMBER OF

BDO
ALLIANCE USA



PURVIS GRAY

CERTIFIED PUBLIC ACCOUNTANTS

purvisgray.com



Leadership of Your Audit Team



Timothy M. Westgate, CPA

Audit Partner

352.509.3731

twestgate@purvisgray.com



Matthew Ganoe, CPA

Senior Audit Manager

352-509-3770

mganoe@purvisgray.com



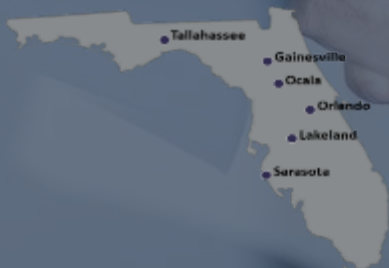
Michael S. Sandstrum, CPA,

CISA, CISM, CITP, CGMA

IT Senior Audit Director

941.702.9506

msandstrum@purvisgray.com



GFOA Excellence In Financial Reporting Award

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

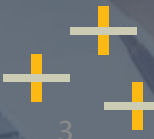


Presented to



City of Ocoee, Florida

For its Comprehensive Annual Financial Report
For the Fiscal Year Ended September 30, 2021



Auditor's Reports

ANNUAL COMPREHENSIVE FINANCIAL REPORT



10-00000000

City of Ocoee, Florida



For Fiscal Year Ended September 30, 2022

Matter

Conclusion

**Auditor's
Opinion on
Financial
Statements and
Notes**

- Fairly stated in all material respects
- Unmodified Opinion ("Clean" Opinion)

**Internal
Control,
Compliance,
and
Other Matters
(Government
Auditing
Standards)**

- No material weaknesses in internal control over financial reporting were reported under Government Auditing Standards
- No instances of non-compliance or other matters required to be reported under Government Auditing Standards.

*Solely for the use of the City, including management
and those charged with governance*

Auditor's Reports

ANNUAL COMPREHENSIVE FINANCIAL REPORT



10-10000-1000

City of Ocoee, Florida



For Fiscal Year Ended September 30, 2022

Matter	Conclusion
Compliance with F.S. 218.415	The City complied, in all material respects, with compliance requirements for local government investments
Management Letter Rules of the Auditor General 10.550	- No findings of deteriorating financial condition or financial emergency - No noted non-compliance with contracts or grants, which would have a significant effect on the financial statements

Auditor's Reports

Matter	Conclusion
Auditor's Opinion on Compliance (Single Audit)	• Complied in all material respects • Unmodified Opinion ("Clean" Opinion)
Internal Control Over Compliance Matters Identified in an Audit	• No Material Weaknesses were reported over Federal Grants
Major Federal Program Single Audit	• U.S. Department of Treasury: • Coronavirus State and Local Fiscal Recovery Funds Assistance Listing No. 21.027

Significant Events and Financial Highlights

Event/Highlight		
Governmental Funds	Change in Fund Balance	Ending Fund Balance
• General Fund	• \$15,643,198	• \$41,455,043
• ARPA Fund	• \$26,672	• \$26,672
• 2020 Capital Projects	• (\$9,253,536)	• \$1,427,965
• Other Non-Major Funds	• \$927,493	• \$29,651,460

Significant Events and Financial Highlights

Event/Highlight		
Proprietary Funds • Water & Wastewater Fund • Solid Waste Fund • Stormwater Fund • Internal Service Fund	Change in Net Position • \$7,895,237 • (\$37,217) • (\$377,692) • (\$2,750,679)	Working Capital (Current Assets-Current Liabilities) • \$25,569,453 • (\$749,155) • \$7,027,264 • \$8,033,600
Fiduciary Funds • Employee Retirement Funds	Change in Net Position • \$(21,502,344)	Net Position • \$105,849,255

Significant Events and Financial Highlights

Event/Highlight	
American Rescue Plan Act Funding	The city received both tranches of funding for ARPA during the fiscal year. \$10,021,989 was recognized as revenue in FY22 with the remaining \$14,150,711 recorded as unearned revenues and will be recognized as revenue when eligibility requirements are met.
Solid Waste Fund	The Solid Waste fund ended the year with a negative net position, which has unfortunately been the case for the past several years. As of the end of the current year, the fund's unrestricted net position deficit stood at \$937,178.
Fiduciary Funds	The decline in investment balances was primarily caused by unrealized investment losses, resulting in a decrease in the net position for the year of roughly \$21 million.

Other Audit Matters

Matter	Conclusion
Accounting Policies	• Implemented GASB 87 Leases during 2022 • About \$1,000,000 for Lease Receivables and Deferred Inflows for Leases recorded under the standard. • No transactions were noted for which there is a lack of authoritative guidance
Restatements- Adjustments to beginning Net Position	More information on restatements discussed in Note 1 • Claims Payable - \$760,731 • Unbilled Revenues - \$1,187,995 • Unearned Revenue- ARPA - \$12,086,349

Other Audit Matters

Matter	Conclusion
Financial statement disclosures	• The disclosures are neutral, consistent, and clear
Disagreements with Management	• None
Difficulties encountered in performing our audit	• We encountered no significant difficulties in dealing with management in performing and completing our audit

Recommendations

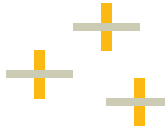
Year-End Closing Process 2022-1

Timely Bank Reconciliations

Year-end Audit Adjustments

Inventory Balances for Utilities

Capital Asset Reporting and Processing



PURVIS GRAY

CERTIFIED PUBLIC ACCOUNTANTS

purvisgray.com



Timothy M. Westgate, CPA
Audit Partner
352.509.3731
twestgate@purvisgray.com



Matthew B. Ganoe, CPA
Senior Audit Manager
352.509.3770
mganoe@purvisgray.com



MINUTES
OCOEE CITY COMMISSION
MAY 2, 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 **Mayor Johnson**. **City Clerk Sibbitt** called the roll and declared a quorum present.

Present: Mayor Johnson, Commissioner Kennedy, Commissioner Wilsen, Commissioner Firstner, Commissioner Hart

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

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

Proclamations for May 2023

- Municipal Clerks Week, April 30 - May 6th proclaimed by **Mayor Johnson**.
- National Day of Prayer, May 4th proclaimed by **Mayor Johnson**.
- National Peace Officer Memorial Day, May 15th & National Police Week, May 14th - 20th read and proclaimed by **Mayor Johnson**, and accepted by Deputy Chief Ogburn.
- Water Safety Month proclaimed by **Mayor Johnson**.

Judy Chedwick, *Orlando House of Prayer (OHO)*, announced the upcoming National Day of Prayer Event date, time, and location.

Vi Ma and **Yan Lu**, *Asian American Heritage Council of Central Florida (AAHC)*, presented a PowerPoint outlining their mission and many accomplishments. They concluded by requesting a waiver of the rental fees for the Lakeshore Center and Bill Breeze Park to host the 2023 AAHC Asian Cultural Festival.

Motion: Move to waive the Lakeshore Center and Bill Breeze Park rental fees to host the 2023 AAHC Asian Cultural Festival; Moved by Commissioner Wilsen, seconded by Commissioner Hart. Motion carried unanimously.

Ocoee Youth Council (OYC) Program 2022/2023 Year in Review

OYC Members along with **OYC Coordinator Dillard** provided an overview of this year's many accomplishments and recognized their six graduating seniors.

• **COMMENTS FROM CITIZENS / PUBLIC 6:46 PM**

The following person(s) addressed the City Commission:

- **Jim Moyer**, *Ocoee Resident*, presented a PowerPoint titled "*What do we know?*" and inquired about unfinished projects and increased costs.

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

• **CONSENT AGENDA 6:49 PM**

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Items #1- 3.

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

1. Approval of the Minutes for the Regular City Commission Meeting held April 18, 2023. **(City Clerk Sibbitt)**
2. Approval of the Third Amendment to Agreement for Purchase and Sale between Wire Development, LLC and the City of Ocoee for the purchase of City owned property at Crown Point. **(City Attorney Cookson)**
3. Approval to Award RFP #23-005 Continuing Owner's Representative for City Projects Including Federal Grant Funded ARPA Projects. **(Procurement Manager Tolbert)**

• **FIRST READING OF ORDINANCE 6:49 PM**

4. First Reading of Ordinance for Siri Office Building Market Street ROW - Annexation & Rezoning to PUD; Project No(s). AX-03-23-03 & RZ-23-03-03. **(Zoning Manager Whitfield)**

City Attorney Cookson read the titles of the ordinances, and it was announced this will be presented as a second reading and public hearing at the next scheduled City Commission meeting on May 16, 2023, at 6:15 PM or soon thereafter.

• **SECOND READING OF ORDINANCE – PUBLIC HEARING – None**

• **PUBLIC HEARING 6:51 PM**

5. Heartland Dental, Colonial Drive Preventative & Comprehensive Dentistry - Sign Variance (VR-23-01). **(Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the subject property which is located on a corner lot at 1110 Blackwood Avenue. The applicant is requesting two (2) variances to Section 8-6A, Article VIII, as follows:

Variance #1: A sign height of six (6) feet, in lieu of the maximum three (3) feet, representing a 100% increase in sign height for the west elevation sign.

Variance #2: A sign size of 70 SF, in lieu of the maximum 36 SF, representing a 94% increase in sign size for the north elevation sign.

Zoning Manager Whitfield explained Article IV, Section 4-9A, requires the applicant to demonstrate compliance with four (4) criteria in order to be granted a variance approval; and further, stated the applicant's and staff's responses to the four (4) criteria. She displayed the proposed plans for the signs and explained staff's recommendations are the following:

Variance #1: APPROVAL of the variance request to Section 8-6A(1) and (2), Article VIII, for the west elevation wall sign in order to allow the 28.26 SF sign at a height of six (6) feet in lieu of three (3) feet, representing a 100% height increase, and

Variance #2: DENIAL of the variance request to Section 8-6A(1) and (2), Article VIII, for the north elevation wall sign and NOT allow a sign size of 70 SF in lieu of 36 SF, representing a 94% increase in sign size, for the north elevation wall sign.

The public hearing was opened.

Christie Wheeler, *Representative for Hilton Displays*, provided a presentation on the sign variance requests with a new proposed reduced sign size variance request of 52 SF which represented a 44.44% increase in sign size, for the north elevation wall sign.

The public hearing was closed.

The floor was opened for members of the City Commission to ask questions. **Ms. Wheeler** and **Zoning Manager Whitfield** addressed questions related to the proposed changes and sign variance criteria.

Motion: Move to Deny the Variance Requests for Heartland Dental, Colonial Drive Preventative & Comprehensive Dentistry Sign Variance (VR-23-01); Moved by Commissioner Kennedy, seconded by Commissioner Wilsen; Motion carried unanimously.

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

At the Request of Staff, this Item is being Rescheduled to a Future Date.

• **REGULAR AGENDA 7:14 PM**

7. Discussion and Direction Regarding the Human Relations Diversity Board (HRDB). (**City Clerk Sibbitt**)

City Clerk Sibbitt explained the City Commission discussed the HRDB Board at their last meeting on April 18th and staff is seeking direction on whether they would like to proceed with appointing members to the HRDB or does the Commission wish to consider Commissioner Kennedy's request to create a more modernized board and revise it with a new name, structure and mission. **Commissioner Kennedy** shared an overview of his proposal for renaming the HRDB to the IDEA Board (Inclusion, Diversity, Equity, and

Access Board), modifying the objectives and mission, and appointing a committee to review and suggest modifications to the bylaws.

Commissioner Hart shared his support on a modernized board.

City Attorney Cookson explained that if the City Commission is seeking to make the proposed changes, then they should vote to direct City staff to meet with Commissioner Kennedy to discuss the concepts of modernizing the board, to bring back to a future meeting for approval.

Commissioner Wilsen voiced her support in restoring the HRDB, appointing members, and allowing the members to determine their mission.

Commissioner Kennedy expressed concerns with the lack of clear direction from the City Commission with regards to the former HRDB, and explained he would like to consider a mentor for the newly revised board.

Motion: Move to appoint Bill Maxwell, Hermraj (Vinny) Singh, Michelle Cummings, and Josh Cease to the Board (aka HRDB). Moved by Commissioner Kennedy, seconded by Commissioner Wilsen; Motion carried unanimously.

Motion: Move to rename the HRDB to the IDEA Board and bring back a more modernized structure, mission, and bylaws for the board. Moved by Commissioner Kennedy, seconded by Commissioner Firstner; Motion failed 3-2 with Mayor Johnson, Commissioner Wilsen, and Commissioner Hart opposing.

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

City Clerk Sibbitt explained liaisons are appointed annually to various boards, and staff is requesting the City Commission appoint liaisons as they deem appropriate.

Motion: Move to approve the Board Appointments as listed below. Moved by Commissioner Wilsen, seconded by Commissioner Hart; Motion carried unanimously.

Parks and Recreation Board – Commissioner Wilsen

Citizens Advisory Board for the Police Department – Commissioner Kennedy

Citizens Advisory Board for the Fire Department - Commissioner Firstner

Human Relations Diversity Board – Commissioner Hart

Personnel Board – Mayor Johnson

Tri-County League of Cities – Commissioner Wilsen

West Orange Airport Authority – Mayor Johnson

W.O. Chamber of Commerce – City Manager Frank

Education Incentive Board – Mayor Johnson

MetroPlan Orlando Municipal Advisory Committee (MAC) - Commissioner Firstner and City Manager Frank as Alternate Member

9. Appointment of a Charter Review Commission, in accordance with the City of Ocoee Charter, Article X, Section C-59. **(City Clerk Sibbitt)**

City Clerk Sibbitt explained at their last meeting on April 18th, the City Commission voted unanimously to proceed with establishing a Charter Review Commission. Staff recommends the City Commission provide applications from interested residents to the City Clerk by Friday, May 12th to be placed on the next agenda. Additionally, City staff will be providing the credentials for qualified individuals to select as a Charter Review Commission facilitator, for consideration and approval at the same meeting.

10. Discussion and Direction on the Special Election. **(City Manager Frank)**

City Manager Frank explained at their last meeting on April 18th, the City Commission directed him to enlist the services of a board-certified municipal attorney to review the City Charter and offer an independent opinion on when an election needs to be called to fill the District 4 Commission seat. He briefly introduced Mr. Richard Geller and shared that he will be presenting his findings before the City Commission.

Richard Geller, Esquire, Special Counsel, introduced himself and provided a detailed PowerPoint that summarized his independent analysis on whether the District 4 election could be postponed from June 13, 2023, until March 19, 2024. He further provided explanation on the resolution provided in their packets.

Commissioner Hart inquired if there would be any conflicts with him voting on the issue before them. **Mr. Geller** addressed his question, and advised as there is no special private gain, he is required to vote.

The floor was opened for members of the City Commission to ask questions. **Mr. Geller** addressed questions related to his findings, defined wording in the Charter, and disclosed he has not met or spoken to any members of the City Commission prior to this meeting.

The following person(s) addressed the City Commission about the Special Election:

- **Timothy Ayers, Ocoee Resident**, questioned the legal analysis. **Mr. Geller** addressed his questions.
- **Chris Adkins, Ocoee Resident**, voiced opposition on the rescinding of the June special election.
- **Vivian Lyte-Johnson, Ocoee Resident**, voiced opposition on the rescinding of the June special election.
- **Larry Brinson, Ocoee Resident**, voiced opposition on the rescinding of the June special election.
- **Stephen Tilton, Ocoee Resident**, voiced opposition on the rescinding of the June special election.

- **Patti LeRoy**, *The Woman's Club of Ocoee*, requested approval for The Woman's Club of Ocoee to host a political forum for the upcoming special election whether it is held in June or March, as a televised event in City Hall.
- **Norine Dworkin**, *VoxPopuli*, questioned the legal analysis. **Mr. Geller** addressed her questions.

The floor was opened for members of the City Commission to ask follow-up questions and provide their comments. **Mr. Geller** addressed questions related to the Charter Review Commission, defined the terms municipal and city election, and explained the City Commission's role as the judge of the election.

Motion: Move to adopt Resolution 2023-06 rescinding the June 13, 2023, special election for the District 4 Commission seat, and calling instead for a general city election on March 19, 2024. Moved by Commissioner Kennedy, seconded by Commissioner Firstner; Motion carried 4-1 with Commissioner Wilsen opposing.

City Attorney read the title of the resolution.

• **COMMENTS FROM COMMISSIONERS 8:37 PM**

Commissioner Kennedy – *No comments*

Commissioner Wilsen - Commented on the following:

- 1) Announced the upcoming Tri-County League of Cities Ethics Training date, time, and location.
- 2) Shared the pride she has for the City and noted several accomplishments the City has achieved over the past few years.

Commissioner Firstner – Commented on the following:

- 1) Announced the Cinco de Mayo Block Party date, time, and location.
- 2) Announced the Community Picnic hosted by OPD date, time, and location.
- 3) Announced the Asian Cultural Festival hosted by AAHC date, time, and location.

Commissioner Hart – Commented on the following:

- 1) Thanked City staff for a warm welcome.
- 2) Shared that he recently visited Ocoee High School and commended Ocoee's parents for raising outstanding children.
- 3) Wished all moms a Happy Mother's Day.

Mayor Johnson – Commented on the following:

- 1) Commented on the Wesmere HOA meeting he and Development Services Director Rumer recently attended and requested approval from the City Commission to rescind the Arbor Permit issued by the Building Department until the Wesmere HOA, Wesmere Residents, and City Staff can come to an agreeable resolution.

Consensus of the City Commission was to rescind the Arbor Permit.

- 2) Announced vacancies on the Planning and Zoning Commission, and directed interested parties to apply.
- 3) Responded to recent inquiries received from residents, and noted that no contact information was provided. He encouraged anyone reaching out to him to kindly provide a callback number and he would contact them directly.
- 4) Inquired about sidewalk maintenance, and having the required funds reallocated. **City Manager Frank** addressed his concerns.
- 5) Thanked citizens for attending and participating in tonight's meeting.

• **ADJOURNMENT 8:46 PM**

APPROVED:

Attest:

City of Ocoee

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

STAFF REPORT

Meeting Date: May 16, 2023
Item #: 2

Contact Name: Kathy Heard
Contact Number: Ext. 1023

Department Director: Melanie Sibbitt
City Manager: Robert Frank

Subject: Approval of Reappointment on the Code Enforcement Board (3-year term). (City Clerk Sibbitt)

Background Summary:

The Code Enforcement Board was created by Ordinance No. 741 on June 16, 1981. The purpose of this Board is to review residential property infractions of the City Technical Codes, negotiate compliance and impose fines for failure to comply. The City utilizes a magistrate apart from the Code Board for code enforcement issues involving commercial properties. The Code Enforcement Board shall consist of seven (7) regular members and two (2) alternate members, all with three-year terms.

The three-year term of Member Warren Lewis expires June 2023. Member Lewis has expressed an interest in being considered for reappointment. In 2022, Member Lewis attended five (5) out of seven (7) meetings, and he is currently the Chair of the Board. Mr. Lewis' reappointment request is the only application on file for this board.

Issue:

Should the Honorable Mayor and City Commissioners consider reappointing Member Lewis to serve another three-year term ending June 2026 on the Code Enforcement Board?

Recommendations:

Staff respectfully recommends that the Honorable Mayor and City Commissioners consider reappointing Member Lewis to serve another three-year term ending June 2026.

Attachments:

1. Application
2. Reappointment Request
3. Board List
4. 2022 Attendance Log

Financial Impacts:

None

Type of Item: Consent



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@occoee.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Warren A. Lewis E-mail Address walewis051515@gmail.com
 Home Address [REDACTED]
 Phone [REDACTED] City Resident at Least 6 Months? ☒ Yes ☐ No City District # 1

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Dept. Of Justice-INTERPOL Washington Position Executive Officer - RETIRED
 Business Address Washington, DC

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. N/A
 Presently Serve on Quasi-judicial Board? ☒ Yes ☐ No If yes, please describe Code Enforcement Board (Mbr)
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☒	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☐	Human Relations Diversity Board ²		

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☒ Yes ☐ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☒ No

Education:	Moravian College and University of the Virgin Islands (no degree); Office of Personnel Management, Senior Executive Service School (graduate)
Experience:	Board Member: Code Enforcement Board and Citizen Advisory Council for Ocoee PD; Orange County Sheriff's Advisory Board
Special Knowledge or Skills:	Motorcycle and Drivers License
Community/Civic Organizations & Involvement:	Advisory Boards listed above
Hobbies or Special Interests:	Lifetime Membership 2 LEO's - NOBLE; NSA; Membership in 3 LEO's IACP; FSA; LOA; & Lifetime Membership - NARFE

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

- Race**
- ☒ African-American
 - ☐ Asian- American
 - ☐ Hispanic-American
 - ☐ Native American
 - ☐ Caucasian

- Gender**
- ☒ Male
 - ☐ Female

- Disability**
- ☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Whison A. Lewis Date May 5, 2023

Warren A. Lewis

May 1, 2023

Scott R. Kennedy
Commissioner District 1
City of Ocoee
1 North Bluford Avenue
Ocoee, FL 34761

Dear Commissioner Kennedy,

Congratulations on your recent selection as District 1 Commissioner during the recent general election. I am confident you will effectively serve the residents and visitors to Ocoee, particularly everyone in District 1.

I write today, seeking your favorable support of my candidacy for reappointment as a Board Member on the Code Enforcement Board. I have been a Board Member on that Board since September 2017. My current 3-year term expires in June 2023.

Living in Westyn Bay Development since 2017, I am your neighbor and a constituent. Excluding the Code Enforcement Board where I am seeking a 3-year reappointment, I am currently on two boards:

*. On January 17, 2023 the Ocoee City Commission reappointed me to another three-year term on the Citizen Advisory Council for Ocoee Police Department (CACOPD). I am currently the Chairman of that Board.

*. On December 2, 2022, I was selected as a Board Member on the Orange County Sheriff's Citizen Advisory Committee.

I retired in September 2015 after a 42 year career in Federal law enforcement in the following agencies and positions:

Department of Justice:

INTERPOL Washington, Executive Officer - 8 years Washington, DC
Immigration & Naturalization Service (INS)
District Director - 8 years, Newark, NJ and Washington, DC
Deputy District Director - 4 years, Houston, TX and Baltimore, MD
Assistant Regional Commissioner, Investigations - 4 years, Dallas, TX
Deputy Assistant Commissioner, Employer & Labor Relations - 2 years, Washington, DC
Assistant Director, Anti-Smuggling - 2 years, Washington, DC
Supervisory Special Agent - 4 years, St. Thomas, Virgin Islands (VI) and Washington, DC
Special Agent - 6 years, St. Thomas, Vi

Department of Transportation

Federal Aviation Administration (FAA)
Manager, Drug Investigations Support Program - 2 years, Washington, DC

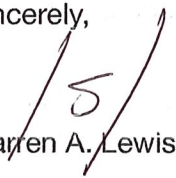
Department of Homeland Security
Immigration & Customs Enforcement (ICE)
Associate Special Agent in Charge - 1 year, Washington, DC
National Program Manager (287g Program) - 1 year, Washington, DC

I have active membership in the following organizations:

National Organization of Black Law Enforcement Executives (NOBLE), Lifetime Membership
National Sheriffs' Association (NSA), Lifetime Membership
International Association of Chiefs of Police (IACP), Member
Florida Sheriffs' Association (FSA), Member
National Active & Retired Federal Employees (NARFE), Lifetime Member

Thank you in advance for allowing me this opportunity to introduce myself to you and illustrate that I can continue to be an asset as a Board Member on the Code Enforcement Board to serve the residents in our city.

Sincerely,

A handwritten signature in black ink, appearing to be "W. Lewis", written over the printed name.

Warren A. Lewis

Cc: Melanie Sibbitt, City Clerk, Ocoee.
Kathy Heard, Deputy City Clerk, Ocoee

CODE ENFORCEMENT BOARD

Created by Ord. #741 on 6-16-81/Amended by Ord. #1004 on 9-1-87/ #89-43 on 11-21-89/ #95-06 on 3-7-95 / #2017-005 on 1-17-17.
Members must be City residents per § 7-5.A, Code of Ordinances and they will serve 3 year terms.
Election for Chair and Vice-Chair held in June.

(7 Regular and 2 Alternate Members ~ 4 is a Quorum)

Member	District	Email	Term Expires
1. Valerie Odom	4	vodom@pomls.com	June 2024
2. Warren Lewis	1	walewis@051515@gmail.com	June 2023
3. Joe Bandur	1	joecodee@yahoo.com	June 2025
4. William Mann	4	Malachiyehuda17@gmail.com	June 2025
5. David Brennan	4	mrhometurf@aol.com	June 2024
6. Laini Schultz	2	lainischultz@gmail.com	June 2025
7. Vacant			

Alternate Members	District	Email	Term Expires
1. Vacant			
2. Vacant			

Board Attorney

Fowler, Feeney & Associates **407/425-2684 (W)**
James A. Fowler "Skip", Esq. **407/487-0005 (Fax)**
Sharyn Hudson – Executive Assistant **sharyn@ffalaw.org**
28 West Central Blvd.
Suite 400
Orlando, FL 32801

CODE ENFORCEMENT BOARD ATTENDANCE 2022

Board Member		Term Expires	January	February	March	April	May	June	July	August	September <i>Hurricane</i>	October	November	December <i>No Meeting Scheduled</i>	Attendance Ratio
Member	Valerie Odom	Jun-24	NO MEETING	P	P	NO MEETING	P	A/E	A/E	P	NO MEETING	A/E	NO MEETING	NO MEETING	4/7
Member	Joe Bandur	Jun-25		A/E	P		P	P	P	P		P			6/7
Member	Warren Lewis	Jun-23		P	P		P	A/E	P	A/E		P			5/7
Member	William Mann	Jun-25		P	P		P	P	P	P		P			7/7
Member	Joseph Johnson	Jun-24		P	P		P	P	P	P		RSND			6/6
Member	David Brennan	Jun-24		P	A/E		P	P	P	P		P			6/7
Member	Vacant	N/A													N/A
Member	Massod Mirza	N/A		A/U	A/U	RSND									0/2
Member	Christopher Shropa	N/A		A/U	RSND										0/1

ALTERNATE MEMBERS															
Alt. Member #1	Vacant	N/A													
Alt. Member #2	Vacant	N/A													

RSND = resigned



Meeting Date: May 16, 2023
Item #: 3

Contact Name: Michael Rumer
Contact Number: Ext. 1018

Department Director: Michael Rumer
City Manager: Robert Frank

Subject: Approval of Road Closure for the Ocoee High School Homecoming Parade on September 6, 2023. (Development Services Director Rumer)

Background Summary:

The Applicant, Garrett Kelly, with Orange County Public Schools (Ocoee High School) is requesting the closure of public roads within the City's downtown, which is located in District 2 (Commissioner Wilsen) on Wednesday, September 6, 2023 from 4:00 p.m. to 6:00 p.m. for an Ocoee High School Homecoming Parade. The application states the parade is intended to highlight Ocoee High School Sports and Organizations, the Homecoming Court, Ocoee High Band, and Mr. and Miss Ocoee. The parade will begin and end at Bill Breeze Park.

Issue:

Should the Honorable Mayor and City Commissioners approve the closure of Downtown Roads on Tuesday, September 6th, between the hours of 4:00 p.m. and 6:00 p.m. for an Ocoee High School Homecoming Parade?

Recommendations:

Staff will complete the Special Event Permit review upon City Commission approval for the road closures and assess any fees, if required, unless the City Commission waives any and all fees associated with the parade.

Attachments:

1. Special Event Application
2. Parade Route

Financial Impacts:

N/A

Type of Item: Consent



SPECIAL EVENT PERMIT APPLICATION

Development Services – Building Division
1 North Bluford Avenue • Ocoee, Florida 34761
Online Services: <https://permits.occoee.org>
Email: inspections@occoee.org
Phone: 407-905-3104

An application for a Special Event Permit shall be filed not more than 180 days before and not less than 30 days before the date and time which the proposed special event is to take place.

Event Name: Ocoee High School Homecoming Parade
Event Address: 125 N Lakeshore Dr, Ocoee
Applicant Name: Garett Kelly Phone: 407 905 3024
Email: garett.kelly@ocps.net Mobile: 321 947 6855
Applicant Address: 2052 Farnham Dr, Ocoee
Organization Name: Ocoee High School Phone: 407 905 3000
Email: garett.kelly@ocps.net Mobile: _____
Headquarters Address: 1925 Ocoee Crown Point Pkwy
☒ Tax Exempt IRS 501(C)(3) ☒ Copy of Certificate provided (REQUIRED)

EVENT REPRESENTATIVE (If different than the applicant)

Representative Name: _____ Phone: _____
Email: _____ Mobile: _____
Address: _____

EVENT CATEGORY: ☐ Private Event ☒ Public Event ☐ City Sponsored Event

TYPE OF EVENT: (check all that apply)

☐ Amusement Rides	☐ Community Event	☐ Festival	☒ Parade
☐ Art/Craft Vendors	☐ Concert	☐ Fireworks	☐ Petting Zoo
☐ Beer Sales	☐ Dancing	☐ Food Vendors	☐ Road Closure
☐ Block Party	☐ Demonstration	☐ Fundraiser	☐ Running Race
☐ Circus	☐ Exhibition	☐ Inflatables	☐ Other _____

Describe in detail the event activities and the purpose of the event:

Homecoming parade to celebrate Ocoee High
in the city. OHS sports and organizations,
homecoming court, band and Mr and Miss
Ocoee. Parade to begin and end
at Bill Breeze Park.

Setup Date: 9/6/23 Start Date: 9/6/23 End Date: 9/6/23 Total Days: 1
Event Activities Schedule: _____ Start Time: 4:45pm End Time: 6:00pm
Expected number of spectators & participants per day: 200 participants

EVENT LOCATION: ☒ City Facility ☐ Private Residence ☐ Commercial Location
Exact Location Address: 125 N Lakeshore Dr, Ocoee ☐ Parking Lot Only
Name of the Facility/Location: Bill Breeze Park

SIGNAGE: (check all that apply)

- ☐ Temporary Directional Signs @ \$5.00 per sign: _____ x \$5.00 = \$ _____
☐ Sports Sign-Ups ☐ Banners ☐ Flags ☐ Streamers ☐ Balloons ☐ Others _____

EVENT INFORMATION: (check all that apply)

- ☐ Will sound amplification be used? Date: _____ Time: _____
Describe type of sound equipment: _____
☐ Does your event have tents, canopies, music stages?
Size(s): _____ Quantity of each: _____
☐ Will there be open flame cooking? Describe: _____
☐ Will you be providing portable restrooms and handwashing stations? Number of Units: _____
☐ Number of: ADA accessible restrooms: _____
☒ Clean up after event: Describe: Ocoee High SGA students will clean
☐ Will the event use power generators? Describe: _____
☐ Will you be providing Road Closure Barricades? Describe: _____
☐ Will any part of the event be held in the parking lot? Describe: _____
☐ Exact location for public parking: _____

PARADES:

- ☐ State Roadway Permit (if applicable): _____
☒ Exact Location of Marshalling & Staging Area: Bill Breeze Park
☒ Time at which units of Parade – Begin to arrive: 4:45pm To be Dispersed: 9:30pm
☒ Time at which units of Parade will be dispersed: 5:30pm
☒ Route Map must indicate the exact route to be traveled
☒ Number of vehicles/floats participating: 15
☒ Approximate number of participants & spectators: 200~
☐ Number and type of animals participating: _____
☒ Will Parade occupy all of the width of the street, road or sidewalk? Describe: entire width of street

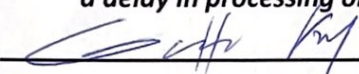
FIREWORKS (the following shall be attached to the application):

- ☐ Itemized listing of the type and quantity of the fireworks to be used
☐ Detailed written statement outlining all appropriate safety procedures which will be used at fireworks display in order to protect the safety of the public and all surrounding property
☐ Detailed written statement describing what facilities and containers will be used to store fireworks.
☐ If applicable, applicants Federal License number for transporting fireworks across state lines
☐ Complete list of names, addresses, occupations and backgrounds of all individuals who will be responsible for the actual display, use or explosion of any fireworks. The Backgrounds statement should include a complete history of the experience of the individuals involved with respect to their use of fireworks, including a detailed list and explanation of each and every accident resulting from the use of fireworks which the individual has been responsible for or involved in.
☐ Map showing the exact launch point and area of fallout

REQUIRED DOCUMENTS:

- ☒ **Site Plan Map:** Must indicate exact location of activities and equipment: Tents, Portable Restrooms, Stages, Road Closures, Vendors, Power Generators, Barricades, Parking Areas, Staging Areas, and Trash Bins etc.
- ☐ **Building Permits & Fire Permits:** Tents, Flame Cooking, Fireworks, and other activities may require a permit.
- ☐ **Certificate of Insurance:** Events held within City of Ocoee property must provide Commercial General Liability Coverage. Please contact the Risk Management Division for requirement details: (407) 905-3154
- ☐ **State Licenses/Permits:** Must provide copies of current licenses for activities regulated by any state agency. Including and not limited to: Beer Sales, fireworks, pyrotechnics, food, amusement rides, petting zoo etc.
- ☐ **Local Business Tax:** Must provide copies of current Local Business Tax Receipts applicable to outside businesses.
- ☐ **Department of Health Inspection Report:** Must provide report, applicable to activities regulated by DOH.
- ☐ **Event Advertisement:** Copies of pamphlets, schedule of activities, flyers, promotional materials, maps, etc.
- ☐ **Property Owner Notarized Authorization Letter:** Consent by legal property owner where event is to take place.
- ☐ **Organization Authorization Letter:** Consent must be signed by legal officer/owner of organization, authorizing the Applicant/Agent to sign application.

All information on the permit application must be provided. Failure to complete may cause a delay in processing or issuing your permit.

Applicant Signature:  Date: 4/7/23

I, _____, the legal property owner/property manager of the above
(Property Owner)
referenced address, hereby authorize _____ to apply for a Special Event
(Applicant Name)
permit for _____, which is to be held on _____ day(s) of _____, 20____.
(Name of Event)

Property Address _____

Property Owner Signature _____

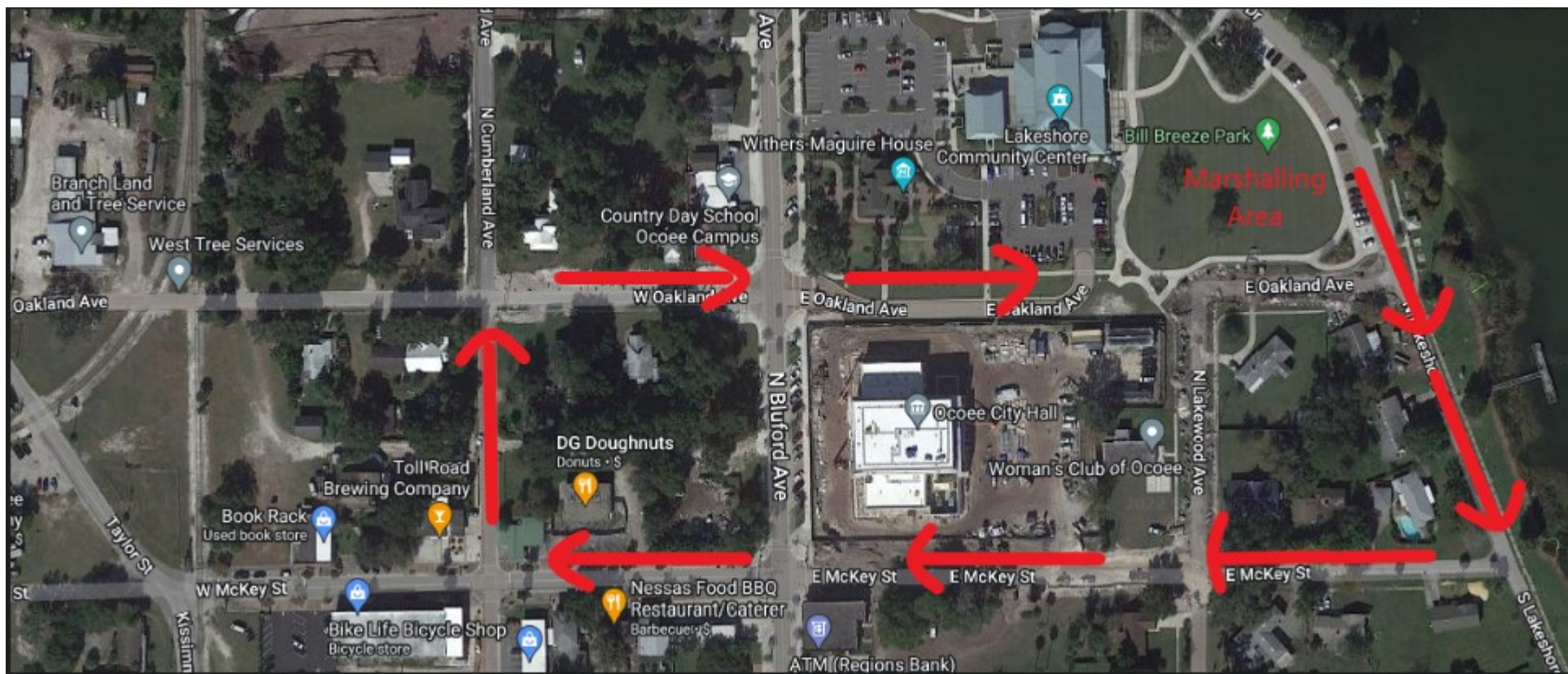
Date _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 20____ by _____ who ☐ is personally known to me, or ☐ has produced _____ as identification and who did not take an oath.

Signature of Notary Public





Meeting Date: May 16, 2023
Item #: 4

Contact Name: Michael Rumer
Contact Number: Ext. 1018

Department Director: Michael Rumer
City Manager: Robert Frank

**Subject: Approval of a Road Closure for the 23rd Annual Downtown Ocoee Car Show.
(Development Services Director Rumer)**

Background Summary:

The applicant, Steve Marbais, is requesting the closure of public roads within the City's Downtown (Commission District 2, Rosemary Wilsen) on Saturday, May 27th for a Classic Car Show. The requested roads to be closed are as follows: McKey Street from Kissimmee Ave. to Bluford Ave and Cumberland Ave from Oakland Ave to Sills Alley. The location is in Commission District 2 - Commissioner Wilsen.

Issue:

Should the Honorable Mayor and City Commissioners approve the closure of Downtown Roads on Saturday, May 27th, from 6:00 a.m. to 4:00 p.m. for the 23rd Annual Downtown Ocoee Car Show?

Recommendations:

Staff will complete the Special Event permit review upon City Commission approval for road closures and assess any fees if required unless the City Commission waives any or all fees associated with the Car Show event.

Attachments:

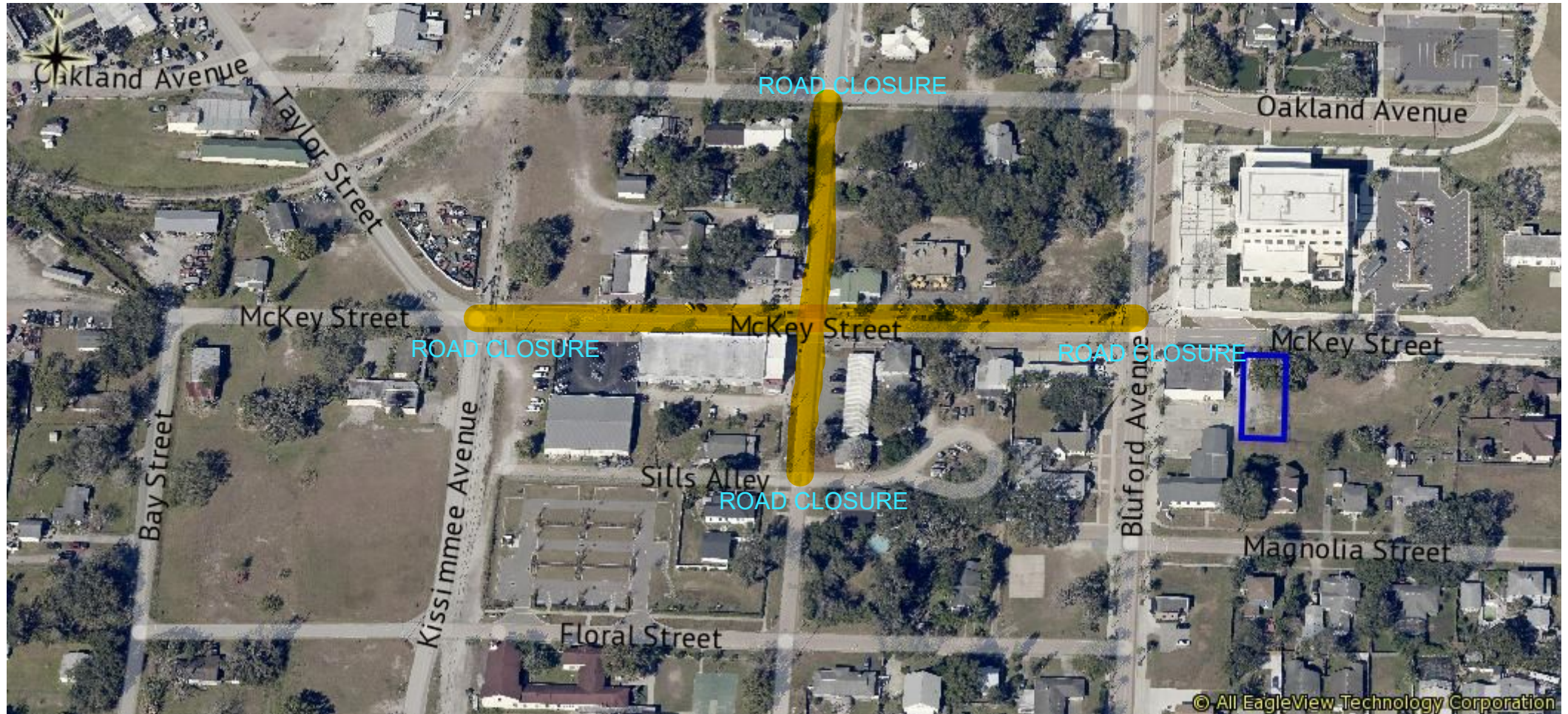
1. Car Show Map

Financial Impacts:

No Financial Impact on GL Accounts.

Type of Item: Consent

2023 CAR SHOW





Meeting Date: May 16, 2023
Item #: 5

Contact Name: Martrivus Keaton
Contact Number: Ext. 1088

Department Director: Michael Rumer
City Manager: Robert Frank

Subject: Approval of a Two-Year Warranty Surety and Maintenance, Materials, and Workmanship Agreement for Wynwood Phase 1 and 2. (Development Engineer Keaton)

Background Summary:

Wynwood Subdivision is located in Commission District 4 and is divided into four (4) Phases. Phase 1 & 2 is made up of 190 detached single-family homes. The subject property is located on the south side of W. McCormick Rd. and west of N. Apopka Vineland Road. The developer has completed construction of the infrastructure improvements for the subdivision and has requested a Certificate of Completion. The infrastructure improvements include the potable water, sanitary sewer, reclaimed water, utilities, the roadways, stormwater collection system, perimeter wall/fencing, and associated landscaping. All identified punch list repairs have been completed, and the developer is ready to start the two-year warranty period for the public improvements.

As a requirement of the Land Development Code, the developer is required to furnish the City with a Surety to cover any possible damages discovered during the next two years. Should the developer not choose to make those repairs, JTD Land at Wynwood, LLC, has provided the City with a Letter of Credit in the amount of 10% of the constructed improvements. The attached Maintenance, Materials, and Workmanship Agreement (Form 8 from the Land Development Code) acts as the executable document between the developer and the City. The Surety will be returned to the developer upon completion of the two-year warranty period and the repair of any damages caused over those two years.

Additionally, the developer has furnished the City with a separate Surety to cover the construction cost of adding the second lift of asphalt to all of the public streets of the subdivision. This arrangement will ensure that the final road surface is not worn or scarred during construction of the homes. The attached Maintenance, Materials, and Workmanship Agreement for Asphalt acts as the executable document between the developer and the City in the event the developer fails to provide the second lift of asphalt within two years of the issuance of the Certificate of Completion or when 80% of the homes have received Certificates of Occupancy. The Surety will be returned to the developer upon completion of the warranty period and the repair of any damages caused over that period.

Issue:

Should the City accept the Surety as provided by JTD Land at Wynwood, LLC, for the two-year warranty for Wynwood Subdivision - Phase 1 & 2 and execute the Maintenance, Materials, and Workmanship Agreement; and should the City accept the Surety as provided by JTD Land at Wynwood, LLC for the Maintenance, Materials, and Workmanship Agreement for Asphalt for Wynwood Subdivision - Phase 1 & 2 and execute the Maintenance, Materials, and Workmanship Agreement for Asphalt with JTD Land at Wynwood, LLC?

Recommendations:

The Development Services Department recommends the Honorable Mayor and Commissioners approve the Surety and the execution of the Maintenance, Materials, and Workmanship Agreement with JTD Land at Wynwood, LLC, for the Wynwood Subdivision - Phase 1 & 2; and recommends the acceptance of the Surety and the execution of the Maintenance, Materials, and Workmanship Agreement for Asphalt with JTD Land at Wynwood, LLC for Wynwood Subdivision - Phase 1 & 2.

Attachments:

1. MMW Agreement Wynwood Ph 1 and 2 Sitework
2. MMW Agreement Wynwood Ph 1 and 2 (Asphalt 2nd lift)

Financial Impacts:

There are no financial impacts to the City in accepting this two-year warranty Surety.

Type of Item: Consent

**MAINTENANCE, MATERIALS, AND
WORKMANSHIP AGREEMENT WITH LETTER OF CREDIT**

WYNWOOD, PHASE 1&2

THIS MAINTENANCE, MATERIALS, AND WORKMANSHIP AGREEMENT (this "Agreement") is entered into this _____ day of _____, 20__, by JTD LAND AT WYNWOOD, LLC, a Florida limited liability company (the "Developer") and the **CITY OF OCOEE**, a Florida municipal corporation, whose address is 1 North Bluford Ave, Ocoee, Florida 34761 (the "City").

W I T N E S S E T H:

WHEREAS, Developer, or its predecessor-in-interest or its predecessor-in title, has developed and/or constructed a subdivision known as WYNWOOD PHASE 1&2 (the "Subdivision") and in connection therewith has installed with the approval of the City certain roads, streets, sewer, water and reuse systems, drainage facilities (including retention and detention ponds), and/or other improvements (collectively, the "Improvements") under the provisions, conditions, and requirements of the City's Subdivision Regulations and the following Final Subdivision Plan (or Preliminary/Final Subdivision Plan) approval by granted the Ocoee City Commission on September 15, 2021: WYNWOOD PUD PHASE 1&2 AND MASS GRADING PLANS FOR PHASE 3&4, LS-20220-005 and

WHEREAS, the Subdivision is located within certain real property located in the City of Ocoee, Orange County, Florida, as more fully described in the attached **Exhibit "A"** which exhibit is incorporated herein by this reference (the "Property"); and

WHEREAS, under Section 4-4, Subdivision Review Process, of the City's Land Development Code, Developer is required to guaranty the maintenance, materials, and workmanship of the Improvements within the Subdivision; and

WHEREAS, in order to obtain the issuance of a Certificate of Completion with respect to the Improvements, the Developer desires to guaranty such maintenance, materials, and workmanship by having WINTER PARK NATIONAL BANK (the "Bank") (or such other bank as may be acceptable to the City) establish an Irrevocable Standby Letter of Credit in favor of the City in substantially the form attached hereto as **Exhibit "B"** and by this reference made a part hereof ("Letter of Credit").

NOW THEREFORE, the parties agree as follows:

SECTION ONE: Establishment of Letter of Credit.

Developer does hereby agree to have Bank establish the Letter of Credit in favor of the City in the amount of TWO HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED TEN DOLLARS AND 83/100 (\$249,410.83) to guaranty the maintenance, materials, workmanship, and structural integrity of the Improvements and the other obligations of the Developer under

this Agreement. The Letter of Credit shall be established and drawn upon only in accordance with the terms of the Letter of Credit and this Agreement.

SECTION TWO: 2-Year Warranty Period.

For a period of two (2) years from the date of issuance of the Certificate of Completion (the "Warranty Period"), the Developer shall maintain the Improvements in a first class condition and shall repair, correct and/or cure any Deficiency (as defined in Section 3 below) within thirty (30) days of receipt of written notice of a Deficiency from the City. The Developer shall pay any and all costs or expenses incidental to the performance of any such work. The City may provide notices of a Deficiency from time to time during the Warranty Period.

SECTION THREE: City's Right to Draw on Letter of Credit.

If at any time during the Warranty Period, the City notifies Developer in writing (i) that the Improvements have not been maintained in a first class condition, (ii) that paving or other structures within the Subdivision have been found by the City to not be in compliance with the Subdivision approval, and/or (iii) that there is a deficiency or fault in the materials, workmanship, or structural integrity of the Improvements which has been found by the City to not be in compliance with the Subdivision approval (collectively, a "Deficiency") and Developer fails to repair, correct and/or cure such Deficiency to the satisfaction of the City within thirty (30) days from receipt of the notice thereof as set forth in Section 2 above, then the City may draw upon the Letter of Credit without further notice to Developer in order to establish a cash escrow for the performance of the Developer's obligations under this Agreement (the "Cash Escrow").

Additionally, the City may draw on the Letter of Credit in order to establish a Cash Escrow in such amounts as the City deems necessary or appropriate (a) in the event of a default by Developer under this Agreement, and/or (b) as provided for in the Letter of Credit.

SECTION FOUR: Term of Letter of Credit.

The Letter of Credit shall be for a term of no less than two (2) years and one (1) month from the date of issuance of the Certificate of Completion. Notwithstanding anything contained in Section 3 above, in the event the City has notified Developer of a Deficiency as provided above, then the term of this Agreement shall continue and the term of the Letter of Credit shall be extended until such Deficiency is corrected. If the City has provided a notice of Deficiency which has not been repaired, corrected and/or cured within thirty (30) days from the date the Letter of Credit (or any extension or replacement thereof) is scheduled to expire, then the City may draw on the Letter of Credit and establish a Cash Escrow for the performance of the Developer's obligations under this Agreement.

SECTION FIVE: City's Use of Funds Drawn on Letter of Credit.

Unless otherwise mutually agreed to by City and Developer, the funds available through the Letter of Credit and any Cash Escrow established under this Agreement shall be used by the City only (a) to repair, correct and/or cure any Deficiency, (b) to cure a breach by Developer of its obligations under this Agreement, and/or (c) to pay for reasonable administrative expenses

and attorneys' fees and costs incurred by the City in exercising or otherwise enforcing its rights under this Agreement and Letter of Credit.

If the Developer fails or refuses to undertake the repair, correction and/or cure of any Deficiency, then the City may, but shall not be obligated to, undertake such repair, correction and/or cure any Deficiency, the cost of which shall be paid for out of the Letter of Credit and any Cash Escrow established pursuant to this Agreement. In the event the City undertakes any such repair, correction and/or cure, then the City shall be entitled to retain an administrative fee in the amount of two percent (2%) of the cost thereof and shall also be entitled to reimbursement of all costs and expenses incurred by the City in undertaking such action, including but not limited to its legal fees and costs. The City may use third party contractors to perform any such corrective actions.

SECTION SIX: Right of Entry for Corrective Activities.

In the event the City undertakes to repair, correct and/or cure any Deficiency, then in such event the Developer hereby grants to the City and its employees, contractors and representatives, the right to enter upon the Property and the Improvements for the purpose of performing any such repair, correction, and/or cure.

SECTION SEVEN: No Obligation of City to Undertake Repairs or Advance Funds.

Nothing contained herein shall be construed to in any way obligate the City to (i) advance City funds for any purpose on behalf of the Developer, or (ii) to undertake the repair, correction and/or cure of any Deficiency. Further, the City shall have no liability to the Developer or any third parties with respect to any corrective actions undertaken by the City.

SECTION EIGHT: Excess Funds.

In the event that the City draws on the Letter of Credit and establishes the Cash Escrow, then any excess funds shall be returned to the Developer after any and all of the Deficiencies have been repaired, corrected and cured to the satisfaction of the City and after the payment from the Cash Escrow of all obligations of the Developer under this Agreement.

SECTION NINE: Continued Applicability of Subdivision Regulations.

This Agreement shall not be construed to relieve or release Developer from any of its obligations under the City Subdivision Regulations with respect to the Improvements.

SECTION TEN: Construction.

This Agreement shall be construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed as of the date and year first above written.

DEVELOPER:

By: 
Print Name: JAMES DAVIS
Title: manager

ATTEST:

By: _____
Melanie Sibbitt, City Clerk

(SEAL)

CITY:

CITY OF OCOEE, FLORIDA, a Florida
municipal corporation

By: _____
Rusty Johnson, Mayor

FOR THE USE AND RELIANCE BY THE
CITY OF OCOEE ONLY. APPROVED
AS TO FORM AND LEGALITY
this _____ day of _____,
_____, 20____.
SHUFFIELD, LOWMAN & WILSON, P.A.

APPROVED BY THE OCOEE CITY
COMMISSION AT A MEETING
HELD ON _____, 20____
UNDER AGENDA ITEM NO. _____

By: _____
City Attorney

EXHIBIT "A"

(Legal Description of Real Property Constituting the Subdivision)

EXHIBIT "A"

(Legal Description of Real Property Constituting the Subdivision)

LEGAL DESCRIPTION:

PARCEL 1:

BEGIN AT THE SE CORNER OF THE NE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN NORTH 253.35 FEET, WEST 11 CHAINS (726 FEET), THENCE SOUTH 253.35 FEET, THENCE EAST 11 CHAINS (726 FEET) TO THE POINT OF BEGINNING.

PARCEL 2:

THE SW 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LESS ROAD ON NORTH,

PARCEL 3:

THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, (LESS THAT PART LYING SOUTH OF THE SEABOARD COAST LINE RAILROAD) AND LESS THAT PROPERTY CONVEYED IN BOOK 4814, PAGE 3816.

PARCEL 4:

THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, (LESS THAT PART LYING SOUTH OF THE SEABOARD COAST LINE RAILROAD) AND LESS RAILROAD RIGHT-OF-WAY.

PARCEL 5:

BEGIN AT THE NW CORNER OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN EAST 534.85 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD (STATE ROAD 5-435), THENCE SOUTH 5" EAST ALONG SAID RIGHT OF WAY LINE 778 85 FEET MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD, THENCE SOUTHWESTERLY ALONG SAID RAILROAD RIGHT OF WAY LINE TO THE WEST LINE OF NW 1/4 OF SE 1/4, THENCE NORTH TO THE POINT OF BEGINNING.

LESS PARCELS A B & C DESCRIBED BELOW:

A) FROM THE NW CORNER OF THE SE 1/4 OF SEC 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN EAST 534.85 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD, THENCE SOUTH 5' EAST ALONG SAID ROAD RIGHT OF WAY LINE 778 85 FEET MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD FOR THE POINT OF BEGINNING; RUN THENCE NORTH & WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD A DISTANCE OF 138 FEET, THENCE WEST 120 FEET, THENCE SOUTH 5' EAST TO SAID RAILROAD RIGHT OF WAY LINE, THENCE NORTHEASTERLY ALONG THE RAILROAD RIGHT OF WAY LINE TO THE POINT OF BEGINNING;

B) THAT PART DEEDED TO ORANGE COUNTY RECORDED IN BOOK 3921, PAGE 115;

C) THAT PART DEEDED TO ORANGE COUNTY RECORDED IN BOOK 4934, PAGE 4821

PARCEL 6:

BEGINNING AT THE SW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN EAST 1850 FEET MORE OR LESS TO THE WEST SIDE OF THE ROAD CONNECTING CLARCONA WITH APOPKA, THENCE NORTHERLY ALONG THE WEST SIDE OF SAID ROAD 885 FEET MORE OR LESS, TO THE SOUTH LINE OF LANDS NOW OR FORMERLY BELONGING TO ONE "CUMBIE" OR "CUMBER": THENCE WEST 1000 FEET: THENCE NORTH 435 FEET, MORE OR LESS TO THE NORTH LINE OF THE SAID SE 1/4 OF THE NW 1/4 OF SAID SECTION 34, THENCE WEST 840 FEET MORE OR LESS TO THE NW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34; THENCE SOUTH 1320 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS ROAD ON NORTH.

EXHIBIT “B”

FORM OF LETTER OF CREDIT

(See Following Page)



IRREVOCABLE STAND-BY LETTER OF CREDIT
NUMBER 81007035

p. 407-853-7100
f. 407-853-7101

SUBDIVISION NAME/PHASE: Wynwood PUD Phases 1 & 2 Mass Grading Phases 3 & 4

201 N. New York Ave
Suite 100
Winter Park, FL 32789

wpnb.bank

Applicant

JTD Land at Wynwood, LLC
210 Hangar Road
Kissimmee, FL 34741

Beneficiary

City of Ocoee
150 North Lakeshore Drive
Ocoee, FL 34761

Issuing Bank

Winter Park National Bank
201 N. New York Ave, Suite 100
Winter Park, FL 32789

ATTENTION:

City Engineer
150 North Lakeshore Drive
Ocoee, FL 34761

AMOUNT - \$ 249,410.83
TWO HUNDRED FORTY NINE
THOUSAND FOUR HUNDRED TEN AND
83/100 US DOLLARS

Confirming Bank (if issuing
Bank is not local [in Orange,
Osceola or Seminole County])
Bank Name
Department
Street Address
City, State, Zip

DATE OF ISSUE

April 27, 2023

DATE OF EXPIRY

April 27, 2025

We hereby establish our Irrevocable Standby Letter of Credit # 81007035, in favor of City of Ocoee, a Florida municipal corporation, and authorize you to draw on Winter Park National Bank (the "Bank"), at 201 N. New York Avenue, Suite 100, Winter Park, FL 32789 by order of JTD Land at Wynwood, LLC up to but not exceeding the aggregate amount of Two Hundred Forty Nine Thousand Four Hundred Ten and 83/100 Dollars (\$249,410.83), in United States Funds, which is available by your draft at sight, when accompanied by this letter of credit and any one of the following documents:

1. A statement purportedly signed by the Mayor, City Manager or authorized representative to the effect that the City is entitled to draw upon the Letter of Credit pursuant to the terms of

that certain Maintenance, Materials and Workmanship Agreement between the City and Applicant with respect to the following Subdivision: Wynwood; or

2. A statement purportedly signed by the Mayor, City Manager or authorized representative to the effect that the performance of Applicant's obligation under the Maintenance, Materials and Workmanship Agreement has not been completed yet and the letter of credit will expire within 30 days from the date of the drawing without being extended or replaced to the City's satisfaction; or

3. A statement purportedly signed by the Mayor, City Manager or authorized representative to the effect that Winter Park National Bank has lost its designation as a "qualified public depository" pursuant to Florida Statutes, Chapter 280, and an acceptable replacement letter of credit has not been received; or

4. A statement purportedly signed by the Mayor, City Manager, or authorized representative, that the drawing is due to Applicant's failure to repair, correct and/or cure a "Deficiency" as that term is defined that certain Maintenance, Materials and Workmanship Agreement between the City and Applicant with respect to the following Subdivision: Wynwood.

This letter of credit shall be deemed in force until April 27, 2025 and will automatically be extended for a period not to exceed ninety (90) days without amendment unless we provide the City Manager of the City of Ocoee with written notice of our intent to terminate the credit herein extended, which notice must be provided at least thirty (30) days prior to the expiration date of the original term hereof or any renewed term.

Drafts must bear the clause: "Drawn under Letter of Credit 81007035 of Winter Park National Bank, dated "April 27, 2023."

This letter of credit shall remain in full force and effect notwithstanding a partial draw or draws so long as a sum remains to be drawn or until the letter of credit has expired.

Except as otherwise specifically stated herein, this letter of credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument, or agreement referenced to herein or in which this letter of credit is referred to or this letter of credit relates, and any such reference shall not be deemed to incorporate herein by reference any document, instrument, or agreement.

We hereby agree with the drawers, endorsers, and bona fide holders of all drafts drawn under and in compliance with the terms of this letter of credit, that such drafts will be duly honored upon presentation to the Winter Park National Bank, 201 N. New York Avenue, Suite 100, Winter Park, FL 32789.

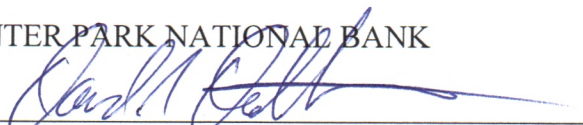
This letter of credit will be considered as canceled upon receipt by us or (*Name of Confirming Bank, if applicable*) of the original credit instrument or upon any present or future expiry date hereunder, whichever shall occur first.

This letter of credit is subject to the "International Standby Practices (ISP98)", International Chamber of Commerce Publication No. 590 and as to matters not governed by ISP98, shall be governed and construed in accordance with the provisions of Florida law. If a conflict between the "International Standby Practices (ISP98)", and Florida law should arise, Florida law shall prevail. If a conflict between the law of another state or country and Florida law should arise, Florida law shall prevail.

(SEAL)

WINTER PARK NATIONAL BANK

BY:


David R. Dotherow, CEO

**MAINTENANCE, MATERIALS, AND
WORKMANSHIP AGREEMENT FOR ASPHALT WITH LETTER OF CREDIT**

WYNWOOD, PHASE 1&2

THIS MAINTENANCE, MATERIALS, AND WORKMANSHIP AGREEMENT (this “Agreement”) is entered into this _____ day of _____, 20____, by JTD LAND AT WYNWOOD, LLC, a Florida limited liability company (the “Developer”) and the **CITY OF OCOEE**, a Florida municipal corporation, whose address is 150 North Lakeshore Drive, Ocoee, Florida 34761 (the “City”).

W I T N E S S E T H:

WHEREAS, Developer, or its predecessor-in-interest or its predecessor-in title, has developed and/or constructed a subdivision known as WYNWOOD PHASE 1&2 (the “Subdivision”) and in connection therewith has installed with the approval of the City certain roads, streets, sewer, water and reuse systems, drainage facilities (including retention and detention ponds), and/or other improvements (collectively, the “Improvements”) under the provisions, conditions, and requirements of the City’s Subdivision Regulations and the following Final Subdivision Plan (or Preliminary/Final Subdivision Plan) approval by granted the Ocoee City Commission on September 15, 2021: WYNWOOD PUD PHASE 1&2 AND MASS GRADING PLANS FOR PHASE 3&4, LS-20220-005; and

WHEREAS, the Subdivision is located within certain real property located in the City of Ocoee, Orange County, Florida, as more fully described in the attached **Exhibit “A”** which exhibit is incorporated herein by this reference (the “Property”); and

WHEREAS, under Section 4-4, Subdivision Review Process, of the City’s Land Development Code, Developer is required to guaranty the maintenance, materials, and workmanship of the Improvements within the Subdivision; and

WHEREAS, in order to obtain the issuance of a Certificate of Completion with respect to the Improvements, the Developer desires to guaranty such maintenance, materials, and workmanship by having WINTER PARK NATIONAL BANK (the “Bank”) (or such other bank as may be acceptable to the City) establish an Irrevocable Standby Letter of Credit in favor of the City in substantially the form attached hereto as **Exhibit “B”** and by this reference made a part hereof (“Letter of Credit”).

NOW THEREFORE, the parties agree as follows:

SECTION ONE: Establishment of Letter of Credit.

Developer does hereby agree to have Bank establish the Letter of Credit in favor of the City in the amount of TWENTY THOUSAND ONE HUNDRED FIFTY-NINE DOLLARS AND 55/100 (\$20,159.55) to guaranty the maintenance, materials, workmanship, and structural integrity of the Improvements and the other obligations of the Developer under this Agreement.

The Letter of Credit shall be established and drawn upon only in accordance with the terms of the Letter of Credit and this Agreement.

SECTION TWO: Second Lift of Asphalt and Warranty.

(A) The parties agree that in order to achieve the standards set forth in the City of Ocoee Code of Ordinances, a second lift of asphalt ("Asphalt Improvement") will be installed in accordance with Orange County Road Construction Specifications, latest edition, on the roadways in the WYNWOOD Subdivision within two (2) years of the issuance of the Certificate of Completion or at such time as 80% of the homes within the Subdivision have received a certificate of occupancy, whichever comes first. The Asphalt Improvement shall be completed in a quality and workmanlike manner.

(B) For a period of one (1) year from the date of installation of the second lift of asphalt (the "Warranty Period"), the Developer shall maintain the Asphalt Improvement in a first class condition and shall repair, correct and/or cure any Deficiency (as defined in Section 3 below) within thirty (30) days of receipt of written notice of a Deficiency from the City. The Developer shall pay any and all costs or expenses incidental to the performance of any such work. The City may provide notices of a Deficiency from time to time during the Warranty Period.

SECTION THREE: City's Right to Draw on Letter of Credit.

If at any time during the Warranty Period, the City notifies Developer in writing (i) that the Improvements have not been maintained in a first class condition, (ii) that paving or other structures within the Subdivision have been found by the City to not be in compliance with the Subdivision approval, and/or (iii) that there is a deficiency or fault in the materials, workmanship, or structural integrity of the Improvements which has been found by the City to not be in compliance with the Subdivision approval (collectively, a "Deficiency") and Developer fails to repair, correct and/or cure such Deficiency to the satisfaction of the City within thirty (30) days from receipt of the notice thereof as set forth in Section 2 above, then the City may draw upon the Letter of Credit without further notice to Developer in order to establish a cash escrow for the performance of the Developer's obligations under this Agreement (the "Cash Escrow").

Additionally, the City may draw on the Letter of Credit in order to establish a Cash Escrow in such amounts as the City deems necessary or appropriate (a) in the event of a default by Developer under this Agreement, and/or (b) as provided for in the Letter of Credit.

SECTION FOUR: Term of Letter of Credit.

The Letter of Credit shall be for a term of no less than two (2) years and one (1) month from the date of issuance of the Certificate of Completion. Notwithstanding anything contained in Section 3 above, in the event the City has notified Developer of a Deficiency as provided above, then the term of this Agreement shall continue and the term of the Letter of Credit shall be extended until such Deficiency is corrected. If the City has provided a notice of Deficiency which has not been repaired, corrected and/or cured within thirty (30) days from the date the Letter of Credit (or any extension or replacement thereof) is scheduled to expire, then the City

may draw on the Letter of Credit and establish a Cash Escrow for the performance of the Developer's obligations under this Agreement.

SECTION FIVE: City's Use of Funds Drawn on Letter of Credit.

Unless otherwise mutually agreed to by City and Developer, the funds available through the Letter of Credit and any Cash Escrow established under this Agreement shall be used by the City only (a) to repair, correct and/or cure any Deficiency, (b) to cure a breach by Developer of its obligations under this Agreement, and/or (c) to pay for reasonable administrative expenses and attorneys' fees and costs incurred by the City in exercising or otherwise enforcing its rights under this Agreement and Letter of Credit.

If the Developer fails or refuses to undertake the repair, correction and/or cure of any Deficiency, then the City may, but shall not be obligated to, undertake such repair, correction and/or cure any Deficiency, the cost of which shall be paid for out of the Letter of Credit and any Cash Escrow established pursuant to this Agreement. In the event the City undertakes any such repair, correction and/or cure, then the City shall be entitled to retain an administrative fee in the amount of two percent (2%) of the cost thereof and shall also be entitled to reimbursement of all costs and expenses incurred by the City in undertaking such action, including but not limited to its legal fees and costs. The City may use third party contractors to perform any such corrective actions.

SECTION SIX: Right of Entry for Corrective Activities.

In the event the City undertakes to repair, correct and/or cure any Deficiency, then in such event the Developer hereby grants to the City and its employees, contractors and representatives, the right to enter upon the Property and the Improvements for the purpose of performing any such repair, correction, and/or cure.

SECTION SEVEN: No Obligation of City to Undertake Repairs or Advance Funds.

Nothing contained herein shall be construed to in any way obligate the City to (i) advance City funds for any purpose on behalf of the Developer, or (ii) to undertake the repair, correction and/or cure of any Deficiency. Further, the City shall have no liability to the Developer or any third parties with respect to any corrective actions undertaken by the City.

SECTION EIGHT: Excess Funds.

In the event that the City draws on the Letter of Credit and establishes the Cash Escrow, then any excess funds shall be returned to the Developer after any and all of the Deficiencies have been repaired, corrected and cured to the satisfaction of the City and after the payment from the Cash Escrow of all obligations of the Developer under this Agreement.

SECTION NINE: Continued Applicability of Subdivision Regulations.

This Agreement shall not be construed to relieve or release Developer from any of its obligations under the City Subdivision Regulations with respect to the Improvements.

SECTION TEN: Construction.

This Agreement shall be construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed as of the date and year first above written.

DEVELOPER:

By: 
Print Name: JAMES DAVIS
Title: manager

ATTEST:

By: _____
Melanie Sibbitt, City Clerk

(SEAL)

CITY:

CITY OF OCOEE, FLORIDA, a Florida
municipal corporation

By: _____
Rusty Johnson, Mayor

FOR THE USE AND RELIANCE BY THE
CITY OF OCOEE ONLY. APPROVED
AS TO FORM AND LEGALITY
this _____ day of _____,
20____.
SHUFFIELD, LOWMAN & WILSON, P.A.

APPROVED BY THE OCOEE CITY
COMMISSION AT A MEETING
HELD ON _____, 20____
UNDER AGENDA ITEM NO. _____

By: _____
City Attorney

EXHIBIT "A"

(Legal Description of Real Property Constituting the Subdivision)

EXHIBIT "A"

(Legal Description of Real Property Constituting the Subdivision)

LEGAL DESCRIPTION:

PARCEL 1:

BEGIN AT THE SE CORNER OF THE NE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN NORTH 253.35 FEET, WEST 11 CHAINS (726 FEET), THENCE SOUTH 253.35 FEET, THENCE EAST 11 CHAINS (726 FEET) TO THE POINT OF BEGINNING.

PARCEL 2:

THE SW 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LESS ROAD ON NORTH,

PARCEL 3:

THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, (LESS THAT PART LYING SOUTH OF THE SEABOARD COAST LINE RAILROAD) AND LESS THAT PROPERTY CONVEYED IN BOOK 4814, PAGE 3816.

PARCEL 4:

THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, (LESS THAT PART LYING SOUTH OF THE SEABOARD COAST LINE RAILROAD) AND LESS RAILROAD RIGHT-OF-WAY.

PARCEL 5:

BEGIN AT THE NW CORNER OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN EAST 534.85 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD (STATE ROAD 5-435), THENCE SOUTH 5" EAST ALONG SAID RIGHT OF WAY LINE 778 85 FEET MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD, THENCE SOUTHWESTERLY ALONG SAID RAILROAD RIGHT OF WAY LINE TO THE WEST LINE OF NW 1/4 OF SE 1/4, THENCE NORTH TO THE POINT OF BEGINNING.

LESS PARCELS A B & C DESCRIBED BELOW:

A) FROM THE NW CORNER OF THE SE 1/4 OF SEC 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, RUN EAST 534.85 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD, THENCE SOUTH 5' EAST ALONG SAID ROAD RIGHT OF WAY LINE 778 85 FEET MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD FOR THE POINT OF BEGINNING; RUN THENCE NORTH & WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF THE CLARCONA-APOPKA ROAD A DISTANCE OF 138 FEET, THENCE WEST 120 FEET, THENCE SOUTH 5' EAST TO SAID RAILROAD RIGHT OF WAY LINE, THENCE NORTHEASTERLY ALONG THE RAILROAD RIGHT OF WAY LINE TO THE POINT OF BEGINNING;

B) THAT PART DEEDED TO ORANGE COUNTY RECORDED IN BOOK 3921, PAGE 115;

C) THAT PART DEEDED TO ORANGE COUNTY RECORDED IN BOOK 4934, PAGE 4821

PARCEL 6:

BEGINNING AT THE SW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN EAST 1850 FEET MORE OR LESS TO THE WEST SIDE OF THE ROAD CONNECTING CLARCONA WITH APOPKA, THENCE NORTHERLY ALONG THE WEST SIDE OF SAID ROAD 885 FEET MORE OR LESS, TO THE SOUTH LINE OF LANDS NOW OR FORMERLY BELONGING TO ONE "CUMBIE" OR "CUMBER": THENCE WEST 1000 FEET: THENCE NORTH 435 FEET, MORE OR LESS TO THE NORTH LINE OF THE SAID SE 1/4 OF THE NW 1/4 OF SAID SECTION 34, THENCE WEST 840 FEET MORE OR LESS TO THE NW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 34; THENCE SOUTH 1320 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS ROAD ON NORTH.

EXHIBIT "B"

FORM OF LETTER OF CREDIT

(See Following Page)



IRREVOCABLE STAND-BY LETTER OF CREDIT
NUMBER 81007043

p. 407-853-7100
f. 407-853-7101

SUBDIVISION NAME/PHASE: Wynwood PUD Phases 1 & 2 Mass Grading Phases 3 & 4
201 N. New York Ave
Suite 100
Winter Park, FL 32789

Applicant

JTD Land at Wynwood, LLC
210 Hangar Road
Kissimmee, FL 34741

Beneficiary

City of Ocoee
150 North Lakeshore Drive
Ocoee, FL 34761

wpnb.bank

Issuing Bank

Winter Park National Bank
201 N. New York Ave, Suite 100
Winter Park, FL 32789

ATTENTION:

City Engineer
150 North Lakeshore Drive
Ocoee, FL 34761

AMOUNT - \$ 20,159.55
TWENTY THOUSAND ONE HUNDRED
FIFTY NINE AND 55/100 US DOLLARS

Confirming Bank (if issuing
Bank is not local [in Orange,
Osceola or Seminole County])
Bank Name
Department
Street Address
City, State, Zip

DATE OF ISSUE

April 27, 2023

DATE OF EXPIRY

April 27, 2025

We hereby establish our Irrevocable Standby Letter of Credit # 81007043, in favor of City of Ocoee, a Florida municipal corporation, and authorize you to draw on Winter Park National Bank (the "Bank"), at 201 N. New York Avenue, Suite 100, Winter Park, FL 32789 by order of JTD Land at Wynwood, LLC up to but not exceeding the aggregate amount of Twenty Thousand One Hundred Fifty Nine and 55/100 Dollars (\$20,159.55), in United States Funds, which is available by your draft at sight, when accompanied by this letter of credit and any one of the following documents:

1. A statement purportedly signed by the Mayor, City Manager or authorized representative to the effect that the City is entitled to draw upon the Letter of Credit pursuant to the terms of

that certain Maintenance, Materials and Workmanship Agreement between the City and Applicant with respect to the following Subdivision: Wynwood; or

2. A statement purportedly signed by the Mayor, City Manager or authorized representative to the effect that the performance of Applicant's obligation under the Maintenance, Materials and Workmanship Agreement has not been completed yet and the letter of credit will expire within 30 days from the date of the drawing without being extended or replaced to the City's satisfaction; or

3. A statement purportedly signed by the Mayor, City Manager or authorized representative to the effect that Winter Park National Bank has lost its designation as a "qualified public depository" pursuant to Florida Statutes, Chapter 280, and an acceptable replacement letter of credit has not been received; or

4. A statement purportedly signed by the Mayor, City Manager, or authorized representative, that the drawing is due to Applicant's failure to repair, correct and/or cure a "Deficiency" as that term is defined that certain Maintenance, Materials and Workmanship Agreement between the City and Applicant with respect to the following Subdivision: Wynwood.

This letter of credit shall be deemed in force until April 27, 2025 and will automatically be extended for a period not to exceed ninety (90) days without amendment unless we provide the City Manager of the City of Ocoee with written notice of our intent to terminate the credit herein extended, which notice must be provided at least thirty (30) days prior to the expiration date of the original term hereof or any renewed term.

Drafts must bear the clause: "Drawn under Letter of Credit 81007043 of Winter Park National Bank, dated "April 27, 2023."

This letter of credit shall remain in full force and effect notwithstanding a partial draw or draws so long as a sum remains to be drawn or until the letter of credit has expired.

Except as otherwise specifically stated herein, this letter of credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument, or agreement referenced to herein or in which this letter of credit is referred to or this letter of credit relates, and any such reference shall not be deemed to incorporate herein by reference any document, instrument, or agreement.

We hereby agree with the drawers, endorsers, and bona fide holders of all drafts drawn under and in compliance with the terms of this letter of credit, that such drafts will be duly honored upon presentation to the Winter Park National Bank, 201 N. New York Avenue, Suite 100, Winter Park, FL 32789.

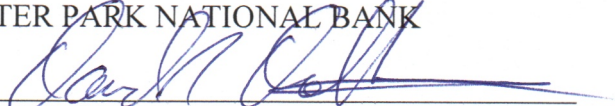
This letter of credit will be considered as canceled upon receipt by us or (Name of Confirming Bank, if applicable) of the original credit instrument or upon any present or future expiry date hereunder, whichever shall occur first.

This letter of credit is subject to the "International Standby Practices (ISP98)", International Chamber of Commerce Publication No. 590 and as to matters not governed by ISP98, shall be governed and construed in accordance with the provisions of Florida law. If a conflict between the "International Standby Practices (ISP98)", and Florida law should arise, Florida law shall prevail. If a conflict between the law of another state or country and Florida law should arise, Florida law shall prevail.

(SEAL)

WINTER PARK NATIONAL BANK

BY:


David R. Dotherow, CEO



Meeting Date: May 16, 2023
Item #: 6

Contact Name: Melanie Sibbitt
Contact Number: Ext. 1026

Department Director: Melanie Sibbitt
City Manager: Robert Frank

Subject: First Reading of Ordinance Ratifying Resolution 2023-06 to Rescind the City's Call for a Special Election for June 13, 2023, and Calling for the General City Election Date to Coincide with the Orange County Municipal Election Day and the Presidential Preference Primary Date of March 19, 2024. (City Clerk Sibbitt)

Background Summary:

At the May 2, 2023, City Commission meeting, Attorney Richard Geller of Fishback Dominick LLP, provided an interpretation of the City Charter as it relates to when the election can be held. Following his presentation, the City Commission adopted Resolution No. 2023-06 rescinding the City's call for a special election for the District 4 Commission seat scheduled for June 13, 2023; and instead, called for a general city election on March 19, 2024, in order to coincide with the Orange County Municipal Election Day and the Presidential Preference Primary for the District 4 Commission seat and proposed amendments to the City Charter. During his presentation, Mr. Geller recommended the City Commission re-adopt the resolution as an ordinance so that the Commission's determination to postpone the District 4 election to a general city election on March 19, 2024, is unquestioningly legislative in nature.

Additionally, language related to designating the Orange County Canvassing Board as the City Canvassing Board for the general city election is included in the ordinance, as was done in 2015, when the city adopted an ordinance to change the 2016 municipal election to coincide with the 2016 Presidential Preference Primary. The Orange County Supervisor of Elections also strongly encourages the designating of canvassing to the Orange County Canvassing Board as there will be presidential candidates on the same ballot which would require dual canvassing boards. The Orange County Canvassing Board uses the same criteria under which the City board would operate.

Issue:

Should the Honorable Mayor and City Commissioners adopt an ordinance ratifying Resolution 2023-06 and call for the General City Election Date to Coincide with the Orange County Municipal Election Day and the Presidential Preference Primary Date of March 19, 2024, for the District 4 Commission seat and proposed Amendments to the City Charter?

Recommendations:

Staff recommends the Honorable Mayor and City Commissioners adopt an ordinance ratifying Resolution 2023-06 and call for the General City Election Date to Coincide with the Orange County Municipal Election Day and the Presidential Preference Primary Date of March 19, 2024, for the District 4 Commission seat and proposed Amendments to the City Charter.

Attachments:

1. Ordinance

Financial Impacts:

A savings of approximately \$10,000.

Type of Item: First Reading

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, RATIFYING CITY OF OCOEE RESOLUTION 2023-06; RESCINDING THE CITY'S CALL FOR A SPECIAL ELECTION FOR THE DISTRICT 4 COMMISSION SEAT SCHEDULED FOR JUNE 13, 2023; CALLING INSTEAD FOR A GENERAL CITY ELECTION AND SCHEDULING SUCH ELECTION ON MARCH 19, 2024, TO COINCIDE WITH ORANGE COUNTY MUNICIPAL ELECTION DAY AND THE PRESIDENTIAL PREFERENCE PRIMARY, FOR THE ELECTION FOR THE DISTRICT 4 COMMISSION SEAT, PROPOSED AMENDMENTS TO THE CITY CHARTER, AND ANY OTHER MATTERS REQUIRING A MUNICIPAL ELECTION; PROVIDING FOR A QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; DESIGNATING THE ORANGE COUNTY CANVASSING BOARD AS THE CITY CANVASSING BOARD FOR THE GENERAL CITY ELECTION; PROVIDING FOR SEVERABILITY AND A SAVINGS CLAUSE; AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Ocoee (the "City") is vested with Home Rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes to conduct municipal government, and exercise any power for municipal purposes except as otherwise prohibited by law; and

WHEREAS, the City's broad Home Rule authority includes the power to call, rescind the call, and schedule elections pertaining to the City Commission and the City Charter by Resolution and Ordinance in accordance with the Charter and City Code; and

WHEREAS, the calling and scheduling of an election is a discretionary legislative act of the City Commission within the requirements established in the City Charter, chapter 5 of the City Code, and under chapter 100, Florida Statutes; and

WHEREAS, pursuant to Section C-10 of the City Charter, “The City Commission shall be the judge of the election and qualification of its members....;” and

WHEREAS, pursuant to Section C-17 of the City Charter, the City Commission called a special election to choose “[t]he successor [who] shall serve for the unexpired term of the member who created the vacancy” of the District 4 Commission seat, and scheduled the special election for June 13, 2023; and

WHEREAS, the special election would require the City to pay the cost of printing ballots and poll workers, estimated at \$10,000.00; and

WHEREAS, the Orange County Supervisor of Elections is encouraging municipalities in Orange County, including the City of Ocoee, to hold any pending municipal elections on Orange County Municipal Election Day, concurrently with the Presidential Preference Primary, on March 19, 2024; and

WHEREAS, the Orange County Supervisor of Elections consented, pursuant to Florida Statutes § 100.151, to making voter registration books available immediately to register to vote, which will accommodate an election of the City of Ocoee on Orange County Municipal Election Day, on March 19, 2024; and

WHEREAS, the Orange County Supervisor of Elections committed to assuming the cost of printing ballots, renting polling locations, and compensating the poll workers who will work at the ten precincts in the City of Ocoee on Orange County Municipal Election Day; and

WHEREAS, under the circumstances it no longer is financially prudent to hold the election for the District 4 seat on June 13, 2023, and

WHEREAS, section C-17 of the City Charter states in pertinent part, and mandates, “The successor to the office of...Commissioner shall be elected at the next general city election if such election is to be held within twelve (12) months of the vacancy”; and

WHEREAS, on January 10, 2023, the prior District 4 City Commissioner submitted a letter resigning from the office of City Commissioner stating, “This resignation is effective on the date that the Mayor is sworn into office in 2023, per the Florida Resign-to-Run Law, as set forth in Section 99.012, Florida Statutes”; and

WHEREAS, the District 4 seat on the City Commission became vacant when the City of Ocoee Mayor was sworn into office on March 21, 2023; and

WHEREAS, a general city election on Orange County Municipal Election Day, March 19, 2024, will take place within one year of the when the vacancy in the District 4 seat began, on March 21, 2023; and

WHEREAS, section C-59 of the City Charter states, “A Charter Review Commission may also be appointed by the City Commission at such times as deemed necessary by the City Commission.” and

WHEREAS, on April 18, 2023, the City Commission determined that a Charter Review Commission should be appointed to consider and propose certain amendments to the City Charter, including an enlarged residency requirement for City Commission candidates; and

WHEREAS, the City Commission determined that citizens should vote on proposed Charter amendments at the next municipal election, on March 19, 2024; and

WHEREAS, in City of Ocoee Resolution 2023-06, adopted and approved on May 2, 2023 at the City Commission meeting:

(a) Rescinded the call and scheduling of a special election scheduled for June 13, 2023; and

(b) Called a general city election and adopted Orange County Municipal Election Day, March 19, 2024, as the date for the District 4 election of “[t]he successor [who] shall serve for the unexpired term of the member who created the

vacancy” of the District 4 Commission seat and to serve as a referendum on proposed amendments to the Ocoee City Charter, the Presidential Preference Primary, and any other matters requiring a municipal election; and

(c) Directed the City Clerk and City staff to undertake all administrative actions internally and with the Orange County Supervisor of Elections that may be necessary to cancel the special election scheduled for June 13, 2023, and to instead hold a general city election as described herein on March 19, 2024.

WHEREAS, pursuant to Florida Statutes § 100.3605(2), a City Commission “may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality”; and

WHEREAS, the City Commission of the City of Ocoee wishes to ratify Resolution 2023-06 in an ordinance to establish beyond question that changing the dates for qualifying and election of the District 4 Commission seat is a legislative act within the Commission’s reasonable discretion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are incorporated as if set forth at length herein.

SECTION 2. Authority. The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes, chapter 5 of the City Code, and the City Charter.

SECTION 3. Resolution 2023-06 Ratified. The City Commission of the City of Ocoee hereby ratifies City of Ocoee Resolution 2023-06 in its entirety, as if set forth fully herein, and as indicated in the following Sections of this Ordinance.

SECTION 4. Special Election Rescinded. The City Commission of the City of Ocoee hereby ratifies the rescinding of its call for, and scheduling of a special election for the District 4 City Commission seat for June 13, 2023.

SECTION 5. General City Election Date. The City Commission of the City of Ocoee hereby ratifies its call for a general city election and adoption of Orange County Municipal Election Day, March 19, 2024, as the date for the District 4 election of “[t]he successor [who] shall serve for the unexpired term of the member who created the vacancy” of the District 4 Commission seat, and to serve as a referendum on proposed amendments to the Ocoee City Charter, the Presidential Preference Primary, and any other matters requiring a municipal election. The following provisions shall apply to the election for District 4 Commissioner held on March 19, 2024:

- (a) To meet the requirements of the Orange County Supervisor of Elections, the qualifying period for the general city election shall commence at noon on Friday, December 1, 2023, and shall terminate at noon on Friday, December 8, 2023;
- (b) Pursuant to the provisions of Section C-50 of the City of Ocoee Charter, the canvassing of absentee, provisional, and overseas ballots for the general city election will be conducted by the Orange County Canvassing Board.
- (c) Pursuant to Section 5-2 of the City Code, in the event that the results of the general city election require a run-off election, such run-off election shall be held on Tuesday, April 9, 2024. A run-off election would be conducted at the direction and cost of the City

and would be canvassed by the City Canvassing Board as provided in Section C-50 of the City of Ocoee Charter.

SECTION 6. Filing Fee and Election Assessment. In accordance Section 5-4 of the City Code, a candidate for the Office of City Commissioner shall pay a municipal filing fee of \$50.00 and, in accordance with Section 99.093, Florida Statutes, a state election assessment in an amount equal to 1 percent of the annual salary of the office sought, which is currently \$40.00.

SECTION 7. Direction to the City Clerk and City Staff. The City Commission of the City of Ocoee hereby ratifies its direction to the City Clerk and City staff to undertake all administrative actions internally and with the Orange County Supervisor of Elections that may be necessary to cancel the special election scheduled for June 13, 2023, and to instead hold a general city election as described herein on March 19, 2024.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9. Conflict. To the extent any Ordinances or parts of Ordinances, Resolutions or parts of Resolutions are in conflict herewith, this Ordinance controls.

SECTION 10. Effective Date. This Ordinance shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED this 6th day of June, 2023.

APPROVED:

CITY OF OCOEE, FLORIDA

ATTEST:

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

**APPROVED BY THE OCOEE CITY
COMMISSION ON JUNE 6, 2023
UNDER AGENDA ITEM NO. _____**

**FOR USE AND RELIANCE ONLY
BY THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND LEGALITY**

this ____ day of _____, 2023.

By: _____
Richard S. Geller, Special Counsel



Meeting Date: May 16, 2023
Item #: 7

Contact Name: Anoch Whitfield
Contact Number: Ext. 1016

Department Director: Michael Rumer
City Manager: Robert Frank

Subject: Second Reading of Ordinance for Siri Office Building Market Street ROW - Annexation & Rezoning to PUD; Project No(s). AX-03-23-03 & RZ-23-03-03. (Zoning Manager Whitfield)

Background Summary:

First Reading of Ordinance was held on May 2, 2023.

The subject site is located in Commission District 2, is approximately .372 acres in size, and is comprised of the Market Street right-of-way (ROW) and Arlington Avenue ROW. The Market Street ROW is approximately 30 feet wide by 225 feet long, and the Arlington Avenue ROW is approximately 30 feet wide by 291 feet long, based on the survey provided by the applicant.

The subject site is adjacent to and has been included as part of the design for the Siri Office Building PUD Land Use Plan (LUP), fka 3872 Old Winter Garden Road PUD LUP, since its original approval in 2019 for a medical office building. In mid-2022, the PUD underwent a Non-substantial Amendment to shift the driveway westward to avoid a large transmission pole, which resulted in reducing the building size from 33,200 SF to 28,000 SF and moving the driveway from the easternmost corner of the site to being through the center of the building. During site plan review, the City approved the Preliminary/Final Small-Scale Site Plan contingent upon the vacation of the Orange County right-of-way and annexation/rezoning of the vacated ROW into the development parcel. The County approved the applicant's petition to vacate on February 7, 2023, by a Resolution Granting Petition to Vacate # 18-01-002.

Thus, the applicant has submitted this request for annexation and classification of the vacated ROW site to PUD. This application does not propose any new development, but rather, per the approved Amended Siri Office Building LUP, the vacated ROWs will be developed with parking spaces, landscaped buffer, a garbage dumpster, a small stormwater pond, and vehicular interconnect to the property immediately to the west.

Staff identified no issues with the requested annexation/zoning. However, an Annexation and Rezoning Feasibility Report was not prepared for this annexation since the land area and proposed office building project were evaluated as part of the original 3872 Old Winter Garden Road PUD in 2019.

Issue:

Should the City Commission approve ordinances for the Annexation and assignment of the PUD (Planned Unit Development) Zoning classification to the vacated Market Street and Arlington Avenue rights-of-way, which have been aggregated into parcel number 28-22-28-0000-00-019 and which are part of the Siri Office Building Planned Unit Development (PUD), fka 3872 Old Winter Garden Road PUD?

Recommendations:

Development Review Committee (DRC) Recommendations:

The DRC met on Wednesday, April 5, 2023, to consider the request for annexation and rezoning to PUD to incorporate the vacated Market Street and Arlington Avenue rights-of-way into the Siri Office Building PUD and Land Use Plan. The DRC did not identify any concerns and recommended approval of the annexation and rezoning to Siri Office Building PUD for the vacated Market Street and Arlington Avenue rights-of-way, now incorporated into Parcel ID 28-22-28-0000-00-019.

Planning & Zoning Commission (PZC) Recommendations:

The PZC considered this request at its April 11, 2023 public hearing and, identifying no issues, made a recommendation of approval of the Annexation and assignment of the PUD (Planned Unit Development) Zoning classification to the vacated Market Street and Arlington Avenue rights-of-way, which have been aggregated into parcel number 28-22-28-0000-00-019 and which are part of the Siri Office Building PUD, fka 3872 Old Winter Garden Road PUD.

Staff Recommendations:

Staff recommends that the City Commission approve ordinances for the Annexation and assignment of the PUD (Planned Unit Development) Zoning classification to the vacated Market Street and Arlington Avenue rights-of-way, which have been aggregated into parcel number 28-22-28-0000-00-019 and which are part of the Siri Office Building PUD, fka 3872 Old Winter Garden Road PUD.

Attachments:

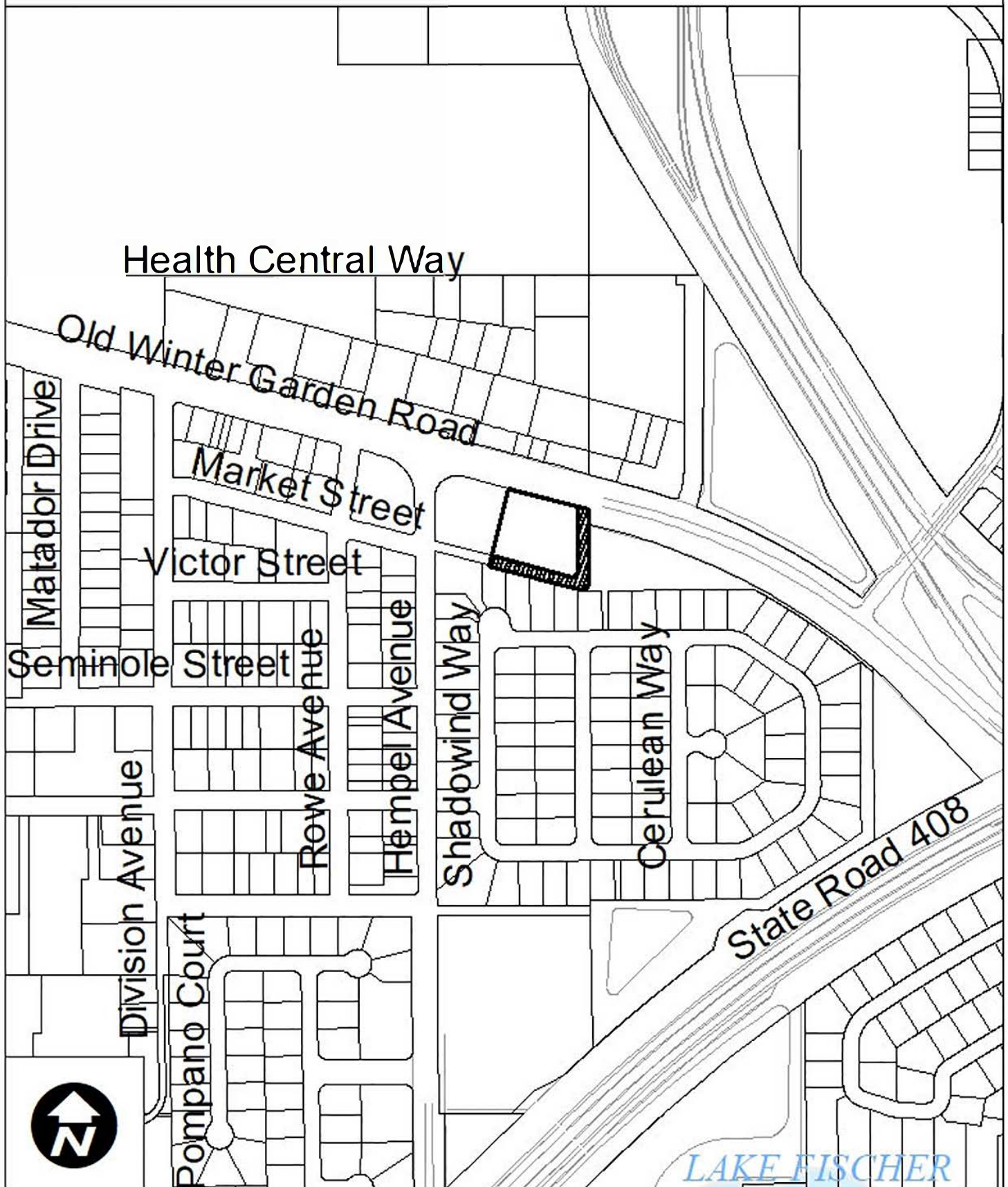
1. Location Map
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Annexation Ordinance
6. Rezoning Ordinance
7. Advertisement

Financial Impacts:

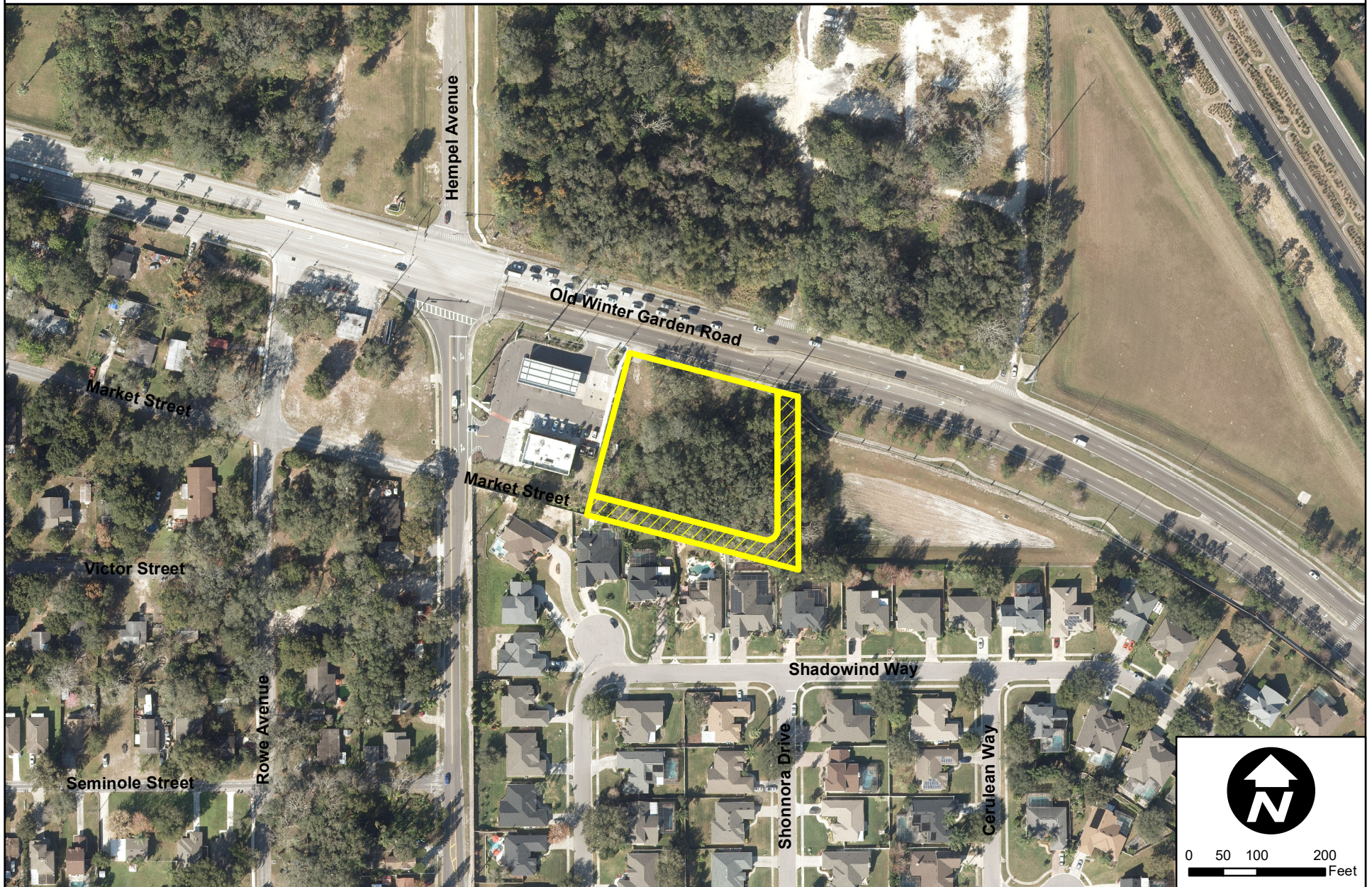
N/A

Type of Item: Second Reading Public Hearing

Siri Office Building - Market St/Arlington Ave Vacated ROW Annexation/Rezoning to PUD Location Map



Siri Office Building - Market St/Arlington Ave Vacated ROW Annexation/ Rezoning to PUD - Aerial Map



Siri Office Building - Market St/Arlington Ave Vacated ROW Annexation/ Rezoning to PUD Surrounding Zoning Map



Development Services
Department

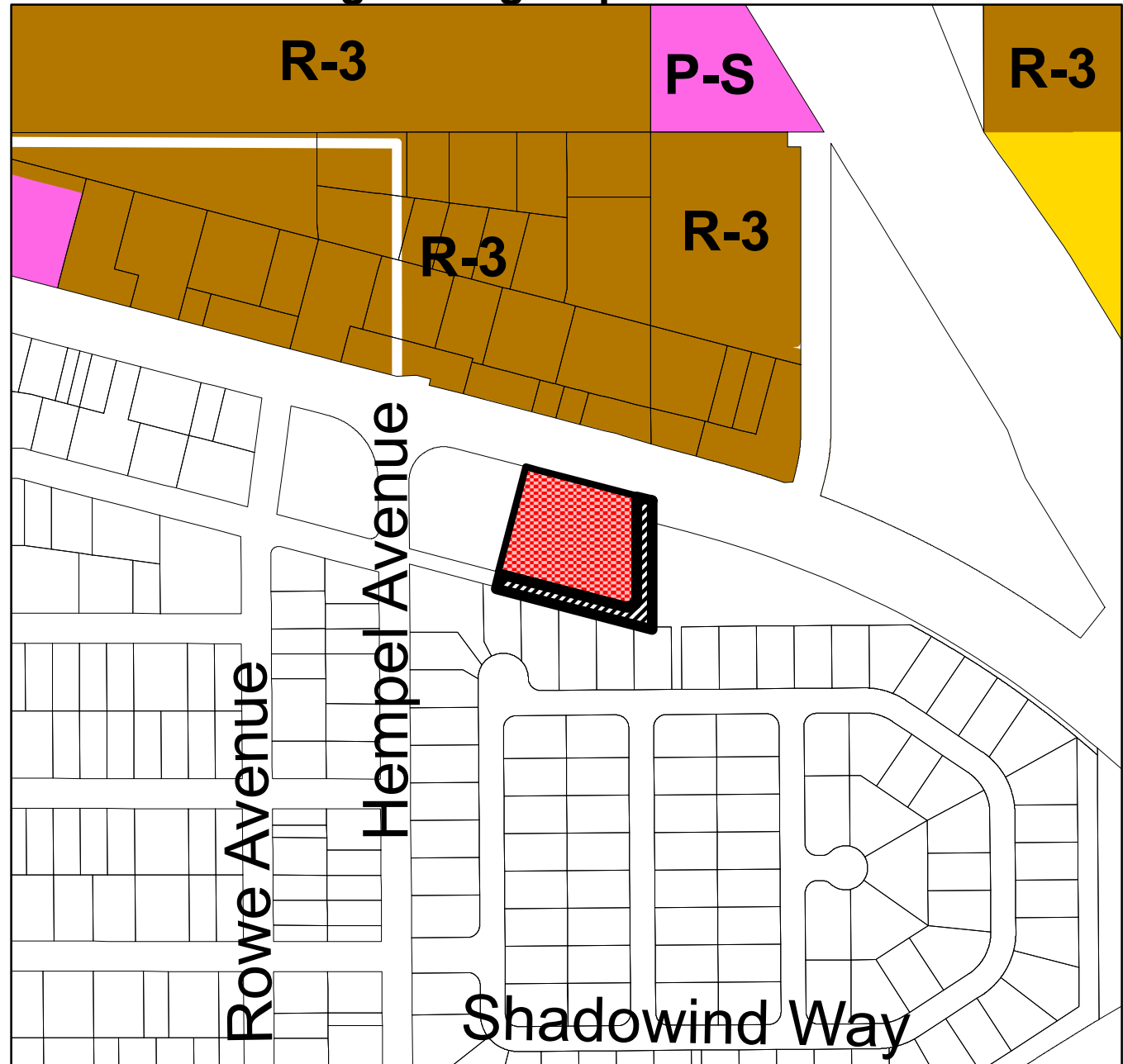
0 75 150 300
Feet

Created: April 2023

 Subject Property

Zoning Classification:

-  General Agricultural (A-1)
-  Suburban (A-2)
-  Single-Family Dwelling (R-1AAA)
-  Single-Family Dwelling (R-1AA)
-  Single-Family Dwelling (R-1A)
-  Single-Family Dwelling (R-1)
-  One- & Two-Family Dwelling (R-2)
-  Multiple-Family Dwelling (R-3)
-  Mobile Home Subdivision (RT-1)
-  Professional Offices & Services (P-S)
-  Neighborhood Shopping (C-1)
-  Community Commercial (C-2)
-  General Commercial (C-3)
-  Restricted Manufacturing & Warehousing (I-1)
-  General Industrial (I-2)
-  Commercial (PUD)
-  Low Density (PUD)
-  Medium Density (PUD)
-  High Density (PUD)
-  Public Use (PUD)
-  Unclassified



Siri Office Building - Market St/Arlington Ave Vacated ROW Annexation/Rezoning to PUD

Surrounding Future Land Use Map



Development Services
Department

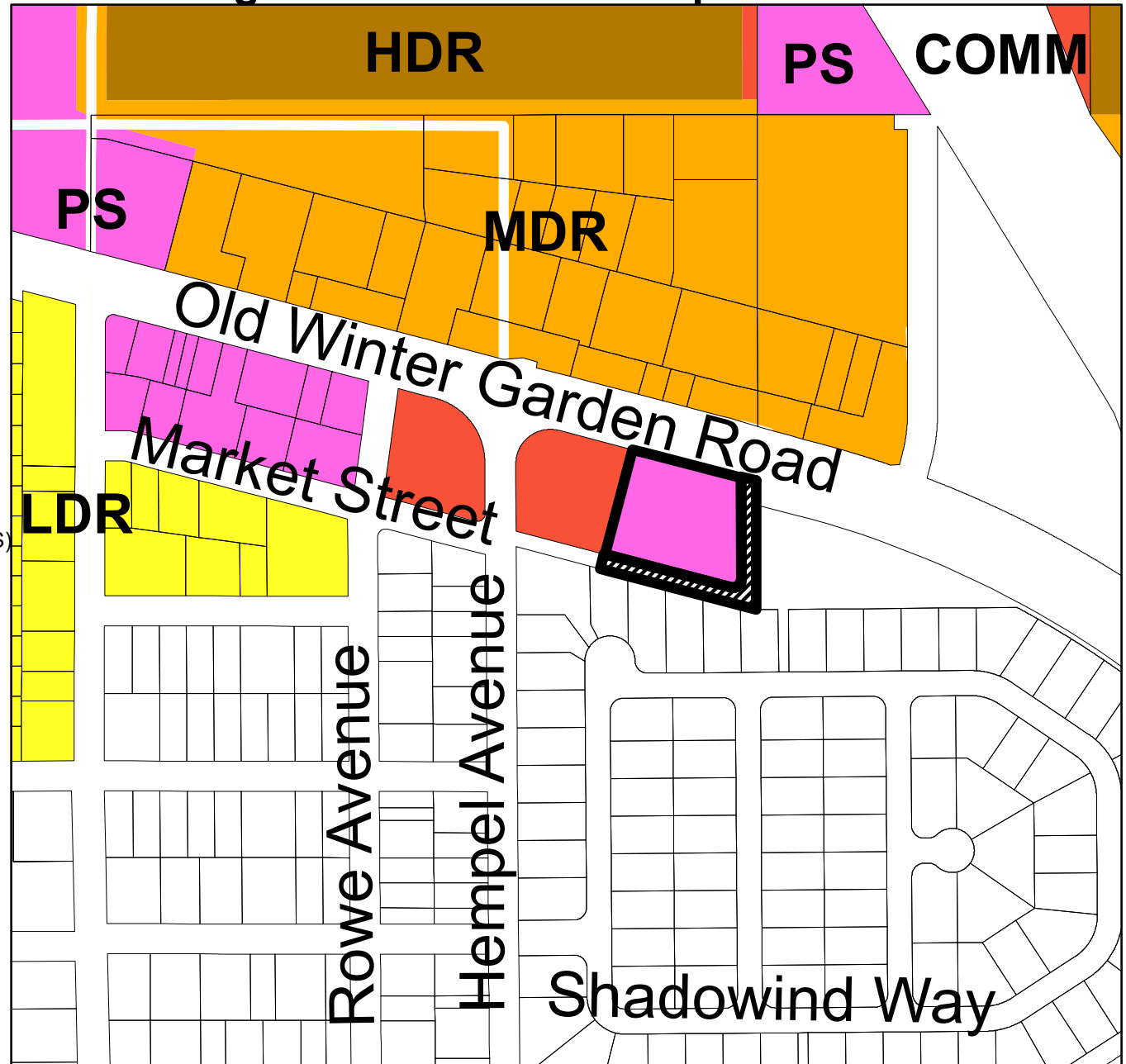
0 75 150 300
Feet

Created: April 2023

 Subject Property

Future Land Use Classification:

-  Low Density Residential (LDR)
-  Medium Density Residential (MDR)
-  High Density Residential (HDR)
-  Professional Offices and Services (PS)
-  Commercial (COMM)
-  Light Industrial (LI)
-  Heavy Industrial (HI)
-  Conservation/Floodplains (CONS)
-  Recreation and Open Space (REC)
-  Public Facilities/Institutional (INST)



**ORDINANCE NO. 2023-
(Annexation Ordinance for Siri Office Building Property)**

TAX PARCEL ID: 28-22-28-0000-00-019

CASE NO. AX-03-23-03: Siri Office Building – Market Street ROW Annexation

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF OCOEE, FLORIDA, CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 0.372 ACRES OF VACATED PUBLIC RIGHT-OF-WAY, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNER; FINDING SAID ANNEXATION TO BE CONSISTENT WITH THE OCOEE COMPREHENSIVE PLAN, THE OCOEE CITY CODE AND THE JOINT PLANNING AREA AGREEMENT; PROVIDING FOR AND AUTHORIZING THE UPDATE OF OFFICIAL CITY MAPS; PROVIDING DIRECTION TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 171.044, Florida Statutes, the owner of certain real property located in unincorporated Orange County, Florida, as hereinafter described, has petitioned the City Commission of the City of Ocoee, Florida (the “Ocoee City Commission”) to annex approximately 0.372 acres of property, as more particularly described in Exhibit “A” attached hereto, into the corporate limits of the City of Ocoee, Florida; and

WHEREAS, the Ocoee City Commission has determined that said petition bears the signatures of all owners of the real property proposed to be annexed into the corporate limits of the City of Ocoee, Florida; and

WHEREAS, notice of the proposed annexation has been published pursuant to the requirements of Section 171.044(2), Florida Statutes, and Section 5-9(E), Article V, Land Development Code of the City of Ocoee (the “Code”); and

WHEREAS, on April 11, 2023, the Planning and Zoning Commission of the City of Ocoee, Florida, reviewed the proposed annexation and found it to be consistent with the Ocoee Comprehensive Plan, to comply with all applicable requirements of the Ocoee City Code, and to be in the best interest of the City of Ocoee and has recommended to the Ocoee City Commission that it approve said annexation petition; and

WHEREAS, the Ocoee City Commission has the authority, pursuant to Section 171.044, Florida Statutes, to annex said real property into its corporate limits upon petition of the owners of said real property; and

WHEREAS, the Ocoee City Commission is desirous of annexing and redefining the boundary lines of the City of Ocoee, Florida, to include said real property.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

Section 1. AUTHORITY. The Ocoee City Commission has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapters 166 and 171, Florida Statutes, and Section C-7 of Article 1 of the Charter of the City of Ocoee, Florida.

Section 2. PETITION. The Ocoee City Commission hereby finds that the petition to annex certain lands, as hereinafter described, into the corporate limits of the City of Ocoee, Florida, bears the signatures of all owners of the real property proposed to be annexed into the corporate limits of the City of Ocoee, Florida.

Section 3. ANNEXATION. The following described real property located in unincorporated Orange County, Florida, is hereby annexed into the corporate limits of the City of Ocoee, Florida:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Section 4. MAP. A map of said land herein described, which clearly shows the annexed area, is attached hereto as **EXHIBIT "B"** and by this reference is made a part hereof.

Section 5. CONSISTENCY FINDING. The Ocoee City Commission hereby finds that the annexation of said land herein described is consistent with the Ocoee Comprehensive Plan, as amended, and meets all of the requirements for annexation set forth in the Ocoee Comprehensive Plan and the Ocoee City Code.

Section 6. CORPORATE LIMITS. The corporate territorial limits of the City of Ocoee, Florida, are hereby redefined to include said land herein described and annexed.

Section 7. OFFICIAL MAPS. The City Clerk is hereby authorized to update and supplement official City maps of the City of Ocoee, Florida, to include said land herein described and annexed.

Section 8. LIABILITY. The land herein described and future inhabitants of said land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances, and regulations of the City of Ocoee, Florida, and be entitled to the same privileges and benefits as other areas of the City of Ocoee, Florida.

Section 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereto.

Section 10. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. EFFECTIVE DATE. This Ordinance shall become effective upon passage and adoption. Thereafter, the City Clerk is hereby directed to file a certified copy of this Ordinance with the Clerk of the Circuit Court for Orange County, Florida, the Chief Administrative Officer of Orange County, Florida, and with the Florida Department of State within seven (7) days from the effective date.

PASSED AND ADOPTED this _____ day of _____, 2023.

APPROVED:

ATTEST:

CITY OF OCOEE, FLORIDA

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

FOR USE AND RELIANCE ONLY BY THE
CITY OF OCOEE, FLORIDA APPROVED AS
TO FORM AND LEGALITY THIS ____ DAY
OF _____, 2023

ADVERTISED _____ AND _____
READ FIRST TIME _____, 2023
READ SECOND TIME AND ADOPTED
_____, 2023, UNDER AGENDA
ITEM NO. ____

SHUFFIELD, LOWMAN & WILSON, P.A.

By: _____
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

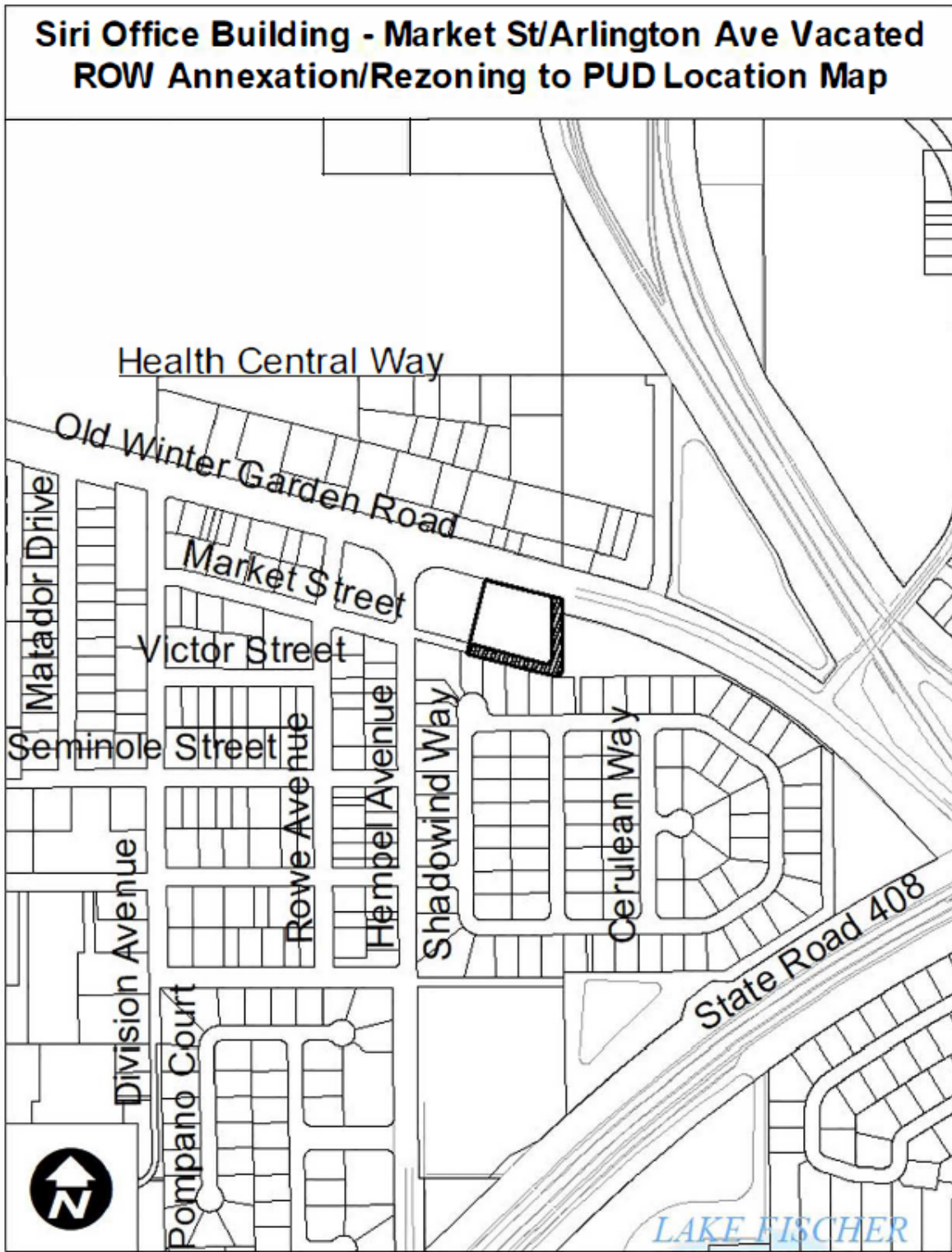
THAT PORTION OF MARKET STREET AND ARLINGTON AVENUE, PARK RIDGE, AS RECORDED IN PLAT BOOK 0, PAGE 100, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 15 OF SAID PARK RIDGE, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF MARKET STREET AND THE EAST RIGHT OF WAY LINE OF HEMPLE AVENUE ACCORDING TO SAID PARK RIDGE; THENCE RUN S75°23'21"E ALONG THE SOUTH LINE OF SAID BLOCK 15, 184.07 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 27, SAID BLOCK 15, FOR THE POINT OF BEGINNING; THENCE CONTINUE S75°23'21"E ALONG THE SOUTH LINE OF SAID BLOCK 15, 261.33 FEET TO A CURVE CONCAVE TO THE NORTHWEST; THEN RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 104°22'16", A RADIUS OF 16.00 FEET, AN ARC LENGTH OF 29.15 FEET, A CHORD BEARING OF N51°58'48"E AND A CHORD DISTANCE OF 25.28 FEET; THENCE RUN N00°05'39"W ALONG THE EAST LINE OF SAID BLOCK 15, 199.53 FEET MORE OR LESS TO THE SOUTH RIGHT OF WAY LINE OF OLD WINTER GARDEN ROAD, A VARIABLE WIDTH RIGHT OF WAY; THENCE RUN S75°22'18"E ALONG THE SOUTH RIGHT OF WAY LINE OF OLD WINTER GARDEN ROAD, 31.02 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF AFORESAID ARLINGTON AVENUE, ALSO BEING THE NORTHERLY EXTENSION OF THE WEST LINE OF TRACT B, FALCON POINTE, AS RECORDED IN PLAT BOOK 39, PAGES 98-99, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°05'39"E AS LONG SAID NORTHERLY EXTENSION AND THE WEST LINE OF TRACT B, 251.31 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID TRACT B; THENCE RUN N75°23'21"W ALONG THE NORTHERLY LINE OF SAID FALCON POINTE, 320.84 FEET TO A POINT 30.00 FEET SOUTH OF THE AFORESAID SOUTHWEST CORNER OF LOT 27, WHEN MEASURED PERPENDICULAR TO THE AFORESAID SOUTH LINE OF BLOCK 15; THENCE RUN N14°36'39"E, 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.372 ACRES MORE OR LESS.

EXHIBIT "B"

LOCATION MAP



**ORDINANCE NO. 2023-
(Rezoning Ordinance for Siri Office Building
– Market St/Arlington Ave Vacated ROW)**

TAX PARCEL ID: 28-22-28-0000-00-019

**CASE NO. RZ-23-03-03: Siri Office Building – Market St/Arlington Ave Vacated ROW
Rezoning**

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, ASSIGNING THE ZONING CLASSIFICATION OF CITY OF OCOEE PUD (PLANNED UNIT DEVELOPMENT) ON CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 0.372 ACRES OF VACATED PUBLIC RIGHT-OF-WAY, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNER; FINDING SUCH ZONING TO BE CONSISTENT WITH THE OCOEE COMPREHENSIVE PLAN; PROVIDING FOR AND AUTHORIZING THE REVISION OF THE OFFICIAL CITY ZONING MAP; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner (the “Applicant”) of certain real property located within the corporate limits of the City of Ocoee, Florida, as hereinafter described, has submitted an application to the City Commission of the City of Ocoee, Florida (the “Ocoee City Commission”) to rezone said real property (the “Rezoning”); and

WHEREAS, the Applicant requests the City to assign certain real property containing approximately 0.372 acres of vacated public right-of-way, more particularly described in **Exhibit “A”** attached hereto and by this reference made a part hereof, a City of Ocoee PUD zoning classification, more specifically the Siri Office Building PUD; and

WHEREAS, pursuant to Section 5-9(B), Article V of the Land Development Code of the City of Ocoee, Florida (the “Ocoee City Code”), the City Development Services Director has reviewed said Rezoning application and determined that the Rezoning is consistent with the City of Ocoee Comprehensive Plan as set forth in Ordinance No. 91-28, adopted September 18, 1991, as amended (the “Ocoee Comprehensive Plan”); and

WHEREAS, said Rezoning application was scheduled for review and recommendation by the Planning and Zoning Commission of the City of Ocoee, Florida (the “Planning and Zoning Commission”), acting as the Local Planning Agency; and

WHEREAS, on April 11, 2023, the Planning and Zoning Commission held a public hearing and reviewed said Rezoning application for consistency with the Ocoee Comprehensive Plan and determined that the Rezoning is consistent with the Ocoee Comprehensive Plan and is in the best interest of the City, and recommended to the Ocoee City Commission that the zoning classification of said real property be rezoned as requested by the Applicant and that the Ocoee

City Commission find the Rezoning requested by the Applicant to be consistent with the Ocoee Comprehensive Plan; and

WHEREAS, on May 16, 2023, the Ocoee City Commission held a de novo advertised public hearing with respect to the proposed Rezoning of said real property and determined that the Rezoning is consistent with the Ocoee Comprehensive Plan; and

WHEREAS, this Ordinance has been considered by the Ocoee City Commission in accordance with the procedures set forth in Section 166.041(3)(a), Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The Ocoee City Commission has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 163 and 166, Florida Statutes.

SECTION 2. REZONING. The zoning classification, as defined in the Ocoee City Code, of the Property described in **Exhibit “A”** containing approximately 0.372 acres located within the corporate limits of the City of Ocoee, Florida, is hereby changed from Orange County right-of-way to City of Ocoee PUD. A map of said land herein described, which clearly shows the area of the Rezoning, is attached hereto as **Exhibit “B”** and by this reference is made a part hereof.

SECTION 3. COMPREHENSIVE PLAN. The Ocoee City Commission hereby finds the Rezoning of the land described in this Ordinance to be consistent with the Ocoee Comprehensive Plan.

SECTION 4. ZONING MAP. The City Clerk is hereby authorized and directed to revise the Official Zoning Map of the City of Ocoee in order to incorporate the Rezoning enacted by this Ordinance, and the Mayor and City Clerk are hereby authorized to execute said revised Official Zoning Map in accordance with the provisions of Section 5-1(G) of Article V of the Ocoee City Code.

SECTION 5. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby repealed and rescinded.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereto.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective ten (10) days after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

**APPROVED:
CITY OF OCOEE, FLORIDA**

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

ADVERTISED _____, 2023
READ FIRST TIME _____, 2023.
READ SECOND TIME AND ADOPTED
_____, 2023.
UNDER AGENDA ITEM NO. _____

**FOR USE AND RELIANCE ONLY BY THE
CITY OF OCOEE, FLORIDA; APPROVED AS
TO FORM AND LEGALITY**

this _____ day of _____, 2023.

SHUFFIELD LOWMAN & WILSON, P.A.

By: _____
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

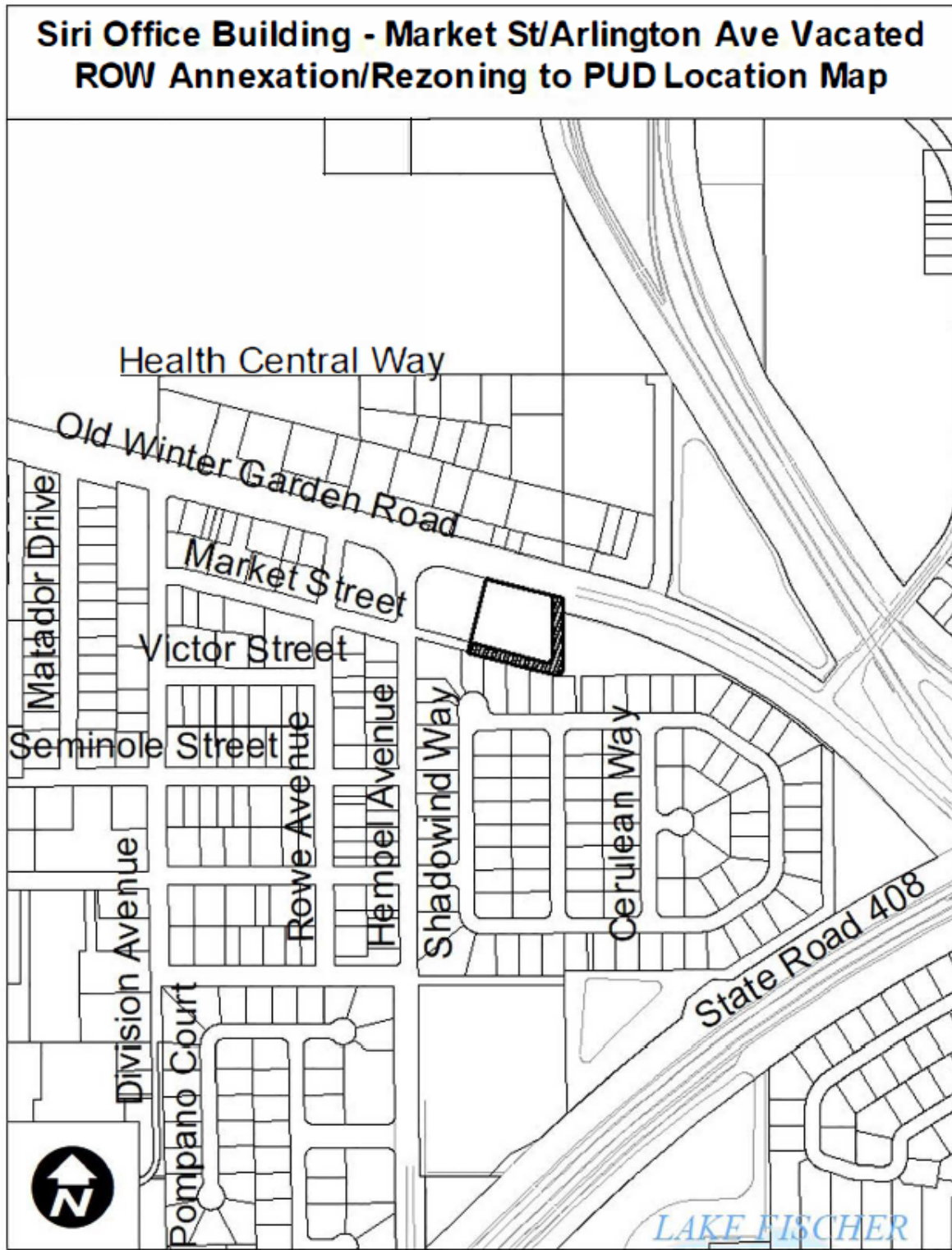
THAT PORTION OF MARKET STREET AND ARLINGTON AVENUE, PARK RIDGE, AS RECORDED IN PLAT BOOK 0, PAGE 100, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 15 OF SAID PARK RIDGE, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF MARKET STREET AND THE EAST RIGHT OF WAY LINE OF HEMPLE AVENUE ACCORDING TO SAID PARK RIDGE; THENCE RUN S75°23'21"E ALONG THE SOUTH LINE OF SAID BLOCK 15, 184.07 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 27, SAID BLOCK 15, FOR THE POINT OF BEGINNING; THENCE CONTINUE S75°23'21"E ALONG THE SOUTH LINE OF SAID BLOCK 15, 261.33 FEET TO A CURVE CONCAVE TO THE NORTHWEST; THEN RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 104°22'16", A RADIUS OF 16.00 FEET, AN ARC LENGTH OF 29.15 FEET, A CHORD BEARING OF N51°58'48"E AND A CHORD DISTANCE OF 25.28 FEET; THENCE RUN N00°05'39"W ALONG THE EAST LINE OF SAID BLOCK 15, 199.53 FEET MORE OR LESS TO THE SOUTH RIGHT OF WAY LINE OF OLD WINTER GARDEN ROAD, A VARIABLE WIDTH RIGHT OF WAY; THENCE RUN S75°22'18"E ALONG THE SOUTH RIGHT OF WAY LINE OF OLD WINTER GARDEN ROAD, 31.02 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF AFORESAID ARLINGTON AVENUE, ALSO BEING THE NORTHERLY EXTENSION OF THE WEST LINE OF TRACT B, FALCON POINTE, AS RECORDED IN PLAT BOOK 39, PAGES 98-99, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°05'39"E ASLONG SAID NORTHERLY EXTENSION AND THE WEST LINE OF TRACT B, 251.31 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID TRACT B; THENCE RUN N75°23'21"W ALONG THE NORTHERLY LINE OF SAID FALCON POINTE, 320.84 FEET TO A POINT 30.00 FEET SOUTH OF THE AFORESAID SOUTHWEST CORNER OF LOT 27, WHEN MEASURED PERPENDICULAR TO THE AFORESAID SOUTH LINE OF BLOCK 15; THENCE RUN N14°36'39"E, 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.372 ACRES MORE OR LESS.

EXHIBIT "B"

LOCATION MAP



Serial Number
23-01665W

WEST ORANGE Times

West Orange Times
Published Weekly
Winter Garden, Orange County, Florida

COUNTY OF ORANGE

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden, Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on May 16, 2023
Siri Office Building Vacated ROW Rezoning

in the Court, was published in said newspaper by print in the

issues of 5/4/2023

Affiant further says that the West Orange Times complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

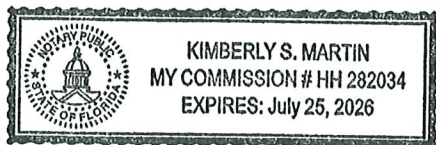

Lindsey Padgett

Sworn to and subscribed, and personally appeared by physical presence before me,

4th day of May, 2023 A.D.

by Lindsey Padgett who is personally known to me.


Notary Public, State of Florida
(SEAL)



CITY OF OCOEE
NOTICE OF PUBLIC HEARING
SIRI OFFICE BUILDING - MARKET STREET & ARLINGTON AVENUE
VACATED ROW REZONING
CASE NUMBER: RZ-23-03-03

NOTICE IS HEREBY GIVEN, pursuant to Article I, Section 1-10A(1), Article IV, and Article V, Section 5-9, of the City of Ocoee Land Development Code that on **TUESDAY, MAY 16, 2023, AT 6:15 P.M.** or as soon thereafter as practical, the **OCOOE CITY COMMISSION** will hold a **PUBLIC HEARING** at the City of Ocoee Commission Chambers located at 1 North Bluford Avenue, Ocoee, Florida, to consider a rezoning request to assign the City of Ocoee PUD (Planned Unit Development District) zoning classification to the vacated Orange County Market Street and Arlington Avenue ROWs as they are part of the Siri Office Building PUD Land Use Plan. The subject property is located on the south side of Old Winter Garden Road, approximately 152 feet from the intersection of Hempel Avenue and Old Winter Garden Road and has been aggregated into Parcel ID # 28-22-28-0000-00-019 for the Siri Office Building Development.

Pursuant to Article V, Section 5-9B, of the Land Development Code, the Planning Director has determined that the subject property is within the Ocoee-Orange County Joint Planning Area (JPA) and that the requested Rezoning is consistent with the Ocoee-Orange County JPA Land Use Map and the Ocoee Comprehensive Plan. If the applicant's request for rezoning is approved, the subject property will be assigned the City of Ocoee Planned Unit Development (PUD) zoning classification.

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, ASSIGNING THE ZONING CLASSIFICATION OF CITY OF OCOEE PUD (PLANNED UNIT DEVELOPMENT) ON CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 0.372 ACRES OF VACATED PUBLIC RIGHT-OF-WAY, LOCATED ON THE SOUTH SIDE OF OLD WINTER GARDEN ROAD, APPROXIMATELY 152 FEET FROM THE INTERSECTION OF HEMPEL AVENUE AND OLD WINTER GARDEN ROAD, PURSUANT TO THE APPLICATION SUBMITTED BY THE PROPERTY OWNER; FINDING SUCH ZONING TO BE CONSISTENT WITH THE OCOOE COMPREHENSIVE PLAN; PROVIDING FOR AND AUTHORIZING THE REVISION OF THE OFFICIAL CITY ZONING MAP; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the public hearing and be heard with respect to the proposed action. The complete case file, including a complete legal description, may be inspected at the Ocoee Planning Division located at 1 North Bluford Avenue, Ocoee, Florida, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. The City Commission may continue the public hearing to other dates and times, as it deems necessary. Any interested party shall be advised of the dates, times, and places of any continuation of these or continued public hearings shall be announced during the hearing. No further notices regarding these matters will be published. You are advised that any person who desires to appeal any decision made at the public hearings will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the City Clerk's Office 48 hours in advance of the meeting at (407) 905-3105.
May 4, 2023

23-01665W



Meeting Date: May 16, 2023
Item #: 8

Contact Name: Melanie Sibbitt
Contact Number: Ext. 1026

Department Director: Melanie Sibbitt
City Manager: Robert Frank

Subject: Appointment of Five (5) Members, Two (2) Alternate Members and a Facilitator to the Charter Review Commission. (City Clerk Sibbitt)

Background Summary:

According to Article X, Section C-59 of the City Charter: A Charter Review Commission shall be appointed by the City Commission no later than December 15 in the year 1999 and no later than December 15 every ten (10) years thereafter. A Charter Review Commission may also be appointed by the City Commission at such times as deemed necessary by the City Commission. The Charter Review Commission shall consist of five (5) members who shall be appointed by a majority vote of the City Commission and who shall serve on such a Commission for terms of one (1) year unless such terms are extended by the City Commission. The Mayor shall also appoint two (2) alternate members, subject to the approval of the City Commission, who may fill in for any member absent from a Charter Review Commission meeting.

On April 18, 2023, the City Commission voted unanimously to proceed with establishing a Charter Review Commission, and at the May 2, 2023, Regular City Commission meeting, City staff requested the City Commission provide applications to the City Clerk from interested residents by Friday, May 12, 2023. Applications received to date are attached. Furthermore, City staff recommends Attorney Richard Geller of Fishback Dominick LLP, who is board certified by the Florida Bar in City, County, and Local Government Law, to be appointed as the Charter Review Commission facilitator and board attorney, including being tasked with professional review and recommendation on the City's Charter as part of the process. Mr. Geller has practiced law for over 30 years, the last 15 with Fishback Dominick, which is a premier local government law firm in the area.

Issue:

Should the Honorable Mayor and City Commissioners appoint five (5) members and two (2) alternates; and further, appoint Attorney Richard Geller of Fishback Dominick LLP as facilitator/board attorney to the Charter Review Commission?

Recommendations:

City staff recommends the Honorable Mayor and City Commissioners appoint five (5) members and two (2) alternates; and further, appoint Attorney Richard Geller of Fishback Dominick LLP as facilitator/board attorney to the Charter Review Commission.

Attachments:

1. City Charter_Article X
2. Application _Alcuri, Tim

City of Ocoee • 1 N. Bluford Avenue • Ocoee, Florida 34761
Phone: (407) 905-3100 • www.ocoee.org

3. Application_Chacon, Derrick
4. Application_Forges, Lou
5. Application_Lomneck, Brad
6. Application_Lowrie, Thomas
7. Application_Moyer, Jim
8. Attorney Richard Geller Bio

Financial Impacts:

Type of Item: Regular

ARTICLE X Charter Review Commission

§ C-59. Appointment of members; alternate members; absences. [Amended 12-1-2009 by Ord. No. 2009-030¹; 10-3-2017 by Ord. No. 2017-025²]

- (1) A Charter Review Commission shall be appointed by the City Commission no later than December 15 in the year 1999 and no later than December 15 every ten (10) years thereafter. A Charter Review Commission may also be appointed by the City Commission at such times as deemed necessary by the City Commission. The Charter Review Commission shall consist of five (5) members who shall be appointed by a majority vote of the City Commission and who shall serve on such Commission for terms of one (1) year unless such terms are extended by the City Commission. The Mayor shall also appoint a first and second alternate member, subject to the approval of the City Commission, who may fill in for any member absent from a Charter Review Commission meeting.
- (2) Alternate members shall serve as a regular member of the Charter Review Commission; provided, however, an alternate member may not vote on a matter unless a member is absent. If a member is absent, the first alternate may vote on a matter in the place of the absent member. If a second member is absent, the second alternate may vote on a matter in the place of the second absent member.
- (3) Absence by any member, including the alternates, from three (3) meetings of the Charter Review Commission shall result in automatic removal of the absent member and vacation of the seat of the absent member, whether such member's absence is excused or unexcused.

§ C-60. Removal; vacancies.

- A. Removal. Any member of the Charter Review Commission may be removed by the City Commission in accordance with the following procedures:
 - (1) The City Commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal. A copy of the resolution shall be promptly delivered to the member of the Charter Review Commission sought to be removed.
 - (2) Within five (5) days after a copy of the resolution is delivered to the member sought to be removed, such member may file with the City Commission a written reply and/or a written request for a public hearing. This hearing shall be held at a City Commission meeting no earlier than fifteen (15) days and no later than thirty (30) days after the request is filed.
 - (3) The City Commission may adopt by affirmative vote of a majority of all its members a final resolution of removal, which may be made effective immediately. Such resolution, if adopted, must be adopted no earlier than six (6) days and no later than thirty (30) days from the date a copy of the preliminary resolution was delivered to the member sought to be removed, if such

¹**Editor's Note: This ordinance was approved by the electorate of the City of Ocoee by referendum on 3-9-2010. Said ordinance provided for an effective date of 6-1-2010.**

Editor's Note: This ordinance was approved by the electorate of the City of Ocoee by referendum 3-13-2018. Said ordinance also provided for an effective date of 6-1-2018.

member has not requested a public hearing. If such member has requested a hearing, such resolution, if adopted, must be adopted within forty-five (45) days from the date of the hearing.

- B. Vacancies. In the event of a vacancy on the Charter Review Commission, the first alternate will assume the vacant seat. In the event of a second vacancy on the Charter Review Commission, the second alternate will assume the vacant seat. If any vacancy occurs in the Charter Review Commission and no alternate member is available to assume the vacant seat, a qualified individual shall be appointed by the City Commission to serve in place of the member who created the vacancy. Such vacancy shall be filled within thirty (30) days after the vacancy occurs. **[Amended 10-3-2017 by Ord. No. 2017-025²]**

§ C-61. Powers and duties. [Amended 12-1-2009 by Ord. No. 2009-030³; 10-3-2017 by Ord. No. 2017-025³]

The Charter Review Commission shall be empowered to conduct a comprehensive study of any or all phases of city government. If changes are recommended, the Charter Review Commission shall transmit its proposed report with Charter amendments in ordinance form to the City Commission for comment. The City Commission shall, within 45 days of receipt, review the report. If the City Commission has comments or recommendations, the City Commission will return its comments or recommendations, if any, to the Charter Review Commission within the same 45 day period. The Charter Review Commission shall consider the comments or recommendations of the City Commission and then shall make its own final report to the City Commission, in ordinance form, which shall be adopted verbatim by the City Commission and which shall be placed on the ballot at the next municipal election. The final report and ordinance must be adopted by the City Commission at least ninety (90) days prior to the election, or as otherwise may be required by law. In the same election, the City Commission may sponsor its own proposal for inclusion on the ballot. In the event of any conflict among proposals, that proposal receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

§ C-62. [Repealed]. [Amended 12-1-2009 by Ord. No. 2009-030]

§ C-63. Officers.

The Charter Review Commission shall create and elect appropriate officers as it deems necessary for the orderly conduct of its specific duties.

§ C-64. Expenses.

The City Commission shall appropriate funds to defray reasonable expenses of the Charter Review Commission.

²Editor's Note: This ordinance was approved by the electorate of the City of Ocoee by referendum 3-13-2018. Said ordinance also provided for an effective date of 6-1-2018.

³Editor's Note: This ordinance was approved by the electorate of the City of Ocoee by referendum on 3-9-2010. Said ordinance provided for an effective date of 6-1-2010.

Editor's Note: This ordinance was approved by the electorate of the City of Ocoee by referendum on 3-13-2018. Said ordinance provided for an effective date of 6-1-2018.



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccd1@occoee.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Tim Alcuri E-mail Address timalcuri@gmail.com
 Home Address 2113 Ancient Oak Dr, Ocoee FL. 34761
 Phone 407-276-0354 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 4

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work US Navy Position Anti-terrorism Officer
 Business Address 12211 Science Dr, Orlando, FL. 32826

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☐	Human Relations Diversity Board ²	☒	Charter Review

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☐ Yes ☒ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☒ No

Education: Degree in Emergency Management and Administration

Experience: _____
Served in local government for over 10 years with Orange County Florida and City of
Casselberry as a Lead and Senior Code Enforcement Officer.

Special Knowledge or Skills: Knowledge in working with and interpreting codes and ordinances.
Writing plans and policies.

Community/Civic Organizations & Involvement: Currently none. Previously sat on the Ocoee Citizen
Advisory Council for Police Dept.

Hobbies or Special Interests: Hunting, Fishing, Sports

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

- Race**
- ☐ African-American
☐ Asian- American
☐ Hispanic-American
☐ Native American
☒ Caucasian

- Gender**
- ☒ Male
☐ Female

- Disability**
- ☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Timothy Alcuri Date 5/3/2023



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccd@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Derrick Chacon E-mail Address derrick.chacon@gmail.com

Home Address 536 Douglas Edward Dr. Ocoee, FL 34761

Phone 703.774.9723 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 3

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work The Bid Coach, LLC Position President and CEO

Business Address 536 Douglas Edward Dr., Ocoee, FL 34761

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____

State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☐	Human Relations Diversity Board ²	X	Charter Review Commission

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☐ Yes ☒ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☐ No

Education: M.S. in Technology Management, CIO Certificate in Federal Executive Competencies, and B.S. in Information Engineering provide a solid foundation for informed decision-making, strategic planning, and understanding the unique challenges of the public sector.

Experience: With 25+ years of business development expertise, I offer valuable insights in strategic planning, process improvement, and revenue growth.
Proficient in capture management, proposal strategy, and program management, I can evaluate and revise the City Charter to support economic sustainability.
As an ISO 9001:2008 Management Representative, I prioritize transparency, accountability, and stakeholder engagement for effective charter revision.

Special Knowledge or Skills: Specializing in business development strategy, capture management, and proposal development, I bring expertise in pricing strategy, program management, and modeling and simulation. With Six Sigma Black Belt certification, and ISO 9001:2008 management experience,
I offer a comprehensive skill set to evaluate and improve the City Charter, ensuring efficient processes, effective governance, and alignment with long-term goals.

Community/Civic Organizations & Involvement: Active in the Central Florida Political Leadership Institute Alumni and a member of the Beta Gamma Sigma honor society, I am dedicated to community engagement, ethical leadership, and intellectual growth. My involvement in local non-profit organizations reflects my commitment to serving and improving our community.

Hobbies or Special Interests: Through extensive travel in the US and overseas, I have developed a deep appreciation for diverse cultures, architectural styles, and community engagement models.
These experiences fuel my passion for shaping cities with unique identities and vibrant character.

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race
☐ African-American
☐ Asian- American
☒ Hispanic-American
☐ Native American
☐ Caucasian

Gender
☒ Male
☐ Female

Disability
☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature  Date 5/11/2023



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccd1@occoee.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Lou Forges E-mail Address lforges@gmail.com
Home Address 1270 Dusty Pine Drive, Apopka FL 34703
Phone 407-592-7710 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 1

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Valiant Realty Group LLC Position Broker / Owner
Business Address 112 S Bluford Ave., Ocoee FL 34761

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☒ Yes ☐ No If yes, please describe Planning & Zoning
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☐	Human Relations Diversity Board ²	Other	Charter Review Commission

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☒ Yes ☐ No

Education: Bachelor of Science Business & International Marketing

Experience: Real Estate sales, leasing, listing, property management and development owner representation for 19 years.

Special Knowledge or Skills: Bilingual

Community/Civic Organizations & Involvement: Volunteer for the Make A wish Foundation for over 13 years.

Hobbies or Special Interests: Golf, travel, deep sea fishing, Florida Coast lobster diving

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race

- ☒ African-American
- ☐ Asian- American
- ☐ Hispanic-American
- ☐ Native American
- ☐ Caucasian

Gender

- ☒ Male
- ☐ Female

Disability

- ☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Lou Forges Date 05/15/2023

LOU FORGES, VALIANT REALTY GROUP, LLC.

112 S Bluford Ave., • Ocoee, FL 34761 • 407-592-7710 • lou@valiantrealtygrp.com

OBJECTIVE:

To facilitate the listing and sales of Real Estate properties in the most efficient and profitable manner while upholding the client's image, business culture and maintaining consumers safety and dignity.

SERVICES & RESOURCES:

- Mid Florida Regional MLS
- Costar-Loopnet and several other CRE network and marketing media
- Facilitate with the acquisition and liquidation of bank real assets.
- Owners and Developers Representation
- List, sell, and manage REO and Bank Assets.
- Fully insured.
- Full time support staff
- Full knowledge and experience with, Asset Management, Evictions, Property Management etc.

WORK EXPERIENCE:

Valiant Realty Group, Ocoee FL – Broker & Broker & Managing Partner
November 2020 – Present

- Currently project managing a 28 units townhome development in Ocoee, FL.
- Currently managing and marketing Real Estate Owned (REO) and commercial properties for various credit unions.
- Currently working as an owner's rep to develop 230,000 sqft., Industrial building complex in Leesburg Florida.
- Having experience with hundreds of transactions allows me to foresee problems and proactively solve issues before they bloom into a larger problem, or even before they happen at all.
- Thoroughly familiar with the eviction process and laws pertaining to personal belongings
- Have over 85% success rate on cash for keys negotiations
- Rock solid support staff to handle day to day details pertaining to ordering utilities on/off, getting appraisers and workmen into properties, handling damage assessments, getting bids for repair work, securing properties and checking on occupancy status etc.
- Named Agent of The Year for three consecutive years by Orlando Magazine

RF Realty International, Ocoee FL – Broker & Managing Partner.
March 2010 – November 2020

Forges Realty Group, LL, Ocoee FL – Broker & Owner
January 2008 – March 2010

Main Street Realty, Windermere FL – Sales Associate
November 2002 – December 2007

EDUCATION:

Bachelor of Science ● International Business & Marketing ● Florida Atlantic University, Boca Raton, FL

WORK HARD * LIVE WELL



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccd1@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Bradley Lomneck E-mail Address Blomneck1@gmail.com

Home Address 957 Veronica cir ocoee, fl 34761

Phone 31780732 City Resident at Least 6 Months? ☒ Yes ☐ No City

District # 2

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work ACR Solutions LLC Position Director of Sales

Business Address 1555 Garden St Titusville, FL

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☒ Yes ☐ No If yes, please describe Planning and zoning _____
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☐	Human Relations Diversity Board ²	☒	Charter Review Board

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☐ Yes ☒ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☒ No

Education: AA at Valencia State College. Currently working on my BS at the University of Florida

Experience: Volunteering in Ocoee for the past nine years. I have served on Chairman of Planning and Zoning, Vice chair Code Enforcement, Parks and Rec, The HRBD, and The OCPDB

Special Knowledge or Skills: I love my city.

Community/Civic Organizations & Involvement: _____

Hobbies or Special Interests: _____

ACKNOWLEDGMENT (Check Below):

X I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.

X If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.

X I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.

X I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race

☐ African-American

☐ Asian- American

Gender

x ☒ Male

☐ Female

Disability

☐ Physically Disabled

☐ Hispanic-American
☐ Native American
☒ Caucasian

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Bradley Lomneck
5/4/2023

Date



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Thomas Lowrie E-mail Address lowriethomas@gmail.com

Home Address 1035 Red Dandy Dr. Ocoee, FL 32818

Phone 407 721-4525 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 2

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Retired Position _____

Business Address _____

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____

State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☐	Human Relations Diversity Board ²	☒	<u>charter review</u>

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☐ Yes ☒ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☒ No

Education: <u>IMI Reading, PA - Industrial Management / RACC Business Administration</u> <u>UCF - Business Interactive Processes</u>
Experience: <u>1968-1988 Industrial Engineering</u> <u>1988-2011 Business Operations</u>
Special Knowledge or Skills: <u>Budgeting & Cost Controls, Performance Measurement</u>
Community/Civic Organizations & Involvement: <u>Districting Committee + Voter Review Board</u> <u>American Legion</u>
Hobbies or Special Interests: <u>Travel</u>

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

- Race**
- ☐ African-American
 - ☐ Asian- American
 - ☐ Hispanic-American
 - ☐ Native American
 - ☒ Caucasian

- Gender**
- ☒ Male
 - ☐ Female

- Disability**
- ☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature [Signature] Date 05/09/2023



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccd1@ocoee.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) JIM MOYER E-mail Address jimmoyer1956@gmail.com
 Home Address 1811 Southern Red Oak Ct.
 Phone 754 367 4174 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 4

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Retired Position _____

Business Address _____

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____

State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☒	Human Relations Diversity Board ²	☒	<u>CHARTER REVIEW</u>

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.

Is a Resume Attached? ☐ Yes ☒ No PREVIOUSLY SENT

Education:	<u>Ed.D., M.B.A., C.P.A., C.I.A.</u>
Experience:	<u>HRDB member previewed and similar but quasi-judicial in HARRISBURG, PA</u>
Special Knowledge or Skills:	<u>HUMANITARIAN (HRDB); FOR CHARTER REVIEW - DOCTORATE OF EDUCATION REQUIRED METICULOUS RESEARCH AND WRITING FOR 7 YEARS</u>
Community/Civic Organizations & Involvement:	<u>CURRENTLY ON POLICE AND FIRE AND PARKS AND REC ADVISORY GROUPS</u>
Hobbies or Special Interests:	<u>LEARNING ALL PEOPLE AND CULTURE</u>

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

<u>Race</u>	<u>Gender</u>	<u>Disability</u>
☐ African-American	☒ Male	☐ Physically Disabled
☐ Asian- American	☐ Female	
☐ Hispanic-American		
☐ Native American		
☒ Caucasian		

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Gim Moyer Date 5/8/23



Richard S. Geller

Equity Partner

rgeller@fishbacklaw.com

Tel: (407) 262-8400

Areas of Practice:

- [Appellate Practice](#)
- [Commercial & Business Litigation](#)
- [Government Law](#)
- [Land Use & Development](#)
- [Motor Vehicle Law](#)

Mr. Geller is a partner in Fishback Dominick. He is a tireless advocate for

his clients' interests and always comes to the table with solutions to legal challenges. Since 1992, when he began his career, Mr. Geller has built a diverse portfolio of legal expertise. He is board certified by the Florida Bar in City, County, and Local Government Law and represents clients in both the public and private sectors. He has litigated and gone to trial on a wide variety of issues, including allegations of fraud, breach of contract, breach of public and private construction contracts, breach of fiduciary duty, breach of trust, interference with business relations, deceptive and unfair trade practices, unfair debt collections, and civil racketeering. And he has represented employers pursuing actions against former employees who have violated covenants not to compete, or who have violated confidentiality agreements. Among the businesses he has represented are automobile auctions, automobile dealerships, banks, insurance institutions, pest control companies, rental car companies, medical practices, and resorts.

In the area of municipal and local government law, Mr. Geller has handled quasi-judicial and court proceedings involving construction defects and delays, cell tower denials, code enforcement appeals, competitive bid challenges, public contracts, billboard location denials, as well as zoning and comprehensive plan amendments. He served as an Orange County planning and zoning commissioner from 2009-12, during which time he helped shape myriad county ordinances, adjudicated zoning applications, and played a key role in rewriting the Horizon West Village Code. In connection with Fishback Dominick's role as City Attorney for the City of Winter Garden, FL., he assisted with the writing of the city's downtown historic district code.

From 2011-14, Mr. Geller taught land use law and urban zoning codes as an adjunct professor in Rollins College's Master of Planning in Civic Urbanism program. He currently serves as vice chair of Bike/Walk Central Florida and chair of Congress for the New Urbanism, Florida Chapter. A champion of pedestrian and bicyclist safety, Mr. Geller has written extensively on the subjects of safe road design and walkable neighborhood schools. His articles have been published in the *Orlando Sentinel*, *Public Square* (the national publication of the Congress for the New Urbanism), and the Florida State University College of Law's *Journal of Land Use and Environmental Law*.

EDUCATION

Temple University, Juris Doctor, *cum laude*, 1992

Associate Research Editor, *Temple Law Review*, 1991-1992

Member, *Temple Law Review*, 1990-1991

Judicial intern to Judge Stanley Brotman, U.S. District Court, District of New Jersey, 1991-1992

Judicial intern to Judge Carl B. Rubin, U.S. District Court, Southern District of Ohio, 1991

Miami University, Bachelor of Arts, 1988

COURTS OF PRACTICE

Florida State Courts

U.S. District Courts, Middle and Southern Districts of Florida

U.S. Court of Appeals, Eleventh Circuit

PROFESSIONAL ACTIVITIES

Special Magistrate for code enforcement, City of Cape Canaveral, 2020 – present

Assistant City Attorney, City of Winter Garden, 2008-present

Assistant City Attorney, City of DeBary, 2014-present

Assistant City Attorney, City of Winter Park, 2015-present

Assistant City Attorney, City of Belle Isle, 2017-present

Adjunct Professor teaching Land Use Law, Rollins College, Master of Planning in Civic Urbanism program, Winter Park, Florida, 2011 – 2014

Speaker, “Making Neighborhood Schools Safe to Access and Legal Again,” 27th

Congress for the New Urbanism, Louisville, Kentucky, 2019.

Speaker, “A Cycle Track for Winter Park” at the Florida Summit of the Congress for the New Urbanism, Sarasota, Florida, 2014

Speaker, “Walkable Thoroughfares: Incorporating an ITE Recommended Practice in FDOT Standards,” at the Florida Statewide Conference of the Institute of Transportation Engineers, Naples, Florida, 2011

Speaker, “Complete Streets: How do we Convince the Florida Legislature?” at the Florida Statewide Conference of the Congress for the New Urbanism, Seaside, Florida, 2011

Guest participant, “What’s the Verdict?—A Mock Trial” on the topic of record documentation at the National Conference of the American Orthotic and Prosthetic Association, Hollywood, Florida

Orange County Bar Association

Florida Municipal Attorneys Association

RATINGS & CERTIFICATIONS

AV – Preeminent Rated by Martindale-Hubbell

Orlando’s Top Lawyers, 2010-Present

Board Certified by The Florida Bar as a specialist in City, County and Local Government Law, August 2019.



COMMUNITY ACTIVITIES

Chair, Congress for the New Urbanism – Florida Chapter, 2018-Present
District 1 Commissioner, Orange County Planning and Zoning Board, 2009-2012
Winter Park Health Foundation, Healthy Communities Work Group, 2013-2017
Board of Directors, Bike Walk Central Florida, 2013-present; Vice chair, 2018-Present
Co-chair, Florida Summit of the Congress for the New Urbanism, Orlando and Winter Park, Florida, 2015

STAFF REPORT

Meeting Date: May 16, 2023
Item #: 9

Contact Name: Melanie Sibbitt
Contact Number: Ext. 1026

Department Director: Melanie Sibbitt
City Manager: Robert Frank

Subject: Appointment of Members to the Human Relations Diversity Board (HRDB). (City Clerk Sibbitt)

Background Summary: The Human Relations Diversity Board was created by Resolution in 2003, and on January 17, 2023, the City Commission adopted Resolution No. 2023-01, which revised the Bylaws with the following membership structure:

- The HRDB shall consist of no less than five (5) and no more than seven (7) voting members, and each City Commissioner shall appoint one (1) person from the Commissioner's district, and the Mayor shall appoint one (1) person from any district to be an HRDB member.
- Two (2) additional at-large voting members will be appointed by the City Commission and may be from any district, except that at no time shall both at-large members be from the same district.
- In order to stagger the terms of the members of the HRDB Board, members initially appointed from District 1, District 3 and the first At-Large Member shall serve for an initial two (2) year term and members appointed from District 2, District 4, Mayor's At-Large Member and the second At-Large Member, serve for an initial three (3) year term. After these initial terms, all members will then serve three (3) year terms.

At the May 2, 2023, Regular City Commission meeting, the City Commission appointed four (4) residents (shown below); however, one (1) resident to be provided by the District 4 Commissioner, and two (2) at-large voting members are still needed. Attached to this staff report are additional applications that were received throughout the course of reestablishing this board.

District	Appointed
Mayor	William Maxwell
1	Hemraj Singh (Vinny)
2	Michelle Cummings
3	Josh Cease
4	Vacant
At-Large	Vacant
At-Large	Vacant

Issue:

Should the Honorable Mayor and City Commissioners appoint one (1) resident provided by the District 4 Commissioner; and further, the City Commission as a whole appoint two (2) at-large voting members to the HRDB?

Recommendations:

City staff recommends the Honorable Mayor and City Commissioners appoint one (1) resident provided by the District 4 Commissioner; and further, the City Commission as a whole appoint two (2) at-large voting members to the HRDB.

Attachments:

1. 2023-01 Resolution Relating to the HRDB and Bylaws
2. Application - Carr, Jay_District 2
3. Application - Mellen, Jason_District 4
4. Application - Milien, Johnny_District 3
5. Application - Moyer, Jim_District 4
6. Application - Riggins, Marcus_District 4
7. Application - Singh, Harry_District 1

Financial Impacts:

None

Type of Item: Regular

RESOLUTION NO. 2023-01

A RESOLUTION OF THE CITY OF OCOEE, FLORIDA, AMENDING RESOLUTION NO. 2021-002 RELATING TO THE HUMAN RELATIONS DIVERSITY BOARD BY PROVIDING FOR A CHANGE IN MEMBERSHIP; CLARIFYING OTHER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article II, Section C-8.0 of the Charter of the City of Ocoee, Florida, provides that the City of Ocoee has the power to create boards, commissions and committees to advise and assist the City in carrying out municipal functions; and

WHEREAS, the City Commission of the City of Ocoee adopted Resolution 2003-021 on September 16, 2003 creating the Human Relations Diversity Board and adopting its Bylaws; and

WHEREAS, the City Commission subsequently modified Resolution 2003-021 through the action of Resolutions 2004-011, 2010-010, 2013-007, 2015-014, 2016-009 and 2021-002; and

WHEREAS, the City Commission believes it is in the best interest of the city and the Board to amend the Membership and Bylaws of the Human Relations Diversity Board.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA:

SECTION 1. Authority. The City Commission of the City of Ocoee has the authority to adopt this Resolution pursuant to Article VIII of the Constitution of the State of Florida, Article II, Section C-8.0 of the Charter of the City of Ocoee, Florida and Chapter 166, Florida Statutes.

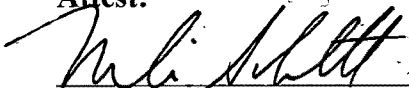
SECTION 2. Purpose. The language of the enabling legislation and Bylaws contained in Resolution 2021-002 is hereby revised, as shown on **Exhibit "A"** to this Resolution. Deletions from the original content are shown in strikethrough text; additions are shown in underlined text.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED this 17th day of January, 2023.

Attest:



Melanie Sibbitt, City Clerk

(SEAL)

CITY OF OCOEE, FLORIDA



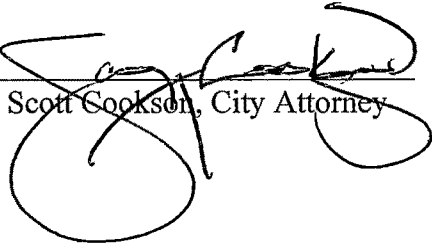
Rusty Johnson, Mayor

ADOPTED THIS 17th DAY OF
January, 2023, UNDER
AGENDA ITEM NO. 4

FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE. APPROVED AS
TO FORM AND LEGALITY THIS
17th DAY OF JAN., 2023.

SHUFFIELD, LOWMAN & WILSON,
P.A.

BY:



Scott Cookson, City Attorney

EXHIBIT "A"

I. Mission:

The general mission of the Human Relations Diversity Board ("HRDB") is to promote understanding, respect, goodwill, and equality among all citizens and businesses of the City of Ocoee. In no event shall the HRDB by itself possess any decision-making authority or be authorized to bind the City of Ocoee.

II. Objectives:

A. Foster mutual understanding and **respect** among all persons emphasizing the positive impact that diversity brings to the City of Ocoee;

B. Facilitate communication between the City Commission and citizen groups, individuals, and businesses;

C. Assist the City Commission in educating the community through projects devoted to the elimination of prejudice, racial tension, intolerance, or discrimination;

D. Provide suggestions and encouraging equality of treatment for, and preventing discrimination against, any persons or businesses by Ocoee City government;

E. Serve as an informational conduit to the community at large; and

F. Make recommendations to the City Commission and staff on HRDB related matters, as needed.

III. Membership:

A. The HRDB shall consist of no less than five (5) and no more than seven (7) voting members. The City Commission shall designate one member of the City Commission, and the City Manager shall designate one member of staff, both of whom will serve as liaisons (non-voting) members. The duties of the liaisons appointed by the Commission and City Manager are to assist the HRDB in attaining the HRDB objectives and report the HRDB's progress to the Commission and City Manager periodically - not to provide direction or directives to HRDB members or the HRDB in general unless the City Commission has authorized same. In addition, from time to time, the City Commission may designate one (1) member representing an organization with operations in the City (such as a church or other civic organization) to serve as a liaison (non-voting) member for a term determined by the City Commission. For the initial five (5) voting members, each City Commissioner shall appoint one (1) person from the Commissioner's district to be an HRDB member. The Mayor shall appoint one (1) person from any district to be an HRDB member. Two (2) additional at-large voting HRDB members will be appointed by the City Commission from a list of interested and eligible persons who have completed an Application for Serving on City Boards available from the City Clerk, and who are representative of the diversity of the community, including race, sex, age, religion, disability, sexual orientation, and ethnic group. The two (2) at-large members may be from any district, except that at no time shall both at-large members be from the same district. Members are expected to attend Board meetings and participate in a minimum of one Board-sponsored event per calendar year. Applicants for membership should anticipate that participation will require considerable devotion of personal time. Effective January 1, 2023, the member appointed from District 1, the member appointed from District 3, and the first of the two (2) at-large members shall serve a two

(2) year term and the member appointed from District 2, the member appointed from District 4, the member appointed by the Mayor and the second of the two (2) at-large members shall serve a three (3) year term. Once the terms of an original appointed member expires, subsequent, members shall serve a three (3) year term and may be reappointed, irrespective of the number of terms previously served. In the event of a vacancy in a member appointed by a City Commissioner, the applicable City Commissioner shall appoint the new member from that Commissioner's district. In the event of a vacancy in a member appointed by the Mayor, the Mayor shall appoint the new member from any district. In the event of a vacancy in an at-large member, the City Commission shall appoint the new member from any district other than the district of any current at-large member. Subsequent at-large members shall meet the same requirements as the initial at-large members. Vacancies shall remain vacant until appointed as provided herein.

B. Only those persons who reside in Ocoee shall be eligible for membership. Persons who were convicted of a felony or a misdemeanor involving moral turpitude are ineligible.

C. Members of the HRDB shall meet as determined by, and in accordance with, the provisions of the Bylaws for the HRDB and/or at such other times as may be called by the Chair thereof. Notice of each meeting shall be provided to all members of the HRDB within a reasonable time prior to the meeting. All meetings of the HRDB will be open to the public with notice of the place, day, and hour of the meeting posted at Ocoee City Hall at least forty-eight (48) hours in advance of any such meeting.

D. Members shall be subject to the Florida Sunshine Law and Robert's Rules or Order.

E. The members of the HRDB may not vote upon a matter at a meeting unless 50% plus one of the members (a quorum) is present. Liaison members, because they are non-voting, are not to be included in a count of the members for the purpose of determining whether a quorum is present.

F. All members serve at the pleasure of the City Commission and may be removed for cause at any time. In no event will the HRDB have the authority to remove any member. Any member who misses three consecutive regular meetings or five regular meetings in a 12-month period or does not participate in one board-sponsored event shall be deemed to have resigned by the HRDB. Any member submitting a voluntary resignation must do so in writing to the City Clerk.

G. Each member shall attend and complete diversity training and ethics training within twelve (12) months of being appointed. Such training will be paid for by the City and directed by the City Clerk.

IV. Bylaws:

The Bylaws for the HRDB shall be as set forth below, which are attached hereto and incorporated herein by reference.

CITY OF OCOEE HUMAN RELATIONS/DIVERSITY BOARD

BYLAWS

ARTICLE 1

(Name of Organization)

The official name of this organization shall be the City Of Ocoee Human Relations Diversity Board("HRDB").

ARTICLE 2

(Purpose and Objectives)

1. Mission. The general mission of the HRDB is to promote understanding, respect, goodwill, and equality among all citizens and businesses of the City of Ocoee. In no event shall the HRDB by itself possess any decision-making authority or be authorized to bind the City of Ocoee.

2. Objectives. The objectives of the HRDB are:

A. Foster mutual understanding and respect among all persons, emphasizing the positive impact that diversity brings to the City of Ocoee;

B. Facilitate communication between the City Commission and citizen groups, individuals, and businesses;

C. Assist the City Commission in educating the community through projects devoted to eliminating prejudice, racial tension, intolerance, or discrimination;

D. Provide suggestions and encourage equality of treatment for, and prevent discrimination against, any persons or businesses by Ocoee City government;

E. Serve as an informational conduit to the community at large; and

F. Make recommendations to the City Commission and staff on HRDB related matters, as needed.

ARTICLE 3

(Officers)

1. The HRDB shall be governed by three officers: Chair, Chair-Elect, and Past-Chair. The HRDB shall elect from among its members a Chair-Elect and any such other officers and assistant officers as may be deemed necessary by affirmative vote of a majority of the members present at a meeting at which a quorum is present. At the end of his or her term as Chair-Elect, the incumbent shall become Chair and the former Chair shall become the Past-Chair. The City Clerk shall assign a person to serve as recording clerk of the HRDB. Said person is not a member of the HRDB. There is no specific term for this office; the City Clerk may appoint a new person to fulfill this role as the need arises.

2. Elected HRDB officers shall each serve for a term of one (1) year or until their successors are elected. Officers shall not be limited in the number of terms they serve. At each election, the members may vote to retain the current slate of officers in their present positions rather than allow the progression of officers to occur. Vacancies which occur among the officers of the HRDB during the term of service may be filled by the HRDB at its next regular meeting, provided that there is at least one week's notice of the election prior to the meeting.

ARTICLE 4

(Duties of Officers)

1. Duties of the Chair. The Chair shall in general supervise and control the affairs of the HRDB and perform all other duties incident to the office of Chair. The Chair shall preside at all meetings of the HRDB and shall hold ex-officio membership on all subcommittees. The Chair shall perform all other duties ordinarily pertaining to the office and shall appoint all subcommittees.

2. Duties of the Chair-Elect. The Chair-Elect shall perform the duties of the Chair in the absence of the Chair, chair one or more subcommittees, or undertake additional duties assigned by the Chair.

3. Duties of the Past-Chair. The Past-Chair shall perform the duties of the Chair in the absence of the Chair and Chair-Elect, chair one or more subcommittees, or undertake additional duties assigned by the Chair.

4. Duties of the Recording Clerk. The Recording Clerk shall ensure that the meetings are recorded and shall have the duty of preparing minutes of each motion made and vote taken during each regular or special meeting of the HRDB, preparing correspondence, and making and posting announcements of HRDB and subcommittee meetings.

5. The duties of any office created by the HRDB shall be those assigned in the motion creating the office but cannot conflict with the duties assigned to any office established by these Bylaws.

ARTICLE 5

(Subcommittees)

1. The HRDB may create such subcommittees as may be required to attain its objectives, as set forth in Article 2. Subcommittee Chair shall be selected by the members of each subcommittee.

2. Subcommittee Meetings. Subcommittees may meet with such frequency as they deem appropriate for the assigned task. Notification of all subcommittee meetings shall be provided to all members no less than five (5) days prior to each meeting. All meetings of any subcommittee shall be open to the public with notice of the date, place, and time posted at Ocoee

City Hall at least forty-eight (48) hours in advance of any such meeting. Subcommittee meetings shall be conducted in the same manner as a regular meeting but shall be limited to the conduct of business according to the scope of the subcommittee. Subcommittee meetings need not be recorded or attended by the Recording Clerk.

ARTICLE 6

(HRDB Meetings)

1. Regular Meetings. Regularly scheduled meetings shall be held throughout the year. The frequency and specific calendar shall be determined by consensus at the first meeting of the year and shall include a first meeting date for the following calendar year. Notification of all regular meetings shall be provided to all members no less than seven (7) days prior to each meeting. All meetings of the HRDB shall be open to the public with notice of the date, place, and time posted at Ocoee City Hall at least forty-eight (48) hours in advance of any such meeting. The Recording Clerk shall prepare minutes of each motion made and vote taken during each regular meeting.

2. Special Meetings. Special meetings may be called by the Chair or the Chair-Elect or by a majority of the HRDB members. Notification of all special meetings shall be posted in the same manner as regular meetings, but with not less than five (5) days prior notice. Special meetings shall be conducted in the same manner as a regular meeting but shall be limited to the conduct of business specifically set forth in the notice. The Recording Clerk shall prepare minutes of each of each motion made and vote taken during each special meeting.

3. Meeting Set-Up. Regular meetings shall be held in the Commission Chambers at City Hall, or such other location as determined by the Recording Clerk if the Commission Chambers are unavailable. The Recording Clerk shall sit on the dais or other area with access to recording equipment. Voting members shall sit around a table with the liaison members and members of the public seated in the audience chairs.

ARTICLE 7

(Quorum and Voting)

1. Quorum. For the purpose of conducting the regular business of the organization, 50% plus one of the total of all current members shall constitute a quorum. Liaison members cannot be counted when determining the presence of a quorum.

2. Voting. Voting shall be done by voice vote or by show of hands at the discretion of the Chair. Votes may only be taken at a properly noticed meeting at which a quorum is present. Unless otherwise provided in these Bylaws, the passage of any item shall require a simple majority vote of those in attendance. Each duly qualified member in attendance, including officers, shall be

entitled to one vote. Voting by proxy, absentee ballot, electronic mail, or by telephone shall not be permitted.

ARTICLE 8

(Parliamentary Authority)

The parliamentary procedural rules found in the current edition of Robert's Rules of Order shall govern HRDB meetings and actions in all cases where they are not in conflict with these Bylaws.



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Jay Carr E-mail Address jaycarr72@hotmail.com
 Home Address PO Box 616241 Orlando, FL 32861 (Public Records Exempt), Ocoee Resident
 Phone 407-234-8166 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 2

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Orlando Police Department Position Police Property Supervisor
 Business Address 1250 W. South St. Orlando, FL 32805

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☒	Human Relations Diversity Board ²		

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☒ Yes ☐ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☒ No

Education: <u>Bachelor of Arts in Public Administration from the University of Central Florida</u> <u>Primary Leadership Development Course, US Army</u>
Experience: <u>Sub-Committee Chair for the HRDB Ocoee Remembers Event, 2022,</u> <u>Executive Board member, Evans Giving Back Alumni Org, Former Exec. Board</u> <u>member of Wake Up Mentoring, Chair of Julius July Perry Last Rites event 2020</u>
Special Knowledge or Skills: <u>Ability to organize community events, communicate and work</u> <u>with local, state, and federal elected officials. Worked with elected officials to get</u> <u>a portion of SR 438 designated as Julius "July" Perry Memorial Highway.</u>
Community/Civic Organizations & Involvement: <u>Operation Positive Direction, Jupiter Lodge #22</u> <u>Wake Up Mentoring, Toys for Tots, Evans Giving Back Alumni Org., Stop the Violence Walks</u>
Hobbies or Special Interests: <u>As a disabled veteran, I enjoy assisting other veterans in</u> <u>accessing their military benefits. Volunteer at multiple organizations</u>

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

- Race**
- ☒ African-American
 - ☐ Asian- American
 - ☐ Hispanic-American
 - ☐ Native American
 - ☐ Caucasian

- Gender**
- ☒ Male
 - ☐ Female

- Disability**
- ☒ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Joy Conn Date 12/13/2022



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Jason Mellen E-mail Address Jasonmellen74@gmail.com
 Home Address 2137 New Victor Rd, Ocoee
 Phone 817-913-7698 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 4

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work LDG Position Technical specialist
 Business Address 495. n. keller ave, maitland

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____
 Presently Serve on Quasi-judicial Board? ☒ Yes ☐ No If yes, please describe P&Z
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☒	Human Relations Diversity Board ²		

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☒ Yes ☐ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☐ No

Education: UNT criminal justice

Experience: have worked with the community and businesses and citizens for almost a decade in Ocoee, have sat on HRDB for one year

Special Knowledge or Skills: understand HRDB is not suppose to be an event planning board for 2 events only, also have special knowledge that the board is to serve human relations, including those with disabilities. and should be inclusive to all not just some.

Community/Civic Organizations & Involvement: Rum Runners JC, an inclusive club that caters to all cultures, sexual orientations and religions whom serve the community

Hobbies or Special Interests: city activist, jeeping, community

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race
☐ African-American
☐ Asian- American
☐ Hispanic-American
☐ Native American
☒ Caucasian

Gender
☒ Male
☐ Female

Disability
☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature jason mellen

Date 12/19/2022



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@coee.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Johnny Milien E-mail Address JayMilien@gmail.com
 Home Address 249 Sagecrest Dr, Ocoee, FL 34761
 Phone 786-247-7714 City Resident at Least 6 Months? ☒ Yes [] No City District # 3

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Lockheed Martin Position Program Management
 Business Address 12957 S. Wadsworth Blvd, Littleton, CO 80125

US Citizen? ☒ Yes [] No Registered Voter? ☒ Yes [] No City Employee? [] Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? [] Yes ☒ No If yes, please describe _____

State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Not related to any city of Ocoee Employee/official.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☒ 2	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☒ 3	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☒ 1	Human Relations Diversity Board ²	☐	

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? [] Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? [] Yes ☒ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? [] Yes ☒ No

Education:	<u>Bachelor of Science in Mechanical Engineering</u> <u>Master of Science in Mechatronics systems Engineering</u>
Experience:	<u>Team leadership, Project management,</u> <u>Personnel Development, Engineering</u>
Special Knowledge or Skills:	<u>Executive Presence, Emotional Intelligence</u> <u>Communication</u>
Community/Civic Organizations & Involvement:	
Hobbies or Special Interests:	<u>Music, Family</u>

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race
☒ African-American
☐ Asian- American
☐ Hispanic-American
☐ Native American
☐ Caucasian

Gender
☒ Male
☐ Female

Disability
☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature

Shirley

Date

12/09/2023



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccd1@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Dr. James Michael Moyer, Sr. (Jim) E-mail Address jimmoyer1956@gmail.com

Home Address 1811 Southern Red Oak Court (Arden Park)

Phone 754 367 4174 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 4

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Retired Position _____

Business Address _____

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____

State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

	Citizen Advisory Council for Fire Dept. ²		Parks & Recreation Advisory Board ²
	Citizen Advisory Council for Police Dept. ²		Planning & Zoning Commission ¹
	Code Enforcement Board ¹		Personnel Board
	General Employees' Retirement Trust Fund Board of Trustees ¹		Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
X	Human Relations Diversity Board ²		

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No **Previously resigned due to possible relocation that never happened**

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is there an attachment? [X] Yes [] No

Education: Doctorate of Education in Organizational Leadership, 2019; Masters in Business Administration, 2011; Certified Public Accountant (licensed in PA), 1986; Certified Internal Auditor, 1988

See attached addendum for more detail

Experience: Served five years on the Harrisburg, PA Human Relations Commission (1998-2003); Served on the Ocoee Human Relations Diversity Board (HRDB) for about 1 1/2 years before I tendered my written resignation because of my plans to move to Pennsylvania but my plans fell through. I have attended several HRDB meetings after resigning. **See attached addendum for more detail**

Special Knowledge or Skills: **See attached addendum for details**

Community/Civic Organizations & Involvement: Ocoee American Legion Post 109, West Orange Seniors

Hobbies or Special Interests: Meet new people and learn about their ancestry/country/culture; Ocoee volunteer; eat out at local Ocoee restaurants; swim; acupuncture; reiki

ACKNOWLEDGMENT (Check Below):

X I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.

X If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.

X I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.

I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race
☐ African-American
☐ Asian- American
☐ Hispanic-American
☐ Native American
☒ Caucasian

Gender
☒ Male
☐ Female

Disability
☒ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Dr. James Michael Moyer, Sr.

Date December 16, 2022

Prefix: I recently became a *100%* totally and permanently disabled veteran which I was not when I previously served on this board. Therefore, I am submitting my application to this board not only as a member of the veteran community but also as a member of the disabled community.

Education: The final dissertation topic during my Doctorate of Education in Organizational Leadership program was Asian American stereotypes. This program including researching and writing the dissertation took me a total of seven years. During the first two years or more, however my research included both Hispanic American stereotypes and Asian American stereotypes because I intended to do a comparison. Unfortunately, I was informed that this type of comparative dissertation topic at my particular school was not allowable.

Experience: Being a diversity board I would think that the personal experience with diversity of the applicant would be the primary consideration. Therefore, I am presenting the city with an overview of my personal experiences with diversity.

Extent of Interaction

Extensive

Moderate

Limited

Cultures

Caucasian	X		
African American	X		
Asian American	X		
Hispanic American		X	
Native American			X

Religions

Christianity	X		
Muslim		X	
Buddhism			X
Taoism	X		
Hindi		X	
Judiasm			X
Baha'i			X

Special knowledge or skills: As an auditor and accountant by profession, I have been trained in objectivity and independence which is required, in my humble opinion, to have an inclusive mindset, embrace diversity and equality; and fulfill the mission of the Ocoee Human Relations Diversity Board.



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@occoee.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Marcus Riggins E-mail Address mriggins@gmail.com
Home Address 2781 Norway Maple Court, Ocoee, FL 34761
Phone 407-575-4093 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 4

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Millennium Tech Group Position Engineer
Business Address 4000 Desitination Pkwy, Orlando, FL 32819

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____
State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☒	Human Relations Diversity Board ²		

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☐ Yes ☒ No

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☐ Yes ☒ No

Education: B.S. Organizational Leadership Mountain State University, Beckley, WV

Experience: Past President of South West Orlando Jaycees, YMCA Acheiver, Channel 13 Neighborhood Hero recipient, Youth Mentor

Special Knowledge or Skills: _____

Community/Civic Organizations & Involvement: JAYCEES, MLK PLANNING COMMITTEE
Homeless Coalition

Hobbies or Special Interests: Golf, Reading,

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

Race

- ☒ African-American
- ☐ Asian- American
- ☐ Hispanic-American
- ☐ Native American
- ☐ Caucasian

Gender

- ☒ Male
- ☐ Female

Disability

- ☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature Marcus Riggins

Date 01/06/23



APPLICATION FOR SERVING ON CITY BOARDS

Please use this form to apply for appointment to a citizen advisory or quasi-judicial board. Completed applications must be signed and submitted to the Office of the City Clerk, 1 N. Bluford Ave., Ocoee, FL 34761 or emailed to ccdl@ocoe.org. Applications are valid for one (1) year from the date of submission. Please direct any questions to the Office of the City Clerk, 407-905-3105.

All submitted applications are public records under Chapter 119, Florida Statutes, and are open to inspection by all persons.

Name (please print) Harendra Singh E-mail Address Indianhorizon0674@yahoo.com
Home Address 2585 Azzurra Lane, Ocoee, FL, 34761
Phone 3216621887 City Resident at Least 6 Months? ☒ Yes ☐ No City District # 1

When possible, equal representation for all districts shall be maintained on all advisory boards, and the City Commission shall consider the demographic makeup of the board upon making their appointment.

Place of Work Indian Horizon of Florida .inc Position President
Business Address 2585 Azzurra Lane , Ocoee, FL 34761

US Citizen? ☒ Yes ☐ No Registered Voter? ☒ Yes ☐ No City Employee? ☐ Yes ☒ No Dept. _____

Presently Serve on Quasi-judicial Board? ☐ Yes ☒ No If yes, please describe _____

State law prohibits service on more than one quasi-judicial board or elected/appointed office.

Please indicate the board(s) for which you seek appointment by the City Commission. Financial disclosure and/or background checks are required for certain citizen board members; see footnotes.

☐	Citizen Advisory Council for Fire Dept. ²	☐	Parks & Recreation Advisory Board ²
☐	Citizen Advisory Council for Police Dept. ²	☐	Planning & Zoning Commission ¹
☐	Code Enforcement Board ¹	☐	Personnel Board
☐	General Employees' Retirement Trust Fund Board of Trustees ¹	☐	Police Officers' and Firefighters' Retirement Trust Fund Board of Trustees ¹
☒	Human Relations Diversity Board ²		

¹ Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

² Background checks are required before a member may participate in public-contact events.

Is this for Reappointment? ☒ Yes ☐ No *was on Board 10 YRS AGO*

Have Attended at Least 1 Meeting of Requested Board(s)? ☒ Yes ☐ No

You are strongly encouraged to attend at least one meeting of any board for which you seek appointment prior to submitting your application.

List any education, experience, and/or skill or civic involvement that would be relevant to serving on a board.
Is a Resume Attached? ☒ Yes ☐ No

Education: <u>college</u>
Experience: <u>President of a non profit organization for 20 yrs ,</u> <u>civic duties in Florid for 15 yrs + , MAchinist for 25 yrs</u> <u>see resume for more</u>
Special Knowledge or Skills: <u>community leadership and organization of cultural events</u> <u>in Orlandge county for 20 yrs</u>
Community/Civic Organizations & Involvement: <u>Asian American Festeration , Census , Citizenship m& making new American</u> <u>Promoting Voters registration</u>
Hobbies or Special Interests: <u>music, Cricket, and more</u>

ACKNOWLEDGMENT (Check Below):

- ☒ I understand that in accordance with the Florida Sunshine Law, this information will be available for public review and I waive any objections to such publication.
- ☒ If appointed, I agree to faithfully and fully perform the duties of the Board, make every endeavor to serve my full term, and will comply with all laws or Ordinances of the City, County, and State of Florida.
- ☒ I understand, if appointed, an updated application must be submitted to seek appointment to another advisory board.
- ☒ I understand that Financial disclosure forms must be submitted after appointment to a quasi-judicial board.

STATE REPORTING REQUIREMENTS

Section 760.80, F.S., requires the City submit a report annually to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes below:

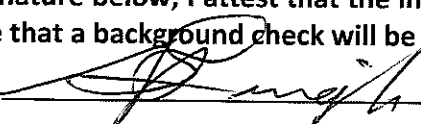
- Race**
- ☐ African-American
 - ☒ Asian- American
 - ☐ Hispanic-American
 - ☐ Native American
 - ☐ Caucasian

- Gender**
- ☒ Male
 - ☐ Female

- Disability**
- ☐ Physically Disabled

By my signature below, I attest that the information provided herein is true and correct, and I acknowledge and agree that a background check will be required when my duties include contact with the public.

Signature



Date

12/19/2022



Meeting Date: May 16, 2023
Item #: 10

Contact Name: Melanie Sibbitt

Department Director: Melanie Sibbitt, Michael Rumer

Contact Number: Ext. 1026

City Manager: Robert Frank

Subject: Notification of Initial Three-Year Term Ending for Two (2) Regular Members and One (1) Alternate Member on the Planning and Zoning Commission. (Development Services Director Rumer and City Clerk Sibbitt)

Background Summary:

In 2018, the City Commission adopted Ordinance 2018-021 amending Section 3-2 of the Land Development Code, by establishing a five (5) member Planning and Zoning Commission to include term limits. Subsequently, in 2019, Ordinance 2019-037 was adopted to provide for one (1) alternate member. The alternate member shall attend all meetings, shall be counted towards a quorum, may participate in any item where the alternate has no voting conflict, and, when necessary, will vote in the place of any absent or disqualified board member on an individual item. The original appointments in 2018 were given staggered terms, and it is staff's interpretation that the two (2) regular members assigned the initial two-year terms would be eligible to serve two (2) full three-year terms, similar to the staggering of the City Commission. The first members to complete their two (2) full terms will occur in June 2024. Any member who has served two full terms is not eligible to serve another term until three years have passed.

The terms of Members Lomneck, Mellen, and Alternate Member Keller expire in June 2023, and all are eligible to serve one (1) more three-year term. Alternate Member Keller has informed staff that he wishes to be appointed as a regular member.

Issue:

Should the Honorable Mayor and Commissioners: 1) confirm the final terms of the two (2) regular members and one (1) alternate member as they have all requested to complete their final three-year term, or 2) provide up to two (2) nominees each to the City Clerk in order to appoint two (2) regular members and one (1) alternate member to the Planning and Zoning Commission for a three-year term to be presented at the June 6, 2023, Regular City Commission Meeting?

Recommendations:

Staff recommends the Honorable Mayor and Commissioners: 1) confirm the final terms of the two (2) regular members and one (1) alternate member as they have all requested to complete their final three-year term, or 2) provide up to two (2) nominees each to the City Clerk in order to appoint two (2) regular members and one (1) alternate member to the Planning and Zoning Commission for a three-year term to be presented at the June 6, 2023, Regular City Commission Meeting.

Attachments:

1. Board List
2. Attendance Log 22/23
3. LDC 3-2.

Financial Impacts:

None

Type of Item: Regular

PLANNING AND ZONING COMMISSION

Members must be City residents per § 3-2.A, Land Development Code

Amended by Ordinance No. 2018-021 & Resolution No. 2018-11, and Ordinance No. 2019-037

Any member who has served two full terms is not eligible to serve another term or be reappointed until three years have passed.

The alternate member shall attend all meetings, shall be counted towards a quorum, may participate in any item where the alternate has no voting conflict, and, when necessary, will vote in the place of any absent or disqualified board member on an individual item.

(3 Members Constitute a Quorum)

Member	District	Email	Term Expires
1. Brad Lomneck	2	Bradlovesocoe@gmail.com	06/2023+
2. Andrew “Jason” Mellen	4	jasonmellen74@gmail.com	06/2023+
3. Lavon Williams	2	lbw8151908@gmail.com	06/2024*
4. Lou Forges	1	lforges@gmail.com	06/2024*
5. Joe Crocker (Completing Term from 2023 Vacated Seat)	3	Crockerja12@gmail.com	06/2024*
6. Joel Keller (Alternate Member)	4	Joelkellerocoe@gmail.com	06/2023+ First Term

*Two full terms expire 06/2024

+Two full terms expire 06/2026

PLANNING & ZONING COMMISSION ATTENDANCE 2022-2023

Board Member	District	Term Expires	Appointed	June	July	August	September	October	November	December	January - Canceled by Staff	February	March- Canceled	April	May	Attendance Ratio
Brad Lomneck	2	Jun-23	Jun-20	P	P	P	A	P	P	P		P		P	P	9 of 10
Jason Mellen	4	Jun-23	Jun-20	P	P	P	P	P	P	P		P		A	P	9 of 10
Joel Keller (Alt)	4	Jun-23	Jun-21	A	P	P	P	P	P	P		P		P	P	9 of 10

P = Present

A = Absent

§ 3-2. PLANNING AND ZONING COMMISSION.

A. Establishment and Membership.

The Planning and Zoning Commission shall consist of five (5) members and one (1) alternate appointed by the City Commission, and one (1) additional member appointed by the School Board of Orange County as a non-voting member. The member appointed by the School Board of Orange County shall attend those meetings at which the Planning and Zoning Commission considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. No member shall be an employee of the City of Ocoee and all members, except the member appointed by the School Board of Orange County, shall be a resident of the City of Ocoee. When selecting members to the five (5) member Planning and Zoning Commission, the Mayor and each member of the City Commission shall each nominate up to two (2) members who meet the above qualifications so as to create geographical diversity and representation. From the nominees, the Mayor and each City Commissioner shall appoint six (6) members to comprise the Planning and Zoning Commission. The highest ranked five (5) nominees will comprise the five (5) member Planning and Zoning Commission and the sixth highest ranked nominee will be the one (1) alternate member. The alternate member shall attend all meetings, shall be counted towards a quorum, may participate in any item where the alternate has no voting conflict, and, when necessary, will vote in the place of any absent or disqualified board member on an individual item.

Subsequent vacancies on the Planning and Zoning Commission shall be filled by majority vote of the City Commission from the candidates nominated by the Mayor and City Commissioners. The Mayor and each member of the City Commission may nominate up to two (2) nominees each in the event of a vacancy. Establishment and Membership.

B. Terms of Office, Removal from Office and Vacancies.

Members of the Planning and Zoning Commission shall be appointed for three-year terms and shall serve until their successors are appointed; provided, however, that any member who has served two full terms is not eligible to serve another term until three years have passed. Original appointments may be made for a lesser number of years so that the terms of the said members shall be staggered. Members of the Planning and Zoning Commission shall serve at the pleasure of the City Commission. Any vacancy occurring during the unexpired terms of office of any member shall be filled by the City Commission for the remainder of the term. Such vacancy shall be filled within thirty (30) days after the vacancy occurs. The unexcused absence by any member from three (3) meetings of the Planning and Zoning Commission in any calendar year shall result in automatic removal of the absent member and vacation of the seat of the absent member, whether such member's absence is excused or unexcused.

C. Officers, Rules of Procedure and Quorum.

- (1) The Planning and Zoning Commission shall elect a chair and a vice chair from among its members at the first meeting of each calendar year. The City Commission shall provide the Commission a deputy clerk, who may be an employee of the City of Ocoee.
- (2) The Planning and Zoning Commission shall meet the second Tuesday of each month and at such other times as may be necessary at such time as is set by a resolution of the City Commission. It shall adopt rules for the transaction of its business and shall keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record. All meetings of the Planning and Zoning Commission shall be public.
- (3) Three (3) members of the Planning and Zoning Commission shall constitute a quorum, and no action may be taken if less than three (3) members are present and voting.

D. Compensation.

Members of the Planning and Zoning Commission shall receive no compensation for service, except that they may be reimbursed for out-of-pocket expenditures made in connection with the performance of their duties.

E. Compliance with Laws.

The Planning and Zoning Commission, and its individual members, shall comply with all applicable laws relative to public bodies, including disclosure of interests and procedure for refraining from participation in the case a conflict of interest exists.

F. Status of Prior Bodies.

It is the intent of this Code that the membership of the Planning and Zoning Commission established under ordinances adopted prior to the effective date of this Ordinance shall continue and that members appointed prior to the effective date of this Code shall continue to be members until such a time as stated in a Resolution adopted by the City Commission. Members of the Planning and Zoning Commission described in this Ordinance shall be appointed and trained as provided in a Resolution adopted by the City Commission.

G. Duties and Responsibilities.

The Planning and Zoning Commission shall have the following duties and responsibilities:

- (1) To act as the Local Planning Agency (LPA) of the City of Ocoee, pursuant to Section 163.3174, Florida Statutes, and to make recommendations to the City Commission regarding the adoption or amendment of the Comprehensive Plan of the City of Ocoee, including text and/or maps. No such recommendation shall be made except after a public hearing held in accordance with State and local requirements.
- (2) To review and make recommendations to the City Commission on applications for amendments to the Comprehensive Plan, and transmit the same to the City Commission with a recommendation as required by law. No such recommendation shall be made except after a public hearing held in accordance with State and local requirements.
- (3) To monitor the effectiveness of the Comprehensive Plan, make recommendations for amendments to the Comprehensive Plan, and forward such recommendations for amendments to the City Commission for consideration. No such recommendation shall be made except after a public hearing held in accordance with State and local requirements.
- (4) To review and make recommendations to the City Commission on applications for amendments to this Code, including applications for annexation or change of zoning. Pursuant to Section 163.3174(4)(c), Florida Statutes, the Planning and Zoning Commission shall also have the responsibility to review and make a recommendation to the City Commission as to the consistency of the proposed land development regulation with the adopted Comprehensive Plan. No such recommendation shall be made except after a public hearing held in accordance with State and local requirements.
- (5) To review and make recommendations to the City Commission on applications for various development approvals or permits as provided within this Code, including, but not limited to Planned Unit Developments (PUD), special exceptions, subdivisions, and any other application for which the City Commission requests a recommendation as to consistency of the proposal with the Comprehensive Plan. Where a public hearing is required by the applicable procedural section, no such recommendation shall be made except after a public hearing held in accordance with State and local requirements.

-
- (6) To review zoning of newly annexed lands when it represents an increase in intensity of use or a conflict with the Comprehensive Plan pursuant to requirements of State law and City ordinances.
 - (7) To hear and give recommendations on requests for variances from the terms of this Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary and undue hardship. In order to grant any variance from the terms of the Code, the Planning and Zoning Commission and City Commission must find:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
 - (b) That the special conditions and circumstances do not result from the actions of the applicant;
 - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
 - (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance, and would work unnecessary and undue hardship on the applicant;
 - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - (f) That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

All recommendations of variance requests shall be brought to the City Commission for final decision. In recommending any variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable as provided herein.

Under no circumstances shall the Planning and Zoning Commission recommend a variance to allow a use that is not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Code in said district.



STAFF REPORT

Meeting Date: May 16, 2023

Item #: 11

Contact Name: Craig Shadrix

Contact Number: Ext. 6434

Department Director: Craig Shadrix

City Manager: Robert Frank

Subject: Discussion and Direction from the City Commission about the Procurement of a City Attorney. (City Manager Frank)

Background Summary:

Staff requests direction from the Mayor and City Commission regarding making necessary arrangements for procuring a new City Attorney. City Attorney Cookson, who resigned on April 25, 2023, provided the required 90 days notice pursuant to his contract and will continue to support the City through the transition. During the previous search in 2011, the Mayor and Commission directed staff to proceed with a request for letters of interest (attached) and directed staff to provide a short list of firms for interviews before the Mayor and Commission. Staff needs to begin the procurement process to contract with a board certified municipal attorney to fulfill the role of City attorney.

Issue:

Should the Mayor and City Commission authorize the City Manager to proceed with the procurement process for selecting a law firm and attorney to serve as City Attorney?

Recommendations:

Staff recommends proceeding with a Request for Letter of Interest (RLI) for City Attorney Services, and presenting recommendations after the procurement period has closed.

Attachments:

1. City of Ocoee - Request for Letters of Interest - City Attorney Services

Financial Impacts:

Type of Item: Regular

Mayor
S. Scott Vandergrift

City Manager
Robert Frank



Commissioners
Gary Hood, District 1
Rosemary Wilsen, District 2
Rusty Johnson, District 3
Joel Keller, District 4

CITY OF OCOEE

REQUEST FOR LETTERS OF INTEREST (RLI) #1201

CITY ATTORNEY SERVICES

City of Ocoee • 150 N Lakeshore Drive • Ocoee, Florida 34761
phone: (407) 905-3100 • fax: (407) 905-3194 • www.ocoee.org

Request for Letters of Interest, Legal Advertisement

The City of Ocoee, Florida, (the "City") is soliciting letters of interest for the following services:
RLI #1201 City Attorney Services. Letters of Interest will be received at the office of Joyce Tolbert, CPPB Purchasing Agent, Finance/Purchasing Department, Second Floor, 150 North Lakeshore Drive, Ocoee, Florida 34761 **until 2:00 P.M., local time, on November 22, 2011.** Letters of Interest received after that time will not be accepted under any circumstances. Sealed Letters of Interest that have been timely received will be publicly opened and the names of the responding firms read aloud at that time. Prospective respondents may secure a copy of the documents required for submitting a Letter of Interest through Onvia/Demandstar by accessing the City's website at <http://www.ocoe.org> under Finance/Purchasing. Partial sets of the documents required for submitting a Letter of Interest will not be issued. By using Onvia/Demandstar, prospective respondents will be provided with all information regarding this RLI, all addendums and changes to the requirements. Membership with Onvia/Demandstar is not required to submit a response; fees may apply for non-members. If access to Onvia/Demandstar is not available, please email jtolbert@ci.ocoe.fl.us and include your complete contact information. Persons other than prospective respondents may inspect the documents required for submitting a Letter of Interest at the Ocoee City Hall City Clerk's Office, 150 N. Lakeshore Drive, Ocoee, FL 34761. Persons inspecting the documents at the City Clerk's office that request copies will be required to pay a fee as prescribed by statute. City Clerk, October 30, 2011.

**CITY OF OCOEE
REQUEST FOR LETTERS OF INTEREST "RLI" #1201
CITY ATTORNEY SERVICES**

A. INTRODUCTION AND GENERAL INSTRUCTIONS

1. The City of Ocoee is accepting sealed responses from qualified firms for City Attorney services to provide comprehensive legal representation for the City of Ocoee, Mayor and City Commissioners, Administrative Staff, and the Citizen Boards and Committees.
2. The City of Ocoee is located approximately 14 miles west of Orlando. Ocoee is ideally located at the juncture of State Road 50, the Florida Turnpike, the East West Expressway (SR 408) and the Western Expressway (SR 429) providing easy access to downtown Orlando, Northern Orange County and several tourist destinations.

Ocoee has a population of 36,018 residents. The City operates under a commission/manager form of government. The commission, comprised of the Mayor and four commissioners elected for a three year term, have legislative authority and are responsible for policy making. The City Manager is responsible for enacting the policies and ordinances approved by the Commission and managing the day to day operations of the City. Department Directors report directly to the City Manager. The City Attorney reports directly to the City Commission but works closely with the City Manager. Municipal services provided by the city include: police and fire protection, park facilities, recreational activities and facilities, code enforcement, water and wastewater services, stormwater management, and solid waste collection and disposal. Additionally, the city constructs and maintains streets, sidewalks, and infrastructure. The city has a staff of 313 full time and 66 part time employees. The City's adopted budget for fiscal year 2012 is \$57M. The total anticipated billings by the City Attorney for fiscal year 2012 is \$400,000. See chart below for a three year history of City Attorney legal expenses.

Type of billing:	FY 10/11	FY 09/10	FY 08/09
Development and Land Use Services *	\$ 161,625	\$ 146,188	\$ 194,021
Code Enforcement-(not related to Code Enforcement Board issues)	11,585	18,778	9,854
Annexations	7,238	19,642	39,334
General Government Matters	218,356	269,885	253,951
Total Billed	\$ 398,804	\$ 454,493	\$ 497,160
Hours Billed	1,442	1,848	1,737
* General Government Matters and related City Matters are billed at reduced <u>negotiated</u> rates. Development and Land Use Billings are for services related to plan review and other development services. They are billed to and paid by the City which is then reimbursed by the Developer. [See Land Development Code Section 1-12.] These "Charge Back Billings" have been historically billed at the City Attorney's standard rates in order to afford a discounted rate on General Government Matters.			

3. Prospective respondents may secure a copy of the documents required for submitting a response through Onvia/Demandstar by accessing the City's website at <http://www.ocoee.org> under Finance/Purchasing. Partial sets of the documents required for submitting a response will not be issued. By using Onvia/Demandstar, prospective respondents will be provided with all information regarding this RLI, all addendums and changes to the requirements. Membership with Onvia/Demandstar is not required to submit a response; fees may apply for non-members. If access to Onvia/Demandstar is not available, please email jtolbert@ci.ocoee.fl.us and include your complete contact information.
4. Firms, companies and/or individuals interested in providing these services shall submit **one (1) original and ten (10) copies** of their response. Responses shall be submitted to the City of Ocoee in one sealed package, clearly marked on the outside with the appropriate RLI number and closing date and time, addressed to:

Joyce Tolbert, Purchasing Agent
City of Ocoee
150 N. Lakeshore Drive
Ocoee, Florida 34761
Phone: (407) 905-3100 x 1516
FAX number: (407) 905-3194
jtolbert@ci.ocoee.fl.us

No fax or e-mailed submissions will be accepted.

5. Responses must be received no later than **2:00 p.m. (local time) on November 22, 2011**. Any response received after the above-noted time will not be accepted under any circumstances. Any uncertainty regarding the time a response is received will be resolved against the Respondent. It shall be the sole responsibility of the Respondent to have the response delivered to the Ocoee City Hall by U.S. mail, hand delivery, or any other method available to them. Delay in delivery shall not be the responsibility of the City. A response received after the deadline shall not be considered and shall be returned unopened. Any request to withdraw a response must be addressed in writing. Such requests must be received by the City prior to the deadline of the submission. All expenses for providing letters of interest to the City shall be borne by the respondent.
6. The City will receive questions regarding the RLI only through written inquiries directed to the Purchasing Agent. Deadline for receipt of written inquiries will be **November 17, 2011 at 5:00 p.m., local time**.
7. The City reserves the right to award a contract to the proposer which it deems to be in the best interest of the City. The City is therefore not bound to accept a response on the basis of lowest quoted price alone and further reserves the right to reject any and all responses if it is deemed to be in the City's best interest to do so. The City Commission and City Staff may interview Respondents. The City Commission's decision shall be final.

8. The selected law firm will be required to enter into a contract with the City for the provision of legal services as City Attorney. It is anticipated that the start date for providing legal services will be January 1, 2012.

B. LETTER OF INTEREST FORMAT

Tab 1. Title Page/Cover Letter/Table of Contents

Title Page shall show the request for letters of interest subject, title and request number; the firm's name; the name, address and telephone number of a contact person; and the date of the response. The response shall contain a cover letter signed by a person who is authorized to commit the Respondent to perform the work included in the response, and should identify all materials and enclosures being forwarded in response to the RLI. The Table of Contents shall provide listing of all major topics, their associated section number, and starting page.

This section shall also include: Name of attorney and law firm; date firm established; locations of all offices and dates established.

The cover letter should indicate the name of the attorney who will be designated as the "City Attorney" and have primary responsibility for managing the relationship with the City.

Tab 2. Experience of the law firm

Provide background information regarding the law firm and its areas of practice. Include specific information regarding expertise of law firm in local government law and other practice areas included within the Scope of Services.

Provide a list of all governmental clients that the law firm has represented within the past five (5) years and describe the services provided to these governmental clients. Include a contact name and phone number for each such governmental client.

List all judgments or lawsuits in the last five (5) years against each attorney that would represent the City, including the nature of the lawsuit and the resolution thereof.

Provide information regarding the law firm's malpractice insurance coverage, including the amounts of such coverage. [Note: The selected firm will be required to provide evidence of malpractice insurance coverage.]

List all lobbyists employed by your firm and the areas in which they lobby.

Tab 3. Experience of Attorneys

Name and biographical sketch of the attorney who will be assigned as City Attorney for the City of Ocoee. The City Attorney shall have a minimum of five (5) years local government experience as an attorney. Designate how many years experience as a local government attorney.

Provide the names and resumes of other attorneys who will assist in providing legal services to the City and who may attend any of the City Commission or other meetings.

Designate how many years legal experience in local government experience for each attorney. For each attorney, identify whether attorney is certified in city, county, and local government law, the attorney's professional ratings and/or recognition in the legal community for professional achievement (e.g. Martindale-Hubbell ratings); recognition or extraordinary participation in Florida Bar, Federal Bar, American Bar Association, local bar associations or professional practices committees, or ratings by other nationally recognized systems.

Tab 4. Fee Proposal

The firm or attorney shall submit a proposal for compensation which should include, but is not limited to, an hourly rate option, a monthly retainer fee option, or a combination of these options or other alternative fee proposals. The hourly rate option is mandatory and may indicate different hourly rates for general government services and development and land use services which are charged back by the City to developers. Indicate if different rates are charged for litigation services or for services as issuer's counsel in bond transactions.

Tab 5. Conflicts of Interest.

Identify any clients that have matters currently pending before the City and whether the law firm is representing those clients in the specific matters. Identify any conflicts of interest which would preclude the law firm from representing the City with respect to specific clients or matters.

The City Attorney is required to file financial disclosure and is subject to the applicable provisions of Part III of Chapter 112, Florida Statutes. Specific attention is directed to Section 112.313(16), Florida Statutes, regarding local government attorneys. Compliance with this section will be required in accordance with Florida law.

Tab 6. References.

Please provide a list of 3 to 5 references, including the phone number of each reference.

C. SCOPE OF SERVICES

City of Ocoee Charter § C-26. - City Attorney.

There shall be a City Attorney who shall be appointed by a majority of all members of the City Commission. The City Attorney shall act as the attorney and counselor for the city. The City Attorney shall prepare and/or review as to form and legality all contracts, agreements, bonds and other written instruments to which the city is a party. When required to do so, the City Attorney shall prosecute and defend for and in behalf of the city all complaints, suits and controversies in which the city is a party. The City Attorney shall furnish to the City Commission and the City Manager an opinion on any question of law affecting the city and shall perform such other professional duties as may be consistent with this Charter and required by ordinance or resolution of the City Commission, prescribed for City Attorneys under the laws of Florida or otherwise requested by the City

Commission or the City Manager. The City Attorney shall be a lawyer admitted in and having authority to practice in all courts of the State of Florida. The City Attorney may also serve as City Prosecutor, subject to the approval of the City Commission, and may appoint such Assistant City Attorneys as the City Attorney deems necessary. Upon recommendation of the City Attorney or the City Manager, the City Commission may retain special legal counsel to represent the city. Upon request by any board, commission or committee of the city, the City Commission or the City Manager shall appoint an attorney to assist such board, commission or committee. Upon the request of the City Commission or the City Manager, the City Attorney shall provide assistance to any board, commission or committee of the city.

Primary Duties

1. The City Attorney plans, coordinates and directs the legal activities of the City. Work duties require close coordination with the City Commission, officials from other governmental units, and the City Manager.
2. The function involves primary responsibility for performing legal research, preparing opinions, advising City officials, and conducting complex civil suits.
3. The City Attorney shall serve as chief legal advisor to the City Commission, City Manager, and all City departments.
4. The City Attorney shall represent the City in most legal matters, including the bringing and defending of suits. Please note the City has insurance coverage which provides legal counsel for all covered lawsuits in which the City is named as defendant. The City Attorney is also the Issuers Counsel on bond issues. The City currently outsources the following legal services: Labor Attorney, Eminent Domain Attorney, Code Enforcement Board Attorney, Bond Counsel, and Police Legal Advisor; the City Attorney is currently not responsible for these services; however, future negotiations with the selected City Attorney may include the addition of one or more of these disciplines, depending on experience of the selected firm.
5. Attends all meetings of the City Commission, Planning and Zoning Commission, and Board of Zoning Adjustments as required. For reference, the City Commission regular meetings are held on the first and third Tuesday evenings each month. Each meeting lasts approximately one (1) hour to three (3) hours. Some meetings may occasionally last longer. The Planning and Zoning Commission meets the second Tuesday of each month, and the Board of Zoning Adjustments meets as needed.
6. Drafts contracts, resolutions and ordinances at the request of the City Commission and the City Manager.
7. The City Attorney shall review and approve all contracts, resolutions, and ordinances generated by City staff prior to consideration by the City Commission.

8. Keep the City Commission and City Manager informed of legislation or judicial opinions that have potential impact to the City.
9. Typically meets with the City Manager and staff for an entire day once or twice each month to provide legal guidance and instruction on various projects, programs and issues requiring legal assistance.
10. The contract with the City Attorney will be with the City Attorney's law firm and will expressly authorize the use of the law firm (and other attorney's with such firm) of the City Attorney to complete legal services for the City.

END INSTRUCTIONS

Mayor
S. Scott Vandergrift

City Manager
Robert Frank



Commissioners
Gary Hood, District 1
Rosemary Wilsen, District 2
Rusty Johnson, District 3
Joel Keller, District 4

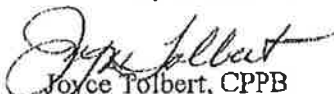
November 18, 2011

**ADDENDUM NO: ONE (1)
RLI #1201
CITY ATTORNEY SERVICES**

This addendum consists of one (1) page, and shall modify and become a part of the original RLI documents for City Attorney Services. The RLI due date remains the same.

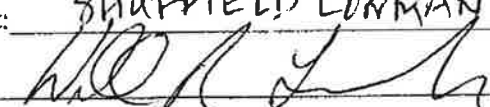
Questions and/or Clarifications to the RLI documents are as follows:

- Q1. Can you provide the names and firm of current eminent domain, labor, code enforcement and bond counsel?
- A1. Eminent Domain – Mary Doty Solik, Law Offices of John L. Di Masi, P.A.; Labor – Jeffrey Mandel, Fisher & Phillips LLP; Code Enforcement Board – Mary Sneed, Fowler, O'Quinn, Feeney & Sneed P.A.; Bond Counsel – Grace Dunlap, Bryant, Miller & Olive, P.A.
- Q2. What is the value of current bonds?
- A2. \$38,885,000
- Q3. What bond counsel work do you expect in the future?
- A3. Refunding and possibly new money for utility projects.
- Q4. Can you provide the name/firm who serves as the police legal advisor?
- A4. Russell F. Bergin, P.A.
- Q5. I see that the annexations were billed separate. Who serves as annexation counsel?
- A5. The current City Attorney Foley & Lardner LLP. The selected City Attorney will represent the City in annexation matters, as Foley & Lardner is not continuing in this role.


Joyce Tolbert, CPPB
Purchasing Agent

Please acknowledge this addendum by completing the section below and including with your response.

Respondent: SHUFFIELD LOWMAN - SCOTT COOKSON

Signature: 

Name: WILLIAM D. LOWMAN Title PRES.

City of Ocoee • 150 N Lakeshore Drive • Ocoee, Florida 34761
phone: (407) 905-3100 • fax: (407) 905-3194 • www.ocoe.org