

MINUTES
OCOEE CITY COMMISSION
AUGUST 15, 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 **Commissioner Hart**, followed by the Pledge of Allegiance to the Flag led by **Commissioner Kennedy**. **City Clerk Sibbitt** called the roll and declared a quorum present.

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

Absent: Commissioner Wilsen

Also Present: City Manager Frank, City Attorney Geller, Fishback Dominick Attorney Kurt Ardaman, City Clerk Sibbitt

• **PRESENTATIONS AND PROCLAMATIONS 6:16 PM**

Proclamation for 9/11 Remembrance was read and proclaimed by **Mayor Johnson**.

Proclamation for 2023 National Assisted Living Week, September 10-16, was proclaimed by **Mayor Johnson**.

Presentation of Charter Review Timeline – City Attorney Geller outlined the timeline to the City Commission and explained three proposed options. He noted that this evening was the last scheduled public meeting where the public could provide comments, and encouraged allowing them to address the Commission. He then read the eleven (11) proposed charter questions aloud. **Mayor Johnson** recognized the Charter Review Commission (CRC) members and invited the public to come forward with any comments. No speaker forms were received. **Mayor Johnson** turned to the Commission for comments. **City Attorney Geller** noted that the Commission had made comments at the previous City Commission meeting and explained that the CRC would consider those comments.

Motion: Move to accept this evening as the final date to submit comments and recommendations to the CRC; and further, submit the recommendations provided by the City Commission at the August 1, 2023, Regular City Commission Meeting without additional comments to the CRC. Moved by Commissioner Kennedy, second by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

• **STAFF REPORTS AND AGENDA REVIEW 6:26 PM**

City Manager Frank announced before them is the following:

Emergency Item - Approval of Additional Funds from Transportation Impact Fees to Provide the Required Funding for Lennar Homes to Facilitate the Widening of Clarke Road - District #4, Ages Hart. (**Public Works Director Krug**)

City Manager Frank explained the emergency item related to the Third Amendment to the Development Agreement for Arden Park and the funds that will need to be allocated to begin the Clarke Road Widening Project.

Motion: Move to approve Emergency Item to allow additional funds from Transportation Impact Fees to provide the required funding for Lennar Homes to facilitate the widening of Clarke Road, per staff's recommendations; Moved by Commissioner Firstner, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

• **PUBLIC COMMENTS 6:28 PM**

The following persons addressed the City Commission:

- **Bill Maxwell**, *Ocoee Resident and Police and Fire Trustee Pension Board Member*, introduced himself and commented on the need to appoint a Trustee to the Ocoee Police and Fire Trustee Pension Board. He expressed concerns about filling the position in a timely and cost-efficient manner due to the restrictions placed on the Board by the residency provision and asked the Commission to consider a variance to the City Ordinance.

City Manager Frank expressed concerns and recommended having the City Attorney review the ordinance and provide direction.

Consensus of the City Commission was to direct staff to place this item on the September 19, 2023, Regular City Commission Agenda.

- **Kellie Beck**, *Ocoee Resident*, noted Item #4 on the Consent Agenda and expressed concerns she and her community have concerning the Magnolia Reserve Townhome Large Scale Final Subdivision Plan. She requested multiple changes before approving the final site plan.

Development Services Director Rumer noted her concerns and asked to pull Item #4 from the Consent Agenda to allow staff time to work amicably with all involved.

Mayor Johnson inquired about the traffic light at West Road and Fountains West Blvd. **City Manager Frank** and **Development Services Director Rumer** addressed his concerns.

Commissioner Kennedy thanked the residents for bringing forth their concerns and also requested pulling Item #4 from the Consent Agenda.

• **CONSENT AGENDA 6:44 PM**

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Item #1-12 with Item #4 being pulled and Item #11 being pulled for discussion and separate consideration.

Moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

1. Approval of Minutes from the Workshop and Regular City Commission Meetings held August 1, 2023. **(City Clerk Sibbitt)**
2. Approval of the 2024 Holiday Schedule and Canceling Four (4) Scheduled Meeting Dates. **(City Clerk Sibbitt)**
3. Approval of Ocoee Crown Point PUD Conservation Easement Agreement Related to Phase 2A&2B of Preserve at Crown Point PUD. **(Development Services Director Rumer)**
4. Approval of Magnolia Reserve Townhome Large Scale Final Subdivision Plan (LS- 2022-016). **(Zoning Manager Whitfield)**

Item #4 was pulled and will be brought back to a future meeting.

5. Approval to Piggyback on Collier County's Contract for Direct Mailing Services Including Utility Bill Printing and Mailing and other Publications. **(Finance Director Roberts)**
6. Approval of the Certification of Non-Ad Valorem Assessment Roll for Solid Waste Inclusion on the Orange County Tax Roll for FY 23/24. **(Public Works Director Krug)**
7. Approval of the Certification of Non-Ad Valorem Assessment Roll for Stormwater Inclusion on the Orange County Tax Roll for FY 23/24. **(Public Works Director Krug)**
8. Approval of the Annual Fire Protection Special Assessment Resolution and Certification of Non-Ad Valorem Assessment Tax Roll for FY 23/24. **(Support Services Director Gaines)**
9. Approval of Access and Utilities Easement with Silvestri Investments of Florida, Inc. **(Utilities Director Croteau)**
10. Approval to Piggyback Sourcewell Cooperative Purchasing Contract to Replace the Generator at the City of Ocoee Wastewater Treatment Plant. **(Utilities Director Croteau)**

11. Approval of RFQ #23-004 Construction Manager at Risk for Floral Street Water, Sewer, and Road Reconstruction; Guaranteed Maximum Price Contract Authorization. **(Utilities Director Croteau)**

City Attorney Geller expressed concerns with the language in the contract/proposal. **Utilities Director Croteau** addressed his concerns and advised that the attachment is a proposal and will not be executed as there is already a signed contract with the City. She further explained that staff will be sure that any amendments to the contract will include the modifications and confirmation that in the event of a suit, it will be handled in Orange County, as recommended.

Motion: Move to approve RFQ#23-004 Construction Manager at Risk for Floral Street Water, Sewer, and Road Reconstruction, subject to the condition that in the event of a suit, it will be handled in Orange County. Moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

12. Notification of an Emergency Purchase of a new Weir Gate with Veolia Water Technologies in accordance with Section 21.6 of the City of Ocoee Code of Ordinances. **(Utilities Director Croteau)**

• **FIRST READING OF ORDINANCE - None**

• **SECOND READING OF ORDINANCE – PUBLIC HEARING 6:48 PM**

13. Second Reading of Ordinance for Flores Property at 2121 Lauren Beth Avenue - Annexation & Rezoning from Orange County A-1 to City of Ocoee R-1 (AX-05-23-05 & RZ-23-05-05). **(Zoning Manager Whitfield)**

City Attorney Geller read the titles of the ordinances.

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

Zoning Manager Whitfield presented a brief overview of the proposed annexation and rezoning which is approximately 0.97 acres, contains one (1) single-family dwelling, and is located at 2121 Lauren Beth Avenue. The property is located within the Ocoee-Orange County Joint Planning Area (JPA). The annexation is consistent with the Future Land Use Element (FLUE). The property owner has requested water service from the City, which will become available upon the completion of the construction of the Reserve at Lake Meadow development, which surrounds this parcel.

Annexation Ordinance:

Motion: Move to adopt Ordinance No. 2023-14, Flores Property at 2121 Lauren Beth Avenue Annexation (AX-05-23-05), subject to staff's recommendations; Moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

Rezoning Ordinance:

Motion: Move to adopt Ordinance No. 2023-15, Flores Property at 2121 Lauren Beth Avenue Rezoning from Orange County A-1 to City of Ocoee R-1 (RZ-23-05-05), subject to staff's recommendations; Moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

• **PUBLIC HEARING 6:53 PM**

**14. Covington Oaks Large Scale Preliminary Subdivision Plan (LS-2023-001).
(Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the subject property which is approximately 9.94 acres in size and located at 8667 A.D. Mims Road. There currently is one single-family residence and a few scattered surface waters in the northern portion of the property. **Zoning Manager Whitfield** detailed the Covington Oaks Large Scale Preliminary Subdivision Plan to include lot sizes, easements, and utility accommodations. She further stated staff recommends approval subject to the conditions recommended by the Development Review Committee (DRC) and Planning and Zoning Commission (PZC).

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

Motion: Move to approve the Covington Oaks Large Scale Preliminary Subdivision Plan (LS-2023-001), subject to staff's recommendations; Moved by Commissioner Firstner, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

15. Public Hearing to Adopt the Annual Code Enforcement Abatement Assessment Resolution to Certify the FY 2024 Non-Ad Valorem Assessment Tax Roll for Abatement Cost Recovery. (Support Services Director Gaines)

Support Services Director Gaines briefed the City Commission on the collection of abatement costs utilizing the special assessment process.

City Attorney Geller read the title of the resolution.

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

Motion: Move to Adopt the Annual Code Enforcement Abatement Assessment Resolution and Certify the Fiscal Year 2024 Non-Ad Valorem Assessment Tax Roll for Abatement Cost Recovery; Moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried 4-0 with Commissioner Wilsen absent.

• **REGULAR AGENDA 7:01 PM**

16. Discussion and Direction Regarding the 100-Year Anniversary of Ocoee Becoming a Township. **(Assistant City Manager Shadrix)**

Assistant City Manager Shadrix summarized the history of the township of Ocoee which was established in November 1923, and noted in May 1925 the City of Ocoee was established; and further, requested the City Commission's feedback on which direction they would like to proceed with an event commemorating the 100th anniversary of Ocoee.

Commissioner Kennedy inquired as to what City staff would suggest as an event. **Assistant City Manager Shadrix** addressed his question and recommended that a subtle event be held in 2023 for the 1923 designation, and a bigger celebration be held in 2025 to recognize the establishment of the City. **City Manager Frank** shared the recommendation he received from Commissioner Wilsen, and a brief discussion ensued. **City Manager Frank** further advised the City Commission to think about a proposed budget amount they would like to discuss at the Budget Workshop.

• **COMMENTS FROM COMMISSIONERS 7:06 PM**

Commissioner Firstner – Commented on the following:

- 1) Announced the start of school and asked residents to pay attention as they navigate through the City.
- 2) Noted the extremely high temperatures and reminded residents to be cautious and stay hydrated.

Commissioner Hart – Commented on the following:

- 1) Reiterated the importance of being careful due to the heat.
- 2) Expressed disappointment and explained that the Human Relations Diversity Board (HRDB) was scheduled to meet last week, however, due to a lack of a quorum they could not hold that meeting. He then addressed comments made by the public and assured all citizens that the Commission strongly supports diversity and the teaching of the events that took place in history.
- 3) Voiced his love for the City and thanked the community for the opportunity to serve.
- 4) Encouraged citizens to contact him with any concerns they have.
- 5) Asked the community to be patient with each other, and enjoy the wonderful City we all call home.

Commissioner Kennedy – Commented on the following:

- 1) Agreed with Commissioner Hart about the HRDB Board, and thanked him for his comment.
- 2) Shared that he has been persistent with staff on traffic issues in District 1, noted progress on North Lakewood, and shared that after this section opens staff will access the new traffic patterns and move forward on resolving issues on Adair Street.

Mayor Johnson – Commented on the following:

- 1) Spoke about the HRDB Board and its 20+ year history, noting that it is the only diversity board in Orange County. Expressed the City's desire to overcome the obstacles and encouraged interested residents to apply.
- 2) Inquired about light displays for the upcoming holiday season. **City Manager Frank** addressed his questions.
- 3) Shared multiple complaints he has received regarding Ocoee Elementary and Ocoee Middle School traffic issues. **City Manager Frank** addressed his concerns.
- 4) Recognized and thanked the citizens who attended tonight's meeting regarding Consent Agenda Item #4, and noted the outstanding execution of their presentation.
- 5) Thanked the City's new attorney firm, Fishback Dominick.
- 6) Announced the next City Commission meeting is scheduled for September 19, 2023.

• **ADJOURNMENT 7:16 PM**

The meeting adjourned at 7:16 PM

APPROVED:

Attest:

City of Ocoee



Melanie Sibbitt, City Clerk



Rusty Johnson, Mayor