

OCOEE CITY COMMISSION
Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

January 16, 2024

MINUTES

6:15 PM

REGULAR CITY COMMISSION MEETING

• **STATE OF THE CITY - 5:45 PM – Video Presentation**

• **CALL TO ORDER 6:19 PM**

Mayor Johnson called the regular session to order at 6:19 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 Firstner**. **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 Geller, City Clerk Sibbitt

• **PRESENTATIONS AND PROCLAMATIONS 6:20 PM**

Ocoee Village Consortium Update on Lakewood Avenue – **Development Services Director Rumer** updated the City Commission on the project and introduced Steve Saha, an engineer with Poulos & Bennett, who was hired to get the project moving forward. **Steve Saha** updated the City Commission on Lakewood Avenue and the issues they are working to resolve. **Mayor Johnson** shared his frustration with the timeframe and with the contractors not following through with the work. He also voiced that he receives numerous calls from citizens about the closed road; he stated that he does not want the City to issue any permits for this development until the paving is done and the road is open. **Commissioner Kennedy** shared, as the Commissioner of that district, he also receives numerous calls and this is the number one issue in his district. He asked Mr. Saha how many years of experience he has with these types of projects and what has happened since July of 2022 when he was brought on that has caused this project to not be completed. **Mr. Saha** addressed the Commissioner's questions and stated that the road will be open soon. **Commissioner Firstner** inquired about the warranty surety bond. **Development Services Director Rumer** addressed his question. **Commissioner Hart** expressed safety concerns as he has witnessed cars cutting through and there is a high school in the area.

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

• **PUBLIC COMMENTS 6:42 PM**

The following persons addressed the City Commission:

- **Thomas Lowrie**, *Ocoee Resident*, expressed his personal thanks to the Mayor, Commissioners, and staff, for their support of Challenge 22 back in November. Beginning this year, the American Legion will not have any direct control over Challenge 22; they became an LLC and formed a 501(c)3, so any contributions from the public will become tax deductible.

- **Sue Lowrie**, *President of the Woman's Club of Ocoee* and *Ocoee Resident*, asked the City Commission if they would like the Woman's Club to facilitate a political forum, for the candidates running for Commissioner of District 4, in the upcoming March 19, 2024, election. **Mayor Johnson** responded that this was previously approved and conveyed to her to get with the City Clerk to provide event information.
- **Cheryl King**, *Ocoee Resident*, expressed her concerns with District 4, and emphasized that she perceives a lack of tangible benefits from her tax contributions. She also expressed her dissatisfaction with the Planning Department and their method of communication with the community, prior to the start of development. **Mayor Johnson** responded to her comments and concerns.
- **Cathy Sills**, *Ocoee Resident*, thanked the City for the addition of sewer in downtown Ocoee as it will help many residents and commercial tenants; however, there are many costs involved in switching from septic to sewer, which will cause major financial impacts on the residents and commercial tenants and potentially cause some of the businesses to close down. She requested aid to assist those being affected. **City Manager Frank** stated that the City can come up with an assessment program.
- **Jim Moyer**, *Ocoee Resident*, congratulated the City on another great Dr. Martin Luther King, Jr. Holiday event. He also gave information on January being the 14th Annual National Slavery and Human Trafficking Prevention Month and encouraged residents to do their own research, as well.

• **CONSENT AGENDA 7:01 PM**

Consent Agenda Motion

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

Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried 5-0.

1. Approval of Minutes from the Regular City Commission Meeting held December 5, 2023. **(City Clerk Sibbitt)**
2. Approval of Educational Affiliation Agreements. **(Deputy Fire Chief Van Camp)**
3. Approval of Police Department Body-Worn Camera Expansion. **(Deputy Police Chief McKinstry)**
4. Approval of a Five -Year Warranty Surety and Maintenance, Materials, and Workmanship Agreement for Ocoee Village Center Townhomes. **(Development Engineer Keaton)**
5. Approval of Resolution Relating to Naming a Tract of Land in the Ocoee Crown Point PUD as Public Right-of-Way and Naming the Right-of-Way as Ocoee Crown Point Parkway. **(Development Services Director Rumer)**

6. Approval of Resolution Relating to the City of Ocoee's Pending Legislation to Qualify for Affordable Housing Projects Under the Live Local Act. **(Development Services Director Rumer)**
7. Approval of Change Order No. 1 to Ocoee Action Sports Park Phase 3. **(Parks and Recreation Director Johnson)**
8. Approval to Award Invitation to Bid (ITB) #24-002 W. Oakland Ave Reconstruction. **(Procurement Manager Tolbert)**
9. Approval of 2023-2024 Budget Vehicle and Equipment Purchases. **(Public Works Director Krüg)**
10. Approval of Resolution Relating to the Acquisition by Eminent Domain of Property. **(Public Works Director Krüg)**
11. Approval of Florida Central Railroad Projects Proposal. **(Public Works Director Krüg)**
12. Approval of Code Enforcement Agreement with Town of Windermere with 5% Adjustment to Cover the City of Ocoee's Costs. **(Support Services Director Gaines)**

• **FIRST READING OF ORDINANCE** – None

• **SECOND READING OF ORDINANCE – PUBLIC HEARING 7:04 PM**

13. Palm Drive - Chinapen Property Small-Scale Comprehensive Plan Amendment from Low-Density Residential to Commercial & Rezoning from R-1A to C-2 - CPA-2023-002 & RZ-23-09-09. **(Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the subject property, which is located in Commission District 3 on the north side of Palm Drive approximately 160 feet west of the Pine Street and Palm Drive intersection, and contains approximately 1.65 acres, and is assigned parcel ID number 18-22-28-0000-00-109. She explained that the applicant currently does not have a proposed use and only seeks to amend the FLUM designation and rezone the property to allow for commercial development in the future. The property is currently vacant with no unique environmentally sensitive features.

The subject property is located within Sub-Area A of the Business Center Character Area of the State Road (SR) 429 Overlay District. The property owner's request to convert the property to Commercial with a C-2 zoning district is consistent with the intent of the Business Center Character Area to provide opportunities for office and retail uses in Sub-Area A.

City Attorney Geller read the title of the Ordinances.

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

Comprehensive Plan Amendment Ordinance:

Motion: Move to adopt Ordinance No. 2024-01, Chinapen Property at 601 Palm Drive Small-Scale Comprehensive Plan Amendment from Low Density Residential to Commercial, CPA-2023-002, subject to staff's recommendation; Moved by Commissioner Firstner, Seconded by Commissioner Kennedy; Motion carried unanimously.

Rezoning Ordinance:

Motion: Move to adopt Ordinance No. 2024-02, Chinapen Property at 601 Palm Drive Rezoning from R-1A (Low Density Residential) to C-2 (Community Commercial District), assigned parcel ID number 18-22-28-0000-00-109 (RZ-23-09-09), subject to staff's recommendation; Moved by Commissioner Firstner, Seconded by Commissioner Hart; Motion carried unanimously.

• **PUBLIC HEARING 7:09 PM**

14. 16 Floral Street - Wright Property Variance - VR-23-03. (Zoning Manager Whitfield)

Zoning Manager Whitfield presented a brief overview of the variance request for the property located at 16 Floral Street. The applicant is requesting approval of one (1) variance from Section 5-14A and corresponding Table 5-2 as follows:
1) 17.7-foot (representing a 69%) reduction of the minimum front building setback from 25 feet to 7.7 feet along the west property line to accommodate an attached garage for a single-family home on a corner lot. The subject property is a corner lot with roadway right-of-way (ROW) frontage along the north (Floral Street) and west (South Cumberland Avenue). The primary entrance of the residence is along the north. Per Section 5-4G, Article V, LDC, "on a corner lot", the applicable front yard setback shall apply to both street frontages. Consequently, both the north and west property line are considered a front yard and, as such, are subject to the required front yard setback of 25 feet.

According to Chapter 4-9 A., the variance application/applicant must demonstrate:

1. Special conditions and circumstances exist that are peculiar to the land, structures or required subdivision improvements involved and are not applicable to other lands, structures or required subdivision improvements;
2. That a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. That the granting of the variance requested will not confer of the applicant any special privilege that is denied by these regulations to other lands, structures or required subdivision improvements under similar conditions.

Staff provided testimony that the variance demonstrates satisfaction with the four (4) review criteria and supports the request.

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

Commissioner Kennedy asked that supporting documents presented also be included in future packets, and further inquired about the drain field location for this property and if the sewer installation in front of the property still affects the variance request. **Zoning Manager Whitfield** addressed his questions.

Motion: Move for Approval of the 16 Floral Street – Wright Property – Variance Request, based on factual interpretation of the code requirements, as presented by staff, and public testimony related; Moved by Commissioner Wilsen, Seconded by Commissioner Firstner; motion carried unanimously.

• **REGULAR AGENDA – None**

• **COMMENTS FROM COMMISSIONERS 7:18PM**

Commissioner Hart – Commented on the following:

- 1) Recognized the HRDB for a job well done and stated that they have the City Commission's full support.
- 2) Commented on the success of the Jolly Jamboree and is looking forward to next year's event.
- 3) Gave kudos to the Community Events team for doing a great job and displaying success after success with each event. He commented on how great the MLK event was and he is looking forward to the upcoming Mardi Gras event.
- 4) Reminded residents of the upcoming election and encouraged the residents to get out and vote March 19, 2024.

Commissioner Firstner – Commented on the following:

- 1) Shared he was pleased with the State of the City address, it was a very professional presentation.
- 2) Thanked all staff and the Ocoee Youth Council that participated in the Dr. Martin Luther King, Jr. festivities. City staff executed it flawlessly, and for the 16th consecutive year, it has been a great event to attend without any issues.

Commissioner Wilsen – Commented on the following:

- 1) Shared that all the previous events have been great and there are more events forthcoming. She announced that on February 3rd HAPCO will host a jazz music event at the Lakeshore Center, February 9th will be the Mardi Gras Festival, March 9th the Spring into Conservation event will be held at Unity Park, and April 6th is the Shred-It event being held at the Police Department.
- 2) Announced if you use online banking to pay your water bill, please update the City Hall address as City Hall has moved. The new address is 1 N. Bluford Avenue.
- 3) Shared that a resident of Sleepy Harbor has asked for this neighborhood to become a golf cart friendly neighborhood, so that they can legally drive their golf cart. She asked that the City Manager and staff address this request. **Mayor Johnson** advised that the resident would not be able to cross over Orlando Avenue because of the speed limit.

4) Noted that Gordon Applegate is no longer a member of the Parks and Recreation Board; however, he is one of the City's longest running volunteers and was appointed 34 years ago on January 16, 1990. She requested the City re-name a street where City Hall relocated from, after Mr. Applegate. **Consensus of the City Commission was to have staff look into renaming the street, as suggested by Commissioner Wilsen.**

5) Conveyed that they all get comments regarding the Christmas lights, so she has been looking at some ways they can change it, and with the City Commission's support will do more in-depth research to bring back suggestions for them to discuss.

6) Voiced that the City has done a great job, and she takes offense to negative comments toward the City in regard to tax dollars because the residents get wonderful services from City staff. She encouraged residents to read their tax bills properly and become educated on who and how much they are paying taxes to.

Commissioner Kennedy – Commented on the following:

1) Endorsed each of the Commissioner's comments. He shared it is great to live in Ocoee; the Mayor and staff are doing a great job.

2) Inquired about the court transcript. **City Attorney Geller** advised that it was ordered, and he will follow up on it.

3) Requested an update on the tree policy and tree problem. **City Manager Frank** stated that he would check with staff and provide an update.

4) Requested an update on the Heart Save Stations. **City Manager Frank** stated that it was budgeted to put in four (4), but staff is also working on getting a \$20,000 grant.

5) Asked for an update on the Vision Zero Program and the concerns he voiced on how it came to be. **City Manager Frank** informed him that the Vision Zero is a program under Metro Plan in which the City participates, as we are a member of Metro Plan. City staff thought it would be worth sharing information on this program as it is centered around pedestrian and traffic safety. **Commissioner Kennedy** voiced that he felt the City Commission should be adopting a vision for traffic solutions if traffic is an issue in the City, versus participating in a program.

6) Inquired if the City Manager is considering retirement and if he entered the DROP. **City Manager Frank** confirmed that he has entered the DROP. **Commissioner Kennedy** asked if the City Commission needed to authorize attorney funds for him to work on a contract for a successor designee. **City Manager Frank** shared he did not believe that was needed. **Mayor Johnson** shared that the City Manager and the City Attorney should be able to work out what is needed, then they can bring it back to present to the City Commission. **Commissioner Kennedy** congratulated the City Manager on his success over the last 20 years.

Mayor Johnson – Commented on the following:

1) Shared that the City Manager has accomplished amazing things during his 20-year tenure with the City, and asked the City Manager to highlight some of his accomplishments. He went on to express his love for Ocoee and his frustration when citizens complain and make negative comments about the City.

2) Announced the HAPCO Jazz event on Saturday, February 3, 2024, from 6-9 PM at Ocoee Lakefront Park.

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- 3) Announced Friday, February 9th, there will be a Mardi Gras 2nd Line Walk at Unity Park, followed by a Block Party in downtown, hosted by the Parks and Recreation Department in partnership with the Ocoee Music Festival. Local artists and vendors will be on McKey Street from 6-9 PM.
- 4) Announced the General Election will be held on Tuesday, March 19, 2024.

•ADJOURNMENT 7:55PM

APPROVED:

Attest:

City of Ocoee



Melanie Sibbitt, City Clerk


Rusty Johnson, Mayor