

OCOEE CITY COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

March 5, 2024

MINUTES

6:15 PM

REGULAR CITY COMMISSION MEETING

• **CALL TO ORDER 6:17 PM**

Mayor Johnson called the regular session to order at 6:17 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 **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 Geller, City Clerk Sibbitt

• **PRESENTATIONS AND PROCLAMATIONS 6:18 PM**

2024 National MS Awareness Week - March 10th - 16th – read and proclaimed by **Mayor Johnson**, and accepted by Therese “Tess” O’ Hara, *Vice-Chair to the Orlando Community Council for the National MS Society*.

Black History Month Essay Contest Winners - **Community Relations Manager Wright** recognized the first-place winners and the overall winner from the participating schools, and the overall winner read their essay.

The City Commission thanked the essay writers and City staff for this contest.

• **STAFF REPORTS AND AGENDA REVIEW 6:31 PM**

Mayor Johnson stepped down from the dais and addressed the audience from the public podium to acknowledge and express gratitude for Commissioner Hart serving as Interim Commissioner for District 4.

Commissioner Hart expressed his gratitude for being chosen to serve and shared his appreciation to the residents. He thanked the Mayor for his kindness and recognized his achievements; and further, expressed the importance of working as a team.

• **PUBLIC COMMENTS 6:38 PM**

The following persons addressed the City Commission:

- **Jim Moyer**, *Ocoee Resident*, extended congratulations to the winners of the Black History Essay competition and commended the city for the opening of Lakewood Avenue. Additionally, he expressed gratitude towards Commissioner Hart for his achievements as the District 4 Commissioner and thanked the City Clerk for mentoring one of the Youth Council Members. He concluded by announcing the commencement of Women’s History Month and Irish Heritage Month.

- **Norine Dworkin**, *Chief Editor for VoxPopuli*, announced that their election guide is out and available for everyone to view. Also, Thursday evening from 5:00 PM until 9:00 PM she will be at the Ocoee Community Market, at the Ocoee Lakeshore Center, to answer any questions.
- **Brad Lomneck**, *Ocoee Resident*, informed the City Commission about the recent passing of respected Ocoee resident Tom Lowrie and provided some details about his life. He requested the City Commission's consideration for placing a plaque in memory of Mr. Lowrie on a bench situated in front of the Maguire House and suggested naming the Veteran's Garden as the 'Tom Lowrie Armed Forces Memorial Garden.' **Consensus of the City Commission was to have staff investigate this request to determine if feasible.**
- **Zaneta Arthoro**, *Ocoee High School Student*, announced her participation in the Ace Program at Ocoee High School and appealed to the City of Ocoee to sponsor three charter buses for their upcoming field trip to SeaWorld in April. The group is seeking a donation of \$2,400. **Commissioner Wilsen** encouraged her to individually approach each commissioner with her request as they each have discretionary funds they can utilize for these types of requests.

• **CONSENT AGENDA 6:50 PM**

Consent Agenda Motion

Commissioner Kennedy, seconded by Commissioner Hart, moved to pull Item #2 for discussion and separate consideration.

Motion: Move to adopt the Consent Agenda Item #1-7 with Item #2 being pulled for discussion and separate consideration; Moved by Commissioner Wilsen, seconded by Commissioner Hart; Motion carried 5-0

1. Approval of Minutes from the Regular City Commission Meeting held February 20, 2024. **(City Clerk Sibbitt)**
2. Approval of Reappointments and One (1) New Appointment to the Citizen Advisory Council for Ocoee Police Department (CACOPD). **(City Clerk Sibbitt)**

Commissioner Kennedy explained his reasoning for pulling this item and briefly emphasized a specific requirement outlined in the bylaws that some members have not fulfilled. Additionally, he offered his recommendation for the appointments. Brief discussion followed regarding the current membership's districts. Commissioner Firstner was asked to seek a District 3 resident as his district is not being represented on the Board.

Motion: Move to reappoint Gregory Meeks with a term ending January 2027, appoint Brad Lomneck to complete a term ending January 2026, and not reappoint Patrick Holt. Moved by Commissioner Kennedy, seconded by Commissioner Wilsen; Motion carried 5-0

3. Approval of Employment Agreement with Craig Shadrix. **(City Clerk Sibbitt)**
4. Approval to Submit Application to the Firefighter Assistance Grant for the Purchase of

Firefighter Emergency Bailout Systems. **(Deputy Fire Chief Van Camp)**

5. Approval of Interim Agreement with Fortress Secured to proceed with the Ocoee Regional Law Enforcement Training Center. **(Assistant Police Chief McKinstry)**
6. Approval for the Proposed Development of a Master Plan for Lake Apopka Nature Park. **(Development Services Director Rumer)**
7. Approval of Payment for the 2024 Ocoee Music Festival Entertainment. **(Parks and Recreation Director Johnson)**

• **FIRST READING OF ORDINANCE 6:55 PM**

8. First Reading of Ordinance for 474 S. Bluford Avenue Townhomes - Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential (LDR) to Medium Density Residential (MDR) & Rezoning from R-1AA to PUD; Project No(s). CPA-2022-005 & RZ-22-12-45. (Zoning Manager Whitfield)

City Attorney Geller 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 April 2, 2024, at 6:15 PM or soon thereafter.

9. First Reading of Ordinance for Gardenia Pointe Rezoning from Unclassified District and R-1A (Single-Family Dwelling) to PUD (Planned Unit Development District; Project No.RZ-23-02-02. **(Zoning Manager Whitfield)**

City Attorney Geller read the title of the ordinance, and it was announced this will be presented as a second reading and public hearing at the next scheduled City Commission meeting on April 2, 2024, at 6:15 PM or soon thereafter.

10. First Reading of Ordinance Implementing Live Local Act. **(Zoning Manager Whitfield)**

City Attorney Geller read the title of the ordinance, and it was announced this will be presented as a second reading and public hearing at the next scheduled City Commission meeting on April 2, 2024, at 6:15 PM or soon thereafter.

• **SECOND READING OF ORDINANCE – PUBLIC HEARING 7:00 PM**

11. Second Reading of Ordinance on City Commission Initiated Charter Amendments to Sections C-9, C-10, and C-17. **(City Attorney Geller)**

City Attorney Geller read the title of the ordinance.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Commissioner Wilsen shared that during the First Reading it was agreed to present this matter as a Public Hearing to permit citizens to speak, rather than reconvening the previous Charter Review Commission. **Mayor Johnson** asked for this to be placed on the website and Ocoee TV. **Commissioner Wilsen** questioned if this would be on the November 5, 2024, ballot. **Mayor Johnson** answered in the affirmative.

Motion: Move to adopt Ordinance No. 2024-05, City Commission Initiated Charter Amendments to Sections C-9, C-10, and C-17 to be placed on the ballot; Moved by Commissioner Kennedy, Seconded by Commissioner Hart; Motion carried unanimously.

12. Second Reading of Ordinance for FY 2024 Budget Amendment. (Finance Director Roberts)

Finance Director Roberts summarized the proposed FY 2024 Budget Amendment and detailed the increase in employer contributions they deemed necessary across all operating funds to fund the Health Insurance Fund. She further explained the issuance of a \$10 million note to partially fund the construction of the new Police Regional Training Facility. Consequently, the Finance Department is presenting the anticipated receipt of the note funds for Commission consideration. The \$10 million will be recorded as revenue in the General Fund and, after deducting any issuance costs, and transferred to the Capital Projects fund.

Item # 19 was moved up and heard out of Agenda order to be voted on prior to adoption of the Ordinance for FY 2024 Budget Amendment.

Finance Director Roberts presented an overview of the proposed Capital Improvement Revenue Note, Series 2024 for \$10 million, which will be used to fund a Police/Public Safety Training Facility. The cost of the facility is projected to be \$12.8 million, and \$2 million in grant funding has been received to contribute to the facility.

City Attorney Geller read the title of the resolution.

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Kellie Beck**, *Ocoee Resident*, inquired on the number of safety complex already located in the City limits. **Mayor Johnson** addressed her question.

The public hearing was closed.

Motion: Move to adopt Resolution No. 2024-05 approving the issuance of the City of Ocoee Capital Improvement Revenue Note, Series 2024; moved by Commissioner Wilsen, seconded by Commissioner Firstner; Motion carried unanimously.

City Attorney Geller read the title of the ordinance.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Motion: Move to adopt Ordinance No. 2024-06, Amending the FY 2024 Budget; moved by Commissioner Firstner, seconded by Commissioner Hart; Motion carried unanimously.

13. Second Reading of Ordinance Updating the City's Code of Ordinances Chapter 45, Arbor Code. **(Development Services Director Rumer)**

City Attorney Geller read the title of the ordinance.

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Vinny Singh**, *Ocoee Resident*, shared a picture of trees that were trimmed on Ingram Road, and his discontent with the work that was completed. Discussion ensued as to which agency trimmed the trees since the trees are near the power lines.
- **Kelli Beck**, *Ocoee Resident*, commented in opposition of the new ordinance as it requires City Commission approval to remove a tree which she felt was excessive, and urged the City Commission to send this item back to the Planning Department for further review.

Development Services Director Rumer suggested tabling this item after considering the public comments received and concerns expressed by a Commissioner regarding tree pruning.

Motion: Move to table Item #13 - Ordinance Updating the City's Code of Ordinances Chapter 45, Arbor Code, until such time that a reasonable ordinance can be presented; moved by Commissioner Kennedy, seconded by Commissioner Hart; Motion carried unanimously.

14. Second Reading of Ordinance Amending the City of Ocoee Police Officer's and Firefighters' Retirement Trust Fund Section 27 – Deferred Retirement Option Plan. **(Pension Board Attorney Herrera)**

City Attorney Geller read the title of the ordinance, and ensured that this ordinance supersedes all ordinances in conflict.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Motion: Move to adopt Ordinance No. 2024-07 Amending the City of Ocoee Police Officer's and Firefighters' Retirement Trust Fund Section 27 – Deferred Retirement Option Plan with the correction to the title block to indicate 'superseding' not 'repealing' ordinances in conflict; moved by Commissioner Firstner, seconded by Commissioner Hart; Motion carried unanimously.

15. Second Reading of Ordinances for 440 Ocoee Apopka Road - Parrinello Property Annexation & Rezoning from County A-2 (Farmland Rural District) to City C-3 (General Commercial District); Project No(s). AX-10-23-07 & RZ-23-10-10. **(Zoning Manager Whitfield)**

City Attorney Geller read the titles of the ordinances.

Zoning Manager Whitfield presented a brief overview of the subject property. The property is located on the west side of Ocoee Apopka Road, beginning approximately 1,800 feet north of Palm Drive at the intersection of Ocoee Apopka Road. The applicant is requesting an annexation and rezoning from County A-2 (Farmland Rural District) to City of Ocoee C-3 (General Commercial District) and is not proposing a specific use at this time. The property is logical and eligible for annexation, and its proposed rezoning is consistent with the Future Land Use Map.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Annexation Ordinance:

Motion: Move to adopt Ordinance No. 2024-03, Parrinello Property - 440 Ocoee Apopka Road Annexation, AX-10-23-07, subject to staff's recommendation; Moved by Commissioner Firstner, Seconded by Commissioner Kennedy; Motion carried unanimously.

Rezoning Ordinance:

Motion: Move to adopt Ordinance No. 2024-04, Parrinello Property Rezoning from Orange County A-2 (Farmland Rural District) to City C-3 (General Commercial District) for 440 Ocoee Apopka Road, assigned parcel ID number 18-22-28-0000-00-002 (RZ-23-10-10), subject to staff's recommendation; Moved by Commissioner Firstner, Seconded by Commissioner Kennedy; Motion carried unanimously.

16. Second Reading of Ordinance for Mansour Property Rezoning from R-1 (Single Family Dwelling District) to C-2 (Community Commercial District); Project No. RZ-23-12-11. (Zoning Manager Whitfield)

Zoning Manager Whitfield presented a brief overview of the subject property. The property is located on the south side of West Silver Star Road, beginning approximately 181 feet east of the intersection of Ocoee Apopka Road and West Silver Star Road. The applicant is requesting a rezoning from R-1 (Single Family Dwelling District) to C-2 (Community Commercial District) and is not proposing a specific use at this time. She explained that the applicant wishes to rezone the property so that its zoning is compliant and consistent with its future land use designation.

City Attorney Geller read the title of the ordinance.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Motion: Move to adopt Ordinance No. 2024-08, Mansour Property Rezoning from R-1 (Single Family Dwelling District) to C-2 (Community Commercial District) for the Mansour Property, assigned parcel ID number 18-22-28-3116-02-140 (RZ-23-12-11), subject to staff's recommendation; Moved by Commissioner Firstner, Seconded by Commissioner Hart; Motion carried unanimously.

17. Second Reading of Ordinance for W. Delaware Street - West Property Small-Scale Comprehensive Plan Amendment from Public Facilities/Institutional to Low-Density Residential; Project No. CPA-2024-001. **(Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the subject property. The property is located on the north side of West Delaware Street, beginning approximately 360 feet west of the West Delaware Street and South Bluford Avenue intersection. She explained that the existing R-1AA zoning conflicts with the Public Facilities/Institutional future land use designation. Amending the Comprehensive Plan from the existing designation to Low Density Residential is consistent with surrounding properties and will allow the applicant to split the property into three (3) lots to build single-family, detached homes.

City Attorney Geller read the title of the ordinance.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Motion: Move to adopt Ordinance No. 2024-09, W. Delaware Street – West Property Small-Scale Comprehensive Plan Amendment from Institutional to Low Density Residential, (CPA-2024-001), subject to staff’s recommendation; Moved by Commissioner Wilsen, Seconded by Commissioner Hart; Motion carried unanimously.

18. Second Reading of Ordinance for Annual Comprehensive Plan Text Amendment to Adopt Five-Year Schedule of Capital Improvements and Update the Capital Improvement Element (CIE); Project No. CPA-2023-003. **(Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the Comprehensive Plan and the associated Capital Improvements Element (CIE). She further explained that the CIE is required to be a part of the Comprehensive Plan by Florida Statutes, and that the proposed five-year capital improvements program was approved by City Commission as part of the Fiscal Year 2023-2024 budget.

City Attorney Geller read the title of the ordinance.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Motion: Move to adopt Ordinance No. 2024-10, Annual Comprehensive Plan Text Amendment to Adopt Five-Year Schedule of Capital Improvements and Update the Capital Improvement Element (CIE) (CPA-2023-003); Moved by Commissioner Hart, Seconded by Commissioner Wilsen; Motion carried unanimously.

• PUBLIC HEARING

19. Approval of Resolution for the City of Ocoee Capital Improvement Revenue Note, Series 2024. **(Finance Director Roberts)**

This item was heard out of Agenda Order, before Item #12.

20. Approval of 125 S. Lakeshore Drive - Barenburg Property Variance Request: Project No. VR-24-01 (**Zoning Manager Whitfield**)

Zoning Manager Whitfield presented a brief overview of the subject property and the proposed variance. She described R-1AAA zoning provisions, which include the most restrictive setback requirements, and demonstrated that the property is unique in that it has three frontages. She explained that a previous variance was approved enabling the applicant to construct a garage on the property. She further explained how the applicant meets the four criteria required for variance approval, and illustrated the proposed improvements with renderings the applicant provided. She advised additional letters of opposition and support have been received by surrounding neighbors and have been placed on the dais before the City Commission.

The public hearing was opened.

The following person(s) addressed the City Commission:

Katherine Kitchens, 135 Lafayette Street, shared concerns about the variance on behalf of herself and her neighbor, citing this variance would cause obstruction of their lake view when the fence is installed.

The public hearing was closed.

Commissioner Kennedy inquired if a fence requires a variance and **Zoning Manager Whitfield** confirmed it does not. **Commissioner Kennedy** asked if there is a limit on the height of the hedge/trees that extend above the fence, and **Zoning Manager Whitfield** said not by the City's code.

Commissioner Wilsen commented that this resident is not being offered any special privileges, so she does not oppose this variance. She does understand the resident's concerns about their view, but she also supports giving this resident a privilege that everyone else has.

Commissioner Hart concurred with Commissioner Wilsen's comments.

Motion: Move for approval of the 125 S. Lakeshore Drive - Barenburg Property Variance Request, based on factual interpretation of code requirements (Section 4-9), as presented by staff, and public testimony related; Moved by Commissioner Wilsen, Seconded by Commissioner Hart; Motion carried unanimously.

21. Approval of Ocoee Oaks Joint Venture Large-Scale Preliminary Subdivision Plan: Project No. LS-2023-004. (**Zoning Manager Whitfield**)

Zoning Manager Whitfield presented a brief overview of the subject property. The property is located on the northeast corner of the South Clarke Road and White Road intersection. She explained that the property was rezoned in October 2023, and further discussed the planned infrastructure, landscaping, and right-in-right-out entrances along White Road and Clarke Road. Eighteen single-family detached homes are proposed; engineering still needs to be approved. Drainage requirements for the development of this subdivision will be provided in the existing stormwater pond on the remainder of the church property via a drainage shared-use agreement.

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Doug Gomber**, 405 Misty Meadow Drive, spoke in support of the project and commended staff, the developer, the church, and elected officials for working together to resolve previous issues and surrounding property owners' concerns.

The public hearing was closed.

Commissioner Wilsen commented that she appreciates the efforts by everyone on this project and how they all worked well together, to bring it to this point.

Motion: Move for approval of the Ocoee Oaks Joint Venture Large-Scale Preliminary Subdivision Plan, assigned parcel ID number 21-22-28-0000-00-027 (LS-2023-004); Moved by Commissioner Wilsen, Seconded by Commissioner Kennedy; motion carried unanimously.

- 22. Approval of Cambria Suites at Ocoee Large-Scale Preliminary Site Plan; Project No. LS-2023-010. (Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the subject property and the CRA Target Area 2, Sub Area 1 overlay, which applies to the property. The property is located on the southwest corner of the Maine Street and South Bluford Avenue intersection. She delineated the proposed 6-story hotel site plan, which matches the vision for Target Area 2, and the amenities, which include a 1,500-square-foot restaurant. She explained that staff will be working with the developer and engineer as the roundabout planned for the intersection of Maine Street and Bluford Avenue progresses, to ensure that turning movements will be safe and traffic circulation is maintained. She further detailed staff conditions for approval and waivers.

The public hearing was opened. As no one wished to speak, the public hearing was closed.

Motion: Move for approval of the proposed Large-Scale Preliminary Site Plan for Cambria Suites at Ocoee (Project # LS-2023-010), subject to staff's recommendations and requested waivers; Moved by Commissioner Firstner, Seconded by Commissioner Hart; Motion carried unanimously.

• **REGULAR AGENDA** - None

• **COMMENTS FROM COMMISSIONERS 8:09 PM**

Commissioner Hart – Commented on the following:

- 1) Encouraged citizens to work with the City on proposed projects and pull the proper permits prior to starting projects.
- 2) Shared his contentment with the HRDB and their Diversity Initiative.
- 3) Commented on empowering and appreciating women, and encouraged everyone to do so.

- 4) Thanked Executive Assistant, Sherry Seaver, for all her help while he was in office. Furthermore, he thanked the City Commission and the Mayor for their support.
- 5) Shared he will be praying for the success of the next elected District 4 Commissioner, and hopes he conducted himself in a professional manner during his time as Commissioner. He further apologized if he has ever offended anyone in any kind of way.

Commissioner Firstner – Commented on the following:

- 1) Announced the Neighborhood Matching Grant is still open with an application deadline of March 15, 2024.
- 2) Announced the Candidate Political Forum date and time. He further reminded everyone that the election is March 19th.
- 3) Announced Best Fest Event date and time.
- 4) Recognized Commissioner Hart and shared he will be missed as he is a true gentleman and a role model to all.

Commissioner Wilsen – Commented on the following:

- 1) Commented that Commissioner Hart has been a joy to work with, while he created a very cohesive environment for the City Commission.
- 2) Commented on the school zone cameras stating that the State allows you to go 30 mph in a school zone, through photo enforcement, but she believes our children deserve 20 mph. She hopes that when the item comes back, the City Commission remembers that 30 mph is 10 mph over what is posted.
- 3) Commented on the golf cart request and shared that she is not in support of Orlando Avenue being 25 mph, and voiced that putting a golf cart on Orlando Avenue is unsafe. She requested to ask Sleepy Harbour HOA if they would like to be a golf cart community, within their interior streets. Brief discussion ensued, and it was requested for the golf cart ordinance to be placed on a future agenda.
- 4) Announced the Community Marketplace Event date and time.
- 5) Announced the Spring into Conservation Event date and time.

Commissioner Kennedy – Commented on the following:

- 1) Thanked the HOA's that spoke on the arbor ordinance. He commented on the issues they have had with ordinances when there are communities with different sets of rules. He shared that just as he has asked for the arbor ordinance to be reviewed, he would also like a comprehensive review of the golf cart ordinance to comply with state statutes.
- 2) Commented on the loss of Tom Lowrie.
- 3) Provided kind sentiments about Commissioner Hart and his family.
- 4) Asked for an update at the next meeting on traffic and enforcement in District 1, now that Lakewood Avenue is open.
- 5) Requested an update on the Utility permit for Forest Lake Golf Course. **Assistant City Manager Shadrix** provided an update on his meeting with the consultant. **Mayor Johnson** inquired about his stance regarding their requests, and **Assistant City Manager Shadrix** offered his viewpoint. **Commissioner Kennedy** disagreed with the opinion expressed, and recommended an item be placed on the agenda. **Consensus of the City Commission was to have the engineer come and make a presentation, at the next meeting.**

Mayor Johnson – Commented on the following:

- 1) Announced that the employment agreement was approved tonight for Assistant City Manager Shadrix; and inquired, when would it go into effect. **City Manager Frank** stated that as soon as Human Resources tells the City Commission that the position is vacant, the contract will become effective immediately, at that point.
- 2) Provided kind words of sentiments about Commissioner Hart and his family.
- 3) Announced that the City Manager reviewed a Charter Amendment guide that was drafted by a resident, who was a former Charter Review Commission member. He shared copies of the guide will be provided at the Political Forum and in City Hall, and encouraged everyone to read it, and get a clear understanding of the Charter Amendments. He disclosed that the guide is not intended to tell a resident how to vote. **Commissioner Kennedy** shared that Norine Dworkin also has an informative Charter Amendment guide that he has shared with residents.

• **ADJOURNMENT 8:38 PM**

APPROVED:

Attest:

City of Ocoee



Melanie Sibbitt, City Clerk



Rusty Johnson, Mayor