

OCOEE CITY COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

April 16, 2024

MINUTES

6:15 PM

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 **Ages Hart**, *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 Oliver

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

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

2024 National Donate Life Month Proclamation – read and proclaimed by **Mayor Johnson**; accepted by **Kia Blair**, *Manager with Multicultural Affairs & Partnerships Our Legacy*, and **Tonya Wilson**, *Donor Family Representative*. **Ms. Blair** highlighted the importance of being a donor, common myths and fears, and how to register to be a donor. **Ms. Wilson** shared a personal story on donating her daughters' organs.

2024 Volunteer Appreciation Week Proclamation – read and proclaimed by **Mayor Johnson**; accepted by various City of Ocoee advisory board members.

Presentation of the Auditor's Report on the FY 2023 ACFR – **Finance Director Roberts** introduced **Timothy Westgate** with PurvisGray, who provided an overview of the Auditor's Report which covered significant events, financial highlights, and other audit items for the fiscal year ending September 30, 2023.

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

• **PUBLIC COMMENTS 6:46 PM**

The following persons addressed the City Commission:

- **Jim Moyer**, *Ocoee Resident*, shared information about the various guest speakers they have had speak before the Human Relations Diversity Board (HRDB), and announced several recognitions for the month of May. He further invited all residents to attend the HRDB's upcoming May and June Meeting as they will be bringing in a guest speaker to speak on Fostering a Sense of Belonging and Inclusive Communication.

• **CONSENT AGENDA 6:49 PM**

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Item #1-11; Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried unanimously.

1. Approval of Minutes from the Regular City Commission Meeting held April 2, 2024. **(City Clerk Sibbitt)**
2. Approval to Appoint the Mayor Pro Tem. **(City Clerk Sibbitt)**
3. Approval of New Appointment to the Citizen Advisory Council for Ocoee Police Department (CACOPD). **(City Clerk Sibbitt)**
4. Approval of Second Amendment to the Development Agreement for the Regency at Ocoee. **(Development Services Director Rumer)**
5. Approval of Assignment and Renewal of ARPA Consulting Contract. **(Finance Director Roberts)**
6. Approval of Memorandum of Agreement for Participating Orlando/Orange Urban Area Security Initiative Agencies. **(Acting Police Chief Ogburn)**
7. Approval to Award Invitation to Bid (ITB) #24-005 Lakewood/Rewis Water Main Replacement - Federal Grant Funded ARPA Project. **(Procurement Manager Tolbert)**
8. Approval to Exchange/Trade Unused Mower Attachment. **(Public Works Director Krug)**
9. Approval of Purchase Agreement for Right-of-Way Acquisition. **(Public Works Director Krug)**
10. Approval of Term Contract for Motor Fuel - Tank Wagon Deliveries. **(Public Works Director Krug)**
11. Approval of Howard Meadows Large Scale Final Subdivision Plan; Project No. LS-2023-009. **(Zoning Manager Whitfield)**

• **FIRST READING OF ORDINANCE - None**

• **SECOND READING OF ORDINANCE – PUBLIC HEARING 6:49 PM**

12. Second Reading of Ordinance Amending the City of Ocoee Municipal General Employees' Retirement Trust Fund. **(Municipal Pension Board Chair Cowan)**

Municipal Pension Board Chair Cowan explained the proposed amendments related to the City of Ocoee Municipal General Employees' Retirement Trust Fund.

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. 2024-11 Amending the City of Ocoee Municipal General Employees' Retirement Trust Fund; moved by Commissioner Firstner, seconded by Commissioner Oliver; Motion carried unanimously.

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

Zoning Manager Whitfield presented an overview of the subject property located on the north side of the FCEN Railroad tracks at the terminus of the unimproved Ocoee Vista Parkway right-of-way. She further provided an overview of its zoning, future land use designations, and history. She explained that Tract D has been planned for a public roadway since it was dedicated to the City in 2006, and that the adjacent right-of-way is insufficient to provide a safe rail crossing to access the subject property via A.D. Mims Road. The applicant is requesting a rezoning from Unclassified District and R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development District). Per the proposed Land Use Plan (LUP), the applicant proposes to develop an 84-lot single-family attached (fee simple townhome) residential subdivision at a proposed density of 3.43 units per acre. She displayed aerials to give examples of other townhomes within the City, including along Ocoee Vista Parkway, that are separated from a public roadway by an open space tract. She additionally addressed the deliberations and community input from the Planning and Zoning Commission relative to increased traffic on Clarke Road and Ocoee Vista Parkway, school bus stop and safety, access onto A.D. Mims across the railroad tracks, speeding on Clarke Road, noise from the trains on the railroad, natural resources (wetlands and wildlife), medium density of the development, people cutting through Prairie Lake Reserve and Prairie Meadows, trees between the access road and the railroad, fencing between the proposed development and the railroad, improvements on Clarke Road, and maintenance of the conservation area.

City Attorney Geller read the title of the ordinance.

Mayor Johnson opened the public hearing.

Jason Searl, Attorney with Gray Robinson, concurred with staff's recommendation of approval and offered to answer any City Commission or audience questions.

The following persons addressed the City Commission:

- **Joe Fana**, Prairie Lake Reserve HOA President, voiced traffic concerns about the proposed project, the lack of a traffic signal, and the safety of the students at the school bus stop located at Clarke Road. He shared that an entrance on A.D. Mims Road would help address this issue and avoid additional traffic onto Clarke Road.
- **Andrea Jones**, Ocoee resident, voiced traffic and sound barrier concerns about the proposed project. She further inquired if quiet zones were considered for the passing trains.

Mayor Johnson closed the public hearing.

Commissioner Kennedy inquired about the signal timing study and who conducted the study. **Zoning Manager Whitfield** addressed his question. He shared he agrees with the citizens'

comments, and further inquired what is proposed in the undeveloped commercial parcels. **Development Services Director Rumer** addressed his questions, and explained the process to request a traffic signal when not required by the traffic study. **Commissioner Oliver** inquired about the PUD tracts and the proposed convenience store. **Development Services Director Rumer** addressed his question. **Mayor Johnson** inquired about impact fees from the project, and if they could be used toward a traffic signal. **Development Services Director Rumer** addressed his question. Discussion ensued about the cost of a traffic signal.

Jason Searl, *Attorney with Gray Robinson*, expressed that he would like to be afforded the opportunity to have the project traffic study engineer as well as a court reporter present if the City Commission would like to discuss the technical issues. **Mr. Searl** further read the traffic study analysis executive summary provided by Traffic and Mobility Consultants (TMC) which mirrors the information Zoning Manager Whitfield covered in her presentation.

Motion: Move to adopt the proposed 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, as presented by staff; Moved by Commissioner Wilsen, Seconded by Commissioner Firstner. Motion failed 2-3 with Mayor Johnson, Commissioner Kennedy, and Commissioner Oliver opposing.

Jason Searl, *Attorney with Gray Robinson*, requested a continuance or reconsideration on this item since the focal point of concern lies within the traffic analysis; this will allow them to bring in their traffic consultant to testify before the City Commission.

Motion: Move to reconsider the adoption of the proposed Ordinance for Gardenia Pointe Rezoning from Unclassified District and R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development District); Project No. RZ-23-02-02. Moved by Commissioner Kennedy, Seconded by Commissioner Wilsen.

Commissioner Oliver asked about the procedure if a motion fails. **Development Services Director Rumer** clarified that it would take 6-9 months before it could be reconsidered. **Commissioner Wilsen** stated that her decision is influenced solely by the current agenda item, which concerns the rezoning of the parcel.

Motion carried 4-1 with Commissioner Oliver opposing.

Motion: Move to continue the adoption of the proposed Ordinance for Gardenia Pointe Rezoning from Unclassified District and R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development District); Project No. RZ-23-02-02, to give the applicant the opportunity to include staff members who can address the concerns of the City Commission. Moved by Commissioner Kennedy, Seconded by Commissioner Firstner. Motion carried unanimously.

- PUBLIC HEARING – None

• **REGULAR AGENDA 7:48 PM**

14. 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. She further announced that the West Orange Airport Authority is presently inactive; therefore, staff is not seeking an appointment to that board at this time.

Parks and Recreation Board – Commissioner Wilsen

Motion: Move to approve Commissioner Wilsen as Parks and Recreation Board Liaison. Moved by Commissioner Kennedy, seconded by Commissioner Firstner; Motion carried unanimously.

Citizens Advisory Board for the Police Department – Commissioner Kennedy

Motion: Move to approve Commissioner Kennedy as Citizens Advisory Board for the Police Department Liaison. Moved by Commissioner Wilsen, seconded by Commissioner Firstner; Motion carried unanimously.

Citizens Advisory Board for the Fire Department - Commissioner Firstner

Motion: Move to approve Commissioner Firstner as Citizens Advisory Board for the Fire Department Liaison. Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried unanimously.

Human Relations Diversity Board – Mayor Johnson

Motion: Move to approve Mayor Johnson as Human Relations Diversity Board Liaison. Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried unanimously.

Personnel Board – Mayor Johnson

Motion: Move to approve Mayor Johnson as Personnel Board Liaison. Moved by Commissioner Kennedy, seconded by Commissioner Firstner; Motion carried unanimously.

Tri-County League of Cities – Commissioner Wilsen

Motion: Move to approve Commissioner Wilsen as Tri-County League of Cities Liaison. Moved by Commissioner Kennedy, seconded by Commissioner Firstner; Motion carried unanimously.

W.O. Chamber of Commerce – City Manager Frank

Motion: Move to approve City Manager Frank as W.O. Chamber of Commerce Liaison until end of July; Assistant City Manager Shadrix to assume role following his retirement. Moved by Commissioner Wilsen, seconded by Commissioner Oliver; Motion carried unanimously.

Education Incentive Board – Commissioner Oliver

Motion: Move to approve Commissioner Oliver as Education Incentive Board Liaison. Moved by Commissioner Wilsen, seconded by Commissioner Firstner; Motion carried unanimously.

MetroPlan Orlando Municipal Advisory Committee (MAC) - Commissioner Kennedy

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

Motion: Move to approve Commissioner Kennedy as MetroPlan Orlando Municipal Advisory Committee (MAC) Liaison. Moved by Mayor Johnson, seconded by Commissioner Firstner; Motion carried unanimously.

15. School Zone Speed Enforcement Camera Program. (Acting Police Chief Ogburn)

City Manager Frank announced the promotion of Acting Chief Ogburn to permanent Police Chief as of this morning. He further shared that at the next meeting City staff would like to conduct an official swearing in. **Police Chief Ogburn** shared his gratitude on the promotion.

Police Chief Ogburn briefly explained that in November, the City Commission approved the renewal of its red-light camera vendor contract with Advanced Traffic Solutions, Inc. (ATS) doing business as Verra Mobility. The contract included the ability to provide school zone speed detection and enforcement via the installation of school zone enforcement cameras on roadways surrounding the schools. If the City Commission wishes to implement the program, or retain the ability to effectively do so in the future, an ordinance would need to be approved by the City Commission. **City Manager Frank** summarized the following options to consider: a) do not move forward with the ordinance, b) ratify the ordinance and allow it to remain an option to consider installing the system in the future, and c) ratify the ordinance and move forward with implementation of the program for one or more school zones.

Commissioner Wilsen voiced support of moving forward with an ordinance, and shared the statistics provided in the study were eye opening. **Commissioner Kennedy** also shared his support to move forward with the ordinance, but voiced the need to proceed with installing cameras immediately.

Motion: Direct the City Manager to bring back an ordinance on a future agenda for discussion and approval; Moved by Commissioner Wilsen, Seconded by Commissioner Kennedy. Motion carried unanimously.

16. Discussion and Direction regarding Golf Carts and Low-Speed Vehicle use within the City of Ocoee. (**Assistant City Manager Shadrix**)

Assistant City Manager Shadrix defined golf carts and low-speed vehicles, and explained the requirements for both. He also briefed the City Commission on converted golf carts and summarized the process to make a golf cart street-legal. Further clarification was provided on the City's current golf cart ordinance and Florida Statute requirements, and updating the City's ordinance to current standards. **Assistant City Manager Shadrix** addressed a request made during a past City Commission Meeting on lowering the speed limit on Orlando Avenue, for which a recent speed study strongly discourages and would not be proposed as an option. He further summarized the following recommendations: 1) Maintain Status Quo which is the process already established for neighborhoods to request approval as Golf Cart Accessible Communities and Low Speed Vehicles operating as per statute, with an amendment to the City's ordinance reflecting changes to minimum age requirements and ID requirements for operation, or 2) End the process for Golf Cart Accessible Communities and rely solely on the statutory use of Low Speed Vehicles.

Commissioner Wilsen voiced her support in retaining the current request approval process as established in the City's ordinance. **Commissioner Kennedy** expressed apprehension regarding the ordinance stipulations. He emphasized that gated communities, which oversee their own streets, possess the authority to decide whether to permit golf carts. However, he opposes the idea that non-gated homeowners' associations (HOAs) should be responsible for deciding the designation of streets they neither own nor maintain. **Commissioner Firstner** shared he supports the recommendation to keep the City's ordinance with the amendments needed, and further inquired if public education could be provided on low-speed vehicles and golf cart conversions. **Commissioner Oliver** echoed support for public education initiatives and concurred with Commissioner Kennedy's remarks. He also expressed concern about minors operating golf carts and asked how such issues could be regulated if solely relying on statutory use without the ordinance. Further discussion ensued on golf carts, individual subdivision/road designations vs. complete City designation, and signage requirements and costs.

Motion: Move to have City staff amend the current ordinance reflecting changes to minimum age requirements and ID requirements for operation; and further, have staff provide analysis on roads for golf carts to include associated signage cost: Moved by Commissioner Kennedy, Seconded by Commissioner Oliver. Motion carried unanimously.

• **COMMENTS FROM COMMISSIONERS 8:29 PM**

Commissioner Firstner – Commented on the following:

- 1) Announced the Fire Station Open House date and time.

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Commissioner Oliver – Commented on the following:

- 1) Announced the Clarke Rd. Widening Project is still underway.
- 2) Announced the lights on Ingram/Clarcona Ocoee Rd., Ocoee Apopka/McCormick Rd., and Apopka Vineland/McCormick Rd. are being worked on.
- 3) Announced that as a resident of District 4 he will be working with the County to figure out what can be done to mitigate traffic accidents involving pedestrians at several different intersections, along the West Orange Trail.
- 4) Assured everyone that the recent crimes in District 4 have not been committed by citizens of Ocoee, but the Police Department does have active investigations underway.
- 5) Shared an inspirational quote.

Commissioner Wilsen – Commented on the following:

- 1) Gave thanks to all of the volunteers on the volunteer/advisory boards for their time. Recognized former board volunteer, Gordon Applegate, for his 30+ plus years as a board volunteer.

Commissioner Kennedy – Commented on the following:

- 1) Gave an update on the (4) four heart save stations, that will be placed in various locations within the city, and announced that Martha Lopez-Anderson was able to get a fifth station, so the Fire Department will be selecting a fifth location.

Mayor Johnson – Commented on the following:

- 1) Requested the Police Department crack down on speeders on Kissimmee Ave.
- 2) Requested that steps on Oakland Ave, leading up to City Hall be put in.
- 3) Requested that the strip on the annex road at Silver Star Rd. be fixed/repaved.
- 4) Commented that garbage was not picked up, for a week, in various neighborhoods, following the recent incident of one of the sanitation employees; he would like to know who approved the suspension of the garbage pick-up.
- 6) Stated that there needs to be more parking around Downtown.
- 7) Kudos to all departments that worked on the Ocoee Music Festival, especially the Parks and Recreation Department, for a successful event.

• ADJOURNMENT 8:43 PM

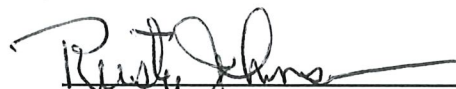
APPROVED:

Attest:

City of Ocoee



Melanie Sibbitt, City Clerk


Rusty Johnson, Mayor