

**MINUTES**  
**OCOEE CITY COMMISSION**  
**JANUARY 17, 2023**

**REGULAR CITY COMMISSION MEETING**

• **STATE OF THE CITY - 5:45 PM**

• **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 *Ocoee Resident*, **Brad Lomneck**, 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 Brinson, Commissioner Wilsen, Commissioner Firstner, Commissioner Oliver

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

• **PRESENTATIONS AND PROCLAMATIONS - None**

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

• **PUBLIC COMMENTS - 6:18 PM**

The following person addressed the City Commission:

- **Cathy Sills**, *The Woman's Club of Ocoee*, requested approval for The Woman's Club of Ocoee to host a political forum for the upcoming March 14<sup>th</sup> Election. She requested two evenings; Wednesday, February 15<sup>th</sup> for Districts 1 & 3 and Thursday, February 16<sup>th</sup> for the Mayoral seat. Each evening would run from 6 PM to 8 PM. **Consensus of the City Commission was to allow the Woman's Club of Ocoee to host the televised political forum in City Hall on the requested dates.**

• **CONSENT AGENDA - 6:21 PM**

**Consent Agenda Motion**

**Motion: Move to adopt the Consent Agenda Item #1-16 with Item #15 being pulled for discussion and separate consideration.**

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

1. Approval of the Minutes for the Regular City Commission Meeting held December 6, 2022. **(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)**

3. Approval of Elections Services Contract with the Orange County Supervisor of Elections and Allow them to Open and Run Unquestionable Vote-By-Mail Ballots for the March 2023 General Municipal Election Utilizing the Orange County Canvassing Board Criteria. **(City Clerk Sibbitt)**
4. Approval of Resolution and Bylaws to the Human Relations Diversity Board (HRDB). **(City Attorney Cookson)**
5. Approval of Resolution Relating to City Commission Non-Local Travel Reimbursement Policy. **(City Attorney Cookson)**
6. Approval to Place Bennet Fire Products Co. on the "Single Source" Vendor List for Firefighting Protective Equipment. **(Deputy Fire Chief Van Camp)**
7. Approval for Fire Department to Accept Dickey Foundation Grant. **(Deputy Fire Chief Van Camp)**
8. Approval of Code Enforcement Agreement with Town of Windermere with 5% Adjustment to Cover the City of Ocoee's Costs. **(Acting Support Services Director Gaines)**
9. Approval of an Amendment to the CenturyLink/Lumen Master Service Agreement. **(Acting Support Services Director Gaines)**
10. Approval for Police Department Vehicle Purchase. **(Police Chief Plasencia)**
11. Approval of Traffic Calming Utilizing Existing City of Kissimmee Contract with APEC LLC. **(Public Works Director Krug)**
12. Approval of 2022-2023 Budget Equipment Purchases. **(Public Works Director Krug)**
13. Approval of Stormwater Improvement Projects for 2022-2023 with American In-Line Inspection, Inc. **(Public Works Director Krug)**
14. Approval for Demolition of Structure at 33 Lakeview St. **(Public Works Director Krug)**
15. Approval for Demolition of Old City Hall Building at 150 N. Lakeshore Dr. **(Public Works Director Krug)**

**Commissioner Oliver** inquired where the funding for this project is being allocated from. **Public Works Director Krug** and **City Manager Frank** addressed his questions. **Commissioner Oliver** voiced his disagreement on the funding source discussed.

**Motion: Move to approve No.15 – Demolition of Old City Hall Building at 150 N. Lakeshore Drive; Moved by Commissioner Wilsen, seconded by Commissioner Firstner; Motion carried 4-1 with Commissioner Oliver opposing.**

16. Approval to Reject all Bids received for ITB #23-001 Upgrade to Existing Transfer Pump Station and Upgrade to Existing Reuse Pump Station- ARPA Federal Grant Funded Project. (**Procurement Manager Tolbert**)

• **FIRST READING OF ORDINANCE – None**

• **SECOND READING OF ORDINANCE – PUBLIC HEARING - 6:30 PM**

17. Second Reading of Ordinance for Howard Property, 8708 A. D. Mims Road - Annexation & Rezoning; Project No(s). AX-09-22-27 & RZ-22-09-44. (**Zoning Manager Whitfield**)

**Zoning Manager Whitfield** made a brief presentation about the subject property, which is approximately 2.25 acres, currently vacant, and is located on the south side of A. D. Mims Road, beginning approximately 160 feet west of Prairie Lake Boulevard. The applicant is proposing to annex into the City and rezone the property to R-1AA (Single Family Dwelling District) in order to develop a 9-lot single-family subdivision. Water is provided by the City; however, the subdivision will be serviced by septic systems. The property is within the boundaries of the City of Ocoee and Orange County Joint Planning Area (JPA) and is designated Low Density Residential on the JPA Future Land Use Map.

*The public hearing was opened.*

**Robert Rene**, *Project Engineer with Crinnova Designs, LLC*, introduced himself and the proposed project.

*The public hearing was closed.*

**City Attorney Cookson** read the titles of the ordinances.

The floor was opened for members of the City Commission to ask questions. **Zoning Manager Whitfield**, **Development Services Director Rumer**, and **Mr. Rene** addressed questions related to City sewer and the lifespan of a septic tank.

**Second Reading of Annexation Ordinance**

**Motion: Move to adopt Ordinance No. 2023-01, Howard Property, 8708 A. D. Mims Road - Annexation; Project No. AX-09-22-27; Moved by Commissioner Brinson, seconded by Commissioner Wilsen; Motion carried unanimously.**

**Second Reading of Rezoning Ordinance**

**Motion: Move to adopt Ordinance No. 2023-02, Howard Property, 8708 A. D. Mims Road Rezoning; Project No. RZ-22-09-44; Moved by Commissioner Brinson, seconded by Commissioner Wilsen; Motion carried unanimously.**

18. Second Reading of Ordinance for a Substantial Amendment to the Ocoee Town Shops PUD for a WaWa Gas Station Use; Project No. RZ-22-07-42. (**Development Services Director Rumer**)

**Zoning Manager Whitfield** presented a brief overview of this property, which is currently undeveloped, approximately 3.39 acres in size and is located on the northwest corner of Clarke Road and W. Colonial Drive (SR 50). The applicant is proposing to amend the PUD Land Use Plan by reducing the 27,750 SF of retail and restaurant to a 5,636 Wawa Gas Station and 4,600 SF future development for retail or restaurant. A retention pond is proposed on this site adjacent to State Road 50. Full access is being proposed off of Clarke Road and Jacob Nathan Boulevard. Staff recommends approval for the Substantial Amendment to the Ocoee Town Shops PUD Land Use Plan to amend the plan to allow a Wawa Gas Station as an approved use to the PUD subject to the condition that appropriate roadway signage and markings (using the appropriate MUTCD Manual) be installed on South Clarke Road to direct motorists to not block the accessway to the WaWa gas station.

*The public hearing was opened.*

**Sean Fortier, P.E., KCG Engineering, Orlando**, introduced himself and shared he would be available to address any questions.

The floor was opened for members of the City Commission to ask questions and voice concerns. **Development Services Director Rumer** and **Mr. Fortier** addressed matters related to the elevation and drainage of the property; project model, size, and color scheme; and the FDOT Index.

The following person(s) addressed the City Commission:

**Sue Lowrie, Ocoee Resident**, inquired about the main entrance location.

*The public hearing was closed.*

**City Attorney Cookson** read the title of the ordinance.

**Motion: Move to adopt Ordinance No. 2023-03, Substantial Amendment to the Ocoee Town Shops PUD for a WaWa Gas Station Use; Project No. RZ-22-07-42 per staff's recommendation; Moved by Commissioner Wilsen, seconded by Commissioner Brinson; Motion carried unanimously.**

19. Second Reading of Ordinance for the Comprehensive Plan Amendment - Adoption of the Five-Year Schedule of Capital Improvements and Update of the Capital Improvements Element, Project No. CPA-2022-004. (**Zoning Manager Whitfield**)

**Zoning Manager Whitfield** presented an overview of the amendment to the Capital Improvements Element (CIE). The issue before the City Commission is to approve the amendment to the Capital Improvements Element and update of the Five-Year Schedule of Capital Improvements for Fiscal Years 2022/23 through 2026/27 within the City's Comprehensive Plan in accordance with Section 163.3177(3), Florida Statutes (F.S.) and

Policy 1.5 of the Capital Improvements Element. She further presented a PowerPoint which summarized the schedule of Capital Improvements (Schedule) incorporating publicly and privately funded projects approved for this 5-year planning period.

**City Attorney Cookson** read the title of the ordinance.

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

The floor was opened for members of the City Commission. No comments were made.

**Motion: Move to adopt Ordinance No. 2023-04 Amending the Capital Improvements Element for Fiscal Years 2022 – 2027 Five Year Schedule of Capital Improvements; Moved by Commissioner Oliver, seconded by Commissioner Brinson; Motion carried unanimously.**

• **PUBLIC HEARING**

- 20.** Ocoee Oaks UMC Communications Tower Special Exception, Project No. 06-22-SE-029. (Zoning Manager Whitfield)

**Zoning Manager Whitfield** summarized the Special Exception for the subject property, which is located at 201 South Clarke Road, approximately 150 feet south of the church building adjacent to the Orange County water tower property line with an existing zoning of A-1 (General Agriculture District) and a portion of the property R1-A (Single-Family Residential). The applicant is requesting the special exception for the use of a portion of this property (3,500 SF) to be utilized as an innovative communications tower facility with a height request of 135 feet. This proposed tower is essentially a replacement tower as the existing transmissions are located on the County Water Tower, which stands at 145 feet and will soon be decommissioned and demolished.

**Zoning Manager Whitfield** further indicated the applicant has provided two (2) design options: a monopine tree (Option 1) and a bell tower (Option 2) where the communications apparatuses are hidden from view. Based on the recommendations of the DRC and Planning and Zoning Commission, staff recommends that the City Commission approve an application for a Special Exception on the subject property for an Innovative communications tower facility subject to the following conditions: 1) The tower will be designed as shown in Option 2, Bell Tower, and 2) The Planting Schedule in the Landscape Plan will be revised to replace the Crepe Myrtles with an evergreen canopy tree species.

*The public hearing was opened.*

**Mattaniah Jahn, P.A., Applicant (Diamond Communications LLC, Verizon Wireless & AT&T), 935 Main Street, Suite C4, Safety Harbor, FL,** explained the communication tower options and provided exhibits to depict both possibilities. Additional information was shared on cellphone coverage by various carriers.

The following person(s) addressed the City Commission:

**Doug Gomber**, *Ocoee Resident and White Hill HOA President*, spoke in support of the removal of the water tower for replacement with the bell tower option.

*The public hearing was closed.*

The floor was opened for members of the City Commission to ask questions. **Ms. Jahn, Zoning Manager Whitfield**, and **Development Services Director Rumer** addressed questions related to the bell tower functionality and network coverage.

**Motion: Move to approve the Ocoee Oaks UMC Communications Tower Special Exception with Design Option 2, the Bell Tower, Project No. 06-22-SE-029, per staff's recommendation; Moved by Commissioner Wilsen, seconded by Commissioner Oliver; Motion carried unanimously.**

• **REGULAR AGENDA**

- 21.** Appointment of Members to the Human Relations Diversity Board (HRDB). (**City Clerk Sibbitt**)

**City Clerk Sibbitt** explained the item before the Board, and shared all applications received to date have been provided to them for consideration on making appointments to the HRDB.

**Motion: Move to table the Appointment of Members to the HRDB to the next Regular City Commission Meeting; Moved by Commissioner Wilsen, seconded by Mayor Johnson; Motion carried 3-2 with Commissioner Brinson and Commissioner Oliver opposing.**  
*(Mayor Johnson handed the gavel to Mayor Pro tem Firstner)*

- 22.** Discussion and Direction of Various Items requested by District 1 Commissioner Larry Brinson. (**City Manager Frank**)

**Commissioner Brinson** explained the items he asked the City Manager to place on the agenda for discussion and direction.

Discussion ensued on combining the Fire and Police Advisory Board into one Citizen Advisory Public Safety Board.

**Motion: Move to direct staff to bring back a resolution to combine the CACOFD and CACOPD into a Citizen Advisory Public Safety Board; Moved by Commissioner Brinson, seconded by Commissioner Oliver; Motion failed 2-3 with Mayor Johnson, Commissioner Wilsen, and Commissioner Firstner opposing.**

Discussion ensued on auditing of all advisory boards who receive funding. **City Manager Frank** advised he could provide Commissioner Brinson with the financial spending of all the boards; and if further review is needed, it can be discussed. Further discussion ensued on audits of events.

Discussion ensued on an outside operational audit for the City of Ocoee and the request that was made in 2016. **City Manager Frank** explained the initial request for the audit, and advised that nothing specific has been identified to audit. **Consensus of the City Commission was to direct City staff to come back with several audit proposals to include detailed scope of work and estimated costs.**

• **COMMENTS FROM CITIZENS / PUBLIC - 8:31 PM**

The following persons addressed the City Commission:

- **Norine Dworkin**, *Editor in Chief, VoxPopuli*, shared concerns about a candidate in the upcoming election who filed to run in District 3, but has a primary residence in Orlando. She then inquired about the City's definition of a "bonafide resident" and questioned who would determine if this candidate is qualified to run. **City Attorney Cookson** addressed her concerns and noted that a candidate must be living in Ocoee at the time of qualifying.
- **Keith Hadley**, *Ocoee Resident*, shared concerns about the impact of a new development near The Greens at Forest Lake.
- **Kellie Beck**, *Ocoee Resident and HOA Vice-President for The Greens at Forest Lake*, shared multiple concerns about the new development, Magnolia Reserve, and inquired about ways to resolve those concerns. **Development Services Director Rumer** addressed her concerns.
- **Gary Tolley**, *Community Relations Advocate for Libby's Legacy Breast Cancer Foundation*, shared Libby's mission and asked for assistance with a code enforcement violation received for a charitable donation bin that is placed within the City limits. **Development Services Director Rumer** explained the current ordinance. The Commission sympathized with his position, but agreed that the current ordinance should be enforced.
- **Jim Moyer**, *Ocoee Resident*, shared two quick stories on diversity.

• **COMMENTS FROM COMMISSIONERS - 9:13 PM**

**Commissioner Oliver** – Commented on the following:

- 1) Shared a Junior Achievement video on economic empowerment through education and explained the importance of listening to the youth.
- 2) In honor of MLK Day he provided a quote by Martin Luther King, Jr.

**Commissioner Firstner** – Commented on the following:

- 1) Thanked the City and staff for the successful MLK Parade and Event.
- 2) Provided information on the Ocoee Police Department's Public Safety Academy and encouraged interested citizens to enroll.
- 3) Wished Mayor Johnson a Happy Birthday.

**Commissioner Wilsen** – Commented on the following:

- 1) Commented on the cemetery and how well it looked.
- 2) Commented on the recent videos posted by Commissioner Oliver, which were filmed in the City's Commission Chamber with the City logo behind him. She then inquired if there was a policy in place to book the Chambers and if the videos are considered a public records request (PRR). **City Attorney Cookson** offered to research the PRR laws, and follow up. **Commissioner Oliver** addressed her concerns. **Mayor Johnson** directed Staff to establish a use-of-building policy and bring it back to the Commission for discussion and direction.

**Commissioner Brinson** – Commented on the following:

- 1) Commented on the State of the City and how it showcased the many improvements throughout the City over the past year and explained that there is a lot more to come.
- 2) Reminded everyone that as we navigate change it is imperative to practice patience. He pleaded with all, to allow the person who has “the floor”, the courtesy of being heard when it is their turn to speak.

**Mayor Johnson** – Commented on the following:

- 1) Announced the upcoming Election date, open seats, and qualifying dates.
- 2) Asked that voter polling locations be placed on Ocoee TV, and Facebook page.
- 3) Commented on the video spoken about earlier and encouraged everyone to live ethically and simply speak the truth.
- 4) Shared that he is proud of the City’s recent progress and the forthcoming improvements.
- 5) Affirmed the success of the MLK Event and noted that keynote speaker, Daralene Jones, did a phenomenal job.
- 6) Noted the many new activities that Parks & Recreation have recently implemented for our seniors and youth.
- 7) Inquired about the pavement and sidewalk repairs. **City Manager Frank** addressed his request and offered to provide additional information.
- 8) Reminded candidates about the campaign election sign rules, and asked City Clerk Sibbitt to provide them during qualifying. **City Clerk Sibbitt** addressed his concerns.

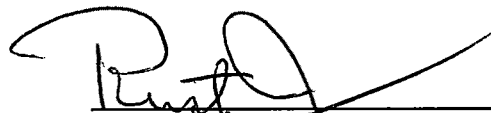
**ADJOURNMENT- 9:39 PM**

**APPROVED:**

**Attest:**

**City of Ocoee**

  
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**Melanie Sibbitt, City Clerk**

  
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**Rusty Johnson, Ma**