

OCOEE CITY COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

August 6, 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 **Commissioner Kennedy**. **City Clerk Sibbitt** called the roll and declared a quorum present.

Present: Mayor Johnson, Commissioner Kennedy, Commissioner Wilsen, Commissioner Firstner, Commissioner Oliver

Also Present: Assistant City Manager Shadrix, City Attorney Geller, City Clerk Sibbitt

• PRESENTATIONS AND PROCLAMATIONS - None

• STAFF REPORTS AND AGENDA REVIEW 6:17 PM

Assistant City Manager Shadrix informed the City Commission that city staff has received the traffic study from the City's consultant, Kinley Horn, regarding the intersections of Adair and Wurst Road and Montgomery and White Road. Both intersections warrant stop signs. City staff will present an agenda item at the August 20th City Commission meeting for approval of the stop sign placements.

• PUBLIC COMMENTS 6:18 PM

The following persons addressed the City Commission:

- **Brad Lomneck**, *Ocoee Resident*, expressed that the residents of Admiral Point and Veronica Circle have requested that landscaping be included in the budget for the upcoming budget season.
- **Dr. Lori Hart**, *Ocoee Resident*, expressed her gratitude and thanks to the commission and city staff, and her family for the support given as she pursued and graduated with her Doctoral Degree from the University of Central Florida.

• CONSENT AGENDA 6:21 PM

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Item #1-16; Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried 5-0.

1. Approval of Minutes from the Regular City Commission Meeting held July 16, 2024.
(City Clerk Sibbitt)
2. Approval of Annual Fire Protection Assessment Tax Roll Resolution for the Fiscal Year 2025. (Acting Support Services Director Gaines)

3. Approval of Police Department Vehicle Purchase. **(Assistant Police Chief McKinstry)**
4. Approval of Police Department Vehicle Lease. **(Assistant Police Chief McKinstry)**
5. Approval of Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (JAG Countywide-State Solicitation). **(Assistant Police Chief McKinstry)**
6. Approval of Educational Affiliation Agreement with Lake Tech College. **(Deputy Fire Chief Van Camp)**
7. Approval for the Renewal of a Facility Sublicense Agreement with Valencia College and the Ocoee Fire Department. **(Deputy Fire Chief Van Camp)**
8. Approval of Utilities Easement Agreement for Bluford Warehouse & Office aka U.S. Aluminum. **(Development Engineer Keaton)**
9. Approval of a Two-Year Warranty Surety and Maintenance, Materials, and Workmanship Agreement for Magnolia Reserve Townhomes. **(Development Engineer Keaton)**
10. Approval of Correction on Workshop Date for FY 2024/2025 Budget Process. **(Finance Director Roberts)**
11. Approval of School Justice Partnership Agreement with Orange County Public Schools. **(Police Chief Ogburn)**
12. Approval to Award Invitation to Bid (ITB) #24-011 Job Order for Construction of Restroom at Healthy West Orange Wellness Park. **(Procurement Manager Tolbert)**
13. Approval to Award Request for Proposals (RFP) #24-009 Emergency-Disaster Debris Removal Term Contract. **(Procurement Manager Tolbert)**
14. Approval to Extend Existing Contract for Continuing Water Quality Professional Services. **(Public Works Director Krug)**
15. Approval of the Certification of Non-Ad Valorem Assessment Roll for Stormwater Inclusion on the Orange County Tax Roll for FY 2024/2025. **(Public Works Director Krug)**
16. Approval of the Certification of Non-Ad Valorem Assessment Roll for Solid Waste Inclusion on the Orange County Tax Roll for FY 2024/2025. **(Public Works Director Krug)**

• **FIRST READING OF ORDINANCE - None**

• **SECOND READING OF ORDINANCE – PUBLIC HEARING 6:22 PM**

17. Second Reading of Ordinance for Land Development Code Amendment Implementing the Live Local Act. **(Zoning Manager Whitfield)**

City Attorney Geller read the title of the ordinance.

Development Services Director Rumer presented a brief overview of the proposed ordinance implementing the Live Local Act which was signed into law. The primary purpose of the Bill is to increase the availability of affordable housing in the State of Florida. He summarized the preemptions on Counties and Cities, the minimum requirements for qualifying for affordable housing projects, and what this ordinance means to the City.

City Attorney Geller provided an overview on the objectives of the ordinance. He summarized height approval and protection for adjacent properties, density definition, eligible zoning districts, and local law and regulation compliance requirements.

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Nicole MacInnes**, *Attorney with Sterns Weaver Miller Alhadeff & Sitterson*, expressed concerns with the proposed ordinance and offered recommendations on changes to the ordinance. **City Attorney Geller** countered the comments made by Ms. MacInnes, and provided the City Commission with context, noting that her comments were related to a rejected application for the Swanson Land Co. project, which she represents.

The public hearing was closed.

Commissioner Oliver asked about the original Lake Lotta PUD ordinance from 1994 and whether there have been any amendments regarding height, density, or zoning. **Development Services Director Rumer** addressed his question. **Commissioner Oliver** confirmed that the purpose of the proposed ordinance being considered tonight is to address the gaps not covered by the recently passed Senate Bill. **Development Services Director Rumer** answered affirmatively, and added that the ordinance will also reference the Land Development Code as the next document to address the requirements.

Motion: Move to adopt Ordinance No. 2024-25, to amend the Land Development Code relative to Qualifying Affordable Housing Projects under the requirements of Senate Bill 102 (2023), as modified by Senate Bill 328 (2024), also known as the Live Local Act; moved by Commissioner Wilsen, seconded by Commissioner Oliver; Motion carried 5-0.

• **PUBLIC HEARING 6:54 PM**

18. Public Hearing to Adopt the Annual Code Enforcement Abatement Assessment Resolution to Certify the FY 2025 Non-Ad Valorem Assessment Tax Roll. (**Acting 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 No. 2024-08 and Certify the Fiscal Year 2025 Non-Ad Valorem Assessment Tax Roll for Abatement Cost Recovery; Moved by Commissioner Oliver, seconded by Commissioner Wilsen; Motion carried 5-0.

• **REGULAR AGENDA 6:56 PM**

19. Update and Request Direction on Review of the City's Wastewater Permit and Associated Lease with ZHA Incorporated (Owner's Rep Services RFP#23-005).

Robert Utsey, Representative with ZHA Incorporated explained they were contracted by the City to provide an analysis and conduct a study on the current ground lease and wastewater permit at Forest Lake Golf Club. Information has been provided to the City Commission on what has been completed to date and what information is still needed from the lessee. Their request this evening is to ask the City Commission to request the City Attorney to compel the lessee to provide the outstanding requested information so they may complete their report.

Assistant City Manager Shadrix provided a background summary on the workshop held in 2020, and explained that the City's entire wastewater permit is associated with the Forest Lake Golf Course property. He clarified the purpose of contracting ZHA Incorporated and recommended that the City Commission allow him, the City Attorney, and the consultant to proceed with the process in the City's best interest.

Logan Opshal, Attorney with Lowndes Law Firm, stated that Forest Lake Golf Course has always valued its partnership with the City. However, he noted that, without a letter of intent or a contractual agreement, they believe it is inappropriate to provide the requested financial information. He explained that they felt the nature of some of the items requested, should not be open to the public.

Motion: Move to authorize the City Manager, City Attorney, and Consultants to complete all actions necessary for the evaluation of the lease, permit, and all other analysis and correspondence for the Forest Lake Golf Course property; Moved by Commissioner Firstner, seconded by Commissioner Wilsen; Motion carried 4-1 with Commissioner Oliver opposing.

20. Update and Request Direction: Kurt Ardaman of the City Attorney's Office (Fishback Dominick) regarding City-owned property located at 10521 Clarcona Ocoee Road (Forest Lake Golf Course).

Kurt Ardaman, Attorney with Fishback Dominick, briefed the City Commission on a letter dated June 26, 2024, received from Attorney Opshal, which notified the City that it has sixty (60) days to exercise its right of first refusal. He explained that, in addition to the purchase and sale agreement, the City also needs information from the assignee, JA Hospitality LLC. Therefore, the City is requesting an additional sixty (60) days to gather the necessary information for evaluation and to bring a recommendation back to the City Commission.

Logan Opshal, Attorney with Lowndes Law Firm, shared his client is ready to retire and pass the business to another golf course operator. He mentioned that they are ready to provide information related to the perimeter that approves the assignment under the ground lease. However, he noted that he is unable to speak on behalf of the buyer this evening.

Commissioner Wilsen expressed concerns about ensuring that all relevant information is available before making a decision regarding the Forest Lake Golf Course property.

Commissioner Oliver echoed Commissioner Wilsen's concerns, and emphasized the need for additional time to review and fully understand the requests being made.

Commissioner Wilsen clarified that the City is not selling the land; the sale and purchase agreement pertains solely to the business, not the property.

Motion: Move to authorize the City Manager, Fishback Dominick (the City's law firm), and the City's consultants to evaluate and respond to the cover letter from Logan Opshal dated June 26, 2024, and purchase and sales agreement, regarding the lease of City-owned real property located at 10521 Clarcona Ocoee road (Forest Lake Golf Course); Moved by Commissioner Kennedy, seconded by Commissioner Wilsen; Motion carried 5-0.

• **COMMENTS FROM COMMISSIONERS 7:21 PM**

Commissioner Kennedy – No further comments.

Commissioner Wilsen – Commented on the following:

- 1) Expressed how important the businesses of Ocoee are and urged residents to support the local businesses.

Commissioner Firstner– No further comments.

Commissioner Oliver – Commented on the following:

- 1) Inquired on an update for the Clarke Rd widening project. **Assistant City Manager Shadrix** informed the City Commission that the project will be starting back up on August 19th. He explained the reason for the delay and shared the City's website will be updated to reflect the updated schedule.
- 2) Read an inspirational quote.

Mayor Johnson – Commented on the following:

- 1) Announced that school starts back up on August 12th and urged everyone to be careful and watchful of the children.
- 2) Questioned putting sprinklers back on in the right-of-way near Veronica Place. **Commissioner Wilsen** stated that she has been in communication with the president of the HOA on those issues.

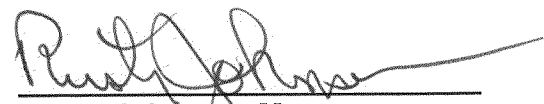
• **ADJOURNMENT 7:27 PM**

APPROVED:

Attest:


Melanie Sibbitt, City Clerk

City of Ocoee


Rusty Johnson, Mayor