

OCOEE CITY COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

December 3, 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 **Agnes Hart**, *Ocoee Resident*, 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 Oliver

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

• **PRESENTATIONS AND PROCLAMATIONS** - None

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

• **PUBLIC COMMENTS 6:17 PM**

The following persons addressed the City Commission:

- **Jim Moyer**, *Ocoee Resident*, discussed the possibility of a Veteran's Advisory Council in Ocoee and expressed his willingness to help with its creation.
- **Norine Dworkin**, *VoxPopuli*, expressed her support for the memorial at Unity Park and commended the city for the healing work that has been done following the 1920 massacre. She then questioned why there was not a public ceremony for the unveiling of the new memorial.

• **CONSENT AGENDA 6:23 PM**

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Items #1-15; Moved by Commissioner Wilsen, seconded by Commissioner Kennedy; Motion carried 5-0.

1. Approval of Minutes from the Regular City Commission Meeting held November 19, 2024. **(City Clerk Sibbitt)**
2. Approval of New Appointment to the Citizen Advisory Council for Ocoee Fire Department (CACOFD). **(City Clerk Sibbitt)**
3. Approval of Master Development Consulting Services Agreement for the Downtown Developer with G3 Development (RLI #24-003). **(Assistant City Manager Rumer)**
4. Approval of Educational Affiliation Agreement with Orlando Medical Institute. **(Deputy Fire Chief Van Camp)**
5. Approval to Piggyback Omnia's Contract for the Prairie Lake Park Playground Project. **(Parks and Leisure Services Director Johnson)**

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6. Approval to Piggyback Omnia's Contract for the Jim Beech Center Playground Project. **(Parks and Leisure Services Director Johnson)**
7. Approval of FY 2024-2025 Budget Vehicle and Equipment Purchases. **(Assistant Public Works Director Gajadhar)**
8. Approval to Piggyback St. Augustine Beach Contract and Award the Northern Durango Avenue Storm Drain Pipe Lining Project to Inliner Solutions. **(Public Works Director Krug)**
9. Approval of Disaster Debris Monitoring Services with Thompson Consulting Services, LLC Under Cost Proposal RFP #19-011. **(Public Works Director Krug)**
10. Approval of Disaster Debris Removal Services with Ceres Environmental, Inc. Under Cost Proposal RFP #24-009. **(Public Works Director Krug)**
11. Approval for Hazen & Sawyer to Provide Design Services for the Forest Oaks Above Ground Chemical Injection Station/Assembly. **(Acting Utilities Director Bolling)**
12. Approval to Piggyback Sourcewell Cooperative Purchasing Contract to Purchase Generators for Lift Station 21 (Pioneer Key II) and Lift Station 14 (Lake Olympia). **(Acting Utilities Director Bolling)**
13. Approval to Redesign the Return Activated Sludge Manifold Station at the City of Ocoee Wastewater Treatment Plant. **(Acting Utilities Director Bolling)**
14. Approval of the Indemnification Agreement with DKC Ocoee Village Center SE, LLC, for the Southeast Commercial Development Water Infrastructure. **(Acting Utilities Director Bolling)**
15. Approval to Piggyback City of Zephyrhills Contract to Rehabilitate City of Ocoee Lift Station #34 (Lake Bennet Center). **(Acting Utilities Director Bolling)**

• **FIRST READING OF ORDINANCE 6:24 PM**

16. First Reading of Ordinance for MDTL Enterprise LLC Property (Conservation Tract) Annexation; Project No. AX-10-24-01. **(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 December 17, 2024, at 6:15 PM or soon thereafter.

17. First Reading of Ordinance for the Annual Comprehensive Plan Text Amendment to Adopt Five-Year Schedule of Capital Improvements and Update the Capital Improvement Element (CIE); Project No. CPA-2024-007. **(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 December 17, 2024, at 6:15 PM or soon thereafter.

• **SECOND READING OF ORDINANCE – PUBLIC HEARING 6:26 PM**

18. Second Reading of Ordinance for City Wide Golf Cart. **(Police Chief Ogburn)**

City Attorney Geller read the title of the ordinance.

Police Chief Ogburn provided a brief overview of the City-Wide Golf Cart ordinance. He explained that, due to safety and behavioral concerns, he proposes implementing the ordinance in phases, starting with the Downtown area to observe vehicular behavior patterns. He also highlighted concerns regarding parking issues. **Commissioner Oliver** inquired what the timeframe for the phases would be. **Police Chief Ogburn** expressed his desire to implement a 30-day trial period in the identified Downtown areas to capture behavioral data. If an extension proves necessary, he plans to request it. **Commissioner Oliver** suggested a longer trial period to prioritize public safety. **Commissioner Kennedy** asked whether the ordinance, as written, contemplates for the proposed phase implementation. **City Attorney Geller** responded by referring to Section 153-22 of the ordinance, which grants City staff discretion in ensuring safe implementation. A brief discussion followed.

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Jane Rainer**, *Ocoee Resident*, inquired if riders in golf carts are required to wear seatbelts. **Police Chief Ogburn** addressed her question.

The public hearing was closed.

Motion: Move to adopt Ordinance No. 2024-34, for City Wide Golf Cart; moved by Commissioner Kennedy, seconded by Commissioner Oliver; Motion carried 5-0.

• **PUBLIC HEARING - None**

• **REGULAR AGENDA 6:37 PM**

19. Update and Request Direction to the City Manager and City Attorney regarding City Consultants' Investigation, City's Right of First Refusal ("ROFR") and Forest Lake's Request for Approval of Assignment Related to City-owned Property Located at 10521 Clarcona, Ocoee Road (Forest Lake Golf Course and Facilities). **(City Attorney Ardaman)**

City Attorney Ardaman provided the City Commission with an overview of the Forest Lake Golf Club timeline outlined in the staff report and explained the subsequent chain of events following the City Commission's motion on August 20, 2024. He explained that the City Commission is addressing two issues this evening: whether to approve the lease assignment and whether to exercise the City's right of first refusal. He further detailed the City's meetings with JA Hospitality and outlined the significant concerns identified during the evaluation.

Logan Opshal, *Attorney with Lowndes Law Firm*, discussed the timeline presented by City Attorney Ardaman and expressed that since their meeting with the City, they have had little to no interaction with City representatives. He emphasized that the concerns raised about JA Hospitality tonight were not previously communicated and this is the first time they are hearing about the identified issues. He stated that the ground lease grants his client the right to assign their lease while also providing the City with the right of first refusal. He further addressed mentions of a default under the ground lease and read several sentences from the agreement to clarify.

The following person(s) addressed the City Commission:

- **George Clifton**, *Forest Lake Golf Course Owner*, spoke about the establishment of the golf course 32 years ago and detailed the associated costs.
- **Ken Ezell**, *Forest Lake Golf Course Owner*, also spoke about the establishment of the golf course and the wonderful relationship they have had with the City. He further spoke on the success of their business and expressed that, at present, they do not feel they are being treated fairly.

Commissioner Kennedy asked Mr. Opshal if he is a representative of JA Hospitality, and inquired if there was anyone present this evening to speak on their behalf. **Mr. Opshal** advised he is the attorney for Forest Lake Golf Club, and was not part of the meeting the City had with JA Hospitality. Brief discussion followed. **City Attorney Ardaman** explained the decision for this evening is regarding the City's approval or denial of the Assignment to JA Hospitality. He further shared that the City has not received any follow-up responses from JA Hospitality regarding the second notice of default that was provided to them. **Commissioner Wilsen** expressed her concerns about the many unknowns related to JA Hospitality. **Commissioner Firstner** inquired from Mr. Opshal if JA Hospitality was aware of this meeting. **Mr. Opshal** addressed his question, and advised they were made aware of this meeting through conversations he had with them. **Commissioner Oliver** inquired if this was a quasi-judicial hearing. **City Attorney Ardaman** addressed his question. **Commissioner Oliver** further voiced his concerns with JA Hospitality not being present as they are a key party in the matter being considered that evening. He mentioned that the agreement was executed before the City Commission's decision, which raised concerns for him. **Mayor Johnson** spoke about the meeting with JA Hospitality and mentioned that their interest in using the Golf Course as an investment property is not aligned with the City's best interests.

Motion: Move to deny Forest Lake Golf Club's Request for Assignment to JA Hospitality Related to City-owned property located at 10521 Clarcona Ocoee Road, with prejudice; moved by Commissioner Kennedy, seconded by Commissioner Oliver; Motion carried 5-0.

City Attorney Ardaman commented on the Right of First Refusal and stated that it is moot with the denial.

• **COMMENTS FROM COMMISSIONERS 7:37 PM**

Commissioner Firstner – No further comments

Commissioner Wilsen – Commented on the following:

- 1) Announced the 4-way stop at Montgomery Road and Orlando Avenue is now operational and urged residents to drive carefully and be mindful.
- 2) Announced the Jolly Jamboree date and time.
- 3) Congratulated Jim Moyer for being elected as Soil & Water Conservation Supervisor.
- 4) Asked City Manager Shadrix to announce the upcoming FLUEDRA Informational Sessions scheduled for Tuesday, December 10th. **City Manager Shadrix** provided the date and times for the meeting, which will cover the developer's appeal process following staff's denial of two development applications in the Clarke and White Road area.

Commissioner Oliver – Commented on the following:

- 1) Asked for an update on the completion of Clarke Road. **City Manager Shadrix** addressed his question.
- 2) Read a Biblical quote.

Commissioner Kennedy – Commented on the following:

- 1) Asked if staff can evaluate the idea of the Veteran's Advisory Council mentioned by Jim Moyer, and bring the findings on an upcoming agenda. **Mayor Johnson** stated that his idea is to have a veteran come out monthly or quarterly and have information sessions with veterans. He was not seeking to have an advisory board.

Mayor Johnson – Commented on the following:

- 1) Announced the events scheduled for December and shared the date, time, and locations for each.
- 2) Announced the Youth Basketball winter season registration deadline and associated cost.

• **ADJOURNMENT 7:49 PM**

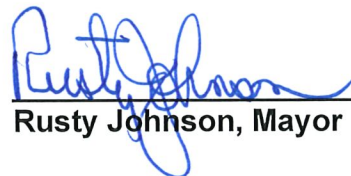
APPROVED:

Attest:



Melanie Sibbitt, City Clerk

City of Ocoee



Rusty Johnson, Mayor