

OCOEE CITY COMMISSION

Ocoee Commission Chambers
1 N. Bluford Avenue
Ocoee, Florida

February 4, 2025

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 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 6:17 PM

2025 Black History Month Proclamation – proclaimed by **Mayor Johnson**. He further announced the proclamation has been posted in the City Hall lobby.

• STAFF REPORTS AND AGENDA REVIEW 6:17 PM

City Manager Shadrix announced that due to unforeseen issues with the plat, it has been requested that Item #3 on the consent agenda be continued to the February 18th City Commission Meeting. He also announced that March 1st is the City's Spring into Conservation event, formerly known as Spring Fling, and there will be road closures that the City Commission must approve. He requested a consensus by the City Commission for staff to execute all necessary road closure permits associated with the event. **Consensus of the City Commission was to allow staff to execute all necessary road closure permits for the City's Spring into Conservation event.** He further gave an update on lighting around the City and stated that the final completion date for the Clarke Road project is set for February 26th.

• PUBLIC COMMENTS 6:21 PM

The following persons addressed the City Commission:

- **Jim Moyer, Ocoee Resident**, highlighted the importance of Black History Month. He also shared information regarding the upcoming Lunar New Year Celebration taking place in Oviedo, FL this month.
- **John Martin, Ocoee Resident**, expressed that there are already enough apartment buildings and complexes under construction. **City Manager Shadrix** explained that a moratorium has been put in place to stop the construction of new apartment complexes, allowing city staff time to revise the City Land Development Code, which will be presented to the City Commission in March.

• **CONSENT AGENDA 6:30 PM**

Consent Agenda Motion

Motion: Move to adopt the Consent Agenda Items #1-7 with Item #3 being pulled and continued to the February 18, 2025, City Commission Meeting; Moved by Commissioner Kennedy, seconded by Commissioner Wilsen; Motion carried 5-0.

1. Approval of Minutes from the Regular City Commission Meeting held January 7, 2025. **(City Clerk Sibbitt)**
2. Approval of Utility Easement for the OTC at Westside Campus Development by the Orange County School Board. **(Development Engineer Keaton)**
3. Approval of the 429 Business Center Plat. **(Development Engineer Keaton)**
4. Approval to Replace the Base Station for the Sensus FlexNet Metering System. **(Utilities Director Bolling)**
5. Approval of Locke Well & Pump as the Single Source Vendor for Well Inspections, Repairs and Equipment. **(Utilities Director Bolling)**
6. Approval to Piggyback Sourcewell Cooperative Purchasing Contract to Replace a Mobile Generator. **(Utilities Director Bolling)**
7. Approval to Piggyback City of Zephyrhills Contract to Rehabilitate City of Ocoee Lift Stations. **(Utilities Director Bolling)**

• **FIRST READING OF ORDINANCE 6:31 PM**

8. First Reading of Ordinance for the Ocoee Regional Sports Complex Rezoning to PUD; Project No. RZ-24-09-07. **(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 City Commission meeting scheduled for February 18, 2025, at 6:15 PM or soon thereafter.

• **SECOND READING OF ORDINANCE – PUBLIC HEARING – None**

• **PUBLIC HEARING 6:32 PM**

9. Public Hearing for 304 Calliope Street - Renwick Variance Request; Project No. VR-24-03. **(Planner I Belizaire)**

Zoning Manager Whitfield briefly introduced **Planner Belizaire**.

Planner Belizaire provided an overview of the subject property and the requested variance. She summarized the applicants' justification for the variance but emphasized that staff found it insufficient to meet the four evaluation criteria. She noted that Code Enforcement action was initiated due to unpermitted improvements made in 2020. These improvements included the installation of pavers, which increased the property's Impervious Surface Area (ISA) to 64%, its current state. The property's maximum allowable ISA is 50%. The proposed survey, under the requested variance, includes adding more pavers to the rear yard, which would increase the ISA

from 64% to 80%. This represents a 61.2% variance from the limits specified in Table 5-2 of the Land Development Code. As a result, the staff does not support the variance request, and the Planning and Zoning Commission has also denied it.

The public hearing was opened.

The following person(s) addressed the City Commission:

- **Johanna Renwick**, homeowner of 304 Calliope Street, stated that her property and community have faced rodent infestations due to a sewage pump for Thornebrooke Elementary located nearby. To address this health and safety concern, her family installed the pavers in their yard. **Ms. Renwick** apologized for her family previously not following the Code and submitted letters from neighbors supporting the variance request.

The public hearing was closed.

Commissioner Kennedy inquired about the sewage pump and who installed it, and what are the proven facts of the pavers remediating the rodent problem. **Planner Belizaire** addressed his questions.

Commissioner Wilsen expressed concerns regarding a previously denied variance presented to the City Commission, which also involved pavers, and the desire for a different outcome on the current request. She further inquired what has OCPS done to help alleviate the rodent issues. **Ms. Renwick** addressed her questions.

Commissioner Firstner stated that he had spoken with Ms. Renwick and expressed his dissatisfaction with OCPS not delivering the expected results, given that this is a health and safety issue, which is his primary concern for the community. He also requested that City staff reach out to OCPS to explore potential solutions. He explained that he did not realize the extent of the pavers being requested and agrees that the pavers do need to be reduced to fall within the City Code.

Commissioner Oliver shared an experience he had with rats in his community and empathized with Ms. Renwick; however, he shared that he agrees with the City Commission that the City has a code in place that should be followed, and making exceptions could set a precedent for others to do the same. He recommended that the homeowners collaborate with the School Board to hire a professional who can address the issues.

Mayor Johnson echoed the comments of the City Commission and agreed that the City must follow its code. He also directed City staff to contact the School Board and not the school itself. **City Manager Shadrix** shared he will have staff contact OCPS.

Motion: Move for Denial of the Variance Request for 304 Calliope Street - Renwick Variance Request; Project No. VR-24-03, based on factual interpretation of the code requirements, as presented by staff, and public testimony related; Moved by Commissioner Firstner, Seconded by Commissioner Oliver; Motion carried unanimously.

10. Public Hearing for a Fourth Amendment to the JPA Agreement between the City of Ocoee and Orange County. **(Zoning Manager Whitfield)**

Zoning Manager Whitfield summarized the Fourth Amendment to the Ocoee-Orange County Joint Planning Agreement (JPA) which is comprised of seven (7) parcels. These properties are part of the Ocoee Regional Sports Complex Planned Unit Development (PUD). Five (5) of the subject properties are located on the east side of Ocoee Apopka Road, and the remaining two (2) are generally located on the west side of North Lakewood Avenue. Combined they consist of approximately 17.87 acres. In order for the proposed project to proceed, the JPA Future Land Use Map (FLUM) needs to be amended to change the land use designation of the subject properties from Low Density Residential (LDR) to Commercial (COMM).

The public hearing was opened.

The following person addressed the City Commission:

- **Marcos Bastian**, AECOM, shared they have no additional comments to add, and he is available to address any questions they may have.

The public hearing was closed.

Motion: Move to approve the Fourth Amendment to the City of Ocoee-Orange County Joint Planning Area Agreement (JPA), amending the JPA Land Use Map from Low Density Residential (LDR) to Commercial (COMM) for approximately 17.87 acres of land, assigned parcel ID numbers 07-22-28-0000-00-074, 07-22-28-0000-00-105, 07-22-28-0000-00-039, 07-22-28-0000-00-041, 07-22-28-0000-00-043, 07-22-28-0000-00-057 and 07-22-28-0000-00-060; Moved by Commissioner Kennedy, Seconded by Commissioner Wilsen; Motion carried unanimously.

• **REGULAR AGENDA 6:55 PM**

11. Appointment of Members to the 2025 Canvassing Board. **(City Clerk Sibbitt)**

City Clerk Sibbitt summarized the item before the City Commission and noted that to keep with past practice, the Mayor and two (2) Commissioners whose district seats are not part of the election should each select members for the Canvassing Board. Therefore, Mayor Johnson, Commissioner Kennedy and Commissioner Firstner would need to provide her with names to appoint to the Canvassing Board.

She confirmed that Mayor Johnson's appointee is Lincoln Forges, Commissioner Firstner's appointees are Derrick Chacon and Sharon Duffy as an Alternate Member, and that Commissioner Kennedy would submit a name at a later date. **City Clerk Sibbitt** offered the option to vote on the names received tonight or to bring all names back for consideration at the February 18th meeting.

Motion: Move to appoint Lincoln Forges and Derrick Chacon as regular members of the Canvassing Board and Sharon Duffy as an Alternate Member; Moved by Commissioner

Wilsen, seconded by Commissioner Firstner; Motion carried unanimously.

12. 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).

City Attorney Ardaman informed the City Commission that an update on the Forest Lake Golf Course would be provided, and guidance from the Commission would be needed. He outlined the timeline of defaults and inspections conducted by the City on the golf course, noting that the owners were given opportunities to address the defaults. In January, the City was contacted by the owners, claiming that the defaults had been resolved. However, upon reinspection, the City found over 50 remaining issues and issued a notice to the owner. He also emphasized the lease's requirement for the entire golf course to be maintained in first-class condition.

Robert Utsey, *ZHA*, summarized the standards outlined in the lease and shared examples of comparable golf courses in nearby cities. He also detailed the insurance requirements, addressed concerns raised during the building inspection of the clubhouse, cart storage, and maintenance facility, and provided an overview of the Phase I Environmental Report Assessment.

Bob Doyle, *Golf Course Operations Consultant*, briefed the City Commission on his assessments of the golf course infrastructure and presented estimates for deferred maintenance required to restore the golf course to first-class condition.

Commissioner Wilsen questioned the cost estimate displayed to bring the golf course up to first-class. **Mr. Utsey** addressed her question.

City Attorney Ardaman outlined the three proposed actions for the Commission: Immediate termination and authorization to file a lawsuit for eviction and damages against Forest Lake Golf Club, mediation pending termination, and granting additional time to cure the defaults.

Logan Opsahl, *Attorney with Lowndes Law Firm*, discussed the timeline presented by City Attorney Ardaman and expressed that they have had meetings and productive conversations with City representatives, and had completed some of the defaulted items listed. He acknowledged disagreements over certain items but expressed a willingness to collaborate with the City to resolve the details. He disagreed with the statement that the golf course is not in first-class condition and expressed confidence that a resolution could be reached. He also noted that they have continued working with contractors to address the major default issues.

Commissioner Kennedy asked whether the golf course owner or their attorney is the primary representative for the golf course, as he preferred to address concerns with the individual who has expertise and experience in managing the golf course.

Ken Ezell, *Forest Lake Golf Course Owner*, provided a handout with pictures of the golf course, and also spoke about the long-standing relationship with the City. He also addressed concerns regarding water usage and irrigation and provided an overview of the recent maintenance work on the course. Additionally, he highlighted the success of the golf course, emphasizing its status

as a top-tier facility. He noted that over the 31 years of their partnership with the City, they had never received any written complaints.

Mayor Johnson expressed his concerns about the golf course and shared complaints he had received regarding the bar/restaurant hours of operation. He also briefly mentioned his dissatisfaction with the recent attempt to sell the ownership of the golf course facilities.

Commissioner Oliver asked Mr. Ezell about the history of the golf course and raised questions about the recent proposal to sell its ownership. He also commented on the City's right of first refusal and the issue of defaults, noting that the terminology used was different from what had been discussed during their last update on the golf course. **City Attorney Ardaman** explained the only request before the City Commission during their last update was to approve the assignee JA Hospitality and the questions of default were not before them at that time. **Commissioner Oliver** asked about how often the Forest Lake Golf Course had been evaluated during their 30-year partnership with the City. He also inquired about the consequences if the City decided to terminate and evict the tenants, as well as who would be responsible for bringing the golf course up to first-class standards if the owner were evicted. **City Attorney Ardaman** responded to all his questions. **Commissioner Oliver** stated that he believes there are discrepancies on both sides and expressed his support for mediation at this time.

Commissioner Firstner summarized all the testimony heard so far and asked Mr. Ezell if they planned to address the issues raised, such as the irrigation. **Mr. Ezell** responded by explaining that they have been working on the issues presented to them and highlighted some of the completed improvements.

Mayor Johnson remarked that if the owner intended to run a first-class operation, the City should not have needed to evaluate the golf course. He then asked Mr. Ezell if he was looking to sell the ownership of the golf course.

Commissioner Wilsen questioned the lack of insurance coverage and expressed her concerns about the health and safety issues that were raised. Additionally, she stated that she would also support mediation.

Commissioner Kennedy voiced his discontent with the condition of the golf course and service as he was an avid golfer at the Forest Lake Golf Course. He emphasized that no portion of the course should be considered first-class, highlighting the poor conditions, service, and food. He stressed that the intent of the course was for it to be first-class and asked Mr. Ezell if he was willing to create a plan, including financing, to achieve that goal. He also stated that if the owners were unwilling to invest in improvements, he would cease further negotiations.

Mayor Johnson shared the intent of the Forest Lake Golf Course being a community golf course with benefits to the residents and shared his frustration with how the course has never hosted groups such as community youth groups or events such as the Jim Beech Center golf tournament.

Recess - 8:30 PM - 8:41 PM

City Attorney Ardaman shared that based on the conversation this evening, it appears the City Commission is seeking mediation pending termination. If that is the case, he believes the Forest Lake Golf Course is also open to mediation. He inquired if both the City and the Forest Lake Golf Course would be willing to share the cost of the mediator, and if a 30-day timeframe would be acceptable. He clarified that any agreement reached in mediation would only be a proposal for the City Commission to consider and would be brought back before them in March. **Mr. Ezell** requested more than 30 days, but **Mayor Johnson** firmly stated that no more than 30 days would be allowed. **City Attorney Ardaman** commented that the mediation should include the City Manager and recommended the presence of one City Commissioner. **Mayor Johnson** stated that City Attorney Ardaman and City Manager Shadrix should be the sole representatives of the City at the mediation. **Commissioner Oliver** commented that typically it takes about four sessions to reach a resolution, which would likely extend to six weeks. **Mayor Johnson** maintained that 30 days would be sufficient.

Commissioner Kennedy commented that the focus of this mediation should be on Forest Lake Golf Course's willingness to acknowledge its current situation and develop a plan to resolve the default and fulfill the lease requirements.

Motion: Move to approve the action of mediation pending termination for a period of 30 days, and for this item to return to the March 18, 2025, City Commission meeting; Moved by Commissioner Kennedy, Seconded by Commissioner Wilsen; Motion carried 4-1 with Commissioner Oliver opposing.

• **COMMENTS FROM COMMISSIONERS 8:51 PM**

Mayor Johnson – Commented on the following:

- 1) Announced the upcoming February and March City events.

Commissioner Firstner – Commented on the following:

- 1) Noted how nice the mural downtown looks, stating that it was done well, and brightens McKey Street; he cannot wait to see more.

Commissioner Oliver – Commented on the following:

- 1) Thanked the City Manager for the update on Clarke Rd.
- 2) Informed residents of District 4 that new 5G towers and fiber optic cabling are being installed throughout the district.
- 3) Announced that the Municipal Election will be held on March 11th, and according to State Law, all voters voting by mail must submit a new vote-by-mail request after each general election.
- 4) Read an inspirational quote.

Commissioner Wilsen – Commented on the following:

- 1) Stated that the concerns regarding Oakland Avenue being a Golf Cart only street are false. She urged residents to contact their Commissioner or City staff to confirm information they see on social media.

- 2) Informed residents about the Sensus Program, which enables them to monitor their water consumption, and encouraged them to sign up.

Commissioner Kennedy – Commented on the following:

- 1) Echoed Commissioner Wilsen's comment and urged citizens to contact Commissioners or City Staff to fact check information
- 2) Commended City Manager Shadrix for his leadership and City staff on a job well-done at the unveiling of the downtown mural event, stating this was wonderful and he believes the City has an entire year of great events planned.

Mayor Johnson – Commented on the following:

- 1) Stated that last year the City allowed the Boy Scouts to use Ballroom A at the Ocoee Lakeshore Center for six (6) hours for their annual recognition, at no charge, and he would like to allow them to use it again this year. **Consensus of the City Commission was to allow the Boy Scouts to use Ballroom A again this year, at no charge.**
- 2) Asked where the City polling locations will be for the upcoming March 11th Election. **City Clerk Sibbitt** provided the locations and noted that this information is also located on the City's website.
- 3) Announced that pamphlets with information on all the upcoming City events he mentioned are available in the lobby.
- 4) **Commissioner Wilsen** mentioned a request for financial help for the Student Government Association to attend the Legislative Days. The City Commission determined that the requestor should contact each Elected Official individually for discretionary funds.
- 5) **Mayor Johnson** thanked City staff, the City Manager, and all City Commissioners for their work with getting the downtown mural done.

• **ADJOURNMENT 9:06 PM**

APPROVED:

Attest:

City of Ocoee



Melanie Sibbitt, City Clerk



Rusty Johnson, Mayor