

OCOEE CITY COMMISSION

Ocoee Commission Chambers
150 North Lakeshore Drive
Ocoee, Florida

OCTOBER 18, 2016

AGENDA

6:00 P.M. EXECUTIVE SESSION

7:15 P.M. REGULAR CITY COMMISSION MEETING

A. CALL TO ORDER

Invocation
Pledge of Allegiance
Roll Call and Determination of Quorum

B. PRESENTATIONS AND PROCLAMATIONS

Proclamation – October and November 2016 (Mayor Johnson)

- **Pastoral Care Week – October 16th – 22nd, Accepted by Reverend Scott Fleming, Pastoral Care Supervisor from Orlando Health**
- **Red Ribbon Week – October 23rd – 31st, Accepted by Police Chief Brown**
- **Week of the Family – November 5th – 12th, Accepted by Ocoee Resident, Victoria Laney**

Presentation of Final Downtown Master Plan. (Assistant City Manager Shadrix)

C. COMMENTS FROM CITIZENS/PUBLIC

D. STAFF REPORTS AND AGENDA REVIEW

E. COMMISSIONERS ANNOUNCEMENTS

F. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ACTED UPON BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS DISCUSSION IS DESIRED BY A MEMBER OF THE COMMISSION, IN WHICH CASE THE MAYOR WILL INSTRUCT THE CITY CLERK TO REMOVE THAT ITEM FROM THE CONSENT AGENDA AND SUCH ITEM WILL BE CONSIDERED SEPARATELY.

- 1. Approval of Minutes for the Regular City Commission Meeting held October 4, 2016. (City Clerk Sibbitt)**
- 2. Approval of Reappointment to the Violations Hearing Board (Two-Year Term). (City Clerk Sibbitt)**

The Violations Hearing Board (VHB) was established March 5, 2013, by Ordinance No. 2013-005. The VHB hears cases related to violations of the following code provisions: Bowfishing, Cemeteries, Noise, Golf Carts on Public Property, Parks and Recreation, Alcoholic Beverages and Abandoned Property. The VHB consists of seven (7) members of which two (2) must be members of the Citizens Advisory Council of the Ocoee Police Department (CACOPD). Additional members of the VHB may also be members of the CACOPD. All members of the VHB must be residents of the City of Ocoee, own real property in Ocoee, or be an owner of a business located in Ocoee. Member Amey has declared an interest in serving another two-year term.

3. Approval of Reappointments to the Parks & Recreation Advisory Board (Two-Year Term). (City Clerk Sibbitt)

Members of the Parks & Recreation Advisory Board serve two-year terms. The Ordinance provides that the Parks & Recreation Advisory Board consists of nine (9) members; and, whenever possible, appointments to the Board may include one member from each of the following organizations: Ocoee Little League, Ocoee Youth Soccer League (OYSL), Ocoee Bulldog Pop Warner Football, and West Orange Senior Citizens Association. Currently the board has eight (8) members and no applications on file. The two-year terms of Qubeliah Graham, Robert McKey and Jane Rainer ended October 1, 2016. Members Graham, McKey and Rainer have indicated they are willing to serve another two-year term, if reappointed.

4. Approval of Motor Fuels – Tank Wagon Deliveries. (Public Works Director Krug)

The City is a member of the Central Florida Purchasing Cooperative where Orange County is the lead agency in solicitations that can benefit multiple municipalities. The City approved utilizing this purchasing power for petroleum products on May 1, 2012, for bulk transport loads delivered to the Public Works complex and tank wagon loads delivered to remote sites throughout the City. The County has awarded a new contract for providing the tank wagon load deliveries and is in the process of executing the new contract. Public Works is requesting Commission approval to utilize the new contract (Y16-1081) with Atlas Oil Company, and assigned to Quick Fuels Fleet Services, LLC, for as long as the contract remains valid. The purchase of petroleum products is adequately funded through the fuel, oil and lubricant line items in the budget.

5. Approval of FEMA Assistance to Firefighters Grant (AFG) Submission. (Fire Chief Miller)

The Ocoee Fire Department is seeking grant funding opportunities to supplement the cost of Incident Command Systems (ICS) training. The training is a critical aspect of incident and emergency management. The National Fire Academy provides the course free of charges. The Ocoee Fire Department is seeking financial assistance from the FEMA Assistance to Firefighters Grant (AFG) grant to pay for the salaries of firefighters while they attend the 16 hour course. If awarded, there will be a 10% match in funding in order to receive the grant. The proposed grant opportunity is a 90%/10% grant opportunity and city will be responsible for 10% of the grant total. Total grant cost is \$50,000 with the City of Ocoee responsible for the \$5,000 match. The funds would be utilized from account # 001-522-00-5405.

6. Approval of Two-Year Warranty Surety and Maintenance, Materials, and Workmanship Escrow Agreement with Concept Development, Inc. for Zaxby’s Good Homes Road. (Development Engineer Womack)

Zaxby’s at Good Homes Road is a 72 seat fast food restaurant with a drive-through window located on Parcel three of the Good Homes Plaza on the corner of State Road 50 and Good Homes Road. The developer has completed construction of the infrastructure improvements and has requested a Certificate of Completion. The infrastructure improvements include public potable water line extension, sanitary sewer, and improvements to the stormwater collection system. All identified punchlist repairs have been completed and the developer is ready to start the two-year warranty period. As a requirement of the Land Development Code, the developer is required to furnish the City a Surety to cover any possible damages discovered during the next two years, should the developer choose not to make those repairs. Concept Development has provided the City with a Check in the amount of 10% of the constructed improvements.

G. FIRST READING OF ORDINANCE

7. First Reading of Ordinance Proposing Amendment to Chapter 77, Fire Protection Assessments, in the Code of Ordinance of the City of Ocoee. (Second Reading scheduled for November 1, 2016, Regular City Commission Meeting at 7:15 p.m. or soon thereafter.) (Support Services Director Butler)

The Ocoee City Commission originally enacted Ordinance 2013-010 to establish a Fire Protection Assessment, which was codified as Chapter 77 of the City of Ocoee Code of Ordinances. The intent

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of the assessment is to better allocate the cost of fire protection services to the property owners of the city on the basis of fire risk and severity rather than appraised value. After several years of experience, staff has developed a series of minor adjustments to the Ordinance that simplify the annual adoption process while preserving citizen input opportunities.

The primary modification offered by the attached ordinance is to reduce the number of City Commission actions needed to complete the annual adoption process from two to one by eliminating the Preliminary Rate Resolution. The revised approach matches that used to impose other non-ad valorem assessments, such as those for stormwater management services, by preserving the adoption of an annual assessment roll. The annual Preliminary Rate Resolution has been replaced with a Revised Rate Resolution, which needs to be adopted only when the City Commission wants to change either the Maximum Assessment Rate or the Applied Assessment Rate. The current Maximum Assessment Rate of \$69.50 will become the Applied Assessment Rate and will remain in effect until changed by the City Commission's adoption of a Revised Rate Resolution. This practice is also identical to that used by other non-ad valorem assessments levied by the city. Notification to property owners by U.S. Mail is required only when the Maximum Assessment Rate is to be changed.

Other changes include adjustments to various definitions, minor changes reflecting the new terms, deletion of the exemptions and hardship assistance provisions (which were never implemented), and endorsement of the governmental and institutional property exemptions in the ordinance rather than through an annual resolution.

8. First Reading of Ordinance Proposing Amending Chapter 21 Purchasing Policy. *(Second Reading scheduled for November 1, 2016, Regular City Commission Meeting at 7:15 p.m. or soon thereafter.) (Purchasing Agent Tolbert)*

Staff recognizes that enhancements and revisions to the existing Purchasing Ordinance are periodically necessary to streamline the procurement of commodities, construction, and contractual services for the City. The recommended changes address these issues and the increase in cost of items.

Procedures have been reviewed and will be updated to reflect the changes in this Ordinance once adopted.

H. FIRST READING OF ORDINANCE – PUBLIC HEARING

9. First Reading of Ordinance Proposing a Temporary Moratorium on Development in Special Overlay Areas. *(Advertised in the West Orange Times on Thursday, September 22, 2016; Second Reading and Public Hearing scheduled for November 1, 2016, Regular City Commission Meeting at 7:15 p.m. or soon thereafter.) (City Planner Rumer)*

On September 6, 2015, City staff made a presentation to the City Commission relating to the development and redevelopment of parcels within the Special Overlay Areas. Topics of specific concern to staff and the City Commission is the redevelopment of parcels within the Overlay Areas, density and compatibility concerns with development and redevelopment, allowable uses in the overlay, and the development of zoning standards that will enhance economic development and redevelopment in the Overlay Areas with the following uses or intended uses: pharmaceutical dispensaries, fast food and other drive through restaurant establishments, check cashing stores, self-storage facilities, vehicle and tire service, sales, and repair facilities, and discount retail stores. City Staff recommended the City Commission adopt a moratorium in order to allow staff the time to evaluate the current Special Overlay Area standards and update the standards as necessary. The moratorium will expire on March 31, 2017, unless terminated earlier or extended by action of the City Commission.

10. First Reading of Ordinance Proposing a Temporary Moratorium on Above-Ground Utility Poles. *(Advertised in the West Orange Times on Thursday, October 6, 2016; Second Reading and Public Hearing scheduled for November 1, 2016, Regular City Commission Meeting at 7:15 p.m. or soon thereafter.) (City Planner Rumer)*

The City has received an application for the location of a new 120 foot above-ground utility pole within the existing City right of way. Upon review of the City Code, the City's Land Development

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Code, and the application, City staff and the City Attorney's Office has determined that existing regulations are not adequate to address this type of request. Therefore, regulations relating to location of an above-ground utility pole within existing right of way that will meet the City's land development regulations as well as Florida Department of Transportation safety standards must be created. The City Attorney's Office has been in communication with other local government attorneys in regards to issuing permits for above ground utility poles and has found it appropriate to recommend a six month moratorium be established. This moratorium will cover the processing and consideration of applications for development orders, development permits, and right of way utilization permits relating to above-ground utility poles within the existing right of way. This moratorium will allow City Staff and the City Attorney's Office time to establish land development code citing criteria and right-of-way use permit requirements. The moratorium will expire on April 30, 2017, unless terminated earlier or extended by action of the City Commission.

I. PUBLIC HEARING

11. CubeSmart II – West 50 Commercial Preliminary/Final Site Plan

Project No: LS-2016-005. *(Advertised in the West Orange Times on Thursday, September 29, 2016).* **(City Planner Rumer)**

The CubeSmart II project is proposed on Lot 4 of West 50 Commercial Subdivision and is approximately 2.56 acres in size and is located on the south side of SR 50/Colonial Drive, north of the Florida Turnpike, east of SR 429. The Applicant has proposed to construct a 49,050 square foot climate controlled storage and indoor RV parking facility. The project is an expansion of the CubeSmart located on Lot 1. There are no waiver requests with this site plan. Based on the recommendation of the DRC and the Planning & Zoning Commission, Staff recommends the City Commission approve the Preliminary/Final Site Plan for the CubeSmart II project, subject to the resolution of staff comments.

12. Resolution Vacating Plat Notes - Villages of Wesmere. *(Advertised in the West Orange Times on Thursday, October 6, 2016).* **(City Planner Rumer)**

On August 21, 2007, the City Commission approved the Plat for Villages of Wesmere. The Phase 2 Plat was approved by the City Commission on May 17, 2011, and the Phase 3 Plat was approved on September 18, 2012. As a Condition of Approval, each Plat, as well as the Development Agreement for the Villages of Wesmere PUD, contained a Plat Note requiring that an easement for the use of pedestrians and bicycles be retained over the paved streets and sidewalks within the Villages of Wesmere. The purpose of the easement is to allow all students and their parents/supervisors to travel to and from the public school located nearby. The condition further requires that the private streets within the Villages of Wesmere remain open 90 minutes before schools open and 90 minutes after the schools close each day the schools are open for use. To facilitate this requirement, the Village of Wesmere Homeowner's Association (HOA) installed five pedestrian gates in the community. On August 17, 2016, the City of Ocoee received a letter from HOA President Thomas Biamonte requesting that this requirement and condition be removed so that the community can lock the pedestrian gates 24 hours a day. The reason for the HOA request is concern with HOA liability for adults and students on the HOA property and increased loitering within the community by non-residents. A precedent for this action was established with the vacating of a similar comment on the plat for the Westyn Bay Subdivision.

The appropriate method by which to remove a Plat Note is to vacate the note following a public hearing. Therefore, staff has presented for public hearing the proposed resolutions vacating the Plat Note on each of the three Villages of Wesmere plats and to remove the requirement from the Conditions of Approval for Villages of Wesmere PUD. Each Resolution will be recorded once it is approved.

a. Resolution for Plat Change on Note 11 and Condition of Approval 66 Phase 1

b. Resolution for Plat Change on Note 14 and Condition of Approval 66 Phase 2

c. Resolution for Plat Change on Note 13 and Condition of Approval 66 Phase 3

J. REGULAR AGENDA

13. Designation of Voting Delegate – National League of Cities, Inc. Annual Business Meeting. (City Clerk Sibbitt)

The National League of Cities (NLC) is holding their Annual Business Meeting in Pittsburgh, PA, on Saturday, November 19, 2016 at the conclusion of the Congress of the Cities and Exposition. The NLC is requesting that City of Ocoee's Voting Delegate, as well as two alternates, are designated and received by November 4, 2016.

14. Code Enforcement Reduction of Fine/Lien for Hatley Partners, LLC - 716 Kellys Cove. (Assistant Director of Support Services Gaines)

Beginning in March 2016, this property was the subject of multiple state, county and municipal law enforcement actions involving under-cover agent narcotic purchases, raids and subsequent searches. The impact on the neighborhood and the overall health of the city was extensive, creating an environment of visual blight and personal fear. The scope of code violations escalated from routine to encompassing criminal activity as a nuisance and menace to the public health safety and welfare. On March 22, 2016, the Code Enforcement Board, in Case 16-012, found the property in violation and set a fine of \$250.00 per day per violation. An affidavit of compliance issued on August 12, 2016 signified the end of criminal activity, including drug use, sales, storage and delivery returning the residential character back to the neighborhood. The Code Enforcement Board denied a further reduction than allowed by the lien reduction program. Staff supports the recommended reduced fine of \$5,000.

15. Approval of Home Elevations for Ocoee Crown Point PUD. (City Planner Rumer)

The City Commission previously selected Mattamy Homes as the preferred purchaser of the Ocoee Crown Point PUD residential property owned by the City on April 21, 2015. At the time of the sale of the property, the City Manager's Office requested more time to review the proposed product elevations. The contract for sale was approved with a recommendation to come back at a later date for the home product approval. City staff and the City Manager's office has reviewed several product elevations and is now comfortable with bringing a choice selection back to the City Commission for review and approval.

K. STAFF ACTION ITEMS

L. COMMENTS FROM COMMISSIONERS

ADJOURNMENT

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

ALSO, IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK, 150 N. LAKESHORE DRIVE, OCOEE, FL 34761, (407) 905 -3105 48 HOURS IN ADVANCE OF THE MEETING.