

**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, September 9, 2014**

Welcome to our Council meeting. In the interest of time efficiency and ensuring that everyone who wishes to address the Council is given the opportunity to do so, the following will apply to all comments made by the public. For items listed on the agenda, each speaker will be permitted 5 minutes to address the Council. For non-agenda items, each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

Jan Sheldon

PRESENTATIONS

Life Safety Achievement Award

Economic Development Update

Quarterly Performance Report

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

- | | |
|--|---|
| Item No. 1 - Council Meeting Minutes | Consider approval of the Regular Council Meeting minutes of July 8, 2014. |
| Item No. 2 - Bid Award
Lift Station No. 4 Replacement | Consider approval of bid award to Utility Technicians, Inc. to replace lift station E-4 in the amount of \$498,378.00. |
| Item No. 3 - Bid Award
Boathouse Floating Docks | Consider approval of bid award to Regatta Dock Systems for the construction of two floating docks at the future boathouse at Lake Minneola for the lump sum price of \$86,919.40. |
| Item No. 4 - Contract Approval | Consider request to piggyback the City of Chiefland contract with M.T. Causley, Inc. to provide Building Code Officials services. |
| Item No. 5 - Interlocal Agreement Amendment | Consider approval of amendment to the Interlocal Agreement between the City of Clermont and Lake County for traffic sign maintenance and emergency repairs. |
| Item No. 6 - Resolution No. 2014-31 | Consider approval of Resolution to amend the Personnel Policy with an effective date of October 1, 2014. |

**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, September 9, 2014**

Item No. 7 - Resolution No. 2014-32

Consider approval of Resolution to adopt the Boys and Girls Club Facility Use and License Agreement.

UNFINISHED BUSINESS

Item No. 8 - Clermont Garden Club

Request from Clermont Garden Club to address Council regarding parking and other issues.

NEW BUSINESS

Item No. 9 - Ordinance No. 2014-24 Introduction

Request to introduce Ordinance to amend Chapter 122, Sections 349, 243, and 244 of the Land Development Code.

Item No. 10 - Ordinance No. 2014-25 Introduction

Request to introduce Ordinance to amend Chapter 94, Section 94-52 and Chapter 122, Section 122-344 of the Land Development Code.

Item No. 11 - Ordinance No. 2014-26 Introduction

Request to introduce Ordinance to vacate Lake Shore Drive right-of-way

ADJOURN

Any person wishing to appeal any decision made by the City Council at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act (ADA), if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding he/she should contact Clermont, City Clerk's Office, 352-241-7330.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the City Clerk for the City's records.

City of Clermont
Proclamation
Honoring Jan Sheldon

Whereas, Jan Sheldon founded Clermont's community theatre; The Moonlight Players Theatre, in 1994; and

Whereas, Ms. Sheldon started The Moonlight Players Theatre with \$500 provided by her father to produce the first play; The Sound of Music; and

Whereas, The Moonlight Players Theatre has brought much joy and entertainment to Clermont residents and helped bring business to downtown Clermont; and

Whereas, Ms. Sheldon also nurtured an Improv group for youth called The Lunatics; and

Whereas, some of the young people who have been directed by Jan Sheldon went on to become Broadway actors; and

Whereas, The Moonlight Players Theatre is celebrating its 20th anniversary in September, 2014; and

Whereas, Ms. Sheldon is retiring in September, 2014;

Now, Therefore, Be It Proclaimed that the City of Clermont expresses its appreciation to Jan Sheldon for her years of service and contributions to the Clermont community.

In Witness Whereof, I, Harold S. Turville, Jr., Mayor of the City of Clermont, set my hand and caused the Great Seal of the City of Clermont to be affixed this 9th day of September in the year two thousand fourteen.

ATTEST:

Harold S. Turville, Jr., Mayor

Tracy Ackroyd, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Council Meeting Date			
Tuesday, September 9, 2014			
Agenda Item Name			
Life Safety Achievement Award			
Requested Action			
Staff Report			
The Clermont Fire Department Fire Prevention team has been awarded the 2013 Life Safety Achievement Award from Grinnell Mutual Reinsurance Company and the National Association of State Fire Marshals Fire Research & Education Foundation. "Since 1994, the Life Safety Achievement Award has recognized fire departments for recording outstanding fire safety statistics and implementing effective prevention programs during the preceding calendar year. In recognition of your proactive efforts to improve your community's fire and life safety behaviors, we are pleased to present you with the 2013 Life Safety Achievement Award.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 8, 2014

The Clermont City Council met in a regular meeting on Tuesday, July 8, 2014 in the Council Chambers at City Hall. Mayor Turville called the meeting to order at 7:00pm with the following Council Members present: Council Members Mullins, Bates, Van Wagner and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

INVOCATION

Council Member VanWagner gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

Mayor Turville read a proclamation aloud honoring Lake County Supervisor of Elections Emogene Stegall as the longest serving Supervisor of Elections in the State of Florida. Mayor Turville presented the proclamation to Ms. Stegall. Ms. Stegall expressed appreciation to the City of Clermont.

Mayor Turville announced the applicant has requested to withdraw Item 7; Ordinance No. 2014-11.

PUBLIC COMMENTS

Wally Herda inquired about the status of a Resolution regarding advance placement of marker flags. Mr. Herda commented the flags should not be placed more than three days before a project begins. Council Member Goodgame noted some entities need a thirty day window and the City does not have control over the companies that place the flags. Mayor Turville stated the City will review the communication chain involved with the flags and determine when the flags are allowed to be placed and removed. City Manager Gray commented Development Services Director Hollerand contacted Bright House and some flags were removed. Staff will follow up.

Christopher Barrett; on behalf of the Caribbean Club, thanked Council, City Manager Gray, Police Chief Broadway, Lieutenant Castro, law enforcement, Fire Department staff and Events Coordinator Dudeck for their efforts involving the Caribbean Festival.

Tom Kline; neighborhood resident, stated he opposes the No Parking signs which have been placed in the downtown neighborhoods. Mr. Kline commented he was under the impression an individual has indicated they represent the neighborhood. He stated the individual does not represent the neighborhood and he has initiated a petition in opposition of the No Parking signs.

Nancy Allison; owner of Magic Moments, requested a workshop to revisit the No Parking signs. The signs along West Avenue are creating issues for the two churches, the Garden Club, and the funeral home.

Ruth Webb; Garden Club Immediate Past-President and liaison for the Garden Club and the City, stated she worked with City Manager Gray, met with Council Member Goodgame, and met with City Attorney Mantzaris to come to a resolution. Parking on the south side of West Avenue was removed and located closer to the funeral home. Ms. Webb expressed concern regarding the walking distance for the Garden Club members. She requested the City work on a compromise with the Center Lake neighborhood.

Jan Sheldon; owner of South Lake Montessori School, requested Council revisit covering the No Parking signs six times a year for six hours each time. In addition, she requested the City extend the sidewalk from the South Lake Montessori School to West Avenue.

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July 8, 2014

Brenda Walker; Faith Fellowship Church Pastor, expressed concern about the lack of parking on West Avenue.

Elder Portillo, Inglesia Pentecosta Nuevo Amanecer Pastor, expressed concern about the lack of parking on West Avenue.

Mayor Turville asked City Manager Gray to place this item on a workshop agenda.

REPORTS

City Manager Gray reported the budget workshop dates are July 16 and 17 at 6:00pm. He commented the Lake County Board of County Commissioners approved the Interlocal Service Boundary Agreement with amendments, which will be brought back to City Council for review. He announced Community Redevelopment Agency Board Member Bowman and Planning and Zoning Board Commission Member Spencer resigned. Council agreed to proceed with advertising for both openings.

City Attorney Mantzaris – No report.

Council Member Bates appreciated the opportunity to go on a ride-along with Officer Latimer. He attended the ribbon cutting for the Nemours Children's Home. Council Member Bates congratulated Facility Manager O'Shea on the first Movie Night event at the Arts and Recreation Center and the Police Department for achieving reaccreditation.

Council Member Goodgame asked City Manager Gray and City Attorney Mantzaris to hold a workshop and provide Council with locations where medical marijuana may or may not be sold. He announced the movement to have Dolores Walker inducted into Woman's Hall of Fame and Public Information Officer Bloodsworth is gathering information for the nomination.

Council Member Mullins attended the board meeting for the Lake Emergency Medical Services. Expenses are greater than revenues and there will be a need to request additional monies from the Lake County Board of County Commissioners or increase the millage rate.

Council Member VanWagner attended the grand opening of Dick's sporting goods.

Mayor Turville noted Papa John's Pizza moved to Sand Hill Commons next to Chipotle.

CONSENT AGENDA

Mayor Turville advised the next item on the Agenda for consideration was the Consent Agenda and requested anyone wishing to have any item pulled for discussion to please come forward at this time.

Item No. 1 - Interlocal Agreement

Interlocal agreement with the Town of Montverde providing wholesale wastewater treatment services.

Item No. 2 - Contract Approval

Consider request to piggyback the Lake County B.C.C. contract number 14-0625 with Petrotech Southeast, Inc.

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Item No. 3 - Contract Approval

Consider approval of the lease agreement with AT&T to relocate equipment.

Item No. 4 - Equipment Surplus

Consider approval to surplus Police and Fire Department equipment.

Item No. 5 - Event Request

Consider request from the Downtown Partnership to approve the dates of the Food Truck events from August 2014 to July 2015 on the first Friday of each month, street closures, signage, city staff support and change the scope and venue.

Item No. 6 - Event Request

Consider request from the Clermont Downtown Partnership to allow an open container approved area during the Food Truck events at the proposed locations.

Council Member Goodgame moved to approve Consent Agenda as presented, Items 1 through 6; seconded by Council Member Mullins. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 7 - Ordinance No. 2014-11; Final

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the 60 foot right-of-way for Short Street from east side of Twelfth Street to north side of Carroll Street; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

This item was withdrawn by the applicant.

NEW BUSINESS

Item No. 8 - Branding

City Manager Gray commented this began from a round table discussion with the Council regarding the future of the City. A series of community forums were held for input from the citizens. The City is at the branding phase and the final step is to master plan the City for the next twenty to thirty years.

Mayor Turville recessed the meeting at 7:49pm; the meeting reconvened at 7:55pm.

Doris Bloodsworth; Public Information Officer, commented City Manager Gray chose a selection committee to determine who would assist the City with the branding. The selection committee was comprised of herself, Development Services Director Hollerand, Environmental Services Director Kinzler, Economic Development Director Hitt, and Police Chief Broadway. The firm selected was Wilesmith Design and Advertising.

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Jim Hitt; Economic Development Director, stated having a new brand and logo to market provides Economic Development with something concrete to work with. He commented the branding is of the community, by the community and for the community.

Police Chief Broadway thanked City Manager Gray for selecting him to serve on the committee and commented branding can have a positive impact in the community.

Public Information Officer Bloodsworth introduced members of Wilesmith Advertising and Design; Margaret Wilesmith; Founder and President, and Scott Hurek; Marketing Executive and Art Director.

Margaret Wilesmith stated Wilesmith Advertising and Design focuses on branding for municipalities and non-profit organizations. The opening video presentation viewed by the selection committee was shown. She commented a brand is a promise to residents, visitors, and businesses. It has four characteristics; it is differentiated, it is relevant, it is consistent, and it has to be true.

Ms. Wilesmith and Scott Hurek reviewed the branding process and presented a video.

City Manager Gray stated the process took several months and the committee spent many hours with Wilesmith Advertising and Design.

Mayor Turville commented the logo was a surprise and does have merit.

City Manager Gray stated the process included talking about the assets of the community and what drew people to the City; the training aspects, the athletes, and the current community. The green identifies the hills, the blue identifies the water, and the M-element is the champion itself. He commented you can be a champion of anything and everyone can relate to being a champion.

Scott Hurek presented depictions of City assets with the brand design; such as the round-about at Lake Hiawatha Preserve, pole banners, the arch windows at City Hall, a water tower, the Arts and Recreation Center building, and one incorporating the logo in itself as an archway or entrance way.

Council Member Bates commented he liked the arch and the M; however the circle colors above the M were confusing. Ms. Wilesmith stated the circle colors were not depicting a specific item and were chosen for aesthetics.

Council Member Goodgame stated he preferred City of Champions instead of Choice of Champions. Ms. Wilesmith commented there were numerous cities using City of Champions. Council Member Goodgame complimented Wilesmith Advertising and Design for the work on the logo.

Council Member Mullins commented it was a good, clean professional job.

Council Member VanWagner liked many of the aspects and requested input from the citizens.

Mayor Turville opened the public hearing.

Fred Sommer, Allison Strange, Jim Purvis, Chase Kough, Gary Clark, Mark Graff, Diane Travis, Kim Couch, Pat Burke, Aaron Nickerson, Curt Henderson, Shannon Hildalgo, and Christopher Barrett spoke in support of the new brand.

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Harry Mason commented the brand does not identify Clermont, Florida.

Mayor Turville closed the public hearing.

Council Member VanWagner moved to accept this brand; seconded by Council Member Bates.

Under discussion, Council Member Mullins stated the City will have to back up the brand. Council Member Goodgame commended Wilesmith Advertising and Design for their work.

The motion passed unanimously with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 9:14pm.

APPROVED:

Harold S. Turville, Mayor

ATTEST:

Tracy Ackroyd, City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Bid Award Lift Station No. 4 Replacement		
Requested Action		
Move to approve bid award to Utility Technicians, Inc. in the amount of \$498,378.00.		
Staff Report		
THE PURCHASING DIVISION AND THE ENVIRONMENTAL SERVICES DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE ACTION. The Environmental Services Department contacted the Purchasing Division to determine the most cost effective manner to replace lift station No. 4. The Purchasing Division issued a Request For Bid (RFB) number 14-035 on July 3, 2014 to acquire the services of qualified respondent to provide replacement of lift station No. 4. The work includes the installation of new pumps purchased by the City, bases, rail, piping, valves, new electrical panel and controls. The work will also include the removal of the existing well pumps. The RFB was fully competed, advertised, and complies with the City of Clermont Purchasing Policy. There were two (2) responses to the RFB. The low responsive, responsible bidder was Utility Technicians, Inc. with a total lump sum price of \$498,378. The award recommendation is being made to the respondent who submitted the lowest price and which complied with all the terms, conditions, and specifications stated in the RFB.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Project is included in the current year budget in the amount of \$400,000. Funds are available in the Environmental Services Department budget to cover the additional cost of \$98,378, therefore, a budget amendment is not necessary.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$498,378.00	42535-66321	\$400,000.00
Exhibits Attached (copies of original agreements)		
1. Response Tabulation RFB 14-035 Response Tabulation.pdf		



RESPONSE TABULATION

RFB 14-035, LIFT STATION No. 4 REPLACEMENT
DUE DATE/TIME: AUGUST 7, 2014 AT 2:00 P.M. (EST)

COMPANY NAME	ADDENDUM 1	ADDENDUM 2	BID BOND	LUMP SUM PRICE
Utility Technicians, Inc. – Umatilla, FL	Y	Y	Y	\$498,378.00
Villages Construction, Inc. – Leesburg, FL	Y	Y	Y	\$512,000.00

****Addendum 1 and 2 were not mandatory submittals with RFB.**



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AGENDA ITEM

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Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Bid Award Boathouse Floating Docks		
Requested Action		
Move to approve bid award to Regatta Dock Systems for the construction of two floating docks at the future boathouse at Lake Minneola for the lump sum price of \$86,919.40.		
Staff Report		
THE PURCHASING DIVISION AND THE CITY ENGINEER RECOMMENDS APPROVAL OF THE ABOVE ACTION. The City Engineer contacted the Purchasing Division to find the most efficient way to construct two floating docks at future Boathouse at Lake Minneola. The Purchasing Division issued a Request for Bid (RFB) number 14-040 on August 18, 2014 to obtain a qualified company to furnish and install two floating docks as per construction documents. The responses to the RFB were obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy. There was one response to the RFB. The single bidder was Regatta Dock Systems with a total base bid lump sum price of \$86,919.40 The award recommendation is being made to the single contractor whose bid was responsive and which complied with all terms, conditions, and specifications stated in the RFB.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Funds are available in the current year budget for this bid award.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$86,919.00	32542-66301-72117	\$120,000.00
Exhibits Attached (copies of original agreements)		
1. Response Tabulation RFB 14-040 Response Tabulation.pdf		



RESPONSE TABULATION

RFB 14-040, BOATHOUSE FLOATING DOCK IMPROVEMENTS

DUE DATE/TIME: SEPTEMBER 5, 2014 AT 2:00 P.M. (EST)

COMPANY NAME / LOCATION	ADDENDUM 1	BASE BID LUMP SUM PRICE	BID ALT. 1 LUMP SUM PRICE	BID ALT. 2 LUMP SUM PRICE
Regatta Dock System – Windermere, FL	N	\$86,919.40	\$44,109.70	\$44,109.70

Addendum 1 was not a mandatory submittal with the response.

Base Bid = Construction of both docks as per construction documents.

Bid Alternate 1 = Lump Sum Price to complete dock "A" (West Dock) Only

Bid Alternate 2 = Lump Sum Price to complete dock "B" (East Dock) Only



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Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Contract Approval		
Requested Action		
Motion to approve piggyback contract with M.T. Causley, Inc. to provide Building Code Officials services.		
Staff Report		
THE PURCHASING DIVISION AND THE PLANNING & ZONING DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE ACTION. At the request of the Planning and Zoning Department, the Purchasing Division sought a contract from the City of Chiefland to obtain the services of additional building code officials. In accordance with the direction of City Council, the Purchasing Division issued a Request for Interest (RFI) number 1408-004 to notify local vendors of the City's intent to utilize other governmental entities' contract. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Purchasing Division received no interest. Based on this, staff recommends that Council approve to piggyback the City of Chiefland contract. The City of Chiefland was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
The FY 2015 budget includes \$20,000 for these services.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFI 1408-004	RFI 1408-004.pdf	



REQUEST FOR INFORMATION

Intent to Utilize the City of Chiefland Contract for Building Code Officials

CONTACT INFORMATION: Freddy Suarez, MPA, CPPB Purchasing Manager EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7386	RFI No. 1408-004	ISSUED DATE: August 28, 2014
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>September 5, 2014 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	
SOLICITATION RESPONSE: Responses will be received until the response due date specified above or as otherwise amended. No late responses will be accepted. Responses may be submitted electronically to the Purchasing Manager by email. Hardcopy responses may be delivered to: City of Clermont Purchasing Division, 685 West Montrose Street, 2 nd Floor, Clermont, FL 34711.		

This Request for Information (RFI) is intended to notify local vendors of the City's intent to utilize other government entities' contract. **This is not an invitation to submit a bid or quote.** If no local vendor responds to the RFI, the Purchasing Division will proceed with utilizing the referenced contract. Local vendor is defined as businesses located in South Lake County, preferably located within the City limits. This notice will be posted for seven (7) business days.

1 – PIGGYBACK CONTRACT INFORMATION

- (a) Contract Title: Building Code Officials
- (b) Contractor(s): M.T. Causley, Inc.
- (c) Length of Contract: Expires April 7, 2015 w/optional two 1-year renewals.
- (d) Product or Service Provided: Building Code Officials services.
- (e) City Department: Planning and Zoning

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing Division by email or by mail prior to the "Response Due Date" indicated above to advise whether your company can provide any of the items/services listed.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the commodities described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing Division and the Department requesting the supplies or services.



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Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Interlocal Agreement Amendment		
Requested Action		
Move to approve amendment to the Interlocal Agreement with Lake County for traffic sign maintenance and emergency repairs.		
Staff Report		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
The FY 2015 budget includes \$39,500 for these services.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. INTERLOCAL AGREEMENT BETWEEN CITY OF CLERMONT, FLORIDA AND LAKE COUNTY, FLORIDA FOR TRAFFICE SIGN MAINT. AND EMERGENCY REPAIRS INTERLOCAL TRAFFIC SIGN MAINT AND REPAIRS.pdf		

AMENDMENT TO
INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF CLERMONT, FLORIDA
AND
LAKE COUNTY, FLORIDA
FOR TRAFFIC SIGN MAINTENANCE AND EMERGENCY REPAIRS

THIS IS A FIRST AMENDMENT TO AGREEMENT by and between the City of Clermont, Florida, a municipal corporation organized under the laws of Florida, hereinafter referred to as “CITY”, and Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as “COUNTY”.

RECITALS

WHEREAS, the COUNTY and the CITY are authorized to enter into this Agreement by Sections 125.01 and 125.0101, Florida Statutes, which permit the COUNTY to enter into agreements with other governmental agencies for the performance of governmental functions by one unit on behalf of the other, and to enter into contracts to provide services to municipalities; and

WHEREAS, Section 163.01, Florida Statutes, entitled the “Florida Interlocal Cooperation Act of 1969”, authorizes public agencies to enter into agreements to make the most efficient use of their powers, and enables them to cooperate with other localities in order to provide services and facilities; and

WHEREAS, the COUNTY operates its own sign shop and has staff who inspect and maintain traffic signs;

WHEREAS, traffic signs need to be inspected regularly and repaired and replaced when necessary, and it is in the best interests of both the COUNTY and the CITY to develop a coordinated program for the inventory and assessment of traffic signs to facilitate the CITY’S compliance with the Manual on Uniform Traffic Control Devices, and to promote the safe and efficient flow of traffic in and about Lake County; and

WHEREAS, the parties did execute an Agreement dated October 6, 2011 whereby the COUNTY provides traffic sign maintenance and repair services to the CITY; and

WHEREAS, the parties now desire to amend the agreement to allow the COUNTY to provide street sign maintenance and repair services to the CITY.

NOW, THEREFORE, in consideration of the foregoing recitals, promises and mutual covenants contained herein, the parties hereto agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.
2. **Amendment.** The Agreement shall be amended to allow the CITY to obtain street sign inspection, assessment and maintenance service for all street signs within the CITY, and for CITY to secure COUNTY'S on-call services for emergency and non-emergency repair work to such street signs. The pricing for street sign services shall be the same as set forth in the Agreement for traffic sign services.
3. **Other Provisions.** All other provisions of the original Agreement dated October 6, 2011 shall remain in full force and effect unless otherwise amended.

IN WITNESS HERETO, the parties to this Agreement, by their signatures, have caused this Agreement and all its parts to be fully executed this ____ day of _____, 2014.

CITY

ATTEST:

CITY OF CLERMONT

City Clerk

Mayor

This ____ day of _____, 2014

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Amendment to Agreement between Lake County and the City of Clermont for Traffic Sign Maintenance and Emergency Repairs

COUNTY

ATTEST:

LAKE COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

Neil Kelly
Clerk of the Board of County
Commissioners of Lake County, Florida

Jimmy Conner
Chairman

This ____ day of _____, 2014

Approved as to form and legality:

Sanford A. Minkoff
County Attorney



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Council Meeting Date											
Tuesday, September 9, 2014											
Agenda Item Name											
Resolution No. 2014-31											
Requested Action											
Approve Resolution 2014-31											
Staff Report											
Staff proposed that the Personnel Policy approved and adopted by the City Council on February 26, 2013 be amended with regards to Chapter 4: Salary Administration, Chapter 5: Employee Benefits, and Chapter 6: Personnel Management, with an effective date of October 1, 2014. Revise language in Chapter 4: Salary Administration, Section 2: Merit Pay Increases pertaining to the eligibility for receiving a merit pay increase. Add language to Chapter 5: Employee Benefits, Section 5: Sick Leave, C. Use of Sick Leave pertaining to verification of absence, return to work, and addressing excessive use of sick leave. Changes to Chapter 6: Personnel Management, Section 5: Performance Evaluations including the following: modifying the timeframes for which performance evaluations are to be conducted, adding provisions for a coaching plan and performance improvement plan, providing additional guidelines for the preparation and administration of performance evaluations, and outlining the process for which employees can appeal a performance evaluation.											
Legal Impact											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
Exhibits Attached (copies of original agreements)											
<table border="0"> <tr> <td>1.</td> <td>Resolution 2014-31</td> <td>Resolution 2014-31 Personnel Amendment.pdf</td> </tr> <tr> <td>2.</td> <td>Chapter 4: Salary Administration, Merit Pay Increases</td> <td>CHAPTER 4-Salary Administration-Merit Pay Increases 100114 FINAL marked.pdf</td> </tr> <tr> <td>3.</td> <td>Chapter 5: Employee Benefits, Sick Leave</td> <td>CHAPTER 5-Employee Benefits-Sick Leave 100114 FINAL marked.pdf</td> </tr> </table>			1.	Resolution 2014-31	Resolution 2014-31 Personnel Amendment.pdf	2.	Chapter 4: Salary Administration, Merit Pay Increases	CHAPTER 4-Salary Administration-Merit Pay Increases 100114 FINAL marked.pdf	3.	Chapter 5: Employee Benefits, Sick Leave	CHAPTER 5-Employee Benefits-Sick Leave 100114 FINAL marked.pdf
1.	Resolution 2014-31	Resolution 2014-31 Personnel Amendment.pdf									
2.	Chapter 4: Salary Administration, Merit Pay Increases	CHAPTER 4-Salary Administration-Merit Pay Increases 100114 FINAL marked.pdf									
3.	Chapter 5: Employee Benefits, Sick Leave	CHAPTER 5-Employee Benefits-Sick Leave 100114 FINAL marked.pdf									

4.	Chpt 6 Personnel Mgmt-Performance Eval	CHAPTER 6-Personnel Management-Performance Eval 100114 FINAL marked 2.pdf
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**CITY OF CLERMONT
RESOLUTION NO. 2014-31**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING PERSONNEL POLICY CHAPTER 4: SALARY ADMINISTRATION SECTION 2: MERIT PAY INCREASES AND AMENDING CHAPTER 5: EMPLOYEE BENEFITS SECTION 5: SICK LEAVE AND AMENDING CHAPTER 6: PERSONNEL MANAGEMENT SECTION 5: PERFORMANCE EVALUATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Clermont City Council has determined that it is in the best interest of the City of Clermont, that changes be made to the Personnel Policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Florida, Lake County, Florida as follows:

Section 1

The City Council of the City of Clermont does hereby adopt and implement the amendment to Personnel Policy Chapter 4: Salary Administration Section 2: Merit Pay Increases to provide for an amendment to the eligibility for receiving a merit pay increase as incorporated herein and attached to this Resolution; and

Section 2

Amending Chapter 5: Employee Benefits Section 5: Sick Leave to provide for an amendment of excessive use of sick leave as incorporated herein and attached to this Resolution; and

Section 3

Amending Chapter 6: Personnel Management Section 5: Performance Evaluations to provide for modified timeframes, adding a coaching plan and guidelines for the preparation and administration of performance evaluations and the appeal process as incorporated herein and attached to this Resolution.

Section 4

This resolution shall take effect October 1, 2014.

CITY OF CLERMONT
RESOLUTION NO. 2014-31

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 9th day of September, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CHAPTER 4: SALARY ADMINISTRATION

SECTION 2: MERIT PAY INCREASES

Employees are eligible to receive a merit pay increase based on the overall rating of their annual performance evaluation, and are awarded for overall performance which meets or exceeds position/job expectations. Merit pay increases shall be within the ranges of the established classification/pay grade and shall not be available to employees who have reached the maximum of their pay grade, unless specifically approved in the budget.

CHAPTER 5: EMPLOYEE BENEFITS

SECTION 5: SICK LEAVE

Amend wording in item C. Use of Sick Leave by modifying number 6 and adding a number 7.

6. A manager/supervisor, with concurrence of the Department Director, shall have the right to require documentation from a healthcare provider to verify an absence due to illness or to confirm return to work status.

7. Excessive Use of Sick Leave

Sick leave is extended to employees as a privilege. Abuse of sick leave is considered unwillingness to perform job functions and may constitute grounds for progressive disciplinary action, up to and including termination. Abuse is determined on a case-by-case basis; however examples of abuse may include, but not be limited to, the following:

- Repeated occasions of unscheduled, unexcused absences (including tardiness and leaving work early)
- Repeated occasions of absences on the same day of the week, pay period, month, or at the same time interval
- Repeated occasions of absences the day before or after a scheduled holiday or scheduled day off
- Repeated occasions of taking sick leave as sick leave is earned
- More than three (3) first day/last day of the workweek absences in any twelve (12) month period
- Use of more than 50% of the employee's total sick leave accrual during a twelve (12) month period

Sick leave used under the provisions of the Family/Medical Leave Act (FMLA) is exempted from being defined as abuse.

A manager/supervisor who suspects that an employee is abusing sick leave should contact Human Resources to determine if corrective action or other measures are appropriate given the employee's absence history and FMLA status if applicable. With the concurrence of the Department Director and Human Resources, a manager/supervisor suspecting abuse may require an employee to submit written certification from a healthcare provider to substantiate absences.

CHAPTER 6: PERSONNEL MANAGEMENT

SECTION 5: PERFORMANCE EVALUATIONS

The purpose of the performance evaluation process is to provide a formal and consistent method to document job performance standards, facilitate communication between supervisors and employees, promote and maintain job efficiency, determine training needs, and serve as basis for merit increases.

5.010 TYPES OF PERFORMANCE EVALUATIONS:

A. PROBATIONARY:

1. New employees are on probation as outlined in Chapter 6, Section 4. At a minimum, performance evaluations, indicating their progress in their job will be completed as follows:

General Employees:

- a. Upon completion of the third (3rd) month of employment
- b. Upon completion of the sixth (6th) month of employment
- c. Upon completion of probation, if probation was extended

Police Officers and Firefighters:

- a. Upon completion of the sixth (6th) month of employment
- b. Upon completion of the ninth (9th) month of employment
- c. Upon completion of the twelfth (12th) month of employment

2. Each probationary evaluation will be signed by the employee indicating that he/she has seen the evaluation, not that he/she agrees or disagrees with its contents.

B. ANNUAL:

Annual performance evaluations shall be based on the employee's employment anniversary date, with the exception of employee demotions and past incidences in which the policy in place at the time called for the evaluation date to be adjusted as a result of a promotion, transfer or reclassification.

C. COACHING PLAN AND PERFORMANCE IMPROVEMENT PLAN:

1. Coaching Plan – An employee who receives a rating of less than “Meets Expectation” in any one category, however receives an overall performance evaluation rating of “Meets Expectation” or higher, shall be placed on a Coaching Plan. The duration of the Coaching Plan shall be a minimum of three (3) months, and may be extended an additional three (3) months if deemed necessary/appropriate.
2. Performance Improvement Plan – An employee who receives an annual performance evaluation with an overall rating of less than “Meets Expectations” shall be placed on a Performance Improvement Plan. The duration of the Performance Improvement Plan shall be six (6) months, and may be extended an additional three (3) months if deemed necessary/appropriate.

At any time when an employee's performance has changed radically from that of the previous reporting period, the Department Director may require that the employee be placed on a Performance Improvement Plan.

3. Failure to successfully complete a Coaching or Performance Improvement Plan shall result in appropriate disciplinary action.

5.020 PREPARATION AND ADMINISTRATION OF PERFORMANCE EVALUATIONS:

Performance evaluations will normally be completed by an employee's immediate supervisor/rater. Employees being evaluated due to an internal movement (e.g., promotion, demotion, transfer) shall be evaluated by the immediate supervisor at the end of the assessment period.

Employees shall be evaluated using the established and applicable performance evaluation form. Evaluation forms may be updated periodically.

Supervisors and Department Directors are responsible for completing the forms on a timely basis. Signatures of the employee's supervisory chain of command up to the Department Director shall be obtained on the original form, prior to presenting to performance evaluation to the employee.

The rater shall discuss the performance evaluation with the employee

being evaluated. Performance evaluations must be signed by the employee. Employee signature is an acknowledgement of the presentation and discussion of the performance evaluation and does not signify agreement or disagreement with the evaluation on the part of the employee. The employee shall be furnished with an official copy of the performance evaluation form, including all signatures.

The employee may record any comments he/she may have, including statements of disagreement with the evaluation in the comments section of the evaluation or on a separate document if desired. Such statements will become a permanent part of the evaluation and shall be submitted within five (5) calendar days of the performance evaluation being issued to the employee.

An employee may appeal a performance evaluation to their Department Director by submitting a written memo outlining the areas of disagreement within in five (5) calendar days of the performance evaluation being issued to the employee. Late appeals will not be considered. The decision of the Department Director will be final. No further appeals will be considered. Provisions of the City's grievance policy do not apply to performance evaluations.

Employee comments/statements and all documentation concerning the employees appeal will be retained with the original evaluation in the employee's personnel file.

The department is responsible for returning completed performance evaluations, and additional documents if applicable, to Human Resources on a timely basis.

CHAPTER 4: SALARY ADMINISTRATION

SECTION 2: MERIT PAY INCREASES

~~Pay increases within the ranges of established job classification positions shall be dependent upon specific recommendations by the Department Director to the City Manager. These pay increases serve only to recognize outstanding performance and continued good service on a merit basis and will not annually automatically accrue to the individual employee.~~

Employees are eligible to receive a merit pay increase based on the overall rating of their annual performance evaluation, and are awarded for overall performance which meets or exceeds position/job expectations. ~~However,~~ Merit pay increases shall be within the ranges of the established classification/pay grade and shall not be available to employees who have reached the maximum of their pay grade, unless specifically approved in the budget.

~~Merit increases at any one time shall not exceed the budgetary limit in effect at the time unless special circumstance as determined by the City Manager, and based upon the written recommendation of the Department Director, should warrant an additional merit increase.~~

CHAPTER 5: EMPLOYEE BENEFITS

SECTION 5: SICK LEAVE

Amend wording in item C. Use of Sick Leave by modifying number 6 and adding a number 7.

~~6. A manager/supervisor, with concurrence of the Department Director shall have the right to require a doctor's certificate to verify an illness or return to work status. A~~
manager/supervisor, with concurrence of the Department Director, shall have the right to require documentation from a healthcare provider to verify an absence due to illness or to confirm return to work status.

7. Excessive Use of Sick Leave

Sick leave is extended to employees as a privilege. Abuse of sick leave is considered unwillingness to perform job functions and may constitute grounds for progressive disciplinary action, up to and including termination. Abuse is determined on a case-by-case basis; however examples of abuse may include, but not be limited to, the following:

- Repeated occasions of unscheduled, unexcused absences (including tardiness and leaving work early)
- Repeated occasions of absences on the same day of the week, pay period, month, or at the same time interval
- Repeated occasions of absences the day before or after a scheduled holiday or scheduled day off
- Repeated occasions of taking sick leave as sick leave is earned
- More than three (3) first day/last day of the workweek absences in any twelve (12) month period
- Use of more than 50% of the employee's total sick leave accrual during a twelve (12) month period

Sick leave used under the provisions of the Family/Medical Leave Act (FMLA) is exempted from being defined as abuse.

A manager/supervisor who suspects that an employee is abusing sick leave should contact Human Resources to determine if corrective action or other measures are appropriate given the employee's absence history and FMLA status if applicable. With the concurrence of the Department Director and Human Resources, a manager/supervisor suspecting abuse may require an employee to submit written certification from a healthcare provider to substantiate absences.

CHAPTER 6: PERSONNEL MANAGEMENT

SECTION 5: PERFORMANCE EVALUATIONS

~~The purpose of a periodic evaluation of employee performance shall be to measure as objectively as possible both the quality and quantity of an employee's work and other such factors as deemed necessary to determine the manner in which this service is rendered, and to serve as a feedback to the employee concerning his/her performance strengths and weaknesses.~~

The purpose of the performance evaluation process is to provide a formal and consistent method to document job performance standards, facilitate communication between supervisors and employees, promote and maintain job efficiency, determine training needs, and serve as basis for merit increases.

5.010 TYPES OF PERFORMANCE EVALUATIONS:

A. PROBATIONARY:

1. New employees are on probation as outlined in Chapter 6, Section 4. At a minimum, performance evaluations, indicating their progress in their job will be completed as follows:

General Employees:

- ~~a. At the end of the second month (60 days)~~
- ~~b. At the end of the fourth month (120 days)~~
- ~~c. At the end of the sixth month (180 days)~~
- a. Upon completion of the third (3rd) month of employment
- b. Upon completion of the sixth (6th) month of employment
- c. Upon completion of probation, if probation was extended

Police Officers and Firefighters:

- ~~a. At the end of the second month (60 days)~~
- ~~a. At the end of the sixth (6th) month~~
- ~~b. At the end of the ninth (9th) month~~
- ~~c. At the end of the twelfth (12th) month~~
- a. Upon completion of the sixth (6th) month of employment
- b. Upon completion of the ninth (9th) month of employment
- c. Upon completion of the twelfth (12th) month of employment

2. Each probationary evaluation will be signed by the employee

indicating that he/she has seen the evaluation, not that he/she agrees or disagrees with its contents.

B. ANNUAL:

Annual performance evaluations shall be based on the employee's employment anniversary date, with the exception of employee demotions and past incidences in which the policy in place at the time called for the evaluation date to be adjusted as a result of a promotion, transfer or reclassification. ~~unless stipulated differently for employees who have been promoted, demoted, transferred or reclassified. Supervisors and Department Directors are responsible for completing the forms on a timely basis and returning them to Human Resources. Annual performance evaluations must be signed by the employee indicating that he/she has seen the evaluation, not that he/she agrees or disagrees with its contents.~~

C. SPECIAL EVALUATION:

- ~~1. Any employee who receives an annual performance evaluation with an overall rating of less than "Satisfactory," will have a Special Performance Evaluation completed on him/her at the end of 90 days after the date of the unsatisfactory evaluation.~~
- ~~2. At any time when an employee's performance has changed radically from that of the previous reporting period, the Department Director may require a Special Performance Evaluation.~~
- ~~3. All Special Performance Evaluations must be signed by the employee being evaluated indicating that he/she has seen the evaluation, not that he/she agrees or disagrees with its contents.~~

C. COACHING PLAN AND PERFORMANCE IMPROVEMENT PLAN:

1. Coaching Plan – An employee who receives a rating of less than "Meets Expectation" in any one category, however receives an overall performance evaluation rating of "Meets Expectation" or higher, shall be placed on a Coaching Plan. The duration of the Coaching Plan shall be a minimum of three (3) months, and may be extended an additional three (3) months if deemed necessary/appropriate.

2. Performance Improvement Plan – An employee who receives an annual performance evaluation with an overall rating of less than “Meets Expectations” shall be placed on a Performance Improvement Plan. The duration of the Performance Improvement Plan shall be six (6) months, and may be extended an additional three (3) months if deemed necessary/appropriate.

At any time when an employee's performance has changed radically from that of the previous reporting period, the Department Director may require that the employee be placed on a Performance Improvement Plan.

3. Failure to successfully complete a Coaching or Performance Improvement Plan shall result in appropriate disciplinary action.

5.020 PREPARATION OF AND ADMINISTRATION OF PERFORMANCE EVALUATIONS:

Performance evaluations will normally be completed by an employee's immediate supervisor/rater (i.e., the rater). Employees being evaluated due to an internal movement (e.g., promotion, demotion, transfer) shall be evaluated by the immediate supervisor at the end of the assessment period.

Employees shall be evaluated using the established and applicable performance evaluation form. Evaluation forms may be updated periodically. The performance evaluation will be signed by the Department Director with comments, if necessary. If a Department Director disagrees with a rater's rating of any particular item, the Department Director may circle the number which is more appropriate and initial the change.

Supervisors and Department Directors are responsible for completing the forms on a timely basis. Signatures of the employee's supervisory chain of command up to the Department Director shall be obtained on the original form, prior to presenting to performance evaluation to the employee.

The evaluator/rater shall discuss each the performance evaluation with the employee being evaluated. The Department Director Performance evaluations must be signed by the employee, indicating that he/she has seen the evaluation, not that he/she agrees or disagrees with its contents. Employee signature is an acknowledgement of the presentation and discussion of the performance evaluation and does not signify agreement or disagreement with the evaluation on the part of the employee. The

employee shall be furnished with the employee an official copy of the performance evaluation form, including all signatures.

The employee may record any comments he/she may have, including statements of disagreement with the evaluation in the comments section of the evaluation or on a separate document if desired. Such statements will become a permanent part of the evaluation and shall be submitted within five (5) calendar days of the performance evaluation being issued to the employee. A permanent employee shall also be given the opportunity to appeal the rating in the manner set forth by the City Manager.

An employee may appeal a performance evaluation to their Department Director by submitting a written memo outlining the areas of disagreement within in five (5) calendar days of the performance evaluation being issued to the employee. Late appeals will not be considered. The decision of the Department Director will be final. No further appeals will be considered. Provisions of the City's grievance policy do not apply to performance evaluations.

Employee comments/statements and all documentation concerning the employees appeal will be retained with the original evaluation in the employee's personnel file.

The department is responsible for returning completed performance evaluations, and additional documents if applicable, to Human Resources on a timely basis.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Resolution No. 2014-32		
Requested Action		
Move to approve Resolution 2014-32		
Staff Report		
Facility Use and License Agreement between the City of Clermont and the Boys and Girls Club of Lake and Sumter Counties, Inc. for the Clermont Arts & Recreation Center for a 10 year term to commence on September 1, 2014 continuing through August 31, 2024.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Annual lease revenue will be \$7,500.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Resolution 2014-32	2014-32 Boys & Girls Club Agreement.doc
2.	Boys and Girls Club Agreement	Boysgirls license agmt0814 (4).rtf
3.	Boys & Girls Club Attachement "A"	Boys Girls Club- after school-summer.pdf
4.	Boys & Girls Club Attachment "A" Page II	CARC BOYS & GIRLS CLUB BUILDING ACCESS AREAS.pdf

CITY OF CLERMONT
RESOLUTION NO. 2014-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA APPROVING THE AGREEMENT BETWEEN THE CITY OF CLERMONT AND THE BOYS AND GIRLS CLUB OF LAKE AND SUMTER COUNTIES, INC. AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clermont, that:

SECTION 1.

The City Council does hereby approve the acceptance of the Facility and License Agreement between the City of Clermont and the Boys and Girls Club of Lake and Sumter Counties, Inc., subject to a ten year term to commence on September 1, 2014 and continuing through August 31, 2024 and subject to the conditions contained in the agreement between the City of Clermont and the Boys and Girls Club of Lake and Sumter Counties, Inc. as incorporated and attached hereto.

SECTION 2.

This resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2014-32

DONE AND RESOLVED, by the City Council of the City of Clermont, Lake County, Florida this 9th day of September, 2014.

City of Clermont

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

FACILITY USE AND LICENSE AGREEMENT

THIS AGREEMENT, entered into this 9th day of September, 2014 by and between the City of Clermont, hereinafter referred to as “City,” and Boys and Girls Club of Lake & Sumter Counties, Inc. a Florida non-profit corporation, hereinafter referred to as “Licensee,” whose address is P.O. Box 896179, Leesburg, FL 34789.

WITNESSETH:

WHEREAS, the City is the owner of a certain public facility located in Clermont, Florida, commonly known as Clermont Arts & Recreation Center, hereinafter referred to as the “Site”; and

WHEREAS, Licensee desires to utilize certain facilities located at the Site for the purposes hereinafter set forth; and

WHEREAS, the City, pursuant to its municipal authority as set forth in Chapter 166, Florida Statutes, may provide the general public with playgrounds, recreation areas, and other recreational and cultural facilities, programs and support for recreational programs, including such programs as Licensee desires to promote.

NOW, THEREFORE, in consideration of the covenants herein contained, it is mutually agreed between the parties as follows:

1. Term and Termination. The term of this Agreement shall commence on September 1, 2014 and terminate on August 31, 2024. The Agreement may be renewed thereafter based on the mutual agreement of the parties after considering and reviewing Licensee’s activities, programs and attendance statistics.

Either party may terminate this Agreement for cause at any time upon written

notice to the other party. City, may, upon one-hundred eighty (180) days written notice to Licensee, terminate the Agreement for any reason. Upon termination of the Agreement for any reason, the Licensee shall, as of the effective date of the termination, cancel or terminate all activities occurring or to occur on the Site and remove all personal property of Licensee from the Site.

2. **Use of Property.** The City agrees to permit Licensee to utilize the Site for the purpose of providing youth recreation and sports programs in Clermont, Florida subject to the terms and conditions set forth herein and as more particularly described in Exhibit “A” attached hereto and incorporated herein.

3. **Guidelines and Non-Exclusive Rights.** This Agreement is specifically conditioned upon Licensee continuing to run its program in such a manner that Licensees activities are open to all eligible youth who wish to participate, regardless of ability, sex, religion or race. The Licensee must operate as a 501 (c)(3) non-profit corporation under the laws set forth for incorporation by the State of Florida. A certificate of incorporation and copy of the Licensee’s by-laws must be supplied to the City. In the event that Licensee changes this policy or loses its 501(c)(3) status this Agreement shall be terminated immediately.

This Agreement may not be assigned or transferred in any manner by Licensee. Any such assignment or transfer is expressly prohibited. Any previously existing oral or written agreements between the parties shall be terminated as of the date of this Agreement and shall be deemed hereafter null and void and of no further force and effect whatsoever.

4. **Certification & Volunteer Screening.** Each manager, coach, and supervisor of Licensee is encouraged to be certified in Cardiopulmonary Resuscitation and

First Aid. As a condition precedent to Licensee's rights hereunder, Licensee shall obtain at its expense and maintain fingerprint background screenings reports on every employee or volunteer who will have direct access to children. The reports shall be obtained through the Florida Department of Law enforcement and shall be no older than three (3) years. Copies of the reports shall be provided to the City upon City's request. Licensee shall prohibit any employee or volunteer on the Site if said employee or volunteer has at any time pled no contest to, participated in pre-trial diversion or other alternative sentencing or been convicted of a crime constituting a felony under the laws of the State of Florida or any comparable law of another state. Licensee shall provide an affidavit, in a form acceptable to City and executed by the Licensee's president verifying that the above background screening was completed for all employees and volunteers who may have direct access to children. The Licensee must submit the affidavit within three days of the effective date hereof.

5. Indemnification. Licensee shall defend, indemnify and hold harmless the City from and against all claims, damages, lawsuits, liabilities, losses and expenses, including reasonable attorney's fees and costs, arising out of or resulting from the Licensee's use of the Site. Such indemnification shall include all claims of Licensee's guests and participants. Nothing herein shall be construed or act as a waiver of any sovereign immunity that City may enjoy.

In accordance with the above, Licensee expressly agrees and acknowledges that it will require each participant, if of legal age, or each participant's parent and/or legal guardian, execute a hold harmless, waiver and release of potential claims against the City. The release shall be in a format as approved by the City in advance.

6. **Insurance.** Licensee, at its own cost and expense, shall keep in force during the term of this Agreement minimum insurance coverage, as set forth in Exhibit “B” attached hereto and incorporated herein.

All such insurance shall be evidenced by a Certificate of Insurance which must be submitted to, and approved by, the City prior to any use by Licensee of the Site under this Agreement. The City shall be named as an additional insured on the insurance policy, which shall be noted on the Certificate of Insurance and the City shall be provided with a thirty (30) day, prior written notice in the event of cancellation, non-renewal or adverse change to such policies. Failure to comply with any insurance requirement shall cause immediate cancellation of this Agreement. Nothing herein shall be construed or act as a waiver of any sovereign immunity that City may enjoy.

All Licensee personal property housed or placed at the Site shall be at the sole risk of Licensee. The City shall not be liable, in any manner, for any loss or damage to any of the Licensee’s or participants’ personal property whatsoever.

7. **Communication.** Licensee shall advise City in advance of the name and contact information for Licensee’s designee for communication purposes between the City and the Licensee. All communication by the Licensee with the City must be made through the Licensee’s designee. Communication, information or requests for service by Licensee must be made to the Parks and Recreation Supervisor or his/her designee.

8. **Maintenance of Records; Audit.** For a period ending three (3) years after the expiration or termination of this agreement, Licensee shall make all records and

documents relating to this agreement available for inspection and copying by the City or any agent designated by the City. Notwithstanding anything to the contrary stated above, Licensee recognizes that certain documents that it may maintain in accordance with the use of the Site and this Agreement may be Public Records under the law of the State of Florida and, therefore, Licensee agrees that it shall comply with all applicable terms of said law to the greatest extent possible.

9. **Inspection Rights and General Right of Entry by City.** The City shall have the unrestricted right at all times to enter on the premises used by Licensee to inspect the premises to ensure Licensee's compliance with the terms and conditions contained herein. This right shall include, but not be limited to, the right to enter into any sporting event or recreation program.

10. **Maintenance.** The City will maintain the Site in accordance with the City's routine maintenance policies and plans. Notwithstanding the foregoing, Licensee, at its expense, shall be responsible regular cleaning of the facilities described in Exhibit "A", including, but not limited to, bathrooms and garbage disposal, in a manner consistent with the City's routine cleaning and maintenance policies.

11. **City's Right to Usage.** The City retains the right to schedule use of the Facilities to accommodate the greater need of the Clermont community. In accordance therewith, Licensee and City shall plan on no less than a monthly basis during the term of the Agreement, the use of the Site and specific portions thereof, by Licensee.

12. **Facility Usage Fees.**

Licensee shall pay to City the monthly fees described below:

For the period of September 1 to May 31 of each year hereunder, the sum of FIVE HUNDRED DOLLARS (\$500) for each month.

For the period of June 1, to August 31 of each year hereunder, the sum of ONE THOUSAND DOLLARS (\$1,000) for each month.

Licensee shall pay the fee, on or before the 10th day of each month or portion thereof. The payment shall be made to the City, c/o Clermont City Manager, 685 West Montrose Street, Clermont, Florida 34711.

13. Enforcement of Use Policies. All persons entering Site are subject to the policies set forth by the City. The Licensee is charged with the enforcement of those policies by the participants in Licensee's programs and events. . Uniformed law officers may be called upon to enforce applicable City ordinances. The City may ban any program participant or event attendee from admission to the Site for such length of time as the City may deem necessary.

14. Safety Requirements. Licensee will take all reasonable precautions for the safety of, and will provide reasonable protection to prevent damage, injury or loss to all persons and property in the park.

Licensee will be responsible for completing a pre-program/event/field/pool safety check. Any unsafe condition/deficiency should be reported immediately to City prior to the start of use. Commencement of use by Licensee constitutes agreement as to the safety of Site conditions. Licensee shall report all safety concerns to the City immediately.

Licensee will comply with all applicable safety laws, ordinances, rules, regulations, standards and lawful orders of any public authority bearing on the safety of persons or

property, and protection of such from damage, injury or loss. Licensee will act to prevent threatened damage, injury or loss in an emergency affecting the safety of persons or property.

The City, at any time, may cancel, postpone, or delay any use, program or event due to inclement weather or any other factors which might impair the safety of the participants or cause damage to the Site. The City will advise the Licensee, as soon as reasonably possible, in the event of cancellation.

15. License Only. This Facility Agreement is a license for temporary use only and creates no possession or ownership interest in the Licensee, or exclusive use, of the Site. The term “Licensee” is used in this document merely for descriptive convenience and in no way creates or implies any possessory interest whatsoever.

16. Signs/Banners. All signs and banners to be used by Licensee shall be approved in advance by City and installed, erected or hung in accordance with the City’s specifications. Any unapproved signage may be immediately removed by the City.

17. Concessions. Licensee may not operate a concession facility of any kind without prior written approval from the City.

18. Improvements. Licensee shall not make any alterations or improvements to the Site, or any facility thereon, without prior written approval from the City.

19. Amendments. This Agreement may be amended only through a written document executed by both parties.

20. Assignment. This Agreement may not be assigned by either party without the prior written consent of the other party. Failure to comply with this provision may result in immediate termination of this Agreement.

21. **Notice.** All notices required to be given under this agreement shall be deemed sufficient to each party when delivered by United States Mail to the following:

As to the City: 685 West Montrose Street
Clermont, FL 34711
Attn.: Darren Gray, City Manager

As to the Licensee: Boys & Clubs of Lake & Sumter Counties, Inc.
P.O. Box 896179
Leesburg, FL 34789
Attn.: Leva Williams, President

22. **Governing Law/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue for any action hereunder shall be exclusively in Lake County, Florida.

23. **Signatory.** Each signatory below represents and warrants that he or she has full power and is duly authorized by their respective party to enter into and perform this Agreement. Such signatory also represents that he or she has fully reviewed and understands the above conditions and intends to fully abide by the conditions and terms of this Agreement as stated.

24. **Entire Agreement.** This Agreement contains the entire agreement between the parties. No promises, representations, warranties or covenants not included herein has been or shall be relied upon by either party. Any modifications, additions, or amendments hereto must be in writing and signed by all parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 9th day of September, 2014.

“CITY OF CLERMONT ”

BY: _____

Harold S. Turville, Jr.
Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Boys & Girls Club of Lake &
Sumter Counties, Inc.

Leva Williams, President

DATE: _____

EXHIBIT “A”

Boys & Girls Club After-School Program and Tentative Future Summer Schedule

After-School Program

STAFF, PARKING, AND PARENT DROP-OFF AND PICK-UP LOCATIONS

- Staff will park on the north side parking lot, adjacent to the Boys & Girls Club entrance, and access the facility from this location.
- Parent drop-off and pick-up will be on the north side parking lot, adjacent to the Boys & Girls Club entrance. Parents must not leave vehicles parked along the curb or in any unauthorized areas.
- Boys & Girls Club staff will make parents aware of the drop-off and pick-up area.
- Current staff Information, below:

TRACY JONES	UNIT DIRECTOR-	9AM-6:00PM
AARON S.	MEMB. CLERK/ASSIST. TO UNIT D,	2:15-6:15PM, W-1:15PM-6:15 PM
YASMIN S.	PROGRAM COORDINATOR/CHARACTER & CITIZENSHIP	- 1:15PM-6:15PM
DIONIE M.	EDUCATION COORDINATOR-	1:15PM-6:15PM
SARAH P.	(TEEN COORDINATOR)	3PM-6:15 (OR 6:30 WHEN PARENTS ARE LATE)
JANET H.	DJJ/PREVENTION SPECIALIST/THE ARTS	-2:30PM-6PM, W- 1:30PM-6PM
BRANDON P.	PROG, STAFF (SPORTS/FITNESS LEAD)	2:30PM-6PM, W- 1:30PM-6PM
CAROLYN H.	PROG. STAFF/EDUCATION	2:30PM-6PM, W- 1:30PM-6PM, FRI- OFF
EILEEN T.	PROGRAM STAFF-CREATIVE ART,	2:30PM-6:00PM, W- 1:30PM-6PM)
ANA R.	(PROGRAM STAFF/EDUCATION)	3:00PM-6:00PM
ZACH F.	PROGRAM STAFF/COMP. TECH/LIBRARY	2:30-6PM
SUSAN L.	DRIVER /STAFF SUPPORT	2:00PM-5:30PM (WED.'S 12:30PM-5:30PM)

AFTER-SCHOOL PROGRAM HOURS AND SCHEDULE

Children will arrive by means of the B&G Club bus, or by parent drop-off

- Monday, Tuesday, Thursday, Friday
2:00pm – 6:00pm
- Wednesday (early release day)
1:00pm – 6:00pm

2014-2015 Program Schedule

AUGUST 18 - First Day of Afterschool Programs-2-6pm

SEPTEMBER 1 - Labor Day –(Monday) Club Closed

SEPTEMBER 19 - (Friday) Club Closed

SEPTEMBER 26 - Non-Student Day- Club Open (Friday) 7am-6pm

OCTOBER 20 - Non-Student Day / Teacher Work Day (Monday)- Club Open 7am-6pm

NOVEMBER 11 - Veteran's Day / Student Holiday (Tuesday)- Club Open 7am-6pm

NOVEMBER 24-28 - Thanksgiving Holiday / Student Holiday (Monday - Friday)-

Club Open - Mon .thru Wed. and Friday, 28, Club Closed Thursday, 27

DECEMBER, 22-31 Winter Break - Club Open –Mon & Tue (7am-6pm), Wed. (7am-4pm), Club closed -Thursday and Friday,

JANUARY 1-2 Winter Break (Thursday - Friday)- Club Open 7am-6pm

JANUARY 16 Non-Student Day / Teacher Work Day (Friday)- Club Open 7am-6pm

JANUARY 19 Martin Luther King, Jr., Birthday / Student Holiday (Monday)- Club may be closed to participate in Community Event. May open at 7am-6pm, but be away most of the afternoon. Returning to club for parent pick up at the end of the day.

FEBRUARY 16 Presidents' Day / Student Holiday (Monday)- Club Open 7am-6pm

MARCH 27 Non-Student Day / Teacher Workday (Friday)- Club Open 7am-6pm

MARCH 30-31 Spring Break (Monday-Tuesday)- Club Open 7am-6pm

APRIL 1-3 Spring Break (Wednesday-Friday) Club Open 7am-6pm

MAY 25 Memorial Day / Student Holiday (Monday)- Club Closed

MAY 29- (Friday) Last Day for Afterschool programs

JUNE 1-5 –Club transition and preparation for Summer program Club closed for programming

JUNE 8- (Monday) First day of Summer Program

AFTER SCHOOL USE OF THE FACILITY

Pool

- Will be closed Monday thru Friday, starting September 1st
- REQUEST --Friday September 26th (teacher work day)
 - Pool is not open but may be rented (per hour fee and a per hour lifeguard rate will apply)

Gymnasium

- REQUEST—2 days a week for one hour, for free-play, basketball, and other activities (flexible on days and times, but requested 4:30-5:30pm)
 - Starting October 1st, ARC will make the gymnasium available for use at least one day per week for at least one hour
 - Gym use will be scheduled around the programs and rental uses during that time.
 - Gym times and dates will be made available to B&G Club staff at least 2 weeks in advance, but are subject to change.

Theater

- REQUEST—Two days per week for one hour, for performance-type activities and uses
-The Theater will be scheduled for use at least one day per week, for at least one hour. All times and dates will be dependent on availability, and a schedule of use will be made available to the B&G Club staff at least 2 weeks in advance, but are subject to change.

Outdoor Field

- REQUEST-- Two days per week for at least one hour, for sports, activities, games, etc
-The outdoor field will be scheduled for use at least one day per week, dependent on availability. B&G Club staff will be given at least 2 weeks advance notice, but times /dates are subject to change.

Proposed Playground (Not yet built)

- REQUEST—One day per week for at least one hour, for recreation activity
-Once completed, the playground will be available for use at least two days per week for one hour

2015 SUMMER SCHEDULE **USE OF THE CLERMONT ARTS & RECREATION FACILITY**

A schedule of facility usage will be provided every four weeks. Times /dates are subject to change.

Pool

(pool opening date not determined, pool hours and programming also not yet determined)

- A minimum of two hours of reserved pool use per week. With ARC lifeguard staff.

Gymnasium

- A minimum of one hour per day (M-F) every morning (7-11), and a minimum of one hour in the afternoon (11-6)

Theater

- A minimum of two days per week for at least one hour, per use

Outdoor Field

- A minimum of three days per week for at least one hour, per use

Playground (Not yet built)

- A minimum of three days per week for at least two hours, per use.

ARC REQUESTS TO B&G CLUB, FOR THE SCHOOL YEAR 2014-2015, AND THE SUMMER 2015

- Improve B&G Club monitoring of children to address the excessive noise level in the hallways. There have been occasions when the noise has been very excessive and ARC staff has had to address the noise level with B&G Club staff.
- The mess left in the hallway bathrooms continue to be an issue with water on the floor, excessive use of paper towels, and extreme messes that are left after use.

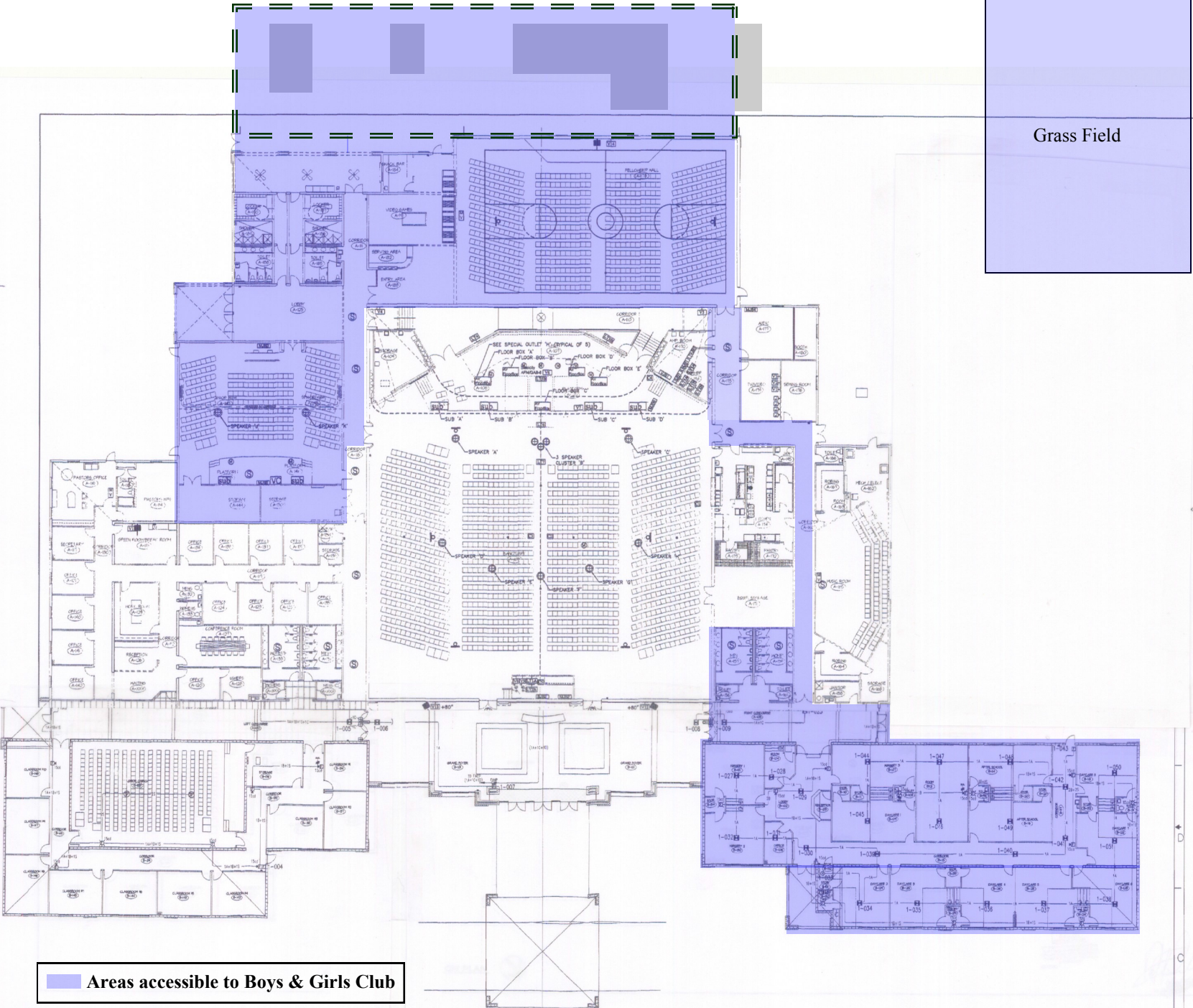
B&G Club agrees to:

- Have staff monitor large groups more closely while in other areas of the facility, and while using the hallway restrooms. They will take alternate routes through the facility in order to avoid disturbing others in the facility.
- Look into installing hand dryers in the hallway restrooms
- Purchasing step stools for smaller children who cannot reach the sinks.
- Look into the possibility and potential cost of removing the toddler toilets from the classrooms and installing adult sized toilets to alleviate the use of the hallway bathrooms
- Continue to notify ARC staff of all maintenance issues, as minor as they may appear.
- Clean all classrooms, common areas, sinks, and bathrooms located in the B&G wing daily, this includes but is not limited to the following:
 - sinks wiped out, garbage emptied daily, carpets vacuumed regularly, and closets kept free of excessive clutter, garbage is expected to be taken to the dumpster on a daily basis

ARC staff will:

- Conduct an inspection of the Boys & Girls Club wing once per week, including individual classrooms, common areas, and storage areas, also the interior and exterior building.
- Staff will address any A/C and heating issues, lights that are out, plumbing issues and other general maintenance issues.

Clermont Arts & Recreation Center



Grass Field

ALL RIGHTS RESERVED BY
R. MESSNER CONSTRUCTION
CLERMONT, FLORIDA
PO BOX 1000, CLERMONT, FL 34501

ALL RIGHTS RESERVED BY
CELEBRATION OF PRAISE CHURCH OF GOD
CLERMONT, FLORIDA
PO BOX 1000, CLERMONT, FL 34501

ALL RIGHTS RESERVED BY
ARMS DEVELOPMENT, INC.
CLERMONT, FLORIDA
PO BOX 1000, CLERMONT, FL 34501



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Ordinance No. 2014-24 Introduction		
Requested Action		
Motion to Introduce Ordinance No. 2014-24		
Staff Report		
Staff recommends introduction of Ordinance No. 2014-24, which includes updates to the Land Development Code dealing with Home Occupations and Restaurants within the Central Business District. Under Section 122-349, Home Occupations, a request has been made to <u>delete</u> Real Estate Sales and Brokerage under the prohibited home occupation use listed under Sec. 122-349 (C)(7). With the advance in technology and the use of smart phones and the Internet, real estate agents can conduct business at home for consultation with their clients. The actual transactions by real estate professionals will still need to be done in a general office setting through the licensed broker's commercial office. This change would also provide consistency with Lake County's Land Development Regulations, Chapter 10.01.05(A) 1), that permits Real Estate Sales and Brokerage as a permitted home occupation for telephone use only. Under Section 122-243, Permitted Uses in the Central Business District, the addition of restaurants and lounges less than 3,000 square feet would be a permitted use without the need of obtaining a conditional use permit. This requested change is proposed to assist restaurants and lounges in locating in the Central Business District.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
- Ordinance 2014-24 Home Occ-Restaurants LDC 9-2014.docx - Legal ad LDC amendments -Home Occ 9-2014.doc		

CITY OF CLERMONT
ORDINANCE No. 2014-24

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING, SECTION 122-349 HOME OCCUPATIONS; SECTION 122-243 PERMITTED USES, AND SECTION 122-244 CONDITIONAL USES; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on September 2, 2014 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 122 Zoning, Section 122-349 Home Occupations; Section 122-243 Permitted Uses; and Section 122-244 Conditional Uses; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida as follows:

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

CHAPTER 122 ZONING

Section 122-349 Home Occupations

- (a) *Intent.* The purpose of this section is to accomplish the following:
- (1) Permit residents of the city a broad choice in the use of their homes as a place of livelihood and for the production or supplementing of personal and family income.
 - (2) Protect residential areas from adverse impacts of activities associated with home occupations.
 - (3) Establish criteria and development standards for home occupations conducted in residential uses.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (b) *Permitted home occupations.* Permitted home occupations are as follows:
- (1) Office uses such as professional and business office activities that do not involve clients, customers or employees visiting the premises (telephone use only).
 - (2) Off-site sales of customary hobby crafts produced at hobbyist volumes in the home by family members.
 - (3) Off-site provision of services to other homeowners that does not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence.
- (c) *Prohibited home occupations.* The following are prohibited:
- (1) Motor vehicle and boat repair.
 - (2) Beauty shops and barbershops.
 - (3) Child care centers or nursery schools.
 - (4) Amplified musical instrument instruction.
 - (5) Dance and nonamplified musical instrument instruction, except private tutoring of no more than one student per session.
 - (6) Photography studios.
 - ~~(7) — Real estate sales and brokerage.~~
 - (7) Retail and wholesale sales.
 - (8) Painting or detailing of vehicles, trailers or boats.
 - (9) Upholstering.
 - (10) Welding.
 - (11) Taxidermy.
 - (12) Dentists' and doctors' offices.
 - (13) Lawyers offices.
 - (14) Kennels and pet grooming shops.
 - (15) Any use found by the city manager to not comply with the general nature, intent and requirements of this section and other provisions of the land development code.
- (d) *Restrictions.* Home occupations are permitted accessory uses in all residential zones, subject to the following restrictions:
- (1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (2) No use of material or mechanical equipment which creates any unreasonably loud, disturbing and unnecessary sound, electrical interference, vibration, odor or effect which can be heard, felt or otherwise sensed upon adjoining property or other public right-of-way shall be allowed.
- (3) No commodities shall be advertised, stored or kept outside, or sold on the premises.
- (4) No signs or structures shall be allowed other than those normally permitted in the zone.
- (5) The use shall not generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located.
- (6) No outdoor storage of materials, supplies or commercial vehicles visible from the public street or adjacent property shall be allowed in connection with the home occupation beyond that normal to the residential character of the zone.
- (7) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the operation of the home occupation. The appearance of the structure shall not be altered, nor shall the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use.
- (8) No home occupation shall cause an increase in the use of any one or more public utilities, water, sewer and garbage collection, so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the city.
- (9) A local business tax receipt granted for a home occupation shall not be transferred, assigned or used by any person other than the one for which the receipt is granted.

Section 122-243 **Permitted Uses**

(a) *Generally.* Permitted uses in the central business district are as follows:

- (1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.
- (2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.
- (4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.
- (5) Buildings, structures and uses maintained or operated by the city.
- (6) Lodges and clubs.

(7) Restaurants and lounges less than 3,000 square feet

- (b) *Floor space.* Any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit.
- (c) *Uses to be enclosed; outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.
- (d) *Sidewalk use.* Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the American with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or his designee.

Section 122-244 Conditional Uses

- (a) Conditional uses in the CBD district are as follows:
 - (1) Retail businesses, personal service establishments and professional offices occupying 3,000 square feet of total floor area or more; provided, however, that no retail establishment may occupy more than 100,000 square feet.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses (i.e., operated by any other governmental unit).
- (3) Utility facilities (i.e., electrical transformers, gas regulator stations, etc.).
- (4) Hospitals, clinics, adult congregate living facilities and nursing homes that provide treatment of human ailments or personal care operations.
- (5) Nursery schools, kindergartens or child care centers, provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
- (6) Private schools.
- (7) Funeral homes.
- (8) Convenience stores and gas stations provided on-site parking requirements are met.
- (9) Laundries.
- (10) Automotive service stations provided on-site parking requirements are met.
- (11) Restaurants and lounges **over 3,000 square feet**
- (12) Bed and breakfast inns as provided in article V of this chapter.
- (13) Theaters, cinemas and auditoriums.
- (14) Churches.
- (15) Planned unit developments.

CITY OF CLERMONT
ORDINANCE No. 2014-24

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of September, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-24

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Section 122-349 Home Occupations, Section 122-243 Permitted Uses, and Section 122-244 Conditional Uses; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, September 2, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 23, 2014 at 7:00 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
August 26 & September 9, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date								
Tuesday, September 9, 2014								
Agenda Item Name								
Ordinance No. 2014-25 Introduction								
Requested Action								
Motion to introduce Ordinance 2014-25								
Staff Report								
Staff recommends introduction of Ordinance 2014-25, which is an update to the Land Development Code dealing with property maintenance. Changes to Chapter 122 Zoning include maintenance details to unimproved property that is left natural or is planted with agricultural crops. The existing City code does not provide direction on maintaining the aesthetics of these types of unimproved parcels. This administrative request was advertised as including changes to both Chapter 94 (Section 94-52) and to Chapter 122 (Section 122-344); however, only changes to Chapter 122-344 are being brought forward at this time.								
Legal Impact								
Additional Analysis								
Fiscal Impact Summary								
Fiscal Impact	Fund Number and Description	Available Budget Amount						
Exhibits Attached (copies of original agreements)								
<table border="0"><tr><td>1.</td><td>Ordinance</td><td>2014-25 Perimeter mowing LDC 9-2014.doc</td></tr><tr><td>2.</td><td>Legal ad</td><td>LDC amendments -Sheds 9-2014.doc</td></tr></table>			1.	Ordinance	2014-25 Perimeter mowing LDC 9-2014.doc	2.	Legal ad	LDC amendments -Sheds 9-2014.doc
1.	Ordinance	2014-25 Perimeter mowing LDC 9-2014.doc						
2.	Legal ad	LDC amendments -Sheds 9-2014.doc						

CITY OF CLERMONT
ORDINANCE No. 2014-25

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING, SECTION 122-344 GENERAL DEVELOPMENT CONDITIONS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on September 2, 2014 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Section 122-344 General Development Conditions; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida as follows:

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

CHAPTER 94 ENVIRONMENTAL PROTECTION

Section 122-344 General Development Conditions

Sec. 122-344. General development conditions.

- (a) *Building permit required.* It shall be unlawful for any person to initiate new uses of any land within the corporate boundaries of the city or to erect or construct any new structures or to move, add to, repair or modify in any way any existing structures, except by authority of permit issued by the building inspector or planning and zoning department of the city acting as administrative officer of the regulations contained in this land development code. The words "planning and zoning department," as used in this land development code, shall also mean the planning official or the designated representative thereof. All development, as defined in this land development code, shall

CITY OF CLERMONT
ORDINANCE No. 2014-25

be required to obtain development approval (i.e., a development permit/development order) prior to initiating development activity.

- (b) *Public access to lots.* No building shall be erected on a lot which does not have unrestricted access to an open public street accepted by the city.
- (a) *Number of principal buildings.* Only one principal residential building, except as provided by this land development code for two-family, multifamily buildings and planned unit developments, may hereafter be erected on any lot.
- (b) *Lot requirements.* No parcel, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of the ordinance from which this land development code is derived, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirements of this land development code are not maintained. This subsection shall not apply when a portion of a lot is acquired for public purpose. Flag-shaped lots are prohibited.
- (e) *Yard setbacks.*
 - (1) Setbacks shall be measured on a perpendicular line from the property line to the nearest support for the roof of the structure.
 - (2) On irregular lots the side yards shall be measured from the building line nearest the narrow portion of the lot.
 - (3) Roof projections (eaves) shall not extend more than 36 inches into minimum yard requirements.
 - (4) Properties located within the CBD central business district may have roof projections (eaves) over the public right-of-way. Such roof projections shall not be less than eight feet above ground and shall not extend more than eight feet over the public right-of-way, or two feet back from the curb, whichever is less. Nothing in this policy shall be construed to allow roof projections over public streets, alleys or parking areas which would inhibit the free flow of traffic.
 - (5) No part of a yard, other open space, or off-street parking or loading space required for any building shall be included as a part of the yard or off-street parking or loading space required for another building for the purpose of complying with the provisions of this land development code.
- (f) *Height limits.* Unless otherwise described in this chapter, the maximum permitted height for any structure shall be as outlined in article III of this chapter. The height limitations of this land development code also apply to church spires, belfries, cupolas and domes, whether intended or not intended for human occupancy, as well as to monuments, transmission towers, chimneys, smokestacks, derricks, conveyors, silos or storage bins, flagpoles and radio or television transmission towers or aerials, unless otherwise

CITY OF CLERMONT
ORDINANCE No. 2014-25

approved by the city council through the conditional use procedure. Facilities owned by the city are exempt from the height regulations.

- (g) *Access to utility easements.* No person shall enclose or fence any utility easement unless he has provided adequate access thereto for the purpose of constructing, repairing and maintaining such utilities therein or thereon located, such access to be provided in such a way that no such fence will have to be cut or any wall removed. No dedicated right-of-way shall be fenced.
- (h) *Unightly occupancies.* Unightly occupancies, such as but not limited to junkyards, repair yards and outdoor storage, shall be entirely surrounded by a substantial continuous masonry fence or similarly permanent construction approved by the planning and zoning department. Such fence or wall shall be constructed and maintained at a height of six feet to screen the unsightly occupancy. It shall be of similar composition, construction and color throughout and shall be constructed without openings except for entrances and exits, such entrances and exits to be equipped with unpierced gates, except that additional openings may be authorized to provide access for fire protection. Such gates shall be closed and securely locked at all times, except during business hours. Plans for such fence or wall shall be submitted to the planning and zoning department, which shall determine whether the proposed fence will meet the requirements of this section. No building permit shall be issued for the construction of such fence or wall until the approval of the planning and zoning department has been secured. Such fence or wall shall be maintained in good order and shall not be allowed to deteriorate.
- (i) *Property maintenance.* It is the duty and obligation of the owner and occupant of all real property in the city to help preserve and protect the public health and general welfare of all residents and their property by keeping their respective lots, parcels or tracts of land, adjacent sidewalks and parkways free from all filth, trash, weeds, dirt, leaves, grass and rubbish and to keep down by mowing, cutting or removal such vegetation and detrital materials.
 - (1) Any contiguous unimproved parcel of land greater than 1 acre is exempt from mowing under the following conditions:
 - (a) A buffer of 30 feet shall be required to be maintained from any right-of-way. All grass or weeds within that buffer will be maintained below 18 inches.
 - (b) Abutting unimproved parcels will not be required to have a buffer between them.

CITY OF CLERMONT
ORDINANCE No. 2014-25

- (2) Parcels of land used exclusively for tree farming or other agricultural purposes shall be required to maintain a 30 foot buffer from adjacent road right-of way and a 10 foot buffer from adjacent property lines. All grass and weeds within this buffer must be maintained below 18" at all times.
- (3) The requirement to mow parcels with extreme topographic conditions that make mowing extremely difficult or impossible may be waived at the discretion of the Administrative Official or designee.

CITY OF CLERMONT
ORDINANCE No. 2014-25

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of September, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-25

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 94 Environmental Protection, Section 94-52 Buildings, structures and facilities exempt from the Florida Building Code, and Chapter 122, Zoning, Section 122-344 General Development Conditions; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, September 2, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 23, 2014 at 7:00 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
August 26 & September 9, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 9, 2014		
Agenda Item Name		
Ordinance No. 2014-26 Introduction		
Requested Action		
Motion to introduce Ordinance No. 2014-26		
Staff Report		
This is an administrative request, with the City of Clermont as the applicant. The Lake Shore Drive right-of-way that is being considered for vacation runs along City property abutting Lake Minneola that is being developed for the Clermont Boathouse. The road was never constructed, and the existing lots to the west will have access from Lake Minneola Drive. Because access to the City's boathouse site will be from the east, this portion of the right-of-way is no longer needed.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	ROW ORD 2014-26.doc	
2. Plat and Map	Lake Shore Dr ROW Map and Photo.pdf	
3. Application	Application.pdf	
4. Legal ad	ROW legal ad CC9-9 CC9-23-2014.doc	

CITY OF CLERMONT
ORDINANCE No. 2014-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING A PORTION OF A 40 FOOT RIGHT-OF-WAY NORTHERLY AND CONTIGUOUS TO LOTS 1 THROUGH 10 BLOCK 117 JOHNSONS REPLAT; REPEALING ALL ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY, PUBLICATION, RECORDING, AND FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the City Council of the City of Clermont, Lake County, Florida that:

Section 1.

That any and all portions, closing and permanently abandoning a right-of-way bounded on the west by the northerly extension of the west line of Lot 10, Block 117, Johnsons replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the south by the north line of Lots 1 – 10, Block 117, Johnsons replat Plat Book 8, Page 71. Bounded on the east by the northerly extension of the east line of Lot 1, Block 117, Johnsons replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the north by the waters of Lake Minneola, located within the City of Clermont, Lake County, Florida is hereby closed and permanently abandoned.

Section 2.

The closing is done pursuant to the authority of the Charter of the City of Clermont, Lake County, Florida and the general laws of the State of Florida.

Section 3.

If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Ordinance as a whole.

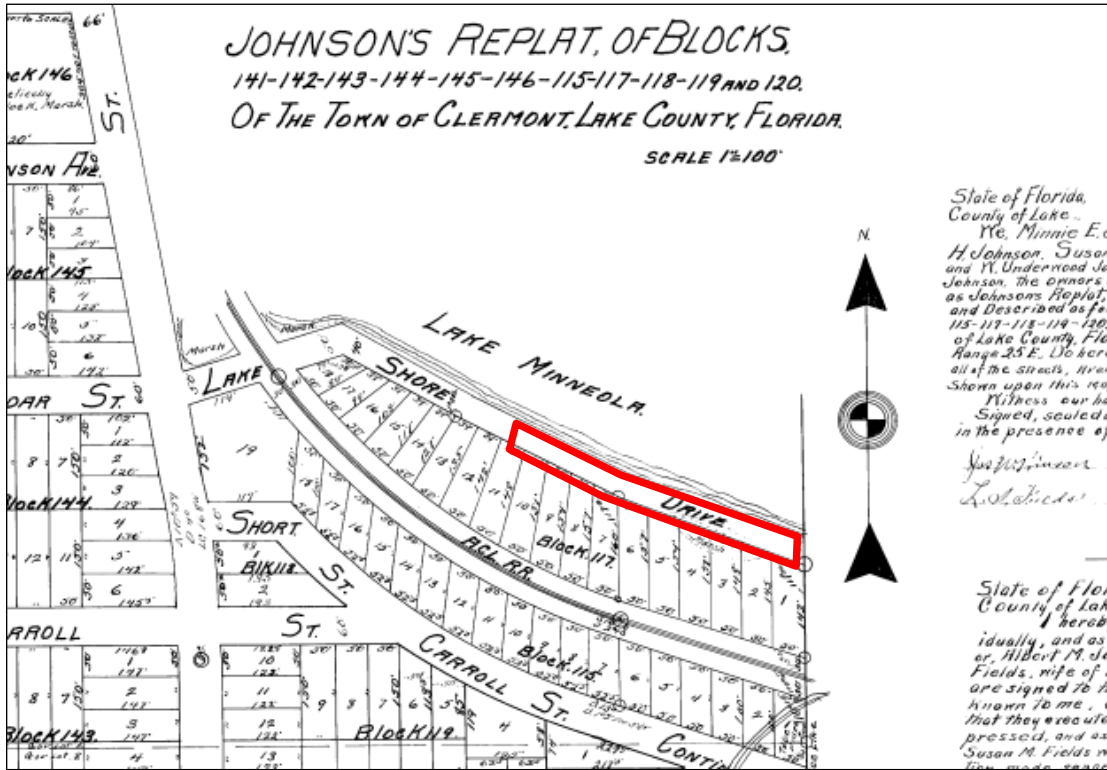
Section 4.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 5.

This Ordinance shall be published as provided by law and it shall become law and shall take effect immediately upon its Second Reading and Final Passage.

CITY OF CLERMONT
ORDINANCE No. 2014-26



CITY OF CLERMONT
ORDINANCE No. 2014-26

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of September, 2014.

Harold S. Turville, Jr., Mayor

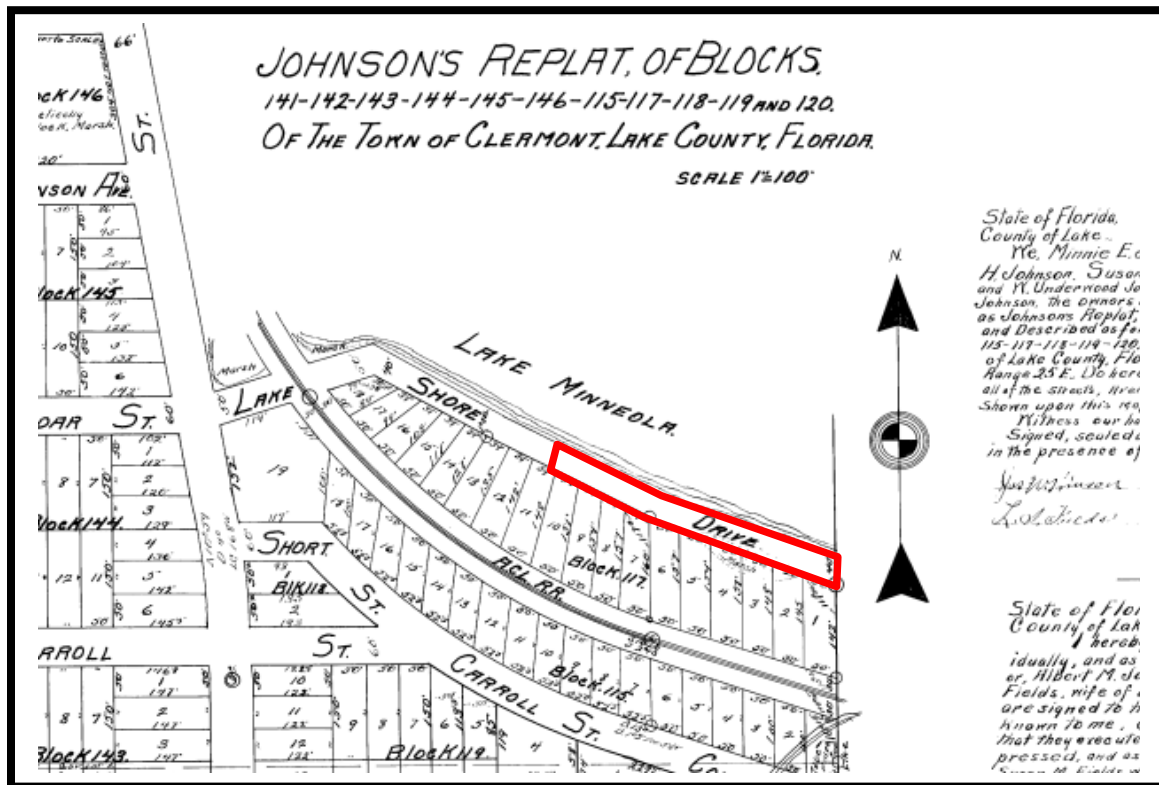
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Lake Shore Drive – ROW Vacation Request



Lake Shore Drive Plat – Recorded March 29, 1926
Area outline in red is the original 40 foot Right-of-way



Yellow area represents Right-of-Way Vacation request
The area has encroached into Lake Minneola and is listed as displayed above
on the Property Appraiser's website as depicted



CITY OF CLERMONT
STREET RIGHT-OF-WAY / EASEMENT CLOSING
PETITION

DATE: 8-11-2014

FEE: \$25.00

PETITIONER'S NAME: City of Clermont - c/o Terry Dykehouse

Address: 685 W. Montrose Street

City: Clermont State: FL Zip: 34711

Phone: 352-241-7337 Fax: 352-394-2379

Legal Description of Petitioner's property abutting Street ROW/easement to be closed (Attach survey if available): AK 1622611, 1622620, & 1622638 - Johnson's Replat, Lots 1 thru 10, BLK 117, PB 8, PG 71

If named - name of street to be closed: Lake Shore Drive

Plot plan & legal description of Street ROW/Easement portion to be closed (From-To):
See Attachment A - Vacate a portion of a 40' right-of-way of Lake Shore Dr.

Purpose or reason for closing: The right-of-way runs along City property that is being developed. Access to the site will be from the east and this portion of the right-of-way is no longer needed.

Attach a map and list of: Names and addresses of all property owners abutting the portion of the street requested to be closed and abandoned. yes XXX no

This petition is in accordance with the Clermont Land Development Code, Chapter 54, Division 2. Closing. Any person requesting a Street right-of-way or Easement Closing shall file a complete application submitted to the Planning Director in the Planning & Zoning Department, at least 30 days prior to the final hearing date of the City Council. A Street right-of-way or Easement Closing requires two readings of an ordinance by the City Council. The City Council meetings are held on the second and fourth Tuesdays of every month.

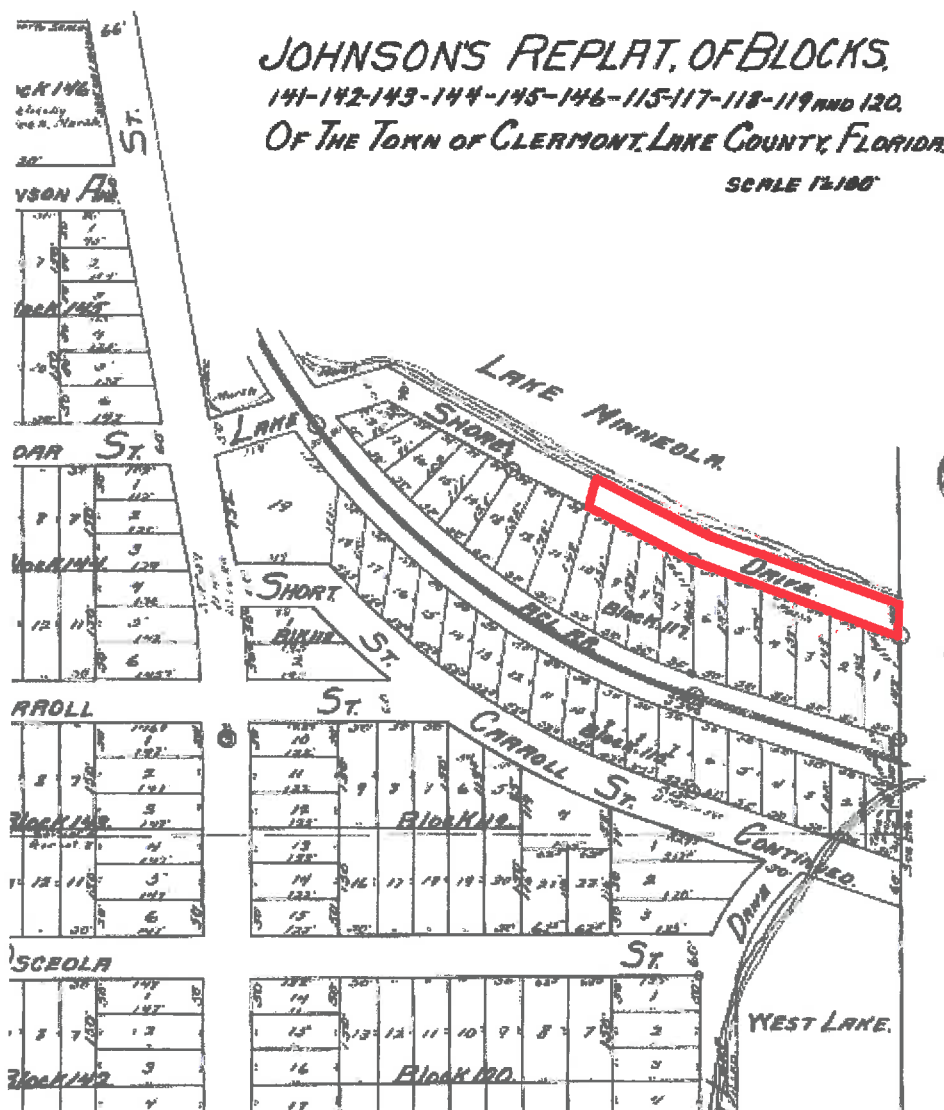
All applications must be complete, including applicable site plans and or pertinent descriptive materials in order to be processed. A plot plan (schematic drawing of the property involved) showing the location of that portion of the street requested to be closed and permanently abandoned, and including a survey of the property and street involved if deemed necessary by the city council or the city attorney.

X [Signature]

Attachment A

Vacate a portion of a 40' right of way for Lake Shore Dr. as shown on Johnson's Replat Plat Book 8 Page 71 and all lands located Northerly and contiguous of said right of way described as follows.

Bounded on the West by the Northerly extension of the West line of Lot 10 Block 117 Johnson's Replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the South by the North line of Lots 1-10 Block 117 Johnson's Replat Plat Book 8 Page 71. Bounded on the East by the Northerly extension of the East line of Lot 1 Block 117 Johnson's Replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the North by the waters of Lake Minneola.



State of Florida,
County of Lake
We, Minnie E. O
H. Johnson, Susan
one H. Underwood for
Johnson, the owners of
as Johnson's Replat,
and described as follows
115-117-118-119-120,
of Lake County, Fla.
Range 25 E., 116 here
all of the streets, when
shown upon this map
Witness our hands
Signed, sealed and
in the presence of
Notary Public
J. S. [Signature]

State of Flor.
County of Lake
I hereby
identify, and as
of, Albert M. do
Fields, wife of
are signed to the
known to me, &
that they are
pressed, and as
Susan M. Fields
has made separa
ledged before me
possession of the
to the lands there
freely and volun
possession, appro

Witness my hand

My commission

State of Florida
County of Lake
It is her
Notary Public

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday September 23, 2014 at 7:00 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-26

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning a right-of-way bounded on the west by the northerly extension of the west line of Lot 10, Block 117, Johnsons replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the south by the north line of Lots 1 - 10 Block 117, Johnsons replat Plat Book 8, Page 71. Bounded on the east by the northerly extension of the east line of Lot 1, Block 117, Johnsons replat Plat Book 8 Page 71, to the waters of Lake Minneola. Bounded on the north by the waters of Lake Minneola, located within the City of Clermont, Lake County, Florida; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

This ordinance is available for public inspection in the Planning and Zoning Department, 685 W. Montrose Street, Clermont, Florida, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC

City Clerk
Daily Commercial
September 9, 2014