

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 25, 2017

City Council met in a regular meeting on Tuesday, July 25, 2017 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, Travis and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Broadway gave the invocation followed by the Pledge of Allegiance.

PROCLAMATION

Parks and Recreation Month

City Clerk Ackroyd Howe read the Parks and Recreation Month proclamation aloud. Mayor Ash presented the proclamation to Parks and Recreation Director Davidoff.

PUBLIC COMMENTS

There were no public comments.

REPORTS

City Manager Gray announced Item 6; Resolution No. 2017-23, Heritage Hills Conditional Use Permit Amendment, was withdrawn by the applicant.

City Attorney Mantzaris requested direction from the Council regarding the medical marijuana constitutional amendment. The City adopted a Conditional Use Permit requirement for medical marijuana dispensaries which is in the City's Code. The Code states you can have a medical marijuana dispensary in the City; however, the dispensary must meet certain requirements and obtain a Conditional Use Permit. During the 2017 Special Legislative Session a bill was adopted which preempted a City from regulating medical marijuana dispensaries any more restrictive than a general pharmacy. The City has a code in place which contradicts State law. The new bill adopted by the legislature and signed by the governor also includes banning a medical marijuana dispensary from within 500 feet of a school, and allows a municipality to ban a medical marijuana dispensary within their jurisdiction. Staff recommendation is to ban medical marijuana dispensaries for the time being.

Mayor Ash asked if the City should wait and see if a lawsuit is filed against the legislative decision.

City Attorney Mantzaris commented the State has the right to preempt municipalities and counties. Municipalities and counties are taking the position to ban the medical marijuana dispensaries. The ban would not prohibit the use of medical marijuana.

Council Member Goodgame asked if law enforcement can ask to see someone's prescription.

City Attorney Mantzaris stated the law prohibits using medical marijuana in public places and there is an authorization card for those eligible to use medical marijuana.

The Council was in favor of banning medical marijuana dispensaries for the time being. Staff will move forward with an ordinance.

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Council Member Bates stated he met with Lake County Tax Collector Bob McKee and would like to see a representative from his office provide a report at an upcoming Council meeting.

Council Member Goodgame reported the West Orange/South Lake Transportation Task Force meeting and decided 501C3 entities cannot have 'economic development' in their title. Wellness Way is moving forward and the road work should begin this year. County Road 455 needs to run into the sector area to connect into Wellness Way.

Council Member Mullins – No report.

Council Member Travis reported she asked the Lake Sumter Metropolitan Planning Organization for a study on Old Highway 50 and Mohawk Road due to near miss accidents. The Lake Sumter Metropolitan Planning Organization conducted the study and recommended a left turn lane on Old Highway 50 heading west. Ms. Travis expressed disappointment in the Lake Sumter Metropolitan Planning Organization not putting pedestrian safety first.

Mayor Ash held Coffee with the Mayor at Maribella's Beauty Salon, attended the Lake Apopka Natural Gas board meeting, and attended the local task force meeting on the homeless. Mayor Ash reported the proposed City budget was reviewed by the Council on July 18, 2017. The millage rate is recommended to remain the same. She attended the 80th birthday celebration of Herbie Wallace.

CONSENT AGENDA

Mayor Ash 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 – Meeting Minutes

Consider approval of the June 13, 2017 Regular Council Meeting minutes.

Item No. 2 – Change Order

Consider change order from Tetra Tech for the Sunburst Lower Floridan Well project in the budgeted amount of \$167,837.00.

Item No. 3 – Fee Reduction Request

Consider request of a reduced rate for use of the Arts and Recreation Center pool for the East Ridge High School Swim Team.

Item No. 4 – Resolution No. 2017-34

Consider approval of sale of city owned property within the Downtown Central Business District for the purchase price of \$195,000.00.

Item No. 5 – Resolution No. 2017-35

Consider authorizing the surplus and quit claim of 0.157 acres between East Montrose Street and East Desoto Street.

Council Member Goodgame moved for approval of the Consent Agenda; seconded by Council Member Mullins. The motion passed with all members present voting aye.

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UNFINISHED BUSINESS

Item No. 6 – Resolution No. 2017-23, *Heritage Hills Conditional Use Permit Amendment*

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting an amendment to a Conditional Use Permit (Resolution 2016-09) for a Planned Unit Development to remove a condition requiring sidewalks along Hartwood Marsh Road.

The applicant has withdrawn the request.

Item No. 7 – Variance Request - *Mobil Gas Station*

Senior Planner Kruse presented the variance request to allow native landscaping without an irrigation system at the Mobil gas station located at 998 East Highway 50. The applicant appeared before the Council on June 27, 2017 and was provided additional time to supply the specifics of the proposed landscape plants. Staff noted the plants appear to be native to south Florida and may not survive the cooler temperatures in this area. Staff recommended denial of the variance request.

Applicant; John Hart, represented the owner and lessee of the property. Mr. Hart noted one correction and indicated the plants were Florida native plants. The shrubs are being replaced and part of the irrigation system has been repaired. Mr. Hart reviewed the proposed flowers and plants that require less water. He requested approval of the variance request.

Mayor Ash opened the public hearing.

Jim Purvis; 4206 Hammersmith Drive, spoke in opposition of the request.

Mayor Ash closed the public hearing.

Council Member Mullins asked if the crotons would be planted in containers. Mr. Hart noted they would not be in containers.

Council Member Goodgame noted the applicant should comply with the City's Code and spoke in opposition to the variance request.

Council Member Mullins liked the idea of variety and low water usage; however, he was opposed to abandoning the City's landscaping code.

Council Member Travis moved to deny the variance request; seconded by Council Member Goodgame.

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Mr. Hart stated the store operates on a minimal budget and the current owner is considering closing the store.

The motion passed with all members present voting aye.

NEW BUSINESS

Item No. 8 – Variance Request - Vaughn

Senior Planner Magruder presented the request to allow a rear yard setback to construct a 10 foot by 20 foot screened room with a solid roof at 13551 Laranja Street in the Terrace Grove subdivision. The proposed screen room addition would allow for a 14-foot rear yard setback from an existing brick wall located in the rear of the property. The property was developed in Lake County and annexed into the city with a Planned Unit Development zoning which requires a 20-foot rear yard setback. The Homeowners Association Architectural Review Board has approved the proposed screen room. Staff recommended denial of the variance request

Anthony Vaughn; Applicant, was present.

Mayor Ash opened the public hearing.

Barbara Rights; Terrace Grove Association Manager, stated the Architectural Review Board did approve the addition of the screen room. Ms. Rights stated there is a 10-foot buffer in front of a brick wall to the rear of the property. The brick wall and buffer are owned and maintained by the Terrace Grove Association.

Mayor Ash closed the public hearing.

Council Member Mullins mentioned the Council has not granted any variances in the Terrace Grove subdivision.

City Manager Gray noted the subdivision was recently annexed into the City.

Council Member Mullins was in favor of the request due to the brick wall and 10-foot buffer in the rear of the property.

Mayor Ash noted approving the variance would set a precedent.

Council Member Goodgame moved for approval of the variance request; seconded by Council Member Mullins. The motion passed 4 to 1 with Mayor Ash in opposition.

Item No. 9 – Variance Request – Clark

Senior Planner Magruder presented the variance request for a rear yard setback of 20 feet to allow construction of a screen room with a solid roof for property located at 1440 Cabot Drive in the Harvest Landing Phase 2A subdivision. The proposed screen room will encroach 5 feet into the rear yard setback. The Impervious Surface Ratio with the proposed structure would increase from 45 percent to 50 percent. The maximum Impervious Surface Ratio allowed for the subdivision is 50 percent. The proposed structure is similar to existing structures that have been built in the community. The Homeowners

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Association Architectural Review Committee approved the proposed screen room. Staff recommended denial of the variance request.

Mia Higdon; Silver Star Construction, stated she was representing the owner, Holly Clark. Mayor Ash opened the public hearing. There were no public comments. Mayor Ash closed the public hearing.

Council Member Bates asked if there was a wall behind the property line.

Ms. Higdon commented there was not a wall behind the property; however, there were different elevations behind the lot and there are no rear yard neighbors. The property is close to the road by Lowe's.

Council Member Mullins stated the site map indicates there were undeveloped lots behind the property.

Council Member Mullins noted when the subdivision was approved, the houses were too large for the lots. Mr. Mullins commented a retaining wall was present; however, it was lower than the property and looks down on the property to the rear.

Mayor Ash clarified the 5 feet is on the 10-foot side of the property; not the 40-foot side of the property.

Council Member Goodgame moved to deny the variance request; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 10 – Variance Request – Growler USA

Senior Planner Kruse presented the variance request to allow a reduction of 16 parking spaces for a proposed restaurant development in an existing commercial building in the Clermont Crossings plaza. The current uses of the building consist of retail and restaurant use. The plaza has 77 parking spaces available and with the addition of the proposed restaurant, the plaza would have a deficit of 16 parking spaces. The applicant has provided staff with documents containing language on cross-access easements and operating agreements with BJ's Wholesale development. Staff recommended denial of the variance request.

Charles Good; Growler, USA Owner, requested the variance be considered due to the existing 19 spaces which are not being used. The business would not affect the surrounding businesses parking.

Mayor Ash opened the public hearing.

Jim Purvis; 4206 Hammersmith Drive, asked for clarification of the cross-access parking agreement and employees parking in the cross-access area.

Christy Clark; 12150 Lakeshore Drive, and Zach McNamara spoke in favor of the request.

Mayor Ash closed the public hearing.

Council Member Goodgame asked of the businesses in the building and the business which will have the unused parking. Senior Planner Kruse reviewed the various business establishments and the parking requirements.

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Council Member Mullins asked of obtaining a firm long-term land lease, expressing concern of losing the right to use the other parking spaces. Mr. Good stated the parking agreement was included with the request.

Council Member Bates asked of the hours of operation. Mr. Good stated the business would close at 10 or 11 pm, and midnight on the weekends. The business will not have a large lunchtime business.

City Attorney Mantzaris commented the cross access agreement was not included. The variance request was to consider the cross access right that they have, if there is no cross access there is no way to comply and meet City Code. Staff has the cross access agreement. The applicant is stating they have the right to use another property to meet the parking requirement and they are asking approval based on the cross access agreement.

Council Member Mullins commented the applicant has an agreement to use 19 parking spaces and spoke in favor of approving the request.

Mayor Ash asked if the agreement included 19 parking spaces. Senior Planner Kruse indicated they have 19 additional parking spaces they can use.

City Attorney Mantzaris clarified this was not a typical parking variance request. The variance request meets the parking space requirement; it is a portion of the parking spaces located on another piece of property. The applicant will have a parking issue if they lose the right to use parking spaces on the other property.

Council Member Goodgame asked what would happen to cause him to lose those spaces. City Attorney Mantzaris stated he had not seen the agreement; however, the grantor of the agreement may have the right to terminate the agreement.

Mr. Good stated the current agreement does not have a term limit.

Council Member Mullins moved to grant the variance request; seconded by Council Member Travis. The motion passed with all members present voting aye.

Item No. 11 – Resolution No. 2017-29 – *Citrus Tower Park*

City Clerk Ackroyd Howe read Resolution 2017-29 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a commercial shopping center over 20,000 square feet in the Lost Lake Reserve Planned Unit Development.

Senior Planner Magruder presented the Conditional Use Permit to allow for a commercial shopping center consisting of multiple offices and retail buildings for a total of 56,325 square feet in the Lost Lake Reserve Planned Unit Development. Staff recommended approval.

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Attorney Jimmy Crawford; Applicant, was present on behalf of the contract purchasers. Attorney Crawford stated the proposed development was part of the Lost Lake Development of Regional Impact and was approved for 70,000 square feet. The proposed development was designed without requesting any variances. The proposed development will prohibit restaurants due to parking limitations and will consist of professional office and retail businesses. Mr. Roundtree; representing the owner, was available to answer any questions.

Mayor Ash opened the public hearing. There were no public comments. Mayor Ash closed the public hearing.

Council Member Goodgame asked if there was a deceleration lane on Citrus Tower Boulevard. Attorney Crawford stated it was a deceleration lane.

Council Member Goodgame asked of a deceleration lane on Johns Lake Road. Attorney Crawford commented Lake County will determine if one is required during their review process.

Council Member Goodgame noted Johns Lake Road is busy, particularly in the morning during the school year.

Council Member Travis inquired of the amount of space for medical facilities. Attorney Crawford stated the amount of space for medical facilities was unknown; however, one building they have sold will be a medical facility.

Council Member Travis and Mayor Ash expressed concern of the current existence of empty medical facilities in Clermont. Attorney Crawford commented the buildings will not be built until they are sold.

Mayor Ash asked if Council would review the site plan prior to construction. City Manager Gray stated the site plans are reviewed by staff and must meet the standards set in the Conditional Use Permit.

Council Member Bates moved for approval; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 12 – Ordinance No. 2017-31 – *Introduction, Cemetery Code Amendment*

City Clerk Ackroyd Howe read Ordinance 2017-31 aloud by title only.

An Ordinance of the Code of Ordinances of the City of Clermont, Lake County, Florida, amending Chapter 22, Cemeteries, Section 22-1, "Definitions" and Section 22-7 "Trust Fund", repealing all ordinances in conflict herewith, providing for severability, codification and effective date.

Council Member Mullins moved for introduction of Ordinance 2017-31; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

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Item No. 13 – Proposed Ad Valorem Millage Rate

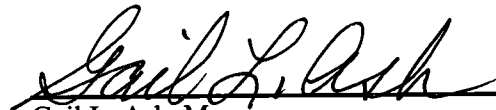
Finance Director VanZile commented based on the budget workshops, staff is proposing advertising a millage rate of 4.2061 for Fiscal Year 2017-2018. The rate represents an increase of 6.7755 percent over the rolled back rate of 3.9392. The millage rate will be included in the tax notices sent out in August, and the final rate will be approved at the September 21, 2017 public hearing.

Mayor Ash opened the public hearing. There were no public comments. Mayor Ash closed the public hearing.

Council Member Mullins moved to advise the existing millage rate; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:00pm.

APPROVED:


Gail L. Ash, Mayor

ATTEST:



Tracy Ackroyd Howe, City Clerk

