

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
August 8, 2017

Clermont City Council met in a regular meeting on Tuesday, August 8, 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 Anderson gave the invocation followed by the Pledge of Allegiance.

PRESENTATION

Police Department Re-Accreditation

Police Chief Broadway announced the Clermont Police Department received reaccreditation. The reaccreditation was the best one to date due to the professionalism of the Clermont Police Department. Police Chief Broadway thanked Mayor Ash and City Manager Gray for attending the ceremony when the Police Department was presented with their certificate.

Mayor Ash commented the Clermont Police Department is an outstanding Police Department.

PUBLIC COMMENTS

Charlene Forth; 939 West Desoto Street, spoke of Officer Garrett's status and distributed a document to the City Council. Ms. Forth commented Clermont Police Officers should be equipped with body cameras.

Ms. Forth requested to speak on another subject and asked Council Member Goodgame to allow her to proceed. Mayor Ash stated Ms. Forth had addressed the Council for the allotted time.

City Attorney Mantzaris stated the Mayor is the presiding officer of the meeting and controls the meeting. The majority of the Council can extend the speaking time of individual, not an individual Council Member.

Jim Purvis; 4206 Hammersmith Drive, commented a speaker has been allowed to return after other speakers and address the Council on another matter. Mayor Ash stated a person is allowed to address the Council for non-agenda items for three minutes.

Ms. Forth requested City Attorney Mantzaris provide her the applicable rules and requested the Council to extend the time for her to address the Council.

Council Members Bates, Goodgame, and Travis were not opposed to extending Ms. Forth's speaking time.

Council Member Mullins was in agreement with Mayor Ash.

Ms. Forth commented there was a contentious item on the agenda. The public should have the right to speak without a time limit.

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Robin Brown; 1010 Scott Street, thanked the Police Department for coming into their community and helping the community feel safer. Ms. Brown commented the work of Officer Colon, Officer Rogers, and Police Chief Broadway was making a difference in the community.

REPORTS

City Manager Gray announced the Council Workshop for August 15, 2017 has been cancelled. The Canoe/Kayak Nationals event was great and he thanked Parks and Recreation Director Davidoff, Public Works Director Brunson, and Economic Development and Community Redevelopment Agency Director Schmidt for their hard work.

City Manager Gray stated the applicant requested Item 12, Sherwin Williams Variance Request, be tabled to the September 12, 2017 meeting.

Council Member Goodgame moved to table Item 12 to September 12, 2017; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City Attorney Mantzaris – No report.

Council Member Bates commented the schools will be in session beginning next week and asked everyone to be careful on the roads.

Council Member Goodgame stated a neighbor was killed in a vehicle accident at State Road 50 and 5th Street. The City had worked for two years to have the Department of Transportation lengthen the time of the amber light. The amber light was extended to 8 seconds; however, when the red light cameras were put into place, the time was reduced to 5 seconds. Mr. Goodgame requested City Manager Gray contact Lake County to extend the amber light time to 8 seconds.

Council Member Goodgame reported the banquet at the Performance Art Center for the Canoe/Kayak Nationals event was impressive and approximately 1,000 people attended. Mr. Goodgame thanked staff for their work on coordinating the dinner.

Council Member Mullins commented on the lack of rain at the August Food Truck and Music on Montrose Street event.

Council Member Travis reported on attending the opening of the Southern Hospitality shop and the banquet for the Canoe/Kayak Nationals event.

Mayor Ash commented on meeting with City Manager Gray, Capital Planning, Grants, and Projects Director, and Dr. Shortelle, Executive Director of St. Johns River Water Management District to discuss forming a regional organization related to water usage to develop regional solutions. Ms. Ash welcomed the Canoe/Kayak Nationals Championship teams. Mayor Ash reported on attending the ribbon cutting ceremony at Bulk Nation and the Canoe/Kayak Nationals banquet. Ms. Ash thanked City Manager Gray, Parks and Recreation Director Davidoff, Economic Development and Community Redevelopment Agency Director Schmidt, and Public Works Director Brunson for all their efforts in this event.

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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 27, 2017 Regular Council Meeting minutes.

Item No. 2 – Canvassing Board

Appointment of Canvassing Board members for the 2017 elections.

Item No. 3 – Bid Award – Legacy Loop Master Plan Project – Phase 1

Consider approval of bid award to Florida Safety Contractors, Inc. in the total budgeted amount of \$333,754.20.

Item No. 4 – Bid Award – Street Resurfacing

Consider approval of bid award to the Lane Construction Corporation in the total budgeted amount of \$372,750.00.

Item No. 5 – Bid Award – Manhole and Liftstation Rehabilitation

Consider bid award to VacVision Environmental, LLC.; Utility Technicians, Inc.; Hinterland Group, Inc.; U.S. Water Services Corporation; and Danus Utilities, Inc. in the total budgeted amount of \$550,000.00.

Item No. 6 – Road Closure and Event Request

Consider request to allow The Pink Bow Foundation to host their 2nd annual “Spring & Flower Festival” on May 5, 2018.

Item No. 7 – Fee reduction request

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

Item No. 8 – Resolution No. 2017-25

Consider amending the rules and regulations of the Oak Hill Cemetery.

Item No. 9 – Resolution No. 2017-36

Consider an agreement between the City, the Florida Disc Golf Foundation, Inc., and Lake County for the construction, maintenance, and promotion of a disc golf course at Lake Hiawatha Park with funding in the Fiscal Year 2018 budget.

Item No. 10 – Resolution No. 2017-40

Consider Resolution amending the amount of time permitted to address the Council, Board, or Commission.

Jim Purvis pulled Item 10; Resolution 2017-40.

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Linda Charlton pulled Item 8; Resolution 2017-25.

Council Member Goodgame pulled Item 2; 2017 Elections Canvassing Board.

Council Member Mullins moved for approval of Consent Agenda Items 1, 3, 4, 5, 6, 7, 9, and 11; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Council Member Goodgame inquired of having someone from the public on the 2017 Canvassing Board. City Clerk Ackroyd Howe indicated the Canvassing Board has always consisted of staff and a Council Member. Council Member Bates stated members of the public can attend.

Council Member Mullins moved for approval of Consent Agenda Item 2; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Linda Charlton; 9101 County Road 561, asked of the changes to the cemetery rules and regulations. City Clerk Ackroyd Howe noted when the Third Addition to Oak Hill Cemetery opens, upright monuments will be allowed in the Third Addition.

Council Member Goodgame moved for approval of Item 8; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Jim Purvis; 4206 Hammersmith Drive, asked of the proposed changes to the speaking time limit. City Attorney Mantzaris stated the change is to make the time limits for agenda and non-agenda items the same at 3 minutes.

Mr. Purvis inquired of time limits for agenda item presentations. City Attorney Mantzaris commented from a legal perspective, the applicant has the right under the law to present sufficient information to address the issue in quasi-judicial proceedings. The Council has limited restrictions on limiting an applicant's presentation. The applicant is entitled to the relief they are seeking and the Council has to be cautious on cutting them off.

Mr. Purvis felt it was unfair to limit the public.

Council Member Bates inquired of a limit to the number of times a person can come up. City Attorney Mantzaris stated there was nothing in the Council's Rules of Conduct limiting the number of times someone can come to the podium. The presiding officer is allowed to control and address repetitive comments or irrelevant information. The concept of time restraints is statutorily authorized under the law and is to allow everyone a fair opportunity to address the Council on any issue throughout the entire meeting. The time limits have to be adjusted to accommodate the particular issue that is before Council even though you have time limits in place.

Council Member Goodgame spoke in favor of allowing someone to speak more than once. City Attorney Mantzaris commented the strict rules of Roberts Rules of Order are not meant to interfere or prohibit relevant public discussion, it is for time and efficiency to allow the Council to address all of the business at a particular meeting. The Council, as a majority, always has the right to hear further discussion, extend the time limits, or allow someone another opportunity to speak. There is a process to do this under the Council's Rules of Conduct by asking the presiding officer as a point of order to allow someone an opportunity to address, rebut, reply, or ask a question to something heard.

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Council Member Mullins commented in agreement with Council Member Goodgame; however, sometimes an abundance of back and forth occurs and it is important for someone who is running the meeting to control the extent of the conversations.

Council Member Travis noted the time limit was in sync with Lake County's time limits.

Mayor Ash noted Council was in agreement with changing the time limit to three minutes and should Council wish to make further changes to allow the public multiple times to speak on a subject, another resolution would have to be drafted.

City Attorney Mantzaris cautioned Council on attempting to set steadfast rules, as issues are case-specific. The Council understands when there is good, progressive, and relevant discussion occurring on an item.

Council Member Travis moved for approval of Item 10; seconded by Council Member Bates. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 11 – Ordinance No. 2017-31 - Final, 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.

Finance Director Van Zile presented the ordinance to allow all the proceeds of the Cemetery Fund to pay for the annual cost of maintenance and/or improvements to the cemetery. The change was recommended in the Non-Utility Fee Study completed in 2016 and will provide greater budget flexibility to the City. The change will take effect the beginning of the 2017-2018 Fiscal Year.

Mayor Ash asked staff to report on the impact on the cemetery fund next year.

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

Council Member Mullins asked if there was a risk of losing funds to maintain the cemetery. Finance Director VanZile commented when the fund was established it was a standard to have a perpetual care trust fund; however, the cemetery will always be maintained by the City.

Council Member Goodgame moved for adoption of Ordinance 2017-31; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

NEW BUSINESS

Item No. 12 – Variance Requests – Sherwin Williams

The request was tabled to the September 12, 2017 meeting.

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Item No. 13 – Variance Request - Bauer

Senior Planner Magruder presented the request to allow a rear-yard setback of 22 feet to construct a screen room with a solid roof at 1789 Bella Lago Drive in the Bella Lago Subdivision. The proposed screen room will encroach 3 feet into the required 25-foot rear yard setback. The Homeowners Association Architectural Review Board has approved the proposed screen room. The property abuts a 50-foot wide landscape buffer and a 4-foot high fence is located to the rear of the property. Staff recommended denial of the variance request.

Steven Meaders, Project Manager, was present on behalf of the owners. Mr. Meaders stated the applicants would like to add shade and use their backyard space. The structure will increase the property value and has satisfied all the Homeowner Association standards. The structure will not detract from the property or surrounding properties and will not damage the property or the environment. Mr. Meaders provided examples of the structure.

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

Council Member Bates asked of any neighbors behind the home and expressed concern of lighting. Mr. Meaders indicated there were neighbors behind the house. The lighting are sconces with frosted glass.

Council Member Goodgame inquired of the size of the existing porch. Mr. Meaders stated the existing lanai is 5 foot by 8 foot.

Council Member Goodgame expressed concern of setting a precedence in the Bella Lago Subdivision.

Mayor Ash noted the Homeowners Association Architectural Review Board approved the structure.

Richard Bauer, Homeowner, addressed the Council and stated the property has a steep incline opposite the Kings Ridge Subdivision and there are large shrubs blocking the view of the homes in Kings Ridge. Mr. Bauer commented the lighting was LED lighting with frosted glass. The surrounding neighbors have enclosed swimming pools which abut their stem walls.

Council Member Mullins spoke in favor of the request.

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

Item No. 14 – Boat Ramp Relocation Master Plan Project

City Manager Gray noted a community meeting was held Thursday, August 3, 2017.

Richard Levy, Levy Consulting, presented the background and history of the Victory Pointe project and the Master Plan. The community meeting was attended by approximately 32 people and concerns were expressed regarding noise from ramp activity, boats, and airboats; wetland impacts; construction impacts from dredging; County Road 561 traffic impacts; the need for no wake zones; facility too small for growth; conflict with paddle sports and motor sports; general lake safety; and the proposed site location.

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The options are to build on Lake Minneola on County Road 561, leave the existing boat ramp, build at Bell Ceramics, or find a new location on another lake in the chain and partner with other government entities.

Mayor Ash asked of other boat ramps available for public use on Lake Minneola. City Manager Gray stated the only public boat ramp on the chain of lakes was at Hull Road.

Mayor Ash opened the public hearing.

Stephen Franklin; 378 12th Street, objected to constructing the boat ramp at Lake Hiawatha Preserve. The site does not provide ample space for temporarily docking a boat to retrieve the trailer and it appears there is less available parking than the current boat ramp location. The Lake Hiawatha Preserve site does not meet the needs and the future growth of the community. Mr. Franklin showed a possible site plan of what could be done at the Bell Ceramics site and requested Council table the boat ramp project and review changing the location to the Bell Ceramics site.

Dawn Faretti; representing her parents at 10220 Lake Minneola Shores, stated the proposed boat ramp location will be 40 feet from their property line and would cause undue stress on her father's health. The drinking water well for her parent's home is located near the proposed boat ramp site and there is concern of the impact the construction will have on the well.

Roy Davis; 1445 Lake Avenue, spoke in opposition of the proposed boat ramp location and the Victory Pointe project. Mr. Davis suggested leaving the boat ramp at the current location or relocate the boat ramp to the Bell Ceramics site.

Gallus Quigley; Lake County Parks and Trails Division, stated the Lake County Board of County Commissioners would like to review the proposed option for the boat ramp at Lake Hiawatha and have time to analyze and provide input consistent with the Management Plan requirements of the Public Lands Trust money provided for the purchase of the property.

Chris Davis commented he was one of the 20 homes affected on Lake Minneola and stated the wetland area would be affected, hundreds of oak trees would be destroyed, and wildlife would be displaced. Algae bloom has been an issue in the past and the problem will increase when the wetlands are disturbed. Mr. Davis spoke in favor of the Bell Ceramics site.

Mike Berry; Lake County Water Authority Executive Director, reminded Council the Lake County Water Authority Board had provided money for the existing boat ramp and contributed to the Victory Pointe project. The proposed site at Lake Hiawatha Preserve is more environmentally damaging than the Bell Ceramics site. The Lake Hiawatha Preserve site is one of the last natural wetlands on the lake and is one of the shallowest part of the lake. The Bell Ceramics site is much deeper and may not require dredging. Mr. Berry stated permitting for dredging is difficult and fewer conflicts would arise from the Bell Ceramics site. The Emerald Lakes Mobile Home Park would be a potential location for a boat ramp.

Charlene Forth; 939 West Desoto Street, spoke in opposition of the proposed boat ramp location.

Don Townsend; 15841 Tower View Drive, expressed concern with doing away with a boat ramp.

Holly Zubkin; 15848 Tower View Drive, spoke in opposition of the proposed boat ramp location and preferred the Bell Ceramics site.

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Shelly Thomas; 9732 Hasson Ridge Road, expressed concern with doing away with a boat ramp. Ms. Thomas requested the City not proceed with the Victory Pointe project until another proposed boat ramp site is available.

Jim Purvis; 4206 Hammersmith Drive, expressed concern with the Lake Hiawatha Preserve site and requested Council table the boat ramp and consider the alternative sites.

Lorrie Franklin; 378 12th Street, spoke in opposition of the proposed boat ramp location and preferred the Bell Ceramics site.

Mayor Ash closed the public hearing.

Mayor Ash recessed the meeting at 8:22pm. Mayor Ash reconvened the meeting at 8:33pm.

Council Member Mullins asked of the Lake County approval. City Manager Gray noted the City spoke with the Lake County Public Works Department for several months and they suggested the City move the road.

Council Member Mullins expressed concerned of the shallow water and dredging at the Lake Hiawatha and commented the Lake Hiawatha Preserve location is not his first choice. Mr. Mullins was of the understanding there is a current boat ramp for sale on County Road 561 at Cypress Cove and the Lake County Water Authority could purchase the property for a Lake County Water Authority boat ramp facility on Lake Minnehaha. The City would not have to build a boat ramp, which would save the City \$2,000,000.00. Victory Pointe is a stormwater project to protect the lakes. Mr. Mullins spoke in favor of tabling the boat ramp to allow time for Lake County and the Lake County Water Authority to work on a boat ramp facility.

Council Member Travis was opposed to the Bell Ceramics site due to the proximity to the schools, pedestrians, and multiple stop signs which would back up traffic. Ms. Travis spoke in favor of Lake County providing a boat ramp and saving the City \$2,000,000.00. The Victory Pointe project needs to move forward as it is a stormwater project to protect the lakes. The Master Plan was designed to bring people to the downtown area, which is what the residents want.

Council Member Bates commented he liked Council Member Mullins suggestion; however, he was not opposed to looking further at the Bell Ceramics site.

Council Member Goodgame commented on a prior discussion regarding the Rowing Club Boathouse and suggested moving the Rowing Club Boathouse to the Bell Ceramics site because the rowing course is on the east side of the lake. Mr. Goodgame agreed the current boat ramp location was not appropriate and was in favor of pursuing Council Member Mullins suggestion.

Council Member Bates asked of the time necessary to pursue various options.

City Manager Gray suggested postponing for 30 to 45 days.

Council Member Mullins moved to table to the September 26, 2017 meeting and work with Lake County and the Lake County Water Authority on a boat ramp; seconded by Council Member Bates.

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Council Member Mullins stated he understood there was a bid to build the boat ramp at Lake Hiawatha Preserve and asked of the time frame the bid amount was valid. City Manager Gray stated the bid amount was valid for 90 days.

Council Member Travis asked of the date the current boat ramp would need to close. Capital Planning, Projects, and Grants Director Kinzler commented the boat ramp would have to close early 2018.

The motion passed with all members present voting aye.

Item No. 15 – Resolution No. 2017-37 – *Transfer Jurisdiction of Lake Minneola Shores, CR 1733*

City Manager Gray announced the item is withdrawn and will be brought back to Council when necessary.

Item No. 16 – Ordinance No. 2017-28 – *Introduction, Clermont Ridge Senior Villas Annexation*

City Clerk Ackroyd Howe read Ordinance 2017-28 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land contiguous to the present City boundaries; providing for an effective date, severability, recording, and publication.

Council Member Goodgame moved to introduce Ordinance 2017-28; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Item No. 17 – Ordinance No. 2017-29 – *Introduction, Clermont Ridge Senior Villas Small Scale Comprehensive Plan Amendment*

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

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Small Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the Small Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Small Scale Comprehensive Plan Amendment; providing for the adoption of the Small Scale Comprehensive Plan Amendment; establishing the legal status of the Small Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Council Member Goodgame moved for introduction of Ordinance 2017-29; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Item No. 18 – Ordinance No. 2017-30 – Introduction, Clermont Ridge Senior Villas Rezoning

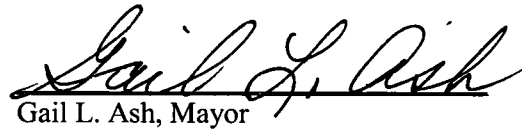
City Clerk Ackroyd Howe read Ordinance 2017-30 aloud by title only.

An Ordinance under the Code of Ordinances of the City of Clermont, Lake County, Florida amending the Official Zoning Map of the City of Clermont referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances; rezoning the real properties described herein as shown below; providing for severability, effective date, and publication.

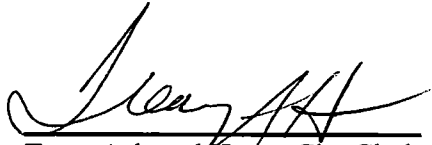
Council Member Goodgame moved for introduction of Ordinance 2017-30; seconded by Council Member Mullins. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:48pm.

APPROVED:


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

