

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 26, 2017

Clermont City Council met in a regular meeting on Tuesday, September 26, 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 Deputy City Clerk Noak.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

PROCLAMATION

Deputy City Clerk Noak read the White Cane Safety Day proclamation aloud.

Deputy City Clerk Noak read the Fire Prevention Week proclamation aloud. Mayor Ash presented the proclamation to Senior Fire Inspector Pierce and the Clermont Fire Department Cadets.

PRESENTATIONS

Life Safety Achievement Award

Fire Chief Bishop presented the 2016 Life Safety Achievement Award from the International Association of State Fire Marshals Fire Research and Education Foundation in partnership with Brunel Mutual. The Clermont Fire Department was one of 160 Fire Departments to receive the award in the United States for having no fire related deaths. Fire Chief Bishop congratulated Fire Prevention Captain Harrison and Senior Fire Inspector Pierce for their public education efforts.

PUBLIC COMMENTS

Jim Purvis; 4206 Hammersmith Drive, thanked the City and staff for their clean-up efforts after Hurricane Irma.

Terry Rice; 734 South Grand Highway, stated she was a small business owner and recently received her Business Tax Receipt renewal notice mailed on September 19, 2017 and received on September 26, 2017 with a due date of September 30, 2017. Ms. Rice requested waiver of the 10 percent penalty and a due date extension.

Council Member Travis spoke in agreement of the mailing date and receipt date of the Business Tax Receipts.

City Manager Gray stated there would not be a late fee penalty and allow a 30-day extension to pay the Business Tax Receipts.

REPORTS

City Manager Gray commented there is still a lot of debris from Hurricane Irma remaining to be picked up. Lake County has two contracted trucks removing debris in the City and five of the City's trucks are assisting in the debris removal process. The debris is being stored at Lake Hiawatha Preserve.

City Attorney Mantzaris – No report.

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Council Member Bates – No report.

Council Member Goodgame reported there would be a Metropolitan Planning Organization meeting in Lady Lake on September 27, 2017.

Council Member Mullins – No report.

Council Member Travis – No report.

Mayor Ash reported she attended the Lake Apopka Natural Gas Board meeting.

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 – Special Event, Road Closure and Open Container Allowance	Consider allowing the Clermont Parks and Recreation Department to host their annual “Light Up Clermont” event in downtown Clermont with street closures and open container allowance.
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Item No. 2 – Special Event, Road Closure and addition to Season Sponsorship	Consider approval of additional race to the Sommer Sports 2017 season along with road closures.
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Item No. 3 – Bid Award	Consider bid award to Marion Rock, Inc. to construct a twelve-inch water main in the budgeted amount of \$271,150.90.
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Item No. 4 – Resolution No. 2017-42	Recommend release of a City-owned well site through a quit claim deed in exchange for a utility easement on a half-acre parcel adjacent to Citrus Towner Boulevard in Lost Lake Reserve.
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Council Member Mullins pulled Item 1.

Council Member Goodgame pulled Item 3.

Council Member Bates moved for approval of Consent Agenda Items 2 and 4; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Council Member Mullins asked of the beer and wine tent location for Light Up Clermont. Program Manager Dudeck stated the beer and wine tent location had not been determined. The location will be based on the participants and space availability. Brick and mortar facilities will have the ability to have a tent located in front of their business.

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Council Member Mullins commented there are six alcoholic beverage licensed businesses downtown, including his business. Mr. Mullins stated he has a conflict of interest and will not be voting on the Light Up Clermont event request. City Attorney Mantzaris was in agreement with Council Member Mullins.

Council Member Goodgame moved for approval of Consent Agenda Item 1; seconded by Council Member Travis. The motion passed 4 to 0 with Council Member Mullins abstaining.

Council Member Goodgame moved for approval of Consent Agenda Item 3; seconded by Council Member Bates. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 5 – Boat Ramp Relocation Project Update

City Manager Gray stated the item was a continuation of the boat ramp discussion and the discussion has been moved to the October 10, 2017 meeting.

Item No. 6 – Ordinance No. 2017-27 – *Final, Repeal/Replace Chapter 102-Signs*
Table to November 14, 2017.

Deputy City Clerk Noak read Ordinance 2017-27 aloud by title only.

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 102 Signs, providing for codification, severability, effective date, and publication.

Council Member Goodgame moved to table Ordinance 2017-27 to November 14, 2017; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Item No. 7 – Ordinance No. 2017-32 – *Final, Medical Marijuana*

Deputy City Clerk Noak 2017-32 aloud by title only.

An Ordinance of the City of Clermont, Lake County, Florida, related to medical marijuana dispensaries and cannabis farms, repealing in its entirety Ordinance 2016-48 and amending Chapter 18 “Businesses,” creating Article III “Medical Marijuana Dispensaries and Cannabis Farms”, providing for purpose and definitions, declaring medical marijuana dispensaries and cannabis farms unlawful and prohibiting, providing for use of medical marijuana, providing for effect of annexation, and providing for enforcement and penalties for violation; providing for conflict, severability, codification, and an effective date.

City Attorney Mantzaris stated the City adopted Ordinance 2016-48 regarding restrictions for medical marijuana dispensaries and cannabis farms. Subsequent legislative action preempted the City’s ordinance; however, the legislative action allows municipalities to prohibit and ban medical marijuana dispensaries and cannabis farms. The ban does not prohibit the use of medical marijuana in the City.

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

Council Member Goodgame moved for approval of Ordinance 2017-32; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

The following three items were heard collectively and voted on separately.

Item No. 8 – Ordinance No. 2017-33 – *Final, Anderson Hill Annexation*

Deputy City Clerk Noak read Ordinance 2017-33 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.

Item No. 9 – Ordinance No. 2017-34 – *Final, Anderson Hill Small Scale Comprehensive Plan Amendment*

Deputy City Clerk Noak read Ordinance No. 2017-34 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.

Item No. 10 – Ordinance No. 2017-35 – *Final, Anderson Hill Rezoning*

Deputy City Clerk Noak read Ordinance No. 2017-35 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.

Senior Planner Kruse presented the request to annex 9.5 acres of property located west of U.S. Highway 27 and north of Anderson Hill Road. The property is in the City's sewer service area and water will be provided by the private utility provider, Utilities, Inc. The property is located within the City's Interlocal Service Boundary Agreement and the Joint Planning Area. Staff supported the annexation request.

Senior Planner Kruse presented the Small Scale Comprehensive Plan Amendment request to change the future land use from Lake County's Urban Low Density to the City's Commercial designation. Staff recommended approval of the future land use change request.

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Senior Planner Kruse presented the request to rezone the property to Planned Unit Development zoning with C-2 General Commercial uses. The owner would like to develop a multi-tenant commercial shopping center with uses consisting of retail businesses, personal service establishments, a fitness center, restaurants, offices, and bank/ATM facilities. The development will have up to 58,000 square feet of C-2 General Commercial use, including 1,400 square feet of outdoor patio use. The proposed fitness center will occupy more than 20,000 square feet. The overall Floor Area Ratio of the development is 14 percent. The requested waivers were presented. Staff supported the rezoning request.

Attorney Cecilia Bonifay stated the proposal was reformulated and the Lake County Board of County Commissioners approved the rezoning of another nearby land parcel. The Lake County Board of County Commissioners acknowledged the road needed to be improved and removed four of the prior mitigation requirements. The owner will work with Lake County on improving the road and an emergency entrance to the property.

Quinn Roberts provided an overview of the project. The property is currently approved for 68,000 square feet of building space. The owner is requesting less square feet of building space and has reduced the Floor Plan Ratio to 14 percent. The property access from Anderson Hill Road has been reduced to one access. The traffic study indicated the volume to road capacity is 17 percent utilized and the Metropolitan Planning Organization accepted the traffic study. Planet Fitness has agreed to build a facility on the site.

Council Member Mullins inquired of the building elevation for Planet Fitness. Mr. Roberts stated the building elevation would be similar to the proposed elevations presented.

Peter Penza; Avid Group Planning Director, the land use request will allow for residential and commercial uses, which are not different from the current Lake County uses. The three parcels have had several Lake County approvals over the years and all three currently have Lake County Planned Commercial District and Community Facility District designations. Lake County required a cross access which was recorded with Lake County and the access to Anderson Hill Road was approved by Lake County. The church/office uses were approved by Lake County and first phase was built and later removed; however, parking and the road access still remain.

Council Member Goodgame asked of how the retention pond would be moved. Mr. Penza stated the developer would use grading and retaining walls and will meet the City's requirements for cut and fill.

The development will provide sidewalks throughout the project and on Anderson Hill Road and U.S. Highway 27. The developer met with the neighbors and expressed concern about the need for more buffering; however, one abutting property owner did not want landscaping due to their swimming pool. The project will provide as much buffering as possible.

Mr. Penza spoke of the billboard removal condition and indicated the billboard company has an 'in perpetuity' lease agreement and the current property owner does not have the ability to modify the lease agreement. Mr. Penza suggested wording stating the owner would not enter into any additional lease agreements with the billboard owner.

Council Member Travis inquired of contracts without ending dates. City Attorney Mantzaris stated it was a legal issue and staff does not believe the lease agreement impacts the staff recommendation of removal of the billboard.

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Vasu Persaud; Traffic Planning and Design, Inc., reported there was a reduction in building square footage which will generate less traffic during school hours. The project consists of retail businesses and one-third of the square footage is a gym, which generates less traffic. The Lake County code considers Anderson Hill Road a collector road and the project needs to have access from Anderson Hill Road. The access will be reviewed by the Metropolitan Planning Organization and the Lake County Board of County Commissioners. A neighborhood meeting was held and the feedback was unsupportive of improving Anderson Hill Road because the traffic count would increase. The neighbors were not in agreement on the solutions of reducing speed, the use of speed tables, and the use of stop signs to slow down the traffic. They expressed concerns for children safety and the possible solution of adding sidewalks. Temporary speed tables were suggested.

Mayor Ash recessed the meeting at 8:06pm. Mayor Ash reconvened the meeting at 8:19pm.

Mayor Ash opened the public hearing.

Fred Schneider; Lake County Engineer Lake County Public Works. County Commissioner Chairman Sullivan signed a letter from the Lake County Board of County Commissioners which was read into the record by Mr. Schneider. Mr. Schneider thanked the City for cooperating with Lake County and expressed concerns of increased traffic, safety, project access, and the conditions requested.

Richard Keene; 12152 Lake Valley Drive, spoke in opposition of an access from Anderson Hill Road and suggested any future access be an entrance only access.

Terry Right; 734 South Grand Highway, expressed concern of noise and recommended sound proofing the project. Ms. Right commented the fitness place will generate a lot of traffic.

Doris Bloodsworth; 13119 Anderson Hill Road, expressed concerns of traffic increases, children safety, and the condition of Anderson Hill Road. Ms. Bloodsworth was opposed to having access from Anderson Hill Road.

Gary Becker; 12559 Nicolette Court, expressed concern of the view becoming impaired by the project buildings and the safety of children loading and unloading from the school buses.

Bob Beaver; 12647 Valencia Drive, expressed concern of traffic increases on Anderson Hill Road.

Teresa Couch; 125 Lakeshore Drive, questioned the accuracy of the traffic study and suggested another traffic study be conducted. Ms. Couch expressed concern of residents attempting to back out of their driveways and mentioned the lack of right-of-way on one side of Anderson Hill Road.

Tim Srodes; 12239 Warren Road, spoke of concerns due to lack of compatibility, safety issues, and the impact of traffic increases.

Daniel Jones; 13117 Maria Avenue, expressed concerns of traffic exiting onto U.S. Highway 27.

John Farrell; 13215 Maria Avenue, requested the installation of more landscape buffering.

Rose Farrell; 13125 Maria Avenue, expressed concerns of construction times, children safety, increased traffic, trucks entering the proposed project, noise, crime, and project compatibility.

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Carol Colvin; 12815 Kathryn Circle, expressed concerns of stormwater runoff, cut and fill, and damages from heavy machinery use.

Jennifer Horwitz; 12522 Valencia Drive, commented on reviewing the Planned Unit Development ordinance and commented the uses should be limited to C-1 uses. Ms. Horwitz suggested increasing the setbacks, limiting the hours of Planet Fitness, limited the hours for dumpster service, and removal of access from Anderson Hill Road.

Stephanie Modica; 13229 Olesen Court, spoke in opposition of an access from Anderson Hill Road and excess noise. Ms. Modica suggested controlling and stipulating the hours of operation of the businesses.

Linda Morello; 12442 Lake Valley Drive, expressed concerns of the level of service on Anderson Hill Road. Ms. Morello suggested the road improvements occur prior to development of the project.

Jim Purvis, 4206 Hammersmith, spoke in agreement with the neighboring property owners. The access to the project would be better from U.S. Highway 27.

Lake County Commissioner Parks stated the discussion at the Lake County Board of County Commissioners meeting was not to deny the developer the right to develop. Lake County is flexible with the mitigation of the traffic and will work with the City on the proposed project. The site plans with Lake County are no longer valid and the proposed project needs to be more concrete.

Tom English; 12307 Warren Road, expressed concerns of the project adding traffic to Lakeshore Drive and Brogden Drive, children safety when loading and unloading from school buses, and the narrow right-of-way for a sidewalk.

Attorney Bonifay addressed the billboard issue. The prior owner recorded a perpetual agreement for the billboard and the current owner will need to possibly take legal action to resolve the billboard agreement. She requested the condition change to three years or at the time a building permit is issued; whichever is the later of the two.

Council Member Travis mentioned the billboard was not noticeable.

Council Member Goodgame inquired of when the developer was aware of the perpetual agreement for the billboard. Attorney Bonifay stated the developer had been aware of the billboard agreement and was attempting to mitigate the billboard.

Attorney Bonifay requested Council support the staff recommendations and the suggested changes to the billboard mitigation. The access to the property from Anderson Hill Road is of public concern. The Lake County Board of County Commissioners letter indicates access from Anderson Hill Road should be emergency access only, until the issues have been worked out between Lake County, the developer, and the City of Clermont. The developer will comply with the Lake County letter. Ms. Bonifay addressed the concerns expressed of the landscape buffering, earth moving equipment, and excess cut and fill, stating the project meets the City code requirements and variances are not required. The hours of operation would be difficult to address as the businesses are not known at this time.

Council Member Bates stated he met with the applicants several months ago and the current plan is different than the original plan. He recently observed no difficulties getting in and out of Anderson Hill Road.

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Council Member Travis expressed disappointment of Lake County for the condition of the road, the lack of sidewalks, and the blind curve. She spoke in agreement of the use of access on Anderson Hill Road as an emergency access only.

Council Member Mullins asked if Planet Fitness could be seen from the road and could increasing the setback block the view of the building. Mr. Roberts indicated the Planet Fitness building could be seen from Anderson Hill Road and increasing the setback would not change the visibility of the building.

Council Member Mullins inquired if a Planned Unit Development was allowed in a C-1 designation. Senior Planner Kruse indicated a Planned Unit Development was allowed in any zoning district.

Council Member Mullins asked to have conditions set for music playing on outside speakers. Senior Planner Kruse stated a condition could be included.

Council Member Mullins requested a condition include emergency access only from Anderson Hill Road.

Council Member Travis stated the emergency access only condition should include a clause stating until worked out with Lake County.

Mayor Ash inquired if the project required more than one access. Senior Planner Kruse indicated the City does not regulate the access points, the access points would have to be worked out with Lake County.

City Attorney Mantzaris stated with a development this size, it would be consistent with the City code to have one access point and one emergency access point.

Council Member Mullins asked if there was an existing left turn access to Planet Fitness when northbound. Senior Planner Kruse stated a U-turn must be made to access Planet Fitness.

Council Member Mullins inquired if there was a proposal to put in a left turn lane on U.S. Highway 27. Senior Planner Kruse commented a left turn lane is part of the plan; however, the left turn lane will be determined by the Florida Department of Transportation.

Council Member Mullins inquired if the owner can cut back the hillside on Anderson Hill Road. Senior Planner Kruse indicated it was unknown if there was a right-of-way issue.

Mayor Ash asked Council Member Mullins if he was requesting one access on U.S. Highway 27 and only one emergency access off of Anderson Hill Road. Council Member Mullins agreed and added the Anderson Hill access would be made available for access when Lake County made improvements to the road.

Council Member Mullins suggested no deliveries between 9pm and 7am.

Council Member Mullins would like to include a commitment on the billboard removal time frame and was in favor of a deadline of December 2020.

Council Member Bates preferred a billboard removal date of December 2019 with an additional negotiated year. Council Member Mullins was in agreement.

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Council Member Mullins moved to adopt Ordinance 2017-33; seconded by Council Member Travis. The motion passed 5 to 0 on a roll call vote.

Council Member Mullins moved for adoption of Ordinance 2017-34; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

Senior Planner Kruse provided the amendments to the Planned Unit Development. The entrance on Anderson Hill Road will be an emergency only entrance until Lake County has made road improvements to Anderson Hill Road. The billboard will be removed by December 31, 2019. The deliveries are restricted to the hours of 7am and 9pm and there will be no outdoor speakers.

Council Member Mullins moved for approval of Ordinance 2017-35 with the conditions as stated by staff; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

Mayor Ash recessed the meeting at 10:08pm. Mayor Ash reconvened the meeting at 10:15pm.

NEW BUSINESS

Item No. 11 – Resolution No. 2017-39 – *Clermont Hillside Terrace*

Deputy City Clerk Noak read Resolution 2017-39 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting an amendment to a Conditional Use Permit (Resolution 2014-19) to remove a condition requiring tree mitigation.

Planning Manager Henschel presented the request for a Conditional Use Permit amending Resolution 2014-19. The site was originally developed in 2003 with an approved tree mitigation plan. The developer made payment for 200 of the 469 trees at the time of development and the outstanding amount was not paid. The current owner is requesting removal of the condition from the original Conditional Use Permit. Staff recommended approval of the request.

Darand Williams; representing property management company Exchange Place, stated the investment group acquired the property in October 2015. The project still has another 3,000 square feet of space which has not been completed, in addition to a requested increase to add 6,500 square feet for a Seal Swim aquatic center. Mr. Williams asked for support of the request to remove the tree mitigation amount due.

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

Council Member Mullins inquired of the unpaid amount. Planning Manager Henschel indicated approximately \$50,000 has not been paid.

Council Member Travis asked of the Seal Swim project and the size of the swimming pool. Mr. Williams stated the inside swimming pool would be 2,500 square feet. The intent is to provide training and swimming lessons for young children.

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Council Member Goodgame inquired of the amount paid into the tree fund. Planning Manager Henschel indicated the amount paid was approximately \$45,000.00.

Council Member Bates expressed concern of the swimming pool should the tenant leave. Mr. Williams indicated it will be an interior swimming pool.

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

The following two items were heard collectively and voted on separately.

Item No. 12 – Variance Requests – Barn Brewery

Item No. 13 – Resolution No. 2017-49 – Barn Brewery Conditional Use Permit

Deputy City Clerk Noak read Resolution 2017-49 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 an onsite brewery, food service establishments, and other retail uses to occupy more than 3,000 square feet of floor space in the Central Business District.

Planning Manager Henschel presented the request to allow a building to occupy more than 3,000 square feet of total floor area at 750 West Desoto Street. The original approval was to allow for a total of 3,500 square feet of floor space. The applicant made revisions to the plan calling for the demolition of the existing building and construction of a 7,200 square foot building. The applicant proposes to use the building as a restaurant and brewery. Staff recommended approval of the Conditional Use Permit.

Planning Manager Henschel presented the variances to allow a deficit of 14 parking stalls and remove the landscape buffer requirement. Staff recommended approval of the variance requests.

Darren Johnson; Applicant, was present to answer any questions.

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

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

Council Member Mullins moved for approval of Resolution 2017-49; seconded by Council Member Bates. The motion passed with all members present voting aye.

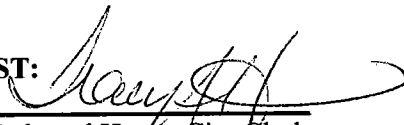
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ADJOURN: With no further comments, this meeting was adjourned at 10:33pm.

APPROVED:


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

