City of Clermont
MINUTES
REGULAR COUNCIL MEETING
October 24, 2017

City Council met in a regular meeting on Tuesday, October 24, 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: Capital Planning, Grants and Projects Director Kinzler, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

PROCLAMATION

Red Ribbon Week

City Clerk Ackroyd Howe read the Red Ribbon Week proclamation aloud.

PRESENTATIONS

Suzanne Neves presented the Florida Festivals and Events Association; through their Sensational Awards Program, recognized the City of Clermont Parks and Recreation Department for their excellence, creativity, and innovation. Ms. Neves presented the Parks and Recreation Department Events Staff with a First Place Award for a promotional mailer for Light Up Clermont, and a Second Place Award for promotional items for Light Up Clermont.

Finance Director VanZile presented the Excellence in Financial Reporting Award to Finance Manager Smith-Castillo and Accountant Davis. The City has received the award for the 29th consecutive year from the Government Finance Officers Association. The award represents the gold standard in financial reporting. Mr. VanZile has been the City of Clermont Finance Director for 32 years.

Assistant Fire Chief Johnston presented the first Comprehensive 2016 Fire Department Annual Report for accreditation. Assistant Fire Chief Johnston reviewed the highlights of the department and commented on the City of Clermont's Insurance Service Office rating of 2. The annual report includes the Fire Department goals for next year.

PUBLIC COMMENTS

Carolyn Maxwell; 180 Orange Avenue, asked of the process to prevent Waterfront Park from having a boat ramp installed. Capital Planning, Grants and Projects Director Kinzler commented the City is working with Lake County and the Lake County Water Authority to find an alternative location.

Mayor Ash noted a location has not been approved by the City Council and will be on a future agenda.

Capital Planning, Grants and Projects Director Kinzler stated public meetings would be held and staff will follow up with Ms. Maxwell.

Toni Bell; 1139 West Lakeshore Drive, reported two weeks ago at 2:30AM her security alarm sounded and her door had been tampered with. Ms. Bell called 9-1-1 and remained on the line with the dispatcher until the Clermont Police Department arrived. Officer Avila caught the suspect. She thanked Police Chief Broadway for hiring professional officers and thanked Officers Avila, Wagner, Wilkins, Razo, Bloom and Wheeler for their bravery.

Chris Davis; Lake Minneola Shores, was unable to attend the October 10, 2017 Council Meeting regarding the boat ramp. Mr. Davis read a notice he received indicating the meeting was delayed to October 10, 2017 and the City Council had determined not to proceed with the Lake Hiawatha site. He stated many did not attend the October 10, 2017 meeting due to the notice. Mr. Davis requested ample notice when the boat ramp location will be on an agenda. He suggested moving Triathlon Beach to Lake Hiawatha.

Mayor Ash commented the City has decided not to proceed with a boat ramp at Lake Hiawatha at this time.

City Attorney Mantzaris cautioned the Council not to discuss a decision on the boat ramp.

Greg Amann; 550 East Avenue, read into the record an email he sent to the City Council regarding the relocation of the boat ramp. He mentioned the Master Plan on the City's website which shows a boat ramp at the Bell Ceramics property. He spoke in support of the Bell Ceramics location and commented the residents should have been notified of the Master Plan change for a boat ramp location. Mr. Amann was opposed to closing the current boat ramp before another boat ramp is available.

Mark Plussa; 10845 Bronson Road, requested Council delay the closure of the existing ramp until a new site is found.

REPORTS

Capital Planning, Grants and Projects Director Kinzler introduced and welcomed the new Director of Communications, Tracy Jacim. Ms. Jacim provided information of her background and her primary focus for the City of Clermont.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame – No report.

Council Member Mullins reported on his presentation to the Lake County Board of County Commissioners of the Sales Tax Oversight Committee findings.

Council Member Travis commented Lake County Commissioner Parks spearheaded a get together at the Clermont City Center called White Cane Day. The attendees participated in experiencing handling tasks if you do not have eye sight.

Ms. Travis announced there would be a Celebration of Life for Planning and Zoning Commissioner Proli's spouse; Ed Proli, at Summit Greens on October 31, 2017 at 1pm.

Council Member Travis thanked her fellow competitors at the Great Floridian triathlon on Saturday.

Mayor Ash reported on visiting a home in Clermont on behalf of Lake Apopka Natural Gas to celebrate the 20 Thousandth customer, attending a meeting a Cooper Memorial Library hosted by United Way, the season opening at the Performing Arts Center, the Thrive Team Summit at the Arts and Recreation Center, a meeting of the Local Homeless Task Force, the Hurricane Recovery Task Force meeting, held Coffee with the Mayor at Optimum One, and attended the Lake Apopka Natural Gas Board of Directors 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 – Meeting Minutes	Consider approval of the September 19, 2017 Regular Council Meeting minutes.
Item No. 2 – Surplus Request	Consider approval to declare end of life inventory as surplus from various departments and dispose of in accordance with the Purchasing Policy.
Item No. 3 – Committee Appointment	Appoint Shannon Schmidt to the Lake County Educational Concurrency Review Committee and John Kruse as the alternate.
Item No. 4 – Bid Award – East Side Water Reclamation Improvements	Consider approval of bid award to L7 Construction, Inc. to provide expansion of existing wastewater dewatering facility in the total budgeted amount of $1,332,777.00.
Item No. 5 – Contract Award	Consider request to piggyback the Lake County B.C.C. contract with Tetra Tech, Inc. to provide disaster debris removal management and monitoring services in the estimated amount of $60,000 in the event of a future emergency.
Item No. 6 – Sole Source Agreement	Consider sole source term contract with Xylem Water Solutions USA, Inc.
Item No. 7 – Resolution No. 2017-58	Consider authorizing surplus and a quit claim of property (0.011) acres) to Victory Pointe, LLC.
Item No. 8 – Resolution No. 2017-59	Consider authorizing the issuance of a Water and Sewer Revenue Refunding Bond, Series 2017 in a principal amount not to exceed $11,000,000.

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

UNFINISHED BUSINESS

Item No. 9 – Ordinance No. 2017-27, *Final – Sign Code*

Withdrawn by staff.

Item No. 10 – Variance Requests – *Sherwin Williams*

Planning Manager Henschel presented the variance requests for the construction of a new Sherwin Williams store. The request was tabled at the October 10, 2017 Council Meeting to allow the applicant time to finalize the details of the proposal and address City Council concerns. The requested variances included reducing the required parking spaces to thirteen spaces, reducing the rear yard building setback to twelve feet, reducing the required landscape buffer width along State Road 50, reducing the required landscape buffer width on Milholland Street, and reducing the required landscape buffer width from the adjacent property to six feet. Staff recommended denial of the requested variances.

Mark Jonnatti; Jonnatti Architecture, presented the changes to the site plan design. The geometry of the entry drive was changed to allow large delivery trucks to park within the confines of the property. The landscape changes have exceeded the City's landscape requirements. The Crown Lounge sign will remain.

Steve Tomlin; Developer and Owner, stated a parking arrangement was worked out with Wendy's and will no longer require a parking space variance.

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

Council Member Goodgame asked about a driveway to access the Wendy's parking spaces. Mr. Tomlin noted a sidewalk could be added and employees could use the parking spaces at the top of the site and leave the remaining parking spaces for the clients. The business only requires six spots during high volume times.

Council Member Bates asked if the driveway was widened for truck access. Mr. Tomlin indicated the driveway was widened to allow increased turning ability for truck access.

Council Member Mullins was pleased the applicant addressed the City Council's requests.

Council Member Goodgame asked of verifying the renewal of the parking agreement with Wendy's.

City Attorney Mantzaris stated the variance is related to the specific use and if the use changes, the parking agreement would no longer exist.

Council Member Bates was in favor of the request and asked if Wendy's had enough parking spaces. Planning Manager Henschel noted Wendy's did not use the additional parking spaces.

Mr. Tomlin stated there would be a formal parking agreement with Wendy's.

Council Member Mullins moved to grant the variance request contingent on obtaining an annual parking agreement with Wendy's; seconded by Council Member Bates. The motion passed with all members present voting aye.

NEW BUSINESS

Item No. 11 – Variance Request – *Moretti*

Planning Manager Henschel presented the variance request to allow for a rear yard setback of nine feet for property located at 3435 Grayton Court to construct a screen room. The proposed screen room is similar to existing screen rooms which have been built in the community. The Heritage Hills Home Owners Association Architectural Review Committee has approved the proposed screen room. Staff recommended denial of the variance request.

Jim Moretti; Owner, presented photographs of the property and requested approval of the variance request.

Mayor Ash opened the public hearing.

Brian Elkins; 3439 Grayton Court, stated he lived next door and has no objections to the request.

Mayor Ash closed the public hearing.

Mayor Ash noted she is a resident of the Heritage Hills subdivision. City Attorney Mantzaris stated it was not a conflict of interest to vote on the request.

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

Item No. 12 – Variance Request – *Mind Immersions*

Planning Manager Henschel presented the request to allow for a reduction of five parking spaces for a new commercial building located at 2410 East Highway 50. The proposed use is for a virtual reality gaming center with an outdoor seating area, creating the need for five additional parking spaces. Staff feels the hours of operation will not conflict with the peak hours of the surrounding businesses and the existing on-site parking will accommodate the proposed use. Staff recommended approval of the variance request.

Jesse Domeracki; Owner, commented the business was the first of its kind in Florida. Mr. Domeracki stated he wanted to create an outdoor seating area for people who will be waiting to experience virtual reality.

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

Council Member Travis commented patrons of the development are not aware of the parking in the rear of the development. Ms. Travis inquired if patrons would have sidewalk access from the rear of the development. Mr. Domeracki confirmed McAllister's has a sidewalk available and the owner; Mark Graff, is allowing them to use the walkway and allowing for signage to use the back parking area.

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

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

Item No. 13 – Resolution No. 2017-38 – *Blue Water Car Wash Conditional Use Permit*

City Clerk Ackroyd Howe read Resolution 2017-38 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 carwash facility in the Urban Estate Low Density Residential Zoning District.

Item No. 14 – Variance Request – *Blue Water Car Wash*

Planning Manager Henschel presented the Conditional Use Permit request to allow a full service carwash facility in an outparcel located within the Plaza Collina Planned Unit Development. The approved Master Development Plan allows automotive services as a permitted use with a Conditional Use Permit. The proposed site is approximately 1.43 acres. Staff recommended approval of the Conditional Use Permit.

Planning Manager Henschel presented the requested variances to allow for a setback reduction for accessory structure canopies, and to allow for a reduced perimeter landscape buffer in the rear of the site. Staff recommended denial of the variance requests.

Stuart Anderson; Interplan Civil Engineer, explained the cross access road which is located on the site and continues west off the property. The cross access road requires the building to be set back further from the property line. The bays also require room to turn onto the access drive. The bay stations and canopies have to be placed as far back as possible.

Ken Tyrrell; Owner, was present.

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

Council Member Goodgame asked of the location of the business sign. Mr. Anderson stated they have not determined where the signage would be.

Mayor Ash expressed concern with the canopy located within 5-feet of the landscaping and the sloping retention area. Mr. Anderson indicated there was an existing retaining wall behind the site and the water retention area.

Mayor Ash commented the project was too large for the property.

Council Member Travis asked if the property to the west of the site was vacant. Mr. Tyrrell stated the property to the west was still vacant.

Council Member Bates asked for clarification of the comments from the Florida Department of Transportation. Planning Manager Henschel stated the Florida Department of Transportation does not want to have a quick turn into the site from Highway 50. The Florida Department of Transportation is requesting a stacking lane.

Council Member Travis was in agreement with Mayor Ash regarding the project size.

Council Member Goodgame moved to deny Resolution 2017-38; seconded by Council Member Travis.

Mr. Tyrell asked if the motion to deny was for the Conditional Use Permit and the variance request. City Attorney Mantzaris stated the motion was for denial of the Conditional Use Permit.

Mr. Anderson asked if the request could be continued. Mayor Ash stated they could request the items be tabled to a certain date or withdraw the requests.

Mr. Anderson commented if the motion to deny would be approved, then he would like to have the requests tabled.

City Attorney Mantzaris indicated there was a motion and a second on the table to deny the Conditional Use Permit, if a Council Member wishes to make a motion to table, then the request can be tabled.

Council Member Mullins moved to table Resolution 2017-38 to November 14, 2017; Mayor Ash passed the gavel to Mayor Pro-Tem Travis and seconded the motion.

City Attorney Mantzaris stated there were two competing motions on the table. The first motion will be voted on first and if the first motion fails, the second motion would be voted on.

The motion to deny Resolution 2017-38 failed 4 to 1, with Council Member Goodgame in favor of denial.

The motion to table Resolution 2017-38 to November 14, 2017 passed 5 to 0 with all members present voting aye.

Council Member Mullins moved to table the variance requests to November 14, 2017; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 15 – Resolution No. 2017-51 – *Transtech Auto Conditional Use Permit*

City Clerk Ackroyd Howe read Resolution 2017-51 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 automotive transmission repair facility in the C-2 Commercial Zoning District.

Planning Manager Henschel presented the request for a Conditional Use Permit to occupy an existing automotive service center at 1220 Oakley Seaver Drive. The location previously operated as an automotive Mobil Quick Lube center under Resolution 1370. The resolution contains a condition stating the facility cannot use power hydraulic or air powered tools. The new property owner is requesting to modify the condition to allow for use of air powered tools. The building will not be expanded and all automotive work will be completed within the building. Staff recommended approval of the request.

Raymond Calderon; Owner/Applicant, commented the business will follow all Environmental Protection Agency regulations.

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

Council Member Mullins inquired about use of power tools.

Council Member Travis spoke in favor of the request.

Council Member Goodgame expressed concern with noise.

Mayor Ash questioned included having a noise condition. City Attorney Mantzaris stated if they generated noise, it would be in violation.

Council Member Bates inquired of the hours of operation. Mr. Calderon commented the hours of operation will be 8:00am to 4:30pm Monday through Friday and the business will open for a half day on Saturday.

Council Member Goodgame asked of the number of cars which would be parked. Mr. Calderon stated he will minimize the number of cars parked at the site.

> <u>Council Member Bates moved for approval; seconded by Council Member Travis. The motion passed with all members present voting aye.</u>

Item No. 16 – Ordinance No. 2017-45, *Introduction – Huber Right-of-Way Vacate*

City Clerk Ackroyd Howe read Ordinance 2017-45 aloud by title only.

> An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the 15-foot unimproved right-of-way lying on the south and west sides of the follow described boundary. That part of Tract 61, lying westerly of Highway 27, Section 32, Township 22 South, Range 26 East, Lake Highlands Company, according to the plat thereof as recorded in Plat Book 3, Page 24, of the Public Records of Lake County; less right of way for road; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

> <u>Council Member Mullins moved for introduction of Ordinance 2017-45; seconded by Council Member Bates. The motion passed with all members present voting aye.</u>

ADJOURN: With no further comments, this meeting adjourned at 8:25pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk