

*City of Clermont*  
MINUTES  
REGULAR COUNCIL MEETING  
November 14, 2017

City Council met in a regular meeting on Tuesday, November 14, 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 Rivera gave the invocation followed by the Pledge of Allegiance.

**COUNCIL PRESENTATION**

Mayor Ash presented outgoing Council Member Mullins with a plaque for 18 years of commitment and dedicated service. Mayor Ash recognized the various agencies and committees Council Member Mullins served as a Clermont representative over the 18 years, including serving as Mayor Pro-Tem. She mentioned the various milestones of the City during his tenure. Mr. Mullins noted it has been a privilege to serve with the Council Members and excellent staff over the years. The citizens make Clermont, and he chose to live in Clermont because of the people, their attitude, and what the City stood for.

Council Member Travis stated she enjoyed serving with Council Member Mullins and wished him the best.

Council Member Goodgame mentioned Council Member Mullins had also planted trees at Palatlahaka Park and has done a good job serving the citizens.

Council Member Bates thanked Council Member Mullins for his years of service. Council Member Mullins brought a lot of knowledge and it has been an honor and privilege to work with him.

City Attorney Mantzaris stated it has been a pleasure to work with him.

City Manager Gray mentioned Council Member Mullins had served on the Planning and Zoning Commission prior to being elected as a Council Member.

**ELECTION RESULTS**

City Clerk Ackroyd Howe presented the November 7, 2017 election results for Seat 2 and Seat 4 for acceptance. Ray Goodgame received 1,230 votes and Julie Santos received 1,127 votes for Seat 2. Heidi Brishke received 1,139 votes and Keith Mullins received 1,114 votes for Seat 4.

Council Member Bates moved to accept the election results; seconded by Council Member Travis. The motion passed with all members present voting aye.

**OATH OF OFFICE**

City Clerk Ackroyd Howe administered the Oath of Office to Ray Goodgame for Seat 2 and Heidi Brishke for Seat 4 for a two year term.

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**PRESENTATIONS**

Acting Development Services Director Schmidt recognized three Planning and Zoning Commission members who service ends in 2018 with an opportunity for reappointment. Nick Jones, Tony Hubbard, and Judy Proli were recognized for their time and commitment to the City. Nick Jones, Chairman, has served since 2006; Tony Hubbard has served since 2014; and Judy Proli has served since 2008.

**PUBLIC COMMENTS**

Justin Rickman; Lake Minneola Shores, commented he grew up here and lives on Lake Minneola. He stated he was advised the boat ramp will be closing and there are no plans to provide an alternate method to launch a boat. Mr. Rickman inquired why the boat ramp was being closed and suggested the ramp remain open until there is an alternate place to launch a boat.

Mayor Ash stated there have been multiple meetings about the boat ramp due to the water filtration project in the downtown area. The project will provide a better filtering system into the lake to provide cleaner water going into the lake. The proposed alternate site was fought by the community and the City is working with Lake County and the Lake County Water Authority on locating an alternate site. The City will hold another public meeting when another site has been identified.

City Manager Gray commented the current boat ramp will close on December 17, 2017. The proposed alternate location was opposed by the neighbors and the City Council wanted to be good neighbors so the alternate location was removed. The City Council requested staff work with Lake County and other entities to find other potential locations.

Bob DeLoach; 10290 Lake Minneola Shores, stated he lives adjacent to the Lake Hiawatha Preserve property and thanked the City for not going further with this site. He requested Council consider a location on the west side of Emerald Lakes, bringing in fill dirt and building a parking lot and boat ramp. Mr. DeLoach referenced a letter rescheduling the boat ramp discussion to October 10, 2017 due to Hurricane Irma. The letter stated the City Council had decided not to proceed with the Lake Hiawatha location. He asked for assurance the location will not be re-considered.

City Manager Gray commented the Lake County Water Authority will be meeting on November 15, 2017 and a boat ramp location will be placed on an upcoming agenda.

Greg Amann; 550 East Avenue, stated a new boat ramp will take a long time to build and suggested the City allow the use of East Avenue to access the lake.

Stephen Franklin; 378 12<sup>th</sup> Street, commented the recent election proves the citizens are not happy with the current direction of the City Council. Lilly's on the Lake and other waterfront businesses will lose revenue from the boat ramp closure. The Bell Ceramics site has adequate space for a facility equal to the current boat ramp facility.

Steven Farkas; 10140 Canal Zone Way, stated it was poor planning which caused the boat ramp to have to close.

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Robert McGirr; 281 Crestview Drive, commented he has lived in Clermont for 20 years, loves the lake and the Chain of Lakes, and raised his children on the lake. Mr. McGirr requested the Council reconsider closing the boat ramp until there is an alternate plan.

Matthew Schuh; 116 Pacific Avenue, requested Council keep the existing boat ramp open until there is another solution.

Charlene Forth; 939 West Desoto Street, stated it was never part of the visioning plan to take the boat ramp off the lake. Ms. Forth commented she called City Manager Gray last week and left a message with Executive Assistant Rybarczyk regarding Lake Sentinel Reporter Lauren Ritchie calling a neighbor and asking for their comment on the Lake Hiawatha site being revisited for a boat ramp location. She asked City Manager Gray if the report was correct and if a staff member had stated the same.

City Manager Gray stated alternate boat ramp locations will be coming back to the City Council. The alternate location will be determined by the City Council. Mr. Gray indicated no one at the City spoke to Ms. Ritchie and indicated the Lake Hiawatha site was being reconsidered.

**REPORTS**

City Manager Gray reported the Council will need to appoint Keith Mullins' replacement on the Tourist Development Council. Lake County has requested the appointment be made at tonight's meeting to avoid delaying an upcoming meeting.

Council Member Bates nominated Council Member Travis to serve; seconded by Council Member Brishke. The motion passed with all members present voting aye.

City Manager Gray announced Resolution 2017-50; Greystone Conditional Use Permit, and Resolution 2017-52; Ford Conditional Use Permit, were advertised and need to be tabled to November 28, 2017.

City Clerk Ackroyd Howe read Resolution 2017-50 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 skilled nursing facility up to 73,000 square feet in the C-2 Commercial Zoning District.

Council Member Bates moved to table Resolution 2017-50 to November 28, 2017; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

City Clerk Ackroyd Howe read Resolution 2017-52 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 expansion of an automotive dealership in the C-2 Commercial Zoning District.

Council Member Goodgame moved to table Resolution 2017-52 to November 28, 2017; seconded by Council Member Bates. The motion passed with all members present voting aye.

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City Manager Gray stated the Federal Emergency Management Agency opened a recovery office at the Highlander Building from 9am until 7pm, and will only be there on Wednesday, Thursday and Friday of this week.

City Manager Gray announced Council Member Goodgame's birthday is today.

City Attorney Mantzaris – No report.

Council Member Bates thanked Finance Director VanZile and City Clerk Ackroyd Howe for being part of the election canvassing board. He thanked City Clerk Ackroyd Howe for stepping up and going above and beyond and did a great job. Council Member Bates mentioned the incident at Lake Minneola High School where a young man took his life earlier today.

Council Member Goodgame thanked Keith Mullins for his years of service to the City and has been a backbone to the City. He looks forward to working with Council Member Brishke.

Council Member Brishke thanked the citizens for their support and their votes and was looking forward to working with the City Council and staff.

Council Member Travis reported she attended Taste of South Lake and the Art Festival. She is looking forward to the upcoming Small Business Shopping day on November 25, 2017.

Mayor Ash reported on hosting a hurricane task force meeting and stated the biggest issues are jobs and housing. The hurricane task force is looking for volunteers to answer phones. Mayor Ash commented on serving as a judge at Taste of South Lake and mentioned the City of Clermont booth was a first place winner. She reported on attending the Veterans Day event and the opening of McKenley Rae in Downtown Clermont. Mayor Ash welcomed Council Member Brishke and mentioned this was the first time in the history of Clermont that the majority of the City Council are women.

**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 26, 2017 and October 10, 2017 Regular Council Meeting minutes.

**Item No. 2 – Plat Approval**

Plat approval for Highland Ranch Esplanade Phase 2.

**Item No. 3 – Revised Interlocal Agreement**

Consider approval of the revised agreement with the Town of Oakland providing wholesale wastewater treatment.

**Item No. 4 – Andoc, LLC. Utility Agreement**

Consider Utility Service Agreement for Water and Sewer Services to construct a new veterinary clinic to be located at 15016 Pine Valley Boulevard.

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**Item No. 5 – State of Florida Department of State Grant Agreement**

Consider approval of grant agreement between the State of Florida Department of State Cultural Facilities Program and the City of Clermont in the amount of \$500,000 for the Victory Pointe Project.

**Item No. 6 – State of Florida Department of Environmental Protection Grant Agreement**

Consider approval of grant agreement between the State of Florida Department of Environmental Protection Recreational Trails Program and the City of Clermont in the amount of \$200,000 for the Victory Pointe Project.

**Item No. 7 – Proposal Award**

Consider approval of Request for Proposals award to Magellan Advisors, LLC. for telecommunications consultant services.

**Item No. 8 – Compensation and Classification Study**

Consider approval of a new pay plan and implementation strategy in the budgeted amount of \$177,976.00.

**Item No. 9 – Event and Open Container Request**

Consider allowing the Celebration of Heroes to have an open container area for their “Celebration of Heroes” event on March 3, 2018 at Waterfront Park.

Jim Purvis; 4206 Hammersmith Drive, asked to pull Item 7.

Council Member Goodgame moved for approval of Consent Agenda Items 1 through 6, 8 and 9; seconded by Council Member Bates. The motion passed with all members present voting aye.

Jim Purvis; 4206 Hammersmith Drive, expressed his concern of awarding Magellan Advisors the telecommunications consultant services due to his prior involvement on a committee regarding fiber optics and telephone service. He mentioned there were many on the local level which provide consulting and asked how the City selected a business in Denver, Colorado.

City Manager Gray commented the contract was publicly bid and the City had six responses. Magellan Advisors was the firm the selection committee chose. He stated Council Member Goodgame spoke to him regarding the local business person and the City has his information and provided him with the registration process. The individual will receive any future bid notifications by electronic mail.

Council Member Goodgame commented Mr. Purvis was referring to a Clermont resident who runs a consulting business and worked with The Legends, Kings Ridge, and Summit Greens developments. He felt the City should seek out local bidders for City projects.

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City Manager Gray stated Magellan Advisors does have an office in Clermont.

City Attorney Mantzaris stated the public procurement process was a unique process that the City must follow. The City cannot pick and choose or even try and go out and invite people to bid on a project. The process is set up so that businesses who want to do business in their field keep an eye on publications where they are published. The City uses a large scale distribution software system and entities from all over the country apply. The procurement process is designed for those who know about these type of contracts, to be able to do that. The gentleman being referred to may be qualified to do the work; however, he did not submit a bid. The Council's choice is to move forward with this or they could reject all bids and put it back out for bid.

Mayor Ash asked if the City followed their established procedures. City Attorney Mantzaris stated the City followed the established procedures.

Council Member Travis inquired of approving Magellan Advisors and sending out another bid for a second consultant.

City Manager Gray stated the City does not need two consultants. The City does provide points for local businesses and Magellan does have an office in Clermont.

Council Member Bates moved for approval of Consent Agenda Item 7; seconded by Council Member Brishke. The motion passed 4 to 1 with Council Member Goodgame in opposition.

**UNFINISHED BUSINESS**

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

**Item No. 10 – 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. 11 – Variance Request – *Blue Water Car Wash***

Planning Manager Henschel presented the request for a Conditional Use Permit to allow a full service carwash facility on an outparcel located within the Plaza Collina Planned Unit Development. Staff recommended approval of the Conditional Use Permit.

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Planning Manager Henschel presented the variances to allow for a reduction of the setback for accessory structure canopies and a reduced perimeter landscape buffer. The proposed canopy for a carwash payment kiosk will be located in the rear of the property, and the canopy will be located five feet from the rear property line. The applicant has requested a five-foot wide landscape buffer between the abutting property. The storm water pond for the site abuts the rear of the property where the variances have been requested. The applicant is proposing to enhance and provide larger plant species to meet the vegetation requirement of the Land Development Code. Staff recommended denial of the variance requests.

Ken Terrell; Owner, and Stuart Anderson; Interplan Civil Engineer, were present requesting approval.

Mr. Anderson presented additional renderings and photographs of the site plan. Blue Water is a small carwash company with three other locations in the Orlando area. The kiosk canopy has a 10-foot setback and is for the benefit of the customer to reduce glare and is not a necessity. The reduction for the landscape buffer involves only a 3-foot section.

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

Council Member Bates expressed concern with the kiosk canopy setback reduction request.

Council Member Travis was not opposed to the kiosk canopy setback reduction request as the canopy was in the rear of the site.

Mayor Ash was opposed to the kiosk canopy setback reduction request and was not a necessity.

Mr. Anderson stated the kiosk canopy could be removed from the plan.

Council Member Goodgame commented the site is not well positioned for a carwash.

Mr. Anderson indicated the building is part of the marketing of the business. The building will have a sign which stands out and is attractive and there will be a right turn deceleration lane directly into the site.

Council Member Bates moved for approval of Resolution 2017-38; seconded by Council Member Travis. The motion passed 3 to 2 with Mayor Ash and Council Member Goodgame in opposition.

City Attorney Mantzaris suggested the variances be voted on separately as there was not an apparent consensus on one of the variances.

Council Member Bates moved for denial of the kiosk canopy setback variance request; seconded by Council Member Brishke. The motion passed 4 to 1 with Council Member Travis opposed to the denial.

Council Member Bates moved for approval of the landscape buffer variance request; seconded by Council Member Travis. The motion passed 3 to 2 with Council Members Goodgame and Brishke in opposition.

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**Item No. 12 – Ordinance No. 2017-45 – *Final, 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 following 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, Florida; less right of way for road; repealing all ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

Senior Planner Kruse presented the request to vacate a 15-foot right-of-way located on property north of Caspian Lane and west of U.S. Highway 27 to prepare the site for development. Staff recommended approval of the request.

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

Council Member Goodgame moved to approve Ordinance 2017-45; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

**NEW BUSINESS**

**Item No. 13 – Ordinance No. 2017-40 – *Introduction, Eddy Property Annexation***

City Clerk Ackroyd Howe read Ordinance 2017-40 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 2017-40; seconded by Council Member Travis. The motion passed with all members present voting aye.

**Item No. 14 – Ordinance No. 2017-41 – *Eddy Property Large Scale Comprehensive Plan Amendment - Transmittal***

City Clerk Ackroyd Howe read Ordinance 2017-41 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Large 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 Large Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Large Scale Comprehensive Plan Amendment; providing for the adoption of the Large Scale Comprehensive Plan Amendment; establishing the legal status of the Large Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

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Senior Planner Kruse presented the transmittal for a Large Scale Comprehensive Plan Amendment to change the future land use from Lake County's Rural to the City's Low Density Residential. The City's Low Density Residential does not allow commercial or industrial uses. The applicant is requesting approval for a Planned Unit Development up to 340 units, equating to 2.97 units per acre. The proposed amendment would be transmitted to the Florida Department of Economic Development and the reviewing agencies. The Florida Department of Economic Development will issue objections, recommendations, and comments to the City, and the amendment would be scheduled for a final public hearing on January 23, 2018. Staff received two letters of objection. Staff recommends approval of the transmittal of the Large Scale Comprehensive Plan Amendment.

Attorney Dan O'Keefe; thanked staff for their work on the application process and agreed with the recommendation. The applicant and planner were available for any questions.

Mayor Ash opened the public hearing.

City Manager Gray noted this was a transmittal hearing and the final hearing will be held on January 23, 2018.

Bridget Conley; 11400 Lovers Lane, spoke in opposition of changing the land use and urged Council to deny the request for a Planned Unit Development.

Lisa Grayford; 17330 Hartwood Marsh Road, spoke in opposition of the request. The road needs improvements before adding more traffic and the schools are already overcrowded.

Brad Myer; 11710 Sadler Court, spoke in opposition of the request and expressed concern of traffic and overcrowded schools. Mr. Myers requested Council consider 1 to 5-acre lot parcels for the proposed development.

John Grayford; 17330 Hartwood Marsh Road, was opposed to the request and expressed concern of a decline in property values.

Jackie Polk, 11445 Sadler Court, spoke in opposition of the request noting the native plants and animals on the property and the current high number of accidents on Hartwood Marsh Road.

Mayor Ash closed the public hearing.

Attorney O'Keefe stated the request was for a Large Scale Comprehensive Plan Amendment transmittal to the Department of Economic Development. The final request will come before the City Council in January. The property is within the Joint Planning Area of the City of Clermont and is planned as a future City boundary of the Wellness Way area, which was adopted by Lake County. Wellness Way was approved by the State and appealed by Cemex. Lake County reached a settlement with Cemex and Wellness Way will be going back before the Lake County Board of County Commissioners next week. Lake County will allow up to 15 dwelling units per acre and can include condominiums, commercial, and retail uses. The client prefers annexation into the City and having 3 units per acre with no apartments or town homes in the proposed project.

Tom Daly; Daly Design Group, commented there was a community meeting held at the Fairfield Inn. The owner sent notices to 54 households and approximately 20 people attended. The intersection needs to have a design solution, perhaps aligning the road with Lovers Lane.

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Council Member Goodgame asked staff what lot sizes would be allowed in the Low Density designation. Senior Planner Kruse stated the lot sizes will be addressed at the property rezoning hearing.

Council Member Goodgame inquired what the City Code requires for lot sizes. Senior Planner Kruse commented R-1 designations require 85 foot lots and R-3 designations require 75 foot lots and a depth of 100 to 118 feet.

Council Member Goodgame stated the area has roads being developed over the next two years and he would like to see the proposed project postponed until the surrounding area road work is complete.

City Manager Gray noted the item was for transmittal to the Department of Economic Development and the final hearing for consideration by the City Council will be held in January.

Council Member Bates was in favor of moving forward with the transmittal.

City Manager Gray stated he will get clarification on the Wellness Way Plan settlement agreement and staff will have time to review the settlement agreement.

Mayor Ash commented Wellness Way does not impact the transmittal to the Department of Economic Development.

City Attorney Mantzaris stated part of the Cemex challenge to the denial of their mining Conditional Use Permit was based on the Wellness Way Plan, which was also challenged by Cemex. The settlement agreement would allow for Cemex to operate and would also be a confirmation that the Wellness Way Plan is no longer being challenged.

County Member Travis understood if the City annexed the property in the future, the City would have sole control over what would happen on the property.

City Attorney Mantzaris commented the applicant would like to annex into the City. Annexation requests includes the Comprehensive Plan, Land Use, and Rezoning. The request is for a Large Scale Comprehensive Plan Amendment and staff supplied the applicant with the lowest density the City's Comprehensive Plan Amendment allows. The zoning piece is the Planned Unit Development and will be where the City would address what will be allowed in the project, should the City elect to annex the parcel.

Council Member Goodgame asked if the 3 units per acre was the net or the gross of the project. City Attorney Mantzaris stated there was a set calculation in the City's code in how this is determined. Historically, for large projects, the City has typically recommended a Planned Unit Development to allow more lots to be moved around and create more open space for a better project.

Council Member Goodgame expressed concern of the high density in comparison to the surrounding property.

Council Member Goodgame moved to deny the transmittal of Ordinance 2017-41.

The motion died for the lack of a second to the motion.

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Mayor Ash inquired if approving the transmittal means the City is committed to the 340 units on the property. City Attorney Mantzaris commented the transmittal does not have the City committed. The transmittal is not the Council's final action; the final action of the Council will be at the final public hearings in January. The City Council can take any action at the hearing and the applicant can decide not to move forward with the request

Mayor Ash inquired if the ordinance was required to be transmitted. City Attorney Mantzaris stated if the change was for a Small Scale Comprehensive Plan Amendment, the ordinance would not be required to go through the transmittal process.

Council Member Bates moved for approval to transmit; seconded by Council Member Travis. The motion passed 4 to 1 with Council Member Goodgame in opposition.

**Item No. 15 – Ordinance No. 2017-42 – *Introduction, Eddy Property Rezoning Request***

City Clerk Ackroyd Howe read Ordinance No. 2017-42 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 Bates moved for introduction of Ordinance 2017-42; seconded by Council Member Brishke. The motion passed 4 to 1 with Council Member Goodgame in opposition.

**Item No. 16 – Ordinance No. 2017-49 – *Introduction, The Shops at Waterbrooke Rezoning***

City Clerk Ackroyd Howe read Ordinance 2017-49 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 Bates moved for introduction of Ordinance 2017-49; seconded by Council Member Travis. The motion passed with all members present voting aye.

**Item No. 17 – Ordinance No. 2017-51, *Introduction – Utilities Code Amendment***

City Clerk Ackroyd Howe read Ordinance 2017-51 aloud by title only.

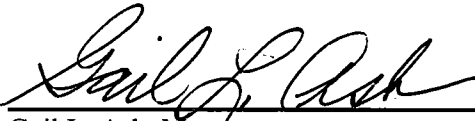
An Ordinance of the Code of Ordinances of the City of Clermont, Lake County, Florida, amending Chapter 66, Utilities, repealing all ordinances in conflict herewith, providing for severability, effective date and publication.

Council Member Bates moved for introduction of Ordinance 2017-51; seconded by Council Member Travis. The motion passed with all members present voting aye.

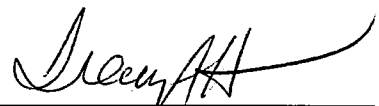
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**ADJOURN:** With no further comments, this meeting adjourned at 8:36pm.

**APPROVED:**

  
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Gail L. Ash, Mayor

**ATTEST:**

  
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Tracy Ackroyd Howe, City Clerk

