City of Clermont
MINUTES
REGULAR COUNCIL MEETING
November 28, 2017

City Council met in a regular meeting on Tuesday, November 28, 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 Aviles gave the invocation followed by the Pledge of Allegiance.

Mayor Ash announced the boat ramp project would be on the December 12, 2017 Council Meeting agenda.

PUBLIC COMMENTS

Libby Hanna spoke of the citizen confusion regarding the status of the boat ramp project. Ms. Hanna suggested creating an independent panel to review the project and requested Council postpone the boat ramp closure.

Nicholas Sindicich; 795 West Montrose, expressed concerns of staff assistance for small businesses. Mr. Sindicich would like to see the rules and guidelines change for small businesses. City Manager Gray asked him to provide staff with his contact information.

Todd Howard requested Council reconsider closing the boat ramp.

David Brandon spoke of the construction behind Lost Lake Reserve causing his home to shake. Mr. Brandon expressed concern of lack of notification of the construction project. City Manager Gray stated the construction was in Lake County's jurisdiction and asked him to provide staff with his contact information.

John Amann; 550 East Avenue, asked the Council to consider leaving the boat ramp open until a new site has been selected. Mr. Amann commented that the Bell Ceramics site is the best choice for the boat ramp relocation.

Robert Olson; 1290 Dianna Place, commented the Lake Hiawatha and Emerald Lakes potential boat ramp sites are unsafe, and the Hull Road site is too small. Mr. Olson commented the Bell Ceramics site is the most cost effective site.

REPORTS

City Manager Gray reported Light up Clermont will be on December 1, 2017 from 5:30pm to 9:30pm. The parade will begin at Waterfront Park at 10:00am on December 2, 2017.

The Council will hold a workshop on Monday, December 4, 2017 at 6:00pm to discuss Consent Agenda Item 12; Resolution No. 2017-60, and Consent Agenda 13; Resolution 2017-61. Staff requested the items be tabled to the December 12, 2017 Council Meeting.

> Council Member Goodgame moved to table Consent Agenda Items 12 and 13 to December 12, 2017; seconded by Council Member Bates. The motion passed with all members present voting aye.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame – No report.

Council Member Brishke reported on assisting Brent and Melissa Joyner in packaging and delivering over 1,400 Thanksgiving Dinners at the First Methodist church.

Council Member Travis – No report.

Mayor Ash reported on attending the Homeless Taskforce meeting, the Fire Station 1 Public Safety Organization Accreditation review, Dancing Under the Stars at the Performing Arts Center, the Hurricane Task Force Steering Committee meeting, spoke about being the Mayor with the teenage boys at the Church at South Lake, met with the 15 new Fire Department Engineers, and 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 – Meeting Minutes	Consider approval of the October 24, 2017 and November 14, 2017 Regular Council Meeting minutes.
Item No. 2 – Legislative Priorities	Consider approval of the City of Clermont Legislative priorities list.
Item No. 3 – WaterBrooke Phase 1 Plat	WaterBrooke Phase 1 Plat.
Item No. 4 – Change Order and Budget Amendment	Consider change order number 1 to the Victory Pointe construction contract with Oelrich Construction, Inc. for additional muck removal in the budget amendment amount of $283,447.
Item No. 5 – Contract Award	Consider request to piggyback the Florida Sheriff's Association contract to purchase one (1) XQAP 375 Kw Portable Generator for the budgeted amount of $203,200.
Item No. 6 – Contract Award	Consider request to piggyback the Polk County Board of County Commissioners contract with Asphalt Paving Systems, Inc. to provide pavement management alternative methods in the estimated budgeted amount of $500,000.

Item No. 7 – Piggyback Contract

Consider request to piggyback the Florida Sheriff's Association contract with Garber Chrysler Dodge, Duval Ford, and Coggin Ford to purchase vehicles in the budgeted amount of $643,394.

Item No. 8 – Single Source Agreement

Consider request to approve single source contract with Tom Evans Environmental, Inc. to purchase wastewater pumps and equipment parts in the estimated budget amount of $50,000.

Item No. 9 – Grant Agreement No. UA007

Consider grant agreement between State of Florida Department of Environmental Protection Florida Communities Trust Program and the City of Clermont in the amount of $165,000 for the Victory Pointe Project.

Item No. 10 – Grant Agreement No. 2015-MO-BX-0007 and Budget Amendment

Consider grant agreement between the US Department of Justice and the City of Clermont in the amount of $46,675 for partial funding of an additional police officer assigned to the Mobile Crisis Unit and a budget amendment in the amount of $107,953.

Item No. 11 – Resolution No. 2017-54

Consider approval of Fiscal Year 2017 Quarter 4 Budget Amendment.

Item No. 12 – Resolution No. 2017-60

Consider approval of the Comprehensive Fee Schedule.

Item No. 13 – Resolution No. 2017-61

Consider approval of the new Employment Policies Manual.

Council Member Travis made a correction to page 10 of the November 14, 2017 Regular Council Meeting minutes to replace the wording 'low density' to 'high density' for Council Member Goodgame's opposition comment.

<u>Council Member Bates moved for approval of Consent Items 1 through 11; seconded by Council Member Goodgame. The motion passed with all members present voting aye.</u>

UNFINISHED BUSINESS

Item No. 14 – Resolution No. 2017-50 - *Greystone Healthcare Conditional Use Permit*

Deputy City Clerk Noak 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.

Planning Manager Henschel presented the request to construct and operate a 73,000 square foot skilled nursing facility located at the southwest corner of Citrus Tower Boulevard and Hooks Street. The facility will operate 24 hours a day to care for patients recovering from operations or injuries. Staff recommended approval.

Kelly Bulloch; Kimley-Horn Engineer, was available to answer any questions.

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

Council Member Goodgame inquired how the elevation changes would be addressed. Ms. Bulloch stated the site would have transitional grading on one side and a retaining wall on the remaining side. City Manager Gray commented the developer is not requesting any variances.

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

Item No. 15 – Resolution No. 2017-52 – *Quick Lane @ Ford of Clermont*

Deputy City Clerk Noak 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.

Planning Manager Henschel presented the request to expand the Ford of Clermont automotive dealership located at 1101 East Highway 50. The existing dealership operates under Resolution No. 1173 which allowed the expansion and renovation of the showroom and the construction of a body shop and service center on the south side of the site. The proposal includes expanding the parking area to the western parcel and add a Quick Lane Service Center. The service center will have 12 bays with a 1 bay car wash. The service center will provide minor service and repairs such as oil changes, tire service, and maintenance services. Access to the service center will be through the dealership or the existing frontage road to the northwest of the site. Staff recommended approval.

Peter Pensa; Avid Group, commented the dealership is successful and providing a Quick Lane Service Center would free up the current service center.

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

Council Member Goodgame inquired of the Quick Lane signs. Planning Manager Henschel stated there would be two signs on two sides and the signs comply with City Code.

Council Member Goodgame asked of the landscaping plan. Planning Manager Henschel commented the landscaping will go through the site review process and will be required to comply with City Code.

Council Member Travis was not in favor of the request.

Mayor Ash preferred the service area to be located in the rear of the property.

Council Members Travis and Brishke were in agreement with Mayor Ash.

Council Member Bates asked if vehicles are able to exit on the west side of the property. Mr. Pensa stated vehicles could exit on the west side of the property.

Council Member Goodgame inquired of building an L-shaped building to the rear of the site. Mr. Pensa indicated Ford would like visibility from Highway 50.

Mr. Pensa asked the request be postponed to the January 9, 2018 Council Meeting.

> Council Member Goodgame moved to postpone the request to January 9, 2018; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 16 – Ordinance No. 2017-49 – *Final, The Shops at WaterBrooke*

Deputy City Clerk Noak 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.

Senior Planner Kruse stated the request was previously withdrawn to refine the development plans and work with staff on the Hooks Street extension and alignment. The applicant is seeking a rezoning of a 45 acre parcel of land located south of State Road 50 at the intersection of Emil Jahna Road and State Road 50. The applicant will be relocating the existing stormwater pond to the rear of the property. The northern portion of the site will be used for commercial shopping center and the southern portion will be comprised of Hooks Street and a townhome development. The proposed commercial uses will not include automotive dealerships or other automotive uses. The applicant is requesting six waivers: (1) a reduction in the required number of dumpster pads, (2) a reduction in the required number of loading zones, (3) a maximum grade change from 15 feet to 30 feet, (4) a shared 10-foot interior landscaping buffer, (5) an additional multi-tenant sign, and (6) allow buildings to occupy more than 20,000 square feet, up to a maximum of 45,000 square feet. Staff recommended approval of the request with the exception of the sign.

JJ Johnson; UP Fieldgate US Investment - Clermont Hills, LLC; stated Schmidt Construction would be the general contractor. The proposed Hooks Street extension has been reworked and will be constructed at the expense of the developer. The billboard will be removed and the dumpster pads were reduced to match the buildings. Mr. Johnson showed a conceptual rendering of the sign which staff does not support. Duke Energy has major power lines in the area recommended by staff. The sign will consist of the City of Clermont logo and WaterBrooke.

Mayor Ash opened the public hearing.

Judy Proli; 1020 Everest Street, expressed concerns of Summit Greens difficulty in exiting onto State Road 50, the addition of 85 townhomes, and increasing the traffic on State Road 50. Ms. Proli was opposed to approving the request until Hooks Street was completely developed.

Bennet Suarez, spoke in support of the project and the signage.

Mayor Ash closed the public hearing.

Council Member Bates asked of the completion of Hooks Street. City Manager Gray stated staff met with Lake County and future projects will have to align with Hooks Street.

Council Member Bates inquired of having a deceleration lane on State Road 50 for the Summit Greens subdivision. City Manager Gray indicated staff has continually requested a deceleration lane from the Florida Department of Transportation.

Council Member Travis asked if there was a turn lane at the entrance. City Manager Gray stated there was a turn lane at the traffic signal.

Mayor Ash inquired of additional entrances from State Road 50. Senior Planner Kruse indicated there was an additional curb cut which could be used with a cross access agreement.

Council Member Goodgame mentioned the lack of details for the townhouses and would like to remove the townhouses from the request. Senior Planner Kruse stated the townhouses would have to meet current City Code.

Council Member Goodgame requested the townhomes be limited to two stories. Mr. Johnson was in agreement to limiting the townhouses to two story buildings.

Council Member Goodgame stated the conditions should include paying for a traffic signal on Hooks Street once one is warranted. Mayor Ash was in agreement.

Council Member Travis was opposed to the city logo on the sign.

Council Member Goodgame inquired how the City would receive the road impact fees paid to Lake County. City Manager Gray stated the developer would be provided an impact fee credit to use toward building a road. Staff has been working on obtaining road impact fees from Lake County.

Council Member Bates expressed concern of the sign's design similarities to the City of Clermont city boundary signs. Mr. Johnson indicated City Manager Gray would be the final approver.

Mayor Ash expressed concerned with the sign's height. Mr. Johnson stated the height would be scaled down.

City Attorney Mantzaris mentioned it appeared the sign was located on public property, which created a maintenance concern. Senior Planner Kruse stated the property was Lake County right-of-way and staff was not in favor of the location.

City Attorney Mantzaris stated the City could enter into an agreement with the developer regarding maintenance. Mr. Johnson was in favor of entering into an agreement.

City Manager Gray stated the sign will be removed from the request and an agreement would be brought before the Council.

Council Member Brishke expressed concern of decreasing the number of dumpsters and loading zones without knowing the businesses which would be located in the development. City Manager Gray commented the City Code would dictate the number of dumpsters and loading zones.

Council Member Brishke was opposed to approving the dumpsters and loading zones without knowing the businesses which would be located in the development. Council Member Travis was in agreement.

Mr. Johnson suggested staff review and approve the dumpsters and loading zones.

> Senior Planner Kruse summarized the changes to the request. The dumpster pads and loading docks will be reviewed by the Site Review Committee and the City Manager. The townhouses will be limited to two stories high. The signage will be removed from the request and a separate agreement will go before the City Council. A traffic signal will be installed and paid for by the developer when and if warranted.
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> <u>Council Member Travis moved for approval as summarized; seconded by Council Member Brishke. The motion passed 5 to 0 on a roll call vote.</u>

Item No. 17 – Ordinance No. 2017-51 – *Final, Amend Utilities Code*

Deputy City Clerk Noak 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.

Finance Director VanZile stated the purpose of the ordinance was to move provisions regarding utility billing procedures into the Code of Ordinances so they do not have to continue to be reflected in future resolutions.

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

> <u>Council Member Bates moved for approval of Ordinance 2017-51; seconded by Council Member Travis. The motion passed 5 to 0 on a roll call vote.</u>

Mayor Ash recessed the meeting at 8:30pm. Mayor Ash reconvened the meeting at 8:43pm.

<u>NEW BUSINESS</u>

Item No. 18 – Variance Request – *CTV13*

Senior Planner Henschel presented the variance to the sign code for property located at the northeast corner of Citrus Tower Boulevard and Johns Lake Road. The applicant is proposing two additional signs to be located at the intersection of two roads. The design of the project has a pedestrian walkway which split the sign into two signs. The project will have two other monument signs which will be half of the allowable size, one located at each entrance to the office park. Staff recommended denial.

Attorney Jimmy Crawford stated the medical office center was previously approved by the Council. The patients need signs they can easily see to locate the medical offices.

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

Council Member Bates asked what information would be on the signs. Paul Roundtree; Owner, stated the business names would be on the signs.

Council Member Travis inquired of the sign height. Attorney Crawford stated the height would be 7 feet tall.

Council Member Goodgame asked of handicapped parking. Mr. Roundtree indicated they would ensure handicap parking would not be an issue.

Mayor Ash suggested placing the sidewalk behind the sign and separate the sign into two parts, which would make a total of 5 signs. Attorney Crawford was favorable to the suggestion.

Council Member Brishke was not in favor of the number of signs.

Council Member Bates inquired if the same information would be on all the signs. Mr. Roundtree indicated the signs are single-sided and would have different information.

> Council Member Bates moved for approval of a sidewalk behind the sign and splitting the sign into 2 signs for a total of 5 signs; seconded by Council Member Goodgame. The motion passed 3 to 2 with Council Members Travis and Brishke in opposition.

Item No. 19 – Variance Request – *Chick-Fil-A*

Planning Manger Henschel presented the variance request for a proposed drive thru restaurant located at the southwest corner of Highway 27 and Hammock Ridge Road. The variance request for elimination of the wheel stops is no longer necessary. The remaining variance is to allow for only an 11-foot setback for the canopy instead of the required 30-foot setback. Staff recommended denial of request.

Bill Pfeffer; Bowman Consulting, stated the canopy variance was requested to allow greater efficiency of the drive thru and to avoid pedestrian traffic. The drive thru is 95 feet from the public right-of-way and the intent of the code is to buffer the drive thru from public view.

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

Council Member Bates expressed concern of exiting the parking lot. Mr. Pfeffer stated the drive thru would be as far away from the intersection as possible.

Council Member Bates stated the curve on Hammock Ridge Road was of concern.

Council Member Travis commented the canopy would still be visible from the road. Mr. Pfeffer indicated the canopy would still be visible; however, the canopy is set back 95 feet from the road.

Council Member Brishke was not in favor of the canopy. Mr. Pfeffer stated the company is providing a canopy for shade in response to customer feedback.

Mayor Ash spoke in opposition of the canopy.

Mr. Johnson indicated the company will not move forward without a canopy.

Council Member Goodgame moved for approval.

The motion died for lack of a second.

Council Member Travis moved to deny the request; seconded by Council Member Brishke. The motion passed 4 to 1 with Council Member Goodgame opposed to the denial.

Item No. 20 – Variance Request – *Imports Professional Auto*

Planning Manager Henschel presented the request for a parking variance for a new automotive service center located in the Clermont Commons Industrial Park. The parcel was granted a reduced parking variance in June 2017 under an office use; however, the proposed use has changed and the applicant is required to obtain a new parking variance. The proposed site plan has a total of 12 parking stalls, leaving a deficit of 12 parking stalls. Staff recommended denial; however, if Council approves the variance, staff is requesting the variance become null and void at the time this business vacates the premises.

Patrick Bianchi; 725 Montrose Street, stated the business operates on an appointment only basis. The business is a special niche business for specific imported vehicles. Mr. Bianchi requested Council consider the five automotive bays as parking spaces. He asked for approval of the variance request.

Mayor Ash opened the public hearing.

Christina Clarke; Realtor, stated Clermont Commons was designed for industrial use and this project is designed for industrial use. The parking needs are different and she supported approving the request.

Mayor Ash closed the public hearing.

Council Member Goodgame requested the vehicles not be left outside overnight. Mr. Bianchi indicated the vehicles would not remain outside overnight.

Council Member Brishke asked of the number of vehicles which would wait for servicing during the day. Erkies Negron; Owner, stated the business operates by appointment only and the insurance company does not allow for overnight outside parking.

Mayor Ash inquired of the average number of cars serviced in a day. Ms. Negron indicated 5 to 6 cars per day.

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

ADJOURN: With no further comments, this meeting adjourned at 9:40pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk