

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
February 27, 2018

The City Council met in a regular meeting on Tuesday, February 27, 2018 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Brishke, Travis, Bates, and Goodgame. Other City officials present were City Manager Gray, City Attorney Mantzaris, and Deputy City Clerk Zinker.

INVOCATION AND PLEDGE OF ALLEGIANCE

Choice Edward gave the invocation followed by the Pledge of Allegiance.

A Moment of Silence was held for the victims of the Parkland shooting.

PRESENTATIONS

Environmental Services Director Westrick presented the Drinking Water Excellence Award. This is the sixth consecutive year Clermont Water Utilities has won this award for providing high quality, affordable water to its customers while conserving resources and protecting the environment.

Parks and Recreation Director Davidoff provided highlights of the Great Clermont Campout.

PUBLIC COMMENTS

Jim Purvis, 4206 Hammersmith Drive, commented on traffic on Hooks Street coming out of the Wawa gas station. The road is a county road and as such, the County would have to become involved in a solution. Mr. Purvis requested that staff look into working with the County to remedy the problem.

Stephen Franklin, 378 12th Street, stated the Pig on the Pond event is upcoming. The event is one of the biggest fundraisers for the Special Olympics. Pig on the Pond provides families the opportunity to kiss a pig, hold a pig, and donate to help the Special Olympics.

REPORTS

City Manager Gray reported Pig on the Pond is next weekend starting on March 9, 2018 and ending on March 11, 2018. The workshop scheduled for March 20, 2018 is cancelled.

City Attorney Mantzaris reported various cities are moving forward to address the issue of the use of social media to send a hoax message regarding a possible school shooting. Typically, it is not recommended for cities to draft their own criminal ordinances however it is uncertain how fast the State will act to address this issue. City Attorney Mantzaris inquired if the Council would like to implement an ordinance making the use of social media, or other means, to perpetuate a hoax or threat that is not substantiated with regard to a school or facility shooting be a misdemeanor crime.

City Manager Gray commented Clermont was victim to one such hoax recently.

Police Chief Broadway commented the Florida's Police Chief Association is pushing state legislature to enact a bill however there is no time reference as to when this will be enacted. City Attorney Mantzaris elaborated if the ordinance was to pass with the City it would give the Police Department another tool to work with, but the City would be responsible for the prosecution. Any legislation passed later on by the State would preempt the City's Ordinance.

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Council Member Brishke expressed her agreement for a need of an ordinance. City Attorney Mantzaris replied his office would work on an ordinance and have it ready for the next agenda.

Council Member Bates reported the owner of Legends' golf course and restaurant is walking away from the property. The owner has proposed for the Homeowners Association to purchase the property. The Homeowners Association is sending out letters this week and next week to the homeowner's for consideration of the possible purchase. Some citizens have proposed the City to purchase the property. The developers want to place more homes on the property rather than keeping the golf course.

Council Member Goodgame reported bad traffic conditions at East Ridge High School and requested Chief Broadway to come up with a solution.

Council Member Brishke reported on March 15 she attended the Citizen's Academy session hosted by the Clermont Fire Department. The class met Chief Bishop, Assistants Johnston and Silvestris, and Fire Marshall Bill Harrison. On February 22, she attended the Citizen's Academy session hosted by Economic Director Shannon Schmidt and Finance Director Joe VanZile. Economic Director Schmidt spoke on the efforts taken to attract new businesses to the City while Finance Director VanZile spoke on how the City establishes the budget and fund the City's services to the residents.

Council Member Travis reported she had the opportunity to throw the first pitch for the spring games. Saturday, after the park run, she helped Public Works plant some of the 3,000 of the total seedlings to be planted. Council Member Travis stopped in at the vintage art festival occurring downtown. At 2:00 PM, the event was still busy with everyone having a great time. The local businesses stated the business they were getting was fantastic and going strong.

Mayor Ash reported on February 15, she attended the retirement recognition event for Jorge Leyro. Later that morning she attended a meeting of the Homeless Task Force. That night, she attended the second class of the Citizens Academy. On February 16, she welcomed and congratulated graduates of the Southern Police Institute Command Officers Development Course. This organization is scheduled to come back in September for new classes. On February 17, she was at Corelli's Restaurant for Coffee with the Mayor. That night, she attended the Black Achievers Awards Gala at the Performing Arts Center. On February 22, she attended memorial services for former Police Chief Tyndal. He was the longest serving Police Chief in the country. That night, she attended the third class of the Citizen's Academy with Economic Director Schmidt and Finance Director VanZile. Over the weekend she attended events acknowledging February as Black History Month. On Saturday, she was at the Seventh Day Adventist Church for service. On Sunday, she was at the Arts and Recreation Center for the annual Black History and Cultural Awareness Event which highlighted contributions through fashion, music, dance, etc. At the event she read a proclamation acknowledging the contributions of African Americans to our Country. Yesterday, she attended the Board of Directors meeting for the Lake Apopka Gas Board where the focus was on approving the Resolution to increase the gas rate which would be the first raise of gas rates in 10 years.

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.

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Item No. 1 – Meeting Minutes

Consider approval of the February 13, 2018 Regular Council Meeting minutes.

Item No. 2 – Expansion of the Police Department Take Home Vehicle Program

Consider approval to allow police officers living between 20-40 miles from the city limits to take their assigned vehicles home at a cost of \$35.00 per bi-weekly pay period.

Item No. 3 – Contract Award

Consider request to piggyback the Manatee County contract with LKM Pipe Renewal, LLC. to provide sanitary sewer, lateral lining rehabilitation services in the budgeted amount of \$41,000.

Item No. 4 – Bid Award

Consider awarding to Ten-8 Fire Equipment, Inc. to purchase equipment for a new fire engine/pumper truck in the budgeted amount of \$52,029.16.

Item No. 5 – Surplus Request

Consider declaring end of life inventory as surplus from Parks and Recreation Department, Information Technology Department and dispose of in accordance with the Purchasing Policy.

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

Council Member Goodgame requested item number 2 be pulled for explanation.

Council Member Bates moved for approval of Consent Agenda items number 1, 3, 4 and 5; seconded by Council Member Brishke; The motion passed with all members voting aye.

City Manager Gray explained agenda item number 2 is part of the City's Take Home Vehicle Program for the Police. A few of the officers are living outside of the current radius. Upon research of other cities, staff has found it is common to expand the take home vehicle radius. However, the officers would pay extra for gas and maintenance for the vehicles due to the extra mileage. The officers have a choice to participate in the Take Home Vehicle Program.

Council Member Goodgame moved for approval of Consent Agenda item number 2; seconded by Council Member Bates; The motion passed with all members voting aye.

UNFINISHED BUSINESS

Item No. 6 – Ordinance No. 2018-04, *Final, Bishop Small Scale Comprehensive Plan*

Deputy City Clerk Zinker read Ordinance No. 2018-04 aloud by title only.

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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. 7 – Ordinance No. 2018-05 *Final, Darryl Bishop Rezoning*

Deputy City Clerk Zinker read Ordinance No. 2018-05 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 administrative request for a piece of property 2/10 of an acre in size. The property is owned by Mr. Bishop. It was determined that the best use for the property would be Downtown Mixed Use. The City inadvertently changed the future land use of the property to Parks when it rewrote the Comprehensive Plan in 2009 and was later discovered by the property owner and staff. The Planning and Zoning Commission and staff recommends approval of Ordinance 2018-04. The property currently has mixed zoning of Industrial and Central Business District. The majority of the property was rezoned to Central Business District in 2015. Unfortunately, a small parcel was not included since the parcel had the wrong future land use of Parks. The Planning and Zoning Commission and staff recommends approval of Ordinance 2018-05.

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

Council Member Bates moved for approval of Ordinance 2018-04; seconded by Council Member Goodgame. The motion passed 5 to 0 with a roll call vote.

Council Member Bates moved for approval of Ordinance 2018-05; seconded by Council Member Goodgame. The motion passed 5 to 0 with a roll call vote.

NEW BUSINESS

Item No. 8 – Resolution No. 2018-03 *First Baptist Church CUP*

Deputy City Clerk Zinker read Resolution No. 2018-03 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 a church sanctuary, multi-purpose buildings, Pre-K – 5th grade school, outdoor recreation fields and parking garage to be used with the church facility in the R-1 Medium Density Residential zoning district.

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Planning Manager Henschel presented a request for a Conditional Use Permit for a 38-acre vacant property which is located at Hancock Road and Hartwood Marsh Road. The plan is to develop the church facility in several phases. The same Conditional Use Permit was granted for the church, but was rendered null and void due to the lack of development. The Planning and Zoning Commission and staff recommends approval.

Billy Lawson, applicant, recently sold their previous location 8 months ago. The church purchased the property in hopes of building on it, but the church was not able to move forward until now. Some changes were made to the Conditional Use Permit per City staff's request to include everything that could possibly one day be in the phases.

Christopher Germana, Germana Engineering and Associates, LLC, stated they have doubled the landscape buffers and setbacks for the property. The project will be built in phases starting with the smaller phase at the north end. The request is to have an assisted living center for one of the future phases.

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

Council Member Bates stated it was a good project but expressed concern with traffic. Planning Manager Henschel replied a portion of the property would be dedicated by the church for road expansions per the conditions set by the resolution. City Manager Gray clarified the church could enter into an agreement with Lake County for impact fees for the roads.

Council Member Travis suggested mandating the developer to build a turning lane on Hancock Road for the entrances to the church. City Manager Gray stated the roadway has not yet been designed, but the City could require them to build one.

Donald Griffey, Griffey Engineering, Inc., passed out First Baptist Clermont Trip Generation Analysis to the Council. Mr. Griffey stated the County does have future plans for the extension of Hancock Road. Hartwood Marsh Road is on the Metropolitan Planning Organization's agenda for tomorrow in regards to funding the expansion of the road to four lanes. The church's peak for traffic occurs on Sunday morning and Sunday nights. As a result, the church's peak hour for traffic is out of phase with the normal peak hour for traffic.

Council Member Goodgame expressed concern with a section of the sidewalk missing on Hartwood Marsh Road and suggested applicant consult with the County. City Manager Gray replied the City can work with the County to address the matter as the sidewalk is in the right-of-way.

Council Member Brishke inquired when the developer anticipates building the school. Mr. Lawson replied the City required the applicant to list all potential uses of the property in the future so they may obtain approval, but the church does not see it happening in the foreseeable future. City Manager Gray stated the Council could require the applicant to return for approval to build the school once they are ready to move forward. Council Member Brishke replied in favor of requiring approval.

Mr. Griffey noted the Conditional Use Permit requires the developer to do a traffic impact study for each phase. If there are deficiencies shown in the study, then the applicant is required to do a proportional shared agreement which requires them to contribute their portion of funding to fix the issues shown in the study. This allows projects to proceed forward with the understanding there are issues with the roads while enlisting mechanisms to address the problem in the future.

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Mayor Ash asked for a condition to be placed in the Resolution requiring the school and the assisted living facility to not be built until the applicant comes back to the Council for approval. Planning Manager Henschel clarified the assisted living facility already has a condition in the Resolution but the condition for the school will be added.

Ben Bond, Senior Pastor, stated the church would like permission to build the building labeled "Future School" on the plans as a Sunday School instead and would like to then come back to the Council if they wish to change the building's use into anything else in the future. Mayor Ash replied the church would be allowed to do so.

Council Bates moved for approval of Resolution 2018-03 as amended; seconded by Council Member Travis. The motion passed with all members voting aye.

Item No. 9 – Resolution No. 2018-04, Gonzalez CUP

Deputy City Clerk Zinker read Resolution No. 2018-04 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 professional office building occupying more than 5,000 square feet of floor area in the C-1 Light Commercial zoning district.

Item No. 10 – Variance Request Gonzalez

Planning Manager Henschel presented the request for a Conditional Use Permit for the construction of a 5,250 square foot professional office building in the C-1 Light Commercial zoning district. The proposed development requires two variances in order to meet compliance for construction of a new professional office building. The requested variances are for a parking deficit of 11 spaces and a reduced rear landscape buffer adjacent to the right-of-way. The Planning and Zoning Commission and staff recommends approval of Resolution 2018-04. Staff recommends denial of the variance requests.

John Nehmatallah, representative of the applicant, stated the building will be occupied by a sleep center in conjuncture with Dr. Gonzalez's practice. The occupants will be in operation of business from 7:00 PM to 5:00 AM. The main building was recently renovated to remove one of the tenants to incorporate the expansion of Dr. Gonzalez's practice and thereby reducing the number of parking spaces required.

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

Mayor Ash expressed concern with removal of landscaping on a size of space this large. Mr. Nehmatallah replied approximately only two trees would be removed. The buffers are currently reduced on all of the other sides of the property and the applicant would like the last side of the property to conform to the same type of variance that already applies.

Council Member Brishke expressed concern regarding placing a building so large on a property that is too small.

Council Member Goodgame suggested applicant landscape the land that is owned by the City as a right-of-way which is adjacent to the property. City Manager Gray stated its currently being used for utilities,

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but the applicant could landscape the area. Mr. Nehmatallah confirmed they would like to pay for and maintain the landscaping of that City owned area.

Mr. Nehmatallah clarified there will only be 2 to 3 administrative personnel and the clients using the sleep center building would be required to be dropped off and not drive themselves.

Mayor Ash commented the building being used at night with the clients being dropped off at the building helps alleviate the parking issue, but expressed further concerns regarding reducing the landscaping buffer. Planning Manager Henschel clarified the applicant would still be required to have the same amount of landscaping, such as trees, bushes and hedges, with this variance, but would have to fit the landscaping into a reduced area.

Council Member Bates expressed concern with laboratories in other areas closing down and what would replace the sleeping center should it close down. City Manager Gray replied the City can add a requirement for the applicant to come back to the Council for approval of any changes to the use of the building.

Council Member Bates moved for approval of Resolution 2018-04 as amended; seconded by Council Member Goodgame. The motion passed with all members voting aye.

Council Member Bates moved for approval of Variance Request; seconded by Council Member Goodgame. The motion passed 4 to 1 with Council Member Brishke opposing.

Item No. 11 – Ordinance No. 2017-39 *Introduction, Hancock Road Industrial Park*

Deputy City Clerk Zinker read Ordinance No. 2017-39 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 to introduce Ordinance 2017-39; seconded by Council Member Goodgame. This motion passed with all members voting aye.

Item No. 12 – Event and Road Closure Request

Item No. 13 – Event and Road Closure Request

Item No. 14 – Event and Road Closure Request

Parks and Recreation Director Davidoff presented the special event applications brought forth by Doug Trovillion who has assisted operating food truck events for the Clermont Downtown Partnership. The applicant is requesting two food truck events, one in June and one in January, with the events taking place on Minneola Avenue. The applicant is also requesting a third Friday food truck event which will require the closure of streets.

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Doug Trovillion, applicant, stated he approached the Clermont Downtown Partnership about five years ago to provide food trucks for their events. Food truck vendors originally got involved due to the Farmer's Market not being successful. At the last event, the Clermont Downtown Partnership decided to take on the food trucks without Mr. Trovillion.

Mayor Ash opened the public hearing.

David Guess, 782 West Montrose Street, expressed concerns with saturation issue and issues with the applicant's conduct at the Farmer's Market.

Kurt Andreaus, 15738 E Oakland Avenue, expressed opposition to the Event and Road Closure Requests due to prior working relationship with the applicant.

Keith Mullins, 640 Drew Avenue, expressed opposition to the Event and Road Closure Requests due to conflicts with his event, Wine Walk.

Dr. Robert Olson, 1290 Dianna Place, stated he was in favor of more food truck events.

Mayor Ash closed the public hearing.

Council Member Goodgame stated he was in agreement with Mr. Mullins and expressed concern with events currently scheduled already. Council Member Travis agreed with Council Member Goodgame.

Council Member Brishke suggested the applicant work together with the Clermont Downtown Partnership.

Council Member Goodgame moved for denial of the application on item 12; seconded by Council Member Brishke. The motion passed with all members voting aye.

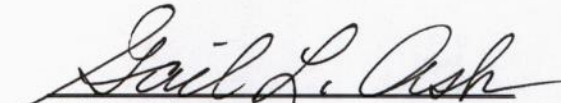
Council Member Goodgame moved for denial of the event request for item 13; seconded by Council Member Brishke. The motion passed with all members voting aye.

Council Member Goodgame moved for denial of the event and road closures of item 14; seconded by Council Member Brishke. The motion passed with all members voting aye.

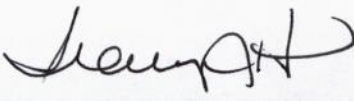
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ADJOURN: With no further comments, this meeting adjourned at 8:26pm.

APPROVED:


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

