

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
March 27, 2018

The City Council met in a regular meeting on Tuesday, March 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 City Clerk Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

Doris Bloodsworth introduced the Citizen's Academy graduates. This graduating class is the third class to complete the Citizens Academy. Joe Gustafson spoke on behalf of the class thanking the Council and acknowledging staff was passionate and proud of the City. Ms. Bloodsworth called each graduate by name to take a group photograph.

Fire Chief Bishop presented the Lifesaving awards to Brian Walker and Chris Desmond who were recognized for saving a fellow citizen's life from a mobile home fire. President Steve Smith, President of the Local Fire Union, spoke on behalf of the union commending their heroic efforts and presented them with the Badge of Bravery. Mr. Walker and Mr. Desmond are the first non-union members to receive this award.

Mayor Ash congratulated both Brian Walker and Chris Desmond.

PUBLIC COMMENTS

Stephen Franklin, 378 12th Street, met with groups regarding waterfront activities. Large scale waterfront events could become an economic boost for the City.

Charlene Forth, 939 W. Desoto Street, spoke against limiting time to speak and requested Council to place the matter on a future agenda.

REPORTS

City Manager Gray reported the April Workshop has been scheduled for April 11 at 6:30pm in the Council Chambers. If the need arises, the Workshop can be moved to the City Center to accommodate a larger audience.

City Attorney Mantzaris – No report.

Council Member Bates reported Lake County is holding nominations for community service awards and the applications are due April 2. Legends Golf Course is moving forward to close the course by the end of this month. There are two groups who have toured the facility and are possibly interested in buying the course. One of the groups interested in the property is made up of residents who are forming an LLC to purchase it themselves.

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Council Member Goodgame reported concerns over Mayor Ash's comments at the workshop regarding police cameras and again at the last Council meeting. Any speaker should be given the opportunity to conclude their thoughts. Council Member Goodgame requested the Council ask staff to review the rules previously approved by Council. There will be a public meeting at the Performing Arts Center on Monday, April 9 from 1:00pm to 3:00pm with County Commissioners and County staff regarding Lake EMS changes. County Commissioners and staff will also be at the Council Workshop on April 11 at 6:30pm.

Council Member Brishke expressed concerns about two separate meetings regarding Lake EMS and the short notice given to Council. She reported on March 16, 2018, she attended the Chamber Breakfast. Later that same evening, she attended the Tiffany concert at the Performing Arts Center.

Council Member Travis reported on March 17, she attended the presentation at Waterfront Park where USA Triathlon awarded Fred Sommer a lifetime achievement award.

Mayor Ash reported on March 14, she attended the Mayor and Manager meeting with City Manager Gray in Montverde to discuss major issues in the cities. On March 15, she attended the Homeless Task Force meeting. The number of homeless is growing in our county while affordable housing is shrinking. Clermont along with the County's Health and Human Services Manager, Allison Thall, will be hosting a special homeless forum at the Performing Arts and Recreation Center on April 26 at 8:00am. On March 16, she attended the final Citizens Academy class at the Arts and Recreation Center where graduation certificates were distributed to more than thirty members of the class. Twenty-five people have already registered for the next class. On March 17, Coffee with the Mayor was held at Lilly's on the Lake. Also on March 17, she attended the reception for Sommer Sports wherein Fred Sommer received an award from USA Triathlon. On March 18, she was at waterfront to start the Triathlon. On March 24, she attended the annual fundraiser for the Mike Conley Hospice House at the Performing Arts Center. On March 26, she attended the Board Meeting in Winter Garden for Lake Apopka Gas.

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 March 13, 2018 Regular Council Meeting Minutes.

Item No. 2 – Plat Approval

Consider plat approval for Highland Ranch Canyons Phase 5.

Item No. 3 – Board Appointments

Re-appoint Council Member Brishke to the Lake County Arts and Cultural Alliance for a two (2) year term beginning August 1, 2018.

Item No. 4 – Surplus Request

Consider declaring end of life inventory as surplus from various departments and dispose of in accordance with the Purchasing Policy.

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Item No. 5 – Bid Award

Consider award to The Lane Construction Corporation to provide street resurfacing services to Minnehaha Avenue in the budgeted amount of \$119,420 (including contingencies).

Item No. 6 – Bid Award

Consider award to Bentley Architects + Engineers, Inc. to provide professional architectural services for the new Public Works Facility in the budgeted amount of \$774,004.97.

Item No. 7 – Contract Amendment

Consider first contract amendment between the City of Clermont and Fifth Third Bank to provide commercial card services.

Item No. 8 – Special Event Sign Request

Consider Caribbean American Association of Lake County request to erect temporary signage for the annual “Clermont Jerk Festival” on May 19, 2018 at Waterfront Park.

Council Member Bates moved to approve the Consent Agenda items 1 - 8; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 9 – Ordinance No. 2018-10, *Final, Citrus Tower Commerce Center*

City Clerk Howe read Ordinance No. 2018-10 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.

Interim Development Services Director Henschel presented the applicant’s request to rezone the subject parcel at 423 Citrus Tower Boulevard to a Planned Unit Development. The applicant also requested the following four waivers to the City Code: to allow two monument signs along Citrus Tower Boulevard, allow a 15-foot landscape buffer along Citrus Tower Boulevard, allow more than ten parking spaces in a row without a landscape island, and to allow for an internal lot line without the requirement for landscape buffers or setbacks. Staff recommended approval of Ordinance 2018-10 to rezone from C-2 General Commercial to Planned Unit Development.

Rick McCoy, McCoy and Associates, was present on behalf of the applicant. Mr. McCoy stated the property was difficult to work with due to the layout and believes the design is a good use of the property to make this site work.

Bob Thompson, applicant, stated he has two similar facilities which do not operate past 5:00 pm with deliveries being made during business hours. Mr. Thompson stated there will not be an auto repair store at this location.

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

Council Member Goodgame stated he would like to place a 9:00pm to 7:00am curfew for trucks on the property. Mr. Bob Thompson, the applicant, agreed to have the curfew.

Council Member Travis expressed concerns with the lack of a sidewalk and the narrowness of the road. City Manager Gray clarified the County plans to widen Citrus Tower Boulevard and the applicant will be required to put in a sidewalk along the road. The County also has a traffic light plan for the intersection at Mohawk Road and Citrus Tower Boulevard.

Council Member Travis expressed concern for traffic along the road.

City Attorney Mantzaris recommended amending the language to state:

“There shall be no truck traffic, loading or deliveries of any kind on the property between the hours of 9:00 pm and 7:00 am.”

Council Member Bates moved for approval with staff recommendation for the signs with the addition to the regulation on the hours the trucks are allowed to operate; seconded by Council Member Goodgame. The motion passed 5 to 0 with a roll call vote.

Item No. 10 – Ordinance No. 2018-11, *Final, Anderson Hill*

City Clerk Howe read Ordinance No. 2018-11 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 applicant’s request to amend the Planned Unit Development Ordinance 2017-35. The owner is seeking an amendment to the existing Planned Unit Development to remove language pertaining to the existing billboard on site and staff asked for clarification on speaker use.

Attorney David Theriaque, Attorney representing the applicant, distributed packets of information to the Council.

Mr. Quintus Roberts, owner of the property, stated there are two requests before the Council. The first request is regarding the billboard and the second request is to clarify the use of outdoor speakers. However, Mr. Roberts requested to withdraw the second request and have no change to the wording regarding no outside speakers for music or entertainment. As it relates to the billboard, the approved Planned Unit Development required removal of the billboard. The billboard has been there since 1993 and was granted by the previous owners of the property through the use of a perpetual easement, not a lease. In good faith, the applicant made attempts to remove the billboard by purchasing the billboard from Lamar Advertising. The applicant received an email wherein Lamar Advertising stated they would not sell the easement or the sign. The applicant is in a situation where they cannot force Lamar Advertising to sell the billboard and the applicant does not earn money from the billboard. Last year, along with the parcel, the billboard was annexed into the city. If the Council brings the billboard into the City as a non-conforming use, the billboard

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cannot get any bigger and, if it has damage of more than 50%, the billboard cannot be rebuilt. The applicant is in a condition where they cannot comply and as such asks the Council for help.

Mayor Ash opened the public hearing.

Council Member Goodgame, Council Member Brishke, Council Member Bates and Council Member Travis publicly disclosed they met with the applicant and discussed changes regarding the speaker and the billboard.

Stephanie Modica, 13229 Olesen Court, opposed outside speakers for any purpose.

Rose Farrell, 13215 Maria Avenue, opposed outside speakers for any purpose. Mrs. Farrell also expressed concerns with noise which will be coming from the cars going through the drive-through.

Bob Beaver, 12647 Valencia Drive, suggested limiting the decibel level of the speakers.

Rick Ault, 10723 Lake Ralph Drive, expressed concern for the resident's needs to be considered first.

Tim Srodes, 12239 Warren Road, suggested Council require speakers to be pointed towards Highway 27.

Carol Colvin, 12815 Katherine Circle, supported the billboard and opposed outside speakers for any purpose.

Tom English, 12307 Warren Road, asked Council to preserve the quietness of the neighborhood.

Jennifer Cotch, 12522 Valencia Drive, commented there were no other commercial properties in the City that is as close to residential property as this will be.

Mayor Ash closed the public hearing.

Attorney Theriaque responded to the public comments by clarifying the site plan had a commercial building labelled "E" on it which showed where the drive-through would be located. The minutes of the September meeting reflects a request from former Council Member Mullins for no speakers for entertainment or musical purposes. Exhibit 2 on page 3 of the information packet handed to the Council is the actual ordinance signed by the Mayor and the ordinance states no outside speakers are to be used for music or entertainment.

City Attorney Mantzaris clarified the applicant's only request at this time is to delete number 8 in the adopted ordinance regarding the billboard.

Council Member Travis suggested the applicant look into Florida law as it does not look kindly on contracts in perpetuity. This is an easement which is different but it could be a viable option. City Attorney Mantzaris responded there is a distinction between a lease and an easement that is a covenant which runs with the property. The covenant can exist in perpetuity.

Attorney Theriaque provided Florida Statute 704.06 to the Council which authorizes perpetual easements.

Council Member Bates stated he believed the applicant has done all they can with regard to the billboard and requested clarification of the previous ordinance regarding the speakers. City Attorney Mantzaris replied the proposed ordinance did not originally address speakers. The issue came up based on a Council Member's question. Staff was clearly working off of the direction from the Council Member. The only

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discussion was the Council did not want speakers to be used for music or entertainment. However, that language does not give the applicant the right to violate the City's noise ordinance.

Council Member Goodgame moved for approval of Ordinance 2018-11 with regard to the deletion of section 3.8; seconded by Council Member Travis. This motion passed 5 to 0 with a roll call vote.

NEW BUSINESS

Item No. 11 – Variance Request, *Lucky's Market*

Interim Development Services Director Henschel presented the variance request for additional wall signs for Lucky's Market. Applicant is asking for an additional 73 square feet for each of the additional four signs. Staff recommended approval of the variance request.

Mr. Gregory Davis, applicant, worked closely with Interim Development Services Director Henschel and City staff for this variance request. Mr. Davis is requesting the additional signage to be consistent with the other stores opened throughout Florida.

Mayor Ash opened the public hearing.

Jim Purvis, 4206 Hammersmith Drive, asked to carefully consider the request and expressed concern with signs stating beer or wine.

Mayor Ash closed the public hearing.

Council Member Travis expressed concern on the signs being labeled as neon on the designs. Applicant replied the signs have backlighting, but are not neon signs themselves. Interim Development Services Director Henschel clarified the additional signs will be the same style as the sign already in place and city code does not allow for neon signs.

Council Member Goodgame expressed concern whether there is a necessity for additional signs.

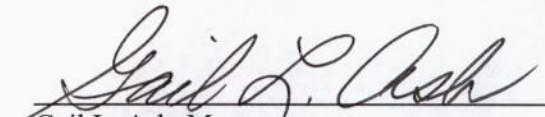
Council Member Brishke inquired if any other grocery stores in the City has additional signs. Interim Development Services Director Henschel stated there were several grocery stores within the city limits with additional signs like the ones being requested in this variance request.

Council Member Bates moved for approval of the variance request; 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 8:25 pm.

APPROVED:


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

