



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, January 13, 2015**

Welcome to our Council meeting. In the interest of time efficiency and ensuring that everyone who wishes to address the Council is given the opportunity to do so, the following will apply to all comments made by the public. For items listed on the agenda, each speaker will be permitted 5 minutes to address the Council. For non-agenda items, each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

Arbor Day

PRESENTATIONS

Fiscal Year 2014 Year End Budget Presentation

Fiscal Year 2014 Economic Development Presentation

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

The next portion of the meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

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| Item No. 1 - Council Meeting Minutes | Consider approval of the Regular Council Meeting Minutes of September 23, 2014 and October 14, 2014. |
| Item No. 2 - Resolution No. 2015-01 | Consider request to approve Fiscal Year 2015 budget amendments. |
| Item No. 3 - Resolution No. 2015-02 | Consider request to approve revised Purchasing Policy. |
| Item No. 4 - Resolution No. 2015-03 | Consider appointment of Council Member Mullins to serve on the Tourism Development Council committee. |
| Item No. 5 - Plat Approval | Consider request to approve Heritage Hills Phase 4A East plat. |
| Item No. 6 - Surplus Request | Consider Fire Department request to surplus Rocket routers, associated wireless amplifiers, and vehicles. |

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| Item No. 7 - Event Sponsorship Request | Consider request from Pig on the Pond to sponsor the event, allow an open container in approved beverage area, and waive fees for use of Waterfront Park and Tent Permits. |
| Item No. 8 - Fee Reduction Request | Consider NTC Softball/PFXA and National Training Center request for ballfield use and reduced fees. |
| Item No. 9 - Facility Use and License Agreement | Consider request to enter into an agreement with Red Apples Media. |

UNFINISHED BUSINESS

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|---|---|
| Item No. 10 - Variance Request
<i>Kerpsack</i> | Consider request to allow a rear yard setback of 9 feet from the mean high-water line at 1958 Brantley Circle. |
| Item No. 11 - Ordinance No. 2014-17
<i>Transmittal Hearing</i> | Consider request for transmittal of Intergovernmental Coordination Element (ICE) Comprehensive Plan Amendment. |
| Item No. 12 - Ordinance No. 2015-01; <i>Final</i> | Consider Ordinance adoption to allow for sidewalk cafés in the Central Business District and outdoor alcoholic beverage consumption at those locations. |
| Item No. 13 - Ordinance No. 2015-02; <i>Final</i> | Consider Ordinance adoption to provide for electronic message signage to be used in the changeable copy portion of signs. |
| Item No. 14 - Joint Planning Area (JPA) Review
<i>Johns Lake Landing</i>
<i>Withdrawn</i> | Joint Planning Area review of a mixed use 309 acre Planned Unit Development just east of the city limits. |

NEW BUSINESS

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| Item No. 15 - Variance Request
<i>State Farm</i> | Consider request to allow a reduction in building setback and landscape buffer width at 525 West Highway 50. |
| Item No. 16 - Variance Request
<i>Clermont Hillside Terrace</i> | Consider request to allow a second monument sign greater than 50 percent of the primary monument sign at 2400 S. Highway 27. |

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Item No. 17 - Joint Planning Area (JPA) Review
Four Corners - Cemex Sand Mine

Joint Planning Area review of a proposed sand mine and plant located 1.5 miles south of the city limits.

Item No. 18 - Ordinance No. 2015-03; *Introduction*

Consider introduction of Ordinance to allow a non-exclusive garbage franchise agreement with MDG Partners, LP.

ADJOURN

Any person wishing to appeal any decision made by the City Council at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act (ADA), if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding he/she should contact Clermont, City Clerk's Office, 352-241-7330.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the City Clerk for the City's records.

City of Clermont
Proclamation

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community;

NOW, THEREFORE, I, Gail L. Ash, Mayor of the City of Clermont, Lake County, Florida, do hereby proclaim January 16, 2015 as

ARBOR DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this 13th day of January, two thousand and fifteen.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date			
Tuesday, January 13, 2015			
Agenda Item Name			
Fiscal Year 2014 Economic Development Presentation			
Requested Action			
Staff Report			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Economic Development & CRA	EcD 4th Quarter 2014 Report CC1-13-14 (2).pptx	

Economic Development

January 13, 2015

POPULATION

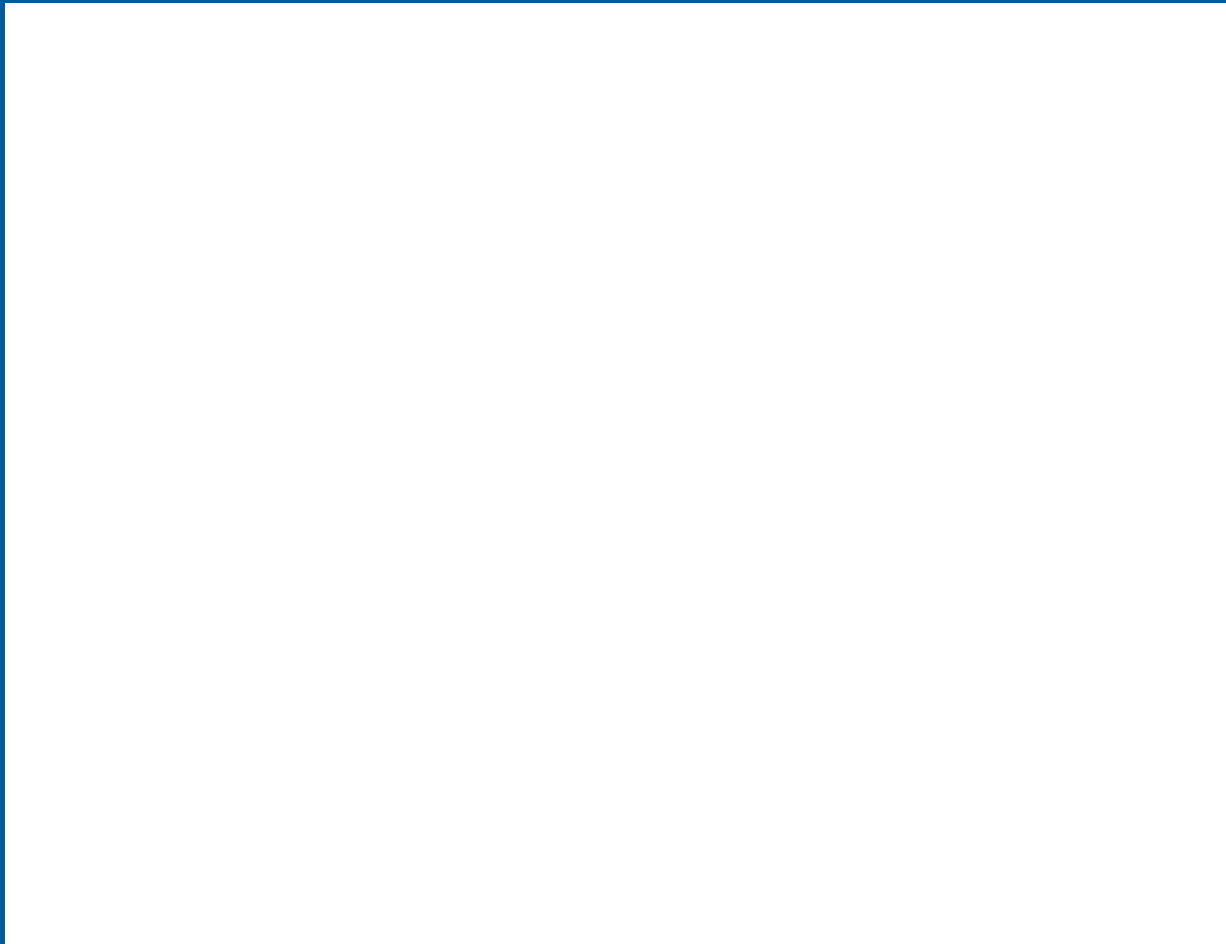


April 2014 Population:	31,745
Households:	13,784
Persons per household:	2.30 pph

Note: April data supplied by: University of Florida Bureau of Economics (BEER), (352) 392-0171
Counts are preliminary until final approval by the County and municipalities

BUILDING PERMITS

**Single Family, Multi-Family, Commercial & Miscellaneous
2004-2014**



BUILDING PERMITS

(continued)

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BUILDING PERMITS

(continued)



NEW BUSINESSES

New Business List – Clermont

- Clermont has been fortunate to have 87 **new businesses** start since the beginning of the year. The average over the last 6 years was about 40. Of those 87, 15 new businesses started in the downtown and waterfront district (CRA). A couple have closed, but only because they were successful and have moved on.
- 8 restaurants opened in 2014 and 2 more will open within the next few months of 2015.
- Please welcome the new businesses to Clermont – your patronage is greatly appreciated. (12/22/2014)

(continued)

RESIDENTIAL PROJECTS



CRA INCENTIVE GRANTS

- Downtown Clermont Redevelopment Agency (CRA)
- 7 FIGP applications processed CRA \$45,469
- 3 BCAP applications processed CRA \$12,762
- 1 IFAP application processed CRA \$5,000
- 1 BPRP application processed CRA \$1,911

12 CRA Incentive grants processed in 2014

OTHER PROJECTS

- Champions Way – connector road between S.R. 50 and Legends Way
- Sidewalk Café ordinance for downtown businesses.
- Electronic (digital) sign ordinance for 25% copy area – includes downtown sign at SR 50 & 8th Street and ARC public services signage
- CRA ~ West Lake stormwater drainage for downtown & waterfront. Has the potential to handle stormwater from the west side of downtown and waterfront.
- Downtown renovations –
- SR50 & US27 intersection landscaping
- South Lake Chamber ~ Sports & Tourism Committee:
 - > Runner Friendly Community ~ designated by Road Runners Club of America
 - > Bicycle Friendly Community ~ Designated as “bronze” community through the League of American Bicyclists

Thank you.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 23, 2014

The Clermont City Council met in a regular meeting on Tuesday, September 23, 2014 in the Council Chambers at City Hall. Mayor Turville called the meeting to order at 7:00 pm with the following Council Members present: Council Members Goodgame, Mullins, Bates and VanWagner. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

INVOCATION

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

PRESENTATIONS

Fire Chief Bishop presented the 2013 Life Safety Achievement Award to the Clermont Fire Department Fire Prevention Team.

PROCLAMATIONS

Council Member Goodgame pulled Item 3 from the Consent Agenda.

Mayor Turville read Resolution 2014-33 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, approving the State Road Co-designation of State Road 50 between U.S. Highway 27/State Road 25 and Hancock Road as “Specialist Alexander Miller Memorial Highway”; and providing an effective date.

City Clerk Ackroyd read Resolution 2014-33 aloud in its entirety.

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

Council Member Goodgame moved to adopt Resolution 2014-33 and present Ms. Miller with the plaque; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Mayor Turville presented Resolution 2014-33 to Susan Miller, mother of Specialist Alexander Miller.

City Clerk Ackroyd read the proclamation aloud declaring the week of October 5 through October 11 as Fire Prevention Week 2014.

PUBLIC COMMENTS

Ginger Martin commented on the difficulty in making a left hand turn onto Hancock Road at the Oakley Seaver intersection. Lake County made changes at Oakley Seaver and Hancock Road, resulting in u-turns at the intersection. A vehicle cannot travel south from any northbound lanes off Hancock Road off State Road 50 to the Oakley Seaver intersection. Ms. Martin stated she contacted Lake County Public Works and a traffic study warranted a traffic signal at the intersection. Lake County indicated Black West was prepared to write a \$100,000 check for an unwarranted traffic signal at Diamond Club Drive and Hancock Road. She requested the City petition Lake County to use the \$100,000 to install the traffic signal at Hancock Road and Oakley Seaver.

City of Clermont
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Sherry Olson with the South Lake Hospital Foundation read a request on behalf of Carlos Solis, who was unable to attend. Mr. Solis' group will hold a fund raising event at the Clermont Community Center with the proceeds benefitting the South Lake Hospital Mammography Foundation. He requested waiver of the rental fees at the Clermont Community Center for the event.

City Manager Gray stated Mr. Solis was given a 20 percent non-profit rate and the discounted rental fee is \$1,892. The City's practice has been to waive fees if the City is sponsoring an event. The City is not a sponsor of the event.

Council Member Mullins commented if the City sponsors the event and provides fee reductions and waivers, other events will request similar sponsorships. Mr. Solis' event may provide opportunity for economic development, tourism, and benefitting local women. He was in favor of becoming a sponsor.

Council Member VanWagner inquired about other costs and Mr. Solis' specific request. City Manager Gray stated additional expenses involve paying two police officers, fire personnel, and audio visual personnel. The request is to waive the \$1,892 discounted rental fee.

Council Member VanWagner was in favor of sponsoring the event.

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

Council Member Goodgame commented the event was the first major event at the Arts and Recreation Center and was in favor of reducing the fees.

Mayor Turville was in favor of waiving the fees.

Council Member Bates moved to waive the fees; seconded by Council Member VanWagner. The motion passed 4 to 1 with Council Member Mullins opposed.

Cameron Smith commented he was a South Lake High School student who teaches beginning students for the Lake Eustis Sailing Foundation. He introduced his mother; Stacy Uptain. Ms. Uptain distributed photographs of sailboats and requested Council allow Clermont Sailing Center to use the building on Lake Minneola between the Clermont Yacht Club and Clermont Bikes and Boards.

Mayor Turville requested staff meet with Ms. Uptain regarding the request.

REPORTS

City Manager Gray reported the Final Budget Public Hearing will be held September 25 at 6pm. Toys for Tots has requested permission to place their toy donation bins at the City of Clermont Fire Stations and Council Member Goodgame will meet with Fire Chief Bishop regarding the request. The community is invited to honor Mayor Harold Turville, Jr. at the Clermont City Center on October 19 from 4:30pm to 6:30pm.

City Attorney Mantzaris – no report.

Council Member Bates – no report.

City of Clermont
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September 23, 2014

Council Member Goodgame reported the Lake County Tourism Board's year-to-date Tourism Tax revenues are up 14 percent compared to same period last year. The Third Annual Wings and Wildflower Festival will be held October 3 through October 5 at Venetian Gardens in Leesburg. He requested City Attorney Mantzaris make a recommendation regarding Council prayer at the next meeting.

Council Member Mullins reported he attended Sales Tax Oversight Committee meeting on September 15 and reviewed the municipalities proposed budgets. The Auditor General had reviewed how the Committee handles the process and they will be changing their review format to include monitoring where the municipalities stated they would spend the funds. The Lake Emergency Medical Services Board met and reported response times are down. The number of calls and number of transports have seen double-digit increases in the last four months.

Council Member Van Wagner stated on November 13, 2013 the Black West property received a Conditional Use Permit with one of the conditions requiring installation of a traffic signal at Diamond Players Drive and Hancock Road. City Attorney Mantzaris is working on an Interlocal Agreement with County Attorney Minkoff regarding the traffic signal.

Mayor Turville – No report.

CONSENT AGENDA

Mayor Turville 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 - Acceptance of Election Results | Consider approval of Primary Election Results for Seat 5. |
| Item No. 2 - Council Meeting Minutes | Consider approval of the Regular Council Meeting Minutes of July 22, 2014. |
| Item No. 3 - Resolution No. 2014-33 | Consider approval of Resolution designating the roadway as "Specialist Alexander Miller Memorial Highway" |
| Item No. 4 - Resolution No. 2014-34 | Consider approval of Resolution to appoint Council Member Goodgame to the Tourism Development Council Committee. |

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 23, 2014

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| Item No. 5 - Alcohol Waiver Request | Consider approval for the Taste of South Lake to have an open container area for their event. |
| Item No. 6 - Contract Approval | Consider request to piggyback Sumter County contract with PDCS, LLC. to provide Building Inspection Services. |
| Item No. 7 - Request For Proposal Award | Consider bid award to Jordan Brothers Construction, LLC. to design-build a splash park at the Waterfront Park to not exceed \$400,000. |

Council Member Bates pulled Item 7 and asked if the design would come before Council.

City Manager Gray stated the item is to approve the contract for designing and building a splash park. The conceptual design is included in the Council's packets and is in the budget for a maximum of \$400,000. The apparatus' could change to some extent and staff will bring the final design before Council.

Council Member Goodgame moved to approve Consent Items 1, 2, 4, 5, 6 and 7; and City Manager to bring final design back to the Council before construction starts.

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

Council Member Bates moved to approve Item 7; seconded by Council Member Mullins. The motion passed 4 to 1 with Mayor Turville opposed.

City Manager Gray stated he would bring back the final design to Council.

Council Member Bates moved to approve Items 1, 2, 4, 5 and 6 on the Consent Agenda; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 23, 2014

UNFINISHED BUSINESS

Item No. 8 - Ordinance No. 2014-24; Final Hearing

City Clerk Ackroyd read Ordinance 2014-24 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Section 122-349 Home Occupations; Section 122-243 Permitted Uses, and Section 122-244 Conditional Uses; providing for codification; severability; effective date; and publication.

Planning Manager Henschel stated staff recommended approval of the Ordinance. The Ordinance includes updates to the Land Development Code dealing with Home Occupations and Restaurants within the Central Business District. Changes included allowing Real Estate Sales and Brokerage to conduct telephone business at home; with actual transactions conducted through the commercial office, and allowing restaurants and lounges less the 3,000 square feet to operate in the Central Business District without a Conditional Use Permit. Staff removed the term “lounge” as recommended by the Planning and Zoning Commission.

Mayor Turville inquired if the language change deleting “lounge” had been advertised. City Attorney Mantzaris stated the Ordinance was advertised to address the issue. Anyone wanting to address specific lounges or restaurants has the opportunity to do so; therefore advertising is not an issue and Council can move forward and take action.

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

Mayor Turville noted lounges do need to be regulated as a conditional use.

Council Member Mullins indicated the Ordinance provided to Council included lounges. City Attorney Mantzaris stated Council was considering the revised ordinance as presented by staff; which follows the Planning and Zoning Commission recommendation.

Council Member Goodgame moved for the adoption of Ordinance 2014-24; seconded by Council Member Mullins. The motion passed 5 to 0 on a roll call vote.

Item No. 9 - Ordinance No. 2014-25; Final Hearing

City Clerk Ackroyd read Ordinance 2014-25 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Section 122-344 General Development Conditions; providing for codification; severability; effective date; and publication.

City of Clermont
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Planning Manager Henschel stated staff recommended approval of the Ordinance. The changes address property maintenance to unimproved property which is left natural or planted with agricultural crops. The Ordinance was advertised to include changes to Chapter 94 regarding building code exemptions; however only changes to Chapter 122 regarding maintenance were brought forward. The Planning and Zoning Commission unanimously recommended approval of the Land Development Code changes.

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

Council Member Mullins moved to adopt Ordinance 2014-25 as adjusted by staff; seconded by Council Member Goodgame. The motion passed 5 to 0 on a roll call vote.

Item No. 10 - Ordinance No. 2014-26; Final Hearing

City Clerk Ackroyd read Ordinance 2014-26 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning a portion of a 40 foot right-of-way northerly and contiguous to lots 1 through 10 block 117 Johnsons Replat; repealing all Ordinances in conflict herewith, providing for severability, publication, recording, and for an effective date.

Planning Manager Henschel reported the Lakeshore Drive right-of-way runs along City property being developed for the boathouse. The west portion of the right-of-way is the section staff is requesting closure. Staff recommended approval of the right-of-way closure.

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

Mayor Turville noted the City should be cautious in forcing properties west of the boathouse to be required to go further west to access their properties.

Planning Manager Henschel pointed out the location of the legal access to the properties and stated the legal access is not part of the right-of-way closure.

Mayor Turville inquired if the right-of-way went beyond the boat ramp. Planning Manager Henschel replied it extends to the boat ramp.

Council Member Goodgame moved to approve Ordinance 2014-26; seconded by Council Member Mullins. The motion passed 4 to 1 on a roll call vote with Mayor Turville opposed.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 23, 2014

NEW BUSINESS

Item No. 11 - Resolution No. 2014-29; House of Deliverance Inc.

City Clerk Ackroyd read Resolution 2014-29 aloud by title only.

A resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to establish a house of worship in the C-2 General Commercial zoning district.

Planning Manager Henschel presented the Conditional Use Permit request to operate a house of worship at 1203 Highway 50 within the Emerald Lakes Shopping Plaza. The Planning and Zoning Commission and staff recommended approval of the Conditional Use Permit.

Sam Arthur; Applicant, was present and requested approval of the Conditional Use Permit.

Mayor Turville opened the public hearing.

Lawrence Kingston stated he owned property behind the location and commented the area experiences heavy flooding. He was not opposed to the house of worship. City Manager Gray requested staff investigate the flooding issue.

Council Member Goodgame requested information about the scheduled events for the location. Planning Manager Henschel stated the house of worship had requested fundraising events at Sunnyside Plaza in 2013 and would like to continue with the events at the new location.

Council Member Goodgame inquired if the shopping plaza store owners agreed with allowing the fundraising events. Planning Manager Henschel stated the City does not require the store owners' approvals.

City Attorney Mantzaris stated the owner of the shopping plaza complex signed off on the application.

Council Members Goodgame and Mullins expressed concerns regarding possible competition with the restaurant and grocery store located in the plaza.

Council Member Goodgame suggested tabling the request pending receiving certifications of no objection from the restaurant and grocery store. Planning Manager Henschel stated the restaurant was contacted and was not opposed to the events.

Council Member VanWagner and Mayor Turville were not opposed to allowing the fundraising events.

Mayor Turville suggested providing a time frame to allow the fundraisers and then evaluate the impact on the store owners. Mr. Arthur; the Applicant, was in agreement.

Council Member VanWagner moved to approve and have staff return in a year if there are any issues with the fundraisers; seconded by Council Member Goodgame. The motion passed 4 to 1 with Council Member Mullins opposed.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
September 23, 2014

Item No. 12 - Resolution No. 2014-30; River of Glory Church

City Clerk Ackroyd read Resolution 2014-30 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to establish a house of worship in the C-2 General Commercial zoning district.

Planning Manager Henschel presented the Conditional Use Permit request to operate a house of worship in a 1,000 square foot office space located at 341 North Highway 27. The Planning and Zoning Commission and staff recommended approval.

Pastor David Young; Applicant, was present and requested approval of the Conditional Use Permit.

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

Council Member Goodgame moved for approval of Resolution 2014-30; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Item No. 13 - Variance Request

Planning Manager Henschel presented the variance request to install a 4 foot by 10 foot covered rear porch on the house located at 3719 Peace Pipe Way. The owner of the house is a disabled veteran and is seeking an emergency egress for the master bedroom located on the back of the house. The porch would extend from the existing master bedroom wall into the rear yard setback by 2.5 feet leaving a total rear yard setback of 22.5 feet. Staff recommended approval of the variance request.

Nathan Cross; Contractor for George and Charlotte James, stated the project was made possible by the Veterans Administration. The Veterans Administration requires specific criteria, including obtaining an additional egress for safety reasons. Charlotte James stated the project would allow Mr. James use of the backyard.

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

Council Member Mullins moved to approve; seconded by Council Member Bates. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:51pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
October 14, 2014

The Clermont City Council met in a regular meeting on Tuesday, October 14, 2014 in the Council Chambers at City Hall. Mayor Turville called the meeting to order at 7:00pm with the following Council Members present: Council Members Goodgame, Mullins, Bates and VanWagner. Other City officials present were: City Manager Gray, City Attorney Mantzaris and Deputy City Clerk Noak.

INVOCATION

Pastor Rivera; Better Life Worship Center, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

Mayor Turville read a proclamation aloud observing the week of October 25 through October 31 as Red Ribbon Week and presented the proclamation to Young Marine Corporal Laree Osteen.

Corporal Osteen read an appreciation letter and presented the letter to the City of Clermont.

PUBLIC COMMENTS

Ed Apodaca; Clermont Downtown Partnership President, announced the winner of the Clermont Fire Department versus Clermont Police Department physical fitness competition and presented Police Chief Broadway with the trophy.

Frankie Cower; Clermont Crossfit Head Trainer, announced a breast cancer awareness workout on October 25 from 3pm to 5pm at Clermont Crossfit.

Marie Howd; Clermont Greater Cancer Foundation Director, thanked City Council, Events Coordinator Dudeck, Parks and Recreation Director Teske, the Fire Department, and the Police Department for their assistance and support with the Second Annual Music Festival. Ms. Howd requested financial assistance to pay for off-duty police officers at the upcoming Downtown Music Festival. City Manager Gray commented the Clermont Greater Cancer Foundation is celebrating their ten year anniversary and the City is a sponsor. The fee for use of two off-duty officers at the event is \$924.00.

Council Member Goodgame moved to waive the fee for police; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City Manager Gray stated on-duty officers will be used for the event.

Eric Sorkin commented the City's utility bill for September contained ten additional days in the billing cycle and expressed concern over the effect on the overall bill. City Manager Gray will contact Environment Services Director Kinzler regarding the issue.

Charlene Franz; member of the Senior Center of Clermont, stated the Senior Center functioning from the Family Physician Group will close October 31 and requested assistance and support from the City for a designated location for the club.

Gail Ash, James Rekkacus, Janet McKenzie, Constance Tracey, Ronnie Harris, Terry Engle, Redella Barren, and Nancy Ringle, spoke in support of the request.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
October 14, 2014

Mayor Turville commented the Clermont Community Center may be an option. The allocation of space for various uses of the facility is in progress and City Manager Gray stated he has scheduled a meeting regarding their needs.

Council Member VanWagner commented he met with the club members and they currently use 1,600 square feet, open Monday through Friday from 9am to 5pm, and have a full-time employee; Marie. The club would like to retain the same square footage and have Marie hired to operate the Senior Center.

Mayor Turville requested staff work out an arrangement and bring back to Council.

Council Member VanWagner suggested City Manager Gray finalize an arrangement due to the approaching closing date of the Senior Center.

Council Member Mullins stated Council could not hire employees.

Council Member VanWagner moved to have the City Manager designate 1,600 square feet to use Monday through Friday from 9am to 5pm at the Clermont Community Center, put \$30,000 towards funding the operation of a seniors center with the caveat of soliciting donations.

Mayor Turville noted a motion was not necessary.

Council Member Mullins suggested renting the facility using a similar arrangement the City has with the Boys and Girls Club.

City Manager Gray will conduct a walk-through of the Clermont Community Center.

Mayor Turville recessed the meeting at 8:01pm. Mayor Turville reconvened the meeting at 8:15pm.

REPORTS

City Manager Gray reported the League of Cities stated the 1 cent sales tax expires in 2017 and will be on the 2015 ballot. A Community Redevelopment Agency meeting will be held October 28 at 6:15pm. He announced City Hall will be closed for Christmas on Thursday, December 25 and Friday, December 26. The City will be the program for the South Lake Chamber Breakfast on Friday, October 17. The reception for Mayor Turville will be Sunday, October 19 beginning 4:30pm at the Clermont City Center.

City Attorney Mantzaris reported on a recommended invocation process for the City. The recommended process was to have the City Clerk's office maintain a rotating list of houses of worship within the City limits to give the invocation. Should a scheduled invocation provider not appear, a member of Council could give the invocation.

City Attorney Mantzaris stated staff prepared an Ordinance regarding medical marijuana to be introduced at the October 28 meeting, with the final hearing scheduled for November 12.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
October 14, 2014

Council Member Goodgame reported he had received a complaint regarding the use of e-cigarettes inside and outside a business and inquired if the City had regulations preventing their use in these areas. City Attorney Mantzaris stated the current clean air act does not address e-cigarettes. Senator Hayes and Senator Metz have been contacted regarding incorporating changes to the statutory language to include e-cigarettes in the clean air act.

Mayor Turville addressed the following changes to the meeting agenda:

The applicants have requested postponing Item 11; Clermont Garden Club Lease Agreement, to the October 28, 2014 meeting.

Council Member Mullins moved to table Item 11 until October 28; seconded by Council Member Goodgame. They motion passed with all members present voting aye.

Staff has requested tabling Item 17; Intergovernmental Coordination Element Comprehensive Plan Amendment Transmittal Hearing, to January 13, 2015.

Council Member Goodgame moved to table Item 17 to January 13, 2015; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Council Member Bates commented the Great Floridian Triathlon will be held this weekend and Sommer Sports is seeking additional volunteers.

Council Member Goodgame stated the Solis Bravo Benefit Concert is October 25 at the Clermont Community Center. The proceeds will benefit the South Lake Hospital's Mammography and Imaging Center. Tickets can be purchased through Carlos Solis, Bernadette Dubuss, and at Bacchus Vino on Montrose Street.

Council Member Goodgame commented the Hiawatha Preserve grand opening is November 15 and suggested Council consider placing log cabins and an RV Park in the preserve. Funding can be requested from the Lake County Economic and Tourism Board with the rental proceeds given to the Tourism Board. Council Member Mullins and Mayor Turville commented the suggestion was rejected in the past and stated the park should remain a passive park.

Council Member Mullins reported the Downtown Music Festival will be held the weekend of October 18, the Downtown Art Festival will take place on November 1 and 2, and Music on Montrose Street will be held November 7.

Council Member Van Wagner - No report.

Mayor Turville encouraged everyone to attend the Great Floridian Triathlon.

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CONSENT AGENDA

Mayor Turville 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 - Council Meeting Minutes

Consider approval of the Regular Council Meeting Minutes of August 12, 2014, the First Budget Public Hearing Minutes of September 11, 2014 and the Final Budget Public Hearing Minutes of September 25, 2014

Item No. 2 - Bid Award and Budget Amendment

Consider approval of bid award to Traverse Group, Inc. to provide 12th Street and Lakeshore stormwater and utility improvements in the amount of \$496,532.65 and budget amendment

Item No. 3 - Bid Award

Consider approval of bid award to Traverse Group, Inc. for street resurfacing services in the amount of \$122,845.49

Item No. 4 - Contract Award

Consider approval to piggyback the Florida Sheriff's Association contract with Environmental Products of Florida Corp. to purchase one street sweeper in the amount of \$234,542

Item No. 5 - Contract Award

Consider approval to piggyback Hillsborough County contract with Ferguson Enterprises, Inc. to purchase sewer pipes, valves and fittings

Item No. 6 - Highland Ranch Phase 1 Plat

Consider approval of the final plat for Phase 1 of Highland Ranch

Item No. 7 - Heritage Hills Phase 6A Plat

Consider approval of the final plat for Phase 6A of Heritage Hills

Item No. 8 - Easement

Consider approval of Distribution Easement to Duke Energy for the Rowing Facility at 930 West Minneola Avenue

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Item No. 9 - Interlocal Agreement

Consider approval of Interlocal Agreement with Lake County to provide funding up to \$150,000 for design and installation of a traffic signal at Hancock Road and Diamond Club Drive

Item No. 10 - Development Agreement

Consider approval of the Development Agreement with SLV13, LLC and South Lake Hospital for the construction of Champions Way, limiting the City's contribution to \$200,000.00

Ginger Martin pulled Consent Agenda Item 9.

Ed Barnhill pulled Consent Agenda Item 7.

Council Member Goodgame moved to approve all Consent Agenda Items except Item 7 and Item 9; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Ed Barnhill commented he attended the Planning and Zoning Commission meeting regarding Heritage Hills. There were concerns from the homeowners of Heritage Hills regarding Phase 6 and Phase 7 and the builder agreed to place a wall along Phase 6 and lights at the entrance of the new main gate. He inquired if the items were listed on the plat. City Attorney Mantzaris stated the agreement with the builder was a discussion regarding the Phase 7 Conditional Use permit and are not part of the Phase 6A Plat approval. Mr. Barnhill commented Heritage Hills Boulevard was to go through Phase 6 and exit onto Hartle Road. Mayor Turville stated the issue was not part of the approval of the plat.

Council Member Goodgame inquired if the plat illustrated the road as connected to Hartle Road. Planning Manager Henschel commented the plat shows a roadway which can be connected to Hartle Road in the future.

Council Member Goodgame moved to approve Item 7; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Ginger Martin spoke in opposition of the Interlocal Agreement with Lake County for a traffic signal at Diamond Club Drive and Hancock Road.

Jim Purvis, Judy Proli, Ed Forte, and Alfred Manella spoke in favor of the traffic signal at Diamond Club Drive and Hancock Road.

Council Member Goodgame moved to approve Item 9; seconded by Council Member VanWagner.

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Mayor Turville requested City Manager Gray provide a summary of the agreement.

City Manager Gray stated the agreement indicates how funds paid by the developer to the City would be dispersed to Lake County. The City does not have jurisdiction over the traffic signal and Lake County has approved the traffic signal.

Council Member Mullins commented the traffic signal is not warranted at this time.

The motion passed 4 to 1 with Council Member Mullins opposed.

UNFINISHED BUSINESS

Mayor Turville stated Items 12 through 16 would be presented by staff separately and collectively and voted on individually.

Item No. 12 - Ordinance No. 2014-19; Final

Deputy City Clerk Noak read Ordinance 2014-19 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.

Senior Planner Kruse presented the request to annex a 7.95 acre parcel of land on the east side of Grand Highway between State Road 50 and Pitt Street. Water and sewer are available to serve the site and the land is contiguous to the City on the west and south sides, with Jacks Lake on the east side of the property. Staff recommended approval of the annexation request.

Item No. 13 - Ordinance No. 2014-20; Final

Deputy City Clerk Noak read Ordinance 2014-20 aloud by title only.

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.

Senior Planner Kruse presented the request for a future land use amendment to change from Lake County Urban Medium Density to the City's Medium Density land use category for a 7.95 acre parcel of land on the east side of Grand Highway between State Road 50 and Pitt Street. The proposed future land use amendment request is compatible with the area. Staff recommended approval of the requested Future Land Use Map amendment.

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Item No. 14 - Ordinance No. 2014-21; Final

Deputy City Clerk Noak read Ordinance 2014-21 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 request to rezone a 7.95 parcel of land from Lake County Agriculture to the City's R-3 Residential/Professional district. The proposed R-3 Residential/Professional District is compatible with the area. Staff recommended approval of the rezoning request from Lake County Agriculture to the City of Clermont's R-3 Residential/Professional district.

Mayor Turville excused himself from the meeting temporarily and passed the gavel to Mayor Pro-Tem Goodgame.

Item No. 15 - Resolution No. 2014-24

Deputy City Clerk Noak read Resolution 2014-24 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 multi-family complex with more than 12 units.

Senior Planner Kruse presented the Conditional Use Permit for a proposed multi-family development consisting of 7 multi-story buildings with garages incorporated into the structure. Each building will have 4 units with a two-car garage and parking available in front of the garage. The use is consistent with the uses in the area and staff recommended approval of the Conditional Use Permit request.

Item No. 16 - Variance Request

Senior Planner Kruse presented the request for four variances. The applicant no longer required a variance for the rear yard setback. The variances requested were to allow a front yard setback of 15 feet, allow a right-of-way width of 50 feet, allow a per-dwelling unit lot size of less than 3,500 square feet, and allow for a lot width of 30 feet. Staff recommended denial of the four variance requests.

Mayor Turville returned and officiated the meeting.

Applicant John Huels; Attorney for the developer, commented the project consists of a 7 unit, 28 townhome complex with a pool, tot lot, pedestrian trail, and recreational dock. Each unit will have three levels, which includes a two-car garage.

The developer is no longer seeking a rear yard setback and the variances requested do not include the perimeter of the project. The 15-foot front yard setback will allow for 18 feet of driveway before the leading edge of the sidewalk. Each townhome will have the ability to park four vehicles. The developer is seeking a 50-foot right-of-way width, with no reduction of street asphalt or sidewalks, with sufficient

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space for utilities. The project proposes zero lot line units, with no side yard setback for the interior units and one side yard setback for exterior units. The developer is seeking a lot width reduction with an average lot width of 34 feet. The average lot size proposed is 3,134 feet due to the decrease in lot width. Each residence will have 1,791 square feet of air conditioned space with a 2-car garage. The distance from building to building ranges from 15 feet 8 inches to 62 feet 9 inches, averaging approximately 35 feet. The building to wetland line minimum will be 85 feet with an average of approximately 100 feet. The minimum footage from the building to property line is 25 feet, with an average of 33 feet. The distance from the back door to the 100-year flood line is approximately 19 feet with an average distance of 20 feet. Mr. Huels requested approval of the project.

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

Mayor Turville was opposed to the 20-foot average distance between the back door and flood plain.

Council Member Goodgame requested a larger front yard setback and recommended the buildings move back 2 feet. He expressed concern regarding substandard driveways and reducing the grass area to 3 feet.

Mayor Turville and Council Member Mullins were opposed to moving the buildings as the units would be closer to the flood plain.

Dave Drescher; RM Plus, LLC, stated the grass area between the sidewalk and the street could be narrowed by 1 foot, providing 19 feet for the driveway. The sidewalk could be reduced to 3 feet wide, providing an additional foot for a 20 foot driveway.

Council Member Mullins inquired if a 4 foot wide grass strip was a City standard. Senior Planner Henschel stated it was not specified in the City Code, the issue is the right-of-way width the utilities have to work with. Some of the utilities can be placed under the sidewalk; however the grass strip should be as wide as possible.

Council Member Mullins inquired if a 4 foot wide sidewalk was City Code. City Manager Gray and Senior Planner Henschel stated 4 foot sidewalks were City Code.

Mr. Drescher suggested moving the sidewalk beside the curb. Mayor Turville and Council Member Mullins were opposed.

Council Member Goodgame commented a compromise was to reduce the grass area to 3 feet wide, which would provide a 19 foot driveway.

Dave Drescher suggested reducing the rear yard setback of the houses in the rear by 2 feet, work with the City on reducing the grass strips by 1 foot, and sliding the road forward.

Council Member Goodgame was supportive of the suggestion.

Council Member Mullins commented the front yard setback would be 16 feet, the rear yard setback would be 20 feet, the grass area reduced to 3 feet, the western units moved 2 feet to the southwest, and the street moved by 1 foot.

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Council Member Goodgame moved to adopt Ordinance 2014-19; seconded by Council Member Mullins. The motion passed 4 to 1 on a roll call vote with Mayor Turville opposed.

Council Member Goodgame moved to adopt Ordinance 2014-20; seconded by Council Member Mullins. The motion passed 4 to 1 on a roll call vote with Mayor Turville opposed.

Council Member Mullins moved to adopt Ordinance 2014-21; seconded by Council Member Mullins. The motion passed 4 to 1 on a roll call vote with Mayor Turville opposed.

Council Member Goodgame moved to approve Resolution 2014-24; seconded by Council Member Mullins. The motion passed 4 to 1 with Mayor Turville opposed.

Council Member Goodgame moved to approve variance 1 to be a 16 foot setback with a 20 foot driveway, variance 2 is omitted, variance 3 stays the same, variance 4 stays the same, and variance 5 stays the same; seconded by Council Member Mullins. The motion passed 4 to 1 with Mayor Turville opposed.

NEW BUSINESS

Item No. 18 - Ordinance No. 2014-23; Introduction

Mayor Turville read Ordinance 2014-23 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, increasing the monthly pension benefit amounts for retirees/beneficiaries currently receiving benefits from the City of Clermont General Employees Defined Benefit Retirement Plan; providing for severability of provisions, repealing all Ordinances in conflict herewith; and providing an effective date.

Council Member Mullins moved to introduce Ordinance 2014-23; seconded by Council Member VanWagner. The motion passed with all members present voting aye.

Item No. 19 - Ordinance No. 2014-36; Introduction

Deputy City Clerk Noak read Ordinance 2014-36 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, increasing the monthly pension benefit amounts for retirees/beneficiaries currently receiving benefits from the City of Clermont Police Officers Defined Benefit Retirement Plan; providing for severability of provisions; repealing all Ordinances in conflict herewith; and providing for an effective date.

Council Member Mullins moved to introduce Ordinance 2014-36; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

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Item No. 20 - Ordinance No. 2014-28; Introduction

Mayor Turville read Ordinance 2014-28 aloud by title only.

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.

Council Member Mullins moved to introduce Ordinance 2014-28; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 21 - Ordinance No. 2014-29; Introduction

Deputy City Clerk Noak read Ordinance 2014-29 aloud by title only.

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.

Council Member Mullins moved to introduce Ordinance 2014-29; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 22 - Ordinance No. 2014-33; Introduction

Mayor Turville read Ordinance 2014-33 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 Mullins moved to introduce Ordinance 2014-33; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Item No. 23 - Ordinance No. 2014-30; Introduction

Deputy City Clerk Noak read Ordinance 2014-30 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 Mullins moved to introduce Ordinance 2014-30; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 24 - Ordinance No. 2014-31; Introduction and Transmittal

Mayor Turville read Ordinance 2014-31 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.

Council Member Mullins moved to introduce Ordinance 2014-31; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 25 - Ordinance No. 2014-32; Introduction

Deputy City Clerk Noak read Ordinance 2014-32 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 Mullins moved to introduce Ordinance 2014-32; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Item No. 26 - Ordinance No. 2014-34; Introduction

Mayor Turville read Ordinance 2014-34 aloud by title only.

An Ordinance of the Code of Ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 118 Vegetation, Section 118-35 Maintenance and Pruning; providing for codification; severability; effective date; and publication.

Council Member Mullins moved to introduce Ordinance 2014-34; seconded by Council Member Bates. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 10:36pm

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date			
Tuesday, January 13, 2015			
Agenda Item Name			
Resolution No. 2015-01			
Requested Action			
Move to approve Resolution No. 2015-01			
Staff Report			
Resolution No. 2015-01 is proposed in order to amend the City's adopted budget for Fiscal Year 2015. The amendments are necessary to formally amend the budget for City Council approvals since October 1, 2014 and to carry forward unexpended funds from Fiscal Year 2014.			
Additional Analysis			
Fiscal Impact Summary			
Total amendments to all funds - \$1,374,116			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. Resolution No. 2015-01		Resolution 2015-01.docx	

CITY OF CLERMONT
RESOLUTION NO. 2015-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, AUTHORIZING BUDGET
AMENDMENTS FOR THE CITY OF CLERMONT FOR FISCAL YEAR
2014-2015**

WHEREAS, it is hereby found and determined by the City Council of the City of Clermont, Lake County, Florida, that the following budget amendments are necessary for the Fiscal Year October 1, 2014 to September 30, 2015:

GENERAL FUND

1. Increase Other Current Charges (10510-54900) \$ 2,990
To amend the City Council budget for the costs associated with Mayor Turville's reception on October 19, 2014.
2. Increase Training & Education (10511-55401) \$ 5,500
To amend the City Clerk Department budget for additional supervisory training costs.
3. Increase Training & Education (10513-55401-13001) \$ 5,500
Increase Training & Education (10513-55401-13004) \$ 5,500
To amend the Finance Department budget for additional supervisory training costs.
4. Increase Capital Outlay – IT Equipment (10515-66403) \$ 10,700
To amend the Development Services Department budget for the carry forward of unexpended FY 2014 funds budgeted for equipment purchases.
5. Increase Capital Outlay – Software (10515-66404) \$ 8,381
To amend the Development Services Department budget for the carry forward of unexpended FY 2014 funds budgeted for the Online Permitting Software, as approved by the City Council on January 14, 2014.
6. Increase Internet Service (10516-54102) \$ 3,974
To amend the Information Technology Department budget for internet service required for security cameras at the Lake Hiawatha Preserve.
7. Increase Capital Outlay – Software (10516-66404) \$ 28,100
To amend the Information Technology Department budget for the carry forward of unexpended FY 2014 funds budgeted for the Laserfiche Software upgrade.

CITY OF CLERMONT
RESOLUTION NO. 2015-01

- | | |
|---|------------|
| 8. Increase Professional Services – General (10519-53100-95101) | \$ 30,000 |
| To amend the Other General Government budget for the carry forward of unexpended FY 2014 funds budgeted for City-wide Master Planning Consulting Services, as approved by the City Council on August 26, 2014. | |
| 9. Increase Self-Insurance Liability Claims (10521-54501) | \$ 100,000 |
| To amend the Police Department budget for the James Rooney settlement agreement, as approved by the City Council on December 9, 2014. | |
| 10. Increase Software Renewals/Support (10522-55219) | \$ 19,316 |
| To amend the Fire Department budget for the purchase of reporting/records management software, as approved by the City Council on October 28, 2014. | |
| 11. Increase Capital Outlay – Vehicles (10522-66400) | \$ 33,900 |
| To amend the Fire Department budget for the carry forward of unexpended FY 2014 funds budgeted for the purchase of vehicles for the Fire Prevention staff, as approved by the City Council on January 28, 2014. | |
| 12. Increase Professional Services – General (10541-53100) | \$ 40,000 |
| To amend the Public Works Department budget for the carry forward of unexpended FY 2014 funds budgeted for an ADA Sidewalk Study. | |
| 13. Increase Training & Education (10575-55401) | \$ 5,500 |
| To amend the Parks & Recreation Department budget for additional supervisory training costs. | |
| 14. Decrease Fund Balance (10599-59900) | \$ 299,361 |
| Total General Fund adjustments. | |

BUILDING SERVICES FUND

- | | |
|---|-----------|
| 1. Increase Building Permits Revenue (11322-32200) | \$ 55,000 |
| To amend the budget to reflect an increase in projected Building Services Fees revenues. | |
| 2. Increase Capital Outlay – Vehicles (11524-66400) | \$ 26,933 |
| To amend the Development Services Department budget for the carry forward of unexpended FY 2014 funds budgeted for the purchase of vehicles for the Building Services staff, as approved by the City Council on January 28, 2014. | |

CITY OF CLERMONT
RESOLUTION NO. 2015-01

- | | | |
|---|----|--------|
| 3. Increase Capital Outlay – Software (11524-66404) | \$ | 25,143 |
| To amend the Development Services Department budget for the carry forward of unexpended FY 2014 funds budgeted for the online permitting software, as approved by the City Council on January 14, 2014. | | |
| 4. Increase Capital Outlay – Vehicles (11529-66400) | \$ | 50,100 |
| To amend the Fire Department budget for the carry forward of unexpended FY 2014 funds budgeted for the purchase of vehicles for the Fire Prevention staff, as approved by the City Council on January 28, 2014. | | |
| 5. Decrease Fund Balance (11599-59900) | \$ | 47,176 |
| Total Building Services Fund adjustments. | | |

INFRASTRUCTURE SALES TAX FUND

- | | | |
|---|----|---------|
| 1. Increase Capital Outlay – Vehicles (12521-66400) | \$ | 7,715 |
| To amend the Police Department budget for the carry forward of unexpended FY 2014 funds budgeted for vehicle purchases. | | |
| 2. Increase Repair and Maintenance – Streets (12541-54603) | \$ | 159,604 |
| Increase Repair and Maintenance – Sidewalks (12541-54604) | \$ | 12,965 |
| Increase Capital Outlay – Sidewalks (12541-66303) | \$ | 43,900 |
| To amend the Public Works Department budget for the carry forward of unexpended FY 2014 funds budgeted for streets and sidewalks improvements. | | |
| 3. Increase Capital Outlay – Other Improvements (12542-66300) | \$ | 41,066 |
| To amend the Public Works Department budget for the carry forward of unexpended FY 2014 funds budgeted for parks improvements. | | |
| 4. Increase Professional Svcs. – Public Works Facilities (12549-53100-49000) | \$ | 40,000 |
| To amend the Public Works Department budget for the carry forward of unexpended FY 2014 funds budgeted for a Public Works Department Facility Space Needs Analysis. | | |
| 5. Increase Transfer to Capital Projects Fund (12581-99114-72109) | \$ | 20,000 |
| Decrease Capital Outlay – Other Improvement (12575-66300) | \$ | 20,000 |
| To amend the Parks & Recreation Department budget to reallocate funds for the construction of the Splash Park. | | |

CITY OF CLERMONT
RESOLUTION NO. 2015-01

- | | | |
|--|----|---------|
| 6. Decrease Fund Balance (12599-59900) | \$ | 305,250 |
| Total Infrastructure Sales Tax Fund adjustments. | | |

RECREATION IMPACT FEES FUND

- | | | |
|---|----|---------|
| 1. Increase Impact Fees – Recreation (14324-32461) | \$ | 125,000 |
| To amend the budget to reflect an increase in projected Recreation Impact Fees revenues. | | |
| | | |
| 2. Increase Transfer to Capital Projects Fund (14581-99114-72117) | | |
| To amend the budget for the carry forward of unexpended FY 2014 funds budgeted for the Rowing Facility project. | \$ | 350,797 |
| | | |
| 3. Decrease Fund Balance (14599-59900) | \$ | 225,797 |
| Total Recreation Impact Fees Fund adjustments. | | |

CAPITAL PROJECTS FUND

- | | | |
|--|----|---------|
| 1. Increase Capital Outlay – Lake Hiawatha (32542-66301-72116) | \$ | 83,358 |
| Increase County Grant (32337-33733-72116) | \$ | 83,358 |
| To amend the budget for the carry forward of unexpended FY 2014 funds budgeted for the Lake Hiawatha Preserve project. | | |
| | | |
| 2. Increase Professional Services – Rowing Facility (32542-53100-72117) | \$ | 22,703 |
| Increase Minor Equipment (32542-55204-72117) | \$ | 22,575 |
| Increase Capital Outlay – Rowing Facility (32542-66301-72117) | \$ | 495,968 |
| Increase Transfer from Recreation Impact Fee Fund (32381-38105-72117) | \$ | 350,797 |
| Increase County Grant (32337-33733-72117) | \$ | 190,449 |
| To amend the budget for the carry forward of unexpended FY 2014 funds budgeted for the Rowing Facility project. | | |
| | | |
| 3. Increase Transfer from Infrastructure Sales Tax Fund (32381-38104-72109) | \$ | 20,000 |
| Increase Capital Outlay – Recreation (32572-66301-72109) | \$ | 20,000 |
| To amend the Parks & Recreation Department budget to reallocate funds for the construction of the Splash Park. | | |

CITY OF CLERMONT
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WATER FUND

- | | | |
|--|----|---------|
| 1. Increase Professional Services – Alternative Water (41533-53141-33103) | \$ | 300,000 |
| Increase State Grants (41334-33420) | \$ | 300,000 |
| To amend the Environmental Services Department budget for the cost of an Alternative Water Supplies Strategic Study and corresponding grant, as approved by the City Council on November 12, 2014. | | |

STORMWATER FUND

- | | | |
|---|----|---------|
| 1. Increase Capital Outlay – Stormwater System (45538-66306-38100) | \$ | 496,532 |
| To amend the Environmental Services Department budget for the carry forward of unexpended FY2014 funds budgeted for Stormwater System Improvements at 12 th Street and Lakeshore Drive, as approved by the City Council on October 14, 2014. | | |
| 2. Decrease Fund Balance (45399-59900) | \$ | 496,532 |
| Total Stormwater Fund adjustments. | | |

Total Amendments – All Funds	\$	1,374,116
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CITY OF CLERMONT
RESOLUTION NO. 2015-01

NOW, THEREFORE, BE IT RESOLVED, that the above said budget amendments of the City of Clermont for the Fiscal Year 2014-2015 are hereby adopted.

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 13th day of January, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date								
Tuesday, January 13, 2015								
Agenda Item Name								
Resolution No. 2015-02								
Requested Action								
Move to approve Resolution No. 2015-02								
Staff Report								
Resolution No. 2015 - 02 provides for the approval of a revised Purchasing Policy. A summary of the revisions is as follows: Section G. - The required number of advertisements for most solicitations is changed from the current once a week for two weeks to just one time. The change is to be consistent with Florida Statutes. Section I. - The threshold level as to when the City Manager may approve change orders to existing contracts is increased from the current 10% of the contract amount not to exceed \$25,000 to 15% of the contract amount or \$49,999, as long as the funds are included in the approved budget. Section J. - A new section that authorizes the City Manager to approve term (multi-year) contracts up to \$49,999 as long as the funds are included in the approved budget. In addition, the Purchasing Manager is authorized to renew or extend approved contracts up to specific terms, as long as the funds are included in the approved budget. Section N. - Clarifies that the Purchasing Manager is responsible for the disposition of property that has been declared surplus by the City Council.								
Additional Analysis								
Fiscal Impact Summary								
Fiscal Impact	Fund Number and Description	Available Budget Amount						
Exhibits Attached (copies of original agreements)								
<table border="0"><tr><td>1.</td><td>Resolution No. 2015-02</td><td>Purchasing Policy Resolution No. 2015-02 -.doc</td></tr><tr><td>2.</td><td>Purchasing Policy</td><td>Purchasing Policy (Line Through) - 1-13-15 .doc</td></tr></table>			1.	Resolution No. 2015-02	Purchasing Policy Resolution No. 2015-02 -.doc	2.	Purchasing Policy	Purchasing Policy (Line Through) - 1-13-15 .doc
1.	Resolution No. 2015-02	Purchasing Policy Resolution No. 2015-02 -.doc						
2.	Purchasing Policy	Purchasing Policy (Line Through) - 1-13-15 .doc						

CITY OF CLERMONT
RESOLUTION NO. 2015-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA ADOPTING A PURCHASING POLICY AS AUTHORIZED IN ORDINANCE 264-C, CITY OF CLERMONT CODE OF ORDINANCES; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Clermont has adopted Ordinance 264-C of the Code of Ordinances authorizing the adoption of a Purchasing Policy;

NOW, THEREFORE, BE IT RESOLVED, that the City of Clermont Purchasing Policy is hereby adopted as follows:

SECTION 1.

The City Council does hereby adopt the City of Clermont Purchasing Policy as set forth in Attachment A, attached hereto and incorporated herein. The City Council of the City of Clermont may amend the Purchasing Policy by Resolution when deemed necessary and in the best interest of the City of Clermont.

SECTION 2.

Any resolution previously adopted by the City Council and in conflict herewith is hereby repealed to the extent of the conflict.

SECTION 3.

This resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2015-02

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida this 13th day of January, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

□□□□□□□□□□□□□□□□

Daniel F. Mantzaris, City Attorney

Purchasing Policy



City of Clermont, Florida

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A. Purpose

The purpose of this Policy is to ensure the City of Clermont purchases good and services in the most efficient and economical manner possible. This Policy also serves to ensure consistency of all purchasing activities that integrates with all of the City of Clermont operational areas.

B. Scope

This Policy shall apply to all purchases of goods and services by the City.

C. Responsibilities

The City's Purchasing Manager will act as the principal procurement officer of the City and is responsible to ensure the Policy is followed by City departments. The Purchasing Manager is the primary contact person for questions regarding the Policy and is responsible for the implementation of revisions on an as needed basis.

D. Ethics

The City is committed to a purchasing process which fosters fair and open competition, is conducted under the highest ethical standards, and enjoys the complete confidence of the public. To achieve these purposes, the City subscribes to the following code of ethics:

- The City will avoid unfair practices by granting all competitive respondents equal consideration insofar as State, Federal, and City regulations require.
- The City will conduct business in good faith; demanding honesty and ethical practices from all participants in the purchasing process.
- The City will promote positive respondent and contractor relationships by affording respondent representatives courteous, fair, and ethical treatment.
- The City will make every reasonable effort to negotiate equitable and mutually agreeable settlements of controversies with a respondent.
- The City will avoid involvement in any transactions or activities that could be considered to be a conflict between personal interest and the interests of the City.

Employees must not become obligated to any suppliers and shall not participate in any City transaction from which they may personally benefit. Except as may be authorized by applicable State law, no Council Member or employee shall accept gifts or benefit of any kind from prospective bidders, vendors of suppliers.

Except as may be authorized by applicable State law, no Council Member or employee shall bid for, enter into or be in any manner interested in any contract for City purchase.

No Council Member or employee shall seek to influence the purchase of a product or service from any supplier or vendor. This restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service to be rendered where the person's scope of employment contemplates advice and counsel with respect to the purchase.

The avoidance of actual or perceived conflicts of interest is a prerequisite to the efficient and sound operation of the City and maintenance of the public trust.

E. Purchasing Methods

For purposes relating to the dollar threshold amounts indicated in the purchasing methods and purchasing approval sections of this Policy, the total cost of the purchase should be considered, not the cost of the individual items. In addition, purchases should not be artificially or purposely divided to circumvent the dollar threshold limits. The following methods shall be used in the purchasing of goods and services for the City:

1. Informal Purchasing

Informal purchasing may be used for the purchase of goods and services costing less than \$1,000. While written quotes and bids are not necessary for items or services costing less than \$1,000 or specifically excluded in applicable State law, every effort should be made to ensure goods and services are being purchased in the most efficient and cost effective manner possible.

Only designated employees in each department shall be authorized to actually purchase the commodity, after the purchase has been approved.

2. Quote Requests

At least three (3) written quotes are necessary to be received by the City in respect to purchases of goods and services costing from \$1,000 to \$9,999. If at least three (3) written quotes are not possible, a written explanation of such shall be submitted to the Purchasing Manager for approval prior to the purchase and included in the vendor payment supporting documentation.

Vendor selection and award shall be based on qualifications of the vendor, acceptability of the product, delivery time, inventories, past performance, degree of compliance with requirements, price and other circumstances that will encourage delivery of the best products and services.

3. Request for Bids

Except as otherwise provided herein, the Request for Bids (RFB) method is required for purchases of goods and services costing at least \$10,000 when the

City is capable of specifically establishing precise specifications defining the actual commodity or contractual services.

Responses to the RFB shall be received in a sealed bid format, opened and read aloud at a specific date, time and location. All RFB's shall be administered by the Purchasing Division.

4. Request for Proposals

Except as otherwise provided herein, the Request for Proposals (RFP) method is required for the purchase of goods and services costing at least \$10,000 when the City cannot specifically define the scope of work or when it is not practical or advantageous to procure by competitive sealed bidding. The vendor provides detailed information in response to the RFP and usually the proposal results in a contractual agreement. The process does allow for negotiation in the scope of requested services, price, and delivery. All RFP's shall be administered by the Purchasing Division.

5. Request for Qualifications

Except as otherwise provided herein, the Request for Qualifications (RFQ) method is required in the acquisition of professional services costing at least \$10,000. RFQ proposals primarily indicate information regarding the education and experience background of the respondent. Price is not to be indicated in the initial RFQ but it is negotiated with successful respondent. If the RFQ is for professional architectural, engineering, landscape architectural or surveying and mapping services, then the rules of applicable State law shall apply. All RFQ's shall be administered by the Purchasing Division.

6. Request for Information

The Request for Information (RFI) method is used to help gather information about a product or service in order to make a decision. An RFI may also be used to collect detail information about potential suppliers and their capabilities; to advise potential suppliers of the City's intent to purchase a certain product or service; and to show that the City is acting in a fair manner and including all potential participants. An RFI may be utilized for any threshold dollar amount. All RFI's shall be administered by the Purchasing Division.

7. Other Governmental Agencies Purchasing Contracts

Competitive selection procedures are waived in the event that the desired goods and services may be purchased pursuant to purchase contracts of other governmental agencies to include any political subdivision of the State of Florida, the United States Federal Services Administration, or cooperative purchasing

consisting of a combination of these, when such contracts are the result of a competitive public procurement process. All purchases pursuant to other governmental agencies purchasing contracts shall be administered by the Purchasing Manager.

8. Sole Source Purchasing

Competitive selection procedures are waived when it is determined and substantiated in writing, after conducting a good faith review of available sources, that there is only one source for the goods and services. Price and terms shall be negotiated whenever possible and a record of sole source procurement shall be maintained as a public record.

A written justification of the sole source purchase must be approved by the Purchasing Manager prior to the purchase and accompany the invoice for payment.

9. Emergency Purchases

Competitive selection procedures are waived when the normal functioning and operation of the City would be hampered or where property, equipment or life could be endangered through unexpected circumstances by adhering to the usual purchasing procedures.

A written justification of the emergency purchase must be approved by the City Manager or in his absence, the Assistant City Manager, prior to the purchase and accompany the invoice for payment.

10. Direct Negotiation

Competitive selection procedures are waived when it is determined by a decision of the City Manager that it is neither practical, feasible nor advantageous to the City to conduct competitive sealed bidding or competitive sealed proposal procedures, purchases may be made by direct negotiation in the open market and without strictly observing the procedures prescribed in this Policy, except as related to Purchasing Approvals.

F. Response Rejections

In all of the above stated purchasing methods, the Purchasing Manager has the authority to reject any or all responses after the solicitation due date when it has been determined that the respondent(s) is non-responsive or award recommendation is not in the best interest of the City. In the event that there is a Selection Committee established to review the responses, the Selection Committee must authorize the rejection of any or all responses.

G. Advertisement Requirements

Advertisement of Formal solicitations such as Request for Bids, Request for Proposals and Request for Qualifications shall be advertised in a newspaper of general paid circulation which is published at least five (5) days a week in Lake County and other appropriate publications.

~~The solicitation shall be advertised once a week for two (2) consecutive weeks. The first date of advertisement shall be at least four (4) days prior to the solicitation due date. The second advertisement date shall be at least five (5) days prior to the solicitation due date.~~ The advertisement shall appear at least twenty-one (21) days prior to the solicitation due date and at least five (5) days prior to any scheduled pre-submission meeting. The City Manager, or designee, upon recommendation by the Purchasing Manager, may shorten the twenty-one (21) day requirement to no less than seven (7) days based on emergency need, availability of competition, amount of the acquisition, etc. Other publications notification sources may be used in addition to this requirement to reach selected markets.

Formal solicitations for construction projects that are projected to cost more than \$200,000 ~~\$500,000~~ shall be publicly advertised at least once in a newspaper of general circulation for two (2) consecutive weeks. ~~The first date of advertisement shall be at least twenty one (21) days prior to the response due date (30 days when above \$500,000). The second advertisement shall be five (5) days prior to any schedule pre-submission meeting as required by applicable State law be advertised at least thirty (30) days prior to the solicitation due date and at least five (5) days prior to any scheduled pre-submission meeting.~~

Quote Requests and Requests for Information are not required to be advertised in the newspaper.

H. Purchasing Approvals

<u>Purchase Amount</u>	<u>Approver</u>
Less Than \$1,000	Supervisor or Manager
From \$1,000 to \$4,999	Department Director, if the item or service to be purchased is included in the approved budget for the department. City Manager or designee, if the item or service is not included in the approved budget

	for the department and a budget amendment is not necessary. City Council, if the item or service to be purchased is not included in the approved budget for the department and a budget amendment is necessary.
From \$5,000 to \$9,999	Purchasing Manager, if the item or service to be purchased is included in the approved budget for the department. City Manager or designee, if the item or service is not included in the approved budget for the department and a budget amendment is not necessary. City Council, if the item or service to be purchased is not included in the approved budget for the department and a budget amendment is necessary.
From \$10,000 to \$49,999	City Manager or designee, if the item or service to be purchased does not require a budget amendment. City Council, if the item or service to be purchased requires a budget amendment.
\$50,000 or greater	City Council

I. Change Order Approval

To avoid a delay in the progress of any project, the City Manager or designee may approve, without further Council action, a change order to an existing contract provided the change order does not ~~increase the contract price by more than ten (10) percent not to exceed \$25,000~~ exceed fifteen (15) percent of the original contract amount or \$49,999 and the funds are available in the approved budget for the Department. If the change order is in excess of the above thresholds or if the increase in cost is not included in the approved budget for the department, the change order shall require City Council approval.

J. Term Contract Approval, Renewal and Extension

The City Manager is authorized to approve a term contract if the total contract amount does not exceed \$49,999 and funds are available in the approved budget for the Department. All term contracts with total contract amounts of \$50,000 or greater shall require City Council approval. This includes, but is not limited to service or maintenance agreements, awards on proposals, competitive negotiated agreements and consultant agreements.

The Purchasing Manager is authorized to renew approved contracts as long as such action is in accordance with the terms, conditions and renewal period specified in the original contract and the total dollar amount of the contract is within the City's approved budget. Contract renewals beyond six (6) years from the date of the original contract shall require City Council approval.

The Purchasing Manager is authorized to extend approved contracts for a period of no more than one-hundred eighty (180) calendar days when the extension serves the best interest of the City. Contract extensions exceeding one hundred eighty (180) calendar days shall require City Council approval.

K. Appeal Procedures

Any actual bidder or proposer may only appeal any determination, decision or recommendation of the Purchasing Manager, in accordance herewith. All appeals must be in writing and sent via certified mail or delivered in person to the City Manager within three (3) business days of issuance of such determination, decision or recommendation. The City Manager shall administer the appeal and shall render a decision within seven (7) business days of receiving the appeal. All appeals must set forth the specific reason and facts concerning the dispute. Any appeal based exclusively on disagreement with the technical judgment of evaluators is subject to summary rejection unless there is clear and convincing evidence of arbitrary or capricious action in that regard. In the event of a timely appeal, the City shall not proceed further with the solicitation or with the award of the bid/contract unless the City Manager, after consultation with the director of the using department(s) or division(s), forwards to the City Council a written request to award the bid/contract without delay in order to protect the public health, safety or general welfare and the City Council approves said request.

L. Operating Procedures

The City Manager is authorized to approve specific operating procedures for the Purchasing Division to implement this Policy.

M. Minority Businesses

Minority businesses shall be ensured to have an equitable opportunity to participate in the City's procurement process.

N. Disposal of Surplus Items

~~The Department Director may request items to be declared surplus by the City Council. Items that have been declared surplus by the City Council may be disposed of in accordance with Florida Statutes.~~ The Purchasing Manager is responsible for the disposition of property items that have been declared surplus by the City Council. The Purchasing Manager shall have the authority to sell by auction or advertised bid, trade, donate to another government entity, destroy, or dispose of excess surplus and obsolete supplies or personal property, regardless of the dollar amount, with records of such disposition maintained in the Finance Department.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLERMONT ON JANUARY 13, 2015.

GAIL L. ASH, MAYOR



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Resolution No. 2015-03		
Requested Action		
Move to approve Resolution 2015-03.		
Staff Report		
The Lake County Economic Development & Tourism Department requested the City of Clermont adopt a resolution recommending an elected official to serve on the Tourism Development Council committee. Council Member Goodgame was reappointed to serve on the committee at the September 23, 2014 Council Meeting. Council Member Goodgame has resigned from the committee. The term is for four years, beginning December 1, 2014 and ending December 1, 2018.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Resolution 2015-03	2015-03 Recommend KMullins to TDC.doc

CITY OF CLERMONT
RESOLUTION NO. 2015-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RECOMMENDING APPOINTMENT OF AN ELECTED OFFICIAL TO SERVE ON THE LAKE COUNTY TOURISM DEVELOPMENT COUNCIL COMMITTEE.

WHEREAS, the City of Clermont is the largest municipality in Lake County; and

WHEREAS, as the largest municipality we are required to appoint an elected official to serve on the Tourism Development Council; and

WHEREAS, the appointment is for a four year term beginning December 1, 2014 through December 1, 2018;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clermont, that the Clermont City Council appoints Council Member Keith Mullins to serve on the Tourism Development Council committee.

DONE AND RESOLVED, by the City Council of the City of Clermont, Lake County, Florida this 13th day of January, 2015.

City of Clermont

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

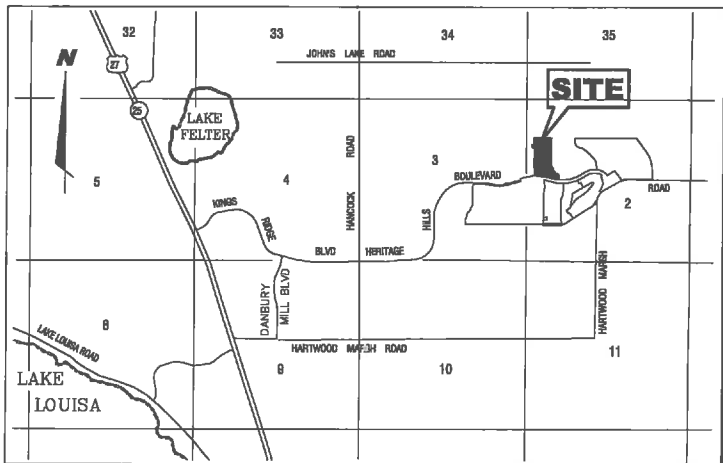
AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, January 13, 2015			
Agenda Item Name			
Plat Approval			
Requested Action			
Move to approve Heritage Hills Phase 4A East plat.			
Staff Report			
The Heritage Hills Phase 4A East plat has been reviewed and approved by the City Engineer and the contracted engineer. The plat will be recorded with the Lake County Clerk of Court upon Council approval.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Plat	Plat.pdf	

HERITAGE HILLS PHASE 4A EAST
LYING IN SECTION 2, TOWNSHIP 23 SOUTH, RANGE 26 EAST,
CITY OF CLERMONT, LAKE COUNTY, FLORIDA.

SHEET 1 OF 2



VICINITY MAP
NOT TO SCALE

DESCRIPTION

THAT PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF HERITAGE HILLS PHASE 4A AS RECORDED IN PLAT BOOK 65, PAGES 37 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY BOUNDARY OF SAID HERITAGE HILLS PHASE 4A THE FOLLOWING SEVEN (7) COURSES: NORTH 02°10'38" WEST FOR 377.89 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1,170.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°28'32" FOR 50.55 FEET TO THE POINT OF TANGENT; THENCE NORTH 00°17'54" EAST FOR 453.82 FEET; THENCE NORTH 89°42'06" WEST FOR 66.99 FEET; THENCE NORTH 00°17'54" EAST FOR 105.00 FEET; THENCE SOUTH 89°42'06" EAST FOR 50.00 FEET; THENCE NORTH 00°17'54" EAST FOR 205.00 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE DEPARTING SAID EASTERLY BOUNDARY, SOUTH 89°42'06" EAST ALONG SAID NORTH LINE FOR 562.94 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°17'54" WEST FOR 383.82 FEET; THENCE SOUTH 08°37'03" WEST FOR 60.64 FEET; THENCE SOUTH 05°15'47" WEST FOR 60.23 FEET; THENCE SOUTH 00°17'54" WEST FOR 360.00 FEET; THENCE SOUTH 64°52'57" EAST FOR 19.67 FEET; THENCE SOUTH 26°00'29" EAST FOR 181.00 FEET; THENCE SOUTH 28°25'34" EAST FOR 132.27 FEET; THENCE NORTH 62°48'38" EAST FOR 53.50 FEET; THENCE SOUTH 33°14'38" EAST FOR 101.67 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE EASTERLY HAVING A RADIUS OF 180.00 FEET AND A RADIAL LINE WHICH BEARS NORTH 65°50'16" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°35'02" FOR 61.52 FEET TO THE POINT OF TANGENT; THENCE SOUTH 04°34'41" WEST FOR 59.73 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 1,145.00 FEET AND A RADIAL LINE WHICH BEARS SOUTH 08°04'49" WEST (SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY OF HERITAGE HILLS PHASE 2 AS RECORDED IN PLAT BOOK 63, PAGES 1 THROUGH 7, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA); THENCE ALONG SAID NORTHERLY BOUNDARY THE FOLLOWING THREE (3) COURSES: WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°12'35" FOR 184.05 FEET TO THE POINT OF TANGENT; THENCE NORTH 74°42'36" WEST FOR 238.90 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1,255.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°05'51" FOR 352.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.69 ACRES OR 727,145.69 SQUARE FEET, MORE OR LESS.

NOTES:

- BEARINGS SHOWN HEREON ARE FLORIDA STATE PLANE COORDINATE EAST ZONE BASED ON LENCEMANN L-NET GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) NETWORK, THAT IS CERTIFIED BY WANTMAN GROUP, INCORPORATED, AND IS BASED ON NORTH AMERICAN DATUM OF 1983, 2007 ADJUSTMENT (SPCS'83-2007) THIS SURVEY WAS CHECKED TO NGS STATION "LK 174" AND REFERENCED TO THE EASTERLY RIGHT OF WAY LINE OF BAVARO WAY, HERITAGE HILLS PHASE 4A, AS RECORDED IN PLAT BOOK 65, PAGES 37 THROUGH 40, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, IN SECTIONS 2 AND 3, TOWNSHIP 23 SOUTH, RANGE 26 EAST AS BEING NORTH 02°10'38" WEST.
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- LOT CORNERS WILL BE SET IN ACCORDANCE WITH CHAPTER 177.091 (9) FLORIDA STATUTES AND THE CITY OF CLERMONT LAND DEVELOPMENT REGULATIONS. LENNAR HAS RELEASED BOOTH, ERN, STRAUGHAN & HOTT, INC. FROM SETTING INTERNAL SUBDIVISION CORNERS AND HAS ACQUIRED THE SERVICES OF AN ADDITIONAL SURVEYING FIRM TO COMPLETE THIS TASK.
- STATE PLANE COORDINATES SHOWN HEREON AND THEIR COMPUTED VALUES SHALL BE SUBORDINATED TO THE MONUMENTS, BEARINGS AND DISTANCES SHOWN ON THIS PLAT.
- ALL LOT LINES ARE NON-RADIAL UNLESS NOTED. RADIAL LINES ARE NOTED BY (RADIAL).
- TRACT "A" SHALL BE OWNED AND MAINTAINED BY THE HERITAGE HILLS OF CLERMONT HOMEOWNER'S ASSOCIATION, INC. FOR THE PURPOSE OF DRAINAGE, UTILITIES, LANDSCAPING, PEDESTRIAN PATH, SIGNAGE AND RECREATION PARK.
- TRACT "B" SHALL BE OWNED AND MAINTAINED BY THE HERITAGE HILLS OF CLERMONT HOMEOWNER'S ASSOCIATION, INC. FOR THE PURPOSE OF DRAINAGE, UTILITIES, LANDSCAPING AND SIGNAGE.
- TRACT "C" CONSISTS OF ALL THE INTERNAL ROADWAYS SHOWN HEREON AND SHALL BE OWNED AND MAINTAINED BY THE HERITAGE HILLS OF CLERMONT HOMEOWNER'S ASSOCIATION, INC. FOR THE PURPOSE OF LANDSCAPE, DRAINAGE, UTILITIES AND ROAD RIGHTS OF WAY. IT IS SPECIFICALLY UNDERSTOOD THAT NO OBLIGATION IS IMPOSED UPON THE CITY OF CLERMONT, NOR SHALL ANY REQUEST EVER BE ENTERTAINED BY THE CITY TO MAINTAIN OR IMPROVE TRACT "C".
- THERE IS A 5.00 FOOT DRAINAGE EASEMENT ON ALL SIDE AND REAR LOT LINES OF LOTS 1 THROUGH 51 UNLESS OTHERWISE SHOWN.
- LANDS DESCRIBED HEREON ARE SUBJECT TO AND/OR THE BENEFACITOR OF FOLLOWING LISTED INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA:
 - NOTICE OF RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 2243, PAGE 1206.
 - ORDINANCE NO. 2002-102 RECORDED IN OFFICIAL RECORDS BOOK 2248, PAGE 93; ORDINANCE NO. 2002-103 RECORDED IN OFFICIAL RECORDS BOOK 2248, PAGE 96; ORDINANCE NO. 2002-104 RECORDED IN OFFICIAL RECORDS BOOK 2248, PAGE 102.
 - DEVELOPER AGREEMENT FOR RECLAMATION ACTIVITIES RELATED TO THE CENTER LAKE SAND MINE RECORDED IN OFFICIAL RECORDS BOOK 2315, PAGE 1566.
 - CITY OF CLERMONT MISCELLANEOUS ORDINANCE NO. 559-M RECORDED IN OFFICIAL RECORDS BOOK 3203, PAGE 1411; CITY OF CLERMONT MISCELLANEOUS ORDINANCE NO. 559-M RECORDED IN OFFICIAL RECORDS BOOK 3241, PAGE 2436.
 - DISTRIBUTION EASEMENT IN FAVOR OF PROGRESS ENERGY FLORIDA, INC., RECORDED IN OFFICIAL RECORDS BOOK 3907, PAGE 1549; (THE LANDS ENCOMPASSED BY THIS SUBDIVISION HAVE BEEN RELEASED FROM THIS EASEMENT) PER THE PARTIAL RELEASE RECORDED IN OFFICIAL RECORDS BOOK 4545, PAGE 1386.
 - CITY OF CLERMONT MISCELLANEOUS ORDINANCE NO. 459-M RECORDED IN OFFICIAL RECORDS BOOK 4473, PAGE 2357.
 - AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN CENTER LAKE PROPERTIES, LTD. AND TARMAC AMERICA, LLC, RECORDED IN OFFICIAL RECORDS BOOK 2846, PAGE 328 AND AMENDMENT TO LEASE AGREEMENT RE-RECORDED IN OFFICIAL RECORDS BOOK 2892, PAGE 2285.
 - DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK: 2580, PAGE 1229.
 - KINGS RIDGE DEVELOPMENT ORDER RECORDED IN OFFICIAL RECORDS BOOK 2368, PAGE 1721 AND FIRST AMENDMENT THERETO RECORDED IN OFFICIAL RECORDS BOOK 3062, PAGE 385.
 - NOTICE OF ENVIRONMENTAL RESOURCE PERMIT RECORDED IN OFFICIAL RECORDS BOOK 4535, PAGE 2263.

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PLAT BOOK

PAGE

DEDICATION

HERITAGE HILLS PHASE 4A EAST

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owner in fee simple of the lands described herein do hereby dedicate the following for the purposes thereon expressed, subject to the general notes contained herein.

1. TO HERITAGE HILLS OF CLERMONT HOMEOWNER'S ASSOCIATION, INC.: Tracts "A", "B", and "C" are subject to perpetual rights of ingress and egress by the lot owners of HERITAGE HILLS, their tenants, invitees and licensees, together with those providers of sanitation, postal, fire and law enforcement and emergency and medical services, and their vehicles and personnel. A drainage easement is hereby granted over those areas designated as drainage easements shown or noted hereon.

2. TO LOT OWNERS OF HERITAGE HILLS: A perpetual ingress and egress easement is hereby granted over, across and upon Tract "C" including the right of ingress and egress for said Lot Owners' tenants, invitees, and licensees, together with those providers of sanitation, postal, fire and law enforcement and emergency and medical services, and their vehicles and personnel. A drainage easement is hereby granted over those areas designated as drainage easements shown or noted hereon.

3. TO PROVIDERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION SERVICES: A utility easement is hereby granted over, across and upon Tract "C" and those areas designated as utility easements shown hereon, including the right of ingress and egress over and across Tract "C" for the purpose of accessing said utility easements.

4. TO THE CITY OF CLERMONT: A utility easement is hereby granted over, across and upon Tract "C" and those areas designated as utility easements shown hereon, including the right of ingress and egress over and across Tract "C" for the purpose of accessing said utility easements.

IN WITNESS WHEREOF, The undersigned owner ___ has executed this Dedication in the manner provided by law on ___ day of ___, 20__.

Signed, sealed and delivered in our presence as witnesses:
OWNER: LENNAR HOMES LLC
a Florida corporation

1. SIGNATURE _____
PRINTED NAME _____
2. SIGNATURE _____
PRINTED NAME _____

STATE OF _____ COUNTY OF _____
The foregoing Dedication was acknowledged before me this ___ day of ___, 20__, by Patrick "Rob" Bonin
as Authorized Agent Lennar Homes LLC
He (is personally known to me) or (has produced as identification) and (did) (did not) take an oath.
Signature of Acknowledger _____
Printed name of Acknowledger _____
My commission Expires: _____ (SEAL OR STAMP)

CERTIFICATE OF APPROVAL OF MUNICIPALITY

THIS IS TO CERTIFY, that this plat was reviewed in accordance with Section 177.081, Florida Statutes and presented to the CITY COUNCIL of Clermont, Lake County, Florida, and approved by said CITY COUNCIL of Clermont for record on the ___ day of ___, 2014, provided that this plat is recorded in the office of the Clerk of the Circuit Court of Lake County, Florida within ___ days from the date of approval by said City of Clermont, Florida.

Attest: _____ City of Clermont
City Clerk _____ Mayor
PRINT NAME _____ PRINT NAME _____

REVIEWER STATEMENT

Pursuant to Section 177.081, Florida Statutes, I have reviewed this plat for conformity to Chapter 177, Part I, Florida Statutes, and find that said plat complies with the technical requirements of that Chapter; provided, however, that my review does not include field verification of any of the coordinates, points or measurements shown on this plat. CPH, Inc. - 500 West Fulton Street; Sanford, FL 32771
(407) 322-6841 Licensed Business No. 7143
For the firm: _____ Date _____

RANDALL L. ROBERTS, VICE PRESIDENT
PROFESSIONAL SURVEYOR AND MAPPER No. 3144

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a Registered Surveyor and Mapper, fully licensed to practice in the State of Florida, does hereby certify that this plat was prepared under his direction and supervision, and that this plat complies with all the requirements of Section 177, Florida Statutes.

Booth Ern Straughan Hott, Inc. - 902 North Sinclair Avenue
Tavares, FL 32778 Licensed Business No. 7514

JENNINGS E. GRIFFIN
PROFESSIONAL LAND SURVEYOR 4486

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes and was filed for record on _____ at _____ File No. _____

Clerk of the Circuit Court
in and for Lake County, Florida

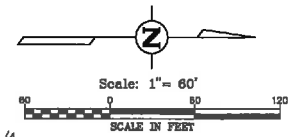
HERITAGE HILLS PHASE 4A EAST

LYING IN SECTION 2, TOWNSHIP 23 SOUTH, RANGE 26 EAST,
CITY OF CLERMONT, LAKE COUNTY, FLORIDA.

SHEET 2 OF 2

PLAT BOOK

PAGE



W 1/4 CORNER
SECTION 2-23-26
FOUND 4x4 CM
PRM LB#7514

POINT OF BEGINNING
SE CORNER
HERITAGE HILLS PHASE 4A
PLAT BOOK 65, PAGE 37
STATE PLANE COORDINATE
EAST ZONE
N: 1520475.3263
E: 434662.9152
LAT: N28°30'52.9609"
LONG: W81°41'23.0103"
SCALE: 0.9999974
CONV: -019°45.40'

R=1255.00'
Δ=16°05'51"
L=352.60'
CH=351.44'
CB=N82°45'32"W

R=1145.00'
Δ=09°12'35"
L=184.05'
CH=183.85'
CB=N79°18'53"W

R=180.00'
Δ=19°35'02"
L=61.52'
CH=61.23'
CB=S14°22'12"W

E 1/4 CORNER SECTION 2-23-26
FOUND 4x4 CM NO ID
FOUND 4x4 CM PRM RLS #1993
HARTWOOD MARSH ROAD (15.03' S)

HERITAGE HILLS PHASE 4A
PLAT BOOK 65, PAGE 37

R=1170.00'
Δ=02°28'32"
L=50.55'
CH=50.55'
CB=S00°56'22"E

N00°20'49"E 1319.89'
W LINE, NW 1/4
SECTION 2-23-26

NW CORNER S 1/2, NW 1/4,
SECTION 2-23-26
FOUND 4x4 CM PRM LB#7514

EAST BOUNDARY
HERITAGE HILLS PHASE 4A
PLAT BOOK 65, PAGE 37

STATE PLANE COORDINATE
EAST ZONE
N: 1521664.4521
E: 435197.6422
LAT: N28°31'04.7614"
LONG: W81°41'17.0929"
SCALE: 0.9999971
CONV: -019°42.69'

LEGEND

- PERMANENT REFERENCE MONUMENT - SET 4"x 4" CONCRETE MONUMENT WITH DISC STAMPED 'BESH PRM LB #7514'
- PERMANENT REFERENCE MONUMENT - FOUND 4"x 4" CONCRETE MONUMENT WITH DISC STAMPED 'PRM LB #7514' UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT - SET NAIL & DISK STAMPED 'BESH PCP LB #7514' UNLESS OTHERWISE NOTED
- INDIVIDUAL LOT & TRACT CORNERS TO BE SET BY OTHERS (SEE NOTE 3, SHEET 1)
- CM CONCRETE MONUMENT
- LB LICENSED BUSINESS
- Δ CENTRAL ANGLE
- CH CHORD DISTANCE
- CB CHORD BEARING
- PC POINT OF CURVATURE
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- RP RADIUS POINT
- CL CENTERLINE
- R RADIUS
- L LENGTH
- D.E. DRAINAGE EASEMENT
- U.E. UTILITY EASEMENT
- C3 REFERENCE TO CURVE TABLE
- L2 REFERENCE TO LINE TABLE
- ID IDENTIFICATION

SECTION 2-23-26=SECTION 2, TOWNSHIP 23 SOUTH, RANGE 26 EAST

LINE TABLE		
LINE	BEARING	LENGTH
L1	N45°17'54"E	14.50'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CENTRAL ANGLE	CHORD BEARING
C1	100.00'	152.76'	87°31'21"	N44°03'38"E
C2	100.00'	157.08'	90°00'00"	N44°42'06"W
C3	100.00'	78.54'	45°00'00"	N22°12'06"W
C4	100.00'	78.54'	45°00'00"	N67°12'06"W
C5	25.00'	30.27'	90°00'00"	S42°19'22"W
C6	130.00'	53.24'	23°27'48"	N73°06'29"E
C7	130.00'	55.64'	24°31'21"	N52°06'55"E
C8	130.00'	51.37'	22°38'34"	N28°30'58"E
C9	130.00'	38.34'	16°53'47"	N08°44'47"E
C10	130.00'	24.87'	10°57'34"	N05°10'53"W
C11	35.00'	25.92'	42°25'46"	S10°33'12"W
C12	60.00'	7.40'	07°04'14"	N28°13'58"E
C13	60.00'	51.08'	48°46'37"	N00°18'32"E
C14	60.00'	43.22'	41°18'08"	N44°42'50"W
C15	60.00'	51.20'	48°53'20"	N89°47'34"W
C16	60.00'	7.26'	06°56'03"	S62°17'44"W
C17	35.00'	25.92'	42°25'46"	N80°02'35"E
C18	130.00'	24.87'	10°57'34"	N84°13'19"W
C19	25.00'	39.27'	90°00'00"	S45°17'54"W
C20	70.00'	109.86'	90°00'00"	N44°42'06"W
C21	25.00'	39.27'	90°00'00"	N45°17'54"E
C22	25.00'	36.27'	90°00'00"	S44°42'06"E
C23	25.00'	39.27'	90°00'00"	S45°17'54"W
C24	25.00'	39.27'	90°00'00"	N44°42'06"W
C25	70.00'	106.93'	87°31'28"	N44°03'38"E
C26	25.00'	39.27'	90°00'00"	S47°10'38"E
C27	1255.00'	77.51'	03°32'19"	N89°02'18"W
C28	1255.00'	70.46'	03°13'01"	N85°39'38"W
C29	1255.00'	71.04'	03°14'35"	N82°25'50"W
C30	1255.00'	71.85'	03°16'49"	N79°10'07"W
C31	1255.00'	61.74'	02°49'07"	N76°07'09"W
C32	1170.00'	33.27'	01°37'46"	S01°21'45"E
C33	1170.00'	17.28'	00°50'46"	S00°07'29"E





AGENDA ITEM

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Surplus Request		
Requested Action		
Move to approve Fire Department surplus request.		
Staff Report		
The Rocket routers and associated wireless amplifiers were used to boost wireless signals so response units could send and receive signals from Lake County Communications for purposes of unit location and wireless messaging. Lake County has moved to a new AVL solution which no longer requires these devices. The following vehicles have reached the end of their service life and have been replaced with new vehicles. 2001 Chevrolet Impala 135,541 miles 2006 Ford Crown Victoria 102,514 miles 2001 Chevrolet Suburban 114,541 miles The Fire Department requests approval to surplus these items.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Routers Amplifiers	Routers Amplifiers.pdf	
2. Routers Amplifiers Serial Numbers	Routers Amplifiers Serial Numbers.pdf	
3. Vehicles	Vehicle Surplus.pdf	

City of Clermont
Fixed Asset Disposal / Transfer Form

Department Name: _____ Date: _____

Brand/Make: _____ Model: _____

Serial/Vin Number: _____

Description of Asset: _____

Reason for Disposal/Transfer

Not working & beyond repair

Sold (a copy of sales receipt and/or other evidence of sale
must accompany this form)

Obsolete

Trade-In

No longer needed

Other: please explain in detail

Transfer - Employee accepting responsibility for the above item:

Property transferred to: _____ Date transferred: _____

Signature of employee receiving property: _____

Comments: _____

Disposal - By my signature I represent under oath that the above facts are true and correct
to the best of my knowledge.

Method of disposal: _____ Date of disposal: _____

Disposed by: _____ Witnessed by: _____

Finance office use only

Date notice of disposal/transfer received & recorded: _____

Recorded deletion/transfer fixed asset inventory records by: _____

Rocket Router and Amplifier Serial Numbers

Routers	Devise S/N	City of Clermont inventory #
1	U10-333-069	
2	U10-281-567	
3	U10-295-751	10070
4	U10-295-797	10077
5	U10-281-857	10115
6	U10-281-840	
7	U10-296-780	10069
8	U10-295-463	
Amps		
1	81120D2011504524	
2	81120D2011520980	
3	81120D2011521258	
4	81120D2011521003	
5	81120D2011522956	
6	81120D2011523030	

City of Clermont
Fixed Asset Disposal / Transfer Form

Department Name: Fire Date: 12/16/2014

Brand/Make: Ford Model: Crown Victoria

Serial/Vin Number: 2FAFP71W66X138305

Description of Asset: Unmarked 2006 Ford Crown Victoria Sedan with 102,514 miles

Reason for Disposal/Transfer

- ☐ Not working & beyond repair
- ☐ Sold (a copy of sales receipt and/or other evidence of sale must accompany this form)
- ☐ Obsolete
- ☐ Trade-In
- ☐ No longer needed
- ☒ Other: please explain in detail

2006 Ford Crown Victoria is no longer road-worthy; vehicle repairs
exceed the current value of the vehicle

Transfer - Employee accepting responsibility for the above item:

Property transferred to: _____ Date transferred: _____

Signature of employee receiving property: _____

Comments: _____

Disposal - By my signature I represent under oath that the above facts are true and correct to the best of my knowledge.

Method of disposal: _____ Date of disposal: _____

Disposed by:  Witnessed by: _____

Finance office use only

Date notice of disposal/transfer received & recorded: _____

Recorded deletion/transfer fixed asset inventory records by: _____

City of Clermont
Fixed Asset Disposal / Transfer Form

Department Name: Fire Date: 12/16/2014

Brand/Make: Chevrolet Model: Impala

Serial/Vin Number: 2G1WF52EX19231082

Description of Asset: 2001 White Chevrolet Impala Sedan with Fire Prevention markings and
135,541 miles

Reason for Disposal/Transfer

- ☐ Not working & beyond repair
- ☐ Sold (a copy of sales receipt and/or other evidence of sale
must accompany this form)
- ☐ Obsolete
- ☐ Trade-In
- ☐ No longer needed
- ☒ Other: please explain in detail

2001 Chevy Impala is no longer road-worthy; vehicle repairs
exceed the current value of the vehicle

Transfer - Employee accepting responsibility for the above item:

Property transferred to: _____ Date transferred: _____

Signature of employee receiving property: _____

Comments: _____

Disposal - By my signature I represent under oath that the above facts are true and correct
to the best of my knowledge.

Method of disposal: _____ Date of disposal: _____

Disposed by:  Witnessed by: _____

Finance office use only

Date notice of disposal/transfer received & recorded: _____

Recorded deletion/transfer fixed asset inventory records by: _____

City of Clermont
Fixed Asset Disposal / Transfer Form

Department Name: Fire Date: 12/16/2014

Brand/Make: Chevrolet Model: Suburban

Serial/Vin Number: 3GNEC16R2WG116899

Description of Asset: 2001 White Chevrolet Suburban with Fire Prevention markings and
114,541 miles

Reason for Disposal/Transfer

- ☐ Not working & beyond repair
- ☐ Sold (a copy of sales receipt and/or other evidence of sale
must accompany this form)
- ☐ Obsolete
- ☐ Trade-In
- ☐ No longer needed
- ☒ Other: please explain in detail

1998 Chevy Suburban is no longer road-worthy; vehicle repairs
exceed the current value of the vehicle

Transfer - Employee accepting responsibility for the above item:

Property transferred to: _____ Date transferred: _____

Signature of employee receiving property: _____ klumson@clermont.org

Comments: _____

Disposal - By my signature I represent under oath that the above facts are true and correct
to the best of my knowledge.

Method of disposal: _____ Date of disposal: _____

Disposed by: _____ Witnessed by: _____

Finance office use only

Date notice of disposal/transfer received & recorded: _____

Recorded deletion/transfer fixed asset inventory records by: _____



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Event Sponsorship Request		
Requested Action		
Move to approve Pig on the Pond event request.		
Staff Report		
This is a request from Pig on the Pond to the City of Clermont to approve sponsorship of the event on March 13, 14, 15 2015 in the amount of \$19,000 at Waterfront Park. Pig on the Pond Inc. has also requested to have open containers be permitted at Waterfront Park in the approved Beverage Area (see map for details). Pig on the Pond has agreed to hire the appropriate number of off duty Clermont Police Officers for the alcohol area as required by the Clermont Police Department. The organization also requests fee waivers for the use of Waterfront Park from March 9 - 16 as well as all tent fees be waived. Please see the attached detail form outlining the tents.		
Additional Analysis		
Fiscal Impact Summary		
Sponsorship fee of \$19,000 is included in the approved Fiscal Year 2015 budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$19,000.00	10574-88201	\$19,000.00
Exhibits Attached (copies of original agreements)		
1. Pig on the Pond Council Packet Council Packet - Pig on Pond 2015.pdf		



Pig on the Pond, Inc.
PO Box 121543 Clermont, FL 34712
Phone: 407-625-3818 Fax: 407-982-7218
Email: info@pigonthepond.org
www.pigonthepond.org

December 15, 2014

Mr. Darren Gray
Clermont City Manager
P.O. Box 120219
Clermont, FL 34712

Dear Darren;

We greatly appreciate the generous cooperation of the City of Clermont in making Pig on the Pond "For the Kids" a success. **Without your support, our event would not be possible.**

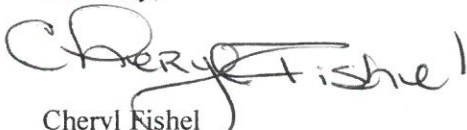
Pig on the Pond, Inc. would like to request to be put on the City Council agenda to gain permission for the use of the Waterfront Park, along with the highlander hut and pavilion. We are also requesting permission to use the parking area formerly owned by Bell Ceramics for the 17th Annual Event scheduled for March 13th, 14th & 15th, 2015.

We would like the City to again provide us with Police Officers for the event and Clermont Fire Department to be on-site. In the past, the City has provided barricades for city streets, and public works employees to assist with set up and clean up along with garbage collection. Pig on the Pond would like to offer the City of Clermont a Presenting sponsorship packet for \$30,000. Please see the attached benefits packet.

All proceeds from this event go to scholarships and educational programs benefiting residents in the South Lake County community.

Thank you for your assistance in this matter. If you have questions, please feel free to contact me 407-625-3818. Representatives of Pig on the Pond, Inc. will be in attendance at the council meeting to answer any questions.

Sincerely,


Cheryl Fishel
Event Manager

Mission Statement

Provide scholarships and educational support to our local students positioning them to lead successful and impactful lives in their chosen communities.



17th Annual Pig on the Pond Partnership Package

Presenting Partner

As a Presenting Partner of Pig on the Pond “For the Kids” the City of Clermont, along with News 13 will be provided with an extensive list of benefits designed to serve as a platform to achieve your marketing and communications objectives. An overview of the rights you can receive is outlined below and other promotional ideas can be developed for this list.

Extensive On-site Presence

Prime Booth Space for Exhibits or Sales - 30'x30' includes Tent Tables and Chairs

Advertising - ALL ADVERTISING WILL LIST YOU AS PRESENTING PARTNER. YOUR LOGO WILL BE ON THE TOP AND LARGER THEN OTHER PARTNERS OF THE EVENT.

Logo on front cover of the event program – distribution 40,000

Logo on event commercial

½ ad in the event program

Logo on all event ads

Logo on home page - www.pigonthepond.org. Link to your website

Signage

Logo on all event signs and banners



Primary Signage on the event pavilion and event sitting tents (Sponsor to supply a maximum 8' Banners)

Banner presence on event barricades

Event Tickets

55 Entries for the 5K Rib Run for Education

80 Entry Tickets

20 Meal Tickets

20 Carnival Passes



Pig On The Pond 2015



200 100 0 200 Feet

1" = 200'





CITY OF CLERMONT
WATERFRONT PARK
330 Third Street, Clermont, FL 34711

EVENT APPLICATION

If approved, this application will be subject to the attached use agreement and responsible for any charges associated with this rental.

Date of Application: 12/8/14 Name of Event: Pig on the Pond "For the Kids"
Date(s) of Request: 3/13, 3/14, 3/15 2015 Actual Event Hours Start: Fri, 3/13 5pm-10pm Sat 3/14 10am-10pm End: 6pm
3/19 - 3/12 (All events must end no later than 10pm)
Set Up Hours Start: 6am End: 10pm Breakdown Hours Start: 7am End: 7pm
3/14

Please check section/s of the park being requested:

- ☒ Waterfront Pavilion ☒ Highlander Building ☒ Waterfront Beach Picnic Pavilion ☒ Waterfront Picnic Pavilion
☒ Grass Field ☒ Parking Lot 5th Street ☒ Parking Lot 4th Street ☒ Parking Lot 3rd Street ☒ Parking Area 2nd Street
☐ If Other (Please Describe): _____

Name of Organization/Renter: Pig on the Pond, Inc.

Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government
Nonprofit

Tax Exempt: ☒ Yes ☐ No If Yes, you must provide your Tax Exempt # 54-2079731

Federal ID #/Drivers License #: 54-2079731 Website: Pigonthepond.org

Event Contact: Cheryl fishel Email: Pigonthepond@earthlink.net

Day Phone: 407-625-3818 Cell Phone: Same Other Phone/Fax: 407-982-7218

Address: PO Box 121543 City: Clermont State: FL Zip: 34712

Secondary Contact: Tracy Leighton Phone#: 352-978-0455

Briefly Describe Event (including fees to be charged if any): BBQ & Community event to raise funds "For the Kids"

Event Participants: 200 Expected Attendance: 30,000 # of Vehicles: 200+ onsite

Are you planning on having food? ☒ Yes ☐ No Type of food: all

Are you planning on selling food? ☒ Yes ☐ No Will you have an admission fee: ☒ Yes ☐ No If yes, how much: \$5.00 Adults \$3.00 kids 2-6.

Do you intend to set up tents? ☒ Yes ☐ No If yes, then how big, how many and where? See attached
A special tent permit may be required

Please attach a proposed layout showing your event including parking, tents, event items, etc.

I understand and agree that I am responsible for any vandalism or damage to the buildings and/or fixtures during my rental dates. As assurance of such responsibility I am posting the required deposit, which will be returned to me after the completion of my scheduled event, providing that the rental facilities, buildings and fixtures are not damaged, that all equipment has been properly stored and additional cleanup is not necessary. I understand all rental fees and deposit is required at time of reservation.

Cheryl fishel
Applicant Signature

12/8/14
Date

Rules received and read (initial): CF



CITY OF CLERMONT Alcohol Request Form

Date of Application: Dec 15, 14 Name of Event: Pig on the Pond For the Kids
Date (s) of Event: 3/13 - 3/15, 2015 Location of Event: Waterfront Park
Event Times: 3/13 - 5pm - 10pm From: 3/15 - 11am - 6pm To: _____ am/pm
Name of Organization/Renter: Pig on the Pond, Inc.
Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government
Contact Name: Cheryl Fisher Email: Pigonthepond@earthlink.net
Day Phone: (407) 625 3818 Cell Phone: (407) 625 3818
Address: P.O. Box 121543 City: Clermont State: FL Zip: 34712
Event Description: Community Event "For the Kids"

What do you plan on serving? ☒ Beer ☒ Wine/Champagne (check all that apply) ☐ Other _____

What is your beverage containment area? Outside event attach diagram, Inside event list room/s: See attached

Who is your licensed beverage caterer? Beef o' Brady's

I declare that all information herein is true and complete to the best of my knowledge.
I understand that approval of this request is NOT a grant of a liquor license.

Cheryl Fisher Dec 15, 14
Applicant Signature Date

FOR CITY STAFF USE ONLY

The foregoing application has been reviewed and **PERMISSION TO USE PARK PREMISES FOR THE SERVICE OF ALCOHOLIC BEVERAGES IS:**

☐ **GRANTED ALCOHOL BEVERAGES.** In order to receive an alcohol approval for your event, applicant must meet all requirements of the City of Clermont, County and State of Florida. A certificate of insurance is required.

☐ **GRANTED ALCOHOL BEVERAGES AS AMENDED:** _____

☐ **DENIED** for the following reason (s): _____

SIGNATURE

TITLE

DATE

Please return the completed request to:
City of Clermont Parks & Recreation
Attention: Special Event Request
3700 South Highway 27, Clermont, FL 34711



CITY OF CLERMONT Fee Variance Request Form

Date of Application: 12/8/14 Name of Event: Pig on the Pond "For the Kids"
Date (s) of Event: March 13, 14, 15, 2015 Location of Event: Waterfront Park, Clermont
Event Times: Fri From: 3/13 5 am/pm To: 10 am/pm Sunday
Sat 3/14 10 AM 10 pm 11 AM
Name of Organization/Renter: Pig on the pond, Inc. - 6 PM
Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government
Physical Location of Group requesting Rental: ☒ City of Clermont ☐ Lake County (other than Clermont) ☐ Outside of Area
Contact Name: Cheryl Tishel Email: Pigonthepond@earthlink.net
Day Phone: (407) 625-3818 Cell Phone: (407) 625-3818
Address: PO Box 121543 City: Clermont State: FL Zip: 34711
Event Description: BBQ & Community Event to raise funds
"For the Kids"
Describe your item/s to be considered for fee variance (Must be specific): waterfront park and parking
lots, Fire Department to be on-site, public works employees
to assist with setup and breakdown along with trash
Pickup. Clermont Police officers.

I declare that all information herein is true and complete to the best of my knowledge.

Cheryl Tishel
Applicant Signature

12/8/14
Date

FOR CITY STAFF USE ONLY

- ☐ \$2,500 or less APPROVAL BY CLERMONT CITY MANAGER
☐ \$2,501 or more APPROVAL BY CLERMONT CITY COUNCIL

The foregoing application has been reviewed and REQUEST FOR FEE VARIANCE IS:

☐ GRANTED

☐ GRANTED AS AMENDED: _____

☐ DENIED

City Manager Signature

Date

Please return the completed request to:
City of Clermont Parks & Recreation Department
Attention: Special Event Requests
3700 South Highway 27, Clermont, FL 34711



Pig on the Pond, Inc.
PO Box 121543 Clermont, FL 34712
Phone: 407-625-3818 Fax: 407-982-7218
Email: info@pigonthepond.org
www.pigonthepond.org

December 8, 2015

Mr. David VanDever
Public Works
City of Clermont

Dear David,

This letter is in preparation for the items needed from the City for the 17th annual "Pig on the Pond" held at the Waterfront Park on March 13th, 14th and 15th, 2015

- Garbage Cans with can liners (please let me know how many you have available)
- Barricades for city streets (locations to be provided by 3/1)
- Unload Pig on the Pond shed (located on City property) on 3/9 at 8:30 AM
- Water lines need to be checked and repaired by 3/9
- Walkthrough on 3/2 at 11:00 AM
- Remove the cement poles at the end of 4th street
- Place no parking and tow away signs in the areas surrounding the park out to Osceola Street and East Ave.
- Provide a drum for the hot coals
- Assist with Orange fencing 3/11
- Unlock the power box for the carnival
- Unlock the cable wires to allow for driving on the grass
- Prune the trees on 2nd street in between Carroll St. and Orange Ave.
- Provide employees to collect the garbage on Friday, March 13th, 5 PM – 11 PM, Saturday, March 14th, from 8 AM – 11 PM and Sunday March 15th from 11 AM – 7 PM,
- Provide us with 10 orange cones
- Provide 2 bleachers for the pig racing event
- Provide a crew to assist with teardown and clean up of the event.

I believe I have covered everything we need. Thanks again for all your help.

Cheryl Fishel
Event Manager
cc: Darren Gray



CITY OF CLERMONT
Open Air Sales Permit
Application

BUSINESS NAME (if applicable): Pig on the Pond, Inc. Date: Dec 17, 14

APPLICANT & CONTACT PERSON: Cheryl Fishel, Event Manager

Address: 14146 Uister Del Lago Blvd.

City: Clermont State: FL Zip: 34712

Phone: 407-625-3818 Fax: 407-982-7218

E-Mail: Pigonthepond@earthlink.net

PROPERTY OWNER: City of Clermont

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Proposed location of sale (attach site plan, map, aerial, etc. as needed to demonstrate proposal):

Waterfront Park.

Description of proposed operation (attach additional information as necessary): Community
Event "For the Kids"

Date(s) for which permit is requested: March 10, 2015 - March 14, 2015

Hours of operation: 24 hours a Day

I /we, the undersigned property owner / applicant, do hereby state that I /we have read the City of Clermont's regulations for Open Air Sales and will abide by these regulations. By signing below, applicant and/or property owner understands that should the Open Air Sales not occur on the date specified above, subsequent requests may be denied.

Cheryl Fishel
Applicant Name (print)

X Cheryl Fishel
Applicant Name (signature)

Owner Name (print)

X _____
Owner Name (signature)

Approved by the City of Clermont

Date

Notes: _____

To: City of Clermont

From: Cheryl Fishel, Event Manager
Pig on the Pond "For the Kids"

Subject: Waive Permits for the following tents

We are requesting the City of Clermont waive the Permit fees for the following tents to be used at Pig on the Pond "For the Kids" on March 13th, 14th and March 15th

Pig on the Pond Event – Rentals

1-40x40 tent

2-30x40 tents

1-10x40 tent

1-20x30 tent

2- 10x100 tent

4-30x30 tents

10-20x20 tents

5-10x20 tents

16-10x10 tents

Thank you for your consideration



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, January 13, 2015			
Agenda Item Name			
Fee Reduction Request			
Requested Action			
Move to approve 50 percent reduction of softball field rental fees.			
Staff Report			
This request is to allow all softball overflow usage coming from the PFX Softball facility to be granted a 50 percent reduction off the standard rental fees.			
Additional Analysis			
Fiscal Impact Summary			
Estimate value of fees reduction is approximately \$12,600.			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	PFX Request Letter	City of Clermont - Partnership Usage Rate - Letter of Request 2015.pdf	

Letter of Request
Submitted on December 24, 2014

To: Clermont City Council
From: NTC Softball/ PFXA, Inc.

The intent of this letter is to request a continuation of the partnership between the City of Clermont with NTC Softball/PFXA and the National Training Center with the partnership rate for the use of the city facilities for any overflow needs of events.

In Summation:

- The request is for the Clermont City Council to approve the continuation of the “Partnership Usage Rate” with the overflow needs of events:
- Term: Beginning February 1, 2015 through January 31, 2016
 - o 50% reduced usage rate of the hourly field usage charge.

Thank you for your time and continued support. We enjoy working with the City of Clermont to bring economic impact to the area through sport. Also, thank you for your service and leadership to our community. You are greatly appreciated.

Respectfully,

Alison Strange
President
NTC Softball/PFXA, Inc.
2350 Legends Way Ballfields
Clermont, FL 34711
352-241-4585 ext. 701



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Facility Use and License Agreement		
Requested Action		
Move to approve the Facility Use and License Agreement		
Staff Report		
The City requests to engage the services of Red Apples Media in exchange for allowing the company to use space, not being used otherwise, at the Clermont Arts & Recreation Center and payment of \$800 per month by City. The services to be provided to the City by Red Apples Media include marketing, advertising and video production on a monthly basis and have an estimated value of \$3,600 per month.		
Additional Analysis		
Fiscal Impact Summary		
Annual fiscal impact is \$9,600.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Red Apples Agreement Jan. 7 2015	Red Apples Media license agmt010714 rev.pdf	
2. License agreement Red Apples Media	Exhibit A.pdf	

FACILITY USE AND LICENSE AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 2015 by and between the City of Clermont, hereinafter referred to as “City,” and Hometown Health TV, LLC d/b/a Red Apples Media , a Florida For-profit Limited Liability Corporation, hereinafter referred to as “Licensee,” whose address is P.O. Box 490614, Leesburg, FL 34739.

WITNESSETH:

WHEREAS, the City is the owner of a certain public facility located in Clermont, Florida, commonly known as Clermont Arts & Recreation Center; and

WHEREAS, Licensee desires to utilize certain facilities located at Clermont Arts & Recreation Center for the purposes hereinafter set forth; and

NOW, THEREFORE, in consideration of the covenants herein contained, it is mutually agreed between the parties as follows:

1. **Term and Termination.** The term of this Agreement shall be effective for the period of February 1, 2015 through and including January 31, 2016, whereupon it shall terminate. Either party may terminate this Agreement for cause at any time upon written notice to the other party. City, may, upon sixty (60) days written notice to Licensee, terminate the Agreement for any reason. Upon termination of the Agreement for any reason, the Licensee shall, as of the effective date of the termination, cancel or terminate all activities occurring or to occur on the premises as described below and remove all personal property of Licensee.

2. **Use of Property.** The City agrees to permit Licensee to utilize the Premises described below for all lawful purposes consistent with City's operating rules, policies and procedures for the Premises, subject to the terms and conditions set forth herein. Throughout the term of this Agreement Licensee shall have exclusive use of the office area adjacent to the control room as more particularly described in Exhibit "A" attached hereto and incorporated herein and on an as needed basis and subject to availability, to the control room described in Exhibit "A", hereinafter referred to as the "Premises". Licensee's access to the Premises shall be limited to those dates and times that the City's Arts and Recreation Center is open for normal activities. Licensee may not use any other part, room or portion of the Arts and Recreation Center or any other City facility without separate express prior written consent of City. Additionally, Licensee, unless otherwise agreed to by the City in writing, shall not house or store on the Premises any personal property belonging to Licensee or any officer, employee, agent, invitee or guest thereof. Licensee shall be responsible for any damage to the Premises as may be caused by Licensee's use of the Premises and/or by the acts or inactions of Licensee's employees, agents or invitees, reasonable wear and tear excepted.

3. **Indemnification.** Licensee shall defend, indemnify and hold harmless the City from and against all claims, damages, lawsuits, liabilities, losses and expenses, including reasonable attorney's fees and costs, arising out of or resulting from the Licensee's use of the Premises. Such indemnification shall include all claims of Licensee's guests and participants and any claims, damages, lawsuits, liability's, losses and expenses, including attorney fees and costs that may result from the negligence of City. Nothing herein shall be

construed or act as a waiver of any sovereign immunity that City may enjoy.

4. **Insurance.** Licensee, at its own cost and expense, provide and maintain, at all times during the term of this Agreement policies of insurance insuring the Licensee and the City against any and all claims, demands, actions and causes of action whatsoever for injuries received and damage to property in connection with the use and occupation of the Premises by Licensee. Such policies shall in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) to cover claims of any one person from any single or specific cause and in an amount not less than TWO MILLION DOLLARS (\$2,000,000.00) to cover, in connection with any one particular accident or occurrence, the total aggregate of claims that may arise or to be claimed to have arisen against the City or the Licensee, as aforesaid.

All such insurance shall be evidenced by a Certificate of Insurance which must be submitted to, and approved by, the City prior to any use by Licensee of the Premises under this Agreement. The City shall be named as an additional insured on the insurance policy, which shall be noted on the Certificate of Insurance and the City shall be provided with a thirty (30) day, prior written notice in the event of cancellation, non-renewal or adverse change to such policies. Failure to comply with any insurance requirement shall cause immediate cancellation of this Agreement. Nothing herein shall be construed or act as a waiver of any sovereign immunity that City may enjoy.

The City shall not be liable, in any manner, for any loss or damage to any of the Licensee's or participants' personal property whatsoever.

5. **Communication/Use of City Name or Logo.** Licensee shall advise City in advance of the name and contact information for Licensee's designee for communication

purposes between the City and the Licensee. All communication by the Licensee with the City must be made through the Licensee's designee. Communication, information or requests for service by Licensee must be made to the Parks and Recreation Supervisor or his/her designee.

Licensee shall not use City's name, likeness, logo or any reasonable facsimile thereof, for any purpose, without City's prior written consent.

6. **Inspection Rights and General Right of Entry by City.** The City shall have the unrestricted right at all times to enter on the Premises used by Licensee to inspect the Premises to ensure Licensee's compliance with the terms and conditions contained herein.

7. **Maintenance.** The City will maintain the Premises in accordance with the City's routine maintenance policies and plans. Notwithstanding the foregoing, Licensee, at its expense, shall be responsible for general cleaning of the Premises.

8. **City's Right to Usage.** The City retains the right to schedule use of the control room, to accommodate the greater need of the Clermont community. In accordance therewith, Licensee and City shall plan on no less than a monthly basis during the term of the Agreement, the use of the control room by Licensee.

9. **Consideration.**

In consideration for the license granted herein and the mutual benefits to each party, Licensee and City agree as follows:

- a) Licensee shall produce a monthly segment for the City of Clermont for multi-media use. The content will be at the discretion of the City, and Licensee shall

provide full production services, to include, but not limited to, scripting, shooting, producing, editing and other work load associated with producing the monthly segment.

b) Licensee shall provide on a monthly basis, five (5) hours of video services provided by Licensee's staff using Licensee's equipment to shoot and capture content, as directed by the City.

c) Licensee shall promote and air the "Clermont Update" on LSTV a minimum of ten times per week, 40+ times per month. Necessary formats and links will be included for use by the City in additional promotion and sharing.

d) On a monthly basis, Licensee shall provide cross-promotion of the City of Clermont content and video production in Licensee's FOCUS Magazine to include listing City content within the LSTV line-up page within FOCUS. Lay-out and format will be at the discretion of the magazine editorial staff.

e) On a quarterly basis, Licensee shall pay to City 10% of any revenue generated by Licensee from video services, catering or similar services as a result of Licensee's relationship with the City. This revenue share shall include events and other production work that may be booked as a result of Licensee's production for the City. The payment described herein shall be provided within fifteen days of the expiration of the applicable quarter and shall include, in a format acceptable to City, a financial statement showing all revenue and expenses associated with or derived from the services contemplated herein.

f)

g) On a monthly basis, City shall pay to Licensee EIGHT HUNDRED DOLLARS (\$800) as further consideration for the above benefits provided by Licensee.

10. **Enforcement of Use Policies.** All persons entering the Premises are subject to the policies set forth by the City.

11. **Safety Requirements and Compliance with Laws.** Licensee will take all reasonable precautions for the safety of, and will provide reasonable protection to prevent damage, injury or loss to all property of City and persons using the Premises as authorized or invited by Licensee. Licensee will comply with all applicable laws, ordinances, rules, regulations, standards and lawful orders of any public authority.

12. **License Only.** This Agreement is a license for temporary use only and creates no possession or ownership interest in the Licensee, or exclusive use, of the Premises. The term "Licensee" is used in this document merely for descriptive convenience and in no way creates or implies any possessory interest whatsoever.

13. **Signs/Banners.** All signs and banners to be used by Licensee shall be approved in advance by City and installed, erected or hung in accordance with the City's specifications. Any unapproved signage may be immediately removed by the City.

14. **Improvements/Alterations.** Licensee shall not make any alterations or improvements to the Premises, or any facility thereon, without prior written approval from the City.

15. **Amendments.** This Agreement may be amended only through a written document executed by both parties.

16. **Assignment.** This Agreement may not be assigned by Licensee.

17. **Notice.** All notices required to be given under this agreement shall be deemed sufficient to each party when delivered by United States Mail to the following:

As to the City: 685 West Montrose Street
Clermont, FL 34711
Attn.: Darren Gray, City Manager

As to the Licensee: 116 Orange Avenue
Leesburg, FL 34748
Attn.: Marc Schwartz

18. **Governing Law/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue for any action hereunder shall be exclusively in Lake County, Florida.

19. **Signatory.** Each signatory below represents and warrants that he or she has full power and is duly authorized by their respective party to enter into and perform this Agreement. Such signatory also represents that he or she has fully reviewed and understands the above conditions and intends to fully abide by the conditions and terms of this Agreement as stated.

20. **Entire Agreement.** This Agreement contains the entire agreement between the parties. No promises, representations, warranties or covenants not included herein has been or shall be relied upon by either party. Any modifications, additions, or amendments hereto must be in writing and signed by all parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____ 2015.

ATTEST:

CITY OF CLERMONT

Tracy Ackroyd, City Clerk

BY: _____
Gail Ash, Mayor
DATE: _____

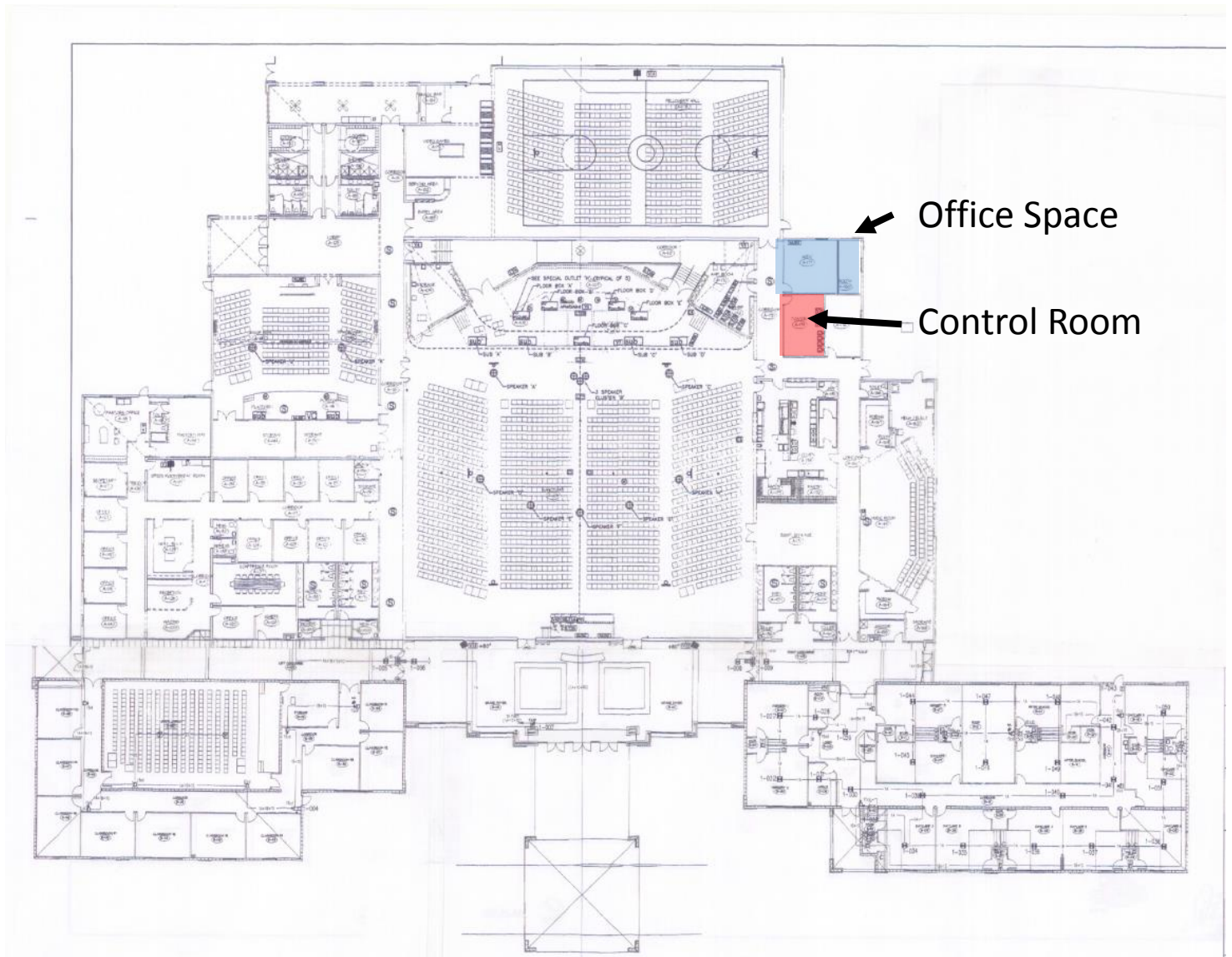
ATTEST:

Hometown Health TV, LLC

TITLE: _____
DATE: _____

Marc Schwartz, Manager
DATE: _____

Clermont Arts & Recreation Center
3700 S. Highway 27, Clermont, FL 34711
Exhibit A

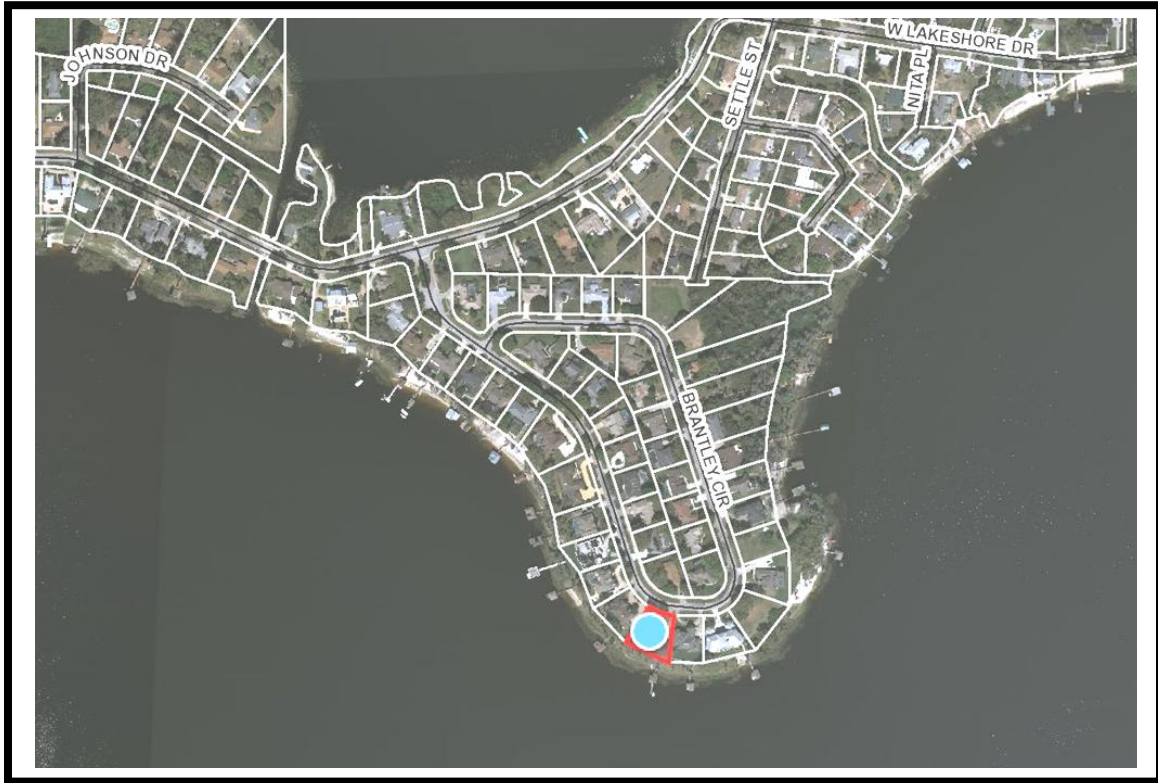




AGENDA ITEM

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Variance Request <i>Kerpsack</i>		
Requested Action		
Move to deny variance request.		
Staff Report		
This request was originally on the November 12, 2014 agenda, but was tabled to January 13, 2015 at the applicant's request. The applicant is requesting a variance to allow for a rear yard setback of 9 feet from the mean high-water line— rather than 25 feet as required by the Land Development Code, Section 122-105(3) to install an in-ground swimming pool with deck and screen enclosure. The current setback of 25 feet from the mean high-water line limits the placement of the pool and deck. The applicant has indicated there is a sea wall that exists on the rear of the property and the mean high-water line is on the lakeside of the sea wall. The applicant would like to have the ability to build the pool, deck and screen enclosure 9 feet from the mean high-water line that is on the other side of the sea wall. Section 86-174 of the Land Development Code requires a positive finding on eight items in order to grant a variance, and staff believes that three of the eight do not meet these findings. Therefore, staff recommends denial of the variance request by the applicant to the Clermont Land Development Code.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Map of Location	Kerpsack Location.pdf	
2. Conceptual Site Plan	Conceptual Site Plan.pdf	
3. Site Photos	Photos.pdf	
4. Sec 86-174 Review Criteria	Kerpsack Review Criteria and Finding.docx	
5. Application	Application.pdf	
6. Legal Ad	VAR Legal AD.docx	

Kerpsack Pool Variance



1958 Brantley Circle



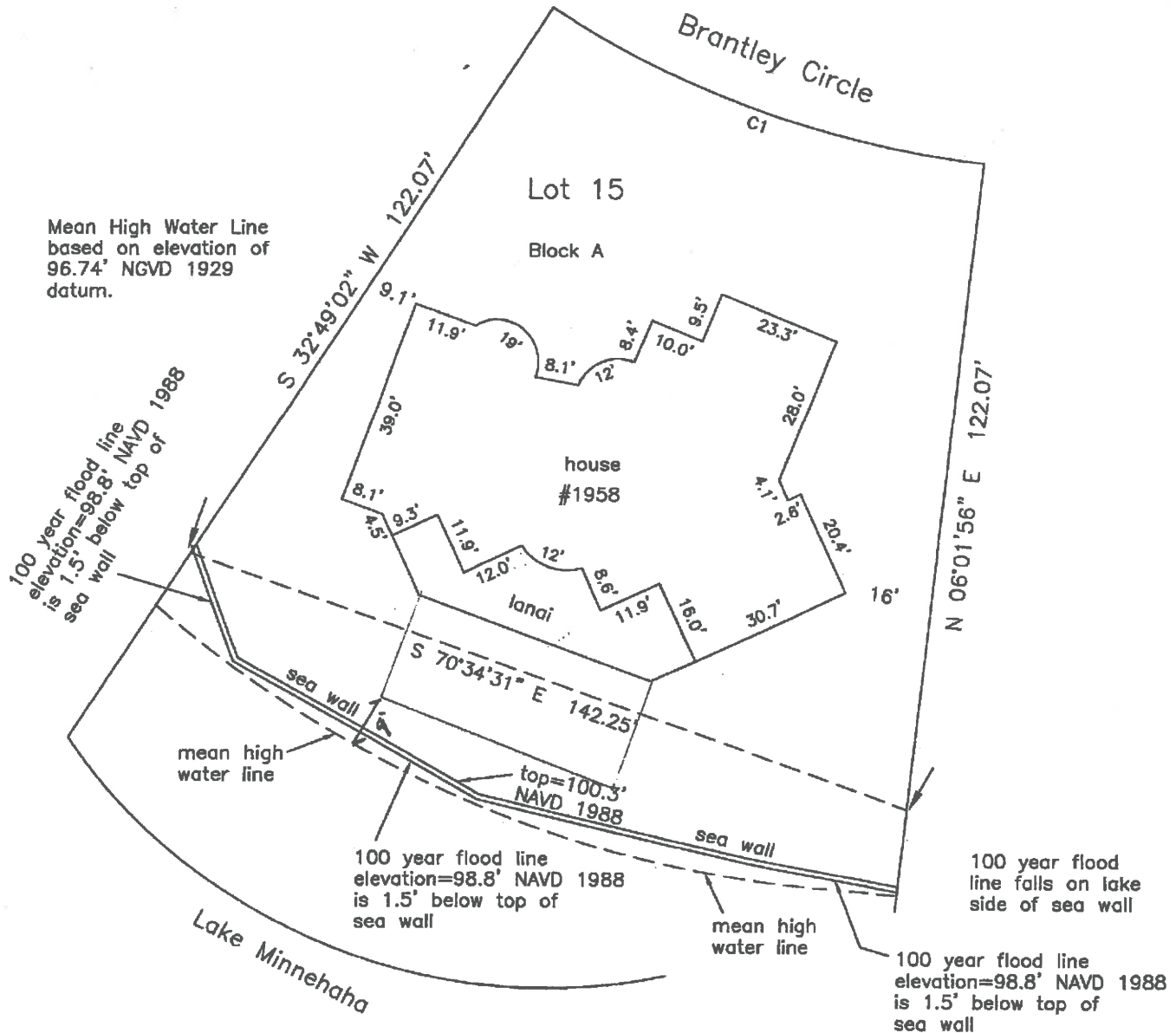
Site Plan

Description:

Lot 15, Block A, MARGAREE GARDENS,
according to the plat thereof, as recorded in
Plat Book 25, Page 59,
Public Records of Lake County, Florida.



Scale = 1"=30'



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	185.00'	86.49'	85.70'	S 70°34'31" E	26°47'09"

Jeffrey P. Rhoden
JEFFREY P. RHODEN PSM #5322
STATE OF FLORIDA

09/15/14

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL
PURPOSES ONLY AND IS NOT VALID.

Field Date
09/15/14

Prepared for: 00039.054
Joseph Kerpsack

Drawn by:
JPR

Scale:
1"=30'

Rhoden Land Surveying, Inc.
LB #6980
420 E. Minnehaha Ave.
Clermont, FL 34711
352-394-6255



16135 E. Hwy. 50 Ste 202
Clermont, FL 34711
Phone-407.805.2745
Fax-407.805.2760
www.epoolssandspas.net

Client Information

NAME: Joseph Korpach
ADDRESS: 1958 Brandy Circle
CITY: Clermont
PHONE: 352 605-9081
JOB#: _____
STATE: FL
ZIP CODE: _____
OTHER PHONE: _____

Pool Construction Specifications

Pool Area: 401 Length: 30 Width: 12
Perimeter: 78 Depth: _____ Access: _____
Raised Beam 6" LF: _____ Raised Beam 12" LF: _____ Raised Beam 18" LF: _____
Dig & Haul: _____ Bobcat Shuttle: _____ Dig & Drop: _____ Dig & Spread: _____
Ultra Mini Dig _____ Saw Cut Ln. Ft: _____ Slab Demo Sq. Ft: _____ Demo Dump: _____
Stumps: _____ Sprinkler Capped: _____ Access Fence: _____
Tarnite Treatment _____ Presrip for Layout? _____

SPA SPECS

Size: 32 Perimeter: _____ Jels: _____
Raised: _____ Spa Spillway Type: _____ Spa Spillway Width: _____

PLUMBING TILE & ELECTRIC

2 Spd Filter Pump _____ 2nd Pump _____ Filter: _____
Pool Cleaner _____ Pool Header _____ Sanitation: _____
Pool Light: _____ Spa Light: _____ LL Switch Loc: _____
Remote Controls: _____ Deck Jels: _____ In Floor Heads: _____
Water Feature Spillway#1 _____ Water Feature Spillway#2 _____

DECK SPECS

Deck Type: _____ Area: 544 Coping: 154
Deck Type: _____ Area: _____ Footers LF: _____
Existing Lateral _____ Area: _____ Cantilever LF: _____
Deck Drain Type or Color & Lin Ft: _____
Turndown 6" / LF: _____ Turndown 12" / LF: _____ Turndown 18" / LF: _____
Steps Tread Type: _____ All Steps LF: _____ Steps Riser Type: _____
Retaining Wall Type & Height _____
Planters LF & SF: _____ Screen Removal: _____
Child Barrier Fence LF _____ Alarms # _____

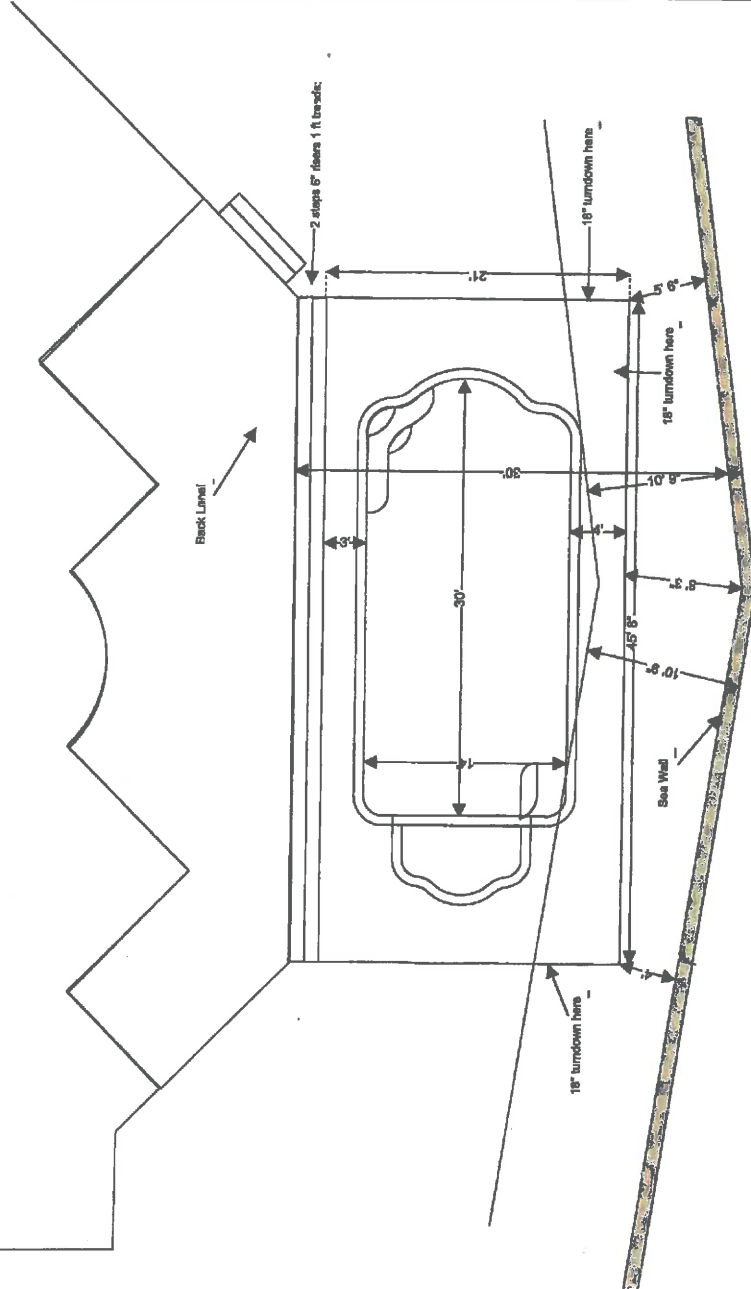
INTERIOR FINISH

Type: _____

All Heater Gas Hookups are BY OWNER
All Irrigation, Sod and Fence Replacements BY OWNER

DESIGNED BY: David Wolff

Date: 20 Sept



SPECIAL NOTES:

I have reviewed and I give my approval to proceed with the construction of this project.

X

Customer

Date







Kerpsack Rear Yard Setback Variance

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: Five foot sea wall exists on property. High water mark based on survey, does not even come up to sea wall. One hundred year flood mark only goes to greater than one foot from top of sea wall. Pool will be greater than 10 feet from sea wall.

Staff comments: The parcel is lakefront property on Lake Minnehaha. The owner was under the impression that a pool could be built behind the house. However, the owner could have verified this with the City prior to purchasing the existing home and has not demonstrated a special condition exists which is peculiar to the land, structure, or building involved.

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: No

Staff comments: Staff agrees that the applicant did not create a condition giving rise to the requested variance request. However, the applicant does have an interest in the property and the variance is being requested by applicant.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: Most of homes in neighborhood on lake side have swimming pools.

Staff comments: The property is zoned R-1-A, which normally has a 9 feet rear yard setback for pools, decks, and screen enclosures. The applicant could meet this setback if the lot was not fronting Lake Minnehaha. The difficulty is in meeting the 25 foot setback from the mean high-water line.

Positive finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
Applicant response: No

Staff comments: No evidence of decreased costs due to the variance request.

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: Yes

Staff comments: The applicant is trying to maximize the potential use of the site by requesting the variance for placement of the in-ground swimming pool, deck, and screen enclosure in the rear of the property.

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: No

Staff comments: The City Council has granted similar variance requests in the past for a reduction in setbacks.

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site; and

Applicant response: Will only increase property value.

Staff comments: The proposed variance does not seem to substantially diminish property values or alter the essential character of the area.

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: No, will not.

Staff comments: Staff feels that granting the variance will not be in harmony with the general intent and purpose of the land development code that requires a setback of 25 feet from the mean high-water line.

Negative finding

STAFF RECOMMENDATION:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that **three** of the eight that do not meet these findings. Therefore, staff recommends denial of the variance request by the applicant to the Clermont Land Development Code.



CITY OF CLERMONT
VARIANCE
Application

DATE: 9/26/14

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Kerpsack backyard swimming pool

APPLICANT: Joseph T. Kerpsack

CONTACT PERSON: _____

Address: 1958 Brantley Circle

City: Clermont State: FL Zip: 34711

Phone: (330) 506-9091 Fax: 352-241-7035

E-Mail: jc Kerp @ MSN . com

OWNER: Same as above

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Address of Subject Property: 1958 Brantley Circle, Clermont, FL 34711

General Location: Margaree Gardens in Clermont

* Legal Description (include copy of survey): See Survey

Land Use (City verification required): _____

Zoning (City verification required): _____

**CITY OF CLERMONT
VARIANCE**

Application

Page 2

Answers to the following questions are required to complete this application.

X City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

25' to 9'

What are you proposing to do that would require a variance and why?

Build a swimming pool within 25 feet of Flood Zone

X Not building any buildings or structures other than pool & screen.
How does the Code create a hardship?

When purchased home, was under impression that a pool could be built in back yard. Would not have purchased house if known could not build pool.

* * * * The following justifications must be completed * * * *
for any variance requested:

Variance requested – subject and code section: _____

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Five foot sea wall exists on property. High water mark, based on survey, does not even come up to sea wall. One hundred year flood mark only goes to greater than one foot from top of sea wall. Pool will be greater than 10 feet from sea wall.

(2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

No

CITY OF CLERMONT

VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Most of homes in neighborhood on lake side have
swimming pools.

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

No

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

yes

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

No

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

Will only increase property value

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

No, will not.

**CITY OF CLERMONT
VARIANCE**

Application

Page 4

<u>Joseph T. Kepsack, my</u> Applicant Name (print)	x	<u>[Signature]</u> Applicant Name (signature)
<u>Joseph T. Kepsack, my</u> Owner Name (print)	x	<u>[Signature]</u> Owner Name (signature)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

City of Clermont

Planning & Zoning Department.

685 W. Montrose St.

P.O. Box 120219

Clermont, FL. 34712-0219

(352) 394-4083 Fax: (352) 394-3542

ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered:

(1) Requests for variances to the adopted comprehensive plan.

(2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.

(3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.

(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-94)

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

(2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;
- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;
- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and
- (9) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

(Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-94)

Sec. 86-175. Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-94; Ord. No. 294-C, § 2, 9-28-99)

Lake County Taxing Authority
PO BOX 1027
TAVARES FL 32778-1027

*REAL ESTATE *
 AK NUMBER 2578696 000C
 25 22 25 0650 00A 01500
 CLERMONT, MARGAREE GARDENS SUB LOT 15
 BL K A PB 25 PG 59 ORB 3931 PG 446

AK NUMBER 2578696 X 8 - 23003

KERPSACK JOSEPH T & CHRISTINE J
 1958 BRANTLEY CIR
 CLERMONT FL 34711-2900



2014

NOTICE OF PROPOSED
 PROPERTY TAXES
 AND
 PROPOSED OR ADOPTED
 NON-AD VALOREM ASSESSMENTS

**DO NOT PAY
 THIS IS NOT A BILL**

*SEE REVERSE SIDE FOR NON-AD VALOREM ASSESSMENTS
 AND EXPLANATIONS OF THE COLUMNS BELOW.

For more information concerning this notice,
 please visit our Website at www.lcpafl.org.

TAXING AUTHORITY TAX INFORMATION

TAXING AUTHORITY 000C	PRIOR 2013 TAXABLE VALUE	YOUR FINAL TAX RATE AND TAXES LAST YEAR 000C		CURRENT 2014 TAXABLE VALUE	YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE		YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	
	COLUMN 1	COLUMN 2 RATE	COLUMN 3 TAXES	COLUMN 4	COLUMN 5 RATE	COLUMN 6 TAXES	COLUMN 7 RATE	COLUMN 8 TAXES
County	477,658	4.7309	2,259.75	485,572	4.6337	2,249.99	5.6124	2,725.22
AMBUL MSTU	477,658	0.3853	184.04	485,572	0.3774	183.25	0.4823	234.18
Public Schools								
By State Law	502,658	4.9220	2,474.08	510,572	4.7958	2,448.60	4.9980	2,551.84
By Local Board	502,658	2.2480	1,129.98	510,572	2.1904	1,118.36	2.2480	1,147.77
CLERMONT FL	477,658	3.7290	1,781.19	485,572	3.5938	1,745.05	3.7290	1,810.70
Water Management District								
SJRWMD	477,658	0.3283	156.82	485,572	0.3164	153.63	0.3164	153.63
Independent Special Districts								
Voter Approved Debt Payments	477,658	0.1900	90.76	485,572	0.1600	77.69	0.1600	77.69
WATER AUTH	477,658	0.2554	121.99	485,572	0.2498	121.30	0.2554	124.02
S HOSPITAL	477,658	0.7900	377.35	485,572	0.7633	370.64	0.7650	371.46
TOTAL AD-VALOREM PROPERTY TAXES			8,575.96			8,468.51		9,196.52

PROPERTY APPRAISER VALUE INFORMATION

	MARKET VALUE	ASSESSED VALUE APPLIES TO SCHOOL MILLAGE	ASSESSED VALUE APPLIES TO NON-SCHOOL MILLAGE
PRIOR YEAR 2013	527,658	527,658	527,658
CURRENT YEAR 2014	537,099	535,572	535,572

ASSESSMENT REDUCTIONS	APPLIES TO	PRIOR VALUE 2013	CURRENT VALUE 2014
SAVE OUR HOMES	ALL TAXES	0	1,527
NON-HOMESTEAD 10% CAP	NON-SCHOOL TAXES	0	0
AGRICULTURAL CLASSIFICATION	ALL TAXES	0	0
OTHER	ALL TAXES	0	0
EXEMPTIONS	APPLIES TO	PRIOR VALUE 2013	CURRENT VALUE 2014
FIRST HOMESTEAD	ALL TAXES	25,000	25,000
ADDITIONAL HOMESTEAD	NON-SCHOOL TAXES	25,000	25,000
LIMITED INCOME SENIOR	COUNTY TAXES	0	0
LIMITED INCOME SENIOR	CITY TAXES	0	0
OTHER	ALL TAXES	0	0

If you feel the market value of the property is inaccurate or does not reflect fair market value as of January 1, 2014, or if you are entitled to an exemption or classification that is not reflected, please contact the
Lake County Property Appraiser's Office at:
320 West Main St., Tavares FL 32778
(352) 253-2150

If the Property Appraiser's Office is unable to resolve the matter as to the market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the County Property Appraiser at www.lcpafl.org and must be filed on or before:

5:00 p.m. September 15, 2014

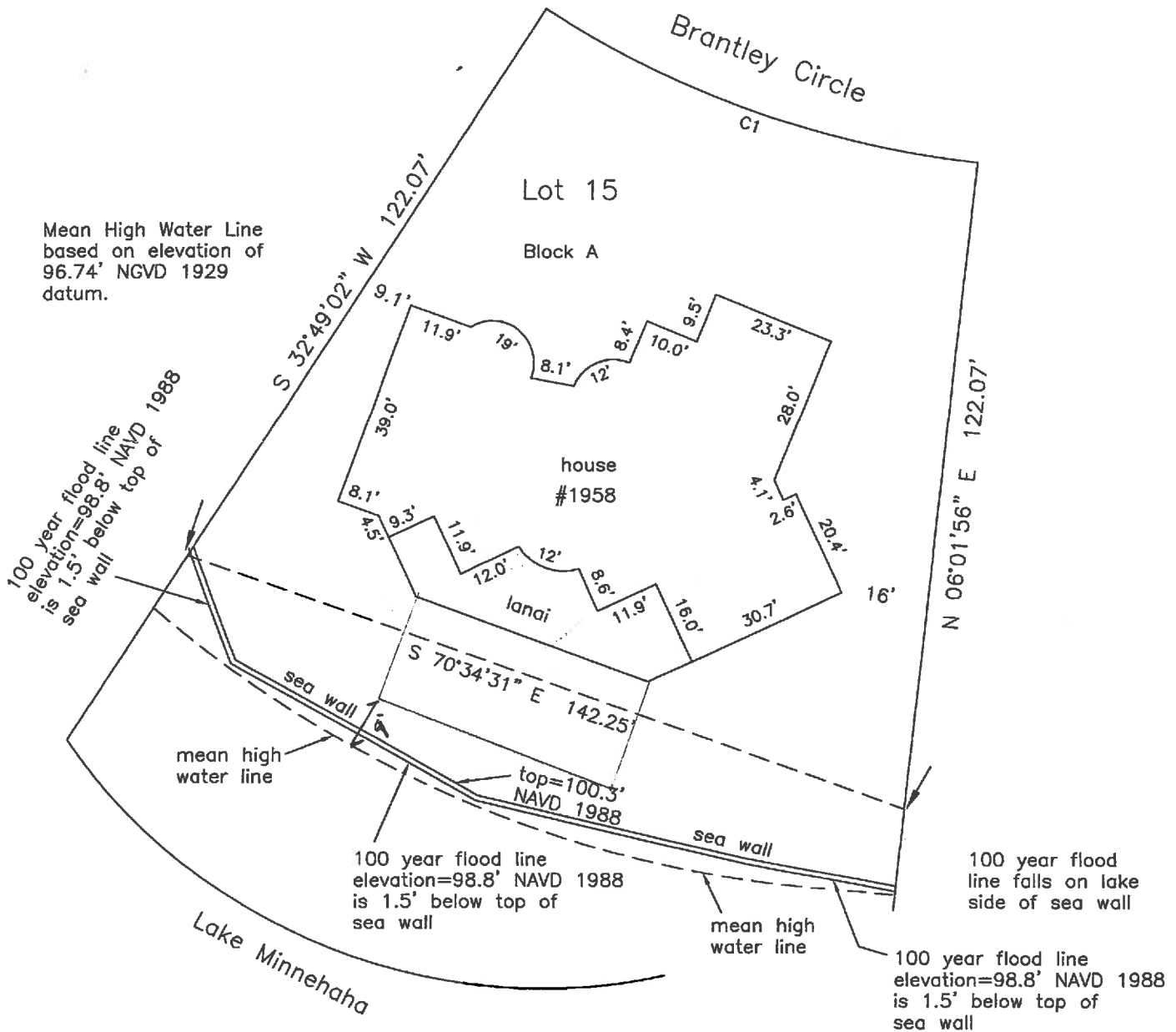
Site Plan



Scale = 1"=30'

Description:

Lot 15, Block A, MARGAREE GARDENS,
according to the plat thereof, as recorded in
Plat Book 25, Page 59,
Public Records of Lake County, Florida.



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	185.00'	86.49'	85.70'	S 70°34'31" E	26°47'09"

Jeffrey P. Rhoden
JEFFREY P. RHODEN PSM #5322
STATE OF FLORIDA

09/15/14

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL
PURPOSES ONLY AND IS NOT VALID.

Field Date 09/15/14	Prepared for: Joseph Kerpsack	00039.054
Drawn by: JPR	Rhoden Land Surveying, Inc.	
Scale: 1"=30'	LB #6980 420 E. Minnehaha Ave. Clermont, FL 34711 352-394-6255	



16135 E. Hwy. 50 Ste 202
Clermont, FL 34711
Phone-407.805.2745
Fax-407.805.2760
www.epoolsandspas.net

Client Information

NAME: Joseph Kerpach
ADDRESS: 1958 Brantly Circle
CITY: Clermont
PHONE: 330 506-5091q
JOB#: _____
STATE: FL
ZIP CODE: _____
OTHER PHONE: _____

Pool Construction Specifications

Pool Area: 401 Length: 30 Width: 12
Perimeter: 79 Depth: _____ Access: _____
Raised Beam 6" LF: _____ Raised Beam 12" LF: _____ Raised Beam 18" LF: _____
Dig & Haul: _____ Bobcat Shuttle: _____ Dig & Drop _____ Dig & Spread: _____
Ultra Mini Dig _____ Saw Cut Ln. Ft. _____ Slab Demo Sq. Ft. _____ Demo Dump: _____
Slumps: _____ Sprinkler Capped: _____ Access Fence: _____
Termite Treatment _____ Prestrip for Layout? : _____

SPA SPECS

Size: 32 Perimeter: _____ Jels: _____
Raised: _____ Spa Spillway Type: _____ Spa Spillway Width: _____

PLUMBING TILE & ELECTRIC

2 Spd Filter Pump _____ 2nd Pump _____ Filter: _____
Pool Cleaner _____ Pool Heater _____ Sanitation: _____
Pool Light _____ Spa Light _____ Lt. Switch Loca: _____
Remote Controls: _____ Deck Jets: _____ In Floor Heads: _____
Water Feature Spillway#1 _____ Water Feature Spillway#2 _____

DECK SPECS

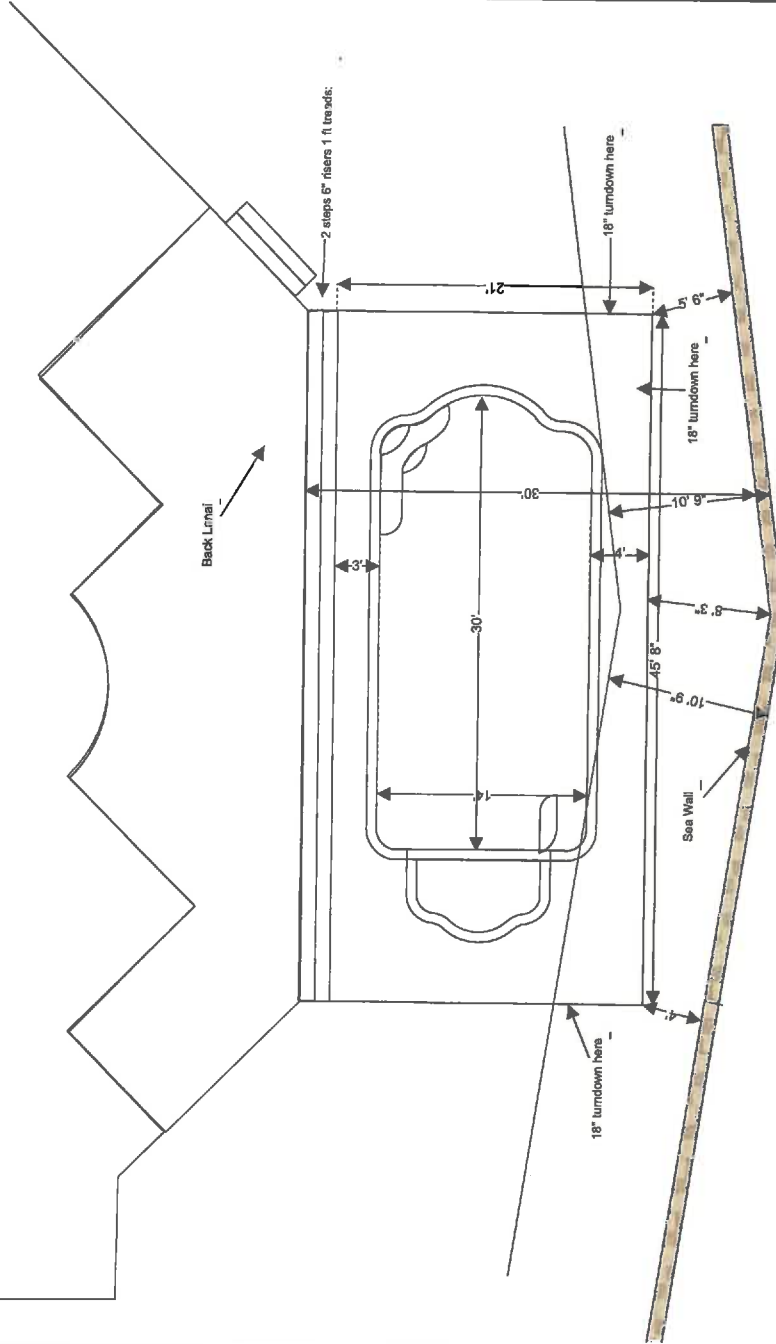
Deck Type: _____ Area: 544 Coping: 154
Deck Type: _____ Area: _____ Footers LF: _____
Existing Lanai _____ Area: _____ Cantilever LF: _____
Deck Drain Type or Color & Lin Ft. _____
Turndown 6" / LF: _____ Turndown 12" / LF: _____ Turndown 18" / LF: _____
Steps Tread Type: _____ All Steps LF: _____ Steps Riser Type: _____
Retaining Wall Type & Height _____
Planters LF & SF: _____ Screen Removal: _____
Child Barrier Fence LF _____ Alarms # _____

INTERIOR FINISH

Type: _____

All Heater Gas Hookups are BY OWNER
All Irrigation, Sod and Fence Replacements BY OWNER

DESIGNED BY: David Wolf Date: 20 Sept



SPECIAL NOTES:

I have reviewed and I give my approval to proceed with the construction of this project.

X

Customer

Date

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow for a rear yard setback of 9 feet from the mean high-water line— rather than 25 feet as required by the Land Development Code, Section 122-105(3) at the following location:

LOCATION

Alt. Key 2578696
1958 Brantley Circle

A complete legal description may be obtained in the Development Services Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Wednesday, November 12, 2014 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
November 4, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Ordinance No. 2014-17 <i>Transmittal Hearing</i>		
Requested Action		
Move to transmit Ordinance 2014-17.		
Staff Report		
This request is to transmit to the Florida Department of Economic Opportunity proposed changes to the City's comprehensive plan that reference the recently adopted Interlocal Service Boundary Agreement (ISBA). The ISBA was approved by the City Council on June 10, 2014. Lake County approved the ISBA on December 2, 2014. The Intergovernmental Coordination Element of the City's comprehensive plan is being amended to include the adoption of the ISBA between the City and Lake County. The ISBA addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. Since the ISBA is an intergovernmental agreement between the City and Lake County, it must be referenced in the City's comprehensive plan. After review by the Florida Department of Economic Opportunity and the reviewing agencies, the proposed amendment (Ordinance 2014-9) will be placed on the February 24, 2015 agenda for Council adoption. <i>Commissioner Judy Proli moved to recommend approval of the transmittal of the amendment to the Intergovernmental Coordination Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval of the transmittal.</i>		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	2014-17 ICE Amendment.doc	
2. Exhibit A - ICE Comp Plan	ICE Transmittal Jan 2015.docx	
3. Legal ad	ICE Legal ad 8-2014,.doc	
4. Minutes	ICE minutes.pdf	

CITY OF CLERMONT
ORDINANCE No. 2014-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ADOPTING TEXT CHANGES TO THE POLICIES OF THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENTS; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENTS; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on August 13, 1991, in accordance with the Local Government Planning and Land Development Regulations Act of 1985, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Comprehensive Plan of the City of Clermont may be amended pursuant to Florida Statutes s. 163.3187; and

WHEREAS, the Planning and Zoning Commission, acting as the Local Planning Agency, held a public hearing August 5, 2014 and made recommendations to the City Council for amendments to the plan; and

WHEREAS, the City Council of the City of Clermont held public hearings January 13, 2015 and February 24, 2015 on the proposed amendments to the plan in light of written comments, proposals and objections from the general public;

NOW, THEREFORE, BE IT ORDAINED and enacted by the City Council of the City of Clermont, Florida that:

Section 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Intergovernmental Coordination Element is hereby amended as shown in Exhibit A.

CITY OF CLERMONT
ORDINANCE No. 2014-17

Section 2.

If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Ordinance as a whole.

Section 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4.

This Ordinance shall be published as provided by law and it shall become law and shall take effect immediately upon its Second Reading and Final Passage.

CITY OF CLERMONT
ORDINANCE No. 2014-17

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 24th day of February, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT COMPREHENSIVE PLAN

CHAPTER XII INTERGOVERNMENTAL COORDINATION ELEMENT

Adopted June 23, 2009
Amended February 24, 2015

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CHAPTER XII INTERGOVERNMENTAL COORDINATION

Goal 1: To establish viable mechanisms among the pertinent governmental, public and private entities to ensure awareness and coordination of all development activities, and to provide effective and efficient utilization of all available resources to ultimately enhance the quality of life for present and future populations.

Objective 1.1: Coordinate Comprehensive Plan. The City of Clermont shall coordinate comprehensive planning activities with Lake County, the cities of Minneola and Groveland, the Town of Montverde and the East Central Florida Regional Planning Council (ECFRPC).

Policy 1.1.1: When considering comprehensive plan amendments the City shall review the Lake County, Minneola, Montverde and Groveland comprehensive plans, as applicable.

Policy 1.1.2: The City shall review and compare municipal and Lake County land development regulations applicable to respective adjacent lands for compatibility and for conflict with growth management goals, objectives and policies.

Policy 1.1.3: The City shall participate in the ECFRPC's Strategic Regional Policy Plan review and update process as mandated by state statute.

Objective 1.2: Impacts of Development. The City shall ensure that the impacts of development proposed in the City's comprehensive plan are coordinated with adjacent municipalities, Lake County, the Lake County School Board, the ECFRPC's Strategic Regional Policy Plan, the Lake-Sumter Metropolitan Planning Organization (MPO), and the state.

Policy 1.2.1: The City shall notify Lake County and adjacent municipalities as part of the development review process when impacts of a development may impact those jurisdictions.

Policy 1.2.2: The City shall coordinate with the ECFRPC and other applicable governmental agencies when developments requiring Chapter 380, Florida Statutes review are within the City's jurisdiction.

Policy 1.2.3: The City shall coordinate transportation planning activities with the Florida Department of Transportation (FDOT), ECFRPC, Lake-Sumter MPO, Lake County and the adjacent municipalities to protect and preserve necessary future rights-of-way.

Policy 1.2.4: The City shall coordinate planning activities with the FDOT, the Florida Department of Agriculture, the ECFRPC, the Lake-Sumter MPO and Lake County to establish mechanisms for delineation and adoption of corridor roadway systems in and around the City of Clermont.

Objective 1.3: Coordinate Level of Service (LOS) Standards. The City shall implement formal and informal process, memorandums of agreement and coordination mechanisms that establish appropriate level of service standards, consistency and compatibility between the City's adopted comprehensive plan and the mandated plans and legislated activities of federal, state and regional governments or agencies empowered with jurisdictional and quasi-jurisdictional authority and/or service facility provision and maintenance responsibility.

Policy 1.3.1: The City shall coordinate with the Lake-Sumter MPO, Lake County and the FDOT to establish concurrency management mechanisms that will provide consistent LOS standards to be maintained on major roadways in and around the City of Clermont.

Policy 1.3.2: The City will coordinate adopted solid waste LOS standards with Lake County.

Policy 1.3.3: The City shall coordinate with St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (FDEP), Federal Emergency Management Agency (FEMA) and other appropriate state and federal agencies that have jurisdictional authority or responsibility in the City to ensure water quality, stormwater drainage and flood control measures are addressed consistent with impacts of development.

Policy 1.3.4: The City in conjunction with Lake County, SJRWMD, FDEP and other affected federal, state and local entities shall designate respective personnel to investigate and formulate planning strategies for potential placement and implementation of regional wastewater treatment facilities.

Policy 1.3.5: The City shall coordinate necessary activities with the plans, programs and administered legislative actions of FDEP and Lake County to implement proper operation, storage and disposal of both solid and hazardous waste.

Policy 1.3.6: The City shall coordinate appropriate activities with the FDEP, SJRWMD (including consistency with the District's ERP and CUP rules), Lake County Water Authority and Lake County to effectively manage the preservation and protection of surface and ground water quality and quantity, and aquifer recharge areas.

Policy 1.3.7: The City shall ensure that natural resources occurring in, or affecting more than one governmental jurisdiction, are effectively managed to preserve, protect, and enhance natural systems, wildlife, fisheries and habitat. This includes ensuring its stormwater management, aquifer recharge and reuse water policies and projects are consistent with the goals of the SJRWMD Lake Apopka Surface Water Improvement and Management (SWIM) Plan and the Upper Ocklawaha River Basin SWIM Plan to protect or enhance water quality and natural systems.

Policy 1.3.8: The City shall coordinate with existing resource protection plans of other government agencies and entities including the FDEP, SJRWMD, Lake County and the Lake County Water Authority, as well as with nonprofit environmental organizations to appropriately conserve and manage natural areas and open space.

Policy 1.3.9: The City shall participate in the development of updates to the SJRWMD's Water Supply Assessment and District Water Supply Plan and in other water supply development-related initiatives facilitated by SJRWMD that affect the City.

Objective 1.4: Conflict Resolution. The City will provide for informal or formal conflict resolution mechanisms when necessary to deal with issues of intergovernmental coordination.

Policy 1.4.1: The City shall utilize the informal mediation process provided by the ECFRPC for resolving conflicts with other local governments when applicable.

Policy 1.4.2: The City shall provide for joint meetings of the City Council and the Lake County Board of County Commissioners to resolve issues relating to intergovernmental coordination.

Objective 1.5: Coordinate Growth Management Issues. The City shall coordinate growth management issues transcending jurisdictional areas through cooperative communications with Lake County and neighboring municipalities at the staff and elected official levels by presenting the City of Clermont's concerns through documented transmittals, scheduled meetings, attendance at Lake County and adjacent cities' public hearings, joint ad hoc technical coordination committees, execution of interlocal agreements if applicable and, where relevant, less formal communications within one year of the adoption of this element.

Policy 1.5.1: The City shall coordinate growth management activities with Lake County to pursue appropriate, compatible land management for areas adjacent to the City, including enclaves, to avoid conflict created by possible placement of incompatible land uses and to establish compatibility between City, county and the adjacent cities' growth management efforts.

Policy 1.5.2: The City shall engage in mutual discussion with Lake County, the Town of Montverde, and the cities of Minneola and Groveland to establish an annexation policy to direct an orderly and timely process of annexing unincorporated lands adjacent to the City.

Policy 1.5.3: The City shall develop mutually agreeable land use designations for unincorporated areas within the confines of any service area or delineated annexation zone. The emphasis shall be on compatibility with both the City and adjacent governments' comprehensive plan future land use elements.

Policy 1.5.4: The City shall focus commercial development along state roads to commercial nodes in the incorporated areas where there are central services, and shall designate lands in unincorporated areas adjacent to municipalities to lower residential densities, and less intensive land uses than permitted in the City or designated service areas.

Policy 1.5.5: The City shall amend the existing interlocal agreement for the presently designated Joint Planning Area to adequately address mutual issues, logistics, responsibilities for managing future growth and legal requirements necessary to validate any such agreement. The City shall participate with Lake County to amend the current interlocal agreement, as needed, to address the following issues:

- Expansion of the county's technical review committee to include representatives from the City of Clermont on issues concerning any development of land or land use action within any agreed upon Joint Planning Area;
- Determination of land use authority for land within any agreed-upon Joint Planning Area; and
- Identification of applicable level of service criteria for any agreed-upon Joint Planning Area

Policy 1.5.6: The City shall coordinate with Lake County through the adopted Interlocal Service Boundary Agreement (ISBA), formally adopted December 2, 2014, which addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way,

land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. (Adopted by City of Clermont, Feb. 24, 2015; Ord. 2014-9)

Policy 1.5.7: The City shall establish joint processes for the siting of facilities with county-wide significance, including locally unwanted land uses, such as solid waste disposal facilities.

Objective 1.6: Housing and Recreational Facilities. The City shall provide appropriate mechanisms to coordinate information and programs for the provision of housing and recreational facilities.

Policy 1.6.1: The City shall solicit recommendations and assistance from various public agencies and quasi-public organizations such as the Florida Department of State, Division of Historic Resources, the Florida Department of Community Affairs (DCA), Farmers Home Administration, HUD, Florida Department of Children & Families, Lake County Housing Authority and South Lake Chamber of Commerce to assist in program funding, identification of structures and areas to be preserved for historical purposes, and identification of potential areas to be recommended for future community revitalization type actions.

Policy 1.6.2: The City shall continue both formal and informal communication with appropriate state and regional agencies, such as the DCA and the ECFRPC, to sustain availability of information on specific programs, projects, and legislation pertinent to local governments and to provide technical assistance for potential grants and Development of Regional Impact (DRI) reviews.

Policy 1.6.3: The City shall continue to coordinate with officials of the Lake County School Board to ensure provision and availability of necessary infrastructure and utilities consistent with location and construction of new educational facilities and/or improvements to existing facilities.

Policy 1.6.4: The City shall engage in efforts with Lake County and the Lake County School Board for procurement, operation and maintenance of parks and recreation facilities.

Policy 1.6.5: The City shall continue to cooperate with state agencies in identifying programs and funding sources to promote further development of community parks, open space and recreation facilities.

Policy 1.6.6: The City shall continue to cooperate with state agencies as well as with nonprofit environmental organizations in identifying programs and funding sources to promote further development of community parks, open space and recreation facilities and to coordinate with them in effectively managing existing natural areas and open space.

Objective 1.7: School Coordination. The City of Clermont will coordinate with the Lake County School Board with regard to school siting criteria, collocation of facilities and planning coordination within one year of the adoption of this element.

Policy 1.7.1: The City and the Lake County School Board shall discuss and coordinate development plans for expansion of existing schools or development of new education facilities within the City to assure such activities are consistent with growth management directives established within the City's comprehensive plan. Issues shall include the impacts

of facilities on adopted LOS standards established for public school facilities, transportation, potable water, wastewater, drainage and solid waste services.

Policy 1.7.2: The City shall provide the Lake County School Board with information regarding proposed new developments to assist its efforts in planning new schools and to solicit its review comments.

Policy 1.7.3: The City shall abide by and enforce the interlocal agreement between the City and the Lake County School Board to require cooperation in terms of population projection and school siting.

Policy 1.7.4: The Lake County School Board shall provide facilities plans and population projections on an annual basis to ensure that consistency is maintained between the two.

Policy 1.7.5: The Lake County School Board shall provide the City with any plans to site schools within the corporate limits or joint planning area.

Policy 1.7.6: The City shall provide to the Lake County School Board all applications for land use plan amendments that have the potential of increasing residential density and that may affect student enrollment, student enrollment projections or school facilities.

Policy 1.7.7: The City shall allow a member of the Lake County School Board to sit as an ex-officio member on the Local Planning Agency and comment on proposals that have the potential to increase density.

Policy 1.7.8: The City will take part in the Lake County Educational Concurrency Review Committee established by Lake County, Lake County School Board and the municipalities of Lake County that shall meet at least annually as outlined in the interlocal agreement between Lake County, Lake County School Board and municipalities for school facilities planning and siting, and will hear reports and discuss issues concerning school concurrency.

Policy 1.7.9: The City will take part in the Joint Staff School Concurrency Review Group, comprised of staff of Lake County, the municipalities of Lake County, and the Lake County School Board, that shall meet at least quarterly, as outlined in the interlocal agreement between Lake County, Lake County School Board and the municipalities of the county, for school facilities planning and siting, to discuss issues concerning school concurrency. These issues shall include but not be limited to land use, school facilities planning, including such issues as population and student projections, level of service, capacity, development trends, school needs, co-location and joint use, and ancillary infrastructure improvements needed to support schools and ensure safe student access. The Lake County School Board staff shall be responsible for making meeting arrangements.

Policy 1.7.10: The City will provide full cooperation and coordination with the Lake County School Board, as needed, to coordinate planning activities and maximize the use of available public facilities.

Policy 1.7.11: The City will pursue formalization of existing agreements with the Lake County School Board for the use of school facilities for recreation services and activities. Agreements should establish a level of service ratio to determine the maximum allowable use

of the facilities for public access to optimize the use of the facilities and to help the City determine its long-term recreation needs.

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CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN

The City of Clermont will hold a public hearing Tuesday, August 5, 2014 at 7pm before the City of Clermont Planning and Zoning Commission and Tuesday, August 26, 2014 (transmittal) at 7pm before the City Council to consider proposed changes to the Intergovernmental Coordination Element of the City's adopted comprehensive plan.

The public hearings will be in the Council chambers of City Hall, 685 W. Montrose St., and are open to public comment. Please call (352) 241-7309 if you have any questions.

The proposed amendment may be inspected at the City's planning department (first floor, City Hall) between 8am and 5pm. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearing will need a record of the proceedings and may need to ensure a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearing.

Tracy Ackroyd
City Clerk

Daily Commercial
July 23, 2014 & August 12, 2014

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
August 5, 2014**

Page 10

7. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Intergovernmental Coordination Element
APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

The Intergovernmental Coordination Element of the City of Clermont's Comprehensive Plan is being amended to include the recent adoption of the Interlocal Service Boundary Agreement (ISBA) between the City and Lake County. The ISBA addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. The ISBA was first introduced to the Council on May 13, 2014 with approval on June 10, 2014. The ISBA was sent to Lake County for approval and was approved by the Lake County Board of County Commissioners on July 8, 2014 with changes. The changes were incorporated into the revised ISBA document that was introduced to the Council on July 22, 2014. Since the ISBA is an intergovernmental agreement between the City and Lake County, it must be referenced in the City's Comprehensive Plan. This proposed amendment is to incorporate the ISBA into the Intergovernmental Coordination Element.

Transmittal to the Florida Department of Economic Opportunity (formally Department of Community Affairs) for review will be done to satisfy the requirements to add this amendment to the Comprehensive Plan. A request for Council adoption of the ordinance will follow in the fall of 2014.

Commissioner Judy Proli moved to recommend approval of the transmittal of the Intergovernmental Coordination Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval of the transmittal

There being no further business, the meeting was adjourned at 8:25 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Administrative Assistant



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date								
Tuesday, January 13, 2015								
Agenda Item Name								
Ordinance No. 2015-01; <i>Final</i>								
Requested Action								
Move to approve Ordinance 2015-01.								
Staff Report								
Staff is proposing changes to the Land Development Code to allow sidewalk cafés within the Central Business District. This ordinance allows for establishment of an outdoor sidewalk café use and consumption of alcoholic beverages associated with operators of a valid food and/or drink license and operating a restaurant. Movable tables and chairs on the sidewalk would be provided while maintaining ADA required access. This amendment to allow for a sidewalk café is confined to the area directly adjacent to the established business. The regulations and special restrictions are established and a permit is required for a sidewalk café. The outside use of the sidewalk garners the impression that Clermont's downtown is a vibrant community similar to those progressive communities already using similar codes. Open container allowances on the street for special events are still subject to approval by the City Council under normal requirements.								
Additional Analysis								
Fiscal Impact Summary								
Fiscal Impact	Fund Number and Description	Available Budget Amount						
Exhibits Attached (copies of original agreements)								
<table><tr><td>1.</td><td>Ordinance</td><td>2015-01 sidewalk cafe.doc</td></tr><tr><td>2.</td><td>Legal ad</td><td>LDC amendments -sidewalk cafe.doc</td></tr></table>			1.	Ordinance	2015-01 sidewalk cafe.doc	2.	Legal ad	LDC amendments -sidewalk cafe.doc
1.	Ordinance	2015-01 sidewalk cafe.doc						
2.	Legal ad	LDC amendments -sidewalk cafe.doc						

CITY OF CLERMONT
ORDINANCE No. 2015-01

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADDING TO THE CODE OF ORDINANCES, CHAPTER 122 ZONING; SECTION 122-357 SIDEWALK CAFÉ AND AMENDING CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-3 CONSUMPTION OR POSSESSION UPON PUBLIC PROPERTY; PENALTY; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on December 2, 2014 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to add Section 122-357 Sidewalk Café and amend Chapter 6 Alcoholic Beverages, Section 6-3 Consumption or possession upon public property; penalty; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida as follows:

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby adding to read as follows (note strikethrough indicates removed words and underlined indicates added):

Section 122-357. Sidewalk café.

1. Necessity and intent.
 - a. There is a need for regulations and standards for the existence and operation of sidewalk cafés to facilitate and ensure a safe environment in these areas.
 - b. The establishment of permit conditions and safety standards for sidewalk cafés is necessary to protect and promote the general health, safety and welfare of the residents of the City.

CITY OF CLERMONT
ORDINANCE No. 2015-01

2. Sidewalk café authorized. Restaurant operators, eating and/or drinking establishments located within the CBD Central Business District are allowed to operate a sidewalk café that conforms to the requirements of this section and other applicable provisions of this code, and are hereby made exempt from the prohibition of conducting business within a public right-of-way of this Code.

3. Definitions. The followings words, terms, and phrases, when used in this section, shall have meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Permittee means the recipient of a sidewalk café permit under the terms and provisions of this section.

Sidewalk café means seating located on a sidewalk or pedestrian mall which is associated with an adjacent eating and/or drinking establishments where food or beverages are delivered for consumption on the premises. It is characterized by movable tables and chairs and may be shaded by umbrellas. Sidewalk cafés shall be permitted only as an accessory use to a licensed restaurant or food/drinking establishment.

4. Permit and application requirements.

a. It shall be unlawful for any person to operate a sidewalk café on any sidewalk or public right-of-way within the City without obtaining a permit as required by this article. Sidewalk cafés shall only be located where permitted by the City's Land Development Code. No person shall establish a sidewalk café on a public sidewalk unless such person has obtained a valid permit to operate that sidewalk café pursuant to this Code.

b. The Chief of Police or designee shall have the right to remove, after 24 hours notice, any tables, chairs and other objects on public property which are used in connection with a sidewalk café which do not have a permit, and shall have the right to immediately remove any tables, chairs or other objects on public property which impede pedestrian traffic or pose a threat to the public health, safety or welfare.

c. A permit for a sidewalk café shall be issued only to the operator of a valid food and/or drink license and operating restaurant who wishes to provide moveable tables and chairs on the sidewalk or pedestrian mall adjacent to the restaurant.

d. Application forms for permits to operate a sidewalk café are provided by the Development Services Department.

CITY OF CLERMONT
ORDINANCE No. 2015-01

- e. A scaled drawing of the café area shall be required with each sidewalk café permit application with measurements outlining the location, boundary, tables, chairs, barriers, stanchions, host or hostess stations, and other features.
 - f. A copy of a valid Business Tax Receipt to operate a food and/or drinking establishment in front of which the proposed sidewalk café will be located. The number of chairs or seats to be utilized for the sidewalk café must be included in the number of seats authorized by the license.
 - g. A copy of the state alcoholic beverage license and state approved site plan identifying the extension of this permit to the sidewalk where the café seating will operate as required by this Code.
5. Fees may be required as adopted by resolution of the City Council.
6. Standards and criteria.
- a. Sidewalk cafés shall be located in such a manner that a minimum width of four feet is maintained at all times as an unobstructed pedestrian path.
 - b. Sidewalk cafés are restricted to the usable sidewalk area and adjacent outdoor seating area of the licensed establishment to which the permit is issued or within the usable sidewalk area of the building where the validly licensed restaurant is located.
 - c. All tables, chairs, umbrellas, heaters, signs or other personal or business property will not be permitted within four feet of a pedestrian crosswalk or handicap corner curb cut.
 - d. The sidewalk café demonstrates that the café's seating will not obstruct vehicle passengers from exiting their cars with the placement of their curbside tables.
 - e. All furniture shall be stored inside the establishment whenever the business is closed.
7. Special restrictions.
- a. Sidewalk cafés shall not be allowed to operate during special events, unless authorized by the sponsoring event coordinator.

CITY OF CLERMONT
ORDINANCE No. 2015-01

- b. Sidewalk café operations may be required to cease immediately at the sole discretion of the City.
 - c. The sidewalk café permit is a license to temporarily use the City's sidewalks within the City's rights-of-way. It is not intended and shall not be constructed as an interest in the real property.
 - d. For the purpose of public safety, at any time after obtaining a sidewalk café permit, the permittee may be limited to use of non-breakable beverage containers after the Police Department receives complaints or there are observations for the need to amend the sidewalk café permit to impose the non-breakable beverage provision.
 - e. The permit covers the public sidewalk and right-of-way adjacent to the establishment. Tables and chairs on private property will be governed by other applicable regulations. No additional outdoor seating authorized pursuant to this Code shall be used for calculating seating requirements pertaining to applications for or issuance of an alcoholic beverage license for any establishment; nor shall the outdoor seating be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any City ordinance or state law. However, additional outdoor seating authorized pursuant to this Code shall be included in determining required plumbing or accessibility fixtures or other fire and building code requirements.
 - f. Approval of a sidewalk café permit shall be conditioned upon obtaining the necessary state alcoholic beverage license and meeting all state alcoholic beverage requirements. The approved site plan by the state for the state alcoholic beverage license to allow service outside of the establishment must conform to the proposed site plan for the café seating and must be submitted with the application for a sidewalk café permit. All tables and chairs must not exceed the boundaries of the state alcoholic beverage plan and the sidewalk café plan.
8. Alcohol service.
- a. Sidewalks cafés are hereby made exempt from the prohibition on the sales and consumption of alcoholic beverages outside of a licensed building as provided by this Code.

CITY OF CLERMONT
ORDINANCE No. 2015-01

9. Liability and indemnification.

- a. Prior to the issuance of a permit, the applicant shall furnish a signed statement indemnifying the City, its officers and employees for any damages to property or injury to persons which may be occasioned by any activity carried under the terms of the permit.
- b. A permittee shall pay, and by its acceptance of a permit specifically agrees to pay, any and all damages or penalties which the City may be legally required to pay as a result of the permittee's operation or maintenance of a sidewalk café under this part, whether or not the acts or omissions complained of are authorized, allowed or prohibited by the City.
- c. A permittee shall also pay all expenses incurred by the City in defending itself with regard to any and all damages and penalties mentioned in subsection (a) above. These expenses shall include all out-of-pocket expenses, including a reasonable attorney's fee and the reasonable value of services rendered by any employee of the City.
- d. The permittee shall maintain, throughout the term of the permit, liability insurance insuring the City and the permittee with regard to all damages mentioned in Subsection (a) above caused by the grantee or its agents, in the minimum amounts of:
 - (1) Workers' and unemployment compensation insurance as provided by the laws of this state.
 - (2) One hundred thousand dollars for property damage, bodily injury, or death payable to any one person and \$2,000,000.00 for property damage, bodily injury or death when totaled with all other claims or judgments arising out of the same incident or occurrence.
 - (3) The insurance policies obtained by a permittee in compliance with this section shall be issued by a company or companies acceptable to the City and a current Certificate or Certificates of Insurance, along with written evidence of payment of all required premiums, shall be filed and maintained with the City during the term of the permit. The policies shall name the City as an additional insured and shall contain a provision that written Notice of Cancellation or reduction in coverage of the policy shall be delivered by registered mail to the City at least 30 days in advance of the effective date thereof.

CITY OF CLERMONT
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- (4) An applicant for a permit shall be required to submit evidence of liability insurance in the amount of \$1,000,000.00 covering injuries to members of the general public arising out of such permitted activities.

10. Revocation or suspension; emergencies.

- a. The approval of a sidewalk cafe permit is conditional at all times. A sidewalk café permit may be revoked or suspended if it is found that:

- (1) Any necessary business or health permit has been suspended, revoked or canceled.
- (2) The permittee does not have insurance which is correct and effective in the minimum amounts described in this section.
- (3) The permittee exceeds the approved number of seats by placing additional tables, chairs, et cetera, in or beyond the approved area.
- (4) The permittee has failed to correct violations of this Code or conditions of this permit within 24 hours of receipt of the Director's notice of such violations delivered in writing to the permittee.

- b. If the permittee fails to remove any tables, chairs and other objects related to sidewalk café within 48 hours of receipt of the Chief of Police or designee final notice of revocation or suspension, the Chief of Police or designee shall have the right to remove such objects.

- c. If a permittee is found in violation of the codes and given a written citation on three occasions in a single year as identified as the beginning date of the permit issuance, the sidewalk café permit shall be suspended for a period of time or revoked as determined by the Chief of Police or designee, effective immediately upon receipt of a third violation. In addition, if the Chief of Police or designee believes that a permittee has engaged or is engaged in conduct warranting the suspension or revocation of the permit, the Chief of Police or designee shall serve the permittee by certified mail or hand delivery at his business address as disclosed in the application for the permit or at the permitted premises, a written administrative complaint which affords reasonable notice of facts or conduct which warrant the intended action. The permittee shall be given adequate opportunity to request an administrative hearing before the Code Enforcement Board unless the chief of police or designee finds that an emergency condition exists involving serious danger to public health, safety or welfare, in which case advance notice and hearing shall not be required. In the case of an emergency

CITY OF CLERMONT
ORDINANCE No. 2015-01

suspension or revocation, the permittee shall immediately be advised of the Chief of Police or designee's action and afforded a prompt post-suspension or revocation hearing in accordance with the procedures set forth in this Code. Appeals of applications or café seating plans rejected by the City may be heard by the Planning and Zoning Commission for either upholding the decision of the Chief of Police, further revising and approving the plan or approving the submitted plan.

Chapter 6 - ALCOHOLIC BEVERAGES

Section 6-3. Consumption or possession upon public property; penalty.

~~It shall be unlawful for any person to drink or to have an open container of any alcoholic beverage including, but not limited to, liquor, beer or wine, upon any municipal public building or property, including athletic or sport facilities, whether owned or leased, or borrowed by the City and upon any adjacent related grounds including viewing and parking areas; and any street, alley or sidewalk of the City. The City Council may grant exceptions from this section for special activities in designated facilities.~~

- (a) Generally. It shall be unlawful for any person to consume any alcoholic beverage, including beer and wine, upon any City-owned parks and beaches, City property or street, alley or sidewalk of the City. This section shall not apply to any City owned property which is subject to a management contract, or sidewalk cafés. For those properties, alcohol consumption shall be governed by rules established jointly by the managing entity and the City Manager. Further, this section shall not apply to those portions of the above named properties included within the boundaries established by the City Council for a special event for which permission to consume alcoholic beverages is given in conjunction with the permission for the event. In addition, the City Council shall have the right to limit the type of alcoholic beverage to be consumed when granting any such permit.
- (b) Carrying open containers. It shall be unlawful for any person to carry an opened bottle, can or other container containing an alcoholic beverage, including beer and wine, upon any City parks, City beaches, City property or street, alley or sidewalk of the City, provided that this subsection shall not apply to the interior of any vehicle driven upon the ways or property of the City. Further, this section shall not apply to those portions of the above named properties included within the boundaries established by the City Council for a special event for which permission to carry open containers of alcoholic beverages is given in conjunction with the permission for the event, or sidewalk cafés. In addition, the City Council shall have the right to limit the type of alcoholic beverage to be consumed when granting any such permit. In no event will consumption occur directly from glass containers.

CITY OF CLERMONT
ORDINANCE No. 2015-01

- (c) Permits; procedure. Notwithstanding Subsections (a) and (b) of this Section, permits for the consumption of alcoholic beverages in parks and recreation areas may be obtained by application to the City Manager or the City Manager's designee in accordance with the following procedure:
- (1) A person seeking issuance of a permit shall file an application stating the following:
- a. The name, address and age of the applicant.
 - b. The name and address of the person or association sponsoring the activity, if any.
 - c. The day and hours for which the permit is desired.
 - d. The park or portion thereof for which the permit is desired.
 - e. Any other information reasonably necessary to a determination as to whether a permit should be issued.
 - f. Variances required from park rules.
- (2) A use permit shall issue if the City Manager determines:
- a. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
 - b. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - c. The proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 -
 - d. The proposed activity will not entail extraordinary or burdensome expense or police operation by the City.

CITY OF CLERMONT
ORDINANCE No. 2015-01

- e. The facilities desired have not been reserved for other use on the date and hour requested in the application.
- (d) Appeal. Within ten days after the receipt of an application the City Manager shall inform an applicant in writing of the City Manager's decision to grant or deny a permit. For denial, the notification shall include the reason for the denial. Any person denied a permit shall have the right to appeal to the City Council by serving written notice thereof on the City Clerk within five working days of such refusal. A copy of the notice of appeal, the application, and the reasons for the City Manager's refusal shall immediately be forwarded by the Clerk to the City Council.
- (e) The City Council shall rule on the appeal within ten days from the receipt of the appeal by the City Clerk or at its first meeting after the appeal, whichever is later. The decision of the City Council shall be final. The appeal to the City Council shall be de novo.
- (f) Compliance with park rules. A permittee shall be bound by all park rules and all applicable ordinances fully as though such were inserted in such permits.
- (g) Insurance requirements. An applicant for a permit shall be required to submit evidence of liability insurance in the amount of \$1,000,000.00 covering injuries to members of the general public arising out of such permitted activities.
- (h) Revocation. The City Council shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.
- (i) Penalties. A violation of this section shall constitute a second degree misdemeanor and shall be punishable in accordance with state statutes prescribing punishment for a second degree misdemeanor as of the date of the infraction.

CITY OF CLERMONT
ORDINANCE No. 2015-01

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 13th day of January, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2015-01

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, adding to the Code of Ordinances, Chapter 122, Zoning, Section 122-357 Sidewalk Café and amending Chapter 6 Alcoholic Beverages, Section 6-3 Consumption or Possession upon Public Property; Penalty; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, December 2, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, January 13, 2015 at 7:00 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
November 25, 2014 and December 30, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Ordinance No. 2015-02; <i>Final</i>		
Requested Action		
Move to approve Ordinance 2015-02.		
Staff Report		
Staff is proposing changes to the Land Development Code to allow for electronic messages on monument signs. This ordinance allows for the use of electronic message signage within 25 percent of the permitted sign areas. Previous requirements established for numbers typically associated with gas stations are still in effect, but can now be applicable to messages. This ordinance also allows for electronic monument signs for public service announcements. An example is the possible use of a Downtown & Waterfront district monument sign at SR 50 and 8th Street for announcements of downtown events (Farmers Market, Music on Montrose/Food Trucks, Light Up Clermont, triathlons, rowing events, etc.) and at the Clermont Arts & Recreation Center (ARC) off U.S. 27. These signs would allow for better announcement capability for City-sponsored or approved events. Amber alerts or public safety announcements could also be issued.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2015-02 electronic signs.docx		
2. Legal ad LDC amendments -electronic signs.doc		

CITY OF CLERMONT
ORDINANCE No. 2015-02

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 102 SIGNS; SECTION 102-23 CHANGEABLE COPY SIGNS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on December 2, 2014 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 102 Signs, Section 102-23 Changeable Copy Signs; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida as follows:

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby adding to read as follows (note strikethrough indicates removed words and underlined indicates added):

Section 102-23. Changeable copy signs.

Changeable copy signs shall be regulated under the following guidelines. This section shall ~~not~~ include manual and electronic changeable copy signs. ~~electronic message boards and the like,~~ ~~which are prohibited under this chapter.~~ Such signs shall be permitted in the following manner:

- (1) A changeable copy sign shall not comprise not more than 25 percent of the permitted sign area, except as described in this section.
- (2) Motor Vehicle service stations and convenience stores with gasoline pumps may utilize up to 50 percent of permitted sign area for changeable prices of gasoline only.

CITY OF CLERMONT
ORDINANCE No. 2015-02

- (3) Movie theaters and other performance or entertainment facilities may utilize up to 80 percent of permitted sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.
- (4) Changeable copy signs shall be allowed in commercial, prohibited for office, and industrial zoning districts and residential zoning districts may use non-electronic copy signs ~~uses except~~ for changes in tenant listing.
- (5) Use of changeable copy signs as part of permitted wall sign area is prohibited, except as described in subsection (3) of this section.
- (6) Electronic ~~number~~ changeable copy signage:
 - a. Freestanding monument signs are permitted with electronic ~~number~~ changeable copy for a message, price section, temperature or time only. Such electronic copy area shall be for static display only. Flashing, animated coursing and the appearance of any movement other than an instantaneous change from one price, temperature or time to another are explicitly prohibited.
 - b. Electronic ~~number~~ changeable copy (LED or similar) signage displays shall not have the capability to have dynamic displays even if not used. Only one (1) continuous LED (or similar) display area for numbers only is allowed on a sign face, and may include the time or temperature. Multiple copy signs adjacent to each other are permissible in a sign face.
 - c. Time duration. The changeable copy ~~numbers~~ for ~~price~~, time or temperature may change no more than once every ten (10) seconds. All other messages may change no more than once every 60 seconds.
 - d. Only the letters and numbers themselves may be lit with the remaining background non-lit or black. No neon or similar lighting shall be permitted in conjunction with a sign using electronic ~~number~~ changeable copy signage.
 - e. Brightness or glare shall be controlled to avoid distractions to vehicular traffic, pedestrian, and adjoining properties. Adjustments shall be made upon written request from the City.
 - f. All electronic copy ~~number~~ signs shall be installed with an ambient light monitor.
 - g. Dimmer control electronic ~~number~~-changeable copy signs must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

CITY OF CLERMONT
ORDINANCE No. 2015-02

- h. Brightness. No electronic ~~number~~ changeable copy sign shall exceed a brightness level of 0.3 foot candles above ambient light conditions, as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area times 100. Example: $\sqrt{(30 \text{ square feet} \times 100)}$ 54 feet.
- i. Electronic changeable copy signage used only for public service announcements may be a maximum 36 square feet in commercial, office, industrial zoning districts. Location and setback requirements shall be determined by the Site Review Committee in accordance with safety and visibility codes.

CITY OF CLERMONT
ORDINANCE No. 2015-02

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 13th day of January, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2015-02

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 102, Signs, Section 102-23 Changeable Copy Signs; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, December 2, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, January 13, 2015 at 7:00 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
November 25, 2014 and December 30, 2014



CITY OF CLERMONT

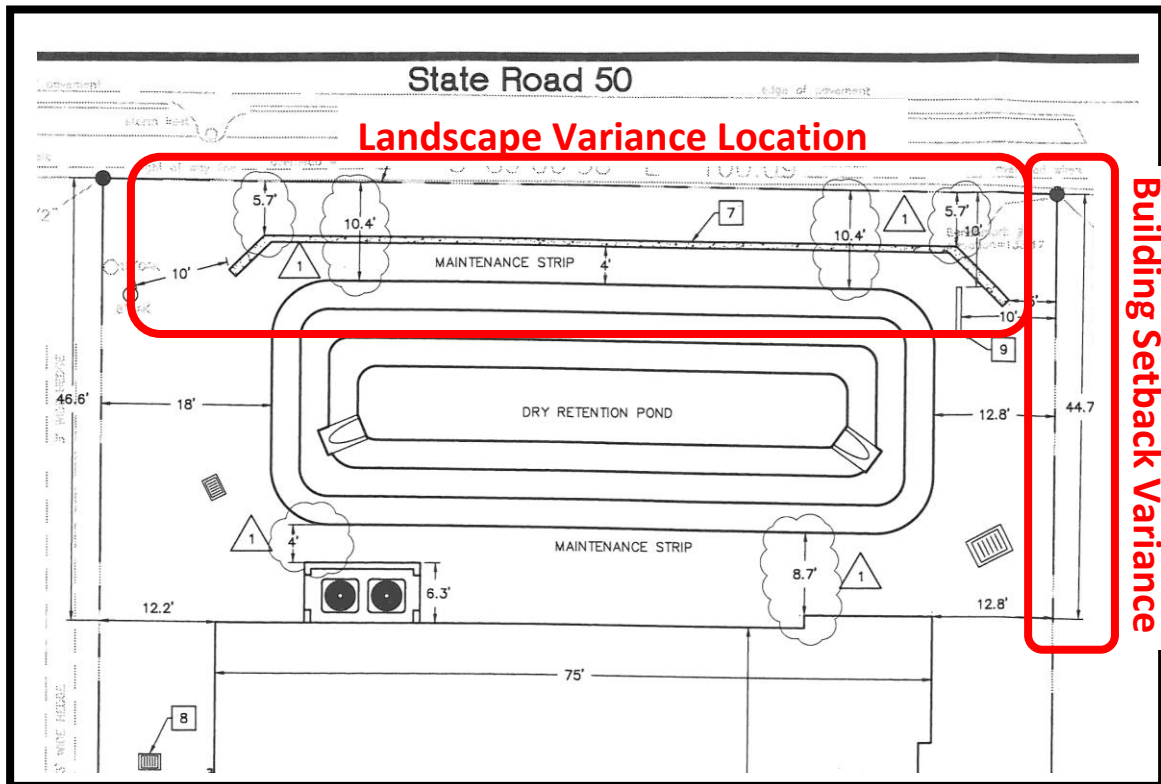
AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, January 13, 2015			
Agenda Item Name			
Variance Request <i>State Farm</i>			
Requested Action			
Move to deny variance request.			
Staff Report			
The applicant, Heather Thies State Farm Insurance Office, is requesting two variances in order to construct a new professional office building with associated parking on the site: (1) To allow for a rear yard setback of 44 feet from the property line– rather than 50 feet as required by the Land Development Code, Section 122-206 (3) (2) To allow for a landscape buffer less than 20 feet – rather than a 20-foot-wide landscape buffer as required by the Land Development Code, Section 118-37(e)(1) The proposed building is 3,000 square feet along with 15 parking stalls, a stormwater pond and landscaping. The applicant has indicated that the minimum size of the office building needs to be 3,000 square feet. Based on the needs of the proposed business and the dimensions of the site, the applicant is requesting variances to the rear property line setback that fronts SR 50 and the landscape buffer requirement along SR 50. Access to the site will be from Chestnut Street. The applicant is requesting a building setback of 44 feet from the property line along SR 50 instead of 50 feet with a reduced landscape buffer width of 10 feet instead of 20 feet due to the proposed stormwater pond location and dimension. The applicant has been through the City's Site Review process on November 19, 2014 and these issues have been identified. Reducing the building size was discussed with the applicant. However, the applicant has indicated that the needs of the business and the financial commitment would not justify development of the site with a building of 2,600 square feet. Staff cannot support this request since Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that four of the eight do not meet these findings.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			

1.	Location and Site Plan	Thies Variance Map.pdf
2.	Sec 86-174 Review Criteria	Sec 86-174 Review Criteria Thies.docx
3.	Site plan	004 CS-101 Site Geometry Plan.pdf
4.	Application	Application.pdf
5.	Legal ad	Thies State Farm VAR Legal AD.docx

Thies State Farm Insurance Variance



Landscape Variance – 10 foot wide buffer instead of 20 foot wide
Building Setback Variance – 44 feet from property line instead of 50 feet

Heather Thies State Farm Insurance Office Variance

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant response: No response

Staff comments: The required landscape buffer and building setback is applicable to other lands in the same zoning district and along arterial roadways.

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

Applicant response: No response

Staff comments: The applicant does have an interest in the property and the variances are being requested by applicant.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Applicant response: No response

Staff comments: The applicant can reduce the size of the building or look at a larger site and the variance requests may not be warranted.

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: No response

Staff comments: No evidence of decreased costs due to the variance request.

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: No response

Staff comments: The applicant is trying to maximize the potential use of the site by requesting the variance for the reduction in the landscape buffer and the building setback.

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: No response

Staff comments: The City Council has granted similar variance requests in the past for a reduction in landscape buffer widths and building setbacks.

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site; and

Applicant response: No response

Staff comments: The proposed variance does not seem to substantially diminish property values or alter the essential character of the area. The proposed office building may increase property values in the area due to developing a vacant site.

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

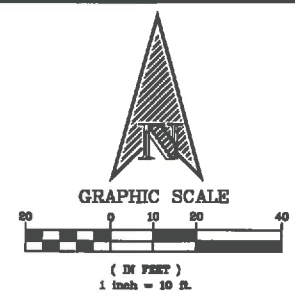
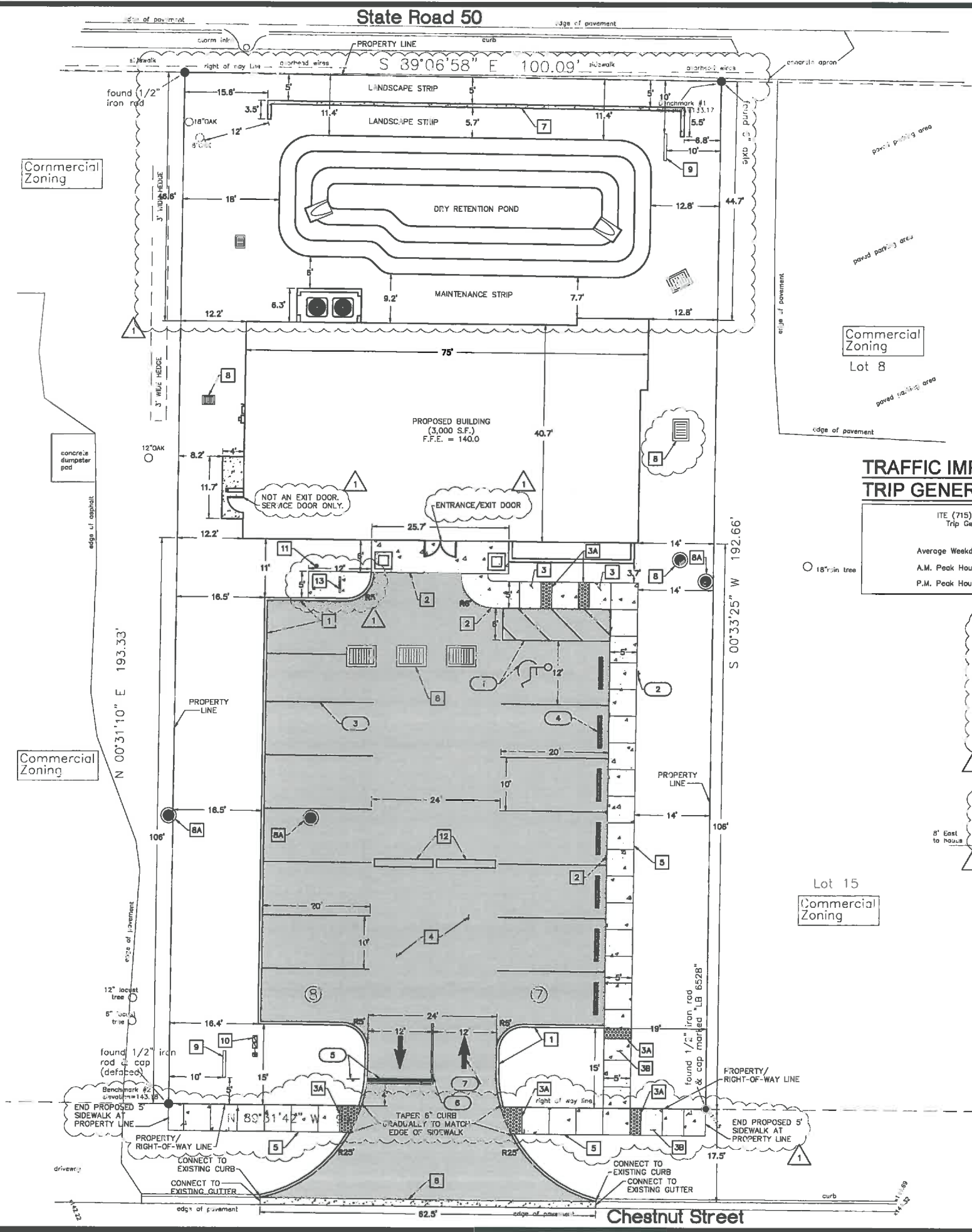
Applicant response: No response

Staff comments: Staff feels that granting the variance will be in harmony with the general intent and purpose of the land development code for the landscape buffer. The applicant will be landscaping the area along SR 50 that will provide screening of the building and meeting the intent of the buffer. However, as for a reduction in property line setback of the building, staff has a concern that decreasing the setback may not be in harmony of the intent of the required 50 foot setback from an arterial roadway, SR 50.

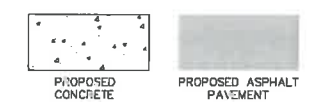
Negative finding

STAFF RECOMMENDATION:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that **four** of the eight that do not meet these findings. Therefore, staff recommends denial of the two variance requests by the applicant to the Clermont Land Development Code.



LEGEND



-ALL TRAFFIC CONTROL SIGNAGE SHALL CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION.
-ALL STRIPING TO BE IN ACCORDANCE WITH THE LATEST FDOT STANDARD INDEX, STANDARD SPECIFICATIONS 11860, 17346 AND D-5 GUIDELINES.

TRAFFIC IMPACT ANALYSIS / TRIP GENERATION CALCULATIONS

ITE (715) SINGLE TENANT OFFICE BUILDING
Trip Generation 7th Edition, Volume 3
(pages 1173-1179)
Average Weekday Trips = 11.57 / 1,000 s.f. or 35 trips
A.M. Peak Hour Trips = 1.80 / 1,000 s.f. or 5 trips
P.M. Peak Hour Trips = 1.73 / 1,000 s.f. or 5 trips

WASTE DISPOSAL SERVICE NOTES:
• THIS PROPERTY WASTE DISPOSAL SYSTEM WILL BE CURB SIDE PICK UP.
• THIS PROPERTY IS ELIGIBLE FOR CAN AND RECYCLE SERVICE ONLY - NO BULK PICK UP.
• THE OWNER TO AGREE TO AN ANNUAL REVIEW OF THE BUSINESS OPERATIONS AND UNDERSTAND THAT IF THE BUSINESS EXPANDS TO INCLUDE ANY EXTRA WASTE REQUIREMENT, THEN DUMPSTER SERVICE WILL BE REQUIRED.

FIRE PROTECTION WATER SUPPLY MUST BE AVAILABLE PRIOR TO ANY COMBUSTIBLES BEING BROUGHT ON SITE.

CALL 48 HOURS BEFORE YOU DIG
It's the Law!
1-800-432-4770
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

SITE INFORMATION

SITE AREA	19,306 SF	0.44 AC
EXISTING (PRIOR TO PROPOSED IMPROVEMENTS)		
PERVIOUS AREA	19,306 SF	0.44 AC 100%
IMPERVIOUS AREA	0 SF	0 AC 0%
PROPOSED (AFTER PROPOSED IMPROVEMENTS)		
PERVIOUS AREA	9,600 SF	0.222 AC 50.8%
IMPERVIOUS AREA	9,506 SF	0.218 AC 49.2%

ZONING C-1 LIGHT COMMERCIAL

BUILDING SETBACKS	REQUIRED	PROVIDED
FRONT (CHESTNUT STREET)	25 FT	100 FT ±
REAR (SR 50)	50 FT	44.7 FT
SIDE (WEST)	12 FT	12.2 FT
SIDE (EAST)	12 FT	12.8 FT

LANDSCAPE BUFFER	REQUIRED	PROVIDED
FRONT (CHESTNUT STREET)	15 FT	15 FT
REAR (SR 50)	20 FT	11.4 FT ±
SIDE PARKING (WEST)	10 FT	16.4 FT
SIDE PARKING (EAST)	10 FT	14 FT
SIDE RETENTION POND (WEST)	10 FT	18 FT
SIDE RETENTION POND (EAST)	10 FT	12.8 FT

PARKING REQUIREMENTS:
1 SPACE PER 200 SF OF OFFICE SPACE
3,000 SF / 200 SF = 15 SPACES
TOTAL PROVIDED = 15 SPACES
REGULAR SPACE = 14
ADA SPACE = 1

TRAFFIC CONTROL & SIGNAGE CALLOUTS

- 1 PROPOSED HANDICAP PARKING & STRIPING (CS-501)
- 2 HANDICAP SIGN (CS-501)
- 3 PARKING STRIPING 6" WHITE LINE PAINT (TYP)
- 4 WHEEL STOP (TYP) (CS-501)
- 5 CONST. R1-1 HI-INTENSITY STOP SIGN & 12"-24" STOP BAR (CS-501)
- 6 6" DOUBLE YELLOW LINE (PAINT)
- 7 PAVEMENT MARKING (CS-501)

SITE CALLOUTS

- 1 6" CURB (CS-501)
- 2 6" MONOLITHIC CONCRETE WALKWAY & CURB (CS-501)
- 3 PROPOSED HANDICAP RAMP (CS-501)
- 3A DETECTABLE WARNING (CS-501)
- 3B PROPOSED SIDEWALK HANDICAP RAMP (CS-501)
- 4 PROPOSED ASPHALT PAVEMENT (CS-501)
- 5 5' CONCRETE SIDEWALK (CS-501)
- 6 CONCRETE GUTTER (MATCH EXISTING) (CS-501)
- 7 3' RETAINING WALL (CS-501)
- 8 DRAINAGE STRUCTURE (TYP) SEE SHEET CG-101
- 8A SANITARY MANHOLE (TYP) SEE SHEET CU-101
- 9 MONUMENT SIGN BY OTHERS
- 10 WATER SERVICE BACKFLOW PREVENTER SEE SHEET CU-101
- 11 SANITARY CLEANOUT (TYP) SEE SHEET CU-101
- 12 SPEED BUMP (8" G/P ON CENTER) (CS-501)
- 13 BIKE RACK (CS-501)

By: QDN

Revision/Issue:

No: 1

Date: 12-22-14

PER CITY OF CLERMONT DRC COMMENTS

SEAL

JOAQUIN A. MOJICA, P.E.
ENGINEER OF RECORD
P.E. # 60488

8933 HIGHLAND AVE.
SUITE 201
ORLANDO, FL 32803
TEL: 407-369-3582

STATE FARM INSURANCE
OFFICE BUILDING

525 WEST S.R. 50
CLERMONT, FL

SITE GEOMETRY PLAN

Date: 10/3/14

Sheet: CS-101

Project #: 14-004



CITY OF CLERMONT
VARIANCE
Application

DATE: 11/26/14

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): STATE FARM INSURANCE OFFICE BUILDING

APPLICANT: HEATHER THIES

CONTACT PERSON: MAURICE ST CYR

Address: P.O. BOX 568186

City: ORLANDO State: FL Zip: 32856

Phone: 407-383-4959 Fax: _____

E-Mail: MO@LORAAL.COM

OWNER: HEATHER THIES

Address: 297 E. HWY 50, SUITE 1

City: CLERMONT State: FL Zip: 34711

Phone: 407-832-0284 Fax: 352-394-1102

Address of Subject Property: 525 W. HWY 50, CLERMONT, FL 34711

General Location: _____

Legal Description (include copy of survey): _____

LOTS 6, 7, 16, AND 17, BLOCK 61, CITY OF CLERMONT, ACCORDING TO THE PLAT

THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 17, PUBLIC RECORDS OF LAKE

COUNTY, FLORIDA, LESS RIGHT OF WAY FOR STATE ROAD NO. 50.

Land Use (City verification required): COMMERCIAL

Zoning (City verification required): C-1 LIGHT COMMERCIAL DISTRICT

**CITY OF CLERMONT
VARIANCE**

Application

Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
SEC. 118-37 - LANDSCAPE BUFFERS. (e) BUFFERS ADJACENT TO RIGHTS-OF-WAY FOR NON-RESIDENTIAL USES.

What are you proposing to do that would require a variance and why?

In order to achieve the retention pond area needed to meet stormwater management requirements, the landscape buffer between the proposed retention pond and the property line along S.R. 50 would have to be reduced to 8.7 ft from the 20 ft minimum required by code. This represents a variance/reduction of 11.3 ft.

How does the Code create a hardship?

Providing the required 20 ft landscape buffer would reduce the available area for the stormwater retention pond, which would prevent the project from meeting the stormwater management requirements set forth by the City code and SJRWMD.

*** * * * The following justifications must be completed * * * * ***
for any variance requested:

Variance requested – subject and code section:

Requesting a variance for buffer of 8.7 ft, which varies from the 20 ft required per
Sec. 118-37.

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

(2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

CITY OF CLERMONT
VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

**CITY OF CLERMONT
VARIANCE**

Application

Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
SEC. 122-206 - YARDS. (3) REAR YARD.

What are you proposing to do that would require a variance and why?

Proposing a 3,000 sf office building with parking lot, stormwater pond, landscaping and other associated site improvements.. The required rear building setback (facing S.R. 50) is 50 ft. The proposed setback is 44.7 ft. the applicant is seeking a variance/reduction of 5.3 ft.

How does the Code create a hardship?

Based on the needs of the proposed business (insurance office), the applicant requires a minimum of 3,000 sf building on the property. Providing the required 50 ft building setback would reduce the size of the proposed building to 2,600 sf, which would not accommodate the applicant's needs.

*** * * * The following justifications must be completed * * * * ***
for any variance requested:

Variance requested – subject and code section: Sec. 122-206.

Requesting a variance for a rear building setback of 44.7 ft, which varies from the 50 ft minimum required.

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

CITY OF CLERMONT
VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

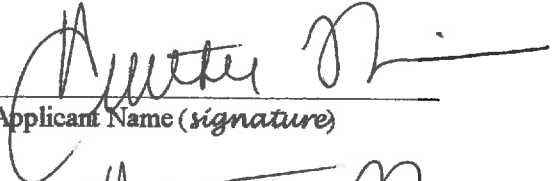
(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

**CITY OF CLERMONT
VARIANCE**

**Application
Page 4**

HEATHER THIES

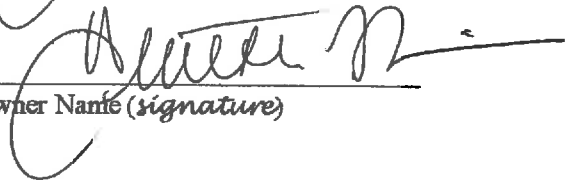
Applicant Name (print)

x 

Applicant Name (signature)

HEATHER THIES

Owner Name (print)

x 

Owner Name (signature)

******* NOTICE *******

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

City of Clermont
Planning & Zoning Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following two variances: (1) to allow for a rear yard setback of 44 feet from the property line– rather than 50 feet as required by the Land Development Code, Section 122-206 (3); and (2) to allow for a landscape buffer less than 20 feet – rather than a 20 foot wide landscape buffer as required by the Land Development Code, Section 118-37(e)(1); at the following location:

LOCATION

Alt. Key 1613531 & 1613540
Vacant Lot – located half way between Lake Ave and 5th street
with frontage on SR 50 and Chestnut St.

A complete legal description may be obtained in the Development Services Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, January 13, 2015 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
January 6, 2015



CITY OF CLERMONT

AGENDA ITEM

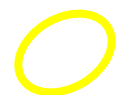
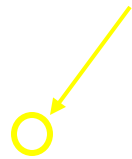
Page 1 of 1

Meeting Date					
Tuesday, January 13, 2015					
Agenda Item Name					
Variance Request <i>Clermont Hillside Terrace</i>					
Requested Action					
Move to deny variance request.					
Staff Report					
The applicant is requesting an additional monument sign for the Clermont Hillside Terrace Shopping Center located at 2400 Highway 27. Per city code, one monument sign per street frontage is permitted. The Clermont Hillside Terrace already has one monument sign that is near the corner of Brogden Drive and Hwy 27. This 62-square-foot sign serves as the main monument sign for the center. The applicant is requesting a second monument sign to be located farther south on the property along Highway 27. This proposal would allow two monument signs on one street frontage. The applicant believes the proposed sign will provide better visibility. The current sign sits low on the parcel and is missed by many motorists. The other variance request is to allow the second monument sign to be larger than 50 percent of the allowed primary monument sign. Per city code, a second sign is permitted (on a second street frontage), but may only be constructed up to 50 percent of the allowed primary monument sign. Because the main monument sign is 62 square feet of the allowed 75 square feet, this would allow the second sign to be a total of 37.5 square feet. The applicant's proposal for a second monument sign is for 72 square feet. Again, the applicant maintains there is poor visibility onto the site, and this size sign will be the minimum needed to create a viable sign. Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that one of the eight does not meet these findings. Therefore, staff recommends denial of the variance requests by the applicant to the Clermont Land Development Code.					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					

1.	Aerial 1	Attachment 1.doc
2.	Location Map	Location Map.doc
3.	Review Criteria	Review Criteria.doc
4.	Application	Application.pdf
5.	Legal ad	VAR Legal AD.docx



Existing Monument sign



Proposed Second Monument Sign



DEVELOPMENT NAME: Clermont Hillside Terrace

Location Map:



Exhibit 2

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant response: The steep terrain on the parcel makes signage very difficult to see; and the construction plan for the center, which was necessitated by the steep terrain, makes individual business visibility poor.

Staff comments: The site is unique in that it was designed with several terrace walls that kept most of the natural topography of the land when developed.

Positive finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

Applicant response: As noted above, the condition is the hillside terrain of the property, protection of which is mandated by the Clermont City Code.

Staff comments: The requested variance is being requested by the owner and interested parties.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Applicant response: Literal interpretation deprives the applicant of the common rights of signage and business visibility that are available to others in the same zoning district, and work unnecessary and undue hardship on the applicant.

Staff comments: Based on individual circumstances...sign variances and landscaping variances have been approved by city council in the past.

Positive finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: The site is already developed; and the variance is based on a desire to obtain business visibility for the viability of the center. The variances will actually cost the applicant more than \$20,000 to implement.

Staff comments: The applicant /owner would have additional costs associated with this variance request.

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: *The variance is the minimum necessary. The site has over 100 oak trees that are being left – only the nine oaks that interfere directly with sign visibility are being replaced. Further, the sign variance remains within the total square feet of signage allowed by code.*

Staff comments: *Based on the submitted plan, the variance would be the minimum necessary.*

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: *The privilege granted, reasonable visibility of business frontage and signage, is the same privilege granted to other business in the zoning district.*

Staff comments: *Based on individual circumstances...sign variances and landscaping variances have been approved by city council in the past.*

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

Applicant response: *The proposed variance, by staying within the signage size requirements of the code and leaving over 100 existing oaks, and replacing the nine oaks with palms, will maintain property values and the essential character of the area.*

Staff comments: *Staff does not feel the variance request will diminish the property value or alter the character of the site itself.*

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: *See response to #7 above. Further, the intent of the code to promote business opportunities while protecting the nature of the community is furthered by the requested variances, which will not be injurious to the surrounding community or detrimental to public welfare.*

Staff comments: *While the variance request is not in harmony with the general intent and purpose of the LDC, the additional monument sign and landscaping will not be detrimental to surrounding properties or public welfare.*

Positive finding

STAFF RECOMMENDATION for the Variances:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that there is one of the eight that does not meet these findings. Therefore, staff must recommend denial of this variance request an additional monument sign and a second sign larger than 50% of the allowed primary monument sign.



CITY OF CLERMONT
VARIANCE
Application

DATE: September 8, 2014

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Clermont Hillside Terrace

APPLICANT: Jimmy D. Crawford

CONTACT PERSON: Jimmy D. Crawford

Address: 450 East Hwy. 50, Suite 4

City: Clermont State: Florida Zip: 34711

Phone: 352-394-7408 Fax: 352 394 7298

E-Mail: jimmy.crawford@mnagellaw.com

OWNER: Clermont Hillside Lender, LLC

Address: 11766 Wilshire Boulevard, Suite 325

City: Los Angeles State: California Zip: 90025

Phone: 310-806-6060 Fax: 310-806-6065

Address of Subject Property: 2400 US Hwy 27, Clermont, Florida 34711

General Location: US 27, West Side, North of
Harley Davidson.

Legal Description (include copy of survey): See Attached
Property Record Card

Land Use (City verification required): Commercial

Zoning (City verification required): C-2 + CUP (Res. No. 2011-02)

**CITY OF CLERMONT
VARIANCE**

Application

Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
118-36(5) and 102-15(2)

What are you proposing to do that would require a variance and why?

- 2 additional wall signs, one additional ground sign.
- removal of 9 oaks and replacement with 9 Palms.

How does the Code create a hardship?

- By requiring landscaping which obscures signage and businesses, and by not considering terrain, topography and building design in sign code.

*** * * * The following justifications must be completed * * * *
for any variance requested:**

Variance requested – subject and code section: _____

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

The steep terrain on the parcel makes signage very difficult to see; and the construction plan for the center, which was necessitated by the steep terrain, makes individual business visibility poor.

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

As noted above, the condition is the hillside terrain of the property, protection of which is mandated by the Clermont City Code.

CITY OF CLERMONT
VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Literal Interpretation deprives the applicant of the common rights of signage and business visibility that are available to others in the same zoning district, and work unnecessary and undue hardship on the applicant.

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

The site is already developed; and the variance request is based on a desire to obtain business visibility for the viability of the center. The variances will actually cost the applicant more than \$20,000 to implement.

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

The variance is the minimum necessary. The site has over 100 oak trees that are being left – only the nine oaks that interfere directly with sign visibility are being replaced. Further, the sign variance remains within the total square feet of signage allowed by the City code.

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

The privilege granted, reasonable visibility of business frontage and signage, is the same privilege granted to other business in the zoning district.

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

The proposed variance, by staying within the signage size requirements of the code and leaving over 100 existing oaks, and replacing the nine oaks to be removed with palms, will maintain property values and the essential character of the area.

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

See response to #7 above. Further, the intent of the code to promote business opportunities while protecting the nature of the community is furthered by the requested variances, which will not be injurious to the surrounding community or detrimental to the public welfare.

**CITY OF CLERMONT
VARIANCE**

Application
Page 4

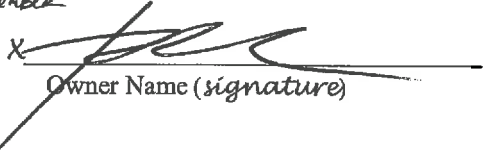
Jimmy D. Crawford

Applicant Name (print)

Clermont Hillside Lender, LLC
By: ELM Capital Partners, LLC Managing Member
Brad Mindlin, Manager

Owner Name (print)

X 
Applicant Name (signature)

X 
Owner Name (signature)

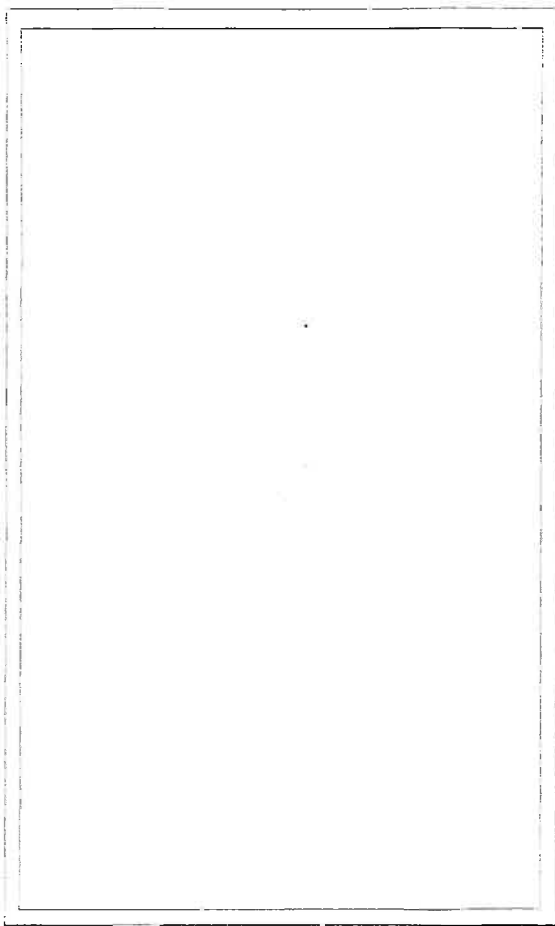
******* NOTICE *******

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

City of Clermont
Planning & Zoning Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

Illuminated Cabinet Double Sided

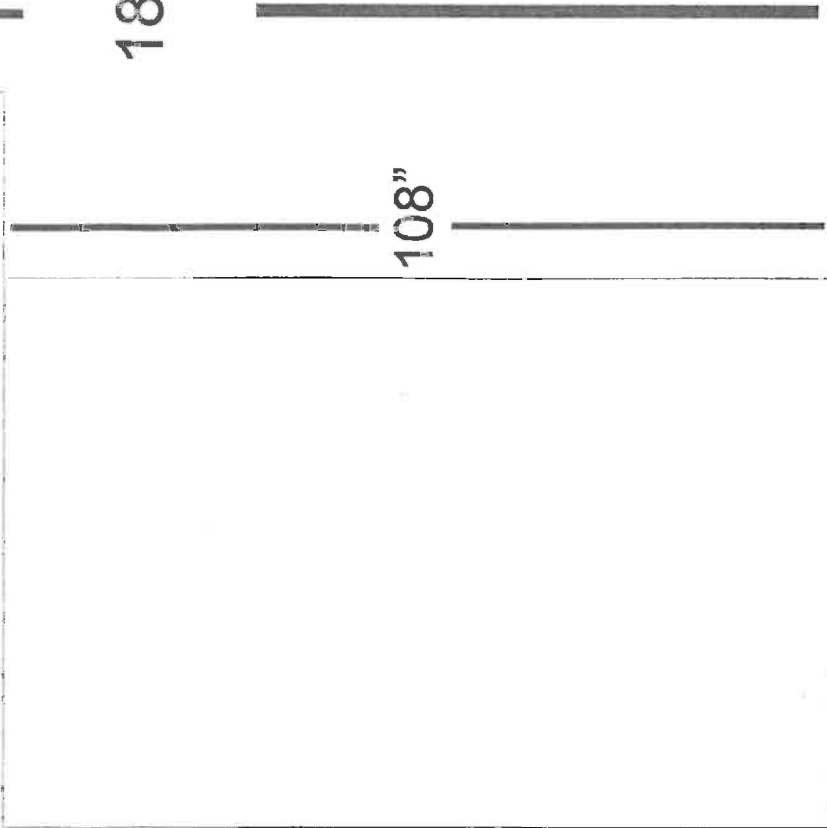
144"



72"

180"

108"



LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following two variances: (1) to allow a second monument sign rather than one on a single street frontage - as required by the Land Development Code, Section 102-15 (a)(3); and (2) to allow a second monument sign to be greater than 50% of the primary monument sign - as required by the Land Development Code, Section 102-15(2), at the following location:

LOCATION

Clermont Hillside Terrace
2400 South Highway 27

A complete legal description may be obtained in the Development Services Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, January 13, 2015 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
January 6, 2015

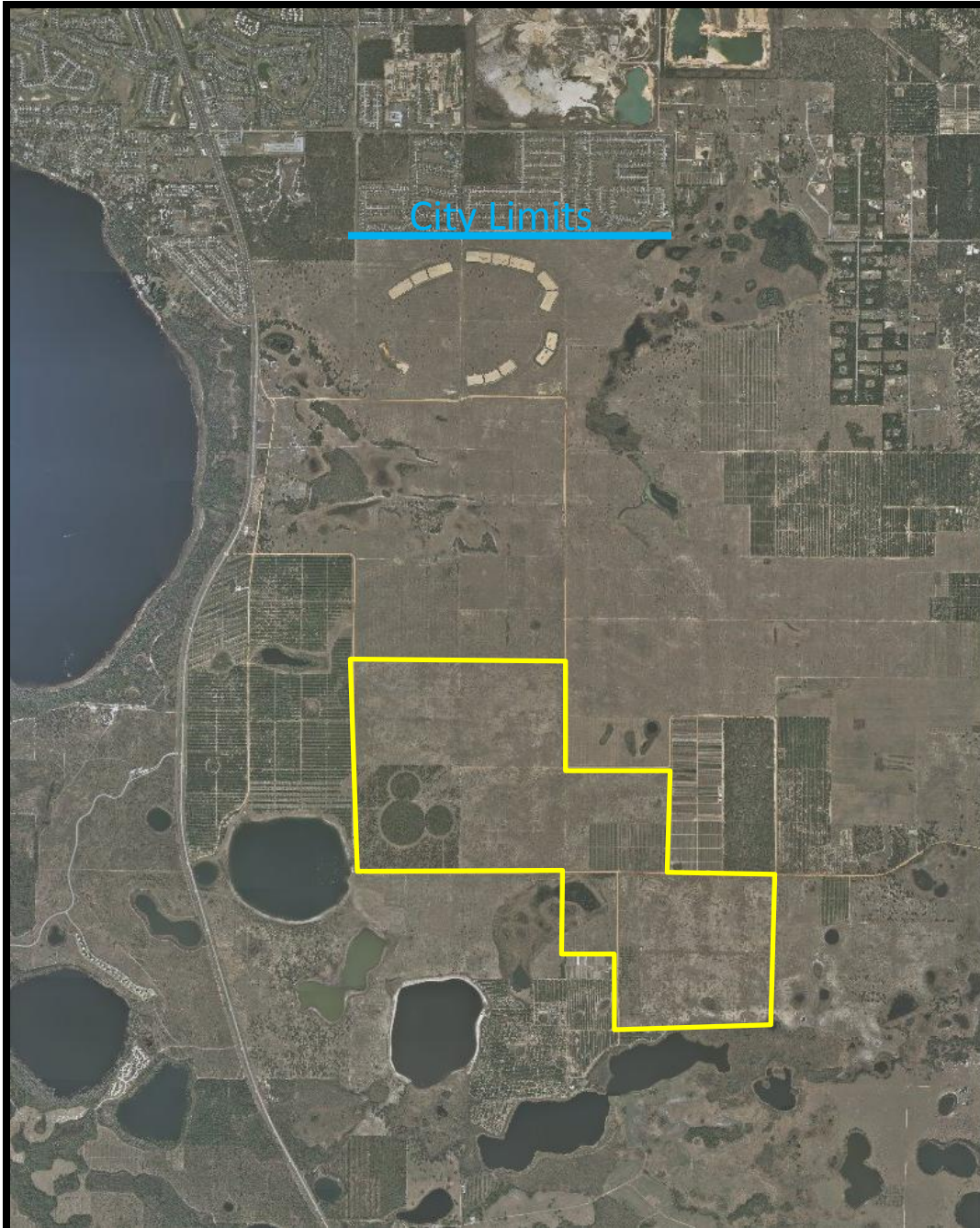


CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Joint Planning Area (JPA) Review <i>Four Corners - Cemex Sand Mine</i>		
Requested Action		
Discussion of Cemex Sand Mine JPA review.		
Staff Report		
The proposed Four Corners - Cemex Sand Mine & Plant, located approximately 1.5 miles south of the City limits, is within the Joint Planning Area and the recently adopted Interlocal Service Boundary Agreement area. The property is about 2.5 miles southeast of the intersection of Hancock Road and Hartwood Marsh Road. The project area is approximately 1,200 acres with about 575 acres of actual mining area. The estimated life of the mine, depending on demand, is approximately 30 years. The hours of operation are 24 hours a day, 7 days a week. The mining operation has three main components; excavation, sorting and sales. The excavation consists of dry mechanical mining practices through the use of front-end loaders and other site-moving equipment. The sorting of the material is through a slurry wash with water supplied from either Conserv II or a lower Floridan well. The final component is the sales of the material that will be hauled off site via tractor trailers. The main route of transporting the material will be Schofield Road to US 27.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Location Map	Four corners Cemex Location.pdf	



Four Corners Cemex Sand Mine & Plant

Site location outlined in yellow

Orange



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 13, 2015		
Agenda Item Name		
Ordinance No. 2015-03; <i>Introduction</i>		
Requested Action		
Move to introduce Ordinance 2015-03		
Staff Report		
This ordinance will grant a non-exclusive Commercial Garbage Collection Franchise to MDG Partners, LP for commercial collection only upon final adoption at the January 27, 2015 Council meeting. MDG Partners, LP will be required to pay the established franchise fees for commercial garbage collection. Exhibit A is attached to the ordinance, which is the proposed non-exclusive commercial roll-off solid waste container collection and disposal agreement between the City of Clermont and MDG Partners, LP.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2015-03 MDG Garbage Franchise.pdf		
2. Ad 2015-03 MDG garbage franchise.pdf		

CITY OF CLERMONT
ORDINANCE No. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, GRANTING A GARBAGE COLLECTION FRANCHISE TO MDG PARTNERS, LP; PROVIDING FOR THE TERM OF THE FRANCHISE AND FOR OTHER PURPOSES CONNECTED WITH A FRANCHISE FOR THE COLLECTION OF GARBAGE WITHIN THE CITY OF CLERMONT.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County, Florida as follows:

SECTION 1.

The City, acting by and through its City Council, hereby grants unto MDG Partners, LP; its successors and assigns, a non-exclusive right and privilege to operate a refuse collection system in, upon, over and across the present and future streets, alleys, bridges, easements and other public places of the City, for the purpose of collecting commercial refuse, subject to certain limitations hereinafter set forth.

SECTION 2.

The rights granted herein shall specifically not include:

1. the collection and disposal of all residential refuse;
2. the collection and disposal of all commercial refuse generated by establishments which:
 - (a) utilize 12 or less refuse cans per pick up each with a capacity not exceeding 30 gallons and/or
 - (b) require service two or less times per week.

SECTION 3.

The City hereby grants a non-exclusive franchise to MDG Partners, LP and MDG Partners, LP will agree to collect and dispose of commercial refuse other than that described in Section 2 of this Ordinance under the conditions set forth in this Ordinance and in the Franchise Agreement attached hereto and incorporated herein as Exhibit "A".

CITY OF CLERMONT
ORDINANCE No. 2015-03

SECTION 4.

MDG Partners, LP shall be an independent contractor and shall enter into a contract with City that provides, among other things, that MDG Partners, LP shall covenant to hold harmless and indemnify and indemnify the City for any and all damages, including attorney fees, arising out of directly or indirectly and/or by virtue of any claim, whether actual or threatened, of whatsoever nature resulting from the activities of MDG Partners, LP, its agents, servants or employees, within or without the city limits. MDG Partners, LP will, within five (5) days from the adoption of this Ordinance, cause to be written a policy of general liability insurance, insuring it and the City against all claims made by any person or persons for personal injuries or property damage incurred in connection with the performance by MDG Partners, LP, its servants, agents, and employees, of the services required under this Ordinance and the Franchise hereby granted, which said policy shall be written within limits of \$1,000,000 per person and \$3,000,000 per occurrence, and for not less than \$100,000 for damages to property per occurrence.

SECTION 5.

MDG Partners, LP shall post with the City a surety bond or letter of credit in the amount of \$100,000 guaranteeing the faithful performance by it of all of its obligations and covenants under said Contract.

SECTION 6.

This Franchise and the Contract between the City and MDG Partners, LP shall be in full force and effect until January 27, 2016, commencing immediately; and this Franchise and Contract shall thereafter be automatically renewed from year to year unless terminated by either party upon not less than sixty (60) days written notice.

SECTION 7.

MDG Partners, LP shall pay monthly to the City a franchise fee established by separate resolution of the City of Clermont.

SECTION 8.

This Ordinance and the Franchise granted thereby are applicable to all lands lying within the corporate limits of the City and shall be applicable with equal force to any additional lands hereinafter included within the corporate limits of the City, and no such addition of lands or to be excluded from the corporate limits as the same presently exist, shall invalidate this Ordinance or the Franchise granted hereunder, or constitute a basis for any adjustment to or claim under any contract which may be executed under the authority of this Ordinance.

CITY OF CLERMONT
ORDINANCE No. 2015-03

SECTION 9.

All ordinances and/or parts of ordinances which are in conflict with this Ordinance are hereby repealed and same shall be of no further force and effect.

SECTION 10.

This Ordinance shall be published as provided by law, and it shall become law and take effect upon its second reading and Final passage.

CITY OF CLERMONT
ORDINANCE No. 2015-03

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 27th day of January, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality

Daniel F. Mantzaris, City Attorney

**CITY OF CLERMONT
ORDINANCE No. 2015-03**

EXHIBIT “A”

**CITY OF CLERMONT
NON-EXCLUSIVE COMMERCIAL ROLL-OFF SOLID WASTE CONTAINER
COLLECTION AND DISPOSAL AGREEMENT**

THIS AGREEMENT is made and entered into this 27th day of January 2015, by and between the City of Clermont, Florida (“City”), and MDG Partners, LP, whose address is 501 N. Salem Street, Ste 201, Apex, NC 27502 (“Grantee”).

RECITALS:

WHEREAS, City as a municipal corporation of the State of Florida has the authority and right to regulate the use of public right-of-way and related facilities in conjunction with the commercial activity of the collection and disposal of commercial waste; and

WHEREAS, Grantee has requested the City grant to it a non-exclusive franchise right to operate within the incorporated municipal limits of the City of Clermont; and

NOW THEREFORE the parties do hereby agree as follows:

SECTION 1 Definitions. Definitions of terms used in this Ordinance:

- (A) “Refuse” includes all garbage and other trash generated by citizens of the City and businesses within the City.
- (B) “Residential Refuse” is that refuse generated by residents of the City.
- (C) “Commercial Refuse” is that refuse generated by commercial and industrial establishments presently operating in the City and any such establishment which may begin operative during the term of the Contract contemplated herein. Multi-family residential may be considered commercial use.

SECTION 2 Grant of Franchise.

Pursuant to City of Clermont Ordinance No. 2015-03, the City hereby grants to Grantee, and the Grantee hereby accepts, a non-exclusive right and privilege to operate a refuse collection system in, upon, over and across the present and future streets, alleys, bridges, easements and other public places of the City, for the purpose of collecting commercial refuse, subject to certain limitations hereinafter set forth.

CITY OF CLERMONT
ORDINANCE No. 2015-03

SECTION 3 Incorporation of the Ordinance.

The Franchise granted hereunder is issued pursuant to and subject to the provisions of the Ordinance No. 2015-03 as passed on January 27, 2015, hereinafter “the Ordinance”. Grantee agrees to comply with all provisions of the Ordinance, as amended from time to time by the City in the lawful exercise of its Police Powers.

SECTION 4 Compliance with other Federal, State, and Local requirements.

The Grantee agrees to comply with all applicable federal and state laws, rules and regulations. Failure on the part of the Grantee to comply with material requirements of this Agreement, the Ordinance or/and any other local, state or federal law, ordinance, or rule or regulation relating to the collection and disposal of solid waste will result in the cancellation of this Franchise.

SECTION 5 Insurance, Indemnification, Hold Harmless and Duty to Defend.

- (a) Grantee shall, within five (5) days from the adoption of this Ordinance, cause to be written a policy of general liability insurance, insuring it and the City against all claims made by any person or persons for personal injuries or property damage incurred in connection with the performance by Grantee, its servants, agents, and employees, of the services required under this Ordinance and the Franchise hereby granted, which said policy shall be written within limits of \$1,000,000 per person and \$3,000,000 per occurrence, and for not less than \$100,000 for damages to property per occurrence. In the event that said policy is ever canceled or terminated, Grantee shall notify City immediately with the name and proof of the replacement insurance carrier and policy.
- (b) Grantee does hereby agree to indemnify, hold harmless and defend City from any and all causes of actions or claims of any kind for damages of any kind, including attorney fees, whether actual or threatened, and related in any matter, directly or indirectly to the Grantee’s exercise of any rights granted hereunder, either within or without the City limits.
- (c) Nothing herein shall be construed or act as a waiver of any sovereign immunity the City may enjoy in accordance with applicable law, the protection of which the City expressly reserves.

CITY OF CLERMONT
ORDINANCE No. 2015-03

SECTION 6 Limitation of Grant of Franchise.

The non-exclusive franchise right granted herein is limited by the Ordinance and shall specifically not include the following to the following:

- (a) the collection and disposal of all residential refuse;
- (b) the collection and disposal of all commercial refuse generated by establishments which:
 - (1) utilize twelve (12) or less refuse cans per pick up each, with a capacity not exceeding thirty (30) gallons and/or
 - (2) require service two or less times per week

SECTION 7 Service Requirements.

Any and all services to be provided hereunder by Grantee shall be performed in accordance with applicable professional standards, this Agreement, the Ordinance, and all Local, State and Federal Laws. In addition thereto, Grantee shall act as follows:

- (a) All commercial waste to be picked up by Grantee will be stored in standard manufactured, mechanically serviced containers approved by the City. Grantee will supply such containers as needed by customers. Location of containers is subject to City approval.
- (b) Size of containers and frequency of service will be agreed upon by Grantee and each customer. Minimum container size shall be two cubic feet. Containers will be disinfected a minimum of once per week to remove all noxious and/or obnoxious odors.
- (c) The rates for each individual customer are to be negotiated between Grantee and each customer it serves. The City and each customer shall be notified of any proposed rate change at least sixty (60) days prior to the effective date of the rate change.
- (d) Grantee, its agents, servants or employees shall collect refuse collected hereunder in enclosed, standard, packer-type vehicles approved by the City, and shall perform their obligations hereunder in a courteous, workmanlike manner so as not to create a nuisance for any of the residents of the City. All such commercial refuse collected hereunder shall be disposed in a lawful manner.

CITY OF CLERMONT
ORDINANCE No. 2015-03

- (e) Grantee shall have the sole responsibility for the billing and collection of charges provided hereunder. Billings shall be monthly and payable on or before the 15th day of the succeeding month. In the event bills are not paid within this time, Grantee shall have the right to discontinue service for non-payment. Nothing herein shall be construed or act as an acknowledgement or guarantee by City of any fees or billings owed to Grantee.
- (f) Collection shall be made during hours as set forth in a schedule approved by the City. All collection will be made as quietly as possible.

SECTION 8 Payment of Franchise Fee.

Grantee shall pay monthly to the City a franchise fee established by separate resolution of the City of Clermont. Grantee shall provide an annual audit report to the City showing gross annual billings and receipts, if requested by the City. Fees to be assessed commencing with the first billing of any customer. In the event services have been provided prior to this agreement, all past due fees calculated from the first billing shall be paid within thirty (30) days of this Agreement.

SECTION 9 Posting of Performance Bond.

Within thirty (30) days of the execution of this Agreement, Grantee shall provide to the City, and at all times thereafter shall maintain in full force and effect for the term of this Franchise or any renewal thereof, at Grantee's sole expense, a performance bond or letter of credit with a company or financial institution and in a form approved by the City in its sole discretion, in the amount of one hundred thousand dollars (\$100,000), consistent with the requirements of the Ordinance and this Agreement.

SECTION 10 Term, Termination and Assignment.

This Franchise and this Agreement shall be in full force and effect until July 10, 2013, commencing immediately; and this Franchise and Contract shall thereafter be automatically renewed from year to year unless terminated by either party upon not less than sixty (60) days written notice sent via U.S. registered or certified mail, return receipt requested, to the other party. This Franchise and the Contract between the City and Grantee may be assignable to an affiliated company by Grantee after it has first obtained the consent of the City for such assignment. In the event of default of any of the terms of the Ordinance of this Agreement, City may terminate this agreement after providing to Grantee thirty (30) days written notice and an opportunity to cure.

CITY OF CLERMONT
ORDINANCE No. 2015-03

SECTION 11 Notice, Proper Form.

Any notices required or allowed to be delivered hereunder or under the Ordinance shall be in writing and be deemed to be delivered when (1) hand delivered to the official hereinafter designated or (2) upon mailing of such notice when deposited in United States Mail, postage prepaid, certified mail, return receipt requested, Federal Express or courier, addressed to a party at the address set forth opposite of the party's name below, or such other address as the party shall specify by written notice to the other party delivered in accordance herewith:

City:	City of Clermont Attention: City Clerk 685 W. Montrose Street Clermont, FL 34711
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Grantee:	MDG Partners, LP Attention: Kristine Whipple 501 N. Salem Street, Ste 201 Apex, NC 27502
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SECTION 12 Disclaimer of Third Party Beneficiaries.

This agreement is solely for the benefit of and shall be binding upon the parties hereto and their respective successors in interest. No right or cause of action shall accrue upon, or by reason hereof, to or for the benefit of any person not a party to this Agreement or a successor in interest.

SECTION 13 Severability.

This Agreement is declared by the parties to be severable.

SECTION 14 Applicable Law and Venue.

This Agreement shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue for any cause of action hereunder shall be exclusively in Lake County, Florida.

SECTION 15 Entire Agreement; Modification.

This Agreement constitutes the entire agreement between the parties and supersedes all previous discussions, understandings and agreements. Modifications to and waivers of the provisions herein may be only by the parties hereto and only in writing.

CITY OF CLERMONT
ORDINANCE No. 2015-03

IN WITNESS WHEREOF, the parties hereto have hereunder executed this Agreement on the date and year first above written.

CITY OF CLERMONT, FLORIDA

By: _____
Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

GRANTEE:

By: _____

Title: _____

ATTEST: _____

Title: _____

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, GRANTING A GARBAGE COLLECTION FRANCHISE TO MDG PARTNERS, LP; PROVIDING FOR THE TERM OF THE FRANCHISE AND FOR OTHER PURPOSES CONNECTED WITH A FRANCHISE FOR THE COLLECTION OF GARBAGE WITHIN THE CITY OF CLERMONT.

A public meeting to introduce the ordinance will be held before the City Council on Tuesday, January 13, 2015 at 7:00pm.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, January 27, 2015 at 7:00pm for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00am and 5:00pm.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
January 13, 2015