

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 10, 2018

The City Council met in a regular meeting on Tuesday, July 10, 2018 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Brishke, Travis, Bates, and Goodgame. Other City officials present were City Manager Gray, City Attorney Mantzaris, and City Clerk Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Drew Marshall gave the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

Life Saving and Civilian Recognition

Police Chief Broadway recognized Carlos Baez for aiding Officer Dubi in taking a suspect into custody. Officer Elijah Wells was recognized for his quick and heroic actions which saved the life of a nine-year-old student at Lost Lake Elementary.

PUBLIC COMMENTS

Barry Hudson, 715 Sunny Dell Drive, expressed concern for traffic safety at the intersection of Bloxam and Minnehaha as there have been 3 accidents in a month. Mr. Hudson provided a map to Council of the referenced intersection and recommended a 4 way stop at that intersection with a speed limit change to 30 mph. City Manager Gray replied staff is bringing the issue to Council at the August 14 Council Meeting.

REPORTS

City Manager Gray thanked all who attended the July 4 event which had the largest turnout so far. He also thanked all of the staff who supported and worked the event. City Manager Gray requested Council's approval to begin installing the previously discussed stop signs at the trail crossing near the boat ramp site at East Avenue. City Manager Gray reported receiving a request from Tim Murry with Christian Men in Action to rename Bloxam Avenue to Martin Luther King Boulevard in conjunction with the Martin Luther King Holiday in January. Staff will bring the request back to Council on a later agenda. He reminded Council of the Budget Workshops on July 17 and July 18 at 6:30pm. He informed Council that Aurelia Cole, who was a long-time resident and educator, passed away. The City will put together a proclamation to honor her and her family for the next meeting.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame reported attending the July 4 event and requested staff look into having food trucks at the next July 4 event. Council Member Goodgame suggested setting up community gardens at the Lake Hiawatha Park. Council Member Goodgame expressed concern with the property at the intersection of Citrus Tower Boulevard and US Highway 27, as the property is becoming over grown.

Council Member Brishke – No report.

Council Member Travis reported attending the quarterly Tourist Development Council meeting yesterday. The revenues are up with a surplus of \$400,000 from 2017. City Manager Gray noted staff will put in a request for funds for the boat ramp.

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Mayor Ash reported on June 27, she attended the swearing in of an Eagle Scout. On June 28, she attended the Honest Food grand opening. On that same day, she attended the ribbon cutting for the new 7-11 mobile station on Highway 50. Later that same day, she attended a luncheon at Environmental Services for the memorial of Robert Reed. On July 2, she attended the Police Department's swearing in of Officer Biggs and the promotion ceremony for Sergeant Johnson. On July 4, she attended the Red, White and Boom event at Waterfront Park.

CONSENT AGENDA

Mayor Ash advised the next item on the Agenda for consideration was the Consent Agenda and requested anyone wishing to have any item pulled for discussion to please come forward at this time.

Item No. 1 – Meeting Minutes

Consider approval of the June 12, 2018 Regular Council Meeting Minutes.

Item No. 2 – Easement

Consider easement access for Lake Apopka Natural Gas to provide service to two (2) downtown businesses.

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

NEW BUSINESS

Item No. 3 – No Parking Signs, *Southern Villas*

Chief Broadway presented the request for “No Parking” signs at Southern Villas. Access for emergency and sanitation vehicles is very restrictive when there is parking on both sides of the street. The residents of Southern Villas conducted a survey where 63 percent of the residents responded in favor of “No Parking” signs on the outer lane of the street. Staff also recommended installation of “No Parking” signs.

Mayor Ash opened the Public Hearing.

June Wilkinson, 620 Villa Court, requested approval for “No Parking” signs.

Sharon Kowalski, 638 Villa Court, requested approval for “No Parking” signs.

Mayor Ash closed the Public Hearing.

City Manager Gray noted staff has been working with the Homeowner's Association and staff concurs with placement of signs on one side of the street.

Council Member Bates inquired what the violation will be for not heeding the “No Parking” signs. Chief Broadway clarified a parking citation will be issued.

Council Member Travis suggested Council take note of the width of the streets when approving future subdivisions.

Council Member Bates moved to approve agenda item number 3; seconded by Council Member Travis. The motion passed with all members present voting aye.

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Item No. 4 – Variance Request, *Nelson*

Senior Planner Kruse presented the variance request to allow a side yard setback to be zero feet rather than the seven feet required by the Land Development Code. The applicants would like to install a carport over the existing area at 838 West Montrose Street. Staff supports the request as it will not have a negative visual impact. Staff recommended approval.

The applicant was present, but did not wish to come forward.

Mayor Ash opened the Public Hearing. There were no comments. Mayor Ash closed the Public Hearing

Council Member Goodgame conveyed concern on whether rain gutters would be installed. Senior Planner Kruse confirmed the rain gutters are a requirement if the request is approved.

Council Member Goodgame moved to approve the variance request; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 5 – Variance Request, *Kinsey*

Development Services Director Henschel presented the variance request to allow a front yard setback. The applicant is requesting their front yard setback be 22 feet rather than the required 25 feet in order to construct a 6-foot by 21-foot front porch addition to the property at 1149 West Montrose Street. The application will not have a negative visual impact as the design will match the existing house. Staff recommended approval of the variance request.

Nathan Kinsey, applicant, 1149 West Montrose Street, requested approval of his variance request.

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

Council Member Travis inquired if the front porch will go over the car area as well. Development Services Director Henschel clarified it will go from the edge of the driveway to the other end of the house.

Council Member Bates moved to approve the variance request; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 6 – Lien Reduction Request

Development Services Director Henschel presented the lien reduction request for 165 Carroll Street. Staff recommends a minimum reduction to 10% of the overall lien with the provision that it be paid within 30 days or the lien reverts back to the original amount.

Christine Marias, Tromberg Law Group, representative of the bank, stated the bank has secured the property, but the property is not currently in foreclosure. The bank is going out every other week to maintain the property. The last hearing regarding the violations was on September 19, 2017 and it was advised the property violations were cured. Ms. Marias requested the Council reduce the lien.

Mayor Ash opened the public hearing.

Jim Purvis, 4206 Hammersmith Drive, conveyed concern of setting a precedent for other properties.

Mayor closed the public hearing.

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Council Member Travis requested the photos given to the Council to be shown to the public. The property was a health and safety hazard.

Council Member Brishke inquired as to when the bank took ownership. Ms. Marias replied the Bank took ownership in 2015. Council Member Brishke noted the fines were not imposed until 2017 which would have given the bank ample time to address the issues. Ms. Marias clarified the majority of the work was completed before the fines were instituted in 2017.

Mayor Ash asked staff when the City started notifying the bank of the condition of the property. City Attorney Mantzaris replied the property went before Special Magistrate in February 2017. The official notice for the hearing was sent in November however, prior to the formal notice, there were courtesy notices sent to the owner.

Council Member Brishke inquired as to the amount the City has put into this property on an administrative aspect. City Manager Gray stated the amount could range anywhere from \$1,000 to \$10,000. The last resort is for the property to go before the Special Magistrate. Before the property was sent a hearing date, staff would have been attempting to work with the property owner to get the property into compliance.

Mayor Ash asked who the City's Code Enforcement would have contacted regarding the non-compliance notices. City Attorney Mantzaris clarified the law requires the City must notify the property owner which is listed on the tax collector's rolls. Notices were sent to the Bank of America office in Texas as that was the address listed.

Mayor Ash conveyed frustration with the length of time the safety hazards went without being addressed and expressed disagreement with staff's recommendation.

City Attorney Mantzaris stated Council can consider a reduction of the lien or deny the request for a reduction. At that time, staff would have to decide what to recommend to the Special Magistrate. The City has the right to foreclose on the lien if the bank is not willing to pay the full amount.

Council Member Travis proposed reducing the fine amount to \$39,750 which was the original lien amount.

Council Member Travis motioned to reduce the lien amount to \$39,750 which was the original lien imposed on August 15, 2017 and for the applicant to pay within 30 days; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 7 – Utility Agreement, Florida Islamic Center

Development Services Director Henschel presented a Utility Agreement request for water service to construct a new house of worship on Old Highway 50. Sewer service is not requested. This parcel is located in the Joint Planning Area and adjacent to City utilities. The site is expected to be developed to City standards. However, there are areas where the applicant cannot meet City standards. If the request is approved, the agreement will be conditioned upon deferral of annexation to occur when legally appropriate.

Applicant was present but had no comments for Council.

Mayor Ash opened the Public Hearing. There were no comments. Mayor Ash closed the Public Hearing.

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Council Member Goodgame inquired who enforces the City's codes if the property is not annexed. City Attorney Mantzaris clarified the City would be able to shut off the property's water should they not be in compliance.

Mayor Ash suggested making the building smaller in order for the applicant to meet the City's codes.

Council Member Bates and Council Member Brishke expressed disagreement with items 2 and 3.

Council Member Goodgame expressed applicants should meet City codes if they want City utilities.

Azeem Abdool, 1020 Fox Trail Avenue, Minneola, applicant, stated the property becomes smaller the further back you go and the building would have to be completely redesigned in order to make it smaller. The building must face at an angle which is causing the current problems with meeting the code. If the building could sit straight on the property, then the property would be in compliance with City code.

City Manager Gray suggested Council could approve the utility agreement which would force the applicant to comply with city code. City Attorney Mantzaris clarified Council could approve the Utility Agreement without the waivers.

Council Member Bates moved to approve the Utility Agreement without waivers two and three; seconded by Council Member Travis. The motion passed with all members present voting aye.

Item No. 8 – Livestock Land Development Regulations

City Manager Gray clarified livestock is currently prohibited within the Clermont city limits.

Development Services Director Henschel presented staff's request for Council's input for the Land Development Code to accept chickens as a permitted use within the City's limits. Staff has reviewed other cities and recommended the Council adopt the following restrictions: a permit would be required, a maximum of five chickens are allowed upon said permit, no roosters are permitted, all chickens must be housed under sanitary conditions in an escape-proof enclosure, and chicken coops must be located in the rear yard.

Mayor Ash opened the Public Hearing.

Dr. Robert Olsen, 1290 Diane Place, conveyed support for allowing livestock in the city's limits and reviewed medical and nutritional benefits of exposure to farm animals.

Jim Purvis, 4206 Hammersmith Drive, expressed opposition to allowing livestock in City limits.

Mayor Ash closed the Public Hearing.

Council Member Goodgame conveyed opposition to allowing livestock within the City limits.

City Attorney Mantzaris stated if Council passes an ordinance of this nature, then it should be restrictive.

Mayor Ash requested the matter be brought back to Council at a workshop for public and Council discussion along with more information on the subject and staff's recommendation.

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ADJOURN: With no further comments, this meeting adjourned at 8:12 pm.

APPROVED:


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

