City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 24, 2018

The City Council met in a regular meeting on Tuesday, July 24, 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 Capital Planning & Projects Director Kinzler, City Attorney Mantzaris, and Deputy City Clerk Zinker.

INVOCATION AND PLEDGE OF ALLEGIANCE

Cyndia Lodyga gave the invocation followed by the Pledge of Allegiance.

PROCLAMATION

Public Information Officer Bloodsworth presented a video of Aurelia Cole. Deputy City Clerk Zinker read the Aurelia Cole proclamation aloud. Mayor Ash presented the proclamation to the family of Aurelia Cole.

Deputy City Clerk Zinker read the Parks and Recreation Month proclamation aloud. Mayor Ash presented the proclamation to Parks and Recreation Director Davidoff.

PUBLIC COMMENTS

Libby Hanna,1251 Fran Mar Court, thanked the Parks and Recreation Department for their quick resolving of an issue. Ms. Hanna requested an update of the timeline and current issues of the boat ramp. Capital Planning Director Kinzler stated the State will review the permit and will do their best to expedite the permit process.

Steve Smith, 1323 Briarhaven Lane, stated the affordable housing project, which Council approved a few years ago, is getting ready to open in September. The units are fully rented with 400 people on the waiting list.

Linda Bibi, 431 West Minnehaha Avenue, recommended Council finds a different solution for the intersection of Bloxam Avenue and Minnehaha Avenue as well as requested live streaming for City Council Meetings. Capital Planning Director Kinzler stated City Manager Gray has requested Minnehaha Avenue be placed on the August 14, 2018 agenda to bring before the Council.

Tim Murry, 574 East Desoto Street, requested for Council to look at the information previously provided to City Manager Gray regarding renaming Bloxam Avenue to Martin Luther King Jr. Boulevard in order to make a decision before the upcoming Martin Luther King Jr. Holiday.

REPORTS

Director of Capital Planning Kinzler reported items 3 and 4 are to be tabled to September 11, 2018

Item No. 3 – Ordinance No. 2018-12, *Final, 607 & 619 Lake Avenue Comprehensive Plan Amendment*

Deputy City Clerk Zinker read Ordinance No. 2018-12 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 Goodgame moved to table Ordinance No. 2018-12 to September 11, 2018; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 4 – Ordinance No. 2018-13, *Final, 607 & 619 Lake Avenue Rezoning*

Deputy City Clerk Zinker read Ordinance No. 2018-13 aloud by title only.

> An Ordinance under the Code of Ordinances of the City of Clermont, Lake County, Florida, amending the official zoning map of the City of Clermont referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances; rezoning the real properties described herein as shown below; providing for severability, effective date, and publication.

> Council Member Bates moved to table Ordinance No. 2018-13 to September 11, 2018; seconded by Council Member Goodgame. This motion passed with all members present voting aye.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame reported attending the Chamber of Commerce breakfast last Friday.

Council Member Brishke reported attending the Chamber of Commerce breakfast on Friday where Officer Colon was honored with an award.

Council Member Travis – No report.

Mayor Ash reported on July 12, she attended the Candidates Forum at the City Center. On Friday, July 13, she was present at Kings Ridge for a presentation on our Master Plan by City Manager Gray and Economic Development Director Schmidt. Later that evening, she attended the memorial service at New Jacobs Chapel for Aurelia Cole. On July 14, at Fire Station 3, she attended the push-in ceremony for the new pumper truck. That same day, she attended the soft opening of First Watch where donations were taken for Buses & Backpacks, a non-profit. On July 18, she was at the Sanctuary Ridge Golf Club for its official ribbon cutting. On July 19, she attended a meeting of the Homeless Task force where the emphasis was on the South Lake County Homeless Forum. On July 20, she was at the South Lake Chamber breakfast where Officer Colon was honored with the Chamber's Public Service award for his efforts with the Oakhurst project. On Saturday, July 21, she held Coffee with the Mayor at Corelli's Pantry where she handed out a list of 41 businesses which have recently opened or will be opening in Clermont. Last night, she attended the police swearing in of Officer Vakratsis. In 2014, she brought the issue before Council to bring fireworks to Clermont for the 4th of July. On June 9, 2015, the Council approved the contract and budget amendment for the fireworks and Clermont then had its first 4th of July fireworks celebration in over 100 years.

CONSENT AGENDA

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

Item No. 1 – Meeting Minutes	Consider approval of the June 26, 2018 Regular Council Meeting Minutes.
Item No. 2 – Utility Easement	Consider purchase of a utility easement located at 1775 Hooks Street.

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

UNFINISHED BUSINESS

The next two items were heard concurrently.

Item No. 5 – Resolution No. 2018-16R, *Kings Crossing*

Deputy City Clerk Zinker read Resolution No. 2018-16R 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 tire store with eight service bays in the Kings Crossing Planned Unit Development zoning district.

Item No. 6 – Variance Request, *Kings Crossing*

Development Services Director Henschel presented the applicants request for a Conditional Use Permit to allow for a 5,400 square foot tire store with eight service bays. The project will provide an access point on US Highway 27 that will be shared with adjoining parcels. The applicant has identified one variance request to allow for a parking deficient of four spaces instead of 38 spaces required by the Land Development Code. The City of Clermont is currently pending a Highway 50 and US 27 overlay district which would cover the subject property. The overlay district would prohibit uses such as motor vehicle sales and leasing to avoid repetitive pattern of land uses as well as to ensure the location of motor vehicle parts service land uses is screened from Highway 50 and US Highway 27. The applicant has provided elevations of the building's proposed appearance. Staff recommended denial of the request for the Conditional Use Permit. Council received several letters of opposition from the public which was included in their packets. Staff recommended denial of the variance request.

Attorney Jimmy Crawford, 1201 W. Highway 50, representative of the owners and proposed developers, stated the owner Mike and Angie Langley were present. Attorney Crawford presented images to Council illustrating the desired layout and site plan for the proposed tire store. The proposed site plan has improved landscape buffers which was not required by the City's code. Attorney Crawford addressed the complaints made by the city residents regarding concerns of a tire store at that location.

Josh Bradley, Native Engineering, LLC, provided the standards for a dry shop to Council. The tire store would be required to follow all the Resource Conservation and Recovery Act rules applicable.

Attorney Crawford stated the applicant would be willing to change the time of operations for the store in order to help ensure no noise impact to surrounding neighborhoods and to install a second left turn on Citrus Tower Boulevard.

Carl Johnson, Amprop Ventures, LLC, commented Amprop Ventures, LLC has a lot of experience building tire stores around the State of Florida.

Council Member Bates disclosed he spoke with the applicant before the meeting.

Council Member Brishke disclosed she briefly spoke with the applicant, but was cut short due to technical difficulty.

Mayor Ash opened the Public Hearing.

Adam Hildebraut, 1784 Bella Lago Drive, conveyed opposition to the proposed use.

Richard Bower, 1789 Bella Lago Drive, conveyed opposition to the proposed use.

Robert Yehling, 1773 Bella Lago Drive, expressed opposition to the proposed use.

George Tull, 3531 Mediterra Drive, expressed opposition to the proposed use.

Ellen Coil, 3554 Mediterra Drive, expressed opposition to the proposed use.

Eric Fincham, 3522 Mediterra Drive, expressed opposition to the proposed use.

Eloy Ozaeta, 1821 Bella Lago Drive, expressed opposition to the proposed use.

Mayor Ash closed the Public Hearing

Council Member Goodgame disclosed he spoke with Randy Langley in regards to this property not just in regards to the tire store, but in regards to the piles of dirt.

Council Member Bates inquired whether the store will offer oil changes as well. Attorney Crawford clarified the tire store will perform oil changes when asked but will not advertise the service and the store will have dry store standards to make sure there are no accidental leakage.

Council Member Travis inquired if Amprop Ventures, LLC ever had to close a store. Mr. Johnson clarified not in Florida.

Council Member Travis inquired if extra soundproofing could be done to the back wall of the store. Mr. Johnson stated the back wall behind the bays will be a 35-foot wide tire storage area which will help to block out the sound.

Council Member Goodgame expressed concern with the amount of tire stores in Clermont.

Council Member Brishke expressed concern with the surrounding area being homes and residential property and requested Council to look into addressing sound issues from the Highway.

Attorney Crawford conveyed concern regarding the Council's stance to dictate the businesses allowed on a property. City Attorney Mantzaris agreed with Attorney Crawford's statement clarifying Council should not make a decision based on their opinion of the market for the proposed use of the property.

Mike Langley, owner, conveyed issues with finding a buyer over the past 10 years for the property.

> <u>Council Member Goodgame moved for the denial of item 5; seconded by Council Member Brishke. The motion failed 3 to 2 with Mayor Ash, Council Member Bates, and Council Member Travis voting in opposition.</u>

Mayor Ash requested language be added to the Conditional Use Permit regulating the noise levels from the tire store. City Attorney Mantzaris replied the Council has previously added similar language which stated if the City receives 3 verifiable complaints regarding noise within a certain period of time then the matter has to be brought back before the City Council for consideration of revocation of the Conditional Use Permit or alternative measures.

Council Member Bates expressed concern of regulating the matter if suggested language were to be added.

Mayor Ash requested the matter be tabled to a future meeting so the language could be drafted to cover the residents' concerns.

Council Member Bates requested language regarding operating hours also be added to the Conditional Use Permit.

Council Member Travis requested language be added mandating the addition of a second left turning land within the Conditional Use Permit.

> Council Member Bates moved to table agenda item 5 to August 14, 2018 to add additional language to the conditional use permit regarding the noise, operating hours, and left turning lane; seconded by Council Member Brishke. The motion passed 4 to 1 with Council Member Goodgame voting in opposition.

Mayor Ash clarified agenda item 6 would also be tabled to August 14, 2018 since it was contingent on item 5.

Item No. 7 – Fair Housing Workshop

City Engineer Dykehouse provided an overview of the Fair Housing Workshop and introduced Fred Fox, President of Fred Fox Enterprises, Inc.

Fred Fox circulated sign-in sheets to the public. An overview of the Fair Housing Act was presented as well as the types of housing and discrimination covered by the Act, the Department of Housing and Urban Development enforcement of the act, the prohibited actions in the sale and rental of housing, and the process for filing a complaint for alleged violations.

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

Item No. 8 – Community Development Block Grant (CDBG), *Second Public Hearing*

Fred Fox stated the first service area is the replacement of water lines along the following streets: Scott Street, Disston Avenue, East Broom Street, East Juniata Street, East Desoto Street, East Montrose Street, East Minneola Avenue, and Pitt Street. The first activity's budget is $321,000. The second primary service area is improvements to the flood and drainage service area along Desoto Street. The second primary service area has a budget of $369,000. There is also an Administrative cost of $60,000 which brings the total grant to $750,000. The third service area is sidewalk installation along Disston Avenue, Scott Street, East Broome Street, East Juniata Street, East Desoto Street, East Montrose Street, East Minneola Avenue, and School Street.

Mayor Ash opened the Public Hearing.

Steve Smith, 1323 Briarhaven Lane, inquired where the $750,000 limit comes from and expressed concern of the probability of the grant being awarded. Mr. Fox replied the $750,000 is the limit allowed by the grant based on the City's population.

Tim Murry, 574 East Desoto Street, expressed support for application.

Mayor Ash closed the Public Hearing.

Item No. 9 – Resolution No. 2018-24R

Deputy City Clerk Zinker read Resolution No. 2018-24R aloud by title only.

> A Resolution of the City Council of the City of Clermont, Lake County, Florida, authorizing the use of six hundred thirty-four thousand four hundred dollars ($634,400.00) of City of Clermont funding as leverage for the Small Cities Neighborhood Revitalization Community Development Block Grant application the City is submitting to the Florida Department of Economic Opportunity for Federal Fiscal Year 2017.

Council Member Bates moved for approval of Resolution 2018-24R; seconded by Council Member Travis. This motion passed with all members present voting aye.

Item No. 10 – Resolution No. 2018-25R

Deputy City Clerk Zinker read Resolution No. 2018-25R aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, authorizing the submission of an application for the Small Cities Community Development Block Grant to the Florida Department of Economic Opportunity for Federal Fiscal Year 2017.

Council Member Bates moved for approval of Resolution 2018-25R; seconded by Council Member Travis. The motion passed with all members present voting aye.

Item No. 11 – Resolution No. 2018-26R

Deputy City Clerk Zinker read Resolution No. 2018-26R aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, authorizing the implementation of the long term and short term objectives of the City of Clermont Community Development Plan.

Council Member Bates moved for approval of Resolution 2018-26R; seconded by Council Member Travis. The motion passed with all members present voting aye.

Mayor Ash recessed at 8:44pm. The meeting was reconvened at 8:55pm.

NEW BUSINESS

Item No. 12 – Variance Request, *669 East Highway 50*

Senior Planner Kruse presented applicant's request for several variances to include a reduction in parking spaces and size, omission of landscape buffers, and signage closer to the property line. In order to assist property owners with challenging site conditions due to their site, the City provided a hardship relief mechanism called a "Cure Plan" that identified measures to mitigate or correct land development code non-conformities. This parcel had a potential cure plan developed by HDR Engineering that would assist with parking at the site and correct some of the non-conformities. The plan was not taken before Council for approval. The evidence, especially with the cure plan, supports the requested improvements on the site. Staff recommended approval of the request.

Christopher Germana, Germana Engineering, representative of potential buyer of the property, stated the variances requested are to improve the property.

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

Council Member Bates inquired to the location of the signage in relation to the road. Mr. Germana speculated the sign would be between 2 and 3 as shown on the map of variance locations presented to Council.

Council Member Brishke inquired as to the reasoning of the signage being moved closer to the road. Mr. Germana replied signs in the surrounding properties are closer to the roads and the potential buyer would like their sign to be in line with the adjacent properties. Senior Planner Kruse confirmed surrounding properties acquired a signage setback.

Council Member Bates asked for the reasoning with moving the oak trees. Mr. Germana clarified the two oak trees in the back of the property pose a safety hazard due to proximity to the property and are decaying.

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

Item No. 13 – Variance Request, *Lot 1 Hancock Center*

Senior Planner Kruse presented applicant's request for several variances to include a reduction of up to twelve parking spaces, an increased retaining wall height of eight feet, smaller internal landscape islands to accommodate parking, and a five-foot landscape buffer on the south and east property line to allow connection of an existing sidewalk along Hancock Road to meet ADA accessibility. The parcel had some initial grading when the original shopping center was constructed. Staff recommended denial of the request.

Bob Thompson, 11905 Egret Bluff, representative of the owners, stated the owner's intent is to build the restaurant as a take-out with only two to three tables inside and a boardwalk behind the property.

Mayor Ash opened the Public Hearing.

Patty Dooley, 1043 Hidden Bluff, requested an explanation of the retaining wall. Mr. Thompson stated the wall goes around the northern and southern border of the property but the wall will be below ground level. Chris Germana, Germana Engineering, clarified the retaining wall will be below grade and the wall at Summit Greens is above grade resulting in Summit Greens being unable to see the retaining wall.

Mayor closed Public Hearing.

Council Member Travis asked for clarification on a variance being needed for the 8-foot retention wall if it starts below ground level. Senior Planner Kruse clarified the height of the wall will be measured starting at ground level from the parking lot.

Council Member Brishke requested if applicant would be able to shrink the building to accommodate the parking. Mr. Thompson replied the City is currently looking to reduce parking spaces at the moment.

Council Member Goodgame inquired of employee parking. Mr. Thompson replied employees will park anywhere within the parking lot.

Mayor Ash inquired what would be visible from the roadway. Mr. Thompson replied the site is almost pad ready. Mr. Germana clarified the original design when Target was built planned for the property to be below grade. The building would be set back from the street resulting in a better vantage point to view most of the building, but with it still being partially blocked.

Mayor Ash expressed concern of equipment being seen on the top of the roof. Mr. Thompson replied people will see most of the building and not the top of the roof while driving along Hancock Road.

Mayor Ash expressed her desire to mitigate the appearance of the retaining wall. Mr. Thompson stated decorative block could be used to mitigate the appearance. Landscape could also be used to break up the wall and use a double 4-foot wall.

Council Member Bates requested more details regarding the proposed boardwalk. Mr. Germana replied the owners want to create a vantage point for the patrons and employees to use, but no tables would be placed on the boardwalk.

Mayor Ash expressed issues with variances due to request for removal of roughly 60% of the landscape buffers.

Council Member Travis moved to approve all variance requests as is; seconded Council Member Bates; The motion failed 3 to 2 with Mayor Ash, Council Member Brishke, and Council Member Goodgame voting in opposition.

Item No. 14 – Fiscal Year 2019 Proposed Ad Valorem Millage Rate

Finance Director VanZile presented the Fiscal Year 2019 Proposed Ad Valorem Millage Rate presentation covering the purpose, Ad Valorem Millage Rate, Amendment Number 1, General Fund Projections, and staff recommendation. Amendment Number 1 will be on the ballot in November and would impact the City in Fiscal Year 2020 by providing a third $25,000 homestead exemption for properties with a taxable value of at least $100,000. Staff recommends Council to approve the Fiscal Year 2019 Proposed Ad Valorem Millage Rate of 4.2061. The proposed rate represents an increase of 6.5429 percent over the rolled back rate of 3.9478.

Mayor Ash opened the Public Hearing.

Dr. Robert Olsen, 1290 Diane Place, requested clarification of the millage rate being advertised as an increase. Finance Director Van Zile replied the 6% increase given is based on the roll back rate and not the current millage rate.

Mayor Ash closed the Public Hearing.

Council Member Bates moved to approve the proposed Ad Valorem Millage Rate; seconded by Council Member Travis. This motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting adjourned at 9:53 pm.

APPROVED:

Gail L. Ash

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk