



**CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT CITY CENTER
AGENDA
6:30 PM, Tuesday, March 9, 2021**

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. Each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor or by majority vote of the Council. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

East Ridge High School State Champions Recognition
Government Finance Officers Week

PRESENTATIONS

Fiscal Year 2021 Quarterly Budget Update

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.

Item No. 1 - Minutes Approval

Consider approval of the minutes from the February 16, 2021 Workshop and the February 17, 2021 Ethics Training.

Item No. 2 - Surplus Request

Consider declaring end of life inventory as surplus from Finance, Parks and Recreation, I.T., Police, and Public Services and dispose of in accordance with the Purchasing Policy.

Item No. 3 - Utility Agreement
Evergreen Planned Unit Development

Consider utility services request from Pulte Home Company, LLC for a 75 lot single-family subdivision that is not adjacent to any city jurisdictional boundaries and within the JPA.

Item No. 4 - Piggyback Purchase

Consider piggyback Lake County B.C.C. contract No. 17-0606L with Ten-8 Fire & Safety, LLC. to acquire fifty (50) SCBA and accessories for the Fire Department in the budgeted amount of \$496,780.93.

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- | | |
|---------------------------------------|--|
| Item No. 5 - Bid Award | Consider award to Folsom Services, Inc. to provide electrical improvements to lift station E10 in the total budgeted amount of \$54,703. |
| Item No. 6 - Proposal Award | Consider award to BESH-Halff, Inc. to provide Sunburst Lane water treatment plant improvements in the negotiated budgeted amount of \$369,570. |
| Item No. 7 - Resolution No. 2021-002R | Consider the adoption of a City Policy that outlines the rules and procedures for the honorary naming of City parks, buildings and other facilities. |
| Item No. 8 - Special Events Review | City Council review of upcoming special events in March, April, May and June due to Covid-19. |

UNFINISHED BUSINESS

- | | |
|--|---|
| Item No. 9 - Variance Request
<i>210 Crystal Lake Drive</i> | Consider a variance to the Land Development Code to allow placement of an above ground pool forward of the front building line. |
|--|---|

NEW BUSINESS

- | | |
|---|--|
| Item No. 10 - Variance Request
<i>Fifth Street Polar Ice House</i> | Consider request to allow connection to the potable water system for irrigation instead of a private well for property located at 492 Chestnut Street. |
| Item No. 11 - Variance Request
<i>1610 Bowman Street</i> | Consider request to allow for a rear yard setback and corner side yard setback less than the minimum requirements of the code. |
| Item No. 12 - Ordinance No. 2021-004
<i>Introduction
Hooks Street Offices Annex</i> | Consider annexation request for vacant parcel located on Hooks Street and east of Sandhill View Road. |
| Item No. 13 - Ordinance No. 2021-005
<i>Introduction
Hooks Street Medical Office CPA</i> | Consider request to change the future land use from Lake County Regional Commercial to Clermont Commercial for vacant parcel located on Hooks Street and east of Sandhill View Road. |

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Item No. 14 - Ordinance No. 2021-006
Introduction
Hooks Street Medical Office Rezoning

Consider rezoning from Lake County R-6 Urban Residential to Clermont C-2 General Commercial for vacant property located on Hooks Street and just east of Sandhill View Road.

Item No. 15 - Ordinance No. 2021-009
Introduction
Victory Pointe CPA

Consider request to change the future land use from Downtown Mixed Use and Low Density Residential to Parks designation for property located at 851 Victory Way.

Item No. 16 - Ordinance No. 2021-011
Introduction
Victory Pointe Rezoning

Consider rezoning from Central Business District and C-1 Light Commercial to Parks and Recreation for property located at 851 Victory Way.

Item No. 17 - Ordinance No. 2021-012
Introduction
Pension Plans

Consider approving the restatement of the Fire Pension Plan and the Police Pension Plan.

ADJOURN

Public Notice

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Meeting agendas are available on the city website and are posted within the first floor of City Hall.

Should any person desire to appeal any decision of the City Council with respect to any matter to be considered at this meeting, that person shall ensure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in this proceeding may contact the Office of the City Clerk at (352) 241-7331 (Voice) no later than two (2) business days prior to the proceeding or by contacting the City Clerk's Office at cityclerk@clermontfl.org. TTY users may call via 711 (Florida Relay Service) no later than two (2) business days prior to the proceeding.

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.

PROCLAMATION

Whereas, the Real World Design Challenge (RWDC) is an annual high school competition run by a public-private partnership with the goal of sustainably increasing the Science, Technology, Engineering and Mathematics (STEM) workforce; and

Whereas, every teacher that participates in the RWDC gets \$1,000,000 in professional engineering software along with training, curriculum materials, and access to mentors; and

Whereas, students first compete in a state level Governor's Cup, with each state then being represented in Washington D.C. to compete in the international finals; and

Whereas, seven (7) students from East Ridge High School known collectively as the "Knights of Aeronautics" have captured the 2021 Real World Design Governor's Cup for the State of Florida defeating 2,272 schools from across the state; and

Whereas, the Knights of Aeronautics, led by instructor John Raulerson, will compete virtually on April 24, 2021 against teams from across the nation and from distant locales such as China, India, and the Philippines for the World Championship title.

Now, Therefore, I, Tim Murry, Mayor of the City of Clermont in the State of Florida, do, hereby deem it an honor and pleasure to extend this recognition to the Knights of Aeronautics at East Ridge High School for the great achievement in the State of Florida and wish them continued success on behalf of the whole Clermont community as they represent our great state as Champions in Washington D.C. this coming April

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 9th Day of March in the year Two Thousand and Twenty One.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

PROCLAMATION

Whereas, The Florida Government Finance Officers Association (FGFOA) is a professional association founding in 1937 and serves more than 3,300 professionals from state, county, and city governments, school districts, colleges and universities, special districts and private firms; and

Whereas, the FGFOA is dedicated to being the professional resources by providing opportunities through education, networking, leadership and information; and

Whereas, the Government Finance Professionals Week, sponsored by the FGFOA and all of its member governmental organizations, is a weeklong series of activities aimed at recognizing government finance professionals and the vital services that they provide to our state and our community; and

Whereas, during this week, government finance professionals through the State of Florida will be acknowledged for their hard work, dedication and leadership.

Now, Therefore, I, Tim Murry, Mayor of the City of Clermont in the State of Florida, do hereby proclaim the Week of March 15-19, Two Thousand and Twenty One as:

Government Finance Professionals Week

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 9th Day of March in the year Two Thousand and Twenty One.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
COUNCIL WORKSHOP
February 16, 2021

The Clermont City Council met at a workshop on Tuesday, February 16, 2021, in the Clermont Community Center. Mayor Murry opened the workshop at 6:30pm with the following Council Members present: Pines, Entsuah, Purvis, and Bates.

Other City officials present were Interim City Manager Dauderis, City Attorney Mantzaris and City Clerk Howe.

1. Downtown Parking Garage Site Evaluation

Interim City Manager Dauderis provided background information on the topic. At the last workshop, Council discussed the master plan and how the public investment in downtown has initiated development in private investors into downtown Clermont. The increase in the number of businesses downtown has created a parking issue. In the fall, the city contracted with Kittelson & Associates to review future needs. That presentation and study was presented on September 8, 2020. The Council expressed interest in looking at potential steps for a parking garage in downtown.

Adam Burghdoff, Transportation Engineer with Kittelson & Associates, presented the parking site evaluation. This process began in 2015 with the adoption of the master plan. The parking garage was a project to be considered at a later date. Downtown Clermont has been expanding with limited parking. He presented a summary of the number of current public parking supply, leased parking and current parking without leased lots. If the leased parking were to vanish, the city would have a 225 space deficit downtown. Following the September Council meeting, Kittelson & Associates started working with staff to provide a new study. He reviewed the past and current parking analysis to include developing performance measures of downtown sites, identified sites and evaluated sites. Then, discussed results of that evaluation. There are four (4) types of parking lots: city owned surface parking, city leased, city on-street and private. There were six (6) different lots evaluated for long term parking. Those sites are as follows: Clermont City Hall, Clermont City Center, 8th and Minneola, Methodist Church, 7th and Minneola, and 7th and Osceola. Each site was ranked and scored individually based on criteria of site potential, walkability, current demand and surrounding land uses.

The Council agreed on these four (4) sites: 7th and Osceola, 8th and Minneola, 7th and Minneola and City Hall.

Interim City Manager Dauderis stated the next step is to review those sites and determine the estimated cost to build surface parking and garage.

Council asked staff to look into the Post Office property for a parking garage.

Mayor Murry recessed at 7:10pm; the workshop was reconvened at 7:15pm.

2. Other

Interim City Manager Dauderis provided an update on the City Manager recruitment. She noted a binder was sent out to the City Council with the City Manager applicants and asked who they would like to interview.

City of Clermont
MINUTES
COUNCIL WORKSHOP
February 16, 2021

After much discussion, the City Council agreed to hire a recruiting firm to assist in the selection process. City Attorney Mantzaris reviewed the process of hiring a recruiting firm. Staff will return to Council with a proposed contract to move forward.

At the request of Council Member Entsuh, Interim City Manager Dauderis presented a draft resolution and reviewed the qualifications, coordination of meetings and purpose of a Small Business Advisory Committee. Council Member Entsuh expressed support for this committee. The majority of the Council was not in favor of the proposed committee and the consensus was to not bring it back to Council.

Interim City Manager Dauderis noted the Council tasked staff with developing a policy for naming of city facilities at the December 8, 2020 meeting. Mrs. Dauderis asked for clarification on the process.

Mayor Murry discussed renaming streets. City Attorney Mantzaris stated staff is drafting a resolution on the naming of buildings and parks. If Council is interested in developing a policy for renaming streets, that would need to be addressed separately. Council concurred to move forward with the one for now. Staff will return to Council with a proposed resolution at a future meeting.

Council Member Pines expressed concern regarding the Marsh Road truck restrictions recently approved by the City of Winter Garden. Mayor Murry noted it was discussed at the Lake County meeting today and County Commissioner Parks will be providing an update at the City Council Meeting on Tuesday.

Council Member Purvis inquired about imposing a moratorium. City Attorney Mantzaris remarked a moratorium is overstepping city boundaries if the city is not responsible for that road. He will further review to determine if action is authorized.

Council agreed to direct staff to return with a recommendation of options for Council to pursue. City Attorney Mantzaris will contact the attorney for Cemex and report to Council at the next meeting.

Adjourn: The workshop concluded at 8:07 pm with no further comments.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
CITY COUNCIL ETHICS TRAINING
February 17, 2021

The City Council met in a noticed training on Tuesday, February 17, 2021 via Zoom. City Attorney Mantzaris called the meeting to order at 4:01pm with the following Council Members present: Council Members Pines, Entsuah, Purvis, Bates and Mayor Murry.

Other City officials present were City Attorney Mantzaris, Interim City Manager Dauderis, IT Director Dennis, and Deputy City Clerk Lueth.

1. PRESENTATION

City Attorney Mantzaris introduced the presentation as the second part of the required 4-hours of ethics training. The second part will focus on the Sunshine Law and Open Records Law. The presentation was given via PowerPoint, and the following topics were covered:

- Purpose and Intent of Sunshine Law
- Open Meetings Law at the State versus Local Government
- What Constitutes a Meeting
- Exemptions from the Sunshine Law
- Meeting Notice Requirements
- Minutes of Meetings
- Rights of the Public to Participate and be Heard
- Quasi-Judicial Proceedings
- Violations of the Sunshine Law
- What is a Public Record
- Responding to Public Records
- Maintenance & Storage of Public Records
- Retention & Disposition
- Violations of Public Records Law

Council Member Purvis asked about the collective council member's power to overrule the mayor regarding time limits on public speaking. He asked if the public needs to know that they can petition the whole Council. City Attorney Mantzaris replied that staff had already considered this and that the City Clerk would be amending the agenda to include language about the power of the Council.

Council Member Pines asked about quasi-judicial proceedings. She specifically asked about a member of a board speaking to the Council. City Attorney Mantzaris replied that it is not a violation for any one member of the Council to speak with any one member of a city board about an issue. City Attorney Mantzaris did caution that it could be an ex parte communication though in some circumstances and if that is the case, the Council Member would need to disclose the discussion and the person who it was discussed with.

Council Member Pines asked about a board member coming before the Council during a City Council meeting and if there are any conflicts. City Attorney Mantzaris replied that appointed board members do not lose their rights as citizens, but they should disclose that they are speaking as a private citizen and not as a member of the board they are appointed to.

Council Member Purvis asked if an email comes into the city email but does not go to the City Manager or City Clerk does it have to be forwarded to them. City Attorney Mantzaris said that council member email is archived instantly for all council members on their City email.

City of Clermont
MINUTES
CITY COUNCIL ETHICS TRAINING
February 17, 2021

Council Member Purvis informed the Council that he copies his city issued email in any response from his private email that deals with City business and encouraged others to do the same.

With no further comments or questions, the seminar ended at 5:58pm.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



AGENDA ITEM

Meeting Date																																					
Tuesday, March 9, 2021																																					
Agenda Item Name																																					
Surplus Request																																					
Requested Action																																					
Recommend approval and declare end of life inventory as surplus from the Finance Department, Parks and Recreation Department, Information Technology Department, Police Department, and the Public Services Department and dispose of in accordance with the Purchasing Policy.																																					
Staff Report																																					
The Procurement Services Department, on behalf of the the Finance Department, Parks and Recreation Department, Information Technology Department, Police Department, and the Public Services Department recommends approval of the above action. The following inventory have reached their end of life service and approval to surplus these items is being requested. <u>Finance Department</u> <table> <tr> <th>Qty.</th> <th>Property Description</th> </tr> <tr> <td>(1)</td> <td>4 Drawer Lateral File Cabinet</td> </tr> </table> <u>Parks and Recreation Department</u> <table> <tr> <th>Qty.</th> <th>Property Description</th> </tr> <tr> <td>(1)</td> <td>NaceCare Avenger Av 12QX Walk Behind Carpet Extractor</td> </tr> <tr> <td>(1)</td> <td>5' Reception Desk</td> </tr> <tr> <td>(1)</td> <td>BETCO Crewman 200 20" Electric Burnisher tables and chairs</td> </tr> <tr> <td>(16)</td> <td>6 Foot Metal Rectangle Tables</td> </tr> <tr> <td>(150)</td> <td>Black Plastic Chairs</td> </tr> <tr> <td>(3)</td> <td>Chair Carts</td> </tr> </table> <u>Information Technology Department</u> <table> <tr> <th>Qty.</th> <th>Property Description</th> </tr> <tr> <td>(1)</td> <td>HP Rackmount Sever</td> </tr> <tr> <td>(1)</td> <td>Apple iPad 4th Generation</td> </tr> <tr> <td>(3)</td> <td>Dell FX100 Remote Access Devices</td> </tr> </table> <u>Police Department</u> <table> <tr> <th>Qty.</th> <th>Property Description</th> </tr> <tr> <td>(1)</td> <td>2015 Ford Taurus Interceptor - Vehicle Involved in Crash, 46,532 Miles</td> </tr> </table> <u>Public Services</u> <table> <tr> <th>Qty.</th> <th>Property Description</th> </tr> <tr> <td>(11)</td> <td>Stolen Grounds Equipment</td> </tr> <tr> <td>(60)</td> <td>Miscellaneous Faucets</td> </tr> </table> The following inventory from the Police Department, Public Services Department and Information Technology Department represents assets that were disposed but are currently listed in the inventory. The purpose of this		Qty.	Property Description	(1)	4 Drawer Lateral File Cabinet	Qty.	Property Description	(1)	NaceCare Avenger Av 12QX Walk Behind Carpet Extractor	(1)	5' Reception Desk	(1)	BETCO Crewman 200 20" Electric Burnisher tables and chairs	(16)	6 Foot Metal Rectangle Tables	(150)	Black Plastic Chairs	(3)	Chair Carts	Qty.	Property Description	(1)	HP Rackmount Sever	(1)	Apple iPad 4th Generation	(3)	Dell FX100 Remote Access Devices	Qty.	Property Description	(1)	2015 Ford Taurus Interceptor - Vehicle Involved in Crash, 46,532 Miles	Qty.	Property Description	(11)	Stolen Grounds Equipment	(60)	Miscellaneous Faucets
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approval is to officially remove the listed property from the inventory system.

Police Department

Qty.	Property Description
(1)	2013 Interview Room Recording System
(2)	2014 Dell Latitude 14 5000 Series Laptop
(44)	2008 Axon Tasers
(2)	2008 Helmet Camera With DVR
(2)	2004 AR-15 Rifles
(10)	2006 Glock Pistols
(1)	2004 Hostage Rescue Phone
(1)	2005 Laptop For Special Ops Truck
(1)	2006 ID Badge System
(1)	2007 Digital Camera
(1)	2007 Repeater Channel

Information Technology Department

Qty.	Property Description
(1)	2013 Sans APC Smart-UPS Backups
(2)	2013 HP Left-hand P4300 San Backups
(1)	2012 Virtual Desktop Operational System
(2)	2011 Dual Processor License for SQL Server
(1)	2007 Help Desk Software
(1)	2006 Email Antivirus Software

Public Services Department

Qty.	Property Description
(1)	1997 Tractor and Tiller
(1)	2002 John Deere Mower
(1)	2011 Chemtube PPS Pump
(1)	2004 Lap Meter Probe
(1)	2004 John Deere Mower
(1)	2005 Parameter Meter
(3)	1997 Truck Radios and Lift Gates
(1)	2007 Zero Turn Mower
(1)	1995 Wheel Balancer
(1)	1996 Bead Beaker Pump
(1)	1995 55 Ton Aluminum Ram

Salvageable surplus property will be sold through GovDeals.com, an electronic auction website for government property. Non-salvageable property will be disposed of appropriately.

Additional Analysis

Fiscal Impact Summary

Surplus property is anticipated to be sold for approximately \$5,000.

Fiscal Impact	Fund Number and Description	Available Budget Amount
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Exhibits Attached (copies of original agreements)

1.	Finance Disposal Form	Finance Disposal Form.pdf
2.	Police Disposal Forms	Police Disposal Forms.pdf
3.	Information Technology Disposal Form	Information Technology Disposal Form.pdf
4.	Public Services Stolen Property	Public Services Stolen Property.pdf
5.	Parks and Recreation Disposal Forms	Parks and Recreation Disposal Forms.pdf



PROPERTY DISPOSAL FORM

Dept. / Division: FINANCE Property Tag #: n/a
Contact Person: Becki Young Phone: 352-241-7367
Year / Make / Model: _____ Vehicle No. _____
Miles / Hours: _____ Serial / VIN: _____
Description of Property Hon 4 drawer lateral file cabinet

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☒ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:** _____

Director Signature: Pam Blawonski

Date: 1/19/2021

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: _____



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: #2204 10694 Unknown/vehicle Towed
Contact Person: Lt. Nick Bloom Phone: 352-536-8442
Year / Make / Model: 2015 Ford Taurus Interceptor Vehicle No. 2204
Miles / Hours: 46532 Serial / VIN: 1FAHP2MKXFG151908
Description of Property POLICE PATROL VEHICLE

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** TOTAL LOSS DUE TO CRASH

Director Signature: [Signature]

Date: 1-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 6904



CHARLES L. BROADWAY
Police Chief



Inter Office Memorandum

TO: Chief Broadway
Via Chain of Command

DATE: 01/23/2021

FILE:

FROM: Lt. N. Bloom #217

SUBJECT: Vehicle 2204 Surplus/Total Loss

ENCLOSURES:

CC:

NB
217

Chief Broadway,

Vehicle #2204 was involved in a vehicle crash on 1/4/2021. The insurance adjuster deemed it a total loss. Attached is the Property Disposal Form to surplus the vehicle from our inventory.

Supervisor (Print)	Initial's	Action	Comments	Date
Captain Graczyk	JB	R+F		1/25/21
Chief Broadway	CB	Approved	cc Ramsey Jimenez	1-25-21

Actions: Approved / Denied, Recommended / Not Recommended, Reviewed and Forwarded, Received-No Action



Appraisers of Central Florida

Total Loss Report

Claim Number: VA2021099885

Estimate ID Number: 1870003

ACV Summary

ACV Method	TLV
Book Value	\$0.00
Avg Dealer Quotes	\$0.00
Avg Line 1 & 2	\$0.00
Total Adjustments	\$0.00
Suggested ACV	\$0.00
Tax Rate	
Grand Total	\$0.00

Total Adjustments

Total Adjustments	\$0.00

Book Value

Retail	1/8/2021
Base Value	\$0.00
Mileage	
Total	\$0.00

Dealer Quotes

Dealer	Contact	Phone Number	Amount
			\$0.00
			\$0.00
			\$0.00

Salvage Bids

Salvage Bidder	Contact	Phone Number	Amount
Pasco Auto Salvage	Vinny	727 868-9583	1495.65
Budget Auto Parts	Craig	863 533-0568	1077.00
Oscoela Auto Salvage	Brad	407 201-3999	250.00



REPORT SUMMARY



CLAIM INFORMATION

Owner	City Of Clermont Clermont, FL 34711
Loss Unit	Police 2015 Ford TAURUS POLICE AWD 6cyl. 3.7l Sedan
Loss Unit Type	SPECIALTY VEHICLES
Loss Incident Date	01/04/2021
Claim Reported	01/11/2021



INSURANCE INFORMATION

Report Reference Number	100249660
Claim Reference	VA2021099885
Adjuster	Fox, Alisha
Appraiser	Hamlin, James
Odometer	46,532
Last Updated	01/11/2021 09:53 AM



VALUATION SUMMARY

Base Value	\$ 10,643.00
ADJ TO SETTLE =POLICE EQUIPMENT	+ \$ 4,000.00
Adjusted Value	\$ 14,643.00

Total **\$ 14,643.00**

The total may not represent the total of the settlement as other factors (e.g. license and fees) may need to be taken into account.

The CCC ONE® Market Valuation Report reflects CCC Information Services Inc.'s opinion as to the value of the loss unit, based on information provided to CCC by APPRAISERS OF CENTRAL FLORIDA LLC.

BASE VALUE

This is derived from comparable unit(s) available or recently available in the marketplace at the time of valuation, per our valuation methodology described on the next page.

Inside the Report

Valuation Methodology.....	2
Loss Unit Information.....	3
Comparable Units.....	6
Valuation Notes.....	8
Supplemental Information.....	9

 LOSS UNIT INFORMATION**LOSS UNIT DETAILS**

Location	Clermont , FL 34711
VIN	1FAHP2MKXFG151908
Year	2015
Make	Ford
Model	TAURUS POLICE AWD
Drivetrain	4X4

LOSS UNIT CONDITION

	Condition
Overall Rating	Average

Vehicles sold in the United States are required to have a manufacturer assigned Vehicle Identification Number(VIN). This number provides certain specifications of the vehicles .

Please review the information in the Loss Unit Information Section to confirm the reported mileage and condition, and to verify that the information accurately reflects the options, additional equipment, refurbishments or other aspects of the loss unit that may impact the value.

APPRAISERS OF CENTRAL FLORIDA LLC uses condition inspection guidelines to determine the condition of the loss unit prior to the loss. The guidelines describe physical characteristics for the loss unit, for the condition selected based upon age. Inspection Notes reflect observations from the appraiser regarding the loss unit's condition.

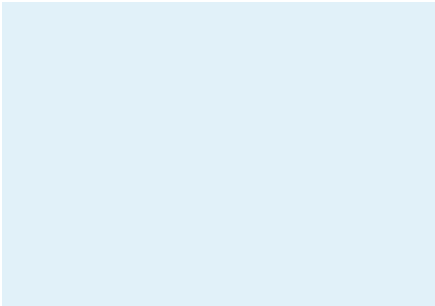
LOSS UNIT EQUIPMENT

CT - Transmission	AUTOMATIC TRANSMISSION	✓
	4 WHEEL DRIVE	✓
PO - Power	POWER STEERING	✓
	POWER BRAKES	✓
	POWER WINDOWS	✓
	POWER LOCKS	✓
	POWER MIRRORS	✓
	POWER DRIVER SEAT	✓
	POWER ADJUSTABLE PEDALS	✓
IS - Seats/Interior	BUCKET SEATS	✓
	CLOTH SEATS	✓
	RECLINING/LOUNGE SEATS	✓
CS - Convenience	AIR CONDITIONING	✓
	DUAL MIRRORS	✓
	INTERMITTENT WIPERS	✓
	TILT WHEEL	✓
	CRUISE CONTROL	✓
	REAR DEFOGGER	✓
	MESSAGE CENTER	✓
	STEERING WHEEL TOUCH CONTROLS	✓
	TELESCOPIC WHEEL	✓
	OVERHEAD CONSOLE	✓
CR - Radio	AM RADIO	✓
	FM RADIO	✓
	STEREO	✓
	SEARCH/SEEK	✓
	CD PLAYER	✓
CW - Wheels	STYLED STEEL WHEELS	✓
SS - Safety	AIR BAG (DRIVER ONLY)	✓
	PASSENGER AIR BAG	✓
	ANTI-LOCK BRAKES (4)	✓
	4-WHEEL DISC BRAKES	✓
	TRACTION CONTROL	✓
	STABILITY CONTROL	✓

To the left is the equipment of the loss unit that APPRAISERS OF CENTRAL FLORIDA LLC provided to CCC.

LOSS UNIT EQUIPMENT

OP - Other	FRONT SIDE IMPACT AIR BAGS	✓
	HEAD/CURTAIN AIR BAGS	✓
	TINTED GLASS	✓
	CLEARCOAT PAINT	✓
	REAR STEP BUMPER	✓



COMPARABLE UNITS

	Loss Unit	Comp 1	Comp 2	Comp 3
Price		\$7,900	\$9,995	\$8,995
Year/Make/Model	2015 Ford TAURUS POLICE AWD	2015 Ford TAURUS AWD POLICE Police Interceptor	2015 Ford TAURUS AWD POLICE	2015 Ford TAURUS AWD POLICE Police Interceptor
Trim		Police Interceptor		Police Interceptor
Odometer	46,532	122,173	139,987	101,040
Configuration				
Engine Cylinder	6	6	6	6
Model Description	3.7L	3.7L	3.7L	3.7L
Body Type	SEDAN	SEDAN	SEDAN	SEDAN
Drivetrain	4X4	4X4	4X4	4X4
Options				
TG - Tinted Glass	✓	✓	✗	✓
RG - Passenger Air Bag	✓	✓	✓	✓
BS - Bucket Seats	✓	✓	✓	✓
4W - 4 Wheel Drive	✓	✓	✓	✓
RD - Rear Defogger	✓	✓	✓	✓
DT - Privacy Glass	✗	✗	✓	✗
TL - Telescopic Wheel	✓	✓	✓	✓
M3 - Auxiliary Audio Connection	✗	✓	✗	✗
RL - Reclining/Lounge Seats	✓	✓	✓	✓
TQ - Steering Wheel Touch Controls	✓	✓	✓	✓
DM - Dual Mirrors	✓	✓	✓	✓
ST - Stereo	✓	✓	✓	✓
XG - Front Side Impact Air Bags	✓	✓	✓	✓
SY - Styled Steel Wheels	✓	✓	✓	✓
FM - FM Radio	✓	✓	✓	✓
DG - Head/Curtain Air Bags	✓	✓	✓	✓
MC - Message Center	✓	✓	✓	✓
HF - Hands Free	✗	✗	✓	✗
AT - Automatic Transmission	✓	✓	✓	✓
SE - Search/Seek	✓	✓	✓	✓
IP - Clearcoat Paint	✓	✓	✓	✓
CS - Cloth Seats	✓	✓	✓	✓

Comp 1 Updated Date: 12/02/2020

2015 Ford TAURUS AWD POLICE

Police Interceptor

VIN 1FAHP2MK6FG178507

Dealership LOCAL AUTO SALES LLC

Location Roanoke, VA

Telephone (540) 526-4045

Source Dealer Ad

Comp 2 Updated Date: 12/16/2020

2015 Ford TAURUS AWD POLICE

VIN 1FAHP2MKXFG149415

Dealership Classic Auto Sales

Location Roanoke, VA

Telephone (540) 427-6948

Source Dealer Ad

Stock # C-62598

Comp 3 Updated Date: 12/02/2020

2015 Ford TAURUS AWD POLICE

Police Interceptor

VIN 1FAHP2MK7FG167984

Dealership ABC CARS LLC

Location Richmond, VA

Telephone (804) 288-0130

Source Dealer Ad

Comparables used in the determination of the Base Value are not intended to be replacement units but are reflective of the market value, and may no longer be available for sale.

Price is the amount that the dealership will accept to sell the unit, though a lower price may be obtainable through negotiation.

COMPARABLE UNITS

	Loss Unit	Comp 1	Comp 2	Comp 3
DB - 4-Wheel Disc Brakes	✓	✓	✓	✓
T1 - Stability Control	✓	✓	✓	✓
SP - Power Driver Seat	✓	✓	✓	✓
IW - Intermittent Wipers	✓	✓	✓	✓
PL - Power Locks	✓	✓	✓	✓
AC - Air Conditioning	✓	✓	✓	✓
PM - Power Mirrors	✓	✓	✓	✓
AB - Anti-Lock Brakes (4)	✓	✓	✓	✓
PW - Power Windows	✓	✓	✓	✓
AG - Drivers Side Air Bag	✓	✓	✓	✓
PP - Power Adjustable Pedals	✓	✓	✓	✓
CC - Cruise Control	✓	✓	✓	✓
PS - Power Steering	✓	✓	✓	✓
CD - CD Player	✓	✓	✓	✓
TX - Traction Control	✓	✓	✓	✓
CO - Overhead Console	✓	✓	✓	✓
PX - Backup Camera	✗	✓	✓	✗
PB - Power Brakes	✓	✓	✓	✓
AM - AM Radio	✓	✓	✓	✓
TW - Tilt Wheel	✓	✓	✓	✓
SB - Rear Step Bumper	✓	✓	✓	✓

Additional Equipment

Push Bumper	✗	✗	✓	✗
-------------	---	---	---	---

Condition	Average	Average	Average	Average
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Adjustments:

Additional Equipment

Push Bumper	- \$ 190
-------------	----------

Options

DT - Privacy Glass		- \$ 83	
M3 - Auxiliary Audio Connection	- \$ 46		
HF - Hands Free		- \$ 83	
PX - Backup Camera	- \$ 166	- \$ 166	
Odometer	\$ 1,996	\$ 2,298	\$ 1,478

Condition

Adjusted Comparable Value	\$9,684	\$11,771	\$10,473
----------------------------------	----------------	-----------------	-----------------

VALUATION NOTES

01/08/2021 10:25 - Loss Vehicle Average Mileage: 92,772

01/08/2021 10:25 - STANDARD OPTIONS: 4W, AB, AC, AG, AM, AT, BS, CC, CD, CO, CS, DB, DG, DM, FM, IP, IW, MC, PB, PL, PM, PP, PS, PW, RD, RG, RL, SB, SE, SP, ST, SY, T1, TG, TL, TQ, TW, TX, XG

The following information was provided after the valuation was completed

01/11/2021 09:53 - Sales Tax data modified after Valuation

01/11/2021 09:51 - Sales Tax data modified after Valuation

This Market Valuation Report has been prepared exclusively for use by APPRAISERS OF CENTRAL FLORIDA LLC, and no other person or entity is entitled to or should rely upon this Market Valuation Report and/or any of its contents. CCC is one source of valuations, and there are other valuation sources available.

SUPPLEMENTAL INFORMATION



EXPERIAN® AUTOCHECK® VEHICLE HISTORY REPORT

TITLE CHECK	RESULTS FOUND
Abandoned	✓ No Abandoned Record Found
Damaged	✓ No Damaged Record Found
Fire Damage	✓ No Fire Damage Record Found
Grey Market	✓ No Grey Market Record Found
Hail Damage	✓ No Hail Damage Record Found
Insurance Loss	✓ No Insurance Loss Record Found
Junk	✓ No Junk Record Found
Rebuilt	✓ No Rebuilt Record Found
Salvage	✓ No Salvage Record Found
EVENT CHECK	RESULTS FOUND
NHTSA Crash Test Vehicle	✓ No NHTSA Crash Test Vehicle Record Found
Frame Damage	✓ No Frame Damage Record Found
Major Damage Incident	✓ No Major Damage Incident Record Found
Manufacturer Buyback/Lemon	✓ No Manufacturer Buyback/Lemon Record Found
Odometer Problem	✓ No Odometer Problem Record Found
Recycled	✓ No Recycled Record Found
Branded Title Auction	✓ No Branded Title Auction Record Found
Water Damage	✓ No Water Damage Record Found
VEHICLE INFORMATION	RESULTS FOUND
Accident	✓ No Accident Record Found
Corrected Title	✓ No Corrected Title Record Found
Driver Education	✓ No Driver Education Record Found
Duplicate Title	✓ No Duplicate Title Record Found
Emissions Safety Inspection	✓ No Emissions Safety Inspection Record Found
Fire Damage Incident	✓ No Fire Damage Incident Record Found
Lease	✓ No Lease Record Found
Lien	✓ No Lien Record Found
Livery Use	✓ No Livery Use Record Found
Government Use	✓ No Government Use Record Found
Police Use	✓ No Police Use Record Found
Fleet	✓ No Fleet Record Found
Rental	✓ No Rental Record Found
Fleet and/or Lease	✓ No Fleet and/or Lease Record Found
Fleet and/or Rental	✓ No Fleet and/or Rental Record Found
Repossessed	✓ No Repossessed Record Found
Taxi use	✓ No Taxi use Record Found
Theft	✓ No Theft Record Found

CCC provides APPRAISERS OF CENTRAL FLORIDA LLC information reported by Experian® regarding the 2015 Ford TAURUS POLICE AWD 6cyl. 3.7l (1FAHP2MKXFG151908). This data is provided for informational purposes. Unless otherwise noted in this Market Valuation Report, CCC does not adjust the value of the loss unit based upon this information.

LEGEND :

- ✓ No Event Found
- ⊘ Event Found
- 📄 Information Needed

TITLE CHECK

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss unit show no significant title events. When found, events often indicate automotive damage or warnings associated with the unit.

EVENT CHECK

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss unit show no historical events that indicate a significant automotive problem. These problems can indicate past previous car damage, theft, or other significant problems.

VEHICLE INFORMATION

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss unit show no vehicle information that indicate a significant automotive problem. These problems can indicate past previous car damage, theft, or other significant problems.

ODOMETER CHECK

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss unit show no indication of odometer rollback or tampering was found. AutoCheck determines odometer rollbacks by searching for records that indicate odometer readings less than a previously reported value. Other odometer events can report events of tampering, or possible odometer breakage.

SUPPLEMENTAL INFORMATION



FULL HISTORY REPORT RUN DATE: 01/11/2021

Below are the historical events for this vehicle listed in chronological order.

EVENT DATE	EVENT LOCATION	ODOMETER READING	DATA SOURCE	EVENT DETAIL
03/15/2015			Independent Source	VEHICLE MANUFACTURED AND SHIPPED TO DEALER
05/12/2015	CLERMONT, FL		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
02/11/2020			Manufacturer	MANUFACTURER RECALL
03/30/2020			Manufacturer	MANUFACTURER RECALL
03/30/2020			Manufacturer	MANUFACTURER RECALL

AUTOCHECK TERMS AND CONDITIONS:

Experian's Reports are compiled from multiple sources. It is not always possible for Experian to obtain complete discrepancy information on all vehicles; therefore, there may be other title brands, odometer readings or discrepancies that apply to a vehicle that are not reflected on that vehicle's Report. Experian searches data from additional sources where possible, but all discrepancies may not be reflected on the Report.

These Reports are based on information supplied to Experian by external sources believed to be reliable, BUT NO RESPONSIBILITY IS ASSUMED BY EXPERIAN OR ITS AGENTS FOR ERRORS, INACCURACIES OR OMISSIONS. THE REPORTS ARE PROVIDED STRICTLY ON AN "AS IS WHERE IS" BASIS, AND EXPERIAN FURTHER EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE REGARDING THIS REPORT.

YOU AGREE TO INDEMNIFY EXPERIAN FOR ANY CLAIMS OR LOSSES, INCLUDING COSTS, EXPENSES AND ATTORNEYS FEES, INCURRED BY EXPERIAN ARISING DIRECTLY OR INDIRECTLY FROM YOUR IMPROPER OR UNAUTHORIZED USE OF AUTOCHECK VEHICLE HISTORY REPORTS.

Experian shall not be liable for any delay or failure to provide an accurate report if and to the extent which such delay or failure is caused by events beyond the reasonable control of Experian, including, without limitation, "acts of God", terrorism, or public enemies, labor disputes, equipment malfunctions, material or component shortages, supplier failures, embargoes, rationing, acts of local, state or national governments, or public agencies, utility or communication failures or delays, fire, earthquakes, flood, epidemics, riots and strikes.

These terms and the relationship between you and Experian shall be governed by the laws of the State of Illinois (USA) without regard to its conflict of law provisions. You and Experian agree to submit to the personal and exclusive jurisdiction of the courts located within the county of Cook, Illinois.



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: 10798
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2013 SUPER CIRCUITS Vehicle No.
Miles / Hours: Serial / VIN: 2ZB2J12
Description of Property 2013 INTERVIEW ROOM RECORDING SYSTEM

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6652

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2014 DELL 210-ABCM Vehicle No.
Miles / Hours: Serial / VIN: 2ZB2J12
Description of Property 2014 DELL LATITUDE 14 5000 SERIES LAPTOP

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

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- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2.1.21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6746

Revised 4/12/2017



PROPERTY DISPOSAL FORM

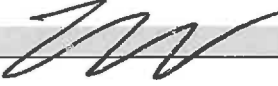
Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2014 DELL 210-ABCM Vehicle No.
Miles / Hours: Serial / VIN: 5TB2J12
Description of Property 2014 DELL LATITUDE 14 5000 SERIES LAPTOP

☐ See attached form with multiple items listed. All items must include above information.

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☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6745

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2007 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2007 REPEATER CHANNEL

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

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☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6174

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2007 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2007 DIGITAL CAMERA

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

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☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6162



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2006 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2006 PISTOLS

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6150



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2006 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2006 ID BADGE SYSTEM

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

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- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6127



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2005 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2005 LAPTOP FOR SPECIAL OPS TRUCK

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6095



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2004 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2004 HOSTAGE RESCUE PHONE

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

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- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6082

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2004 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2004 (4) GLOCK PISTOLS

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6077

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2003 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2003 (5) GLOCK PISTOLS

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6055

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2004 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2004 (2) AR-15 RIFLES

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6053



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2008 SEER S-7003 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2008 HELMET CAMERA WITH DVR

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 5669



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2008 SEER S-7003 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2008 HELMET CAMERA WITH DVR

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 5063

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: POLICE Property Tag #: none
Contact Person: Debbie Arroyo Phone: 8424
Year / Make / Model: 2008 Axxon Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2008 Axxon Taser (44)

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory - Tasers were previously disposed

Director Signature: [Signature]

Date: 2-1-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 5044

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 6584
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2012 FX100 Vehicle No.
Miles / Hours: Serial / VIN: CBX1MV1
Description of Property DELL FX100 REMOTE ACCESS DEVICES

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: [Signature] Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: Agenda Item:

Method of Disposal: Date Disposed:

Purchasing Director: Date:

Munis Asset Number: 6584



PROPERTY DISPOSAL FORM

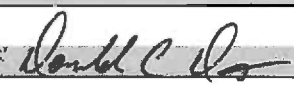
Dept. / Division: INFO. TECH. Property Tag #: 6585
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2012 FX100 Vehicle No.
Miles / Hours: Serial / VIN: 65X1M V1
Description of Property DELL FX100 REMOTE ACCESS DEVICES

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6585



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 6586
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2012 FX100 Vehicle No.
Miles / Hours: Serial / VIN: DBX1MV1
Description of Property DELL FX100 REMOTE ACCESS DEVICES

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: Donald C. [Signature]

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6586



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 6665
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2013 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property SANS APC SMART-UPS BACKUPS

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: Donald C. [Signature]

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6665



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 6664
Contact Person: Dori Dennis Phone: 7377
Year / Make / Model: 2013 P4300 BK715B Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property HP LEFTHAND P4300 SANS BACKUPS

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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☒ **OTHER:** Remove from Inventory

Director Signature: Donald C. Davis

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6664



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 6663
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2013 P4300 BK715B Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property HP LEFTHAND P4300 SANS BACKUPS

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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☒ **OTHER:** Remove from Inventory

Director Signature: Donald C. De

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6663



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10182
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2012 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property VIRTUAL DESKTOP OPERATIONAL SYSTEM

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☒ **OTHER:** Remove from Inventory

Director Signature: Donald C. [Signature]

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6587

Revised 4/12/2017



PROPERTY DISPOSAL FORM

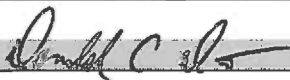
Dept. / Division: INFO. TECH. Property Tag #: 10181
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2011 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property DUAL PROCESSOR LICENSE FOR SQL SERVER

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6570



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10180
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2011 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property DUAL PROCESSOR LICENSE FOR SQL SERVER

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6569

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 10173
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2007 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property HELP DESK SOFTWARE

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from inventory

Director Signature: 

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 5937

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: INFO. TECH. Property Tag #: 5906
Contact Person: Don Dennis Phone: 7377
Year / Make / Model: 2006 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property EMAIL ANTIVIRUS SOFTWARE

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: Donald C. [Signature]

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 5906



Clermont Police Department

Case Report for Incident 21C01814

Nature: S35
Location: CLE1

Address: 400 12TH ST;public works
CLERMONT FL 34711

Offense Codes: THGR, TPAS, 230F

Received By: BRIDGES 2869

Agency: CLE

Responding Officers: TEETS 178, DEMASTUS 156, MARTINEZ 154

Responsible Officer: TEETS 178

Disposition: ACT 01/18/21

When Reported: 06:53:29 01/18/21

Occurred Between: 00:00:00 01/17/21 and 06:56:44 01/18/21

Assigned To: THOMPSON 184

Detail: CCID

Date Assigned: 01/19/21

Status: ASN

Status Date: 01/19/21

Due Date: **/**/**

Complainant: 181841

Last: HOWELL

First: BRIAN

Mid: CHRISTOPHER

DOB: 02/13/69

Dr Lic: H400063690530

Address: 14449 MASCOTTE EMPIRE RD

Race: W

Sex: M

Phone: (352)267-2563

City: GROVELAND, FL 34736

Offense Codes

Reported:

Observed:

Additional Offense: THGR THEFT GRAND

Additional Offense: TPAS TRESPASS

Additional Offense: 230F THEFT F/MOTOR VEHICLE

Circumstances

Responding Officers:

Unit :

TEETS 178

CA1

DEMASTUS 156

CA2

MARTINEZ 154

C32

Responsible Officer: TEETS 178

Agency: CLE

Received By: BRIDGES 2869

Last Radio Log: 09:40:58 01/19/21 CMPLT

:

Clearance: R REPORT

When Reported: 06:53:29 01/18/21

Disposition: ACT **Date:** 01/18/21

Judicial Status:

Occurred between: 00:00:00 01/17/21

Misc Entry:

and: 06:56:44 01/18/21

Modus Operandi:

Description :

Method :

VIDEO

VIDEO AVAILABILITY

AVAILABLE

02/17/21

Narrative

21C01814
Grand Theft
Trespass
Officer B. Teets #178

On January 18, 2021 at approximately 0654 hours I responded to the Public Works Department at 400 12th Street Clermont, Florida 34711 in reference to theft of tools from several vehicles.

Upon my arrival I spoke to the Maintenance Supervisor Brian Howell. Brian stated that several of the vehicles on the property had been ransacked through. Brian stated the bed of the trucks compartments were open and it's possible tools were taken. Brian stated he would not know which tools were taken until the workers arrive back to work on 01/19/2021 at 7am. Brian stated they just installed new cameras on the premise. Brian stated he did not have access to the cameras. Brian stated that all vehicles were parked on 01/15/2021 at approximately 1700 hours and all the compartments were closed.

Officer Demastus and I canvased the area. We located a leaf blower near a waste truck. The blower still had a Clermont Police Department property tag laying near the blower. It appeared the blower had previously been located and turned into the Public Works Department. In the same location I located a foot trail. The foot trail lead to the baseball field which is located on the south side of the business. The prints matched the prints near one of the city trucks that was ransacked. The prints looked fresh and not disturbed. I walked the wood line, baseball field and Blessed Sacrament Church to try and locate where the suspect may have exited and locate anything of further evidentiarily value.

It appeared that approximately seven trucks had been ransacked. There were several tool kits on the ground and several other drills and bag tools. There did not appear to be any damage to the vehicles. The vehicles and exterior tool boxes were left unsecure as I observed no signs of forced entry.

Officer Demastus took several photo's of the scene. Prints could not be lifted from the vehicles do to the vehicles being wet from the morning dew.

Later in the day at approximately 1300 hours Officer Demastus and I responded back to the business and dusted for latent prints. Officer Demastus dusted all seven vehicles for latent prints. No prints were obtained.

I advised Brian that I would return on the next business day for the list of stolen items and any serial numbers he can provide. Due to the holiday I will contact the City of Clermont I.T. Department for video surveillance.

A sworn written statement and affidavit/waiver was completed.

A crime worksheet was completed.

All photo's were added to evidence. A photo of the shoe print was added into photo's. It appears the size of the shoe is a size 11. The shoe was measured by Officer Demastus with a tape measure.

I have nothing further to add at the time of documenting this report.

02/17/21

Supplement

Added By: PLACENSIO 891

Added On: 13:14:48 01/18/21

CAD Call info/comments

=====

06:54:39 01/18/21 - BRIDGES 2869
caller adv that it looks like lawn equipment was stolen
06:55:08 01/18/21 - BRIDGES 2869
caller adv that he is not what was exactly stolen
06:55:34 01/18/21 - BRIDGES 2869
he works for sanitation he is going to call the manager from public works
06:56:10 01/18/21 - BRIDGES 2869
54 covid 19
06:56:42 01/18/21 - BRIDGES 2869
he is in the parking lot in a bright jacket
08:34:24 01/18/21 - ROSENBERGER2265 - From: TEETS 178
DL /H400063690530

08:35:03 01/18/21 - ROSENBERGER2265
REF THE DL FOR BRIAN HOWELL 5429P VALID ..PER CAL OS THE COMPL
09:35:43 01/18/21 - ROSENBERGER2265 - From: TEETS 178
98 R

12:55:09 01/18/21 - ROSENBERGER2265
Call type 1 reopened by ROSENBERGER2265 at 12:55:09 01/18/21

02/17/21

Supplement

Added By: COLON 2715

Added On: 09:40:58 01/19/21

CAD Call info/comments

=====

06:54:39 01/18/21 - BRIDGES 2869
caller adv that it looks like lawn equipment was stolen
06:55:08 01/18/21 - BRIDGES 2869
caller adv that he is not what was exactly stolen
06:55:34 01/18/21 - BRIDGES 2869
he works for sanitation he is going to call the manager from public works
06:56:10 01/18/21 - BRIDGES 2869
54 covid 19
06:56:42 01/18/21 - BRIDGES 2869
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08:34:24 01/18/21 - ROSENBERGER2265 - From: TEETS 178
DL /H400063690530

08:35:03 01/18/21 - ROSENBERGER2265
REF THE DL FOR BRIAN HOWELL 5429P VALID ..PER CAL OS THE COMPL
09:35:43 01/18/21 - ROSENBERGER2265 - From: TEETS 178
98 R

12:55:09 01/18/21 - ROSENBERGER2265
Call type 1 reopened by ROSENBERGER2265 at 12:55:09 01/18/21

08:05:46 01/19/21 - COLON 2715
Call type 1 reopened by COLON 2715 at 08:05:46 01/19/21

08:06:08 01/19/21 - COLON 2715
PER CAL REQUEST THE CALL BE REOPENED

09:05:48 01/19/21 - COLON 2715 - From: TEETS 178
STIHL 8G55 BLOWER SN/S202965486... \$200 VALUE

09:06:35 01/19/21 - COLON 2715 - From: TEETS 178
EDITED STIHL 18 INCH CHAIN SAW MODEL #MS271 SN/S20456448 \$400 VALUE
09:17:21 01/19/21 - COLON 2715
SN/S20456448 STIHL CHAINS SAW 5429 NRF
09:17:47 01/19/21 - COLON 2715
SN/S202965486 STIHL BLOWER SHOWING STOLEN OUT OF LAKE COUNTY REF OCA //
20C39789
09:20:07 01/19/21 - COLON 2715 - From: TEETS 178
REF THE BLOWER IT WAS RECOVERED REF THE S35 OCA // IT WAS STOLEN AGAIN ..
WAS
NEVER REMOVED FROM NCIC/FCIC WHEN RECOVERED

09:37:41 01/19/21 - COLON 2715 - From: TEETS 178
ILL HAVE A SUPPL

02/17/21

Supplement

Added By: THOMPSON 184

Added On: 13:14:13 01/25/21

Investigative Supplement

Det M Thompson 184

Contact was made with Brian Camp. According to Brian, the city does use People Ready to help assist with jobs. Brian continued that he only has one subject, Byron Wilhite. Brian continued that Byron has been employed for over a year and has continued to come to work since the first incident in December. Brian advised that there were no other hires before the thefts.

I ran all possible suspects through FINDER which yielded negative results for pawn history. Facebook Marketplace was checked for possible sales or post for equipment matching that description with negative results.

I will be make contact with Brian in order to discuss placing cameras at the fence line.

No further information.

02/17/21

Supplement

Added By: THOMPSON 184

Added On: 08:56:48 02/09/21

Investigative Supplement

Det M Thompson 184

I have been monitoring the cameras and there has been nothing note worthy.

No further information.

02/17/21

Status Date: 12/14/20**Release Date:** **/**/****Comments:****Vehicle Number:**

184641

License Plate: CITY224147**State:** FL**Vehicle Year:** 2004**Make:** FORD Ford**Color:** WHI /**Vehicle Type:** PTK Passenger Truck**License Type:****Expires:** **/**/****VIN:** 1FDWW37PX4EA3851

5

Model:**Doors:** 0**Value:** \$0.00**Owner:****Last:****First:****Mid:****DOB:** **/**/****Dr Lic:****Address:****Race:****Sex:****Phone:****City:** ,**Agency:** CLE CLERMONT POLICE
DEPARTMENT**Date Recov/Rcvd:** **/**/****Officer:** TEETS 178**Area:****UCR Status:****Wrecker Service:****Local Status:****Storage Location:****Status Date:** 01/18/21**Release Date:** **/**/****Comments:****Vehicle Number:**

187346

License Plate: XG6868**State:** FL**Vehicle Year:** 2018**Make:** FORD Ford**Color:** WHI /**Vehicle Type:****License Type:****Expires:** **/**/****VIN:** 1FT8W3D60JEC10667**Model:****Doors:** 0**Value:** \$0.00**Owner:****Last:****First:****Mid:****DOB:** **/**/****Dr Lic:****Address:****Race:****Sex:****Phone:****City:** ,**Agency:** CLE CLERMONT POLICE
DEPARTMENT**Date Recov/Rcvd:** **/**/****Officer:** TEETS 178**Area:****UCR Status:****Wrecker Service:**

02/17/21

Local Status:**Status Date:** **/**/****Comments:****Storage Location:****Release Date:** **/**/****Vehicle Number:**

187376

License Plate: CITY239360**State:** FL**Vehicle Year:** 2006**Make:** FORD Ford**Color:** WHI /**Vehicle Type:****License Type:****Expires:** **/**/****VIN:** 1FTNF20576EC36801**Model:****Doors:** 0**Value:** \$0.00**Owner:****Last:****First:****Mid:****DOB:** **/**/****Dr Lic:****Address:****Race:****Sex:****Phone:****City:** ,**Agency:** CLE CLERMONT POLICE
DEPARTMENT**Date Recov/Rcvd:** **/**/****Officer:** TEETS 178**Area:****UCR Status:****Wrecker Service:****Local Status:****Storage Location:****Status Date:** 01/18/21**Release Date:** **/**/****Comments:**

Item: GRINDER	Owner Applied Nmbr:
Brand: dewalt	Model:
Year: 0	Quantity: 1
Meas:	Serial Nmbr:
Total Value: \$220.00	Color:
Owner: CITY OF CLERMONT 47922	Tag Number:
Agency: CLE CLERMONT POLICE DEPARTMENT	Officer: TEETS 178
Accum Amt Recov: \$0.00	UCR Status: SNR
UCR: TOO Tools, Hand or Power	Storage Location:
Local Status:	Status Date: 01/19/21
Crime Lab Number:	Date Recov/Rcvd: **/**/**
Date Released: **/**/**	Amt Recovered: \$0.00
Released By:	Custody: **:*.**:** **/**/**
Released To:	
Reason:	
Comments:	
Property Number: 200280	
Item: BATTERY	Owner Applied Nmbr:
Brand: dewalt	Model:
Year: 0	Quantity: 3
Meas:	Serial Nmbr:
Total Value: \$80.00	Color:
Owner: CITY OF CLERMONT 47922	Tag Number:
Agency: CLE CLERMONT POLICE DEPARTMENT	Officer: TEETS 178
Accum Amt Recov: \$0.00	UCR Status: SNR
UCR: OTH Other	Storage Location:
Local Status:	Status Date: 01/19/21
Crime Lab Number:	Date Recov/Rcvd: **/**/**
Date Released: **/**/**	Amt Recovered: \$0.00
Released By:	Custody: **:*.**:** **/**/**
Released To:	
Reason:	
Comments:	
Property Number: 200281	
Item: BATTERY CHARGER	Owner Applied Nmbr:
Brand: dewalt	Model:
Year: 0	Quantity: 2

Agency: CLE CLERMONT POLICE
DEPARTMENT
Accum Amt Recov: \$0.00
UCR: TOO Tools, Hand or Power
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:
Property Number: 200284
Item: CHAIN SAW

Brand: stihl
Year: 0
Meas:
Total Value: \$500.00
Owner: CITY OF CLERMONT 47922
Agency: CLE CLERMONT POLICE
DEPARTMENT
Accum Amt Recov: \$0.00
UCR: TOO Tools, Hand or Power
Local Status:
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:
Property Number: 200285
Item: SAW

Brand: dewalt
Year: 0
Meas:
Total Value: \$200.00
Owner: CITY OF CLERMONT 47922
Agency: CLE CLERMONT POLICE
DEPARTMENT
Accum Amt Recov: \$0.00
UCR: TOO Tools, Hand or Power

Tag Number:

Officer: TEETS 178
UCR Status: SNR
Storage Location:
Status Date: 01/19/21
Date Recov/Rcvd: **/**/**
Amt Recovered: \$0.00
Custody: **:*.**:** **/**/**

Owner Applied Nmbr:

Model:
Quantity: 1
Serial Nmbr:
Color:

Tag Number:

Officer: TEETS 178
UCR Status: SNR
Storage Location:
Status Date: 01/19/21
Date Recov/Rcvd: **/**/**
Amt Recovered: \$0.00
Custody: **:*.**:** **/**/**

Owner Applied Nmbr:

Model:
Quantity: 1
Serial Nmbr:
Color:

Tag Number:

Officer: TEETS 178
UCR Status: SNR

Released To:		Custody:	**:*:* **/**/**
Reason:			
Comments:			
Property Number:	200246		
Item:	PHOTOGRAPH	Owner Applied Nmbr:	
Brand:		Model:	
Year:	0	Quantity:	1
Meas:		Serial Nmbr:	
Total Value:	\$0.00	Color:	
Owner:	CITY OF CLERMONT 47922		
Agency:	CLE CLERMONT POLICE DEPARTMENT	Tag Number:	
Accum Amt Recov:	\$0.00	Officer:	TEETS 178
UCR:		UCR Status:	
Local Status:	EIS	Storage Location:	
Crime Lab Number:		Status Date:	01/18/21
Date Released:	**/**/**	Date Recov/Rcvd:	01/18/21
Released By:		Amt Recovered:	\$0.00
Released To:		Custody:	**:*:* **/**/**
Reason:			
Comments:			



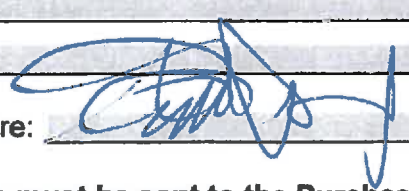
PROPERTY DISPOSAL FORM

Dept. / Division: P&R/ARC Property Tag #: 10367
Contact Person: Suzanne O'Shea Phone: (352) 708-5998
Year / Make / Model: NaceCare Avenger AV 12QX Vehicle No.
Miles / Hours: Serial / VIN: 132075769
Description of Property NaceCare Avenger AV 12QX Walk Behind Carpet Extractor

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☒ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:**

Director Signature: 

Date: 1/29/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6724

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: P&R/ARC Property Tag #: _____
Contact Person: Suzanne O'Shea Phone: 352-708-5998
Year / Make / Model: N/A Vehicle No. N/A
Miles / Hours: N/A Serial / VIN: _____
Description of Property 5' ARC Reception Desk

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
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- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **OTHER:** _____

Director Signature: 

Date: 11/18/2020

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: _____

Revised 4/12/2017



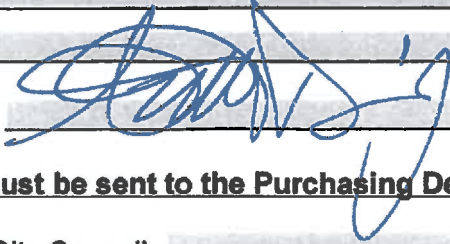
PROPERTY DISPOSAL FORM

Dept. / Division: P&R/ARC Property Tag #: ~~3069~~ none
Contact Person: Suzanne O'Shea Phone: (352) 708-5998
Year / Make / Model: BETCO Crewman 2000 Vehicle No.
Miles / Hours: Serial / VIN: 0440848
Description of Property BETCO Crewman 2000 20" Electric Burnisher

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:**

Director Signature: 

Date: 1/29/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: P&R/EVENTS Property Tag #:

Contact Person: Jennifer Stills Phone: 352-708-5951

Year / Make / Model: Vehicle No.

Miles / Hours: Serial / VIN:

Description of Property 16 6"foot long rectangle tables & 150 black plastic chairs & t

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.

☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).

☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.

☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.

☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.

☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.

☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Surplus Property 16 rectangle metal tables and cart, 150 black plastic chairs, and 3 carts for the
chairs

Director Signature: 

Date: 2/25/21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number:

Revised 4/12/2017



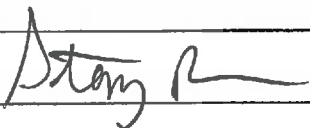
PROPERTY DISPOSAL FORM

Dept. / Division: PW / FACILITIES Property Tag #: NA
Contact Person: Joe McMahon Phone: 352-394-7177
Year / Make / Model: Faucets Vehicle No. NA
Miles / Hours: NA Serial / VIN: NA
Description of Property Misc. faucet that were replaced with touch-less ones

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☒ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☐ **OTHER:** _____

Director Signature: 

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: _____

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS. / SEWER Property Tag #: 11983
Contact Person: Richard Cook Phone: _____
Year / Make / Model: 1997 TRACTOR & TILLER Vehicle No. _____
Miles / Hours: _____ Serial / VIN: _____
Description of Property 1997 TRACTOR & TILLER

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 5564

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS. / SEWER Property Tag #: 10242
Contact Person: Richard Cook Phone: _____
Year / Make / Model: 2002 JOHN DEERE Vehicle No. _____
Miles / Hours: _____ Serial / VIN: C19384
Description of Property 2002 JOHN DEERE 72" MOWER #4397

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 5579



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS./SEWER Property Tag #: 6514
Contact Person: Richard Cook Phone: _____
Year / Make / Model: 2011 Vehicle No. _____
Miles / Hours: _____ Serial / VIN: _____
Description of Property 2011 CHEMTUBE PPS PERISTALTIC PUMP

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
- ☐ **NON-REPAIRABLE:** A piece of equipment that is not repairable or not cost effective to repair.
- ☐ **OBSOLETE:** Refers to any item, material and software, which is of no use to the City or has expired its useful life.
- ☐ **SCRAP:** Any metallic material that can be dissolved to produce new metals.
- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 6514



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS./SEWER Property Tag #: 5592
Contact Person: Richard Cook Phone: _____
Year / Make / Model: 2004 DO METER 12' CBL Vehicle No. _____
Miles / Hours: _____ Serial / VIN: _____
Description of Property 2004 LAB METER W/ PROBE 12'

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-25-2

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 5592

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS./SEWER Property Tag #: 5588
Contact Person: Richard Cook Phone: _____
Year / Make / Model: 2004 JOHN DEERE MOWER Vehicle No. _____
Miles / Hours: _____ Serial / VIN: _____
Description of Property 2004 JOHN DEERE MOWER

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature:

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 5588



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS. / SEWER Property Tag #: 5595
Contact Person: Richard Cook Phone: _____
Year / Make / Model: 2005 PARAMETER METER Vehicle No. _____
Miles / Hours: _____ Serial / VIN: _____
Description of Property 2005 PARAMETER METER

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council: _____

Agenda Item: _____

Method of Disposal: _____

Date Disposed: _____

Purchasing Director: _____

Date: _____

Munis Asset Number: 5595



PROPERTY DISPOSAL FORM

Dept. / Division: ENV. SVCS. / SEWER Property Tag #: 5668
Contact Person: Richard Cook Phone:
Year / Make / Model: 1997 Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 1997 (3) TRUCKS WITH RADIOS & LIFT GATES

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: [Signature]

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 5668



PROPERTY DISPOSAL FORM

Dept. / Division: PW / FACILITIES Property Tag #:
Contact Person: Joe McMahon Phone:
Year / Make / Model: 2007 Zero Turn Mower Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 2007 Zero Turn Mower

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
- ☐ **TRADE-IN:** Returned to vendor. Submit any other information as to the asset(s) description, trade-in value, etc.
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6237

Revised 4/12/2017



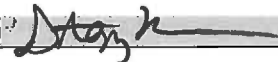
PROPERTY DISPOSAL FORM

Dept. / Division: PW / FLEET Property Tag #:
Contact Person: Tim Cayton Phone:
Year / Make / Model: 1995 Wheel Balancer Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 1995 Wheel Balancer

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).
- ☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-28-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6193



PROPERTY DISPOSAL FORM

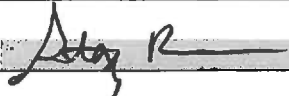
Dept. / Division: PW / FLEET Property Tag #:
Contact Person: Tim Cayton Phone:
Year / Make / Model: 1996 BEAD BREAKER/HYDRA PUMP Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 1996 BEAD BREAKER/HYDRA PUMP

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☐ **ABANDONED:** Property which has been left behind by owner or unclaimed and recovered by the Police Department (abandoned property does not require City Council approval).

☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6197

Revised 4/12/2017



PROPERTY DISPOSAL FORM

Dept. / Division: PW / FLEET Property Tag #:
Contact Person: Tim Cayton Phone:
Year / Make / Model: 1996 55 TON ALUMINUM RAM Vehicle No.
Miles / Hours: Serial / VIN:
Description of Property 1996 55 TON ALUMINUM RAM

☐ See attached form with multiple items listed. All items must include above information.

*****MUST CHECK ACTION BELOW (One Action Per Form)*****

- ☐ **CANNIBALIZED:** The equipment is in non-repairable condition but components parts of the equipment may be used to repair or replace parts on other pieces of equipment.
- ☐ **LOST / STOLEN:** Accidental loss or damage - disposition is unknown (Police report must be attached to this form).
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- ☒ **OTHER:** Remove from Inventory

Director Signature: 

Date: 2-25-21

*****This form must be sent to the Purchasing Department to dispose of property*****

Date Approved by City Council:

Agenda Item:

Method of Disposal:

Date Disposed:

Purchasing Director:

Date:

Munis Asset Number: 6198

Revised 4/12/2017



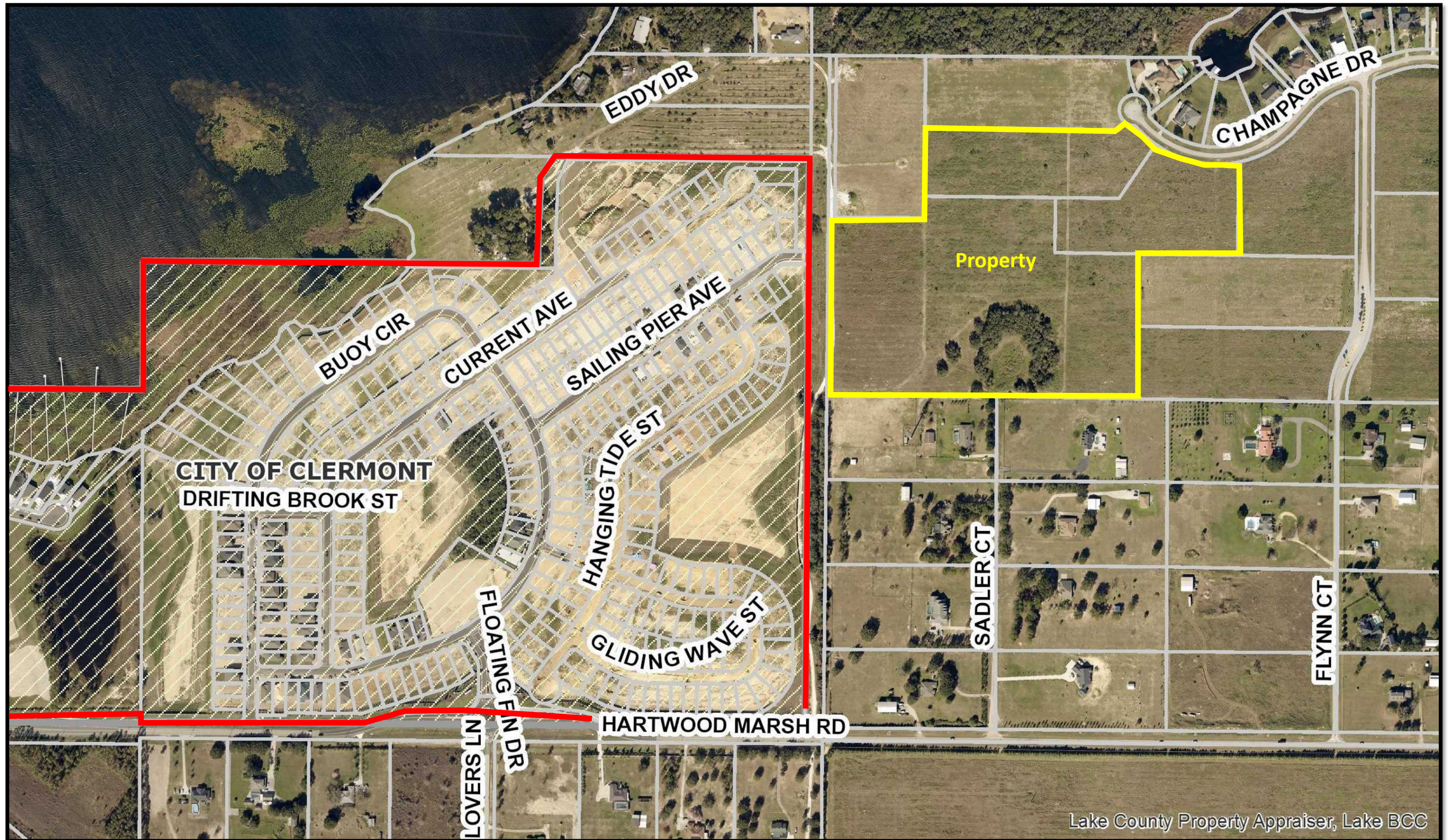
CITY OF CLERMONT

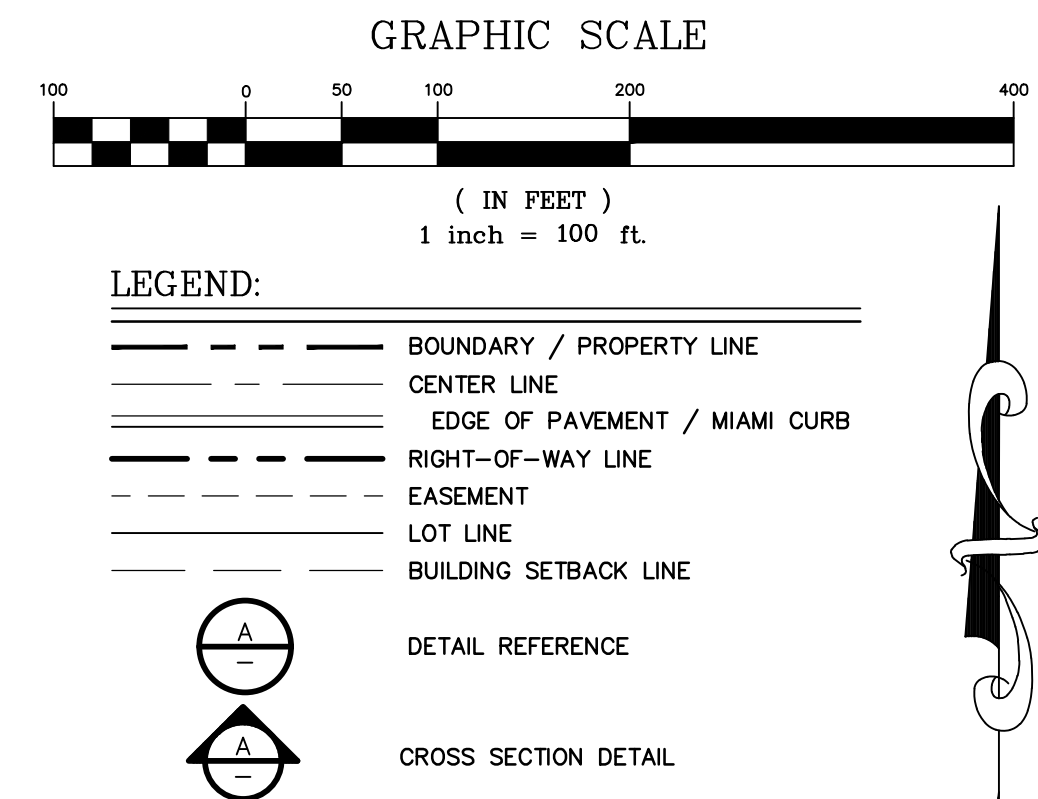
AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Utility Agreement <i>Evergreen Planned Unit Development</i>		
Requested Action		
Recommend approval of the utility agreement.		
Staff Report		
The applicant, Pulte Home Company, LLC, is requesting water, sewer, and reuse for a 75 lot single-family subdivision. The property is located north of Hartwood Marsh Road and will be accessed through the existing Lakeview Preserve Subdivision. The property was approved for development by Lake County under Ordinance 2020-65. The property is not adjacent to any City jurisdictional boundaries due to a piece of property owned by the Lake County Water Authority that is in Lake County that prevents adjacency. The City is able to serve the project with water, sewer, and reuse. All other services will be performed by Lake County. As part of the utility agreement, the project will be subject to annexation if and when the City determines is appropriate. The agreement shall be for 26,250 gpd for water, 16,500 gpd for sewer and 20,909 gpd for reuse, based upon an annual average.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Location Map	Location Map.pdf	
2. Overall Site Plan	Overall Site Plan.pdf	
3. Aerial Exhibit	Aerial Exhibit.pdf	
4. Utility Confirmation Letter - City of Clermont	Utility Confirmation Letter - City of Clermont.pdf	
5. Draft Utility Agreement Pulte 3-1-21 V5	Draft Utility Agreement Pulte 3-1-21 V5.DOCX	
6. Utility Service Agreement Application	Utility Service Agreement Application.pdf	

Evergreen PUD Utility Agreement Location Map





TRACT / LAND USE TABLE				
TRACT NAME	USE	OWNER'S HP	MAINTENANCE	ACRE (00)
TRACT A	RIGHT OF WAY	H.O.A.	H.O.A.	4.48 (15.11%)
TRACT B	OPEN SPACE 25' INGRESS EASEMENT	H.O.A.	H.O.A.	0.43 (1.45%)
TRACT C	OPEN SPACE 25' INGRESS EASEMENT	H.O.A.	H.O.A.	0.30 (1.01%)
TRACT D	OPEN SPACE POND	H.O.A.	H.O.A.	5.99 (20.20%)
TRACT E	OPEN SPACE POND	H.O.A.	H.O.A.	1.44 (4.86%)
TRACT F	OPEN SPACE	H.O.A.	H.O.A.	0.37 (1.25%)
SINGLE FAMILY LOTS				16.64 (56.12%)
TOTAL				29.65 (100.00%)

1. GROSS PROJECT AREA: ±29.65 ACRES / ±1,291,633.35 S.F.
2. PARCEL ID: 01--23--26--0001--000--00100 /ALT KEY: 3502027
36--22--26--1801--000--00700 /ALT KEY: 3907278
36--22--26--1601--000--00800 /ALT KEY: 3907279
3. EXISTING ZONING: PUD
4. EXISTING FUTURE LAND USE: WELLNESS WAY
5. MAXIMUM LOTS PROPOSED: 78 SINGLE-FAMILY DETACHED
6. MINIMUM LOT SIZE: 70' x 120'
7. MINIMUM LIVING AREA: 1,500 SF
8. MAXIMUM BUILDING HEIGHT: 40'
9. LOT SETBACKS - SINGLE FAMILY DETACHED
(MEASURED FROM THE PROPERTY LINE):
FRONT: 20 FEET
REAR: 20 FEET
SIDE: 5 FEET
SECONDARY FRONT: 15 FEET
10. ACCESSORY BUILDING: 5 FEET
10. THE PROJECT SITE DOES NOT CONTAIN EXISTING WETLANDS.
11. PER FEMA FIRM PANEL NO. 12069C05095E, DATED DEC. 18, 2012, THE SUBJECT PROPERTY IS DESIGNATED ZONE 'X'; AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
12. STORM RUNOFF GENERATED ON SITE SHALL BE TREATED USING LAKE COUNTY AND SJRWMD STORMWATER MANAGEMENT SYSTEM.
13. THE ON SITE STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGNED TO MEET LAKE COUNTY AND SJRWMD REQUIREMENTS.
14. FIRE PROTECTION WILL BE PROVIDED AND DESIGNED IN ACCORDANCE WITH ALL APPLICABLE LAKE COUNTY CODE AND REGULATIONS.
15. ALL CONSTRUCTION MATERIALS AND OTHER PROPOSED IMPROVEMENTS SHALL MEET THE APPLICABLE CODES OF LAKE COUNTY. LAKE COUNTY DETAILS WILL BE UTILIZED ON THE FINAL ENGINEERING PLANS.
16. A MANDATORY HOMEOWNERS ASSOCIATION SHALL BE CREATED TO PROVIDE FOR MANAGEMENT OF ALL COMMON AREAS AND FACILITIES.
17. PROJECT SIGNAGE WILL COMPLY WITH THE LAKE COUNTY LAND DEVELOPMENT CODE.
18. LANDSCAPE BUFFERS SHALL MEET THE REQUIREMENTS OF LAKE COUNTY LDC.
19. PROPOSED ROADS WILL BE PRIVATE.
20. LOT DRAINAGE EASEMENTS SHALL BE PROVIDED, 5' SIDE AND REAR YARD DRAINAGE EASEMENTS REQUIRED.
21. DEVELOPMENT TO BE COMPLETED IN ONE PHASE.
22. PER LDR REQUIREMENTS STATED IN SECTION 9.04.04, SIDEWALKS ARE REQUIRED ON AT LEAST ONE SIDE OF THE RIGHT-OF-WAY.
23. ALL STREET LIGHTING SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR LOCAL GOV. LAKE COUNTY SHALL NOT MAINTAIN ANY STREET LIGHTING PROPOSED WITHIN THESE PLANS FOR THIS DEVELOPMENT.

OPEN SPACE REQUIRED:
20% OF NET BUILDABLE AREA
29.65 AC x 20% = 5.93 ACRES REQUIRED

OPEN SPACE PROVIDED:			
TRACT	B	0.43	AC.
TRACT	C	0.30	AC.
TRACT	D	5.99	AC.
TRACT	E	1.44	AC.
TRACT	F	0.37	AC.

OPEN SPACE TOTAL 8.53 AC.

1. GROSS PROJECT AREA: 29.65 AC.

2. NET DENSITY:

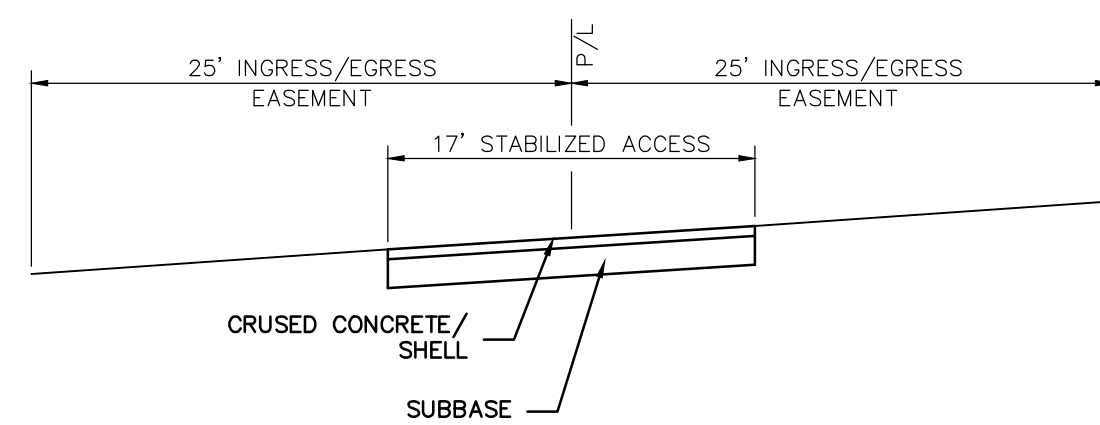
ESTIMATED PROPOSED NET BUILDABLE AREA: 29.65 AC.

PROPOSED MAXIMUM NET / GROSS DENSITY:
= # OF LOTS (78 DU) / BUILDABLE AREA (29.65 AC.)
= 2.63 DU/AC.

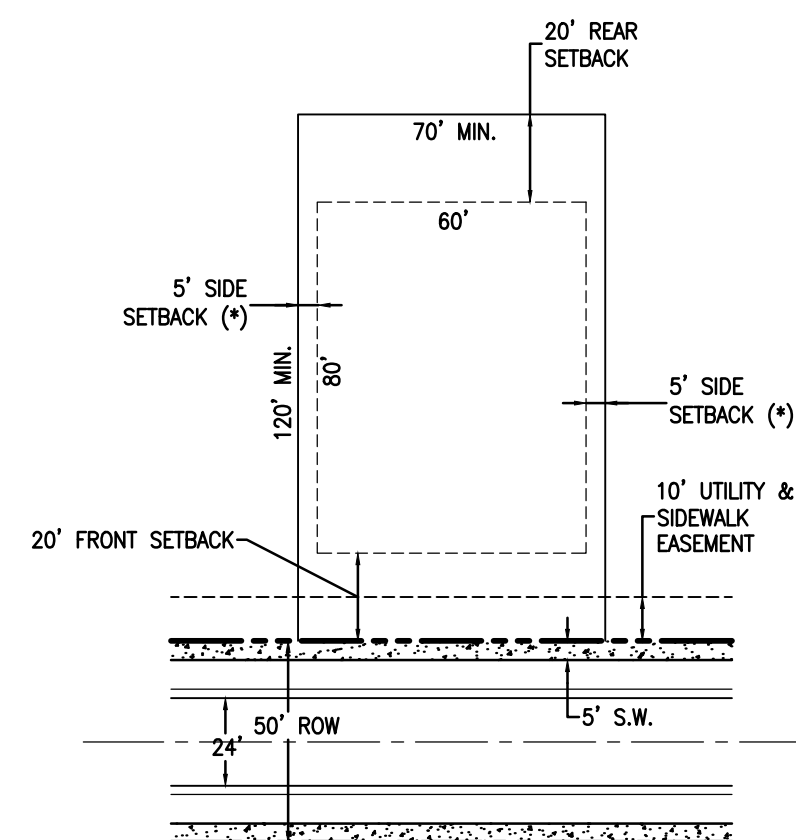
IMPERVIOUS AREA BREAKDOWN			
AREA TYPE	AREA (AC)	IMPERVIOUS AREA (AC)	IMPERVIOUS CO
RIGHT OF WAY	4.48	3.57	12
LOTS	16.64	12.48	42
OPEN SPACE	8.53	0	0
TOTAL	29.65	16.05	100

SOILS LINE		
SOIL NUMBER	SOIL NAME	HYDROLOGIC GROUP
8	CANDLER SANDS 0-5% SLOPE	A
9	CANDLER SAND 5-12% SLOPE	A
10	CANDLER SAND 12-40% SLOPE	A

SOURCE: NRCS



LAKE COUNTY WATER AUTHORITY ACCESS ROAD
N.T.S.

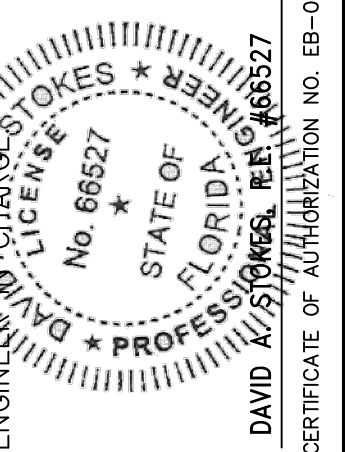


NOTE: (*) 15' SECONDARY FRONT

N.T.S.

OVERALL SITE PLAN FOR EVERGREEN ESTATES

4901 VINELAND ROAD, SUITE 500
ORLANDO, FLORIDA 32811
(407) 661-1514



2		
3		
4		
5		
6		
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9		
10		
11		
	DATE	REVISIONS

DB # 18007
DATE: 07-01-20
SCALE: 1"=100'
DESIGNED BY: DAS
DRAWN BY: IAN
APPROVED BY: DAS



PUBLIC SERVICES

352-241-0178

November 16, 2020

Pulte Home Company, LLC
Aaron Struckmeyer, P.E.
Director - Land Development
4901 Vineland Road, Suite 500
Orlando, FL 32811
Aaron.Struckmeyer@PulteGroup.com

RE: ALT Key : 3502027, 3907278 & 3907279

This letter is in response to your request regarding water and sewer availability for the project located at the east side of Eddy Drive, north of Hartwood Marsh Road.

The property is located outside of the Clermont City limits and inside Clermont's utility service area, however the City has capacity in both the potable and the wastewater collection system and has facilities near the property to provide these services. The City is able to provide these services to the project.

The property owner must request service from the Clermont City Council. Please contact Curt Henschel, Developing Services Director, to proceed with requesting utility service for this project.

If you have any questions regarding the information provided, please contact me at (352) 241-0178.

Sincerely,

Mark Griffin

Mark Griffin
Plans Reviewer

UTILITY SERVICE AGREEMENT FOR WATER & WASTEWATER

This document constitutes an agreement between the CITY of Clermont, hereby referred to as **CITY**, a municipality of the State of Florida, and Pulte Home Company, LLC, a Michigan limited liability company, and any successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is requesting service for a 75 lot single-family residential subdivision described on Exhibit 'A', attached hereto and by this reference made a part hereof; and

Whereas, the Property is located in the unincorporated area of Lake County and the OWNER is requesting water and sewer service from the CITY; and

Whereas, as a condition of CITY providing said water, sewer and reclaimed service to the property. Lines and appurtenances must be sized and constructed in accordance with the minimum requirements of CITY Land Development Regulations and to meet the flow demands for the subdivision; and

Whereas, as a condition of the provision of water and sewer service to the Property by the CITY, OWNER agrees that this Agreement shall constitute an unconditional application to annex the Property into the City of Clermont, if CITY chooses to do so upon Owner receiving a Certificate of Occupancy from Lake County; and

Whereas, OWNER and CITY are entering into this Agreement to set forth the terms and conditions under which water and sewer service shall be extended and sized.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

Section 1. WATER/SEWER/RECLAIMED – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

- 1.1 CITY shall provide water, sewer and reclaimed service for the Property.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved by CITY.
- 1.3 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the development and provide such documentation necessary for the CITY to ascertain that the lines shall meet the minimum line size requirements as specified by the CITY Land Development Regulations.
- 1.4 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.

- 1.5 The OWNER shall be responsible for the construction of all onsite lines and appurtenances to serve the project. No building permits shall be issued until water and sewer are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of improvements. No Certificate of Occupancy shall be issued until water and sewer improvements have been completed and accepted by the CITY.
- 1.6 The OWNER shall be responsible for all costs of onsite improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
- 1.7 The existing utilities must stay in service throughout construction. If the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense.
- 1.8 Irrigation shall be provided by private well for common areas.
- 1.9 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
- 1.10 The City may require a looped system to provide reliability and redundancy to the property.
- 1.11 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY.
- 1.12 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.13 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.14 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.12 and 1.13 from the CITY in the form of Impact Fee Credits.
- 1.15 The Impact Fee Credits shall be established subject to Sections 1.12 and 1.13 and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
- 1.16 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns, as approved by the City's Site Review Committee. No chain link shall be used in public view areas.

- 1.17 The development shall be in substantial compliance with the Dimension Plan shown in Exhibit "C", except as may be revised, as necessary, for adjustments with the Lake County Water Authority. Major changes as determined by the Clermont Site Review Committee may require an amendment to this Agreement.
- 1.18 This Agreement shall be voided after five (5) years if building permits have not been issued and building construction has not started.
- 1.19 The Agreement shall be for a 75 lot single-family subdivision at 26,250 gpd for water, 16,500 gpd for sewer and 20,909 gpd for re-use, based on an annual average.

Section 2. DEVELOPMENT STANDARDS

- (a) The project shall be developed according to the JPA Land Development Regulations (Lake County Ordinance No. 2005-64). Items not addressed in the JPA Land Development Regulations must be developed to City standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- (b) The project shall be developed in substantial accordance with the Master Site Plan as submitted with the Utility Service Agreement request, dated January 22, 2021 by Madden Engineering.
- (c) The project shall be developed according to the City of Clermont Sign Code, Section 102.

Section 3. ANNEXATION

OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a *Notice of Encumbrance to Annex* Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "A", except as may be revised, as necessary, for adjustments with the Lake County Water Authority. The Notice of Encumbrance shall be executed by all owners of the real property described in Exhibit "A" and shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

Section 4. SEVERABILITY

In the event that any provision of this agreement shall be held invalid or unenforceable, the provision shall be deleted from this agreement without affecting in any respect whatsoever the validity of the remainder of this agreement.

Section 5. NOTICES

All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

CITY

City of Clermont
City Manager
P.O. Box 120219
Clermont, FL 34712-0219

OWNER

Pulte Home Company, LLC
Aaron Struckmeyer, Director – Land Development
4901 Vineland Road, Suite 500
Orlando, FL 32811

Section 6. AMENDMENTS

Any amendment to this agreement is not effective unless the amendment is in writing and signed by all parties.

Section 7. EFFECTIVE DATE

The effective date of this agreement shall be the day of execution of the agreement required hereunder.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date listed below. CITY through its City Manager, authorized to execute same by City Council action, and OWNER through _____.

DATED this _____ day of _____, 2021.

CITY OF CLERMONT

ATTEST:

Tim Murry, Mayor

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

OWNER: Pulte Home Company, LLC

Signature Title: _____

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____,
2021, by _____, as _____
_____ of Pulte Home Company, LLC, a Michigan limited liability company, on behalf of
the company, who is personally known to me or who has produced
_____ as identification and who did not take an oath.

Notary Public _____ SEAL:

Type/print name _____

EXHIBIT "A"

PROPERTY DESCRIPTION

Owner:

Pulte Home Company, LLC

Description:

OR BK 4989 PG 1375 PAGE 3

THAT PART OF THE WEST 660 FEET OF GOVERNMENT LOT 1, SECTION 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LYING SOUTH OF STATE ROAD 50, LAKE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF GOVERNMENT LOT 1 WITH THE SOUTH LINE OF STATE ROAD NO. 50 (AS PART OF RIGHT OF WAY SECTION 11070-2505) THENCE RUN S89°45'41"E ALONG SAID SOUTH LINE, A DISTANCE OF 590.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°45'41"E ALONG SAID SOUTH LINE, A DISTANCE OF 101.89 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF JOHNS LAKE PLAZA AS RECORDED IN PLAT BOOK 55, PAGES 51-52 OF THE PUBLIC RECORDS OF SAID LAKE COUNTY; THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID JOHNS LAKE PLAZA THE FOLLOWING 3 COURSES: S00°55'33"W, A DISTANCE OF 519.10 FEET; THENCE N89°31'05"W, A DISTANCE OF 33.75 FEET TO A POINT OF INTERSECTION WITH EAST LINE OF SAID WEST 660 FEET OF GOVERNMENT LOT 1; THENCE S01°03'39"W ALONG SAID EAST LINE, A DISTANCE OF 89.00 FEET TO THE SOUTHWEST CORNER OF SAID JOHNS LAKE PLAZA; THENCE CONTINUING S01°03'39"W ALONG SAID EAST LINE, A DISTANCE OF 555.86 FEET; THENCE N89°36'02"W, A DISTANCE OF 310.67 FEET; THENCE N00°27'11"E, A DISTANCE OF 825.53 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF "PARCEL 1" AS DESCRIBED IN OFFICIAL RECORDS 2002, PAGE 2363 OF SAID PUBLIC RECORDS; THENCE ALONG THE SOUTH AND EASTERLY LINE OF SAID "PARCEL 1" THE FOLLOWING 3 COURSES: S89°27'37"E, A DISTANCE OF 221.07 FEET; THENCE N07°48'24"E, A DISTANCE OF 233.81 FEET THENCE N02°23'13"E, A DISTANCE OF 116.70 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING.

PARCEL 1:

THAT PART OF THE WEST 660 FEET OF GOVERNMENT LOT 1, SECTION 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LYING SOUTH OF STATE ROAD 50, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE WEST LINE OF THE WEST 660 FEET OF GOVERNMENT LOT 1, AND THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 50; THENCE S88°45'41"E., ALONG SAID SOUTH RIGHT OF WAY LINE 312.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, S89°45'41"E., 278.32 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN S02°21'18"W., 116.05 FEET; THENCE S07°40'26"W., 223.86 FEET; THENCE N89°35'28"W., 246.07 FEET, THENCE N00°24'32"E., 337.19 FEET TO THE POINT OF BEGINNING.

SUBJECT TO: AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE WEST 30 FEET THEREOF.

PARCEL 2

THAT PART OF THE WEST 660 FEET OF GOVERNMENT LOT 1, SECTION 25, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LYING SOUTH OF STATE ROAD 50, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE WEST LINE OF THE WEST 660 FEET OF GOVERNMENT LOT 1, AND THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 50; THENCE S89°45'41"E., ALONG SAID SOUTH RIGHT OF WAY LINE 312.37 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN S00°24'32"W. 621.53 FEET; THENCE N89°45'41"W., 318.79 FEET TO THE WEST LINE OF THE AFORESAID GOVERNMENT LOT 1; THENCE N01°01'00"W., 621.58 FEET TO THE POINT OF BEGINNING.

Lake County Alternate Key Numbers:

3502027, 3907278, 3907279

EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

City of Clermont
685 W. Montrose Street
Clermont, FL 34712

THIS INSTRUMENT, Made this **9th day of March 2021**, between **Pulte Home Company, LLC**, property owner in the County of Lake, State of Florida Grantor*, and the **CITY OF CLERMONT, FLORIDA**, A Municipal Corporation, Grantee*:

WITNESSETH, NOTICE is given that heretofore or contemporaneously herewith Grantor has petitioned the Grantee for it to permit voluntary annexation of Grantor's property below described into the corporate limits of the City of Clermont, and

GRANTOR, for and in consideration of the sum of ONE and 00/100 (\$1.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, DOES HEREBY ENCUMBER the below – described real property situate, lying and being in Lake County, Florida with the absolute requirement that the subject real property may be, at the sole discretion, and upon request of Grantee, annexed into the city limits of the City of Clermont at such time that the annexation of said real property is in accordance with applicable law,

GRANTOR, further agrees, on his/hers/theirs/its own behalf and that of Grantor's heirs and assigns to perform all ministerial functions necessary of the Grantor or Grantor's heirs and/or assigns (as the case may be) then required by law to enable the described real property to be incorporated into the city limits of the City of Clermont and where such ministerial functions consist of a simple written request or the renewal of the petition of which notice is given above, then this instrument shall be considered such request and/or renewal. The subject property is described as:

Exhibit "A"

Grantor is used for singular or plural, as the context requires. IN WITNESS THEREOF, GRANTOR has hereunto set Grantor's hand and seal the day and year first above written.

PROPERTY OWNER(S):

WITNESSES (Two required):

Pulte Home Company, LLC

Witnesses

By: _____
Signature

Type or print name

By: _____
Signature

Type or print name

1. _____
Signature

Type or print name

2. _____
Signature

Type or print name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 2021, by _____, as _____ of Pulte Home Company, LLC, a Michigan limited liability company, on behalf of said company, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public _____ SEAL:

Type/print name _____

Pursuant to Section 695.29(3)(f): this instrument exempt from Chapter 695, F.S.; Prepared by a Public Officer, City Attorney, City of Clermont, Florida 34712

EXHIBIT "C"

DIMENSION PLAN

Evergreen Estates - Master Site Plan:

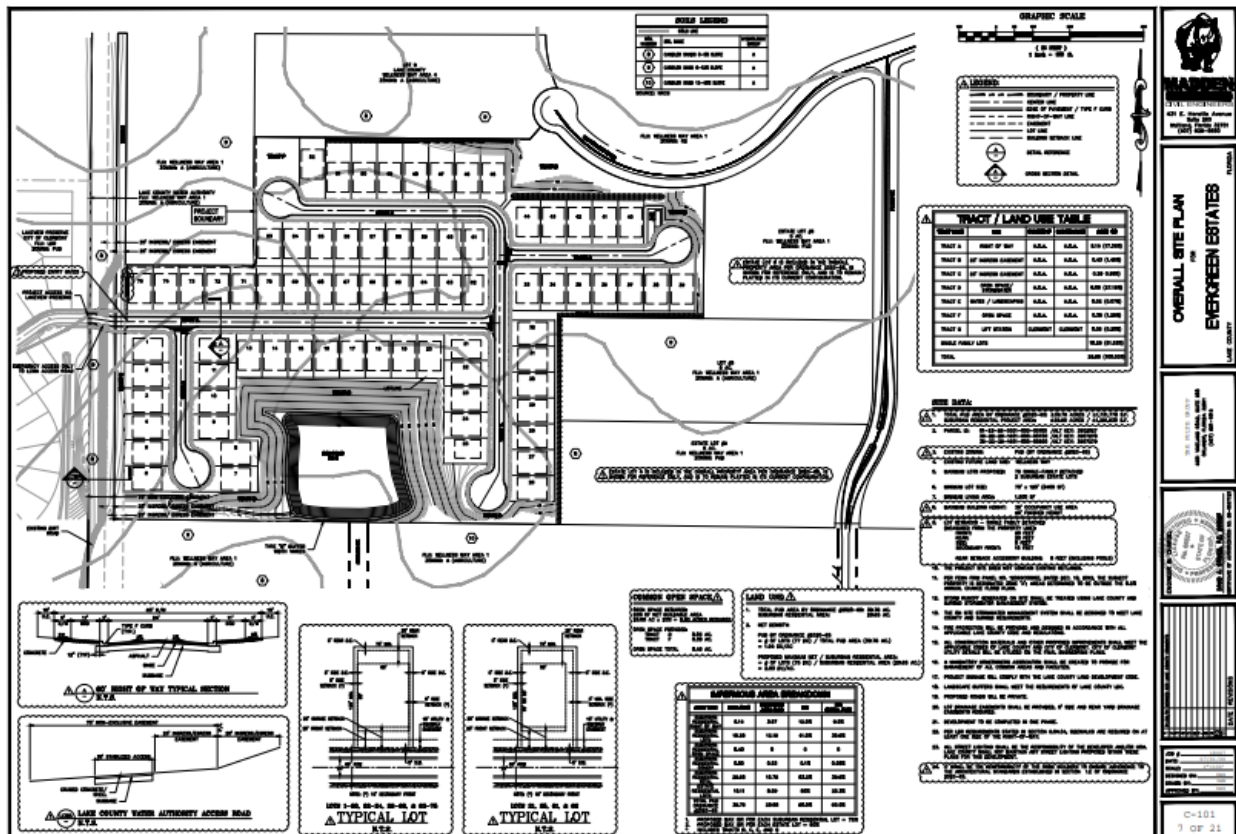
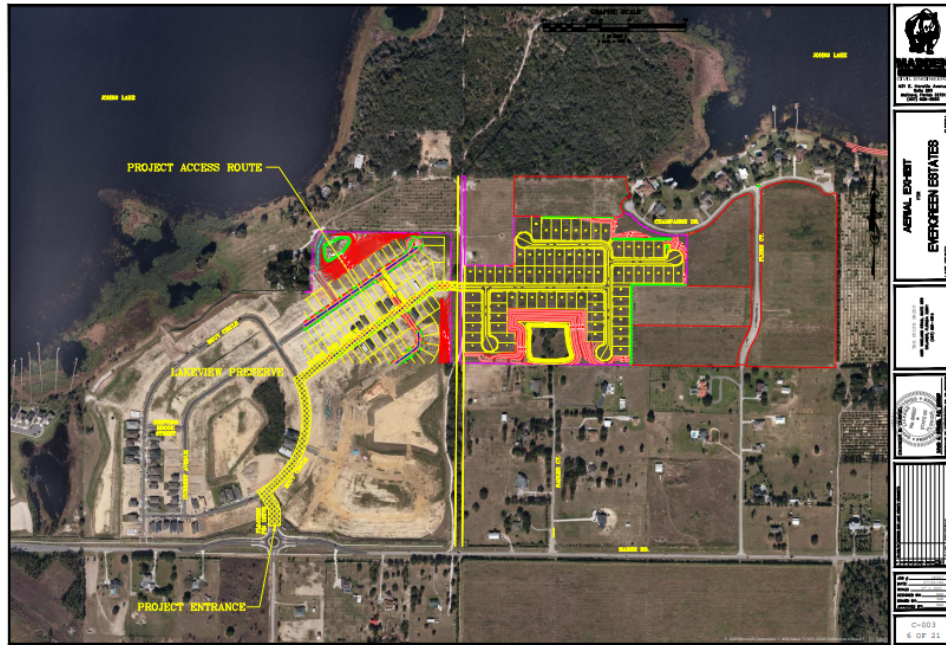
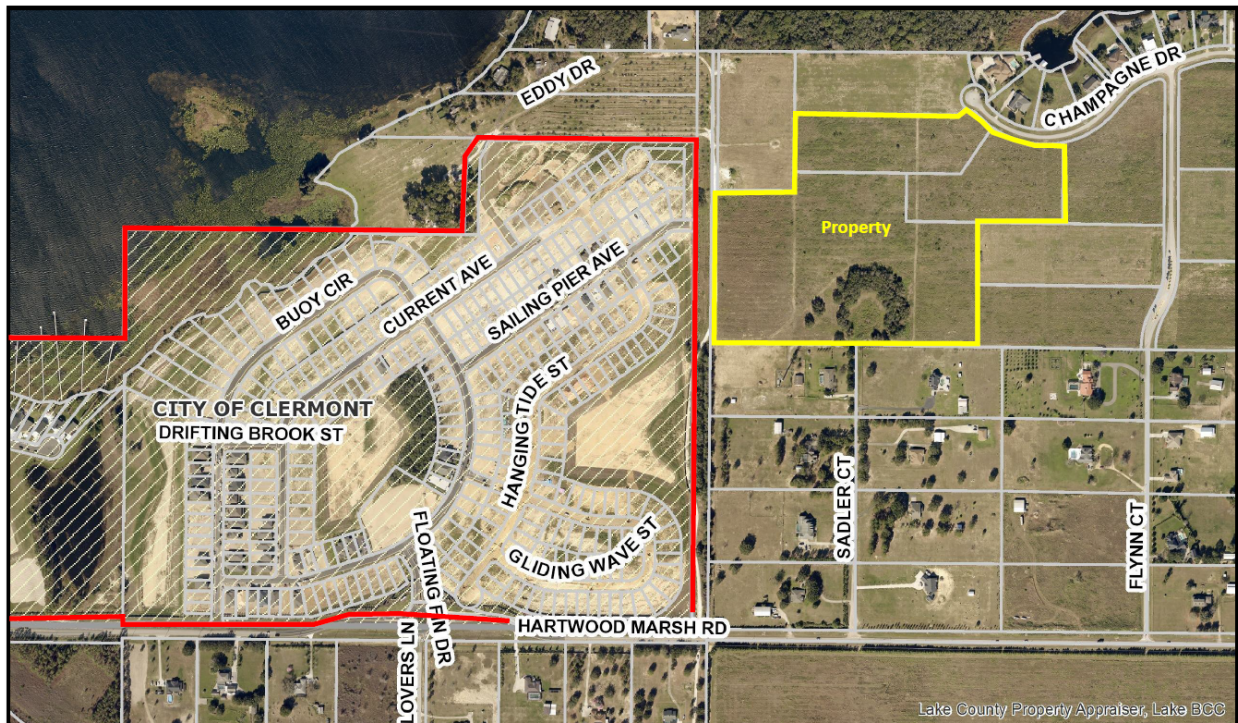


EXHIBIT "D" LOCATION MAP



Evergreen PUD Utility Agreement Location Map





CITY OF CLERMONT
DEVELOPMENT SERVICES DEPARTMENT
MEMORANDUM

TO: JPA Unincorporated Property Owner/Developer
FROM: Development Services Department
DATE: February 20, 2020
RE: Utility Service Agreement – Application

Properties proposed for development of any kind that are within the Joint Planning Area (JPA), and adjacent to the corporate City limits of Clermont should consider annexation as a first step for reviews.

Property owners/developers with developments being reviewed by Lake County should be aware that they shall be subject to a completely separate review and permitting process by the City upon annexation, in order to receive water and/or sewer utility services, and be able to proceed with the development. Any reviews or approvals completed by Lake County prior to any City utility approvals, shall be non-binding upon annexation. Annexation, review and approvals by the City are required.

In order to avoid two separate reviews (one by the County, and then one by the City), we highly recommend annexing first. Rezoning and comprehensive plan amendment may occur at the same time, as required by the City and Florida Statutes. Application are available at the City's website: www.clermontfl.gov under the Development Services Department section, *Applications and Forms*.

Properties that are not adjacent to the City limits, may request utility services by completing the **Utility Services Agreement Application**. Reviews at the County are subject to City reviews in accordance with JPA standards. Further conditions may be made part of the Utility Agreement. Utility Agreements are approved by the Clermont City Council.

If you have any questions regarding this review process or the application needed, please call the Development Services Department at (352) 394-4083.

Do Not include this sheet with the application



CITY OF CLERMONT
**UTILITY SERVICE AGREEMENT
APPLICATION**

For Utilities Outside of Municipal Boundaries & Determination of Capacity

Date			
Applicant Pulte Home Company, LLC			
Contact Person: Aaron Struckmeyer, Director - Land Development			
Address 4901 Vineland Road, Suite 500	City Orlando	State FL	Zip 32811
Telephone 407-661-2201	Fax		
Email Aaron.Struckmeyer@PulteGroup.com			
OWNER INFORMATION			
Owner's Name Charles Piper			
Owner Address 804 W. 2nd Ave.	City Windermere	State FL	Zip 34789
Telephone 407-908-6987	Fax		
Email chuckpiper@cfl.rr.com			
AGREEMENT INFORMATION			
Party Responsible for Agreement Pulte Home Company, LLC (Aaron Struckmeyer, Director - Land Development)			
Address of the Subject Property Flynn Ct. and 17710 & 17720 Champagne Dr., Winter Garden			
General Location of the Property (include Location Map) East side of Eddy Drive, north of Hartwood Marsh Road			
Area of the property: 29.65 acres			
Zoning: PUD		County Future Land Use: Wellness Way	
<i>Attach development orders, ordinances and staff reports by Lake County and the Florida Dept. of Economic Opportunity (DEO).</i>			
Estimated Water Consumption (excluding irrigation): 27,300 gallons per day			
Estimated Sewer Consumption: 17,160 gallons per day			
Estimated Re-Use (Gray Water) Water Consumption: 21,745 gallons per day			
Attach a detailed description of project.			
Notes:			



CITY OF CLERMONT UTILITY SERVICE AGREEMENT APPLICATION

Items required for submittal include one (1) copy of the following items:

- ☒ Signed original application and materials requiring for processing
- ☒ Letter of capacity and utility line location from the City of Clermont Environmental Services Dept.
Phone: (352) 241-0178
- ☒ Proposed Site Plan (if applicable)
- ☒ Lake County Property Appraiser – Record Card
- ☒ Location Map
- ☐ Any applications currently on file with Lake County
- ☐ Any Lake County staff reports
- ☐ DEO or ECFRPC correspondence
- ☐ Any information needed for determination of utility services requested

Allen Strackmeyer (Full Name Company, LLC)
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Charles W. Piper II
Owner Name (print)

x [Signature]
Owner Name (signature)

Prior to submitting an application, a meeting with the City of Clermont is required

To schedule a meeting please contact:

**Development Services Department
Phone: 352-394-4083**

A review by the *Site Review Committee* may be required, which would require 6 sets of site plans for review by staff. Upon the receipt of all necessary information and review by staff the request will be scheduled for the next available City Council regular meeting.

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

03/09/2020



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date						
Tuesday, March 9, 2021						
Agenda Item Name						
Piggyback Purchase						
Requested Action						
Recommend to approve a piggyback Lake County B.C.C. contract number 17-0606L with Ten-8 Fire & Safety, LLC. to acquire fifty (50) SCBA and accessories for the Fire Department.						
Staff Report						
The Procurement Services Department and the Fire Department recommend approval of the above action. In accordance with the direction of City Council, the Procurement Services Department issued a Request for Interest (RFI) number 2102-010 to notify local vendors of the City's intent to utilize other governmental entities' contract. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Procurement Services Department received no interest. Based on this, staff recommends that Council approve to piggyback the Lake County B.C.C. contract number 17-0606L. The Lake County B.C.C. contract was obtained through a fully competitive solicitation and complies with the City of Clermont Procurement Services Policy.						
Additional Analysis						
Fiscal Impact Summary						
The projects total fiscal impact is \$496,780.93 and will be covered in the FY 2021 and FY 2022 budgets. The FY 2021 budget includes a funding amount of \$375,000, the remaining amount will be included in the FY 2022 budget. This purchase is being made with use of the Infrastructure Funds. Account Number 12522-66401						
Fiscal Impact	Fund Number and Description	Available Budget Amount				
Exhibits Attached (copies of original agreements)						
<table border="0"> <tr> <td>1. Clermont SCBA Final Quote</td> <td>Clermont SCBA Final Quote.pdf</td> </tr> <tr> <td>2. RFI 2102-010</td> <td>RFI 2102-010.pdf</td> </tr> </table>			1. Clermont SCBA Final Quote	Clermont SCBA Final Quote.pdf	2. RFI 2102-010	RFI 2102-010.pdf
1. Clermont SCBA Final Quote	Clermont SCBA Final Quote.pdf					
2. RFI 2102-010	RFI 2102-010.pdf					



IN SERVICE TO SERVE YOU

TEN-8 FIRE & SAFETY, LLC
2904 59TH AVENUE DRIVE EAST
BRADENTON, FL 34203
Phone : 800-228-8368
Fax : 941-756-2598

Sales Quote

Page: 1

Sales Quote Number: Q212359

Sales Quote Date: 2/24/2021

Customer ID CLERMONT

SalesPerson Mitchell Wilkerson

Email : mwilkerson@ten8fire.com

Ten-8 Contact Mitchel Wilkerson

Email : mwilkerson@Ten8fire.com

Sell To :

CLERMONT FIRE DEPT.
439 E. HIGHWAY 50
CLERMONT, FL 34711

Ship To :

CLERMONT FIRE DEPT.
439 E. HIGHWAY 50
CLERMONT, FL 34711

Payment Terms : Due Upon Receipt of
Product Or Service

Ship Via :

Item No.	Description	Unit	Quantity	Selling Pric	Total Price
MSA-G1FS444MD2C2LGR	G1 SCBA H-P CONFIGURE: LESS CYLINDER AND FACEPIECE AND INCLUDING THE FOLLOWING, 4500 PSI SYSTEM PRESSURE, QUICK CONNECT CYLINDER CONNECTION, SHOULDER STRAPS WITH SERVICEABLE TUNNELS AND CHEST STRAP, METAL CYLINDER RETENTION BAND, ADJUSTABLE SWIVELING LUMBAR PAD, SOLID COVER ON THE SECOND STAGE CONTINUOUS SECOND STAGE HOSE, EXTENDAIR II BUDDY BREATH, PASS WITH TELEMETRY AND INTEGRATED THERMAL IMAGING CAMERA ON THE RIGHT CHEST. RECHARGEABLE BATTERY, INTEGRATED VOICE AMPLIFICATION & HEADS UP DISPLAY. ADDITIONAL 10 YEARS OF WARRANTY ON ITIC. TOTAL OF 15 YEAR WARRANTY ON COMPLETE UNIT. LIST PRICE FOR THE ABOVE \$10,693 LIST PRICE OF 15 YEAR ITIC WARRANTY \$750 PER UNIT ***** MSA G1 FACEPIECE SIZE TO BE DETERMINED IDENTIFIRE MSA G1 NAME ***** HILLSBOROUGH CYLINDERS APRIL 2020. 45MIN LP QC FULL WARRANTY AND INSPECTED.	EACH	50	6,091.80	304,590.00
			120	251.02	30,122.40
			120	8.99	1,078.80
			130	650.00	84,500.00



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Sales Quote

Page: 2

Sales Quote Number: Q212359
Sales Quote Date: 2/24/2021
Customer ID: CLERMONT
SalesPerson: Mitchell Wilkerson
Email : mwilkerson@ten8fire.com
Ten-8 Contact: Mitchel Wilkerson
Email : mwilkerson@Ten8fire.com

Sell To :
CLERMONT FIRE DEPT.
439 E. HIGHWAY 50
CLERMONT, FL 34711

Ship To :
CLERMONT FIRE DEPT.
439 E. HIGHWAY 50
CLERMONT, FL 34711

Payment Terms : Due Upon Receipt of
Product Or Service

Ship Via :

Item No.	Description	Unit	Quantity	Selling Pric	Total Price
	PRICE OF NEW CYLINDERS \$910.05 TOTAL PRICE OF 130 NEW CYL \$118,306.50 *****				
MSA-10175710	CYL,G1 RC,4500 PSIG, 60 MINS W/QC *****	EACH	6	1,123.97	6,743.82
MSA-10158385	G1 Lithium Ion Battery charger station DESKTOP 115V LIST PRICE \$843.26 *****	EACH	4	483.34	1,933.36
MSA-10148741-SP	Battery Pack, G1, Rechargeable NOTE, ONE BATTERY COMES WITH EACH SCBA AT NO CHARGE. THE ABOVE IS PROVIDING ONE SPARE AT EACH STATION. LIST \$435.37 *****	EACH	10	249.55	2,495.50
MSA-10009971	MSA Confidence Plus® Germicidal Cleaner, 32 OZ, Min QTY: 2, QTY: Increments: 2	EACH	1	44.84	44.84
MSA-10144230	G1 FACEPIECE SPECTACLE KIT *****	EACH	15	127.457	1,911.86
MSA-10206313	G1 RIT System, 4500, FCPC, Reg, 6-Ft Q-F,UEBSS 2018 ed., gauge, URC, Quick-Connect. LIST \$5,315.10	EACH	6	3,085.00	18,510.00
TRU-RBL303	L3 LITE-SPEED RIT BAG (RED) *****	EACH	6	253.93	1,523.58
	G1 PREMAIRE CADET CONFIGURED APCG41EA1D0 ***** SPARE SHOULDER STRAPS	EACH	8	2,300.00	18,400.00

This Quote is valid until 03/26/21

All returns must be initiated within 30 days of receipt of product and will be charged a restocking fee. Contact your sales representative to receive a Return Materials Authorization (RMA). Special order parts are not returnable. Full terms and conditions for returns can be found on our website at www.ten8fire.com/returns.



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439 E. HIGHWAY 50
CLERMONT, FL 34711

Payment Terms : Due Upon Receipt of
Product Or Service

Ship Via :

Item No.	Description	Unit	Quantity	Selling Pric	Total Price
MSA-10149549-SP	SHOULDER STRAP, LEFT, SERVC, G1	EACH	8	282.79	2,262.32
MSA-10149548-SP	SHOULDER STRAP, RIGHT, SERVC, G1	EACH	8	282.79	2,262.32

MASK FIT TEST EQUIPMENT AND OHD MACHINE					
MSA-10144231-SP	KIT,FILTER ADAPTER ASSY, G1 FACEPIECE	EACH	5	93.51	467.55
OHD-FTK9519-4000	THE QUANTIFIT RESPIRATORY FIT TESTING SYSTEM	EACH	1	8,995.12	8,995.12
RESPIRATORY FIT TESTING SYSTEM					
OHD-FTK9513-0130	ADAPTER KIT #1 40MM SCREW IN FOR G1 and	EACH	1	345.31	345.31
AV2000/AV3000 & SureSeal, Single Quarter Turn					

MSA-10158407	G1 RFID READER/WRITER	EACH	2	654.255	1,308.51
MSA-10186214	RFID Contactless Reader Writer, 13.56 MH	EACH	1	456.91	456.91
MSA-10162403	Adapter Assy, QC to 1/4 NPT F, 5000 psig	EACH	4	388.00	1,552.00
MSA-10149702-SP	G1 CYL Q-C ADAPTER 4500/5500 PSI	EACH	2	55.28	110.56

MSA-10197700	MSA HUB Fireservice - US	EACH	1	3,323.87	3,323.87
MSA-10083875	TAG ASSY, ELECTRONIC ID, M7	EACH	110	34.93	3,842.30

1-LAP-TOP COMPUTER WITH SOFTWARE INSTALLED					
AT NO CHARGE.					

IN SERVICE TRAINING AT NO-CHARGE					
MSA-ZTCARE1.5	CARE TECH TRAINING OF 3 EMPLOYEES AT NO	EACH	3		
CHARGE					

This Quote is valid until 03/26/21

All returns must be initiated within 30 days of receipt of product and will be charged a restocking fee. Contact your sales representative to receive a Return Materials Authorization (RMA). Special order parts are not returnable. Full terms and conditions for returns can be found on our website at www.ten8fire.com/returns.



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439 E. HIGHWAY 50
CLERMONT, FL 34711

Payment Terms : Due Upon Receipt of
Product Or Service

Ship Via :

Item No.	Description	Unit	Quantity	Selling Pric	Total Price
	PLEASE NOTE THAT 50% OF THE BALANCE OR GREATER IS DUE AT THE TIME THE ORDER IS PLACED. THE REMAINING BALANCE IS DUE NO LATER THAN OCTOBER 15TH, 2021.				
LAKE	PRICED PER LAKE CO. CONTRACT	EACH			
LAKE2	#17-0606L EXPIRES 06/30/2021	EACH			
FRT INCL	FREIGHT CHARGES INCLUDED	EACH	1		

Amount Subject to Sales Tax 0
Amount Exempt from Sales Tax 496,780.93

Subtotal: 496780.93
Invoice Discount: 0.00
Total Sales Tax: 0.00
Total: 496,780.93

This Quote is valid until 03/26/21

All returns must be initiated within 30 days of receipt of product and will be charged a restocking fee. Contact your sales representative to receive a Return Materials Authorization (RMA). Special order parts are not returnable. Full terms and conditions for returns can be found on our website at www.ten8fire.com/returns.



REQUEST FOR INFORMATION

Intent to Utilize Lake County Contract to Purchase Fire Equipment

CONTACT INFORMATION:

Freddy L. Suarez, MPA, CPPB

Procurement Services Director

EMAIL: fsuarez@clermontfl.org

Phone: (352) 241-7350

RFI No. **2102-010**

ISSUED DATE: February 25, 2021

NOTICE OF INTENT TO PIGGYBACK A CONTRACT

NOTICE END DATE: March 5, 2021 at 2:00 P.M. (EST)

DEADLINE FOR WRITTEN QUESTIONS: Not Applicable

SOLICITATION RESPONSE: Responses will be received until the notice end date specified above or as otherwise amended. No late responses will be accepted.

Responses may be submitted electronically to the Procurement Services Director by email.

Hardcopy responses may be delivered to: City of Clermont Procurement Services Department, 685 West Montrose Street, 2nd Floor, Clermont, FL 34711.

This Request for Information (RFI) is intended to notify local vendors of the City's intent to utilize other government entities' contract. **This is not an invitation to submit a bid or quote.** If no local vendor responds to the RFI, the Procurement Services Department will proceed with utilizing the referenced contract. Local vendor is defined as businesses located in South Lake County, preferably located within the City limits. This notice will be posted for seven (7) business days.

1 – PIGGYBACK CONTRACT INFORMATION

(a) Department: Fire Department

(b) Company Information: Ten-8 Fire & Safety, LLC

(c) Contract Number and Title: 17-0606L / Fire Equipment Parts-Supplies-Service

(d) Length of Contract: 1 Year

(e) Product or Service Provided: Fire Equipment Parts, Supplies and Service

(f) Annual Expenditure: \$496,780.93

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Procurement Services Director by email or by mail prior to the "Notice End Date" indicated above to advise whether your company can provide any of the product or service mentioned above.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the product or serve described. **Respondents are not to provide pricing.** All responses will be evaluated by the Procurement Services Department and the Department requesting the product or service which will be the sole determining power in establishing the approved equal status of the commodity offered by the respondent.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Bid Award		
Requested Action		
Recommend to approve contract between the City of Clermont and Folsom Services, Inc. to provide electrical improvements to lift station E10.		
Staff Report		
The Procurement Services Department and the Public Services Department recommend approval of the above action. The Procurement Services Department issued a Request for Bid (RFB) number 21-007 to acquire these services of qualified contractors to provide electrical improvements to lift station E10. The RFB was fully competed, advertised, and complies with the City of Clermont Procurement Services Policy. There were three (3) responses to the RFB. Award is being recommended to low, responsive and responsible bidder Folsom Services, Inc. in the lump sum amount of \$54,703 who complied with all terms, conditions, and specifications stated in the RFB.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$54,703 is included in the current year approved budget. Account Code: 42535-66401		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFB 21-007 Response Tabulation	RFB 21-007 Response Tabulation.pdf	
2. RFB 21-007 Award Recommendation	RFB 21-007 Award Recommendation.pdf	



RESPONSE TABULATION

RFB 21-007, ELECTRICAL IMPROVEMENTS FOR LIFT STATION E10

DUE DATE/TIME: FEBRUARY 11, 2021 AT 2:00 P.M. (EST)

COMPANY NAME	ADDN. 1	ADDN. 2	ADDN. 3	LUMP SUM PRICE
Folsom Services Inc. – St. Cloud, FL	Y	Y	Y	\$54,703.00
Zabatt Engine Services, Inc. d/b/a Zabatt Power Systems, Inc. – Jacksonville, FL	Y	Y	Y	\$57,620.00
Schopke & Maguire, Inc. – Melbourne, FL	Y	Y	Y	\$159,200.00



FREDDY L. SUAREZ
Procurement Services Director
352-241-7350
fsuarez@clermontfl.org

AWARD RECOMMENDATION
FEBRUARY 15, 2021
RFB 21-007 – ELECTRICAL REHAB TO LIFT STATION E10

Based on the results of the bid submittals, the Procurement Services Department is recommending award to the low responsive and responsible bidder, Folsom Services, Inc. in the lump sum price of \$54,703.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Proposal Award		
Requested Action		
Recommend to approve negotiated contract between the City of Clermont and BESH-Halff, Inc. to provide engineering services for the Sunburst Lane Water Treatment Plant improvements.		
Staff Report		
The Evaluation Committee recommends approval of the above action. The Procurement Services Department issued a Request For Qualifications (RFQ) number 20-036 on September 16, 2020 to obtain the services of a qualified firm to provide engineering services for the Sunburst Lane Water Treatment Plant improvements. The RFQ was fully competed, advertised and complies with the City of Clermont Procurement Services Policy. There were four (4) responses to the RFQ. An evaluation committee composed of five (5) City staff members (four voting members and one non-voting member) reviewed, scored and ranked the qualifications. BESH-Halff, Inc. was the number one ranked firm selected for their qualifications, knowledge and experience of similar design work. The Procurement Services Director entered into negotiations with BESH-Halff, Inc. which resulted in a 29% reduction in price from \$477,080 to \$369,570, a reduction of \$107,510. The reduction in price did not affect the level of service. The work involves design services for the outfitting of the two new Lower Floridian Aquifer (LFA) production wells and the addition of a second 2.0 million-gallon, ground storage tank. Engineer professional services will include preliminary design, final design, permitting, bidding services, and construction administration services. The award recommendation is being made to the most qualified respondent BESH-Halff, Inc.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of \$369,570 is included in the current year approved budget.		
Account Code: 43533-66900-33112		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFQ 20-036 Response Tabulation	RFQ 20-036 Response Tabulation.pdf	
2. RFQ 20-036 Evaluation Summary	RFQ 20-036 Evaluation Summary.xlsx	
3. RFQ 20-036 Ranking Order	RFQ 20-036 Ranking Order.pdf	
4. RFQ 20-036 Award Recommendation	RFQ 20-036 Award Recommendation.pdf	



RESPONSE TABULATION

RFQ 20-036 - PROFESSIONAL ENGINEERING SERVICES FOR SUNBURST LANE WTP IMPROVEMENTS

DUE DATE/TIME: OCTOBER 29, 2020 AT 2:00 P.M. (EST)

COMPANY NAME	ADDN. 1	ADDN. 2	1-DIGITAL COPY
Booth, Ern, Straughan & Hiott, Inc. – Tavares, FL	Y	Y	Y
Reiss Engineering, Inc. – Winter Springs, FL	Y	Y	Y
Tetra Tech, Inc. – Orlando, FL	Y	Y	Y
Wright-Pierce, Inc. – Maitland, FL	Y	Y	Y

RFQ 20-036 Evaluation Summary for Professional Engineering Services for Sunburst Lane WTP Improvements
Evaluation Closing Date: November 20, 2020 at 5:00 P.M.

BESH-Halff, Inc.													
Criteria	Total Average				Evaluator 1			Evaluator 2			Evaluator 3		
	Weight	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points
TAB A - Introduction Letter	5%	7.75 of 10	3.88%	3.88 of 5 pts	10 of 10	5%	5 of 5 pts	5 of 10	2.5%	2.5 of 5 pts	9 of 10	4.5%	4.5 of 5 pts
TAB B - License and Insurance	5%	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts
TAB C - Company Background	10%	7.75 of 10	7.75%	7.75 of 10 pts	9 of 10	9%	9 of 10 pts	7 of 10	7%	7 of 10 pts	8 of 10	8%	8 of 10 pts
TAB D - Company Project Experience	15%	7.75 of 10	11.63%	11.63 of 15 pts	9 of 10	13.5%	13.5 of 15 pts	7 of 10	10.5%	10.5 of 15 pts	8 of 10	12%	12 of 15 pts
TAB E - Personnel Experience	20%	8.75 of 10	17.5%	17.5 of 20 pts	9 of 10	18%	18 of 20 pts	8 of 10	16%	16 of 20 pts	10 of 10	20%	20 of 20 pts
TAB F - Experience of Sub-Consultant's	10%	7.75 of 10	7.75%	7.75 of 10 pts	9 of 10	9%	9 of 10 pts	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts
TAB G - Methodology and Approach	10%	8.25 of 10	8.25%	8.25 of 10 pts	10 of 10	10%	10 of 10 pts	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts
TAB H - Risk Assessment Plan	10%	8.25 of 10	8.25%	8.25 of 10 pts	10 of 10	10%	10 of 10 pts	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts
TAB I - Business Location	5%	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts
TAB J - Quality of Submittal	10%	8.75 of 10	8.75%	8.75 of 10 pts	9 of 10	9%	9 of 10 pts	9 of 10	9%	9 of 10 pts	9 of 10	9%	9 of 10 pts
		75 of 90	84%	83.75 of 100 pts	85 of 90	94%	93.5 of 100 pts	70 of 90	79%	79 of 100 pts	75 of 90	85%	84.5 of 100 pts

Tetra Tech, Inc.													
Criteria	Total Average				Evaluator 1			Evaluator 2			Evaluator 3		
	Weight	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points
TAB A - Introduction Letter	5%	8 of 10	4%	4 of 5 pts	10 of 10	5%	5 of 5 pts	5 of 10	2.5%	2.5 of 5 pts	8 of 10	4%	4 of 5 pts
TAB B - License and Insurance	5%	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts
TAB C - Company Background	10%	8.25 of 10	8.25%	8.25 of 10 pts	10 of 10	10%	10 of 10 pts	7 of 10	7%	7 of 10 pts	9 of 10	9%	9 of 10 pts
TAB D - Company Project Experience	15%	8.75 of 10	13.13%	13.13 of 15 pts	10 of 10	15%	15 of 15 pts	8 of 10	12%	12 of 15 pts	9 of 10	13.5%	13.5 of 15 pts
TAB E - Personnel Experience	20%	7.75 of 10	15.5%	15.5 of 20 pts	10 of 10	20%	20 of 20 pts	8 of 10	16%	16 of 20 pts	5 of 10	10%	10 of 20 pts
TAB F - Experience of Sub-Consultant's	10%	7.5 of 10	7.5%	7.5 of 10 pts	10 of 10	10%	10 of 10 pts	8 of 10	8%	8 of 10 pts	5 of 10	5%	5 of 10 pts
TAB G - Methodology and Approach	10%	8.5 of 10	8.5%	8.5 of 10 pts	10 of 10	10%	10 of 10 pts	9 of 10	9%	9 of 10 pts	6 of 10	6%	6 of 10 pts
TAB H - Risk Assessment Plan	10%	8.25 of 10	8.25%	8.25 of 10 pts	10 of 10	10%	10 of 10 pts	9 of 10	9%	9 of 10 pts	6 of 10	6%	6 of 10 pts
TAB I - Business Location	5%	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts
TAB J - Quality of Submittal	10%	9.25 of 10	9.25%	9.25 of 10 pts	10 of 10	10%	10 of 10 pts	10 of 10	10%	10 of 10 pts	8 of 10	8%	8 of 10 pts
		73.25 of 90	81%	81.38 of 100 pts	87 of 90	97%	97 of 100 pts	71 of 90	81%	80.5 of 100 pts	63 of 90	69%	68.5 of 100 pts

Reiss Engineering, Inc.													
Criteria	Total Average				Evaluator 1			Evaluator 2			Evaluator 3		
	Weight	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points
TAB A - Introduction Letter	5%	8 of 10	4%	4 of 5 pts	8 of 10	4%	4 of 5 pts	5 of 10	2.5%	2.5 of 5 pts	9 of 10	4.5%	4.5 of 5 pts
TAB B - License and Insurance	5%	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts
TAB C - Company Background	10%	8 of 10	8%	8 of 10 pts	9 of 10	9%	9 of 10 pts	7 of 10	7%	7 of 10 pts	9 of 10	9%	9 of 10 pts
TAB D - Company Project Experience	15%	8 of 10	12%	12 of 15 pts	8 of 10	12%	12 of 15 pts	7 of 10	10.5%	10.5 of 15 pts	9 of 10	13.5%	13.5 of 15 pts
TAB E - Personnel Experience	20%	8 of 10	16%	16 of 20 pts	8 of 10	16%	16 of 20 pts	7 of 10	14%	14 of 20 pts	9 of 10	18%	18 of 20 pts
TAB F - Experience of Sub-Consultant's	10%	7.75 of 10	7.75%	7.75 of 10 pts	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts	8 of 10	8%	8 of 10 pts
TAB G - Methodology and Approach	10%	7.75 of 10	7.75%	7.75 of 10 pts	9 of 10	9%	9 of 10 pts	7 of 10	7%	7 of 10 pts	6 of 10	6%	6 of 10 pts
TAB H - Risk Assessment Plan	10%	8.5 of 10	8.5%	8.5 of 10 pts	9 of 10	9%	9 of 10 pts	8 of 10	8%	8 of 10 pts	8 of 10	8%	8 of 10 pts
TAB I - Business Location	5%	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts
TAB J - Quality of Submittal	10%	8.25 of 10	8.25%	8.25 of 10 pts	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts	9 of 10	9%	9 of 10 pts
		71.25 of 90	79%	79.25 of 100 pts	74 of 90	82%	82 of 100 pts	62 of 90	70%	70 of 100 pts	74 of 90	83%	83 of 100 pts

Wright-Pierce, Inc.	Total Average				Evaluator 1			Evaluator 2			Evaluator 3		
Criteria	Weight	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points	Score	Percent	Points
TAB A - Introduction Letter	5%	6.75 of 10	3.38%	3.38 of 5 pts	7 of 10	3.5%	3.5 of 5 pts	5 of 10	2.5%	2.5 of 5 pts	9 of 10	4.5%	4.5 of 5 pts
TAB B - License and Insurance	5%	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts	5 of 5	5%	5 of 5 pts
TAB C - Company Background	10%	8 of 10	8%	8 of 10 pts	8 of 10	8%	8 of 10 pts	6 of 10	6%	6 of 10 pts	9 of 10	9%	9 of 10 pts
TAB D - Company Project Experience	15%	7.75 of 10	11.63%	11.63 of 15 pts	7 of 10	10.5%	10.5 of 15 pts	7 of 10	10.5%	10.5 of 15 pts	10 of 10	15%	15 of 15 pts
TAB E - Personnel Experience	20%	6.25 of 10	12.5%	12.5 of 20 pts	8 of 10	16%	16 of 20 pts	7 of 10	14%	14 of 20 pts	2 of 10	4%	4 of 20 pts
TAB F - Experience of Sub-Consultant's	10%	7.25 of 10	7.25%	7.25 of 10 pts	7 of 10	7%	7 of 10 pts	7 of 10	7%	7 of 10 pts	8 of 10	8%	8 of 10 pts
TAB G - Methodology and Approach	10%	7.75 of 10	7.75%	7.75 of 10 pts	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts	7 of 10	7%	7 of 10 pts
TAB H - Risk Assessment Plan	10%	7.75 of 10	7.75%	7.75 of 10 pts	9 of 10	9%	9 of 10 pts	7 of 10	7%	7 of 10 pts	7 of 10	7%	7 of 10 pts
TAB I - Business Location	5%	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts	2 of 5	2%	2 of 5 pts
TAB J - Quality of Submittal	10%	8 of 10	8%	8 of 10 pts	7 of 10	7%	7 of 10 pts	7 of 10	7%	7 of 10 pts	9 of 10	9%	9 of 10 pts
		66.5 of 90	73%	73.25 of 100 pts	68 of 90	76%	76 of 100 pts	60 of 90	68%	68 of 100 pts	68 of 90	71%	70.5 of 100 pts

Evaluation Committee Members:

Lee VanDever, Assistant Director of Public Services
Kevin Adams, Construction Project Manager
Duane Land, Environmental Services Manager
Mark Griffin, Public Services Plans Reviewer
Freddy Suarez, Procurement Services Director (non-voting)

Meeting Summary:

The Evaluation Committee met on December 7, 2020 at 10:00 A.M. in a virtual Zoom meeting to discuss the proposals and score summary. The scoring was done individually by each evaluator, electronically through Periscope S2G. At the time of the meeting the Procurement Services Director provided the score summary to the committee and proceeded to review the scores.

The Evaluation Committee agreed on the score summary and chose to rank the proposals accordingly. The next step is to obtain a proposal from BESH-Halff and negotiate price, terms and conditions. If an agreement cannot be reached, negotiations with the firm will end and new negotiations will begin with the next ranked respondent. This process will continue until an agreement has been reached or negotiation with all firms has been exahusted.

Evaluator 4		
Score	Percent	Points
7 of 10	3.5%	3.5 of 5 pts
5 of 5	5%	5 of 5 pts
7 of 10	7%	7 of 10 pts
7 of 10	10.5%	10.5 of 15 pts
8 of 10	16%	16 of 20 pts
7 of 10	7%	7 of 10 pts
8 of 10	8%	8 of 10 pts
8 of 10	8%	8 of 10 pts
5 of 5	5%	5 of 5 pts
8 of 10	8%	8 of 10 pts
70 of 90	78%	78 of 100 pts

Evaluator 4		
Score	Percent	Points
9 of 10	4.5%	4.5 of 5 pts
5 of 5	5%	5 of 5 pts
7 of 10	7%	7 of 10 pts
8 of 10	12%	12 of 15 pts
8 of 10	16%	16 of 20 pts
7 of 10	7%	7 of 10 pts
9 of 10	9%	9 of 10 pts
8 of 10	8%	8 of 10 pts
2 of 5	2%	2 of 5 pts
9 of 10	9%	9 of 10 pts
72 of 90	80%	79.5 of 100 pts

Evaluator 4		
Score	Percent	Points
10 of 10	5%	5 of 5 pts
5 of 5	5%	5 of 5 pts
7 of 10	7%	7 of 10 pts
8 of 10	12%	12 of 15 pts
8 of 10	16%	16 of 20 pts
8 of 10	8%	8 of 10 pts
9 of 10	9%	9 of 10 pts
9 of 10	9%	9 of 10 pts
2 of 5	2%	2 of 5 pts
9 of 10	9%	9 of 10 pts
75 of 90	82%	82 of 100 pts

Evaluator 4		
Score	Percent	Points
6 of 10	3%	3 of 5 pts
5 of 5	5%	5 of 5 pts
9 of 10	9%	9 of 10 pts
7 of 10	10.5%	10.5 of 15 pts
8 of 10	16%	16 of 20 pts
7 of 10	7%	7 of 10 pts
9 of 10	9%	9 of 10 pts
8 of 10	8%	8 of 10 pts
2 of 5	2%	2 of 5 pts
9 of 10	9%	9 of 10 pts
70 of 90	79%	78.5 of 100 pts



FREDDY L. SUAREZ
Purchasing Director
Purchasing Department

352-241-7350
fsuarez@clermontfl.org

December 7, 2020

RFQ 20-026, Professional Engineering Services for Sunburst Lane WTP Improvements

The Evaluation Committee agreed on the score summary and chose to rank the firms according to their scores.

Company Name	Ranking Order
BESH-Halff, Inc.	1
Tetra-Tech, Inc.	2
Reiss Engineering, Ins.	3
Wright-Pierce, Inc.	4

The Purchasing Director, assisted by city staff, will proceed to negotiate a contract with the number one ranked firm. In the event a contract cannot be negotiated, negotiations will discontinue and the Purchasing Director will start negotiations with the next firm in accordance with the ranking order. This process will continue until an agreement is reached or the list is exhausted.



FREDDY L. SUAREZ
Procurement Services Director
352-241-7350
fsuarez@clermontfl.org

AWARD RECOMMENDATION
FEBRUARY 16, 2021
RFQ 20-036 – PROFESSIONAL ENGINEERING SERVICES FOR SUNBURST LANE WTP
IMPROVEMENTS

The Evaluation Committee is recommending award to the number one ranked firm, BESH-Halff, Inc.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Resolution No. 2021-002R		
Requested Action		
Recommend approval of Resolution No. 2021-002R		
Staff Report		
At the City Council meeting held on December 8, 2020, the City Council directed staff to research and develop a policy to be brought back for review regarding the honorary naming of property owned by the City of Clermont. Resolution No. 2021-002R provides a universal procedure and guidelines for the City Council when making an honorary naming request for City parks, buildings and facilities.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. 2021-002R - Naming & Renaming Public Facilities (02.19.2021 V3) (SD-DFM EDITS) - R&F BL	2021-002R - Naming & Renaming Public Facilities (02.19.2021 V3) (SD-DFM EDITS) - R&F BL.pdf	



CITY OF CLERMONT
RESOLUTION NO. 2021-002R

A RESOLUTION OF THE CITY OF CLERMONT, FLORIDA, ESTABLISHING POLICY FOR THE HONORARY NAMING OF CITY PARKS, BUILDINGS AND FACILITIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, authorized municipalities to adopt ordinances and resolutions in the exercise of its municipal powers; and

WHEREAS, the City Council desires to establish uniform guidelines and procedures for the honorary naming of public assets owned and operated by the City of Clermont; and

WHEREAS, the City Council of the City of Clermont is authorized to designate the names of City parks, buildings and other facilities; and, from time to time, to add honorary names to City parks, buildings and other facilities; and

WHEREAS, the City Council of the City of Clermont deems it advisable and in the best interest of the City, that procedure for the honorary naming of parks, buildings and other facilities be implemented as an adopted policy.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clermont does hereby adopt a policy for the honorary naming of parks, buildings and other facilities as follows:

SECTION 1:

The City Council does hereby adopt the City of Clermont Public Facility & Property Naming Policy as set forth in Exhibit A, attached hereto and incorporated herein. The City Council of the City of Clermont may amend the Honorary Naming of City Parks, Buildings and Facilities by Resolution when deemed necessary and in the best interest of the City of Clermont.

SECTION 2: CONFLICT

All policies and/or resolutions or parts of policies and/or resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 3: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution 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 Resolution as a whole.



CITY OF CLERMONT
RESOLUTION NO. 2021-002R

SECTION 4: ADMINISTRATIVE CORRECTION

This Resolution may be re-numbered or re-lettered, and/or corrected for typographical and/or scrivener's errors which do not affect the intent of said resolution, as authorized by the City Manager or designee, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 5: PUBLICATION AND EFFECTIVE DATE

This Resolution shall be published as provided by law and it shall become law and shall take effect immediately upon its Passage.



CITY OF CLERMONT
RESOLUTION NO. 2021-002R

DONE AND RESOLVED by the Mayor of the City Council of the City of Clermont, Lake County, Florida, this 9th day of March, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to Form and Legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT
RESOLUTION NO. 2021-002R

EXHIBIT A

HONORARY NAMING OF CITY PARKS, BUILDINGS AND FACILITIES

I. PURPOSE

The Purpose of this policy is to establish a uniform procedure for the honorary naming of public parks, buildings and other facilities throughout the City. The naming or renaming of a City park, building or other asset is complex and sometimes emotionally evocative. Assigning a name is a powerful and permanent identity for a public place, facility or City asset and often requires significant resources in terms of changing names on signs, maps, and literature. Excessive name changes can also lead to confusion in the public.

II. AUTHORIZATION

The City Council shall have ultimate responsibility of approval of any honorary naming of publically owned property.

III. DEFINITIONS

For purposes of this Policy the following definitions shall apply:

- a. “*Park*” shall mean any and all property owned or under the permanent control of the city and dedicated for active or passive recreational use by the general public.
- b. “*Building*” shall mean any and all buildings owned and operated by the city.
- c. “*City Asset*” Any and all public facilities, parks, and recreational facilities owned and operated by the city and not otherwise defined in this policy.

IV. PROCEDURE FOR HONORARY NAMING OF EXISTING NAMED PARK, BUILDING, PUBLIC FACILITY AND/OR OTHER CITY ASSET(S)

A. CRITERIA

The following criteria shall apply and be given preference in determining honorary naming of City assets.

- a. Geographical location of the park, facility, or asset
- b. Natural or geological features proximate to the park, facility, or asset
- c. Cultural or historic significance to the City or surrounding neighborhood
- d. The name of an individual or organization that has made a significant contribution, monetarily or otherwise, to the park, facility and/or City, Lake County, or the State of Florida.
- e. Name Proposals that will not be considered are as follows:
 - i. Naming proposals that promote alcohol and tobacco products
 - ii. Naming proposals that promote a political organization
 - iii. Naming proposals for any person having been convicted of a felony
 - iv. Naming proposals that by contemporary standards are derogatory or offensive



CITY OF CLERMONT
RESOLUTION NO. 2021-002R

- v. Naming proposals that duplicate a different park or facility in the City
- vi. Naming proposals for living individuals
- vii. Any other name that is deemed not to be in the best interest of the City of Clermont
- f. The effect the honorary naming will have on the City or any person or organization that is or could be materially affected by the naming or name change.
- g. The dignity that the honorary name will add to the asset.

B. APPROVAL

An honorary naming request shall be presented to the City Council for initial review and consideration. If a majority of the City Council vote to approve the initial request for future consideration, a resolution will be prepared for final consideration by the City Council at a noticed regular meeting of the City Council. If the resolution is approved by the City Council staff will take all appropriate measures consistent with the approval of the City Council.

Any action hereunder by the City Council shall be within the sole discretion of the City Council and shall be final and without right to appeal. Additionally, at any time, including but not limited to, subsequent to any approval hereunder, the City Council may reverse any naming approval or rename any asset.



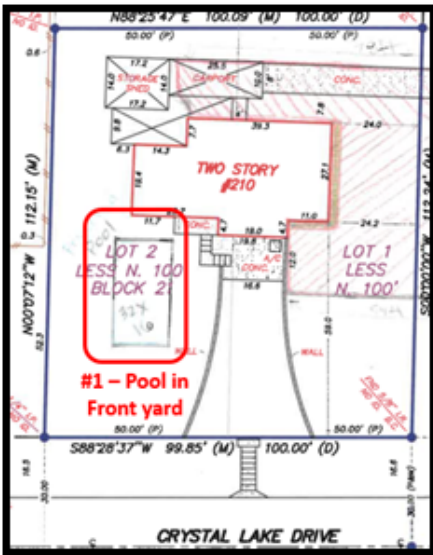
CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date																																																																																						
Tuesday, March 9, 2021																																																																																						
Agenda Item Name																																																																																						
Special Events Review																																																																																						
Requested Action																																																																																						
Recommend approval of special events																																																																																						
Staff Report																																																																																						
The Council is required to approve special events held on City property that require road closures, alcohol waivers and those events that have over 500 attendees. The Council requested to review previously approved Special Events during the December 8 Council meeting and will continue to review on a rolling basis. The City Council has previously approved the following upcoming "Festival" events: <table border="1"> <thead> <tr> <th>Event</th> <th>Organizer</th> <th>Attendance</th> </tr> </thead> <tbody> <tr> <td>3/5 First Friday</td> <td>CDP</td> <td>Estimated Attendance 1000</td> </tr> <tr> <td>3/12 Irish Fest</td> <td>Suncreek Brewery</td> <td>Estimated Attendance 500</td> </tr> <tr> <td>3/13 Irish Fest</td> <td>Suncreek Brewery</td> <td>Estimated Attendance 500</td> </tr> <tr> <td>3/13 Great Clermont Triathlon</td> <td>Sommer Sports</td> <td>Estimated Attendance 800</td> </tr> <tr> <td>3/27 Lake Minneola Half Marathon</td> <td>Sommer Sports</td> <td>Estimated Attendance 900</td> </tr> <tr> <td>4/2 First Friday</td> <td>CDP</td> <td>Estimated Attendance 1000</td> </tr> <tr> <td>4/17 Earth Day 5 Miler & 2 Miler</td> <td>Sommer Sports</td> <td>Estimated Attendance 800</td> </tr> <tr> <td>4/24 Lake Minneola Sunset Tri</td> <td>Sommer Sports</td> <td>Estimated Attendance 800</td> </tr> <tr> <td>5/7 First Friday</td> <td>CDP</td> <td>Estimated Attendance 1000</td> </tr> <tr> <td>5/8 Girlz On Fire 5k & Tri</td> <td>Sommer Sports</td> <td>Estimated Attendance 800</td> </tr> <tr> <td>6/4 First Friday</td> <td>CDP</td> <td>Estimated Attendance 1000</td> </tr> <tr> <td>6/5 Cool Sommer Mornings</td> <td>Sommer Sports</td> <td>Estimated Attendance 800</td> </tr> <tr> <td>6/19 Trikidz #1</td> <td>Sommer Sports</td> <td>Estimated Attendance 100</td> </tr> </tbody> </table> Upcoming Events That Do Not Require City Council Approval <table border="1"> <thead> <tr> <th>Event</th> <th>Organizer</th> <th>Attendance</th> </tr> </thead> <tbody> <tr> <td>3/6 Great Clermont Campout</td> <td>City Run Event</td> <td>Estimated Attendance 200</td> </tr> <tr> <td>3/19 Movies Under The Stars</td> <td>City Run Event</td> <td>Estimated Attendance 100</td> </tr> <tr> <td>3/20 Junior Park Ranger Program</td> <td>City Run Event</td> <td>Estimated Attendance 50</td> </tr> <tr> <td>4/3 Black Nurses Rock</td> <td>Lincoln Park Rams</td> <td>Estimated Attendance 200</td> </tr> <tr> <td>4/3 Lake County Clash Disc Golf</td> <td>Lake County Disc Golf Assoc.</td> <td>Estimated Attendance 80</td> </tr> <tr> <td>4/10 Becoming A Better You 5K</td> <td>Becoming A Better You , Inc.</td> <td>Estimated Attendance 75</td> </tr> <tr> <td>4/11 Thrive Is Five</td> <td>Thrive Clermont</td> <td>Estimated Attendance 400</td> </tr> <tr> <td>4/24 City of Clermont Earth Day</td> <td>City Run Event</td> <td>Estimated Attendance 100</td> </tr> <tr> <td>4/30 Movies Under The Stars</td> <td>City Run Event</td> <td>Estimated Attendance 100</td> </tr> <tr> <td>5/15 Run For Hope</td> <td>Central Florida Hope Center</td> <td>Estimated Attendance 400</td> </tr> <tr> <td>5/21 Movies Under The Stars</td> <td>City Run Event</td> <td>Estimated Attendance 100</td> </tr> <tr> <td>5/31 Memorial Day Celebration</td> <td>Daughters of the American Revolution</td> <td>Estimated Attendance 300</td> </tr> <tr> <td>6/26 Dance Recital</td> <td>Not Just Dance</td> <td>Estimated Attendance 60</td> </tr> </tbody> </table>			Event	Organizer	Attendance	3/5 First Friday	CDP	Estimated Attendance 1000	3/12 Irish Fest	Suncreek Brewery	Estimated Attendance 500	3/13 Irish Fest	Suncreek Brewery	Estimated Attendance 500	3/13 Great Clermont Triathlon	Sommer Sports	Estimated Attendance 800	3/27 Lake Minneola Half Marathon	Sommer Sports	Estimated Attendance 900	4/2 First Friday	CDP	Estimated Attendance 1000	4/17 Earth Day 5 Miler & 2 Miler	Sommer Sports	Estimated Attendance 800	4/24 Lake Minneola Sunset Tri	Sommer Sports	Estimated Attendance 800	5/7 First Friday	CDP	Estimated Attendance 1000	5/8 Girlz On Fire 5k & Tri	Sommer Sports	Estimated Attendance 800	6/4 First Friday	CDP	Estimated Attendance 1000	6/5 Cool Sommer Mornings	Sommer Sports	Estimated Attendance 800	6/19 Trikidz #1	Sommer Sports	Estimated Attendance 100	Event	Organizer	Attendance	3/6 Great Clermont Campout	City Run Event	Estimated Attendance 200	3/19 Movies Under The Stars	City Run Event	Estimated Attendance 100	3/20 Junior Park Ranger Program	City Run Event	Estimated Attendance 50	4/3 Black Nurses Rock	Lincoln Park Rams	Estimated Attendance 200	4/3 Lake County Clash Disc Golf	Lake County Disc Golf Assoc.	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AGENDA ITEM

Meeting Date	
Tuesday, March 9, 2021	
Agenda Item Name	
Variance Request 210 Crystal Lake Drive	
Requested Action	
Recommend denial of the variance request.	
Staff Report	
<i>This case was scheduled to be presented on September 22nd but was continued to January 26th due to not having a full council. The applicant requested the case to be continued to March 9. The original request was for two variances, (1) asphalt in the ROW for parking and (2) aboveground pool forward of the front building line. The asphalt request has been withdrawn and that area of the property has been corrected and brought into compliance. The applicant is still requesting the aboveground pool variance with a few minor changes.</i> The applicant, Charity Bishop, is requesting one variance to the Land Development Code for property located at 210 Crystal Lake Drive. The applicant is requesting a variance to Section 122-342 Special Setbacks. The property is zoned R-2 Medium Density Residential with a single-family home constructed in 1945. The property is on the northwest corner of Crystal Lake Drive and Second Street. The applicant desires to place a 10 feet by 20 feet aboveground swimming pool forward of the front building line (front yard). The applicant originally requested a 16 feet by 32 feet aboveground pool, but has since revised the request to reduce the pool dimensions. The applicant has indicated that there is no useable space behind the existing home due to an existing carport and shed. As for the sides of the home, there is limited space due to the existing paved parking area on the east side of the property and the interior side yard setback of 7.5 feet from the west property line would not allow placement of the desired pool. The applicant concluded that the most useable portion of the lot is in the front yard between the home and Crystal Lake Drive and is requesting placement of the pool in this area.	
 	

The applicant has indicated the necessity of the pool for health purposes. The applicant has provided updated exhibits of what is envisioned of the aboveground pool and deck. Dealing with the slope of the land, the applicant intends to recess the aboveground pool into the lot with a portion above the ground and a portion below the ground. A complete staff analysis is attached in the staff analysis report.

Section 86-174 of the Land Development Code requires a positive finding on the review criteria in order to grant a variance. Staff has reviewed the application as submitted and finds the application does not meet a positive finding on three of the five criteria. Therefore, staff recommends denial of the variance request.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Staff Report Attachment 1 V1	Staff Report Attachment 1 V1.docx
2.	210 Crystal Lake Exhibits updated	210 Crystal Lake Exhibits updated.pdf
3.	Boundary Survey	Boundary Survey.pdf
4.	Site Plan	Site Plan.pdf
5.	Application	Application.pdf
6.	New 86-174 Review Criteria- 210 Crystal Lake Drive VAR UPDATED	New 86-174 Review Criteria- 210 Crystal Lake Drive VAR UPDATED.pdf
7.	AD Valorem Tax	AD Valorem Tax.pdf
8.	Legal Ad Proof	Legal Ad Proof.pdf
9.	210 Crystal Lake March 9 Continuance	210 Crystal Lake March 9 Continuance.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: Charity Bishop

APPLICANT: Charity Bishop

PROJECT NAME: 210 Crystal Lake Drive Pool Variance

REQUESTED ACTION: The applicant is requesting a variance to Section 122-342 Special Setbacks to allow placement of an aboveground pool forward of the front building line.

SIZE OF PARCEL: Approx. 10,200 square feet

LOCATION: 210 Crystal Lake Drive
Northwest of the Crystal Lake Drive and 2nd Street Intersection

EXISTING ZONING: R-2 Medium Density Residential

EXISTING LAND USE: Single-family home built in 1945

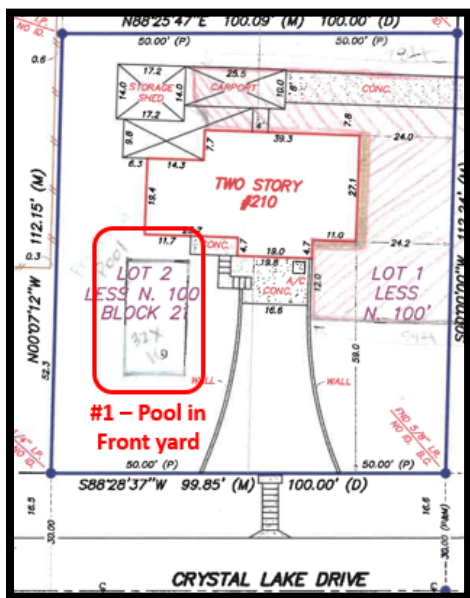
FUTURE LAND USE CATEGORY: Medium Density Residential Future Land Use

ANALYSIS:

The applicant, Charity Bishop, is requesting one variance to the Land Development Code for property located at 210 Crystal Lake Drive. The applicant is requesting a variance to Section 122-342 Special Setbacks. The property is zoned R-2 Medium Density Residential with a single-family home constructed in 1945. The property is on the northwest corner of Crystal Lake Drive and Second Street.



The applicant desires to place a 10 feet by 20 feet aboveground swimming pool forward of the front building line (front yard). The applicant originally requested a 16 feet by 32 feet aboveground pool, but has since revised the request to reduce the pool dimensions. Section 122-342 requires aboveground swimming pools and their decks to be located behind the front building line and must meet the setbacks for all other structures based upon the property's zoning. The applicant has indicated that there is no useable space behind the existing home due to an existing carport and shed. As for the sides of the home, there is limited space due to the existing paved parking area on the east side of the property and the interior side yard setback of 7.5 feet from the west property line would not allow placement of the desired pool. The applicant concluded that the most useable portion of the lot is in the front yard between the home and Crystal Lake Drive and is requesting placement of the pool in this area. The home was built rearward of the lot and the majority of the area available is in front of the home. The applicant has indicated the necessity of the pool for health purposes.



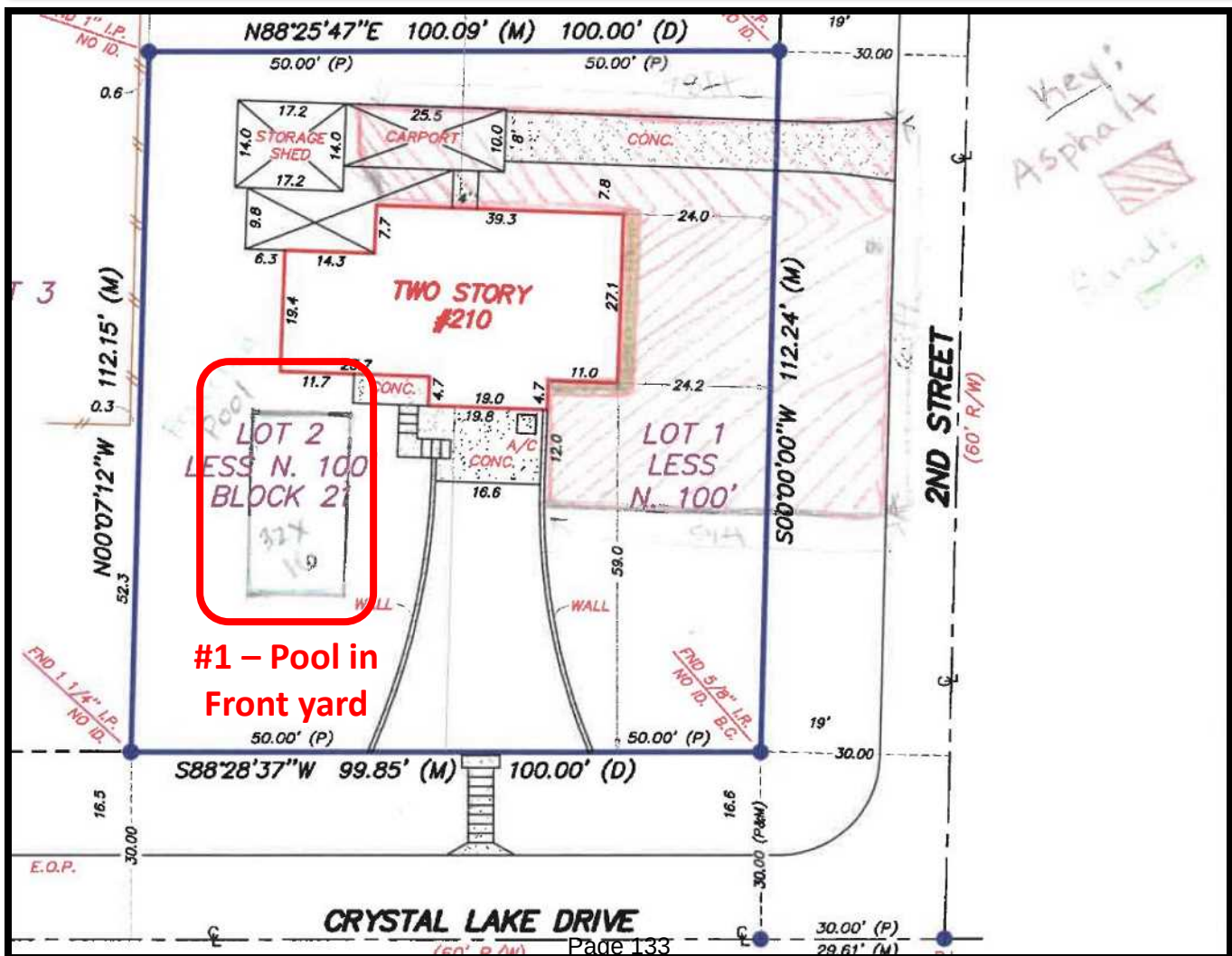
The applicant has provided updated exhibits of what is envisioned of the aboveground pool and deck. Dealing with the slope of the land, the applicant intends to recess the aboveground pool into the lot with a portion above the ground and a portion below the ground, similar to the picture below.



STAFF RECOMMENDATION:

Section 86-174 of the Land Development Code requires a positive finding on the review criteria in order to grant a variance. Staff has reviewed the application as submitted and finds the application does not meet a positive finding on three of the five criteria. Therefore, staff recommends denial of the variance request.

210 Crystal Lake Drive- Variance



210 Crystal Lake Drive- Variance

#1 – Pool in Front yard



210 Crystal Lake Drive- Variance

Examples of Aboveground Pool Design



LEGAL DESCRIPTION: LOTS 1 AND 2, LESS THE NORTH 100 FEET THEREOF, BLOCK 21, IN THE CITY OF CLERMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE(S) 17-23, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



210 CRYSTAL LAKE DRIVE
CLERMONT, FL.

HOMELAND TITLE SERVICES, INC.



Long Surveying, Inc.

"Specializing in Residential Surveying"

LB No. 7371

1061 S. Sun Dr. Ste. #1113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716

Fax 407-330-9775

www.longsurveying.com

DRAWN BY:

MP

CHECKED BY:

BRETT

CERTIFIED TO:

CHARITY BISHOP
HOMELAND TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
MOVEMENT MORTGAGE, LLC.

COMMUNITY NO:

120133

PANEL:

0570

SUFFIX:

E

F.I.R.M. DATE:

12/18/12

FLOOD ZONE:

X

SURVEY NO.

92892

FIELD DATE:

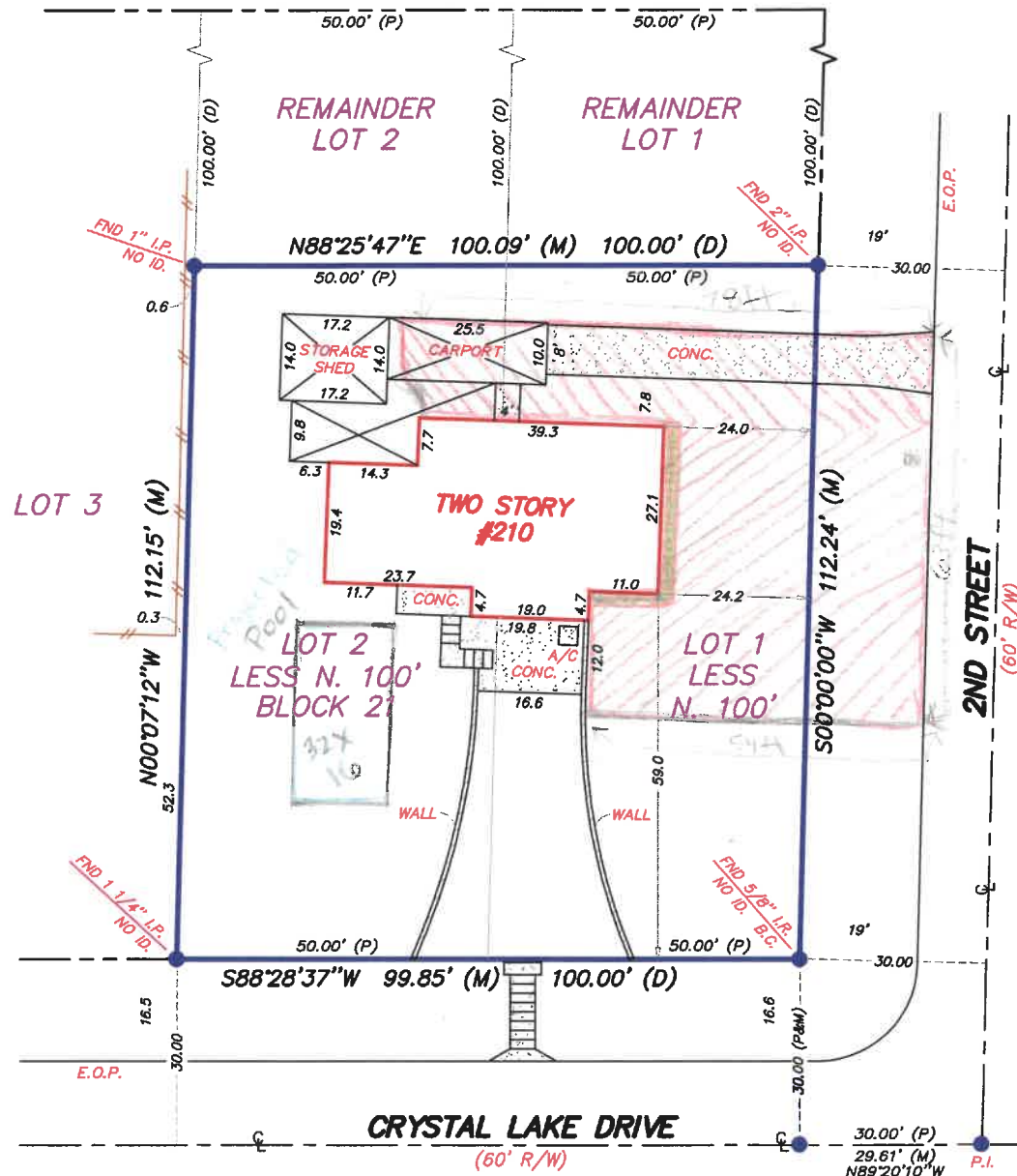
08/23/18



SCALE: 1"=30'

Boundary Survey

WEST OSCEOLA STREET



A/C	-	AL
A.E	-	BL
B.C	-	BLK
C.B	-	CC
C.B.S	-	CC
C.M	-	CC
CONC	-	CC
D	-	DE
D.E	-	DR
E.O.P.	-	ED
F.C.C	-	FC
F.F.E	-	FI
FND	-	FC
ID	-	ID
I.P	-	IR
I.R	-	IR
I.R.C	-	IR
L	-	AF
L.B	-	LA
L.S	-	LA
LE	-	LA
M	-	ME
M.E	-	M
N&D	-	NA
P	-	PL
P.E	-	PE
P.C	-	PC
P.C.C	-	PC
P.C.P	-	PE
P.I	-	PC
P.O.B	-	PC
P.O.C	-	PC
P.O.L	-	PC
P.R.C	-	PC
P.R.M	-	PE
P.D.A.E	-	PR
P.T	-	PC
R	-	RA
R/W	-	RH
S/W	-	SIL
U.E	-	U
W.F.S	-	WK

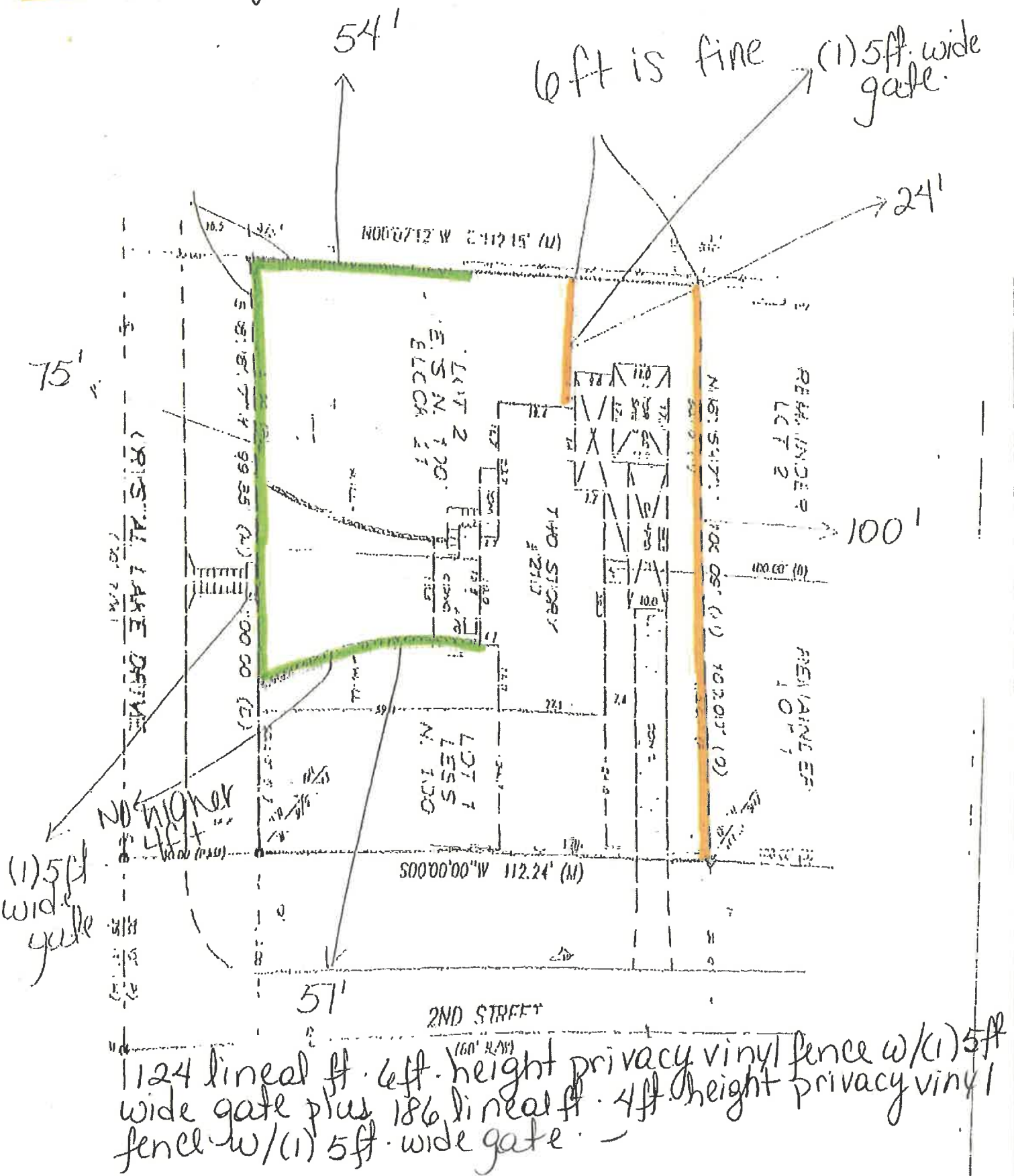
BEARINGS
THE R,

- NOTES:
- 1) This survey the Client
 - 2) This Surveyo easements, may affect
 - 3) Do not recd
 - 4) No footing
 - 5) No Improver shown
 - 6) Not valid w/ electronic s licensed Sur

Certification:
direction and
set forth by
Mappers in t
pursu

LEON

4 ft. privacy vinyl
 6 ft privacy vinyl fence





CITY OF CLERMONT
VARIANCE
Application

DATE: 01/26/2020

FEE: \$300

PROJECT NAME (if applicable): Asphalt Paving and Above Ground Pool

APPLICANT: Charity Bishop

CONTACT PERSON: Charity Bishop

Address: 210 Crystal Lake Dr

City: Clermont State: FL Zip: 34711

Phone: 352 552 1234 Fax: _____

E-Mail: Charitybishop@gmail.com

OWNER: Same as Contact Person

Address: "

City: " State: " Zip: "

Phone: " Fax: "

Address of Subject Property: 210 Crystal Lake Dr Clermont FL

General Location: Downtown Clermont: On the corner of
2nd St and Crystal Lake Dr - In front of Crystal
Lake on corner.

Legal Description (include copy of survey): Lots 1 and 2, Less the North
100 ft thereof, Block 21, In the City of Clermont,
According to the plat thereof, as recorded in Plat Book 8,
Pages 19-23, of the public records of Lake County, Florida.
(17-23)

Land Use (City verification required): _____



(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

See typed document

CITY OF CLERMONT

VARIANCE

Application

Page 3

3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

“

”

(4) The granting of the variance is consistent with the city's comprehensive plan; and

“

”

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

“

”



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) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;



CITY OF CLERMONT VARIANCE

Filing Instructions

Any person requesting a Variance shall file a complete application in the Development Services Department at least thirty (30) days prior to the hearing date of the City Council. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed.

A Pre-Application meeting with the Development Services Director (or designated staff) is required prior to submittal of the application. The Development Services Director shall determine if the application is complete and properly filed.

APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST

Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The City shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the City Council, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the City no less than five (5) days prior to the date set for hearing the variance request.

Conditions of Approval and Denial

- (1) When any variance is granted, construction of the structure or other variance item must be started within one year from the date the variance is granted. It shall be the obligation of the owner to file written notice with the Administrative Official and the Development Services Director that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.
- (2) A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.
- (3) Variance requests which have been denied may not be resubmitted for a period of two (2) years.

Variance Page 2

1A. Sec 98-9 and B. Sec 122-342

1B. Extended footage of Asphalt on city property directly connected to my property. B. Above ground pool to be put in front of property lines due to lack of backyard and side yard.

1C. The asphalt has already been completed by a company that apparently did not pull a permit. I trusted that they would be aware of and remain in compliance with the city's regulations regarding the construction that they do regularly. I was mistaken in that trust. The hardship will be to have to remove and pay for partial parts of the asphalt to be removed if not approved to keep on the city side of my property. Will cause a negative aesthetic view of property to have to remove asphalt as not to coincide with the remaining asphalt areas. B. The hardship for the pool is that we will not be able to have a pool if we can't do so in the front line area of the property, the pool is needed for health purposes.

1D. Variance Requested – subject and code section A. Driveways – Sec 98-9 Access B. Swimming Pool Above Ground – Sec 122- 342

1. Neither request will interfere negatively A. Asphalt placement will allow proper water runoff and has created a beautiful aesthetic property view and also allowing for more parking areas as not to have to park on the street or on grass. B. An enclosed fence will be built around pool prior to pool built which will allow no view of the pool from the street view.

Variance Page 2

2. A. Homes of this age were built at a time when families only had one car. Today, with husbands and wives both driving personal cars plus extra company provided vehicles, it is necessary to have additional parking spaces. Many of the nearby homes have added driveways and parking areas. The asphalt is in character with the other properties around as they have concrete driveways and areas in front of their homes. Because of changing elevations and loose sand in Clermont, the pavement all the way to the curb was chosen as a way to stabilize the edge of the parking area and protect it from rapid erosion. This will allow more use of our yard for parking instead of the street or in the sand. B. Other nearby properties have pools that you can see from the side angles when driving. Both requests are in character and allow a more reasonable use of property.
3. A. Only benefits would arise from allowing the paved asphalt to remain; this includes an increase of property and city value overall. B. A pool that will be placed with a nice design should not prevent any land development regulation and by granting this variance I will be able to have an exercise that is not strenuous for my current and future pregnancies. Due to Covid I am not walking outdoors or any other exercise and am limited to work and home. With a pool the benefits could not be priced since it would revolve around my health.
4. Promotes the precision of a more safe and sanitary housing to meet the needs of the present and future population of the city. City policy 1.1.9 (reference – study on problems).
5. A. Minimum variance would include if removal of a certain small area of the asphalt has to be removed as required near any city utility area; I am willing to sign a waiver to keep the asphalt and if it needs to be removed for any utility reason, we will be responsible. B. For minimal consideration for the front yard pool if we agree to have any pool accessory built around the pool to create a more aesthetically pleasing appearance although the fence built will obstruct any view of pool from outside neighbors.

Overhead Projection



Before Pictures



Before Asphalt



Before Landscaping Picture





Before Asphalt





Back Porch Flooding

Back Porch Flooding



A. RAFFERTY
PAVING
 COMMERCIAL
 & RESIDENTIAL
3RD GENERATION FAMILY BUSINESS



- ASPHALT PAVING
- ASPHALT SEALCOATING
- PATCHING & REPAIRING
- BELGIUM BLOCK REPAIRING
- PARKING LOT STRIPING
- STATE WIDE SERVICE

407-680-7167
 16745 Cagan Crossings BLVD.
 #202 Clermont FL 34714



Clermont FL 34714
United States

8008348859
4076807167
araffertypaving@gmail.com
araffertypaving.net

Odie
210 Crystal Lake Dr
Clermont FL
United States

Estimate No.: 003
Issue date: May 22, 2020
Valid until: Aug 20, 2020

Tax Reg. No.: 34711

DESCRIPTION	QTY.	UNIT PRICE (\$)	AMOUNT (\$)
Residential driveway paving Enter description here	1 3600	7,600	7,600.00
To remove grass and sand prep for paving install 3 to 4 inches of crushed concrete base rock then pave with 2 inches of hot mix asphalt all labor and materials included Add a note			
TOTAL (USD):			\$7,600.00

Issued by, signature:

Aldanis Disotuar


Aldanis Disotuar

Charity Buz

CONTRACT PROPOSAL AND RECEIPT

Asphalt Paving
Asphalt Millings
Seal Coaling
Line Striping

A. RAFFERTY
PAVING
CONSTRUCTION

FREE ESTIMATES
CLERMONT, FL
COMMERCIAL & RESIDENTIAL

CRUSHED SCREENED ASPHALT MILLINGS
STATEWIDE SERVICE ASPHALT SEAL COATING



TOLL FREE PHONE
1-800-834-8859
407-680-7167

16745 CAGAN
CROSSING BLVD,
CLERMONT, FL 34714

ARAFFERTYPAVING@GMAIL.COM

Grading & Leveling
Bobcat & Backhoe
Patching & Repairing
Chip & Tar

Date 5-28-20

Customer's Name Ofdanis Disatuar, 3 Charity Bishop

Address 210 Crystal Lake

City Clermont State FL Zip 34711

Phone # _____

- ☐ Cut Out Grass _____
- ☐ Bring in Fill Dirt & Level _____
- ☒ Grade & Level Existing Base _____
- ☒ Prepare For Paving _____
- ☒ Compact With Vibratory Roller _____
- ☒ Bring In Crush Base Level & Grade 4-6 in
- ☐ Spray Tack Coat _____
- ☐ Spray Grass Killer _____
- ☐ Tear Out Where Needed BALANCE \$955
- ☐ Haul Away Debris _____

- ☐ Install Recycled Asphalt Millings _____
- ☒ Pave With Hot Mix Asphalt 2 in of 9.5. Mix
- ☒ Resurface Over Concrete Or Asphalt INC.
- ☒ Air Clean & Prepare For Paving _____
- ☐ Asphalt Seal Coating _____
- ☐ Patching & Repairing _____
- ☒ Hand Trim around Concrete Ect. _____
- ☐ Striping, Handicap, Arrows, Ect. _____
- ☐ Install Hot Tar & Chip _____
- ☐ Cleanup & Backfill _____

Grade driveway & prep for paving.
Install Crush Base Back level & Roll Compact
Pave driveway & Parking Area. All Labor & Materials

TOTAL SQ. FT. _____ Price \$ _____

TOTAL SQ. FT. APRX 3000 SF Price \$ 7,600.00

TOTAL SQ. FT. _____ Price \$ PAID \$4,600 CASH PAID TOTAL \$6,600

TOTAL \$ _____

Agreed on 5/28/20 ON ANY PERMIT OR FEES. (if permit)

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

\$6600.00 Paid Balance of \$1,000.00 dollars (\$ 7,600.00).

Payment to be made as follows: One year warranty on All Labor & Materials And, Rafferty

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra change over and above the bid/proposal. All agreements contingent upon strikes, accidents, vegetation growth, floods, sink holes, cracks, gas/oil spills, raveling, neglect vegetation, drainage and water spots, not responsible.

Respectfully submitted Andy Rafferty

Per _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

This proposal will constitute a contract if signed by both parties.

Signed by [Signature] Owner

Signed by [Signature] Purchaser

A. RAFFERTY
407-680-7167

Signed by _____
Spouse or Joint Purchaser

Post Asphalt



Asphalt Progress





www.fencedirectfl.com

ORLANDO

9867 S. Orange Blossom Trail
Orlando, FL 32837
Office: 407.857.5770
info@fencedirectfl.com

TAMPA

6311 E. Hillsborough Ave.
Tampa, FL 33610
Office: 813.444.4309
tampa@fencedirectfl.com

No. _____

ESTIMATE / CONTRACT

Estimate Date: 5/16/20
Estimate Valid For 30 Days
Prepared By: Drsdley
Tel. #: 352-216-9150

Insured / Bonded

CUSTOMER INFORMATION:

Name: Charley Bishop/Oldenis Disoturo
Address: 217 Crystal Lake Dr
Clermont 34711
Subdivision: _____

Contact #: 817-812-3844
Alternate #: 786-294-4964
Email: Oldenisdisoturo@gmail.com
Gate Code: _____

FENCE #1:

PVC (Vinyl) ☒ Aluminum ☐ Steel ☐ Chain Link ☐ Wood ☐
☐ Res. ☐ Comm. ☐ Res. ☐ Comm. ☐ Res. ☐ Comm. ☐

Style/Model: Privacy T&G
Total Linear Feet: 310 Height: 6 Width: 6
Color: White Post Caps: Standard

GATES:

4 ft. Walk: _____ 5 ft. Walk: 2
8 ft. Double: _____ 10 ft. Double: _____
Other: _____ Size: _____ Qty: _____
Notes: _____

FENCE #2:

PVC (Vinyl) ☐ Aluminum ☐ Steel ☐ Chain Link ☐ Wood ☐
☐ Res. ☐ Comm. ☐ Res. ☐ Comm. ☐ Res. ☐ Comm. ☐

Style/Model: _____
Total Linear Feet: _____ Height: _____ Width: _____
Color: _____ Post Caps: _____

GATES:

4 ft. Walk: _____ 5 ft. Walk: _____
8 ft. Double: _____ 10 ft. Double: _____
Other: _____ Size: _____ Qty: _____
Notes: _____

SPECIFICATIONS:

☐ Top Level Fence ☒ Follow Contour of Ground

Pool on Property ☒ YES ☐ NO

Removal & Disposal of Existing Fence _____ Ft. ☒ NO

Clearing of Fence Line Needed ☒ YES ☐ NO

Clearing to be Done by CLIENT ☒ FD ☐ N/A

(Fee Applies If Fence Direct, Refer to Pg. 2)

HOA Approval Req.

YES ☐ NO ☒

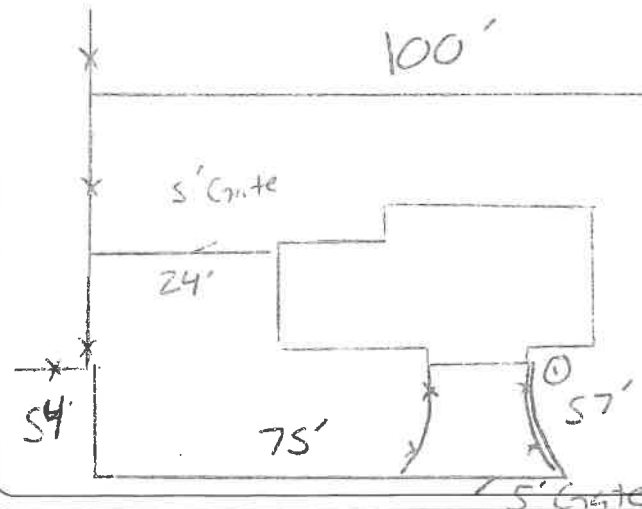
Who's Applying

Permit Required

YES ☒ NO ☐

Who's Applying

FENCE DIAGRAM:



Estimate Amount:

\$6,400

FINANCING: ☐ YES ☒ NO

Amount: _____

Terms: _____

Acct. #: _____

Auth. #: _____

SPECIAL NOTES:

Concrete all Post

Aluminum Gate Stiffener

① 2 Post installed in asphalt

AGREEMENT TO FENCE DIRECT INSTALLATION

This proposal only becomes a contract when accepted by officer of Fence Direct. Fence Direct hereby sells to the Purchaser the fence product or structure described, subject to all terms and conditions, on this contract and on the terms of service page. Contract price is for the agreed footage. Final footage may vary. Said variation will be billed at a prorated basis. Inclement weather, manpower, and equipment constraints, etc. can delay the completion of this contract. Purchaser agrees that under no circumstances will Fence Direct allow a reduction in the contract price, nor will reimbursement be made to compensate Purchaser for said expenses or inconveniences. Responsibilities of Fence Direct are limited to that which is described in this contract. Verbal representations by Fence Direct employees will not be honored.

CONTRACT AMOUNT: \$ 6400

DEPOSIT AMOUNT: \$ 3150

BALANCE DUE UPON INSTALLATION: \$ 4,250

APPROVED & ACCEPTED BY:

CUSTOMER SIGNATURE

6/24/20

CONTRACT DATE:



6F = 6 feet height
3F = 3 feet height

Above Ground Pool





210 Crystal Lake Drive Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response: *The request will not interfere negatively. An enclosed fence will be built around pool prior to pool being built which will allow no view of the pool from the street view.*

Staff comments: *The aboveground pool being constructed forward of the front building line may set a precedent that may negatively impact the standard of living of the citizens of the city.*

Negative Finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: *Other nearby properties have pools that you can see from the side angles when driving. The request is in character and allow a more reasonable use of property.*

Staff comments: *The placement of an aboveground pool forward of the front building line is out of character with other properties in the same zoning category. Staff does not have any evidence of other properties in the same zoning category that have pools forward of the front building line. A few properties in the area have pools on the side of the homes placed up to the front building line, such as 344 Crystal Lake Drive and 312 W. Montrose Street.*

Negative Finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: *A pool that will be placed with a nice design should not prevent any land development regulation and by granting this variance, I will be able to have an exercise that is not strenuous for my current and future pregnancies. Due to Covid, I am not walking outdoors or any other exercise and am limited to work and home. With a pool, the benefits could not be priced since it would revolve around my health.*

Staff comments: *The placement of the aboveground swimming pool forward of the front building line is in conflict of the code.*

Negative Finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;
Applicant response: *Promotes the precision of a more safe and sanitary housing to meet the needs of the present and future population of the City.*

Staff comments: *The requested variance is not in conflict with the Clermont Comprehensive Plan.*

Positive Finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response: For minimal consideration for the front yard pool if we agree to have any pool accessory built around the pool to create a more aesthetically pleasing appearance although the fence built will obstruct any view of pool from outside neighbors.

Staff comments: As for the aboveground pool, staff explored the option of installing a smaller pool on the west side of the property between the house and west property line. Due to the setbacks and building code requirements, the area of the pool would have only been 2 ½ feet. The property owner did revise their plan to install a smaller pool and recess a portion into the slope. The requested variance would be the minimum variance needed to make reasonable use of the land based upon the current conditions.

Positive Finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance. Staff has reviewed the application as submitted and finds the application does not meet a positive finding on **three** of the Review Criteria and Findings. Therefore, staff recommends **denial** of the variance request to the Land Development Code.

DAVID W. JORDAN
LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2019 Paid Real Estate

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
2422250100-021-00100	CL-0041417	1611610	000C

BISHOP CHARITY
210 CRYSTAL LAKE DR
CLERMONT, FL 34711

210 CRYSTAL LAKE DR
CLERMONT LOTS 1 & 2--LESS N 100
FT--BLK 21 PB 8 PG 17ORB 5161 PG 171



PAY IN US FUNDS TO DAVID W. JORDAN, TAX COLLECTOR • PO BOX 327 • TAVARES, FL 32778-0327 • 352-343-9602

AD VALOREM TAXES						
TAXING AUTHORITY	ASSESSED VALUE	EXEMPTION AMT	TAXABLE VALUE	MILLAGE RATE	TAXES LEVIED	
LAKE COUNTY GENERAL	164,771	0	164,771	5.0734	835.95	
AMBULANCE MSTU	164,771	0	164,771	0.4629	76.27	
ENVIRON LAND PURCHASE	164,771	0	164,771	0.1100	18.12	
PUBLIC SCHOOLS						
BY STATE LAW	164,771	0	164,771	3.8850	640.14	
BY LOCAL BOARD	164,771	0	164,771	2.9980	493.98	
CITY OF CLERMONT	164,771	0	164,771	4.2061	693.04	
ST JOHNS WATER MGMT	164,771	0	164,771	0.2414	39.78	
LAKE CO WATER AUTH	164,771	0	164,771	0.3557	58.61	
S LAKE CNTY HOSP	164,771	0	164,771	0.5886	96.98	
TOTAL:				17.9211	\$2,952.87	

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
NON-AD VALOREM ASSESSMENTS:		\$0.00

COMBINED TAXES AND ASSESSMENTS: \$2,952.87

If Paid By	Nov 30, 2019				
Please Pay	\$0.00				
Paid 11/26/2019 Receipt # 2019-00211944 \$2,834.76					

DAVID W. JORDAN
LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2019 Paid Real Estate

PAY IN US FUNDS TO DAVID W. JORDAN, TAX COLLECTOR • PO BOX 327 • TAVARES, FL 32778-0327 • 352-343-9602

If Paid By	Nov 30, 2019				
Please Pay	\$0.00				

210 CRYSTAL LAKE DR

BISHOP CHARITY
210 CRYSTAL LAKE DR
CLERMONT, FL 34711

CLERMONT LOTS 1 & 2--LESS N 100 FT--BLK
21 PB 8 PG 17ORB 5161 PG 171

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
2422250100-021-00100	CL-0041417	1611610	000C

Paid 11/26/2019 Receipt # 2019-00211944 \$2,834.76



Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10098550
Phone: (352) 241-7331
Date: 09/04/20
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	09/15/2020	09/15/2020	\$112.85

LEGAL NOTICE

City Clerk

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variances: (1) to allow for a residential driveway access width greater than 20 feet other than as required by Section 98-9; and (2) to allow for an aboveground swimming pool forward of the front building line other than as required by the Land Development Code, Section 122-342 at the following location:

Ad No: 10098550
September 15, 2020

LOCATION

210 Crystal Lake Drive
(Alternate Key 161.1610)

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

The Clermont City Council will consider this request at a public hearing to be held on Tuesday, September 22, 2020 at 6:30 P.M. at the Clermont City Hall, first floor Council Chambers 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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC

Payment Info	
Ad Price	\$112.85
Tax	\$0.00
Sub Total	\$112.85
Prepaid Amount	\$0.00
Balance Due	\$112.85

John E. Kruse

From: Charity Bishop <charitybishop@ymail.com>
Sent: Tuesday, January 12, 2021 12:18 PM
To: John E. Kruse
Cc: Nicholas Gonzalez
Subject: Re: 210 Crystal Drive Variance

Good afternoon sir,

March 9 would be great, thank you!

Sent from my iPhone

On Jan 12, 2021, at 11:20 AM, John E. Kruse <jekruse@clermontfl.org> wrote:

Good morning Ms. Bishop,

I hope this email finds you well. I wanted to confirm are we going to continue to March 9 or we going to move forward on January 26? I need to get things in the system if we are moving forward on the 26th.

Please let me know as soon as possible so I can plan accordingly.

Thank you,
John

From: Charity Bishop <charitybishop@ymail.com>
Sent: Friday, January 08, 2021 3:05 PM
To: John E. Kruse <jekruse@clermontfl.org>
Subject: Re: 210 Crystal Drive Variance

Good afternoon,

Thank you for the information, very good to know. We are going to stay with underground pool.

Since it seems I need to obtain more information, is there a way to push the variance to the next date by chance? This would also really help since I had to have an emergency surgery with birthing the baby and needless to say I'm a bit behind. Since we aren't "in violation of anything" for the pool request, it's not a rush on my end.

Please let me know so I can prepare as much as I can if the request is denied. I appreciate all of your help.

Sent from my iPhone

On Jan 7, 2021, at 3:49 PM, John E. Kruse <jekruse@clermontfl.org> wrote:

Hello Ms. Bishop,

I checked the legal ad and we should be ok if it is aboveground or underground due to it being the same section of the code, which is 122-342. However, I would strongly encourage you to keep the pool 25 feet from the front property line since all structures need to be placed this far back and we didn't ask for this in the variance. As for an underground pool, the council may want more information than what was provided such as dimensions and where is the deck located. The pool would have to stay 7.5 feet from the side property line. Please let me know if you are going to change to an underground pool or stick with aboveground pool.

Thanks,
John

241-7309

From: Charity Bishop <charitybishop@ymail.com>
Sent: Tuesday, December 29, 2020 10:08 AM
To: John E. Kruse <jekruse@clermontfl.org>
Cc: Nicholas Gonzalez <ngonzalez@clermontfl.org>
Subject: Re: 210 Crystal Drive Variance

Good morning,

I apologize for the late reply, it has been very busy . Thank you for reaching out, merry Christmas and happy new year to you! You are correct about the asphalt and we have already been cleared for the asphalt removed.

The only thing for the variance would be the pool you are correct, could it be changed to an in ground pool? I know we had discussed before and wanted to ask. I am not quite sure the "rules" about how far it has to be from property lines or fences, is this something I should call about or you can guide me? I would hate to change it to an in ground pool and not be able to do so due to placement. Thank you For your help!

Sent from my iPhone

On Dec 21, 2020, at 4:29 PM, John E. Kruse <jekruse@clermontfl.org> wrote:

Good afternoon Ms. Bishop,

I hope this email finds you well and ready for the holidays. I wanted to confirm the variance request that we will be moving forward on January 26, 2021. I understand the asphalt in the right of way has been removed. Therefore, the only variance I believe is for the placement of an aboveground swimming pool in the front

yard. Can you please confirm this is correct? Once I receive confirmation, then I will update the attached display.

Thank you and Merry Christmas,
John

John E. Kruse, AICP
Planning Manager
Development Services Department
685 W. Montrose St., Clermont, FL 34711
Tel 352-241-7309 | Fax 352-394-3542
jekruse@clermontfl.org
www.ClermontFL.gov

<image001.png>

*Our mission: To preserve and enhance the quality of life for the
Clermont community by providing exceptional services.*

Website: <https://www.clermontfl.gov/>

PLEASE NOTE: Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

<210 Crystal Lake Driveway Display.pdf>

Website: <https://www.clermontfl.gov/>

PLEASE NOTE: Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Website: <https://www.clermontfl.gov/>

PLEASE NOTE: Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Variance Request <i>Fifth Street Polar Ice House</i>		
Requested Action		
Recommend approval of requested variance.		
Staff Report		
The applicant is requesting a variance to allow a commercial business to connect to the potable water system for irrigation services instead of a private well as required by the Land Development Code, Section 114-4 (5). The subject parcel is located at 492 Chestnut Street and the zoning is C-1 Light Commercial. On September 11, 2018, the City Council approved a Conditional Use Permit with (Resolution 2018-30R) to allow a commercial ice vending machine at this location. The conditions of approval for the Conditional Use Permit (CUP) required the site to provide landscaping and parking improvements that comply with the code for the proposed development. The subject parcel currently has a single family home that will be converted and used for a commercial business. The Landscape Code, Chapter 118, requires an irrigation system for all installed landscaping and the irrigation plan must be approved by city staff, prior to the issuance of any final development orders. In addition, The Land Development Regulations, Sections 114-4 (5), requires private wells be constructed to provide irrigation water for any commercial development. The applicant is requesting a variance to that section of the code. The applicant has indicated this requirement will cause a hardship to the small business with limited resources. The applicant has also indicated the existing water meter on the eastern side is currently not being utilized; and a backflow preventer will be installed and sewage can be produced from the use of that meter. The commercial ice vending machine as proposed will be located on the west side of the building, with the side facing Fifth Street. The adjacent properties to the North, East and West has C-1 Light Commercial zoning and the current zoning for the property to the South is R-2 Medium Density Residential. The site will be required to comply with the Land Development Codes for C-1 zoning and compliance with any required building safety and fire codes. <u>STAFF RECOMMENDATION:</u> Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application does meet a positive finding. Therefore, staff recommends approval of the variance request to the Land Development Code.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. New 86-174 Review Criteria-Polar Ice House	New 86-174 Review Criteria-Polar Ice House.pdf	
2. Location Map	Location Map.pdf	

3.	REVISED-02 Mstr Site Plan	REVISED-02 Mstr Site Plan.pdf
4.	Kooler Ice 1000 Series	Kooler Ice 1000 Series.pdf
5.	Childs Variance-Application-2020-	Childs Variance-Application-2020-.pdf
6.	POLAR ICE VARIANCE	POLAR ICE VARIANCE.pdf

Fifth Street Polar Ice House – Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response: Neither the irrigation nor the ice machine will generate sewage, resulting in no impact to the adjacent property owners or the environment overall.

Staff comments: The variance request is to allow a commercial property connect to the city’s potable water system for irrigation instead of the code requirements of connection to a private well for irrigation services as required by the Land Development Code, Section 114-4 (5). The subject parcel is C-1 Light Commercial zoning and on September 11, 2018 was granted a Conditional Use Permit (CUP) (Resolution No. 2018-30R) to allow an ice machine on the property, which also required site improvements to the landscaping and parking. The code requires all required landscaping must provide irrigation services.

Positive finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: The zoning is C-1 Light Commercial, with close proximity to State Road 50, a major corridor. The ice machine is within the Light Commercial category of uses.

Staff comments: The variance request is the minimum variance that will allow reasonable use of the property. The applicant will be providing landscaping and parking for the site to meet the code requirements. The variance request is not out of character with other small businesses in the area.

Positive finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: Since the irrigation and ice machine will generate no sewage, resulting in no impact to the adjacent property owners or the environment, compliance with the land development code would not further any legitimate objective.

Staff comments: The requested variance to the land development code will not further any legitimate city objective, the applicant will be required to provide upgrades and improvements to the existing site. .

Positive finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;
Applicant response: The existing water meter on the eastern side of the property is currently not being utilized. A backflow preventer will be installed and now sewage will be produced from this use of this meter.

Staff comments: The variance request is consistent with the comprehensive plan goals, objectives and policies for light commercial development.

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

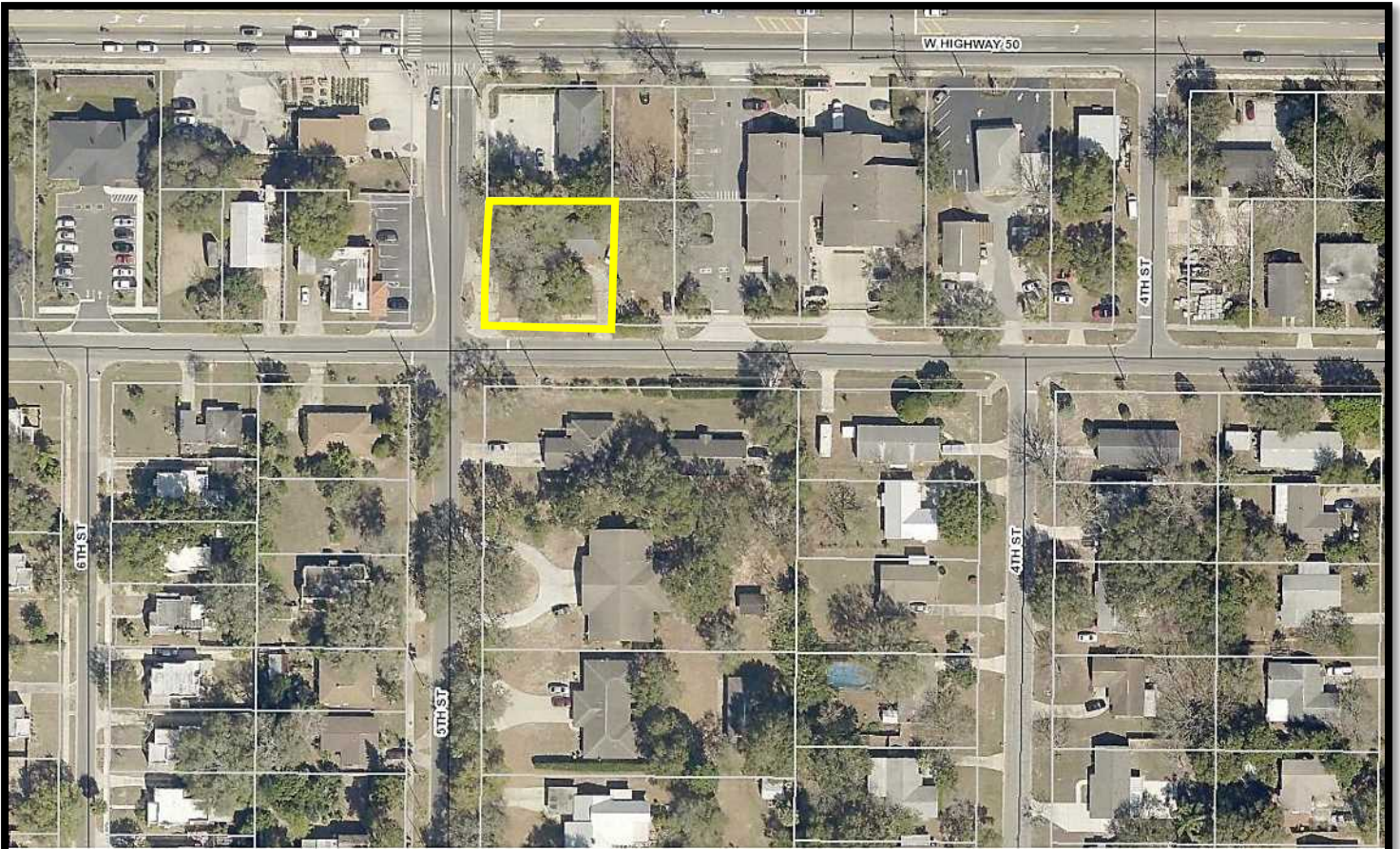
Applicant response: Installing a well for a use that does not generate sewage would be unnecessary and therefore makes it beneficial to utilize the current unused meter.

Staff comments: The requested variance is the minimum to allow reasonable use of the land. The property conditions are existing and this type of small business does not generate the amount of traffic or use as some of the larger developments.

Positive finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application can meet a positive finding. Therefore, staff recommends **approval** of the variance request to the Land Development Code.

Location Map



The IM1000 - Series II Ice Vending Machine

The IM1000 combines outstanding style, production and technology to provide Retailers with an eye catching machine that **automatically bags and dispenses** a 10lb bag of fresh ice - on demand - quickly and conveniently! Accessible and convenient to your customers, the IM1000 earns income for your business 24 Hours a Day – even when your business is not open - and without an attendant!

- Protect and **INCREASE YOUR ICE SALES AND PROFITS** while preserving and controlling your ice pricing for your customers (This is especially important in this economic climate with gasoline prices rising higher and threatening to reach new highs!)
- **ATTRACT NEW CUSTOMERS** to your business with its sharp, eye-catching design and offer a **HIGHER QUALITY** and **MORE CONVENIENT** product to your existing customers.
- It is easy and enjoyable to use and can offer cash, credit and debit **PAYMENT OPTIONS**
- It is **ACCESSIBLE 24/7** for **ADDED CONVENIENCE** for your customers
- Will **REDUCE “STOCK OUTS”** and the time and need to take delivery and monitor inventory for your ice sales (or eliminate the time and resources needed to bag ice in the store).
- Can be placed outside where your existing “ice merchandiser” is located (or elsewhere) at minimal cost, and operates without significantly increasing your utility costs, and will virtually **ELIMINATE THEFT AND WALK OFFS**.
- **CAN BE MONITORED 24/7** with our Remote Access System (“Ice Talk”) without physically being at the machine.

“Profit margins with a Cooler Ice machine are significantly higher...”



Convenience and Emerging Consumer Buying Habits

The future of bagged ice delivery to the consumer is changing, and providing ice to the consumer that is FRESH, ON-DEMAND, via vending machines is steadily emerging as the new, preferred way for consumers to purchase ice and water.

PROFIT MARGINS WITH THE KOOLER ICE MACHINE ARE SIGNIFICANTLY HIGHER, ESPECIALLY OVER TIME AS START-UP AND FINANCING COSTS ARE RETIRED.

Additionally, with the increasing presence and growth of the “free-standing” ice and water vending machine industry, retailers must find a way to compete – or lose business to them. The cost could be more than just ice sales, but secondary sales of other convenience items as well.

The IM1000 was **designed with the retailer in mind** with its smaller size and more affordable price. Now, you can not only compete, you can **make ice an asset!**

Automatically makes, stores, bags and dispenses Ice!

The IM1000 is compact in design and can fit readily at most storefronts and against buildings. The IM1000 design features an 850lb insulated storage bin that allows you to have approximately 75 10lb bags of ice ready to vend when you begin the day. As ice is vended from the unit, the Scotsman ice maker immediately starts to produce more ice until the storage bin is replenished. The insulated storage bin keeps the ice frozen without the need for a refrigeration unit offering a significant reduction in operating costs!

The owner has the ability to choose from two different ice makers, so the machine production capacity can be customized to meet the anticipated sales at your individual location, instead of having to work with a “one size fits all” model - offering owners further cost efficiency.



Scotsman Model #	Max 24hr Production	Maximum Production*	Storage Bin Capacity	Unit Width	Unit Depth	Unit Height	Unit Weight
C1448	1553 lbs	80-90 Bags	800-850 lbs	55"	65"	99"	1,745 lbs
C1848	1909 lbs	110-120 Bags	800-850 lbs	55"	65"	99"	1,755 lbs

*Maximum Production assumes starting with full bin of ice.

The IM1000 Offers an Advanced Remote Access Monitoring System....“Ice Talk”

The IM1000 is equipped with a cellular based monitoring system which allows you to track hourly, weekly and monthly sales data in an easy to use format. You can store and run reports, as well as export specific data into an Excel spreadsheet to develop your own charts and graphs. The system allows you to program multiple contacts for notifications or alerts via e-mail or text, and records all alerts on the website for a complete history of the machine's operator performance. And – there are no hard-wire connections or third party contractors needed.

Other Features Include:

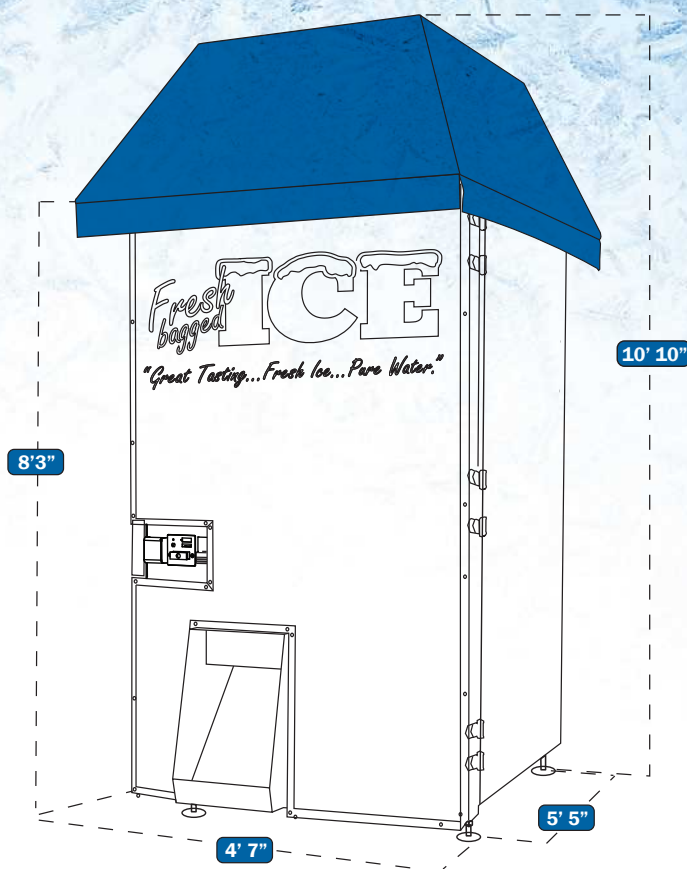
- Notification by e-mail or text if the machine is “Out of Bags”, “Out of Ice”, if “Door is Open” or if there is any problem with a machine component or ice maker that would cause it to interrupt the business.
- Access to bag inventory and sales data at all times.
- Ability to remotely vend a bag of ice, as well as re-set the bill validator, via your phone or computer.

Meet Our Partners - Their Components Make Our Product Great!

- **Scotsman Ice Systems** is a world leader in Commercial Ice Makers. Their line of Prodigy C1448 and C1848 ice makers provide excellent reliability and performance and Scotsman provides unmatched service, parts and support. The Scotsman Ice Makers provide a 3 year full warranty with a 5 year warranty on the Condenser, Evaporator and Compressor.
- **Siemens Electronics** is a world leader in automation products. Siemens PLC's are used to control all machine functions and communicate with the Ice Talk control module. An LCD monitor display on the inside front door of the machine provides notices and sales data conveniently.

The Kooler Ice IM1000 - Series II Machine Specifications:

- High Strength Aluminum Alloy Corrosion Free Frame
- Stylish Backlit Graphics
- Food Grade Plastic Storage Bin
- 220 Volt Single Phase Power, 60 Amp Service
- 3/4" Supply and Drain Line Hook Ups
- Allows Easy Access to All Components
- Bag Tracking System on All Kooler Ice Bags (For Added Consumer Safety)
- Adjustable Vend Rate (Allows Owners to Set and Change Pricing)
- Easy Water Filter Changing Operation
- Easy Bag Changing Operation (Holds Up to 350 Bags At Once)
- Machine has 1 - 10lb button (Optional 16lb Vend Button Available)
- 850lbs Bin Capacity
- Ice Talk Remote Access Communication



Optional Machine Features:

- **Water Vending:** Filtered Water or RO (Reverse Osmosis) System dispensed in 1 or 5 Gallon vends.
- **Credit Card Reader (E-port):** Researchers say that over 60% of Americans use a credit card for all of their retail purchases. This option offers an additional "convenience factor".
- **Heating Unit:** Recommended for units that will be located in areas where temperatures can go below freezing on occasion, or regularly.
- **20lb Vend Button:** Allows the machine to offer the option of vending (2) 10lb bags of ice as a single vend by pressing the button for the 20lb option.
- **Coupons:** Provides retailers the ability to run promotions and give away free bags of ice.



Because the Kooler Ice machines produce ice on site, the need for an ice delivery truck is eliminated, therefore reducing the "carbon foot print". **Our machines help protect the environment** while providing a safer, more convenient, higher quality product than what is available through today's packaged ice system. That's a "Win/Win" for everyone!

For more information please contact us at:



www.koolerice.com
1-800-858-3025
1-478-956-1423
510 Dunbar Road
Byron, GA 31008



CITY OF CLERMONT **VARIANCE** FILING INSTRUCTIONS

Any person requesting a Variance shall file a complete application in the Development Services Department at least thirty (30) days prior to the hearing date of the City Council. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed.

A Pre-Application meeting with the Development Services Director (or designated staff) is required prior to submittal of the application. The Development Services Director shall determine if the application is complete and properly filed.

APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The City shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time, and place of the public hearing before the City Council, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the City no less than five (5) days prior to the date set for hearing the variance request.

Conditions of Approval and Denial

- (1) When any variance is granted, construction of the structure or other variance item must be started within one year from the date the variance is granted. It shall be the obligation of the owner to file written notice with the Administrative Official and the Development Serves Director that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.
- (2) A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.
- (3) Variance requests which have been denied may not be resubmitted for a period of one (1) year.



CITY OF CLERMONT **VARIANCE** FILING INSTRUCTIONS

Check List

The following information shall be provided:

- ☒ Proof of ownership (i.e. Lake County Property record card, tax receipt, or deed.)
- ☒ Legal description of the property – may be on information above.
- ☒ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the variance request. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on the Variance).
- ☒ A written justification based on Sec. 86-174, which explains the conditions and circumstances of the alleged hardship and the necessity of the action. Staff will review the application based on the review criteria. Therefore, it is in the applicant's best interest to submit the application with those five (5) items in mind to justify the variance request.
- ☒ Visual aids that may clarify the variance request such as overhead projections, large scale drawings, etc. A location map must be included that identifies the location of the property. These will be presented by the applicant at the public hearing.
- ☒ The original application and all supplemental materials. All materials can be submitted in PDF format on a CD or via email to planning@clermontfl.org
- ☒ Fee: \$300.⁰⁰ plus advertisement for existing single-family residential.
\$600.⁰⁰ plus advertisement for all others.

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



CITY OF CLERMONT

VARIANCE

APPLICATION

DATE 12/10/2020		FEE: \$600.00	
Project Name (if applicable) Fifth Street Polar Ice House / Childs Vending			
Applicant Side the Road, LLC			
Contact Person Carla Childs Berger			
Address 1430 Thousand Roses Drive	City Lake Wales	State FL	Zip 33853
Telephone (813)763-4356	Fax		
Email nenedom@hotmail.com			
OWNER INFORMATION ☒ (Check box if information is same as Applicant)			
Owner's Name			
Owner Address	City	State	Zip
Telephone	Email		
PROPERTY INFORMATION			
Address of Subject Property 492 Chestnut Street	City Clermont	State FL	Zip 34711
General Location Southeast corner Fifth & Chestnut Streets			
Legal Description & Alternate Key (include copy of survey) Lots 16, 18 & 20, Official Map of the City of Clermont, according to the plat thereof, as recorded in Plat Book 8, Page 17, Public Records of Lake County, FL Alternate Key No. 1612489			
Land Use (City verification required) Commercial			
Zoning (City verification required) C-1 & CUP (Resolution No. 2018-30R)			



CITY OF CLERMONT **VARIANCE** **APPLICATION**

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. 114-4. - (5) Water Service

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

Utilize the existing eastern property meter for the ice machine water supply and for the irrigation water supply. (RPZ backflow to be installed.)

How does the Code create a hardship?

Section 114-4 (5) states that private wells shall be constructed to provide irrigation water for all uses within the City's utility service area except for individual single family residential units.

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 City Council 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) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

Neither the irrigation nor the ice machine will generate sewage, resulting in no impact to the adjacent property owners or the environment overall.

- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

The property is zoned C-1, Light Commercial, with close proximity to State Road 50, a major corridor. The ice machine is within the Light Commercial category of uses.

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

Since the irrigation and ice machine will generate no sewage, resulting in no impact to the adjacent property owners or the environment overall, compliance with the land development code would not further any legitimate objective.



CITY OF CLERMONT VARIANCE APPLICATION

(4) The granting of the variance is consistent with the city's comprehensive plan; and
The existing water meter on the eastern side of the property is currently not being utilized. A backflow preventor will be installed and now sewage will be produced from the use of this meter.

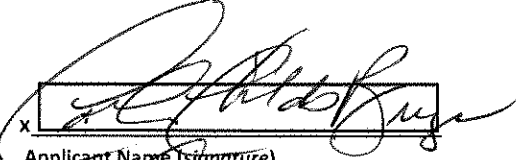
(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.
Installing a well for a use that does not generate sewage would be unnecessary and therefore makes it beneficial to utilize the current unused meter.

Carla Childs Berger

Applicant Name (print)

Carla Childs Berger

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
Development Services 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.

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 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) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
- (4) The granting of the variance is consistent with the city's comprehensive plan; and
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

(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, 9-28-9)

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10100979
Phone: (352) 241-7331
Date: 02/24/21
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	03/02/2021	03/02/2021	\$107.24

LEGAL NOTICE

March 02, 2021

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow connection to the potable water system for irrigation instead of a private well for commercial development as required by the Land Development Code, Section 114-4 (5), at the following location:

LOCATION:

492 Chestnut Street
(Alternate Key #1612489)

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

The Clermont City Council will consider this request at a public hearing on Tuesday, March 9, 2021, at 6:30 P.M. in the Clermont City Hall, first floor Council Chamber, located at 685 West Montrose Street, Clermont, FL 34711.

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd, MMC
City Clerk

Ad No: 10100979

Payment Info	
Ad Price	\$107.24
Tax	\$0.00
Sub Total	\$107.24
Prepaid Amount	\$0.00
Balance Due	\$107.24



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Variance Request 1610 Bowman Street		
Requested Action		
Recommend denial of the requested variance		
Staff Report		
The applicant is requesting two (2) setback variances in order to allow the construction of a 30' x 30' (900 square foot) detached garage for property located at 1610 Bowman Street. The zoning is R-1-A Single Family Low Density, the code requires garages and storage building greater than 150 square feet comply to the setbacks of the primary structure. The applicant is requesting a rear yard setback of 10 feet instead of the code requirements of 25 feet and a 10 feet side street setback instead of the 35 feet as required by the Land Development Code, Section 122-105. The approved building permits have been granted to construct a new single family home; now under construction. The applicant, after permit approval has revised the survey to allow construction of the 900 square foot detached garage on the parcel. The variance request would allow a 15-foot encroachment into the 25-foot required rear yard setback and a 25-foot encroachment into the 35-foot required corner lot setback, which allows the 900 square foot detached garage be located 10-foot from the side and rear yard property lines. The R-1A zoning codes requires a larger lot size with greater setbacks to allow for construction of bigger homes and not infringe on adjacent properties. The intent of this zoning category is to allow single family residential homes be used in such a manner to preserve and enhance low-density residential neighborhood values. The proposed 900 square foot detached garage located only 10-feet from the property lines may be considered as intrusive and out of character with other properties in this zoning district. Staff recognizes that the variance would be inconsistent with the surrounding area and may have a negative impact on the adjoining property owners, especially the property owners where the ten-foot setback may be impacted. Staff finds the subject parcel was vacant and the applicant could have designed the property to allow the proposed detached garage to meet the required setbacks, therefore the applicant is creating the hardship for the requested variance to the code. <u>STAFF RECOMMENDATION:</u> Section 86-174 of the Land Development Code requires a positive finding on the review criteria in order to grant a variance. Staff has reviewed the application as submitted and finds the application does not meet a positive finding on all of the five criteria. Therefore, staff recommends denial of the variance request.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)	
1. New 86-174 Review Criteria-1610 Bowman Street	New 86-174 Review Criteria-1610 Bowman Street.pdf
2. LOCATION MAP	LOCATION MAP.pdf
3. Site Plan	Site Plan.pdf
4. Property Conditions Picture-1	Property Cinditions Picture-1.pdf
5. Application	Application.pdf
6. 1610 BOWMAN STREET VARIANCE-AD	1610 BOWMAN STREET VARIANCE-AD.pdf

1610 Bowman Street – 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 City Council shall not vary the requirements of the land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response: No.

Staff comments: The two variances request is for a 15-foot encroachment into the required 25-foot rear yard setback and 25-foot encroachment into the required 35-foot corner side setback to allow construction of a 30' x 30' detached garage. The property was a vacant lot that could be designed to meet the required setbacks. Because the property was vacant, the applicant is creating the hardship. The proposed garage would be 10 feet from the street and will be out of character with other properties in the area.

Negative finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: No.

Staff comments: The variance request will allow a 900 square foot garage to be 10 foot from the street and 10 foot from the rear property line. The proposed garage would be out of character with other detached structures in the R-1A zoning category.

Negative finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: No

Staff comments: The requested variance to the land development code will not further any legitimate city objective.

Positive finding

- (4) The granting of the variance is consistent with the city's comprehensive plan;
Applicant response: No Answer Provided

Staff comments: The variance request is consistent with the comprehensive plan goals, objectives and policies for single family residential.

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: No

Staff comments: The requested variance is not the minimum allowed to make reasonable use of the land. The lot was vacant and the proposed construction of a new single family home and could be designed in compliance with the code and may not require a variance. The proposed 900 square foot garage will be 10-foot from the side and rear-yard property line and because of the size of the garage, and could be considered intrusive to the adjacent properties.

Negative finding

STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as submitted and finds the application cannot meet a positive finding. Therefore, staff recommends **denial** of the variance request to the Land Development Code.

LOCATION MAP

1610 BOWMAN STREET - VARIANCE



Page 190

LOT 22, CLERMONT HTS, CLERMONT, FL

SITE PLAN

SCALE: 1"=20'

1

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2020 FLORIDA BUILDING 7th EDITION, CODE RESIDENTIAL EDITION SECTION R301 DESIGN CRITERIA AND INCLUDING ASCE 7 or AWC WFCM AND 2014 NEC.
1. BASIC WIND SPEED - 139mph ULTIMATE WIND SPEED V ult and 103mph 3 SECOND GUST/NOMINAL WIND SPEED V asd
2. WIND IMPORTANCE FACTOR - 1.0
3. CONSTRUCTION TYPE - SINGLE FAMILY RESIDENCE
4. WIND EXPOSURE - CATEGORY B
5. INTERNAL PRESSURE COEFFICIENT FOR ENCLOSED BUILDINGS IS .18 & HEIGHT & EXPOSURE ADJUSTMENT COEFFICIENT IS 1.0

OWNER:
JORGE LOPEZ
X
X

DESIGNER:
NATHAN WILLIAMS
8507 FOREST CITY ROAD
ORLANDO, FLORIDA 32810
NATEDESIGNER@YMAIL.COM

ENGINEER
JOSEPH SIMMONS, III, P.E.
P.E. #52101
7619 GRAMERCY DRIVE
ORLANDO, FLORIDA 32818
JOESIMMONS3@GMAIL.COM

BUILDER:

SITE INDEX:
A1 TITLE / SITE PLAN
A2 (E) 1ST FLR.
A3 (E) ELEVATIONS
A4 (N) FLOOR, ROOF, FDN. PLAN
A5 ELEVATIONS
A6 CONSTRUCTION DETAILS
A7 HVAC & ELECTRICAL PLAN
A8 KITCHEN DESIGN

PROJECT DATA

OCCUPANCY: RESIDENTIAL

APN:

CONSTRUCTION TYPE V-B

LIVING AREA = 3,309 S.F.
GAR. & PORCH AREAS= 1,211 S. F.
TOTAL AREA= 4,520 SQ. FT.

LOT SIZE: 19,175 S.F.

LOT COVERAGES ALLOWED:
HOUSE, DRIVES AND WALKS =45%
INCL. POOL & SHED BLDGS=55%

ACTUAL COVERAGE:
BUILDING, DRIVES & WALKS = 24%

SCOPE OF WORKS

PROPOSED NEW ACCESORY GARAGE
30'X30' WITH EXTERIOR MATCHING
HOUSE



INNATE DESIGN LLC
COMPANY INFO

REVISIONS

1	
2	

THIS SET OF CONSTRUCTION DOCUMENTS INCLUDING ALL IDEAS AND DESIGN ARE MEANS OF PROFESSIONAL SERVICES AS THE PROPERTY OF INNATE DESIGN, LLC, AND IS NOT TO BE USED IN OTHER PROJECTS OR PARTIALLY FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN AUTHORIZATION OF INNATE DESIGN, LLC. THE REPRODUCTION OR MODIFICATION OF THIS DOCUMENT WITHOUT THE PRIOR WRITTEN CONSENT OF INNATE DESIGN, LLC IS PROHIBITED.
THIS DOCUMENTATION INCLUDES NEW WORK AND DOES NOT NECESSARILY INCLUDE AS-BUILT OR EXISTING CONDITIONS. INNATE DESIGN, LLC IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION, AND WILL NOT BE RESPONSIBLE FOR ANY DISCREPANCY BETWEEN THIS DOCUMENT AND EXISTING CONDITIONS.

CLIENT:
JORGE LOPEZ
CORNER BOWMAN ST. & E.
MINNEHAHA AVE
LOT 22, CLERMONT, FLORIDA

ENGINEER:
JOSEPH SIMMONS, III
P.E. #52101
7619 GRAMERCY DRIVE
ORLANDO, FLORIDA 32818
JOESIMMONS3@GMAIL.COM

DESIGNER:
NATHAN WILLIAMS
8507 FOREST CITY ROAD
ORLANDO, FLORIDA 32810
NATEDESIGNER@YMAIL.COM

TITLE
DATE 1/27/2021
SCALE

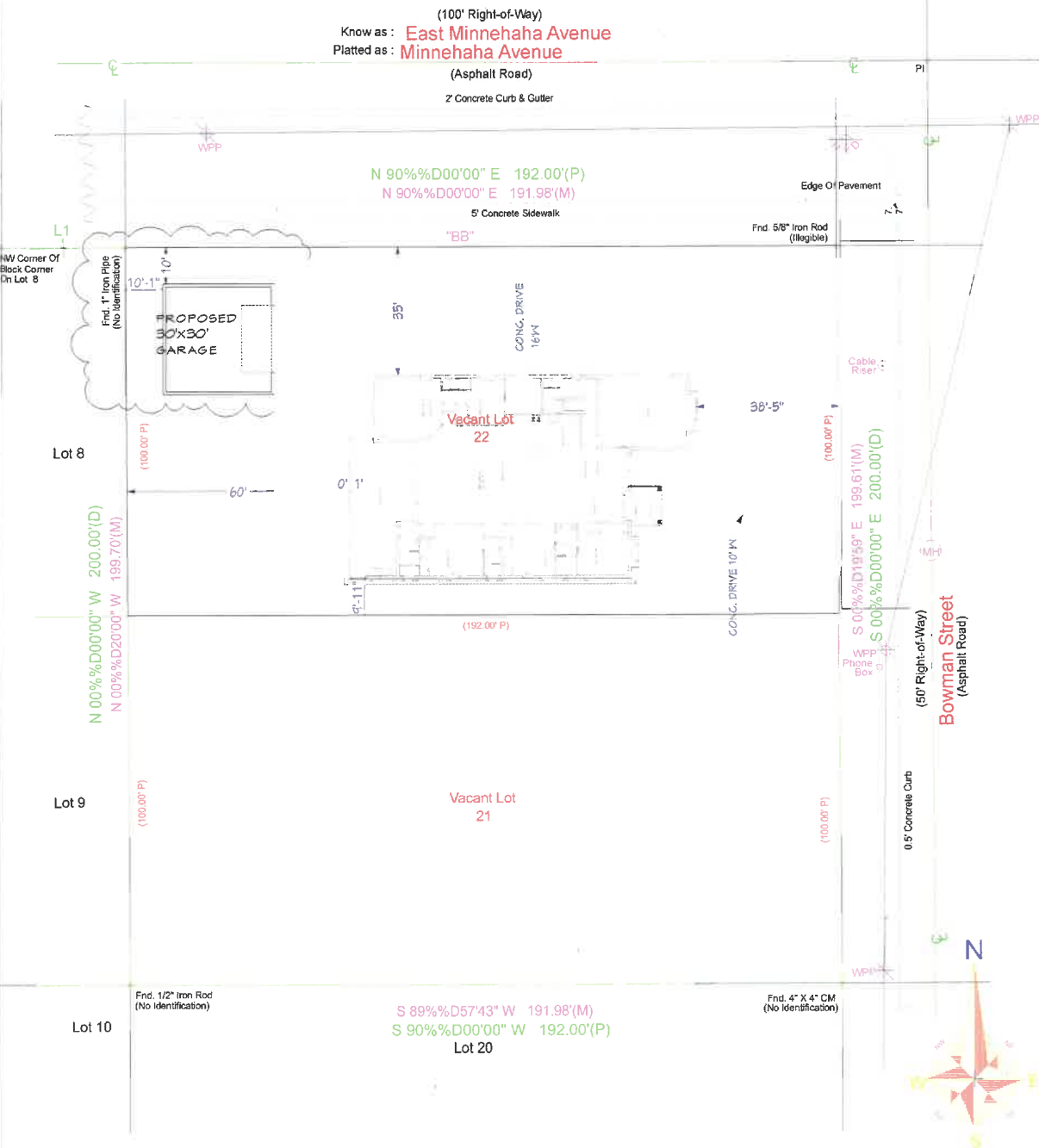
SHEET
A1

VICINITY MAP

GENERAL NOTES

1. ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE 2017 6TH EDITION OF THE FLORIDA BUILDING CODE RESIDENTIAL
2. BEFORE ANY WORK HAS BEGUN, THE CONTRACTOR SHALL MAKE A THOROUGH INSPECTION OF THE BUILDING AND SITE TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS NOTING EXISTING WORK TO REMAIN AND NOTIFYING THE OWNER AND DRAFTER IN WRITING OF ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS AND THOSE SHOWN ON THE CONSTRUCTION DOCUMENTS.
3. ANY OMISSIONS, CONFLICTS, OR DISCREPANCIES BETWEEN THE VARIOUS ELEMENTS OF THE CONSTRUCTION DOCUMENTS AND OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND DRAFTER. ALL WORK IS TO BE COORDINATED SO THAT COOPERATION BETWEEN THE TRADES WHERE REQUIRED IS ACCOMPLISHED.
4. VERIFY ALL OPENINGS THROUGHOUT CONSTRUCTION WITH ALL PARTICIPANTS TRADES SUCH AS HEATING, PLUMBING, ELECTRICAL TRADES FOR SIZE AND LOCATION. NOTIFY OWNER AND DRAFTER IN WRITING OF ANY DEVIATIONS FROM THE CONSTRUCTION DOCUMENTS.
5. FOLLOW DIMENSIONS EXPLICITLY, DO NOT SCALE DRAWINGS. CONFIRM WITH DRAFTER BEFORE PROCEEDING IF CONFLICT ARISE.
6. POOL, SPAS, WALLS, FENCES, PATIO COVERS, AND OTHER FREE STANDING STRUCTURES REQUIRE SEPARATE PERMIT AND REVIEW.
7. HVAC CONTRACTOR MUST COMPLY WITH THE REQUIRMENTS OF THE FLORIDA ENERGY CODE CALCULATIONS ATTACHED WITH THE PLANS. THE AIR CONDITIONER SIZE, SEER RATING, HSPF RATING, DUCTWORK SIZES, R VALUES ETC. ARE JOB SPECIFIC.

LEGAL DESCRIPTION:
LOT 22, CLERMONT HEIGHTS, ACCORDING TO THE PLAT THEREOF,
PLAT BOOK 4, PAGE 1, LAKE COUNTY, FLORIDA



Property Pictures



Property Pictures





CITY OF CLERMONT VARIANCE APPLICATION

DATE		FEE:	
Project Name (if applicable) LOPEZ			
Applicant Jorge L Lopez Marshall Pollard (Pollards Construction Inc)			
Contact Person 407-758-4596			
Address 1610 Bowman St		City Clermont	State FL
Telephone 407 758-4596		Zip 34761	
Email		Fax	
OWNER INFORMATION ☐ (Check box if information is same as Applicant)			
Owner's Name Jorge L Lopez			
Owner Address 141 W Circle Key Dr		City Ocoee	State FL
Telephone 407 758 4596		Zip 34761	
Email jorge@lopez@yahoo.com			
PROPERTY INFORMATION			
Address of Subject Property 1610 Bowman St		City Clermont	State FL
General Location		Zip 34711	
Legal Description & Alternate Key (include copy of survey)			
Land Use (City verification required)			
Zoning (City verification required)			



CITY OF CLERMONT VARIANCE APPLICATION

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

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

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

*a 30x30 2 car garage. the existing garage too small
cant fit truck or normal size vehicle only small vehicles.*

How does the Code create a hardship?

I dont think it does

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 City Council 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) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city; *NO*
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category; *NO*
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied; *NO*



CITY OF CLERMONT
VARIANCE
APPLICATION

(4) The granting of the variance is consistent with the city's comprehensive plan; and *site plan*

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

Marshall Pollards
Applicant Name (print)

x *Marshall Pollards*
Applicant Name (signature)

Jorge Lopez
Owner Name (print)

x *Jorge Lopez*
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
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394 3542

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10100989
Phone: (352) 241-7331
Date: 02/25/21
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	03/02/2021	03/02/2021	\$110.98

LEGAL NOTICE

Ad No: 10100989
March 02, 2021

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 rear yard setback to be less than the minimum 25 feet requirements of the code, Section 122-105 (2) To allow a corner lot side yard setback to be less than the minimum 35 feet as required by the Land Development Code, Section 122-105, at the following location:

LOCATION:

1610 Bowman Street
(Alternate Key #3837214)

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

The Clermont City Council will consider this request at a public hearing to be held on Tuesday, March 9, 2021 at 6:30 P.M. in the Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd, MMC
City Clerk

Payment Info	
Ad Price	\$110.98
Tax	\$0.00
Sub Total	\$110.98
Prepaid Amount	\$0.00
Balance Due	\$110.98



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Ordinance No. 2021-004 <i>Introduction</i> <i>Hooks Street Offices Annex</i>		
Requested Action		
Recommend approval of Ordinance No. 2021-004		
Staff Report		
The applicant is requesting an annexation, small-scale comprehensive plan amendment and rezoning for the 9.31 +/- acre vacant parcel located on Hooks Street, and east of Sandhill View Boulevard to allow for a commercial and medical office development. The proposed project as designed will consist of two (2) one-story buildings with each building containing approximately 17,000 square feet of office space. The conceptual plan prepared by Germana Engineering, Inc, shows the layout of the proposed buildings and parking for the site. The annexation petition to the City; also included a request to change the future land use from Lake County Regional Commercial to Clermont Commercial designation. The proposed rezoning from Lake County "R-6" Urban Residential to Clermont C-2 General Commercial, which allows office and commercial development as a permitted use. The project will connect to City water and sewer, which has adequate capacity to service the development. The primary point of transportation access will be from Hooks Street. The proposed development will be required to comply with Clermont Land Development Regulations and Architectural Design Standards to allow for construction of the development. The Commercial Land Use allows a maximum development intensity of 0.25 Floor Area Ratio (FAR). The applicant has not requested any variances to the code for construction of the project. The property is contiguous to Clermont boundaries and meets the requirements of Florida Statutes, Chapter 171 for Annexation. The adjacent parcel located to the east is within Clermont boundaries and zoned C-2 General Commercial, and located to the west is a parcel in Lake County and the zoning is R-6 Urban Residential. Lake Wilma borders the property on the south and Lowes is located to the north. Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning. Staff recommends approval of Ordinance No. 2021-004 annexation and Ordinance No. 2021-05, changing the future land use to Clermont Commercial and approval of Ordinance No. 2021-06, rezoning the subject parcel to C-2 General Commercial zoning.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Staff Analysis Report	Staff Analysis Report.pdf	

2.	Ord 2021-004 - Hooks Street Medical Annexation (002.25.2021 V1) - R&F BL	Ord 2021-004 - Hooks Street Medical Annexation (002.25.2021 V1) - R&F BL.pdf
3.	Location Map	Location Map.pdf
4.	Final Hooks Street Medical Office Concept Layout - (REV 1)	Final Hooks Street Medical Office Concept Layout - (REV 1).pdf
5.	Annexation Application	Annexation Application.PDF
6.	Ordinance No. 2021-004 Legal AD	Ordinance No. 2021-004 Legal AD.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: Lena Mare Abbott Living Trust U/T/A

APPLICANT: Amit Pandy

PROJECT NAME: Hook Street Medical Offices

REQUESTED ACTION: A request for annexation, small-scale comprehensive plan amendment and rezoning of vacant parcel to allow for development of commercial and medical offices.

SIZE OF PARCEL: 9.31 acres +/- Alternate Key 2665815

LOCATION: Property is located on Hooks Street, and east of Sandhill view Road.

EXISTING ZONING: FROM: Lake County "R-6" Urban Residential
TO: City of Clermont "C-2" General Commercial

EXISTING LAND USE: Vacant property

FUTURE LAND USE CATEGORY: FROM: Lake County Regional Commercial
TO: City of Clermont Commercial

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant is requesting an annexation, small-scale comprehensive plan amendment and rezoning for the 9.31 +/- acre vacant parcel located on Hooks Street, and east of Sandhill View Boulevard to allow for a commercial and medical office development. The proposed project as designed will consist of two (2) one-story buildings with each building containing approximately 17,000 square feet of office space. The conceptual plan prepared by Germana Engineering, Inc, shows the layout of the proposed buildings and parking for the site.

The annexation petition to the City; also included a request to change the future land use from Lake County Regional Commercial to Clermont Commercial designation. The proposed rezoning from Lake County "R-6" Urban Residential to Clermont C-2 General Commercial, which allows office and commercial development as a permitted use. The project will connect to City water and sewer, which has adequate capacity to service the development. The primary point of transportation access will be from Hooks Street.

The proposed development will be required to comply with Clermont Land Development Regulations and Architectural Design Standards to allow for construction of the development. The Commercial Land Use allows a maximum development intensity of 0.25 Floor Area Ratio (FAR). The applicant has not requested any variances to the code for construction of the project. The property is contiguous to Clermont boundaries and meets the requirements of Florida Statutes, Chapter 171 for Annexation. The adjacent parcel located to the east is within Clermont boundaries and zoned C-2 General Commercial, and located to the west is a parcel in Lake County and the zoning is R-6 Urban Residential. Lake Wilma borders the property on the south and Lowes is located to the north.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning.

Staff recommends approval of Ordinance No. 2021-004 annexation and Ordinance No. 2021-05, changing the future land use to Clermont Commercial and approval of Ordinance No. 2021-06, rezoning the subject parcel to C-2 General Commercial zoning.





CITY OF CLERMONT
ORDINANCE NO. 2021-004

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 CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Clermont, Lake County, Florida has received a Petition for Annexation of a parcel of land contiguous to the present corporate limits under Section 171.044, Florida Statutes; and

WHEREAS, the City Council of the City of Clermont, Lake County, Florida, has determined that it is in the best interest of the City and of the property herein sought to be annexed that the City annex the following described property; and

WHEREAS, the City Council has determined that the area sought to be annexed is contiguous to the City and is in need of the services which the City can offer and the City has determined that such area sought to be annexed will be substantially benefited by annexation; and

WHEREAS, the City Council has determined that all requirements of Section 171.044, Florida Statutes, have been met.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED, under the provisions of Florida Statute Chapter 171 and the General and Special Laws of the State of Florida; that the City of Clermont, Lake County, Florida, does hereby annex to and make part of its corporate boundaries; the following described property contiguous to the present City boundary, to-wit:

LEGAL DESCRIPTION

Tracts 36A and 36B, Section 29, Township 22 South, Range 26 East, according to the Plat of property of Lake Highlands Company, recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida.

LOCATION

Vacant parcel located on Hooks Street and
east of Sandhill View Boulevard
Alternate Key 2665815
9.31 +/- acres



CITY OF CLERMONT
ORDINANCE NO. 2021-004

SECTION 2.

That the aforescribed property shall be and hereby is made part and parcel of the City of Clermont, Lake County, Florida, and that said property shall be subject to all of the laws, ordinances, and provisions pertaining to the City of Clermont.

SECTION 3.

All property aforescribed shall henceforth be subject to ad valorem taxation by the City of Clermont, Lake County, Florida and any other general or special taxes or assessments.

SECTION 4: CONFLICT

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

SECTION 5: SEVERABILITY

Should any Section or part of a Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be separable in meaning and effect from the Section to which such holding shall apply.

SECTION 6: ADMINISTRATIVE CORRECTION

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: RECORDING

This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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. 2021-004

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of March, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE NO. 2021-004

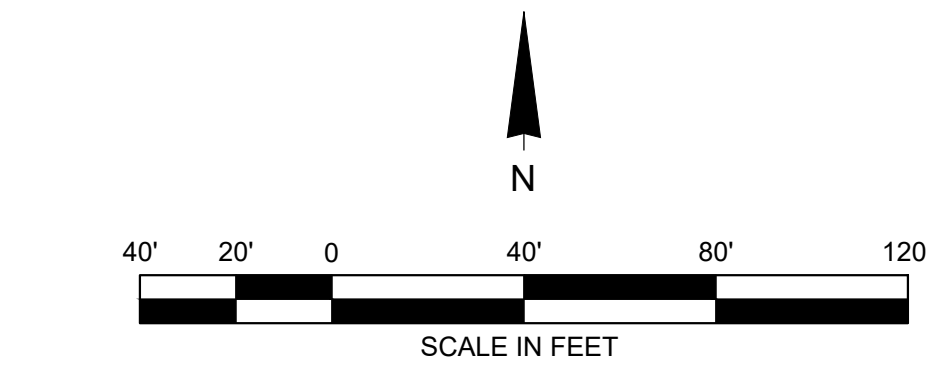
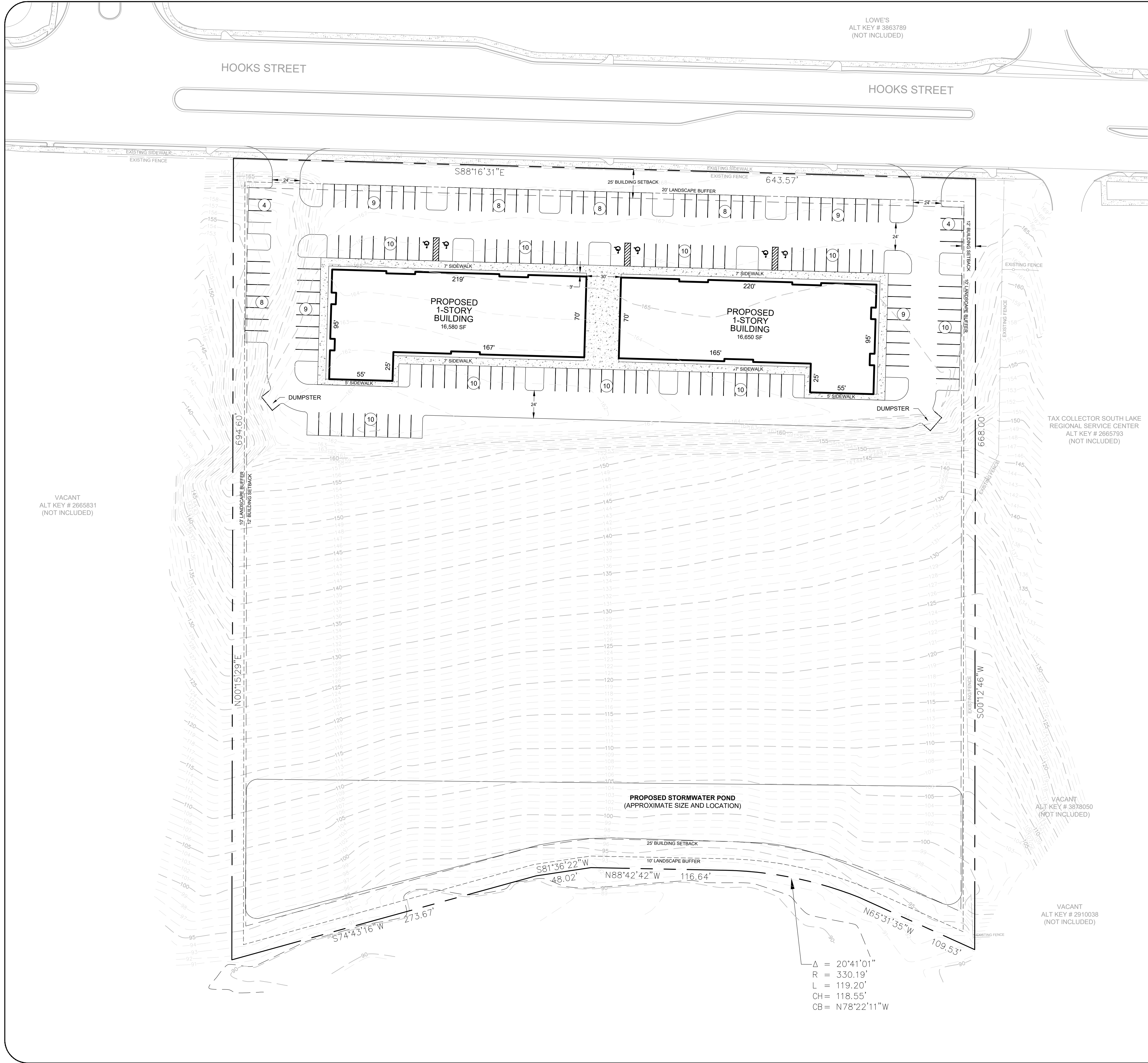
EXHIBIT A

Location map:



LOCATION MAP





- SITE DATA**
- SITE AREA** = 9.31 AC / 405,544 SF
 - SITE LOCATION**
HOOKS STREET
CLERMONT, FLORIDA 34711
SECTION 09, TOWNSHIP 22 SOUTH, RANGE 26 EAST
 - SITE DESCRIPTION**
TAX PARCEL: ALT KEY # 2665815
 - SITE REQUIREMENTS**
IMPERVIOUS COVERAGE: 80% MAX.
HOOKS STREET BUILDING SETBACK: 25'
SIDE BUILDING SETBACKS: 12'
REAR BUILDING SETBACK: 25'
HOOKS STREET LANDSCAPE BUFFER: 20'
SIDE LANDSCAPE BUFFERS: 10'
REAR LANDSCAPE BUFFER: 10'
 - BUILDING DATA**
USE TYPE: MEDICAL OFFICES/STORAGE
FINISHED FLOORS: VARY
DIMENSIONS: VARY

MEDICAL OFFICE BUILDING AREA: 33,230 SF
 - PARKING DATA**
(1 SPACE / 200 SF)
MEDICAL OFFICE REQUIRED PARKING = 165 SPACES
PROVIDED PARKING = 166 SPACES
(151-200 SPACES PROVIDED)
REQUIRED HANDICAP PARKING = 6 SPACES
PROVIDED HANDICAP PARKING = 6 SPACES

- LEGEND**
- PROPERTY LINE
 - 150- EXISTING CONTOURS
 - LANDSCAPE BUFFER
 - BUILDING SETBACK
 - EXISTING FENCE

REVISIONS	DATE
CONCEPT SITE PLAN	
HOOKS STREET MEDICAL OFFICE	
CLERMONT, LAKE COUNTY	
PROJECT # GE0202020	
GERMANA ENGINEERING AND ASSOCIATES, LLC 1120 WEST MINNEOLA AVENUE CLERMONT, FL 34711 (352)242-9329 WWW.GERMANAENGINEERING.COM CERTIFICATE OF AUTHORIZATION # 29279 COPYRIGHT © 2021	
SCALE: 1" = 40'	
DATE: 02-15-2021	
SHEET	
CONCEPT	

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
02-15-2021
CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279



CHECK LIST & FILING INSTRUCTIONS

The following required information shall be submitted when applying for an **ANNEXATION**.

1. X Application & Petition by the landowners for Annexation (pages 3 and 4).
2. X General application form (page 5).
3. X Authorization for agent/owner representation (page 6)
4. X LEGAL DESCRIPTION: Email legal description typed in Word (not all capitalized) to planning@clermtontfl.org. Include a copy of the latest TAX RECEIPT or recorded WARRANTY DEED showing the current fee simple owner.
5. X Map showing general area of site for which Annexation is being requested.
6. X Submit original application along with \$155.00 filing fee. (Price for advertisement will be invoiced once the cost has been received)

NOTE: All territory annexed into the City of Clermont is automatically zoned Urban Estate Residential (UE) Zoning District. A separate application for a Land Use Plan Amendment & Rezoning is required. Applicable fees shall apply.

PROCEDURES:

1. The proposed use of the property must be assessed to determine if there will be an increase in demand on the water or wastewater systems prior to submittal of the application. Any increase in demand on the water or wastewater systems will be subject to impact fees.
2. Any person requesting an Annexation shall file a complete application in the Development Services Department on or before the 1st day of the Month. Complete applications will then be scheduled for Public Hearing on the 4th Tuesday of the following month for the City Council meeting. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed. A pre-application meeting may be required prior to submission of an application. Dependent upon the scope and/or magnitude of a particular project, scheduling of one or more City Council Workshop(s) may also be necessary and additional time may be required prior to being scheduled for public hearing.
3. Upon receipt of a complete application, the Development Services Department shall proceed with the request for a public hearing in accordance with the following:
 - A: The owners of all property lying within one hundred fifty (150) feet of the property requested to be annexed shall be notified by mail.
 - B. A legal advertisement of the request shall be advertised in a local newspaper prior to the meeting date.
4. Failure to provide an accurate and complete application will result in automatic rejection and return of the application and delay of the hearing date.



APPLICATION & PETITION

DATE: 12-28-2020

FEE: \$155.⁰⁰
+ cost of advertising

Please type or print – use black pen/ink only.

PROJECT NAME (if applicable): Hook Street Medical Offices

APPLICANT: Amit Pandey

Address: 106 Park Place Boulevard, Suite C

City: Davenport State: Florida Zip: 33837

Phone: _____ Fax: _____

Applicant is: Owner: ____ Agent: ____ Purchaser: X Lessee: ____ Optionee: ____

OWNER: Lena Mare Abbott Living Trust U/T/A 10/25/91

Address: 26529 Old Bellamy Rd

City: Hot Springs State: Florida Zip: 32643

Phone: _____ Fax: _____

AGENT NAME (Affidavit required): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

E-Mail: _____

Property address and/or general location: Lake Wilma Rd, Clermont Fl, 34711
Directly North of Lake Wilma. Parcel #2665815

Area of property: 9.31 +/- acres, and/or 405,543.6 +/- sq. ft.

The _____ property

The property is PROPOSED to be used for: Medical Offices. Rezoned as C-2
General Commercial.



Existing Lake County Land Use* : Office

Existing Lake County Zoning* : R6 - Urban Residential District

*** NOTE: All property annexed into the City of Clermont is automatically zoned Urban Estate Residential (UE) Zoning District. A separate application for a Land Use Plan Amendment & Rezoning is required. Applicable fees shall apply.**

Number of existing structures on the property and their present use: N/A- No structures on the property

State the reason or basis for this request: Bring into the City for development of medical offices

EXACT LEGAL DESCRIPTION as shown on the Tax Receipt or Warrant Deed.
(attach copy).

Section 29, Township 22, Range 26

LAKE HIGHLANDS 29-22-26 TRACTS 36A, 36B--LESS FROM E 1/4 COR
OF SEC RUN N 88-26-43 W ALONG N LINE OF SE 1/4 A DIST OF
1975.83 FT, S 0-13-07 W 15 FT TO NE COR OF TRACT 36A FOR
POB, CONT S 0-13-07 W 35.01 FT, N 88-26-43 W 643.64 FT TO
W'LY LINE OF LOT 36B, N 0-15-28 E 35.01 FT TO NW COR OF LOT
36B, S 88-26-43 E 643.62 FT TO POB FOR RD R/W--PB 2 PG 25
ORB 4959 PG 451

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



**PETITION OF LANDOWNER(S) FOR ANNEXATION
OF CERTAIN PROPERTY TO THE CITY OF CLERMONT**

WE, the undersigned landowner(s) pursuant to the provisions of Chapter 59-1497 (Senate Bill No. 912), Laws of Florida, Regular Session 1959, entitled

AN ACT TO AMEND CHAPTER 9820, LAWS OF FLORIDA, SPECIAL ACT OF 1923, AS AMENDED, BEING THE CHARTER OF THE CITY OF CLERMONT, FLORIDA, TO PROVIDE ENABLING LEGISLATION FOR THE FUTURE ANNEXATION OF CONTIGUOUS TERRITORY BY PETITION AND CONSENT OF THE LANDOWNER(S) IN THE AREA SOUGHT TO BE ANNEXED: PROVIDING THAT SAID PROVISIONS SHALL BE CUMULATIVE: PROVIDING THAT THE PROPERTY ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY, AND PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL OF SUCH TERRITORY HAD BEEN A PART OF THE CITY OF CLERMONT AT THE TIME OF THE PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES, AND FIXING EFFECTIVE DATE,

hereby petition that the hereinafter described real estate be annexed to, and become a part of the city limits of the City of Clermont, a municipal corporation in Lake County, Florida, created and existing pursuant to Chapter 9820, Laws of Florida, Special Acts of 1923, and amendatory and supplementary acts thereto, and we, jointly and severally, consent to such annexation of such area to said City of Clermont and upon annexation sought by this petition, all of the property, real and personal, within such area, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties and privileges of said City of Clermont, Florida and the said property shall be liable, proportionally, for all the present outstanding and existing, as well as future, indebtedness of the said City of Clermont; that all of the ordinances of the City of Clermont and all laws heretofore passed by the Legislature of the State of Florida, relating to and which now or hereafter constitute its Charter shall apply to have the same force and effect in such territory as may be annexed under the provisions hereof as if all of such territory had been part of the City of Clermont at the time of the passage and approval of said laws and ordinances.

IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 30 day of December, 2020

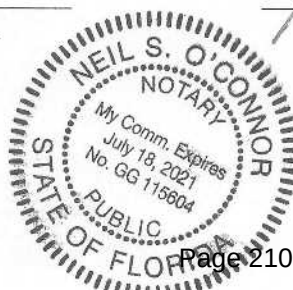
Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt).

Hugh A. Albett
Landowner (Petitioner)

12/30/20
Date

Neil O'Connor
Notary Public

July 18 2021
My Commission Expires





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: _____

Before me, the undersigned authority personally appeared _____
_____ (owner(s) name), who being by me duly sworn on oath,
deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires an ANNEXATION to allow:

3. That said authority (owner) has appointed (agent's name) _____
_____ to act in its behalf to accomplish the above, and
before me the undersigned authorized agent personally appeared and being by me duly
sworn on oath, deposes and says:

A. That he/she affirms and certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of the City of Clermont, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Clermont, Florida, and are not returnable.

B. That the Submittal requirements for the application have been completed and attached hereto as part of that application.

X Hugh Abbott X _____
Owner (signature) Agent's (signature)

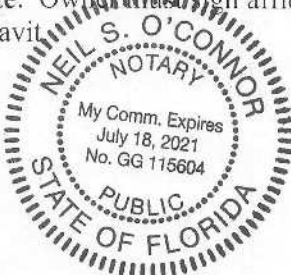
Sworn to and subscribed before
me this 30 day of December,
20 20.

Neil O'Connor
Notary Public, State of FL
My commission expires: July 18 2021

Sworn to and subscribed before
me this _____ day of _____,
20 ____.

Notary Public, State of FL
My commission expires:

*Note: Owner must sign affidavit. When agent is representing case, both agent and owner must sign affidavit.



DAVID W. JORDAN
LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2020 Paid Real Estate

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
0922261300-36A-00000		2665815	0003

ABBOTT LENA M TRUSTEE
26529 OLD BELLAMY RD
HIGH SPRINGS, FL 32643

LAKE WILMA RD

LAKE HIGHLANDS 29-22-26 TRACTS 36A,
36B--LESS FROM E 1/4 COROF SEC RUN N
88-26-43 W ALONG N LINE OF SE 1/4 A
DIST OF 1975.83 FT, S 0-13-07 W 15
See Additional Legal on Tax Roll



PAY IN US FUNDS TO DAVID W. JORDAN, TAX COLLECTOR • PO BOX 327 • TAVARES, FL 32778-0327 • 352-343-9602

AD VALOREM TAXES					
TAXING AUTHORITY	ASSESSED VALUE	EXEMPTION AMT	TAXABLE VALUE	MILLAGE RATE	TAXES LEVIED
LAKE COUNTY GENERAL	387,720	0	387,720	5.0327	1,951.28
AMBULANCE MSTU	387,720	0	387,720	0.4629	179.48
STORMWATER ROADS PARKS	387,720	0	387,720	0.4957	192.19
ENVIRON LAND PURCHASE	387,720	0	387,720	0.1100	42.65
FIRE MSTU	387,720	0	387,720	0.4704	182.38
PUBLIC SCHOOLS					
BY STATE LAW	387,720	0	387,720	3.7010	1,434.95
BY LOCAL BOARD	387,720	0	387,720	2.9980	1,162.38
ST JOHNS WATER MGMT	387,720	0	387,720	0.2287	88.67
LAKE CO WATER AUTH	387,720	0	387,720	0.3368	130.58
TOTAL:				13.8362	\$5,364.56

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
F110 FIRE VACANT LAND		59.00
NON-AD VALOREM ASSESSMENTS:		\$59.00

COMBINED TAXES AND ASSESSMENTS: \$5,423.56

If Paid By	Nov 30, 2020
Please Pay	\$0.00

Paid 11/09/2020 Receipt # 2020-00147282 \$5,206.62

DAVID W. JORDAN
LAKE COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2020 Paid Real Estate

PAY IN US FUNDS TO DAVID W. JORDAN, TAX COLLECTOR • PO BOX 327 • TAVARES, FL 32778-0327 • 352-343-9602

If Paid By	Nov 30, 2020
Please Pay	\$0.00

LAKE WILMA RD

ABBOTT LENA M TRUSTEE
26529 OLD BELLAMY RD
HIGH SPRINGS, FL 32643

LAKE HIGHLANDS 29-22-26 TRACTS 36A,
36B--LESS FROM E 1/4 COROF SEC RUN N
88-26-43 W ALONG N LINE OF SE 1/4 A DIST
OF 1975.83 FT, S 0-13-07 W 15
See Additional Legal on Tax Roll

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
0922261300-36A-00000		2665815	0003

Paid 11/09/2020 Receipt # 2020-00147282 \$5,206.62



LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed

Ordinance at the regularly scheduled meeting to be held Tuesday, March 9, 2021 at 6:30 P.M. (Introduction) and on Tuesday, March 23, 2021 at 6:30 P.M. (Final Adoption) at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2021-004

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 CONFLICT, SEVERABILITY; ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND EFFECTIVE DATE.

LOCATION:

Vacant parcel located on Hooks Street and east of Sandhill View Blvd,
Alternate Key 2665815
9.31 +/- Acres

LEGAL DESCRIPTION

Tracts 36A and 36B, Section 29, Township 22 South, Range 26 East, according to the Plat of property of Lake Highlands Company, recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida.

Location Map:



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 Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Ordinance No. 2021-005 <i>Introduction Hooks Street Medical Office CPA</i>		
Requested Action		
Recommend approval of Ordinance No. 2021-005.		
Staff Report		
The applicant is requesting an annexation, small-scale comprehensive plan amendment and rezoning for the 9.31 +/- acre vacant parcel located on Hooks Street, and east of Sandhill View Boulevard to allow for a commercial and medical office development. The proposed project as designed will consist of two (2) one-story buildings with each building containing approximately 17,000 square feet of office space. The conceptual plan prepared by Germana Engineering, Inc, shows the layout of the proposed buildings and parking for the site. The annexation petition to the City; also included a request to change the future land use from Lake County Regional Commercial to Clermont Commercial designation. The proposed rezoning from Lake County "R-6" Urban Residential to Clermont C-2 General Commercial, which allows office and commercial development as a permitted use. The project will connected to City services, which has adequate capacity to service the proposed development. The primary point of transportation access will be from Hooks Street. The proposed development will be required to comply with Clermont Land Development Regulations and Architectural Design Standards to allow for development. The Commercial Land Use allows a maximum development intensity of 0.25 Floor Area Ratio (FAR). The applicant has not requested any variances to the code for construction of the project. The property is contiguous to Clermont boundaries and meets the requirements of Florida Statutes, Chapter 171 for Annexation. The adjacent parcel located to the east is within Clermont boundaries and zoned C-2 General Commercial, and parcel to the west is located in Lake County and the zoning is R-6 Urban Residential. Lake Wilma borders the property on the south and Lowes is located to the north. Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning. Staff recommends approval of Ordinance No. 2021-004 annexation and Ordinance No. 2021-005, changing the future land use to Commercial and approval of Ordinance No. 2021-006, rezoning the subject parcel to C-2 General Commercial zoning.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Staff Analysis Report	Staff Analysis Report.pdf	
2. Ord 2021-005 CPA (03.03.2021 V2) - R&F BL	Ord 2021-005 CPA (03.03.2021 V2) - R&F BL.pdf	
3. Location Map	Location Map.pdf	

4.	Future Land Use Maps	Future Land Use Maps.pdf
5.	Final Hooks Street Medical Office Concept Layout - (REV 1)	Final Hooks Street Medical Office Concept Layout - (REV 1).pdf
6.	Hooks Street Medical Offices_Scene 1 (West BLDG)	Hooks Street Medical Offices_Scene 1 (West BLDG).jpg
7.	Hooks Street Medical Offices_Scene 3 (East BLDG)	Hooks Street Medical Offices_Scene 3 (East BLDG).jpg
8.	Comprehensive Plan Amendment Application	Comprehensive Plan Amendment Application.PDF
9.	Ordinance No 2021-005 Legal AD	Ordinance No 2021-005 Legal AD.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: Lena Mare Abbott Living Trust U/T/A

APPLICANT: Amit Pandy

PROJECT NAME: Hook Street Medical Offices

REQUESTED ACTION: A request for annexation, small-scale comprehensive plan amendment and rezoning of vacant parcel to allow for development of commercial and medical offices.

SIZE OF PARCEL: 9.31 acres +/- Alternate Key 2665815

LOCATION: Property is located on Hooks Street, and east of Sandhill view Road.

EXISTING ZONING: FROM: Lake County "R-6" Urban Residential
TO: City of Clermont "C-2" General Commercial

EXISTING LAND USE: Vacant property

FUTURE LAND USE CATEGORY: FROM: Lake County Regional Commercial
TO: City of Clermont Commercial

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant is requesting an annexation, small-scale comprehensive plan amendment and rezoning for the 9.31 +/- acre vacant parcel located on Hooks Street, and east of Sandhill View Boulevard to allow for a commercial and medical office development. The proposed project as designed will consist of two (2) one-story buildings with each building containing approximately 17,000 square feet of office space. The conceptual plan prepared by Germana Engineering, Inc, shows the layout of the proposed buildings and parking for the site.

The annexation petition to the City; also included a request to change the future land use from Lake County Regional Commercial to Clermont Commercial designation. The proposed rezoning from Lake County "R-6" Urban Residential to Clermont C-2 General Commercial, which allows office and commercial development as a permitted use. The project will connect to City water and sewer, which has adequate capacity to service the development. The primary point of transportation access will be from Hooks Street.

The proposed development will be required to comply with Clermont Land Development Regulations and Architectural Design Standards to allow for construction of the development. The Commercial Land Use allows a maximum development intensity of 0.25 Floor Area Ratio (FAR). The applicant has not requested any variances to the code for construction of the project. The property is contiguous to Clermont boundaries and meets the requirements of Florida Statutes, Chapter 171 for Annexation. The adjacent parcel located to the east is within Clermont boundaries and zoned C-2 General Commercial, and located to the west is a parcel in Lake County and the zoning is R-6 Urban Residential. Lake Wilma borders the property on the south and Lowes is located to the north.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning.

Staff recommends approval of Ordinance No. 2021-004 annexation and Ordinance No. 2021-05, changing the future land use to Clermont Commercial and approval of Ordinance No. 2021-06, rezoning the subject parcel to C-2 General Commercial zoning.





CITY OF CLERMONT
ORDINANCE NO. 2021-005

AN ORDINANCE 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 FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on June 23, 2009, 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 Statute 163.3187; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Clermont have held public hearings to consider this amendment to the Future Land Use Map of the Comprehensive Plan and considered all written and oral comments, proposals and objections from the general public; and

NOW THEREFORE BE IT RESOLVED AND ENACTED, by the City Council of the City of Clermont, Lake County, Florida that:

SECTION 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Future Land Use Map of the Comprehensive Plan of the City of Clermont is hereby amended by changing the following described property as shown:

LEGAL DESCRIPTION

Tracts 36A and 36B, Section 29, Township 22 South, Range 26 East, according to the Plat of property of Lake Highlands Company, recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida. Site contains 9.31 +/- acres.

LOCATION

Vacant parcel located on Hooks Street and
east of Sandhill View Boulevard
Alternate Key 2665815
9.31 +/- acres



CITY OF CLERMONT
ORDINANCE NO. 2021-005

CHANGE IN FUTURE LAND USE DESIGNATION:
FROM: LAKE COUNTY REGIONAL COMMERCIAL
TO: CITY OF CLERMONT COMMERCIAL

SECTION 2: CONFLICT

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

SECTION 3: SEVERABILITY

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 4: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 5: PUBLICATION AND EFFECTIVE DATE

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. 2021-005

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of March 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

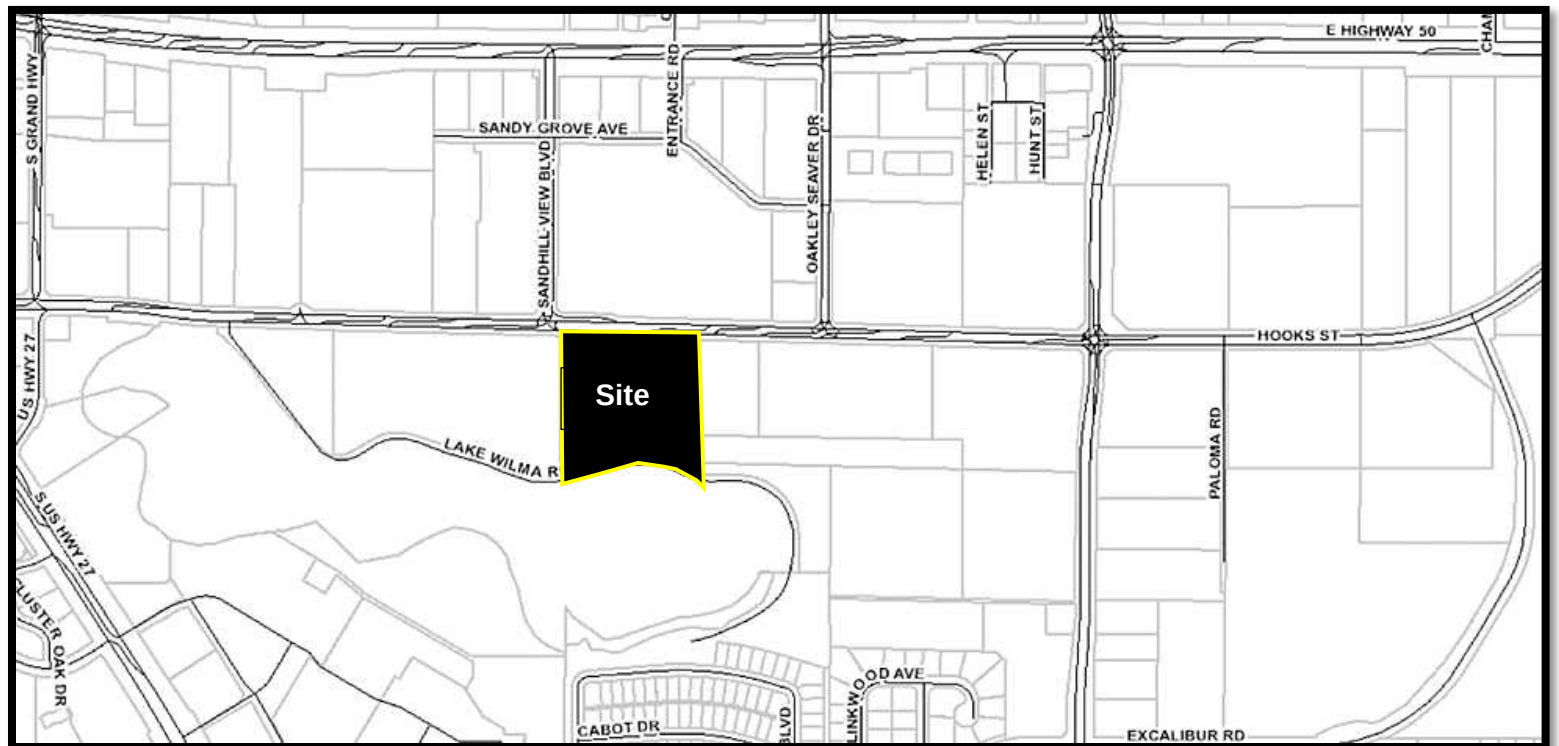
Daniel F. Mantzaris, City Attorney

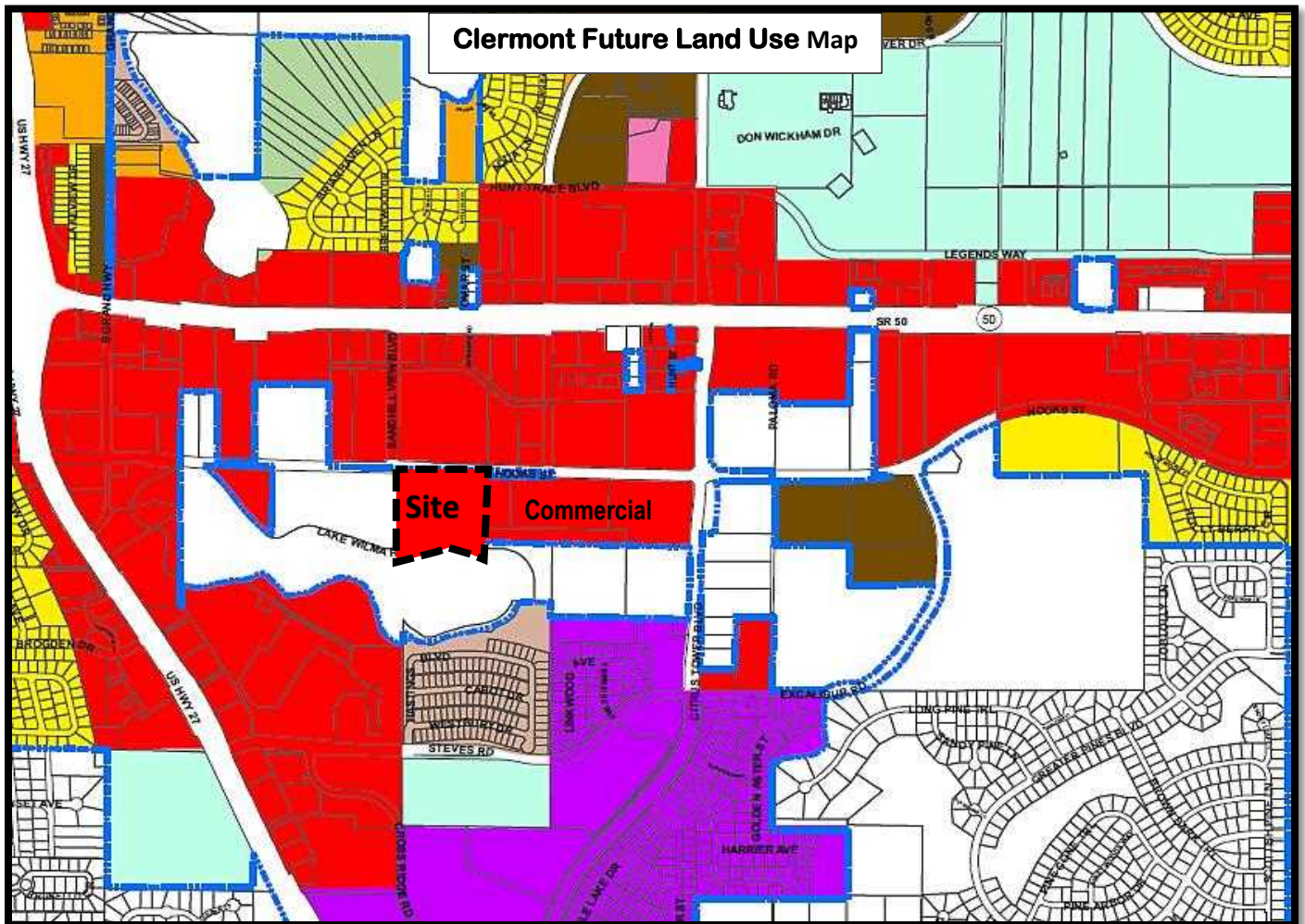
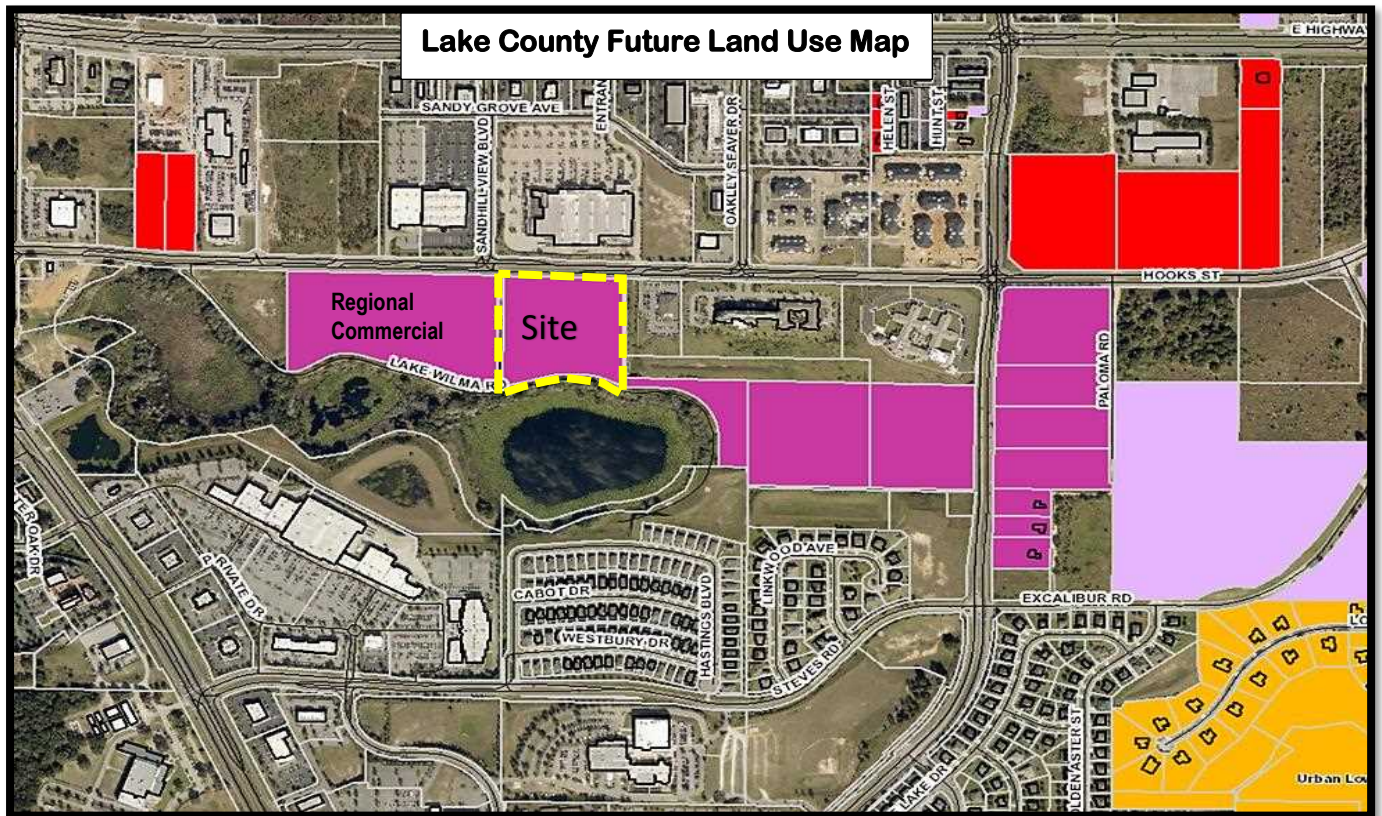
EXHIBIT A

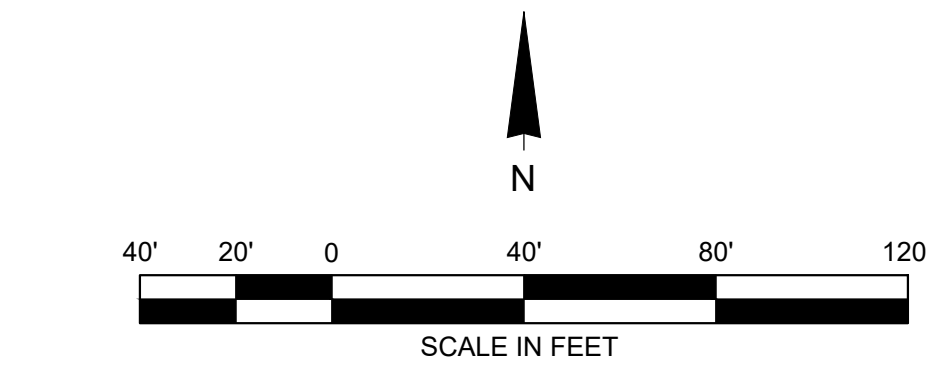
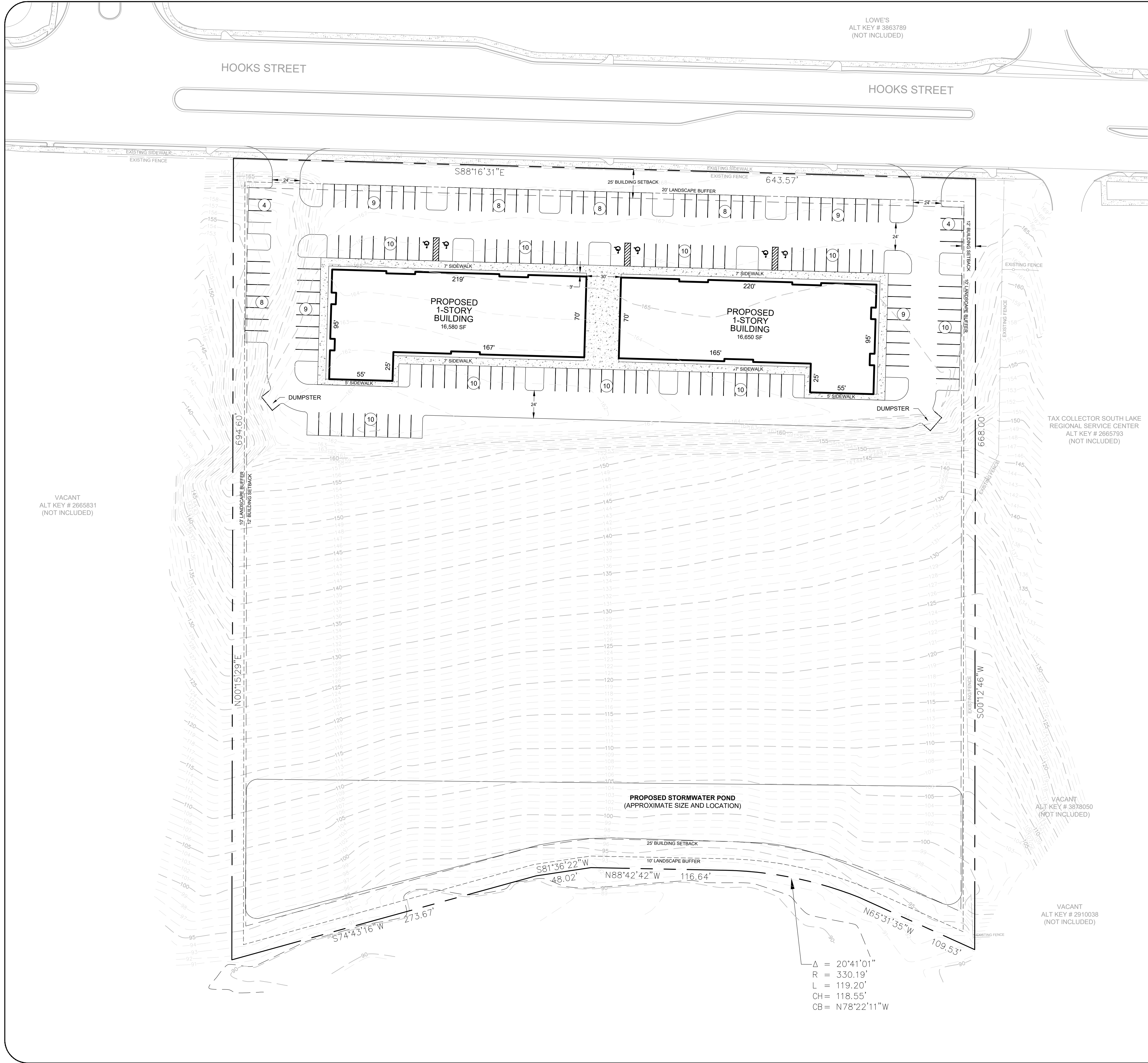
Location map:



LOCATION MAP







SITE DATA

- 1. SITE AREA = 9.31 AC / 405,544 SF
- 2. SITE LOCATION
HOOKS STREET
CLERMONT, FLORIDA 34711
SECTION 09, TOWNSHIP 22 SOUTH, RANGE 26 EAST
- 3. SITE DESCRIPTION
TAX PARCEL: ALT KEY # 2665815
- 4. SITE REQUIREMENTS
IMPERVIOUS COVERAGE: 80% MAX.
HOOKS STREET BUILDING SETBACK: 25'
SIDE BUILDING SETBACKS: 12'
REAR BUILDING SETBACK: 25'
HOOKS STREET LANDSCAPE BUFFER: 20'
SIDE LANDSCAPE BUFFERS: 10'
REAR LANDSCAPE BUFFER: 10'
- 5. BUILDING DATA
USE TYPE: MEDICAL OFFICES/STORAGE
FINISHED FLOORS: VARY
DIMENSIONS: VARY
MEDICAL OFFICE BUILDING AREA: 33,230 SF

- 6. PARKING DATA
(1 SPACE / 200 SF)
MEDICAL OFFICE REQUIRED PARKING = 165 SPACES
PROVIDED PARKING = 166 SPACES
(151-200 SPACES PROVIDED)
REQUIRED HANDICAP PARKING = 6 SPACES
PROVIDED HANDICAP PARKING = 6 SPACES

LEGEND

- PROPERTY LINE
- 150- EXISTING CONTOURS
- LANDSCAPE BUFFER
- BUILDING SETBACK
- EXISTING FENCE

DATE

REVISIONS

No

CONCEPT SITE PLAN

HOOKS STREET MEDICAL OFFICE

GERMANA ENGINEERING AND ASSOCIATES, LLC
1120 WEST MINNEOLA AVENUE
CLERMONT, FL 34711
(352)242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE OF AUTHORIZATION # 26219
COPYRIGHT © 2021

SCALE: 1" = 40'

DATE: 02-15-2021

SHEET

CONCEPT

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
02-15-2021
CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279







CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application Instructions

APPLICATION FEE:

- **Large Scale Comprehensive Plan Amendment** - \$2,325 plus cost of advertisement
Includes text amendments that impact the Goals, Objectives and Policies of the comprehensive plan; Future Land Use Map or map series amendment over 10 acres
- **Small Scale Comprehensive Plan Amendment** - \$755.00 plus cost of advertisement
Includes Future Land Use Map amendments of less than 10 acres, with no impact to the Goals, Objectives and Policies.
- **Development of Regional Impact (DRI)** - \$10,000 escrow plus actual costs of advertising for a DRI amendment.

APPLICATION PROCESS:

Applicants must schedule a pre-application meeting with the City's Site Review Committee prior to submitting a completed application. Once an application has been completed, please call a staff planner, (352) 394-4083, to schedule the pre-application meeting.

After the Site Review Committee meeting, and after any requests for additional information have been met by the applicant, the City's planning staff will prepare the amendment with its supporting data and analysis and schedule the Planning & Zoning Commission hearing. The Planning & Zoning Commission meets the first Tuesday of the month, and will make a recommendation on the proposed amendment to the City Council. The Council will then review the proposed amendment at a public hearing and may vote to approve (small scale amendment) or to transmit it (large scale amendment) to the Florida Department of Economic Opportunity (DEO) and all reviewing agencies.

DEO will review the amendment within 60 days and notify the City of any concerns. Other public agencies may file objections separately.

AMENDMENT TIME FRAME:

- *Small Scale Amendments* and *Large Scale Amendments* – may take up to three months to process depending on meeting schedules, review time frames, staff preparation time, etc. The City does try to consolidate amendments as much as possible to help save on advertising costs. Applicants must have attended a pre-application meeting prior to submitting applications for the deadlines. Please note that all hearing dates are tentative and subject to change.



A Pre-Application meeting with the Development Services Director (or designated staff) may be required prior to submittal of the application. Please check with the Development Services Department staff.

Application Information Required

A complete application includes the items below in addition to the attached application:

- Completed application. - Include all signatures
- Proof of ownership – (i.e. Lake County Property record card, tax receipt, deed, or tax receipt)
- Complete legal description in Word (not all caps) emailed to planning@clermontfl.org.
- Current survey and location map (acreage included)
- Signed owner affidavit (unless power of attorney or notarized letter authorizing the applicant to act as the duly authorized agent for the owner is submitted with the application)
- Signed Applicant affidavit
- Application fee

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



CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

DATE: 12-28-2020

FEE: \$755.00

Project Name (if applicable): Hook Street Medical Office

Applicant: Mr. Amit Pandey

Contact Person: Amit Pandey

Address: 106 Park Place Boulevard, Suite C

City: Davenport State: Florida Zip: 33837

Phone: 631-873-9459 Fax:

E-Mail: amitkpandey@gmail.com

OWNER: Lena Mare Abbott Living Trust U/T/A 10/25/91

Address: 26529 Old Bellamy Road

City: High Springs State: Florida Zip: 32643

Phone: Fax:

E-Mail:

General Location: Lake Wilma Rd, Clermont Florida 32643

Directly North of Lake Wilma. Parcel #2665815

Legal Description (include copy of survey): LAKE HIGHLANDS 29-22-26 TRACTS 36A, 36B--
LESS FROM E 1/4 COR OF SEC RUN N 88-26-43 W ALONG N LINE OF SE 1/4 A DIST OF
1975.83 FT, S 0-13-07 W 15 FT TO NE COR OF TRACT 36A FOR POB, CONT S 0-13-07 W 35.01
FT, N 88-26-43 W 643.64 FT TO W'LY LINE OF LOT 36B, N 0-15-28 E 35.01 FT TO NW COR OF
LOT 36B, S 88-26-43 E 643.62 FT TO POB FOR RD R/W--PB 2 PG 25 ORB 4959 PG 451

Property size (in acres or square feet): 9.31 Acres

Flood hazard area (yes) X and approx. acreage 0.03 Acres (no)

Existing (Actual) Land Use: Undeveloped

Existing Zoning: R6 - Urban Residential District

Existing Future Land Use: Office

Proposed Future Land Use: Commercial

Type of development proposed: Medical Offices



Proposed density (dwelling units/acre) or intensity: 0.64

Proposed Zoning District: C2 - General Commercial

Summary of the proposed amendment content and effect that describes any changed conditions that would justify the proposed amendment, and why there is a need for the proposed amendment (use additional sheets if necessary).

The City of Clermont may require additional information to justify, clarify or explain the necessity of the requested Comprehensive Plan Amendment which may include the following:

- Information regarding the compatibility of the proposed land use amendment(s) with the Goals, Objectives and Policies of the Future Land Use Element and any other affected comprehensive plan elements.
- A description of how the proposed amendment(s) will result in an orderly and logical development pattern with existing and proposed land use(s) of the area.
- A description of the present availability of, and estimated demand on the following public facilities: potable water, sanitary sewer, transportation system and recreation, as appropriate.

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

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY ON PROCESSING AND WILL NOT BE SCHEDULED UNTIL CORRECTIONS ARE MADE.

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



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Hugh A. Abbott, Trustee

, who being

by me first duly sworn on oath, deposes and says:

1. That he (she) is the fee-simple owner of the property legally described on the attachment of this application.
2. That he (she) desires a Future Land Use Amendment from Office to Commercial for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Amit Pandey to act as agent on his (her) behalf to accomplish the above. The owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his (her) stead.

Hugh A. Abbott, Trustee

Owner Name (print)

X

Hugh A. Abbott
Owner Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 30 day of December, 2020.

X

Neil O'Connor

Notary Public, State of Florida at Large

My Commission Expires: July 18 2021



DAVID W. JORDAN
LAKE COUNTY TAX COLLECTOR**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

2020 Paid Real Estate

ACCOUNT NUMBER	ESCROW CODE	ALTERNATE KEY	MILLAGE CODE
0922261300-36A-00000		2665815	0003

ABBOTT LENA M TRUSTEE
26529 OLD BELLAMY RD
HIGH SPRINGS, FL 32643

LAKE WILMA RD

LAKE HIGHLANDS 29-22-26 TRACTS 36A,
36B--LESS FROM E 1/4 COROF SEC RUN N
88-26-43 W ALONG N LINE OF SE 1/4 A
DIST OF 1975.83 FT, S 0-13-07 W 15
See Additional Legal on Tax Roll

* 1 + 2 6 6 5 8 1 5 + 2 0 2 0 *

PAY IN US FUNDS TO DAVID W. JORDAN, TAX COLLECTOR · PO BOX 327 · TAVARES, FL 32778-0327 · 352-343-9602

AD VALOREM TAXES					
TAXING AUTHORITY	ASSESSED VALUE	EXEMPTION AMT	TAXABLE VALUE	MILLAGE RATE	TAXES LEVIED
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NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
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NON-AD VALOREM ASSESSMENTS:		\$59.00

COMBINED TAXES AND ASSESSMENTS: \$5,423.56

If Paid By	Nov 30, 2020				
Please Pay	\$0.00				

Paid 11/09/2020 Receipt # 2020-00147282 \$5,206.62

DAVID W. JORDAN**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

LAKE COUNTY TAX COLLECTOR

2020 Paid Real Estate

PAY IN US FUNDS TO DAVID W. JORDAN, TAX COLLECTOR · PO BOX 327 · TAVARES, FL 32778-0327 · 352-343-9602

If Paid By	Nov 30, 2020				
Please Pay	\$0.00				

LAKE WILMA RD

ABBOTT LENA M TRUSTEE
26529 OLD BELLAMY RD
HIGH SPRINGS, FL 32643LAKE HIGHLANDS 29-22-26 TRACTS 36A,
36B--LESS FROM E 1/4 COROF SEC RUN N
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0922261300-36A-00000		2665815	0003

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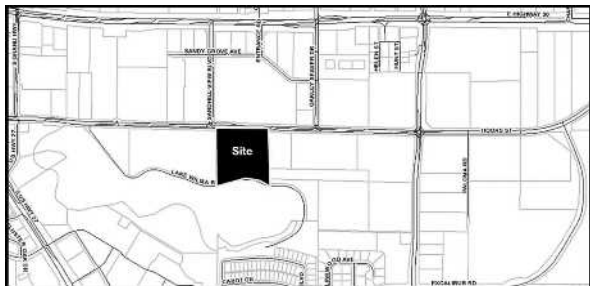


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CITY OF CLERMONT NOTICE OF PROPOSED LAND USE CHANGE Small Scale Comprehensive Plan Amendment

ORDINANCE NO. 2021-005

The City of Clermont will hold public hearings regarding the proposed ordinance on Tuesday, March 2, 2021 at 6:30 P.M. before the Planning and Zoning Commission; and before the City Council on Tuesday, March 23, 2021 at 6:30 P.M. for the final reading and adoption. The map amendment would change the Future Land Use designation for the 9.31 +/- acre parcel below from Lake County Regional Commercial to City of Clermont Commercial. Alternate Key #2665815.



Location:

Vacant parcel located on Hooks Street and Sandhill View Blvd,
Alternate Key 2665815
9.31 +/- Acres

ORDINANCE NO. 2021-005

AN ORDINANCE 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 LARGE-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 FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

The public hearings will be held in the Council Chambers of City Hall, located at 685 W. Montrose Street, Clermont FL 34711 and are open to public comment. Please call (352) 241-7305 if you have any questions.

The proposed amendment may be inspected at the City's Development Services Department (1st floor, City Hall) between 8 A.M. and 5 P.M. Monday through Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearings 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 meetings.

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Ordinance No. 2021-006 <i>Introduction</i> <i>Hooks Street Medical Office Rezoning</i>		
Requested Action		
Recommend approval of Ordinance No. 2021-006.		
Staff Report		
The applicant is requesting an annexation, small-scale comprehensive plan amendment and rezoning for the 9.31 +/- acre vacant parcel located on Hooks Street, and east of Sandhill View Boulevard to allow for a commercial and medical office development. The proposed project as designed will consist of two (2) one-story buildings with each building containing approximately 17,000 square feet of office space. The conceptual plan prepared by Germana Engineering, Inc, shows the layout of the proposed buildings and parking for the site. The annexation petition to the City; also included a request to change the future land use from Lake County Regional Commercial to Clermont Commercial designation. The proposed rezoning from Lake County "R-6" Urban Residential to Clermont C-2 General Commercial, which allows office and commercial development as a permitted use. The project will connected to City water and sewer services, which has adequate capacity to service the proposed project. The primary point of transportation access will be from Hooks Street. The proposed development will be required to comply with Clermont Land Development Regulations and Architectural Design Standards to allow for construction of the development. The Commercial Land Use allows a maximum development intensity of 0.25 Floor Area Ratio (FAR). The applicant has not requested any variances to the code to construct the project. The property is contiguous to Clermont boundaries and meets the requirements of Florida Statutes, Chapter 171 for Annexation. The adjacent parcel located to the east is within Clermont boundaries with C-2 General Commercial zoning, and located west of the property is a Lake County parcel with R-6 Urban Residential zoning. Lake Wilma borders the property on the south and Lowes is located to the north. Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning. Staff recommends approval of Ordinance No. 2021-004 annexation and Ordinance No. 2021-005, changing the future land use to Commercial and approval of Ordinance No. 2021-006, rezoning the subject parcel to C-2 General Commercial zoning.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		

1.	Staff Analysis Report	Staff Analysis Report.pdf
2.	Ord 2021-006 - Hooks Street Medical Rezoning (2.18.2021) - R&F BL	Ord 2021-006 - Hooks Street Medical Rezoning (2.18.2021) - R&F BL.pdf
3.	Location Map	Location Map.pdf
4.	Zoning Maps	Zoning Maps.pdf
5.	Final Hooks Street Medical Office Concept Layout - (REV 1)	Final Hooks Street Medical Office Concept Layout - (REV 1).pdf
6.	Hooks Street Medical Offices_2D East BLDG	Hooks Street Medical Offices_2D East BLDG.jpg
7.	Hooks Street Medical Offices_2D West BLDG	Hooks Street Medical Offices_2D West BLDG.jpg
8.	RezoningApplication	RezoningApplication .PDF
9.	Ordinance No 2021-006 Legal AD	Ordinance No 2021-006 Legal AD.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: Lena Mare Abbott Living Trust U/T/A

APPLICANT: Amit Pandy

PROJECT NAME: Hook Street Medical Offices

REQUESTED ACTION: A request for annexation, small-scale comprehensive plan amendment and rezoning of vacant parcel to allow for development of commercial and medical offices.

SIZE OF PARCEL: 9.31 acres +/- Alternate Key 2665815

LOCATION: Property is located on Hooks Street, and east of Sandhill view Road.

EXISTING ZONING: FROM: Lake County "R-6" Urban Residential
TO: City of Clermont "C-2" General Commercial

EXISTING LAND USE: Vacant property

FUTURE LAND USE CATEGORY: FROM: Lake County Regional Commercial
TO: City of Clermont Commercial

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant is requesting an annexation, small-scale comprehensive plan amendment and rezoning for the 9.31 +/- acre vacant parcel located on Hooks Street, and east of Sandhill View Boulevard to allow for a commercial and medical office development. The proposed project as designed will consist of two (2) one-story buildings with each building containing approximately 17,000 square feet of office space. The conceptual plan prepared by Germana Engineering, Inc, shows the layout of the proposed buildings and parking for the site.

The annexation petition to the City; also included a request to change the future land use from Lake County Regional Commercial to Clermont Commercial designation. The proposed rezoning from Lake County "R-6" Urban Residential to Clermont C-2 General Commercial, which allows office and commercial development as a permitted use. The project will connect to City water and sewer, which has adequate capacity to service the development. The primary point of transportation access will be from Hooks Street.

The proposed development will be required to comply with Clermont Land Development Regulations and Architectural Design Standards to allow for construction of the development. The Commercial Land Use allows a maximum development intensity of 0.25 Floor Area Ratio (FAR). The applicant has not requested any variances to the code for construction of the project. The property is contiguous to Clermont boundaries and meets the requirements of Florida Statutes, Chapter 171 for Annexation. The adjacent parcel located to the east is within Clermont boundaries and zoned C-2 General Commercial, and located to the west is a parcel in Lake County and the zoning is R-6 Urban Residential. Lake Wilma borders the property on the south and Lowes is located to the north.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to compliance with the Clermont Codes of Ordinances and Comprehensive Plan. The proposed use is consistent with the goals, objectives and policies of the comprehensive plan and intent of the land development regulations for commercial zoning.

Staff recommends approval of Ordinance No. 2021-004 annexation and Ordinance No. 2021-05, changing the future land use to Clermont Commercial and approval of Ordinance No. 2021-06, rezoning the subject parcel to C-2 General Commercial zoning.





CITY OF CLERMONT
ORDINANCE NO. 2021-006

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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The Official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

Tracts 36A and 36B, Section 29, Township 22 South, Range 26 East, according to the Plat of property of Lake Highlands Company, recorded in Plat Book 2, Page 25, Public Records of Lake County, Florida.

LOCATION:

Vacant parcel located on Hooks Street and east of Sandhill View Blvd,
Alternate Key 2665815
9.31 +/- Acres

**FROM: Lake County “R-6” Urban Residential District
TO: Clermont “C-2” General Commercial District**

SECTION 2: CONFLICT

All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.

SECTION 3: SEVERABILITY

Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from the Section to which such holding shall apply.

SECTION 4: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener’s errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.



CITY OF CLERMONT
ORDINANCE NO. 2021-006

SECTION 5: PUBLICATION AND EFFECTIVE DATE

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. 2021-006

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of March, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE NO. 2021-006

EXHIBIT A

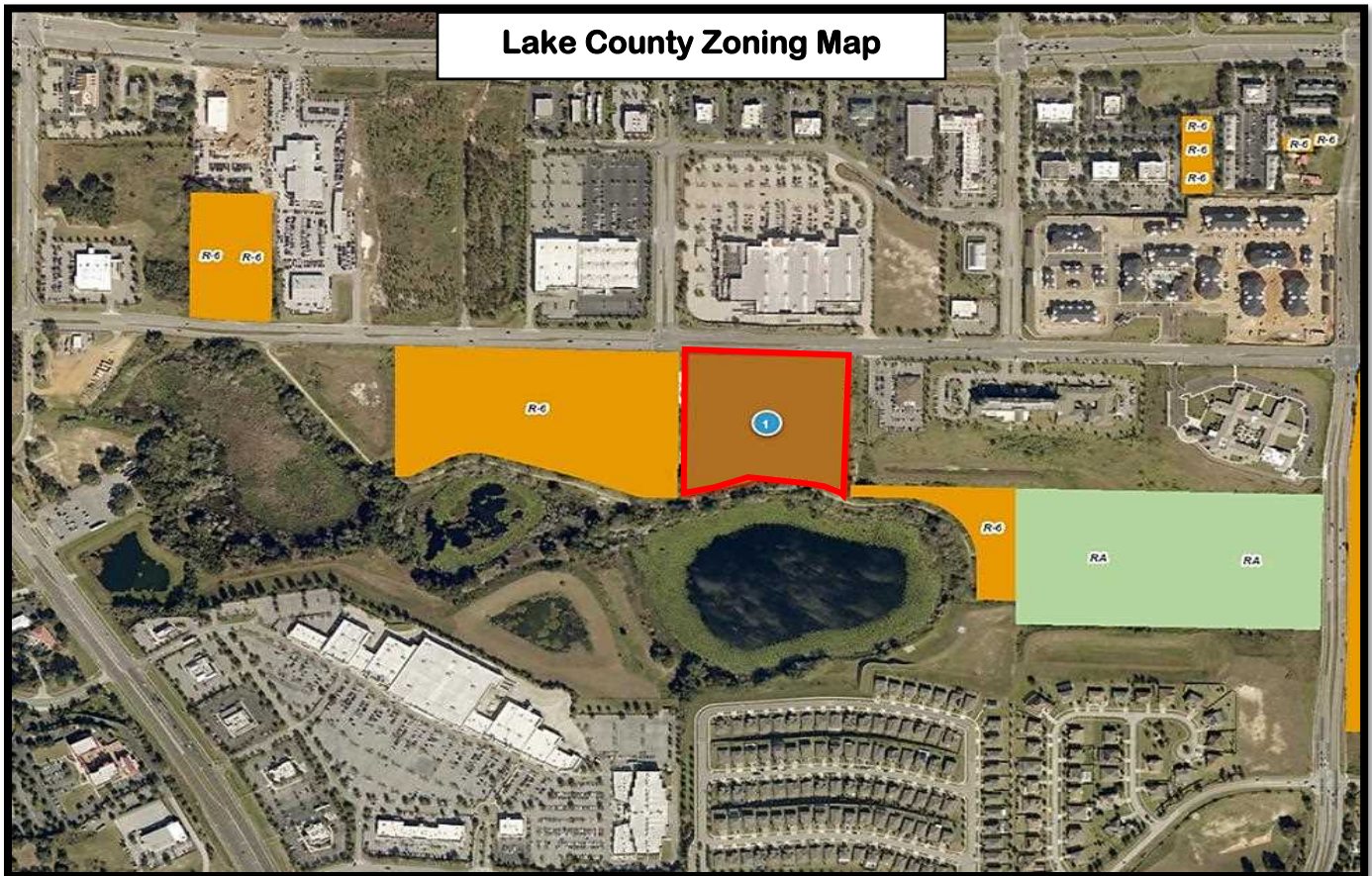
Location map:



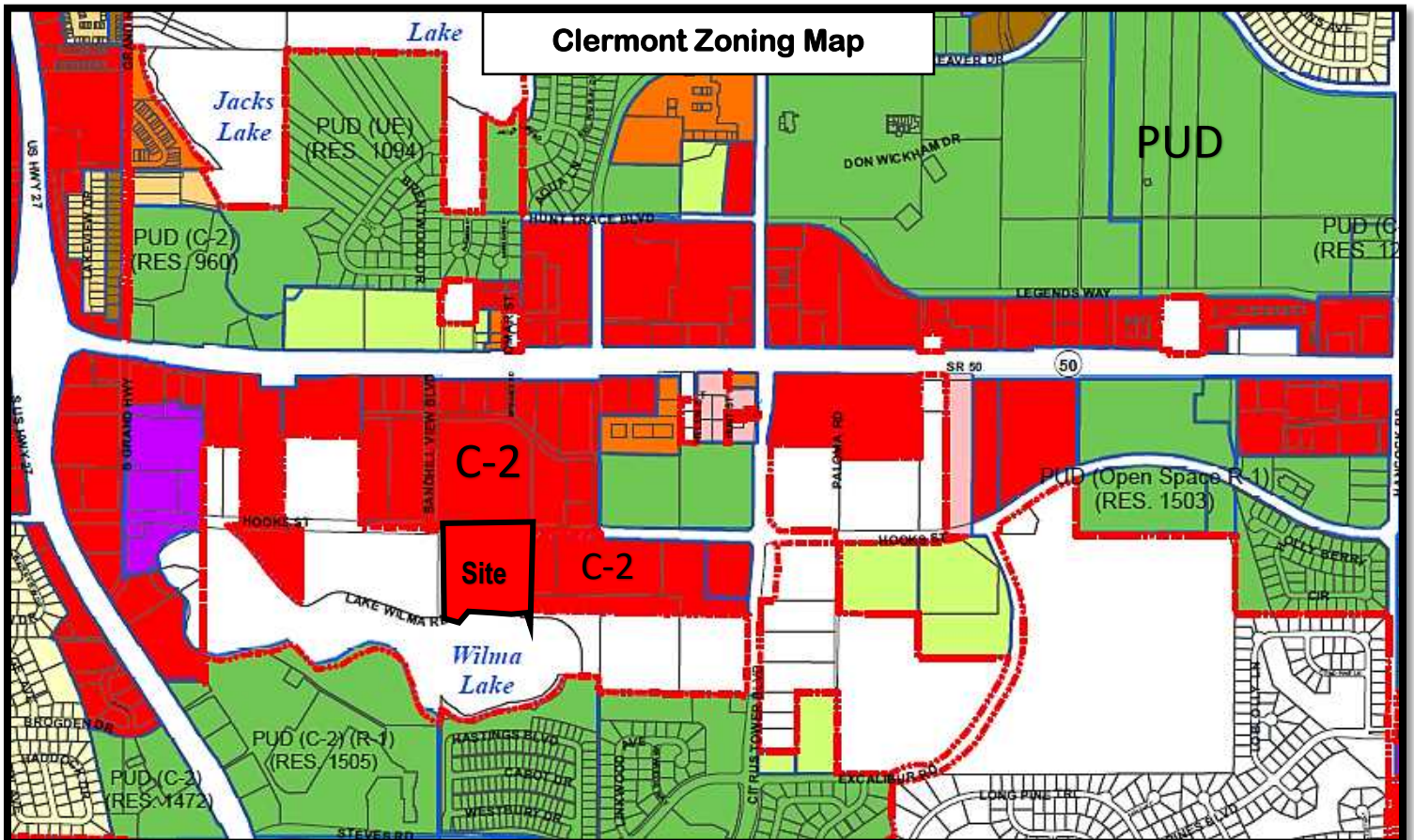
LOCATION MAP

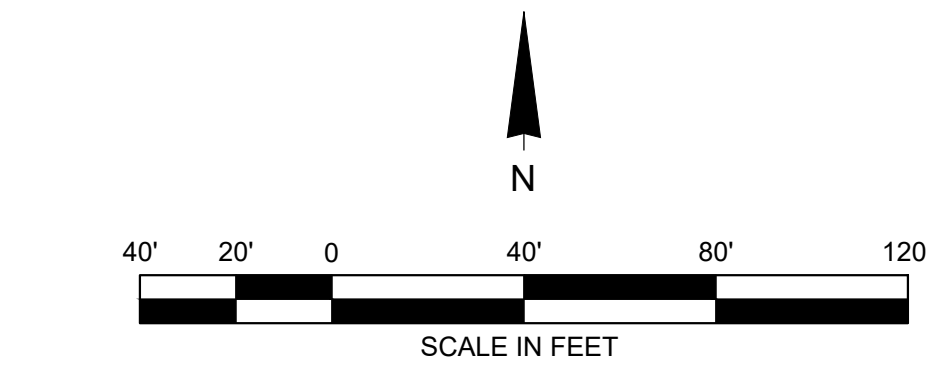
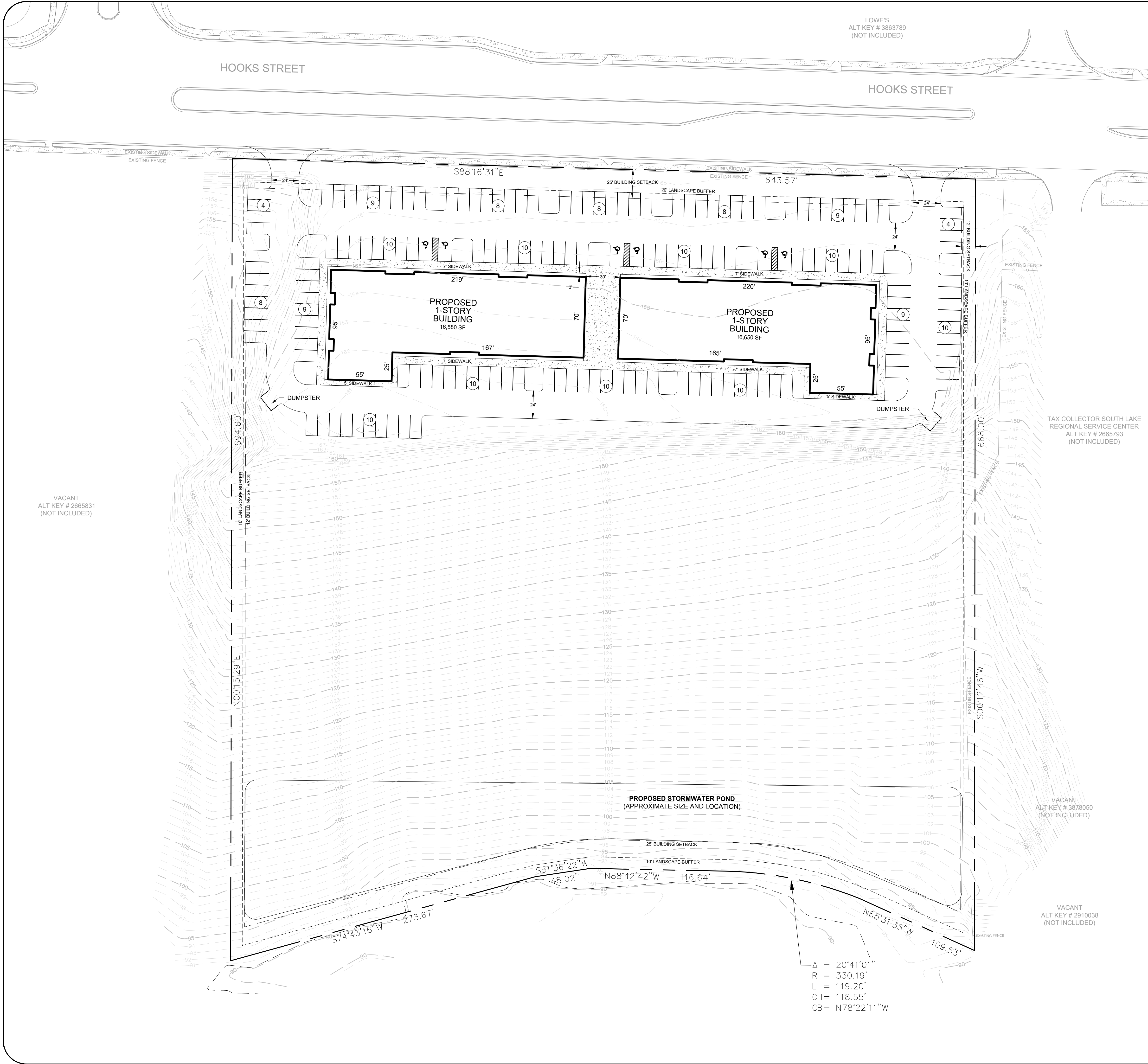


Lake County Zoning Map



Clermont Zoning Map





- SITE DATA**
- SITE AREA** = 9.31 AC / 405,544 SF
 - SITE LOCATION**
HOOKS STREET
CLERMONT, FLORIDA 34711
SECTION 09, TOWNSHIP 22 SOUTH, RANGE 26 EAST
 - SITE DESCRIPTION**
TAX PARCEL: ALT KEY # 2665815
 - SITE REQUIREMENTS**
IMPERVIOUS COVERAGE: 80% MAX.
HOOKS STREET BUILDING SETBACK: 25'
SIDE BUILDING SETBACKS: 12'
REAR BUILDING SETBACK: 25'
HOOKS STREET LANDSCAPE BUFFER: 20'
SIDE LANDSCAPE BUFFERS: 10'
REAR LANDSCAPE BUFFER: 10'
 - BUILDING DATA**
USE TYPE: MEDICAL OFFICES/STORAGE
FINISHED FLOORS: VARY
DIMENSIONS: VARY

MEDICAL OFFICE BUILDING AREA: 33,230 SF
 - PARKING DATA**
(1 SPACE / 200 SF)
MEDICAL OFFICE REQUIRED PARKING = 165 SPACES
PROVIDED PARKING = 166 SPACES
(151-200 SPACES PROVIDED)
REQUIRED HANDICAP PARKING = 6 SPACES
PROVIDED HANDICAP PARKING = 6 SPACES

- LEGEND**
- PROPERTY LINE
 - 150- EXISTING CONTOURS
 - LANDSCAPE BUFFER
 - BUILDING SETBACK
 - EXISTING FENCE

REVISIONS		DATE

CONCEPT SITE PLAN

HOOKS STREET MEDICAL OFFICE

CLERMONT, LAKE COUNTY

GERMANA ENGINEERING AND ASSOCIATES, LLC

1120 WEST MINNEOLA AVENUE
CLERMONT, FL 34711
WWW.GERMANAENGINEERING.COM
(352)242-9329
CERTIFICATE # 26719
COPYRIGHT © 2021

SCALE: 1" = 40'

DATE: 02-15-2021

SHEET

PROJECT # GE0202020

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
02-15-2021

CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279

Page 244







CITY OF CLERMONT REZONING FILING INSTRUCTIONS

Any person requesting a Rezoning shall file a complete application and pay a fee as established by resolution of the City Council in the Development Services Department on or before the 1st day of the month; Complete applications may then be scheduled for Public Hearings the following month – on the 1st Tuesday (Planning & Zoning Commission), 2nd Tuesday (City Council first reading only) and 4th Tuesday (City Council adoption). All applications must be complete, and include applicable site plans and/or pertinent descriptive materials in order to be processed. Dependent upon the scope and/or magnitude of a particular project, scheduling of one or more City Council workshop(s) may also be necessary and additional time may be required prior to being schedule for public hearings.

A Pre-Application meeting with the Development Services Director (or designated staff) may be required prior to submittal of the application. Please check with the Development Services Department staff.

The Applicant shall provide the following information with this application in a PDF format on a CD or electronically via email to planning@clermontfl.org:

- Completed application. Include all signatures:
 - Applicant's signature (if different from owner of record)
 - Owner's signature (owner of record) unless power of attorney or notarized letter authorizing the applicant to act as the duly authorized agent for the owner is submitter with the application.
- Proof of ownership – (i.e. Lake County Property record card, tax receipt, or deed)
- Legal Description in a word document to be used for legal advertising and in the ordinance for rezoning.
- Plot plan (drawn to scale) of the property involved showing the location of existing building or structures and the location of proposed building or structures which specifically delineates and illustrates the extent of the rezoning request. Maximum size for plans 11" x 17" (two full size copies for detail as needed, depending on rezoning)
 - a. Name, address and phone number of the applicant.
 - b. North arrow, date and scale.
 - c. Property lines, existing structures, proposed structures and contiguous streets.
 - d. A short description of the proposed structural usage.
 - e. A topographical map with five (5) foot contour lines (if deemed necessary for clarification purposes by City staff).
- Fee: \$542.00 plus the cost of the advertisement, plus the cost of traffic review, if necessary



CITY OF CLERMONT

REZONING

APPLICATION

DATE 12-28-2020		FEE: \$542.00 + cost of advertisement + cost of traffic review, if necessary	
Project Name (if applicable) Hook Street Medical Offices			
Applicant Mr. Amit Pandey			
Contact Person Mr. Amit Pandey			
Address 106 Park Place Boulevard, Suite C	City Davenport	State Florida	Zip 33837
Telephone 631-873-9459	Fax		
Email amitkpandey@gmail.com			
OWNER INFORMATION			
Owner's Name Lena Mare Abbott Living Trust U/T/A 10/25/91			
Owner Address 26529 Old Bellamy Road	City High Spring	State Florida	Zip 32643
Telephone	Email		
PROPERTY INFORMATION			
Address of Subject Property Lake Wilma Road	City Clermont	State Florida	Zip 34711
Legal Description (include copy of survey) LAKE HIGHLANDS 29-22-26 TRACTS 36A, 36B--LESS FROM E 1/4 COROF SEC RUN N 88-26-43 W ALONG N LINE OF SE 1/4 A DIST OF 1975.83 FT, S 0-13-07 W 15			
Acreage 9.31	Land Use (City verification required) Office		
Present Zoning (City verification required) R6- Urban	Proposed Zoning C2- General Commercial District		



CITY OF CLERMONT
REZONING
APPLICATION

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

What are you proposing to do that would require a rezoning?
Proposed Medical Offices

Check box to indicate additional materials are provided via attachment. ☐

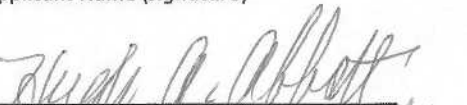
Amit Pandey

Applicant Name (print)

x 
Applicant Name (signature)

Hugh A. Abbott, Trustee

Owner Name (print)

x 
Owner Name (signature) Trustee

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

5/22/2020

LEGAL NOTICE

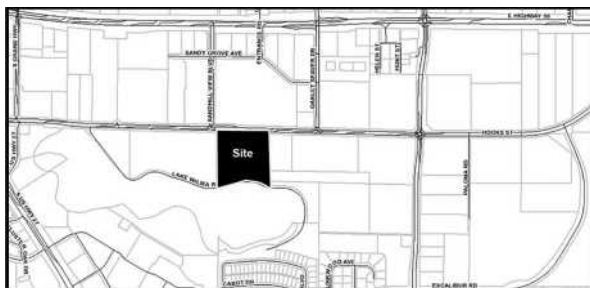
Notice is hereby given that the City Council of the City of Clermont will consider the enactment of following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2021-006

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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND, EFFECTIVE DATE.

LOCATION:

Vacant parcel located on Hooks Street and Sandhill View Blvd,
Alternate Key 2665815
9.31 +/- Acres



LEGAL DESCRIPTION

TRACTS 36A AND 36B, SECTION 29, TOWNSHIP 22 SOUTH, RANGE 26 EAST, ACCORDING TO THE PLAT OF PROPERTY OF LAKE HIGHLANDS COMPANY, RECORDED IN PLAT BOOK 2, PAGE 25, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

**From: Lake County "R-6" Urban Residential
To: Clermont "C-2" General Commercial District**

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, March 2, 2021 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the Clermont City Council on Tuesday, March 23, 2021 at 6:30 P.M. for final enactment.

All meetings will be held at City Hall, Council Chambers, located at 685 W. Montrose Street, Clermont, FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., 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 may need to ensure that 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 meetings.

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Ordinance No. 2021-009 <i>Introduction</i> <i>Victory Pointe CPA</i>		
Requested Action		
Recommend approval of Ordinance No. 2021-009		
Staff Report		
This request is staff initiated to change the Future Land Use designation of subject parcel from Downtown Mixed Use and Low Density Residential to Parks Designation. This property is currently being used for the Downtown Master Stormwater Pond and Boat Ramp. The Parks Land Use designation will help to ensure the zoning and land use is consistent with the intent and purpose of the property. The map amendment will provide designated parcels of land to accommodate existing public parks and recreation areas as committed public open space areas for the community. This requested land use map amendment is being presented concurrently with a request to change the zoning from Central Business District (CBD) to Parks and Recreation. The Clermont Comprehensive Plan goals is to ensure that the character, magnitude and location of land uses provide a system of orderly growth and development that achieves a balanced natural, physical and economic environment and enhances the quality of life for all residents. The designated Land Use Change would be in character with the overall intent of the Downtown Waterfront Redevelopment Master Plan. The Clermont Comprehensive Plan: Objective 1.4.1: Parks Land Use Category: The parks category is established to provide sufficient space for public and private parks that are open to the public for active and passive recreation use. The Future Land Use Map Amendment is consistent with the goals, objectives and policies of the Clermont Comprehensive Plan. Staff recommends approval of Ordinance No. 2021-009.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord. 2021-009 - Victory Pointe Stormwater CPA (02.24.2021 V2)	Ord. 2021-009 - Victory Pointe Stormwater CPA (02.24.2021 V2).pdf	
2. Location Map	Location Map.pdf	
3. 2021-009 Before	2021-009 Before.pdf	
4. 2021-009 After	2021-009 After.pdf	
5. Ordinance No 2021-0009-AD	Ordinance No 2021-0009-AD.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2021-009

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE 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 FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on June 23, 2009, 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 Statute 163.3187; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Clermont held public hearings to consider this amendment to the Future Land Use Map of the Comprehensive Plan and considered all written and oral comments, proposals and objections from the general public; and

NOW THEREFORE BE IT ORDAINED AND ENACTED, by the City Council of the City of Clermont, Lake County, Florida that:

SECTION 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Future Land Use Map of the Comprehensive Plan of the City of Clermont is hereby amended by changing the following described property as shown:

LEGAL DESCRIPTION

851 Victory Way and 1050 Victory Way
Alternate Keys 3883583, 2659874, 1616841, 1616832,
2749466, 1622620, 1622611 and 1622638
10.11 +/- acres

CHANGE IN FUTURE LAND USE DESIGNATION:

**FROM: DOWNTOWN MIXED USE, LOW DENSITY RESIDENTIAL, PARKS
TO: PARKS DESIGNATION**



CITY OF CLERMONT
ORDINANCE NO. 2021-009

SECTION 2: CONFLICT

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

SECTION 3: SEVERABILITY

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 4: ADMINISTRATIVE CORRECTION

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 5: PUBLICATION AND EFFECTIVE DATE

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. 2021-009

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of March 2021.

Tim Murry, Mayor

ATTEST:

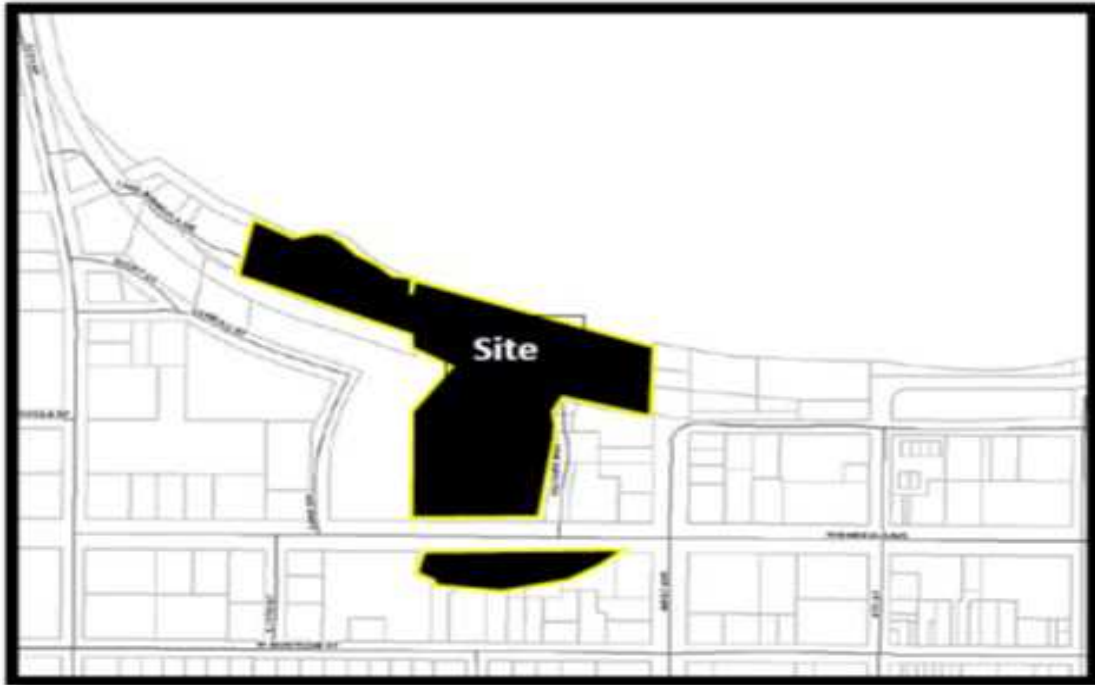
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

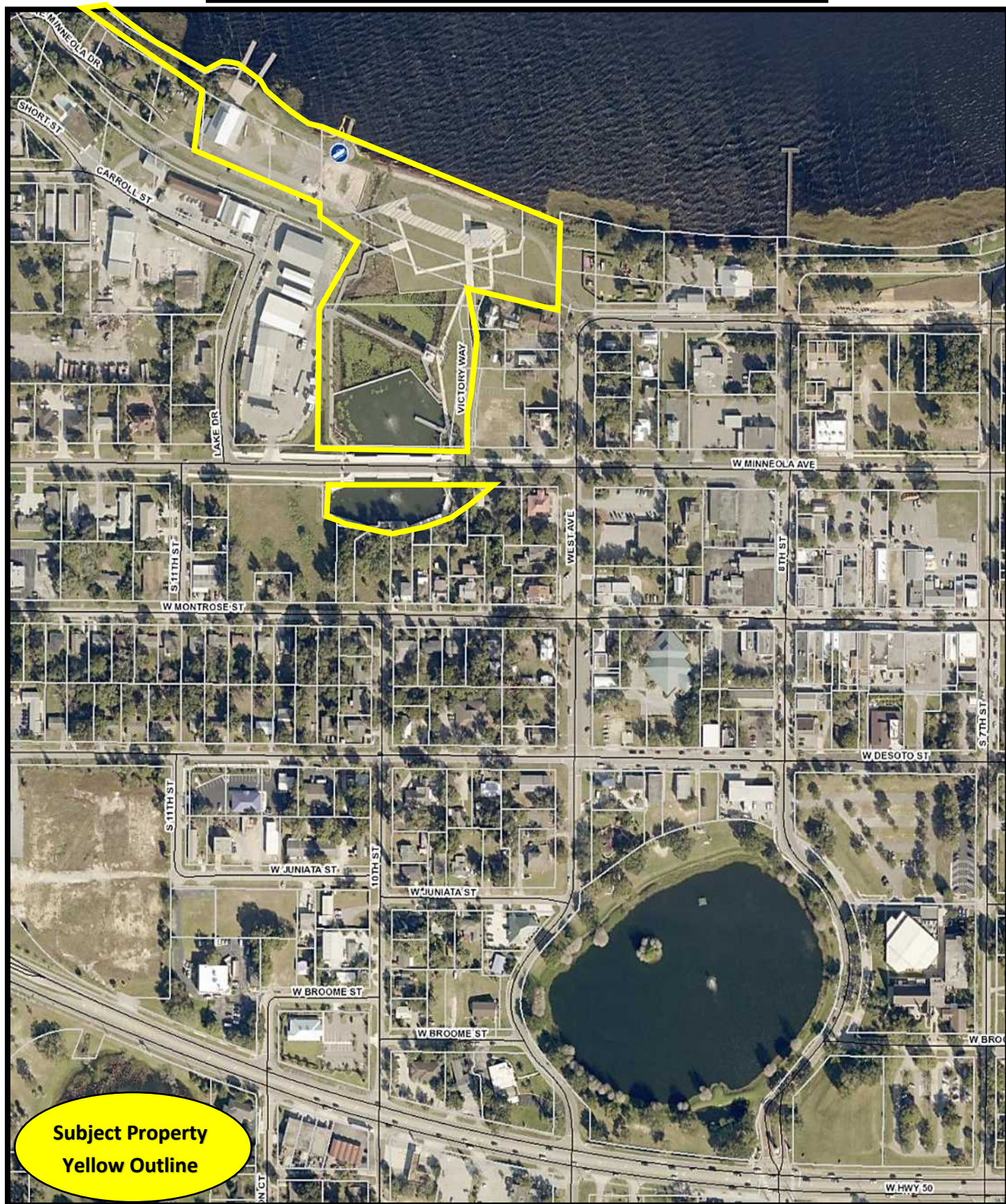
Daniel F. Mantzaris, City Attorney

EXHIBIT A

Location Map:



Victory Pointe Stormwater Site and Boat Ramp





Future Land Use
2021-009

Before

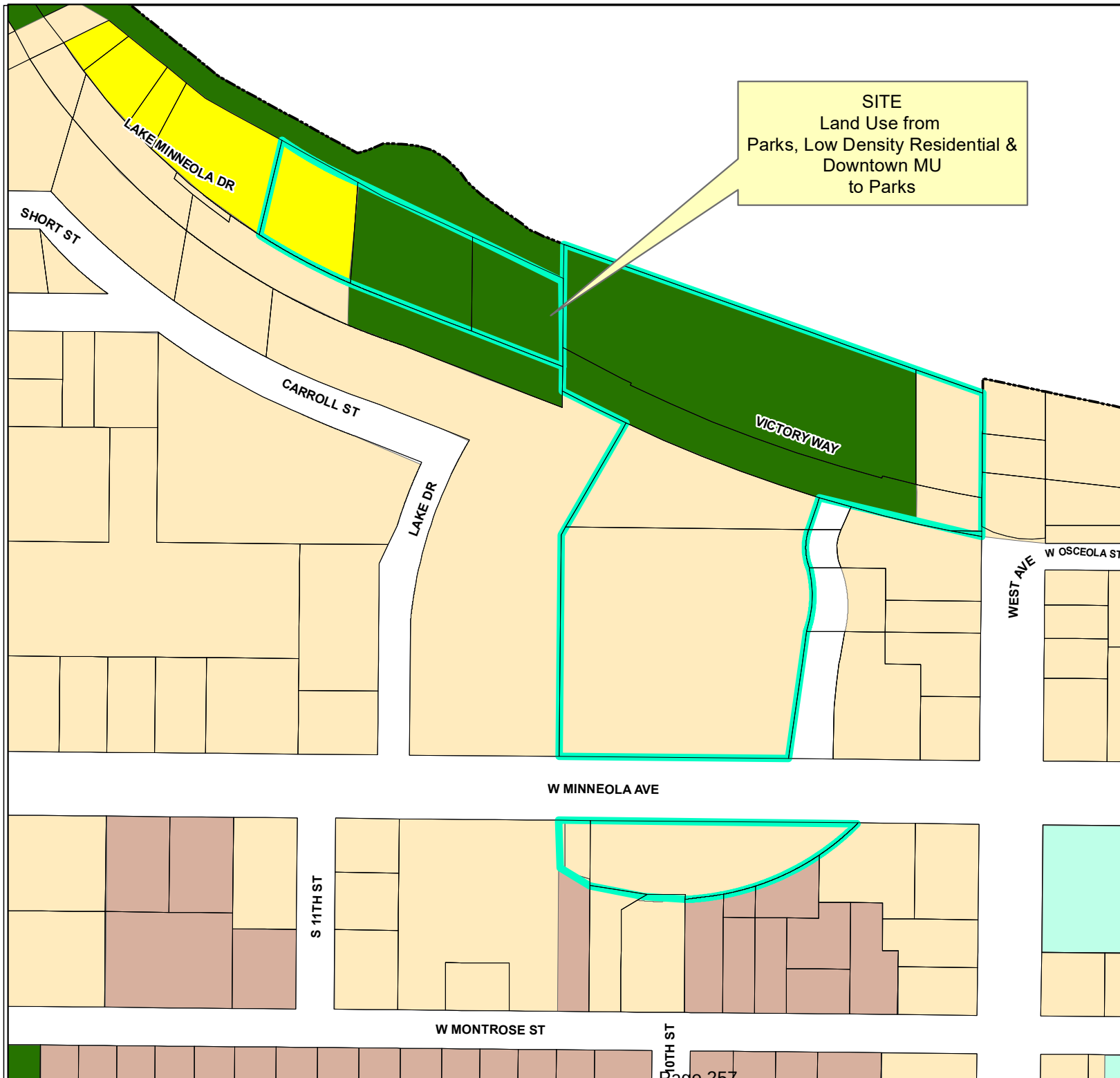
Legend

City Limits

Clermont FLU

Land Use

- Commercial
- Conservation
- Downtown MU
- High Density Residential
- Industrial
- Low Density Residential
- Master Planned Development
- Medium Density Residential
- Office
- Parks
- Public Fac/Institutional
- Residential/Office





Future Land Use
2021-009

After

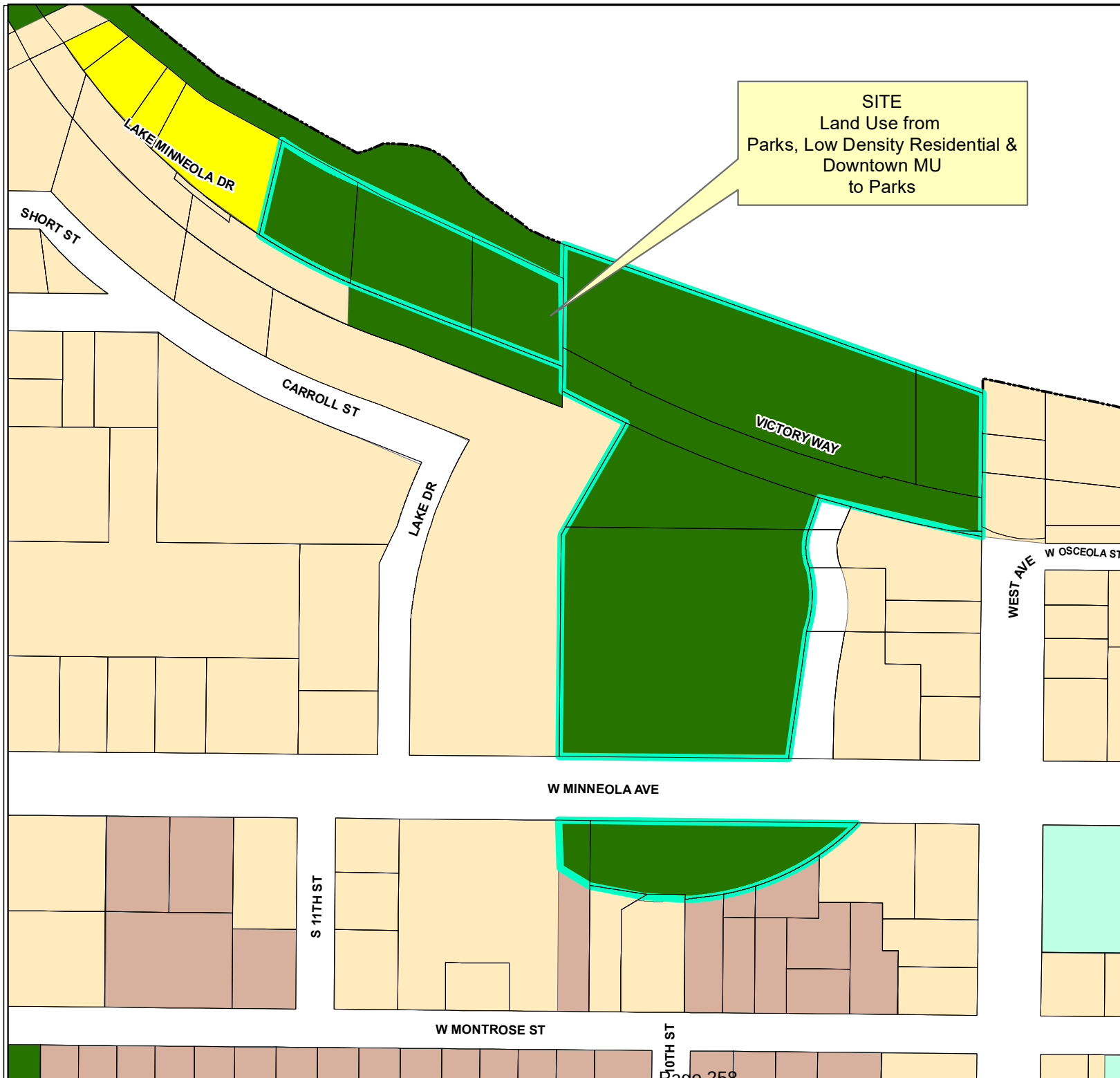
Legend

City Limits

Clermont FLU

Land Use

- Commercial
- Conservation
- Downtown MU
- High Density Residential
- Industrial
- Low Density Residential
- Master Planned Development
- Medium Density Residential
- Office
- Parks
- Public Fac/Institutional
- Residential/Office



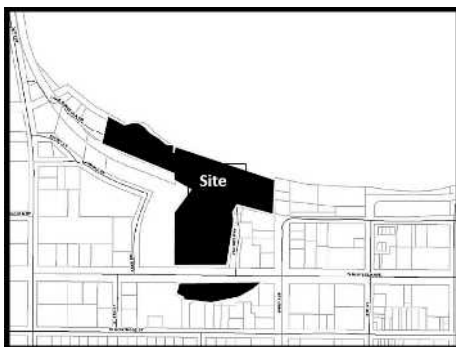
CITY OF CLERMONT NOTICE OF PROPOSED LAND USE CHANGE Large Scale Comprehensive Plan Amendment ORDINANCE NO. 2021-009

The City of Clermont will hold a public hearing regarding the proposed ordinance on Tuesday, March 2, 2021 at 6:30 P.M. before the Planning and Zoning Commission and before the Clermont City Council on Tuesday, March 23, 2021 at 6:30 P.M. for the final reading and adoption. The map amendment would change the Future Land Use (FLU) designation for the parcel below from Downtown Mixed Use to Parks Designation.

Location:

Victory Point Stormwater Site

851 Victory Way and 1050 Victory Way
Alternate Keys 3883583, 2659874, 1616841, 1616832,
2749466, 1622620, 1622611 and 1622638
10.11 +/- acres



ORDINANCE NO. 2021-009

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE 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 FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

The public hearings will be held at Clermont City Hall, inside the first floor City Council Chambers, located at 685 W. Montrose Street, and are open to public comment. Please call (352) 241- 7305 if you have any questions.

The proposed amendment may be inspected at the City's Development Services Department (1st floor, City Hall) between 8 A.M. and 5 P.M. Monday through Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearings 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 meetings.

Tracy Ackroyd Howe, MMC

City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 9, 2021		
Agenda Item Name		
Ordinance No. 2021-011 <i>Introduction</i> <i>Victory Pointe Rezoning</i>		
Requested Action		
Recommend approval of Ordinance No. 2021-011.		
Staff Report		
This request is staff initiated to change the Zoning of subject parcels from Central Business District, C-1 Light Commercial and R-3 Residential Professional to Parks and Recreation District. This property is currently being used for the Downtown Master Stormwater Pond and Boat Ramp' and the rezoning of the property is to provide an accurate reflection of the intent and future vision of the property. The provisions of the Land Development Regulations, Section 122-28, classifies the Parks and Recreation zoning district purpose and intent is to designate and ensure that publicly owned properties are preserved for parks and open space for recreational purposes for the benefit of the residents and overall environment. The rezoning request is consistent with the intent of the goals, objectives and policies of the Clermont Comprehensive Plan. The availability of parks, open space and recreational facilities play a key role in establishing the quality of life for a community. The designated zoning would identify and create specific parcels of land that could only be used for active public or private recreational uses. Staff recommends approval of Ordinance No. 2021-011.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. ORD 2021-011 - Victory Pointe Stormwater Rezoning (02.24.2021 V1)	ORD 2021-011 - Victory Pointe Stormwater Rezoning (02.24.2021 V1).pdf	
2. Location Map	Location Map.pdf	
3. 2021-011 Before	2021-011 Before.pdf	
4. 2021-011 After	2021-011 After.pdf	
5. Ordinance No 2021-011 AD	Ordinance No 2021-011 AD.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2021-011

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 CONFLICT, SERVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1.

The Official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

ALT Key 3883583: WEST LAKE--LESS FROM SW COR OF LOT 1 BLK 114 RUN N 0-31-43 E ALONG W LINE OF SAID LOT 1 A DIST OF 159.95 FT FOR POB, CONT N 0-31-43 E 24.87 FT, N 90-0-0 E 100 FT TO W LINE OF E 10 FT OF TENTH ST, S 0-31-46 W ALONG SAID W LINE OF E 10 FT OF TENTH ST 9.86 FT TO A POINT ON S BOUNDARY OF WEST LAKE, SAID POINT BEING THE BEG OF A NON-TANGENT CURVE CONCAVE TO THE N, HAVING A RADIUS OF 415.92 FT, A CHORD BEARING OF S 86-59-24 W & A CHORD DIST OF 0.17 FT, THENCE LEAVING SAID W LINE OF E 10 FT OF TENTH ST RUN SW'LY ALONG SAID S BOUNDARY OF WEST LAKE & THE ARC OF SAID CURVE FOR A DIST OF 0.17 FT THRU A CENTRAL ANGLE OF 0-01-26 TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE N HAVING A RADIUS OF 242.96 FT, A CHORD BEARING OF S 89-09-43 W & A CHORD DIST OF 77.49 FT, THENCE RUN W'LY ALONG SAID S BOUNDARY OF WEST LAKE & THE ARC OF SAID CURVE FOR A DIST OF 77.83 FT THRU A CENTRAL ANGLE OF 18-21-06, THENCE RUN S 58-20-13 W 26.41 FT TO POB--FROM SW COR OF LOT 1 BLK 114 RUN N 0-31-43 E ALONG W LINE OF LOT 1 A DIST OF 159.95 FT, N 58-20-13 E 47.36 FT FOR POB, CONT N 58-20-13 E 14.79 FT, N 72-36-32 E 49.82 FT TO W LINE OF E 10 FT OF TENTH ST, S 0-31-46 W ALONG SAID W LINE OF E 10 FT OF TENTH ST A DIST OF 22.65 FT, S 90-0-0 W 59.91 FT TO POB, AND BEGINNING AT THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 3 BLK 114 & THE SOUTH RIGHT OF WAY LINE OF WEST MINNEOLA AVENUE, RUN SOUTH 00-05-54 WEST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 3 A DISTANCE OF 91.50 FEET, THENCE RUN NORTH 74-04-13 WEST 40.90 FEET, NORTH 00-31-23 WEST 80.28 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MINNEOLA AVENUE, THENCE NORTH 90-00-00 EAST ALONG SAID LINE 40.22 FEET TO THE POING OF BEGINNING ORB 5013 PG 1913 ORB 5365 PG 670

ALT Key 2659874: CLERMONT, PART OF UNNUMBERED BLK BOUNDED ON N BY RR R/W, ON S BY OSCEOLA ST, ON E BY W R/W OF WEST AVE, AND ON W BY W LINE OF SEC 24-22-25--LESS TRIANGULAR PARCEL DESC AS: BEG AT A PT ON S R/W OF RR & W LINE OF SEC 24 & RUN SE'LY ALONG SAID R/W 100 FT, SW'LY TO A PT ON W LINE OF SEC THAT IS 200 FT



CITY OF CLERMONT
ORDINANCE NO. 2021-011

S OF POB, N TO POB & LESS RR DEPOT ON COR OF WEST AVE & OSCEOLA STS & LESS FROM NE COR OF LOT 1 BLK 94, SAID POINT ALSO BEING INTERSECTION OF W R/W LINE OF WEST AVE & S R/W LINE OF OSCEOLA ST RUN N 89DEG 31MIN 40SEC W ALONG SAID S R/W LINE 215.69 FT TO A POINT ON THE ARC OF A CURVE BEING CONCAVE SW'LY, HAVING A RADIUS OF 245.84 FT & A CENTRAL ANGLE OF 01DEG 37MIN 57SEC, SAID POINT ALSO BEING THE E'LY R/W LINE OF A PROPOSED ST, RUN NW'LY ALONG THE ARC OF SAID CURVE & SAID E'LY R/W AN ARC DIST OF 7 FT, SAID ARC HAVING A CHORD BEARING OF N 14DEG 52MIN 50SEC W & A CHORD DIST OF 7 FT TO THE POINT OF REVERSE CURVATURE OF A CURVE, BEING CONCAVE E'LY HAVING A RADIUS OF 71 FT & A CENTRAL ANGLE OF 38DEG 39MIN 27SEC, RUN NE'LY ALONG THE ARC OF SAID CURVE & SAID R/W AN ARC DIST OF 47.90 FT, SAID ARC HAVING A CHORD BEARING OF N 00DEG 34MIN 34SEC E & A CHORD DIST OF 47 FT TO THE POINT OF TANGENCY, RUN N 19DEG 53MIN 43SEC E ALONG SAID R/W 6.62 FT TO N R/W LINE OF OSCEOLA ST & POB, CONT N 19DEG 53MIN 43SEC E 19.65 FT TO S'LY R/W LINE OF SEABOARD COASTLINE OF RR & THE POINT ON THE ARC OF A CURVE BEING CONCAVE SW'LY, HAVING A RADIUS OF 2749.69 FT & A CENTRAL ANGLE OF 01DEG 00MIN 03SEC, THENCE RUN NW'LY ALONG THE ARC OF SAID CURVE & SAID R/W LINE AN ARC DIST OF 48.03 FT, SAID ARC HAVING A CHORD BEARING OF N 72DEG 07MIN 11SEC W & A CHORD DIST OF 48.03 FT TO THE W'LY R/W OF PROPOSED ST, RUN S 19DEG 53MIN 43SEC W ALONG SAID W'LY R/W A DIST OF 24.59 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE SE'LY, HAVING A RADIUS OF 119 FT & A CENTRAL ANGLE OF 04DEG 53MIN 15SEC, RUN ALONG THE ARC OF SAID CURVE & SAID R/W AN ARC DIST OF 10.15 FT, SAID ARC HAVING A CHORD BEARING OF S 17DEG 27MIN 06SEC W & A CHORD DIST OF 10.15 FT TO N R/W LINE OF OSCEOLA ST, S 89DEG 31MIN 40SEC E ALONG SAID R/W 50.44 FT TO POB
PB 8 PGS 17-23 ORB 4696 PG 1065 ORB 4745 PG 1760

ALT Key 1616841: CLERMONT BEG ON W LINE OF SEC 24-22-25 WITH 25 FT NW'LY, MEASURED AT RIGHT ANGLES FROM CENTERLINE OF ACL RR R/W, THENCE SE'LY PARALLEL WITH SAID CENTERLINE OF RR R/W A DIST OF 174 FT, THENCE SW'LY AT RIGHT ANGLES FROM THE PRECEDING COURSE 3.50 FT TO A POINT 7.50 FT NW'LY MEASURED AT RIGHT ANGLE FROM CENTERLINE OF SAID RR R/W, THENCE SE'LY PARALLEL & CONCENTRIC WITH THE LAST MENTIONED CENTERLINE A DIST OF 300 FT, THENCE SE'LY 121 FT TO A POINT 7.70 FT NE'LY MEASURED AT RIGHT ANGLES FROM SAID LAST MENTIONED CENTERLINE, THENCE NE'LY 3.70 FT TO A POINT 25 FT NE'LY MEASURED RADially, FROM CENTERLINE OF SAID RR R/W, THENCE SE'LY, CONCENTRIC WITH THE CENTERLINE OF RR A 54 FT TO A POINT 100 FT W'LY FROM W LINE OF WEST AVE, IF PROJECTED NW'LY, THENCE NW'LY PARALLEL WITH SAID WEST AVE TO S BORDER OF LAKE MINNEOLA, THENCE W'LY ALONG THE MARGIN OF SAID LAKE 650 FT TO W LINE OF SAID SEC 24, S ALONG SAID W LINE 150 FT TO POB
PB 8 PGS 17-23 ORB 1503 PG 262

ALT Key 2749466: THAT PART OF INACTIVE FORMER SCL RR R/W OF VARYING WIDTHS EXTENDING FROM CENTERLINE OF SECOND ST W'LY TO W SECTION LINE ORB 1452 PG 1088

ALT Key 1616832: CLERMONT BLOCK BOUNDED E BY WEST AVE, N BY LAKE MINNEOLA, W BY W LINE OF SEC 24, S'LY BY RR R/W --LESS PACKING HOUSE TRACT DESCRIBED IN ORB 395 PG 727--(PB 8 PGS 17-23) ORB 1996 PG 0359



CITY OF CLERMONT
ORDINANCE NO. 2021-011

ALT Key 1622611: CLERMONT, JOHNSON'S REPLAT LOTS 1, 2, 3, BLK 117 PB 8 PG 71 ORB 1503 PG 262

ALT Key 1622638: CLERMONT, JOHNSON'S REPLAT LOTS 8, 9, 10 BLK 117 PB 8 PG 71 ORB 4242 PG 928

ALT Key 1622620: CLERMONT, JOHNSON'S REPLAT LOTS 4 TO 7 INCL, BLK 117 PB 8 PG 71

REQUESTED ACTION – CHANGE THE ZONING

**FROM: Central Business District (CBD) and C-1 Light Commercial and
R-3- Residential/Professional District
TO: PR Parks and Recreation District**

SECTION 2: CONFLICT

All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.

SECTION 3: SEVERABILITY

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 4: ADMINISTRATIVE CORRECTION

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 5: RECORDING

This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 6: PUBLICATION AND EFFECTIVE DATE

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. 2021-011

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of March, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

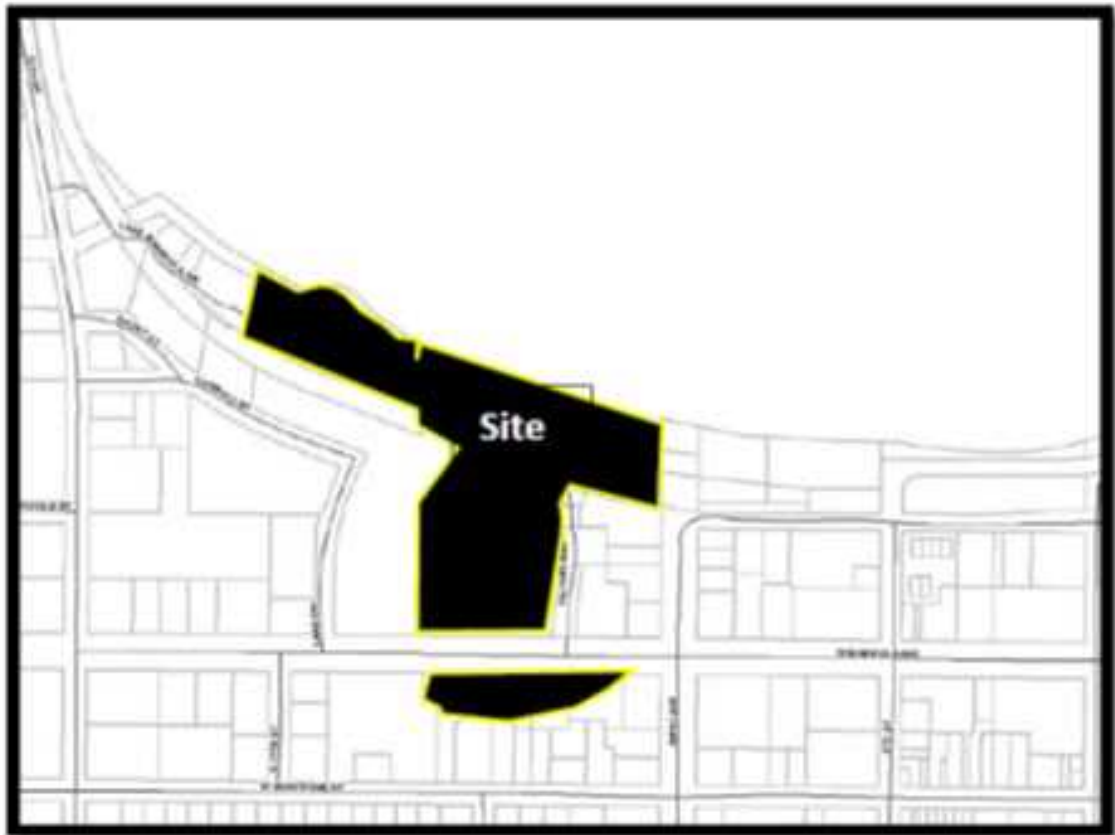
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

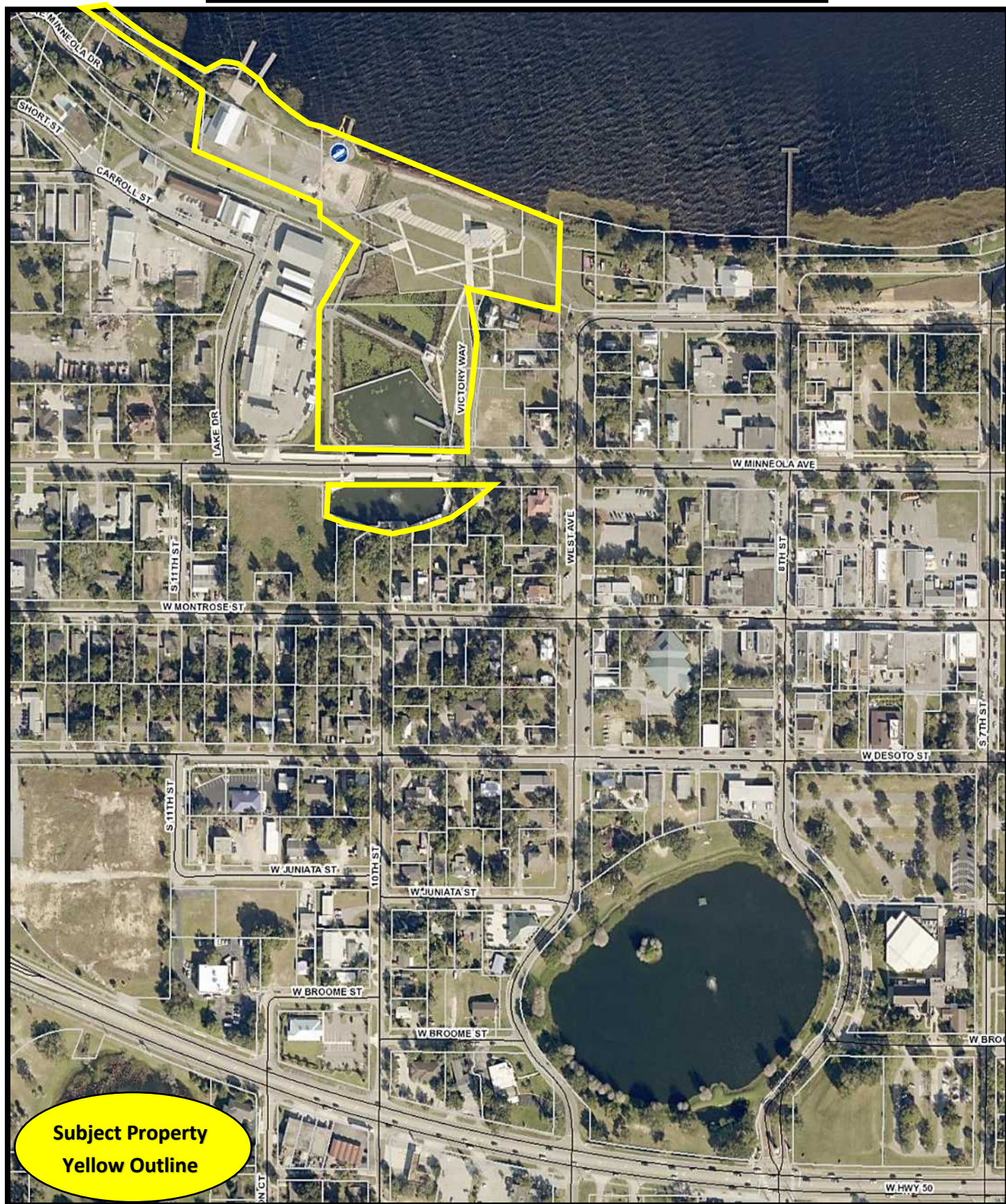
Daniel F. Mantzaris, City Attorney

EXHIBIT A

Location map:



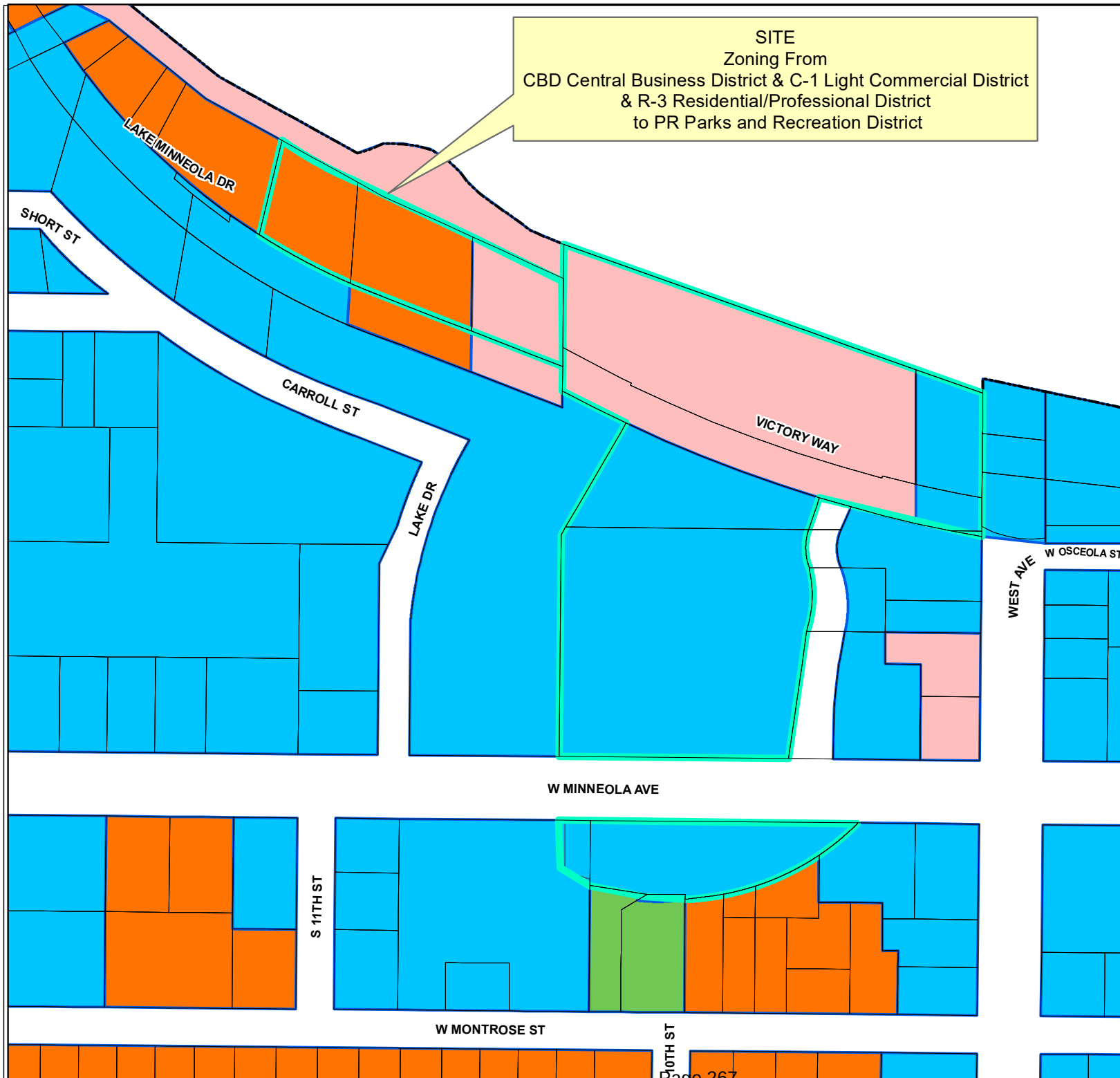
Victory Pointe Stormwater Site and Boat Ramp





Zoning
2021-011

Before



Legend

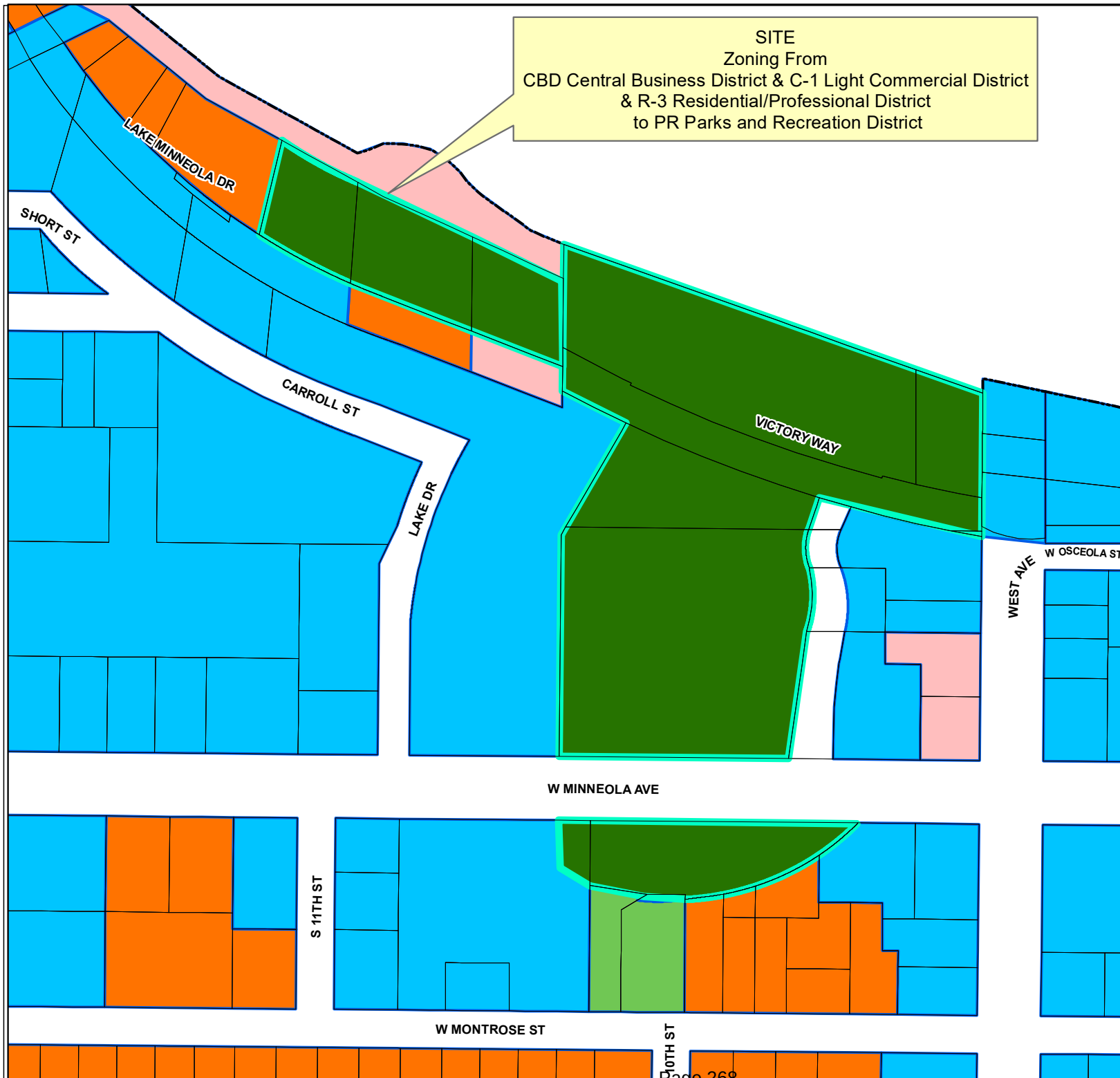
- City Limits
- UT URBAN TRANSITION DISTRICT
- UE URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT
- R-1-A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT
- R-1 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-3-A RESIDENTIAL/PROFESSIONAL DISTRICT
- R-3 RESIDENTIAL/PROFESSIONAL DISTRICT
- O-1 OFFICE DISTRICT
- C-1 LIGHT COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- CBD CENTRAL BUSINESS DISTRICT
- M-1 INDUSTRIAL DISTRICT
- CD COMMERCE DISTRICT
- PR PARKS AND RECREATION DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- AREAS NOT WITHIN THE CITY LIMITS





Zoning
2021-011

After



LEGAL NOTICE

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

ORDINANCE NO. 2021-011

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 CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

LOCATION:

Victory Pointe Stormwater Site:

851 Victory Way
AK 3883583, 2659874, 1616841, 1616832
and 2749466, 1622611, 1622638 and 1622620

LEGAL DESCRIPTION

ALT Key 3883583: WEST LAKE--LESS FROM SW COR OF LOT 1 BLK 114 RUN N 0-31-43 E ALONG W LINE OF SAID LOT 1 A DIST OF 159.95 FT FOR POB, CONT N 0-31-43 E 24.87 FT, N 90-0-0 E 100 FT TO W LINE OF E 10 FT OF TENTH ST, S 0-31-46 W ALONG SAID W LINE OF E 10 FT OF TENTH ST 9.86 FT TO A POINT ON S BOUNDARY OF WEST LAKE, SAID POINT BEING THE BEG OF A NON-TANGENT CURVE CONCAVE TO THE N, HAVING A RADIUS OF 415.92 FT, A CHORD BEARING OF S 86-59-24 W & A CHORD DIST OF 0.17 FT, THENCE LEAVING SAID W LINE OF E 10 FT OF TENTH ST RUN SW'LY ALONG SAID S BOUNDARY OF WEST LAKE & THE ARC OF SAID CURVE FOR A DIST OF 0.17 FT THRU A CENTRAL ANGLE OF 0-01-26 TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE N HAVING A RADIUS OF 242.96 FT, A CHORD BEARING OF S 89-09-43 W & A CHORD DIST OF 77.49 FT, THENCE RUN W'LY ALONG SAID S BOUNDARY OF WEST LAKE & THE ARC OF SAID CURVE FOR A DIST OF 77.83 FT THRU A CENTRAL ANGLE OF 18-21-06, THENCE RUN S 58-20-13 W 26.41 FT TO POB--FROM SW COR OF LOT 1 BLK 114 RUN N 0-31-43 E ALONG W LINE OF LOT 1 A DIST OF 159.95 FT, N 58-20-13 E 47.36 FT FOR POB, CONT N 58-20-13 E 14.79 FT, N 72-36-32 E 49.82 FT TO W LINE OF E 10 FT OF TENTH ST, S 0-31-46 W ALONG SAID W LINE OF E 10 FT OF TENTH ST A DIST OF 22.65 FT, S 90-0-0 W 59.91 FT TO POB, AND BEGINNING AT THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 3 BLK 114 & THE SOUTH RIGHT OF WAY LINE OF WEST MINNEOLA AVENUE, RUN SOUTH 00-05-54 WEST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 3 A DISTANCE OF 91.50 FEET, THENCE RUN NORTH 74-04-13 WEST 40.90 FEET, NORTH 00-31-23 WEST 80.28 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MINNEOLA AVENUE, THENCE NORTH 90-00-00 EAST ALONG SAID LINE 40.22 FEET TO THE POINT OF BEGINNING ORB 5013 PG 1913 ORB 5365 PG 670

ALT Key 2659874: CLERMONT, PART OF UNNUMBERED BLK BOUNDED ON N BY RR R/W, ON S BY OSCEOLA ST, ON E BY W R/W OF WEST AVE, AND ON W BY W LINE OF SEC 24-22-25--LESS TRIANGULAR PARCEL DESC AS: BEG AT A PT ON S R/W OF RR & W LINE OF SEC 24 & RUN SE'LY ALONG SAID R/W 100 FT, SW'LY TO A PT ON W LINE OF SEC THAT IS 200 FT S OF POB, N TO POB & LESS RR DEPOT ON COR OF WEST AVE & OSCEOLA STS & LESS FROM NE COR OF LOT 1 BLK 94, SAID POINT ALSO BEING INTERSECTION OF W R/W LINE OF WEST AVE & S R/W LINE OF OSCEOLA ST RUN N 89DEG 31MIN 40SEC W ALONG SAID S R/W LINE 215.69 FT TO A POINT ON THE ARC OF A CURVE BEING CONCAVE SW'LY, HAVING A RADIUS OF 245.84 FT & A CENTRAL ANGLE OF 01DEG 37MIN 57SEC, SAID POINT ALSO BEING THE E'LY R/W LINE OF A PROPOSED ST, RUN NW'LY ALONG THE ARC OF SAID CURVE & SAID E'LY R/W AN ARC DIST OF 7 FT, SAID ARC HAVING A CHORD BEARING OF N 14DEG 52MIN 50SEC W & A CHORD DIST OF 7 FT TO THE POINT OF REVERSE CURVATURE OF A CURVE, BEING CONCAVE E'LY HAVING A RADIUS OF 71 FT & A CENTRAL ANGLE OF 38DEG 39MIN 27SEC, RUN NE'LY ALONG THE ARC OF SAID CURVE & SAID R/W AN ARC DIST OF 47.90 FT, SAID ARC HAVING A CHORD BEARING OF N 00DEG 34MIN 34SEC E & A CHORD DIST OF 47 FT TO THE POINT OF TANGENCY, RUN N 19DEG 53MIN 43SEC E ALONG SAID R/W 6.62 FT TO N R/W LINE OF OSCEOLA ST & POB, CONT N 19DEG 53MIN 43SEC E 19.65 FT TO S'LY R/W LINE OF SEABOARD COASTLINE OF RR & THE POINT ON THE ARC OF A CURVE BEING CONCAVE SW'LY, HAVING A RADIUS OF 2749.69 FT & A CENTRAL ANGLE OF 01DEG 00MIN 03SEC, THENCE RUN NW'LY ALONG THE ARC OF SAID CURVE & SAID R/W LINE AN ARC DIST OF 48.03 FT, SAID ARC HAVING A CHORD BEARING OF N 72DEG 07MIN 11SEC W & A CHORD DIST OF 48.03 FT TO THE W'LY R/W OF PROPOSED ST, RUN S 19DEG 53MIN 43SEC W ALONG SAID W'LY R/W A DIST OF 24.59 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE SE'LY, HAVING A RADIUS OF 119 FT & A CENTRAL ANGLE OF 04DEG 53MIN 15SEC, RUN ALONG THE ARC OF SAID CURVE & SAID R/W AN ARC DIST OF 10.15 FT, SAID ARC HAVING A CHORD BEARING OF S 17DEG 27MIN 06SEC W & A CHORD DIST OF 10.15 FT TO N R/W LINE OF OSCEOLA ST, S 89DEG 31MIN 40SEC E ALONG SAID R/W 50.44 FT TO POB PB 8 PGS 17-23 ORB 4696 PG 1065 ORB 4745 PG 1760

ALT Key 1616841: CLERMONT BEG ON W LINE OF SEC 24-22-25 WITH 25 FT NW'LY, MEASURED AT RIGHT ANGLES FROM CENTERLINE OF ACL RR R/W, THENCE SE'LY PARALLEL WITH SAID CENTERLINE OF RR R/W A DIST OF 174 FT, THENCE SW'LY AT RIGHT ANGLES FROM THE PRECEDING COURSE 3.50 FT TO A POINT 7.50 FT NW'LY MEASURED AT RIGHT ANGLE FROM CENTERLINE OF SAID RR R/W, THENCE SE'LY PARALLEL & CONCENTRIC WITH THE LAST MENTIONED CENTERLINE A DIST OF 300 FT, THENCE SE'LY 121 FT TO A POINT 7.70 FT NE'LY MEASURED AT RIGHT ANGLES FROM SAID LAST MENTIONED CENTERLINE, THENCE NE'LY 3.70 FT TO A POINT 25 FT NE'LY MEASURED RADially, FROM CENTERLINE OF SAID RR R/W, THENCE SE'LY, CONCENTRIC WITH THE CENTERLINE OF RR A 54 FT TO A POINT 100 FT W'LY FROM W LINE OF WEST AVE, IF PROJECTED NW'LY, THENCE NW'LY PARALLEL WITH SAID WEST AVE TO S BORDER OF LAKE MINNEOLA, THENCE W'LY ALONG THE MARGIN OF SAID LAKE 650 FT TO W LINE OF SAID SEC 24, S ALONG SAID W LINE 150 FT TO POB PB 8 PGS 17-23 ORB 1503 PG 262

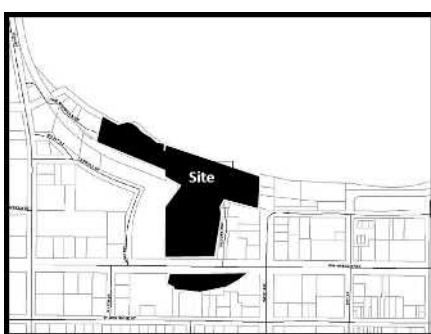
ALT Key 2749466: THAT PART OF INACTIVE FORMER SCL RR R/W OF VARYING WIDTHS EXTENDING FROM CENTERLINE OF SECOND ST W'LY TO W SECTION LINE ORB 1452 PG 1088

ALT Key 1616832: CLERMONT BLOCK BOUNDED E BY WEST AVE, N BY LAKE MINNEOLA, W BY W LINE OF SEC 24, S'LY BY RR R/W --LESS PACKING HOUSE TRACT DESCRIBED IN ORB 395 PG 727--(PB 8 PGS 17-23) ORB 1996 PG 0359

ALT Key 1622611: CLERMONT, JOHNSON'S REPLAT LOTS 1, 2, 3, BLK 117 PB 8 PG 71 ORB 1503 PG 262

ALT Key 1622638: CLERMONT, JOHNSON'S REPLAT LOTS 8, 9, 10 BLK 117 PB 8 PG 71 ORB 4242 PG 928

ALT Key 1622620: CLERMONT, JOHNSON'S REPLAT LOTS 4 TO 7 INCL, BLK 117 PB 8 PG 71



REQUESTED ACTION - CHANGE THE ZONING

FROM: Central Business District (CBD) and C-1 Light Commercial

TO: PR Parks and Recreation District

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, March 2, 2021 at 6:30 P.M.

A public meeting to consider this request will be held before the City Council on Tuesday, March 23, 2021 for final enactment.

All meetings will be held at City Hall, first floor Council Chambers, located at 685 W. Montrose Street, Clermont FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Clermont FL, 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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC

City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, March 9, 2021	
Agenda Item Name	
Ordinance No. 2021-012 <i>Introduction Pension Plans</i>	
Requested Action	
Recommend Approval	
Staff Report	
The Boards of Trustees for both police and fire pension plans decided in 2019 to separate the plan administration and the asset management from the package of bundled services offered by the Florida League of Cities. As a result of this decision, legal counsel for each Board coordinated with Daniel Mantzaris, the City Attorney, to restate the Plans by way of an ordinance for each Plan. The ordinances provide the City and the Boards a clear and more straightforward reference to the plan provisions than the earlier Prototype Plan Document and Adoption Agreement offered by Florida League of Cities. The Boards clarified or updated the following Plan provisions in the proposed ordinances: • Florida previously mandated that compensation used to determine pension benefits cannot include more than 300 hours of overtime in a year. The proposed ordinances establishes October 1, 2019 as the effective date for the limits on included overtime. • The proposed ordinances clarify the definition of credited service to match past practice tracing back to an earlier FL League adoption agreement. The definition for credited service rounds service to years and the nearest number of completed months. • The proposed ordinance for Fire includes new mandates by the Florida legislature to presume that certain cancers resulting in the death of a member were incurred in the line of duty. • The proposed ordinance for Fire includes new mandates by the Florida legislature to presume that certain cancers resulting in the disability of a member were incurred in the line of duty. • The proposed ordinances add new optional forms of benefit payment for members who do not enter the DROP (Deferred Retirement Option Plan) prior to retirement from the City. Members who do not DROP may elect to take up to 20% of the value of their pension benefit as a lump-sum payment. Actuary statement is provided stating no fiscal impact to the City. • Members receive allocations of a portion of the Chapter 175 (Fire) and Chapter 185 (Police) premium tax receipts contributed by Florida to member Share Accounts and vest in these accounts after 5 years. Proposed ordinance adds that once vested, members can use the vested Share Account balances to purchase prior qualifying police, fire, or military service credit. • The City also agreed to allow members to make additional contributions through payroll for purchases of prior qualifying police, fire, or military service credit. A \$0.98 administrative charge will be added for each additional contribution through payroll on behalf of a member. • Additional contributions by a member to purchase prior qualifying service credit do not receive interest. Members do get interest on the balance of regular required contributions to the Plans. • The proposed ordinances clarify that only members employed as of September 30 each year will receive new	

allocations of Chapter 175 and 185 premium tax receipts contributed by the state. This clarification was made to match past practice.

- The state earlier mandated that final average salary calculations will not include the value of leave time accumulated after the effective date. The proposed ordinance sets this effective date as February 14, 2014 for Fire and February 14, 2012 for Police, a clarification but not a change.
- Members have the option to receive service credit for periods of FMLA by making contributions to the Plans. Service credit for FMLA does not count toward vesting.
- Members terminated for cause cannot apply for a disability pension benefit after separation from employment at the City of Clermont.
- The proposed ordinance for Fire changes the required member contributions to the Plan to be made with pre-tax dollars. Police plan member contributions are currently pre-tax contributions.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact	Fund Number and Description	Available Budget Amount
---------------	-----------------------------	-------------------------

Exhibits Attached (copies of original agreements)

- | | | |
|----|---|---|
| 1. | Ord 2021-012 - Pension Boards Restatement & Exhibits A&B (03.01.2021 V2) - R&F BL | Ord 2021-012 - Pension Boards Restatement & Exhibits A&B (03.01.2021 V2) - R&F BL.pdf |
| 2. | ORDINANCE NO. 2021-012 Legal Ad Proof | ORDINANCE NO. 2021-012.pdf |
| 3. | Actuarial Letter - Police | Actuarial Letter - Police.pdf |
| 4. | Actuarial Letter - Fire | Actuarial Letter - Fire.pdf |



CITY OF CLERMONT
ORDINANCE NO. 2021-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, REPEALING ORDINANCE 304-C; AMENDING SECTION 46-21; AMENDING SECTION 46-23 TO ADD AN AMENDED AND RESTATED PLAN DOCUMENT FOR THE CITY OF CLERMONT POLICE OFFICERS' RETIREMENT PLAN; AMENDING SECTION 46-24 TO ADD AN AMENDED AND RESTATED PLAN DOCUMENT FOR THE CITY OF CLERMONT FIREFIGHTERS' RETIREMENT PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clermont Police Officers and the City of Clermont Firefighters are presently provided pension and certain other benefits under Ordinance No. 304-C;

WHEREAS, both the Board of Trustees of the Retirement Plan and Trust for Police Officers of the City of Clermont ("Police Officers' Board") and the Board of Trustees of the Retirement Plan and Trust for Firefighters of the City of Clermont ("Firefighters' Board") have changed administration for each Board and each plan document adopted by Ordinance No. 304-C was created and maintained by the former administrator;

WHEREAS, the Police Officers' Board and the Firefighters' Board have each created a new plan document with the same plan provisions, some administrative enhancements, and updates for compliance with State and Federal law;

WHEREAS, the City Council desires to amend and restate the provisions of the Police Officers' Retirement Plan and the Firefighters' Retirement Plan;

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Clermont, Lake County, Florida that:

SECTION 1.

Ordinance 304-C (February 2001) as amended is hereby repealed. In its place, two amended and restated plans are created: (1) **CITY OF CLERMONT POLICE OFFICERS' RETIREMENT PLAN** is created and codified as a part of the City Code at Section 46-23; and (2) **CITY OF CLERMONT FIREFIGHTERS' RETIREMENT PLAN** is created and codified as a part of the City Code at Section 46-24.

SECTION 2.

Section 46-21 is hereby amended to read as follows:

Sec. 46-21. - Clermont pension plan for police and firefighters and defined benefits general employees plan.

The city council confirms and adopts the Clermont Pension Plan for Police Officers, Firefighters and Defined Benefits General Employees Plan as amended and restated (effective date November 1, 1960) as it is set forth in full and on file in the city clerk's

office. The plan and trust shall be known as and may be referred to as the Clermont Pension Plan for Police and Fire Fighters and Defined Benefits Plan General Employees Plan (November 1, 1960). Effective October 1, 1985, the Defined Contribution Plan for General Employees was provided through a separate plan and trust as provided for in Section 46-22 of the City Code. Effective February 2001, the Police Officers and the Firefighters retirement benefits were provided through a separate plan and trust created by Ordinance 304-C. Effective [insert effective date], the retirement plans for the Police Officers and the Firefighters were amended and restated as provided for in Sections 46-23 and 46-24 of the City Code, respectively.

SECTION 3.

Section 46-23 is hereby amended to read as follows:

Sec. 46-23. - Retirement Plan and Trust for the Police Officers of the City of Clermont.

The city council adopts the amended and restated plan and trust for the Police Officers of the City of Clermont effective [insert effective date] as fully set forth in this Code. The plan shall be renamed as the City of Clermont Police Officers' Retirement Plan and all assets of the former Retirement Plan and Trust for the Police Officers of the City of Clermont are renamed also. ~~Retirement Plan and Trust for the Police Officers of the City of Clermont and the adoption agreement adopted by City of Clermont Ordinance No. 304-C (February 2001) as amended and as it is set forth in full and on file in the city clerk's office. The plan and trust shall be known as and may be referred to as the Retirement Plan and Trust for the Police Officers of the City of Clermont (February 2001).~~

[Insert all provisions from the attached Exhibit A]

SECTION 4.

Section 46-24 is hereby amended to read as follows:

Sec. 46-24. - Retirement Plan and Trust for the Firefighters of the City of Clermont.

The city council adopts the amended and restated plan and trust for the Firefighters of the City of Clermont effective [insert effective date] as fully set forth in this Code. The plan shall be renamed as the City of Clermont Firefighters' Retirement Plan and all assets of the former Retirement Plan and Trust for the Firefighters of the City of Clermont are renamed also. ~~Retirement Plan and Trust for the Police Officers of the City of Clermont and the adoption agreement adopted by City of Clermont Ordinance No. 304-C (February 2001) as amended and as it is set forth in full and on file in the city clerk's office. The plan and trust shall be known as and may be referred to as the Retirement Plan and Trust for the Police Officers of the City of Clermont (February 2001).~~

[Insert all provisions from the attached Exhibit B]

SECTION 5: CODIFICATION

Authority is hereby given to the City Clerk to codify the provisions of the Exhibits A and Exhibit B as if fully set forth in the City of Clermont Code at Sections 46-23 and 46-24 respectively.

SECTION 6: CONFLICT

Any portion of the City of Clermont Code or any Ordinance or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 7: SEVERABILITY

Should any Section or part of a Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may in separable in meaning and effect from the section to which such holding shall apply.

SECTION 8: PUBLICATION AND EFFECTIVE DATE

This ordinance shall be published as provided by law, and it shall become law and take effect upon its Second Reading and Final passage.



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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of March, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney

EXHIBIT A

CITY OF CLERMONT POLICE OFFICERS' RETIREMENT PLAN

Sec. 46-23.1 Definitions.

(a) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated contributions means a member's own contributions with interest at the rate of five percent (5.0%) per annum. Interest accrues only during periods when a member is accruing credited service. For those members who purchase credited service with interest or at no cost to the system, any payment representing the amount attributable to member contributions based on the applicable member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such credited service, shall be included in accumulated contributions without the crediting of interest of five percent (5.0%) per annum.

Actuarial equivalent means a benefit or amount of equal value, based upon the unisex mortality table promulgated by the Internal Revenue Service for purposes of Internal Revenue Code Section 417(e)(3), and an interest rate equal to the investment return assumption set forth in the last actuarial valuation report approved by the board. This definition may only be amended by the city pursuant to the recommendation of the board using assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

Average final compensation means one-twelfth (1/12) of the average salary of the five (5) best years of the last ten (10) years of credited service prior to retirement, termination, or death, or the career average as a full-time police officer, whichever is greater. A year shall be twelve (12) consecutive months.

Beneficiary means the person or persons entitled to receive benefits hereunder at the death of a member who has or have been designated in writing by the member and filed with the board. If no such designation is in effect, or if no person so designated is living, at the time of death of the member, the beneficiary shall be the estate of the member.

Board means the board of trustees, which shall administer and manage the system herein provided and serve as trustees of the fund.

City means City of Clermont, Florida.

Code means the Internal Revenue Code of 1986, as amended from time to time.

Credited service means the total number of years and fractional parts of years, computing fractional parts of years on the basis of the nearest number of completed months of service as a police officer with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a police officer. A member may voluntarily leave his accumulated contributions in the fund for a period of five (5) years after leaving the employ of the Police department pending the possibility of being reemployed as a police officer, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the Police department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a police officer with the Police department within five (5) years, his accumulated contributions, if one-thousand dollars (\$1,000.00) or less shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any re employment, a police officer shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the police officer repays

into the fund the contributions he has withdrawn, with interest, as determined by the board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a police officer with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

- (1) The member is entitled to reemployment under the provisions of USERRA.
- (2) The member returns to his employment as a police officer within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the City or in the plan year in which the member terminates employment.

Effective date means October 1, 1979.

Police officer means an actively employed full-time person, employed by the city, including his initial probationary employment period, who is certified as a police officer as a condition of employment in accordance with the provisions of F.S. '943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of the State of Florida.

Fund means the trust fund established herein as part of the system.

Member means an actively employed police officer who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the system adopted by city ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

Plan year means the twelve (12) month period beginning October 1 and ending September 30 of the following year.

Retiree means a member who has entered retirement status.



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Retirement means a member's separation from city employment with eligibility for immediate receipt of benefits under the system or entry into the deferred retirement option plan.

Salary means the total compensation for services rendered to the city as a police officer reportable on the member's W-2 form plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions, and any payments for extra duty or special detail work performed on behalf of a second party employer. Effective October 1, 2019, the amount of annual overtime compensation that may be included in the calculation of a retirement benefit shall be limited to the first three hundred (300) hours of overtime paid per calendar year. The amount of the accrued unused sick or annual leave payment at retirement that may be included in the retirement benefit shall be the lesser of (a) the total value of accrued unused sick or annual leave that would have been paid to the member based on years of service as of February 14, 2012 or (b) the actual amount of accrued unused sick or annual leave paid to the member at retirement, regardless of whether the amount of sick or annual leave was, at some time prior to retirement, reduced below the amount on February 14, 2012.

Compensation in excess of the limitations set forth in Section 401(a)(17) of the code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

Spouse means the member's or retiree's spouse under applicable law at the time benefits become payable.

System means the City of Clermont Police Officers' Retirement Plan as contained herein and all amendments thereto.

(b) *Masculine gender.* The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

Sec. 46-23.2. Membership.

- (a) *Conditions of eligibility.* All police officers as of the effective date, and all future new police officers, shall become members of this system as a condition of employment.
- (b) *Designation of beneficiary.* Each police officer shall complete a form prescribed by the board designating a beneficiary or beneficiaries.

Sec. 46-23.3. Board of trustees.



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(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this ordinance is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Clermont City Council, and two (2) of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the Clermont City Council. Upon receipt of the fifth person's name, the Clermont City Council shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a two (2) year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two (2) years, unless he sooner vacates the office or is sooner replaced by the Clermont City Council at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as but not vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(b) The trustees shall, by a majority vote, elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(c) Each trustee shall be entitled to one (1) vote on the board. Three (3) affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. ' 112.3143.

(d) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.

(e) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:

- (1) To construe the provisions of the system and determine all questions arising thereunder.
- (2) To determine all questions relating to eligibility and membership.
- (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
- (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
- (5) To distribute to members, at regular intervals, information concerning the system.
- (6) To receive and process all applications for benefits.



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- (7) To authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
- (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
- (9) To perform such other duties as are required to prudently administer the system.

Sec. 46-23.4. Finances and fund management.

Establishment and operation of fund.

(a) As part of the system, there is hereby established the fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the system, including the assets of the prior Police Officers' Retirement Plan.

(b) The actual custody and supervision of the fund (and assets thereof) shall be vested in the board. Payment of benefits and disbursements from the fund shall be made by the disbursing agent but only upon written authorization from the board.

(c) All funds of the Police Officers' Retirement Plan may be deposited by the board with the Finance Director of the city, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safekeeping of funds for the city. However, any funds so deposited with the Finance Director of the city shall be kept in a separate fund by the Finance Director or clearly identified as such funds of the Police Officers' Retirement Plan. In lieu thereof, the board shall deposit the funds of the Police Officers' Retirement Plan in a qualified public depository as defined in F.S. ' 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of F.S. ch. 280. In order to fulfill its investment responsibilities as set forth herein, the board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the board, in the investment of all fund assets.

(d) All funds and securities of the system may be commingled in the fund, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate current accounts and entries as regards the following:

- (1) Current amounts of accumulated contributions of members on both an individual and aggregate account basis, and
- (2) Receipts and disbursements, and
- (3) Benefit payments, and
- (4) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the city, and
- (5) All interest, dividends and gains (or losses) whatsoever, and
- (6) Such other entries as may be properly required so as to reflect a clear and complete financial report of the fund.

(e) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the system showing a detailed listing of assets and a statement of all income



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and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

- (f) The board shall have the following investment powers and authority:
 - (1) The board shall be vested with full legal title to said fund, subject, however, and in any event to the authority and power of the Clermont City Council to amend or terminate this fund, provided that no amendment or fund termination shall ever result in the use of any assets of this fund except for the payment of regular expenses and benefits under this system, except as otherwise provided herein. All contributions from time to time paid into the fund, and the income thereof, without distinction between principal and income, shall be held and administered by the board or its agent in the fund and the board shall not be required to segregate or invest separately any portion of the fund.
 - (2) All monies paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any part of such funds shall be subject to the following:
 - a. Notwithstanding any limitation provided for in F.S. ch. 185, to the contrary (unless such limitation may not be amended by local ordinance) or any limitation in prior city ordinances to the contrary, all monies paid into or held in the fund may be invested and reinvested in such securities, investment vehicles or property wherever situated and of whatever kind, as shall be approved by the board, including but not limited to common or preferred stocks, bonds, and other evidences of indebtedness or ownership. In no event, however, shall more than twenty-five percent of the assets of the fund at market value be invested in foreign securities.
 - b. The board shall develop and adopt a written investment policy statement setting forth permissible types of investments, goals and objectives of investments and setting quality and quantity limitations on investments in accordance with the recommendations of its investment consultants. The investment policy statement shall be reviewed by the board at least annually.
 - c. In addition, the board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1 IRS Notice 2012-6 and Revenue Ruling 2014-24, or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the code, individual retirement accounts that are exempt under section 408(e) of the code, eligible governmental plans that meet the requirements of section 457(b) of the code, and governmental plans under 401(a)(24) of the code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.
 - 1. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection c. shall be adopted by the



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board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.

2. The separate account maintained by the group trust for the plan pursuant to subsection c. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
3. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.
- (3) At least once every three (3) years, and more often as determined by the board, the board shall retain a professionally qualified independent consultant, as defined in F.S. ' 185.06, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the board at its next regularly scheduled meeting.
- (4) The board may retain in cash and keep unproductive of income such amount of the fund as it may deem advisable, having regard for the cash requirements of the system.
- (5) Neither the board nor any trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the fund, except that due to his or its own negligence, willful misconduct or lack of good faith.
- (6) The board may cause any investment in securities held by it to be registered in or transferred into its name as trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the fund.
- (7) The board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the fund which it may deem to be to the best interest of the fund to exercise.
- (8) The board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.
- (9) Where any action which the board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a member, the city, or any other entity, of specific information, certification, direction or instructions, the board shall be free



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of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.

- (10) Any overpayments or underpayments from the fund to a member, retiree or beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the board in such a manner that the actuarial equivalent of the benefit to which the member, retiree or beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the fund in a prudent manner.
- (11) The board shall sustain no liability whatsoever for the sufficiency of the fund to meet the payments and benefits provided for herein.
- (12) In any application to or proceeding or action in the courts, only the board shall be a necessary party, and no member or other person having an interest in the fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.
- (13) Any of the foregoing powers and functions reposed in the board may be performed or carried out by the board through duly authorized agents, provided that the board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said fund shall always remain in the board.

Sec. 46-23.5. Contributions.

- (a) *Member contributions.*
 - (1) *Amount.* Each member of the system shall be required to make regular contributions to the fund in the amount of five percent (5.0%) of his salary. Member contributions withheld by the city on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to '414(h) of the code. Such designation is contingent upon the contributions being excluded from the members' gross income for Federal Income Tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.
 - (2) *Method.* Such contributions shall be made by payroll deduction.
- (b) *State contributions.* Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for police officers of the city shall be deposited in the fund comprising part of this system immediately and under no circumstances more than five (5) days after receipt by the city.
- (c) *City contributions.* So long as this system is in effect, the city shall make quarterly contributions to the fund in an amount equal to the required city contribution as shown by the applicable actuarial valuation of the system.
- (d) *Other.* Private donations, gifts and contributions may be deposited to the fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. funds arising from these sources may be used only for additional benefits for members, as determined by the board, and may not be used to reduce what would have otherwise been required city contributions.



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Sec. 46-23.6. Benefit amounts and eligibility.

(a) *Normal retirement age and date.* A member's normal retirement age is the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of credited service, or the completion of twenty (20) years of credited service, regardless of age. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the City after attaining normal retirement age.

(b) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 and three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002.

(c) *Early retirement date.* A member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of credited service. Early retirement under the system is retirement from employment with the city on or after the early retirement date and prior to the normal retirement date.

(d) *Early retirement benefit.* A member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

- (1) A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date, determined based upon his actual years of credited service as a police officer and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, determined based upon his actual years of credited service, except that credited service and average final compensation shall be determined as of his early retirement date; or
- (2) An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in paragraph (1) above, reduced by three percent (3.0%) for each year by which the commencement of benefits precedes the date which would have been the member's normal retirement date, determined based upon his actual years of credited service.

(e) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than the member's required beginning date, as provided under Section 46-23.16.

Sec. 46-23.7. Pre-retirement death.

(a) *Death prior to vesting, not-in-line of duty.* The beneficiary of a deceased member who was not receiving monthly benefits or who was not yet vested or eligible for early or normal



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retirement and dies not-in-line of duty shall receive a refund of one hundred (100) percent of the member's accumulated contributions.

(b) *Death after vesting, not-in-line of duty.* The beneficiary of a deceased member who was not receiving monthly benefits and who was vested and dies not-in-line of duty shall receive the benefits otherwise payable to the member at the member=s early or normal retirement date, determined based on his actual years of credited service.

(c) *Death prior to vesting, in-line of duty.* If a member dies prior to retirement in-the-line-of-duty, and he is not vested, his beneficiary shall receive the benefit provided for in (d) below.

(d) *Death after vesting, in-line of duty.* If a member, other than a participant in the DROP under Section 46-23.30 dies in-the-line-of-duty, the following benefits are payable:

- (1) If the member dies leaving a surviving spouse, the surviving spouse may receive a monthly pension equal to one hundred percent (100%) of the monthly salary being received by the member at the time of the member's death for the rest of the surviving spouse's lifetime. Benefits provided by this paragraph supersede any other distribution that may have been provided by the member's designation of beneficiary. Such benefit ceases upon the surviving spouse=s death, unless the member=s minor children survive the spouse as provided for in paragraph (d)(2) of this subsection.
- (2) If the surviving spouse dies and the member=s minor children survive the spouse, the monthly payments that otherwise would have been payable to such surviving spouse shall be paid for the use and benefit of the member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of the member's child if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.
- (3) If the member dies leaves no surviving spouse but is survived by a child or children under 18 years of age and unmarried, the benefits provided by subparagraph (1), shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of any of the member's children if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.
- (4) If the member dies leaving no surviving spouse and no child or children under 18 years of age and unmarried and no child under age 25 and unmarried and enrolled as a full-time student, then the member's beneficiary shall receive the greater of (I) the member's accrued benefit or (ii) 42% of the member's average final compensation, with the applicable annuity amount payable for 10 years. If the named beneficiary dies before the full 10 years of payments are made, the remaining benefit payments will be paid in a lump sum to the estate of the beneficiary.



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- (5) For purposes of determining whether a death is in-the-line-of-duty, the presumption and additional presumption provided for in Sec. 46-23.8 (b)(1) and (b)(2) shall apply.
- (6) In all cases, the benefits paid in subsections (1), (2) and (3) above will be at least the member=s accrued benefit paid for 10 years. In the event that the surviving spouse or children=s benefits cease due to death or reaching the age of majority as provided for herein, the benefit will be paid to the estate of the survivor payee (i.e. the surviving spouse or surviving children).
- (e) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin no later than the beginning date provided under Sec. 46-23.16(b)(2)a.
- (f) The Uniform Lifetime Table in Treasury Regulations ' 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.

Sec. 46-23.8. Disability.

- (a) *Disability benefits in-line of duty.* Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer, which disability was directly caused by the performance of his duty as a police officer, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to the greater of (a) the member=s accumulated contributions at five percent (5.0%) interest or (b) the greater of (i) two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 plus three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002 or (ii) forty-two percent (42%) of the average final compensation of the member. Eligibility requirements for disability benefits are set forth in subsection (g), below.
- (b) *In-line of duty presumptions.*
 - (1) *Presumption.* Any condition or impairment of health of a member caused by hypertension or heart disease shall be presumed to have been suffered in line of duty unless the contrary is shown by competent evidence, provided that such member shall have successfully passed a physical examination upon entering into such service, including cardiogram, which examination failed to reveal any evidence of such condition; and provided further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.
 - (2) *Additional presumption.* The presumption provided for in this paragraph (2) shall apply only to those conditions described in this paragraph (2) that are diagnosed on or after January 1, 1996.
 - a. *Definitions.* As used in this subsection (b)(2), the following definitions apply:
 - 1. "Body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of meningococcal meningitis or

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tuberculosis, the term "body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.

2. "Emergency rescue or public safety member" means any member employed full time by the city as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public safety member" does not include any person employed by a public hospital licensed under F.S. ch. 395, or any person employed by a subsidiary thereof.
 3. "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.
 4. "High risk of occupational exposure" means that risk that is incurred because a person subject to the provisions of this subsection, in performing the basic duties associated with his employment:
 - i. Provides emergency medical treatment in a non-health-care setting where there is a potential for transfer of body fluids between persons;
 - ii. At the site of an accident, fire, or other rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;
 - iii. Engages in the pursuit, apprehension, and arrest of law violators or suspected law violators and, in performing such duties, may be exposed to body fluids; or
 - iv. Is responsible for the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, while on work detail outside the facility, or while being transported and, in performing such duties, may be exposed to body fluids.
 5. "Occupational exposure," in the case of hepatitis, meningococcal meningitis, or tuberculosis, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.
- b. *Presumption.* Any emergency rescue or public safety member who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the



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member must, by written affidavit as provided in F.S. '92.50, verify by written declaration that, to the best of his knowledge and belief:

1. In the case of a medical condition caused by or derived from hepatitis, he has not:
 - i. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his employment;
 - ii. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;
 - iii. Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control or the Surgeon General of the United States or had sexual relations with a person known to him to have engaged in such unsafe sexual practices or other high-risk behavior; or
 - iv. Used intravenous drugs not prescribed by a physician.
 2. In the case of meningococcal meningitis, in the ten (10) days immediately preceding diagnosis he was not exposed, outside the scope of his employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.
 3. In the case of tuberculosis, in the period of time since the member's last negative tuberculosis skin test, he has not been exposed, outside the scope of his employment, to any person known by him to have tuberculosis.
- c. *Immunization.* Whenever any standard, medically recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the U.S. Public Health Service, an emergency rescue or public safety member may be required by the city to undergo the immunization or prophylaxis unless the member's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the member's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety member to undergo such immunization or prophylaxis disqualifies the member from the benefits of the presumption.
- d. *Record of exposures.* The city shall maintain a record of any known or reasonably suspected exposure of an emergency rescue or public safety member in its employ to the disease described in this section and shall immediately notify the member of such exposure. An emergency rescue or public safety member shall file an incident or accident report with the city



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of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

e. *Required medical tests; preemployment physical.* In order to be entitled to the presumption provided by this section:

1. An emergency rescue or public safety member must, prior to diagnosis, have undergone standard, medically acceptable tests for evidence of the communicable disease for which the presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection. This paragraph does not apply in the case of meningococcal meningitis.
2. On or after June 15, 1995, an emergency rescue or public safety member may be required to undergo a preemployment physical examination that tests for and fails to reveal any evidence of hepatitis or tuberculosis.

(c) *Disability benefits not-in-line of duty.* Any member with ten (10) years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer, which disability is not directly caused by the performance of his duties as a police officer shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to the greater of (a) the member's accumulated contributions at five percent (5.0%) interest or (b) the greater of (i) two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 plus three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002. Eligibility requirements for disability benefits are set forth in subsection (g), below.

(d) *Conditions disqualifying disability benefits.* Each member who is claiming disability benefits shall establish, to the satisfaction of the board, that such disability was not occasioned primarily by:

- (1) Excessive or habitual use of any drugs, intoxicants or narcotics.
- (2) Injury or disease sustained while willfully and illegally participating in fights, riots or civil insurrections or while committing a crime.
- (3) Injury or disease sustained while serving in any branch of the Armed Forces.
- (4) Injury or disease sustained by the member after his employment as a police officer with the city of Clermont shall have terminated.
- (5) Injury or disease sustained by the member while working for anyone other than the city and arising out of such employment.

(e) *Physical examination requirement.* A member shall not become eligible for disability benefits until and unless he undergoes a physical examination by a qualified physician or physicians and/or surgeon or surgeons, who shall be selected by the board for that purpose. The board shall not select the member's treating physician or surgeon for this purpose except in an unusual case where the board determines that it would be reasonable and prudent to do so.

Any retiree receiving disability benefits under provisions of this ordinance may be required by the board to submit sworn statements of his condition accompanied by a physician's statement (provided at the retiree's expense) to the board annually and may be required by the board to undergo additional periodic re-examinations by a qualified physician or physicians and/or



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surgeon or surgeons who shall be selected by the board, to determine if such disability has ceased to exist. If the board finds that the retiree is no longer permanently and totally disabled to the extent that he is unable to render useful and efficient service as a police officer, the board shall recommend to the city that the retiree be returned to performance of duty as a police officer, and the retiree so returned shall enjoy the same rights that he had at the time he was placed upon pension. In the event the retiree so ordered to return shall refuse to comply with the order within thirty (30) days from the issuance thereof, he shall forfeit the right to his pension.

The cost of the physical examination and/or re-examination of the member claiming or the retiree receiving disability benefits shall be borne by the fund. All other reasonable costs as determined by the board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the fund.

If the retiree recovers from disability and reenters the service of the city as a police officer, his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the city will not be considered as credited service for the purposes of the system.

The board shall have the power and authority to make the final decisions regarding all disability claims.

(f) *Disability payments.* The monthly benefit to which a member is entitled in the event of the member's disability retirement shall be payable on the first day of the first month after the board determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be:

- (1) If the retiree recovers from the disability, the payment due next preceding the date of such recovery, or
- (2) If the retiree dies without recovering from disability, the payment due next preceding his death or the 120th monthly payment, whichever is later.

Provided, however, the disability retiree may select, at any time prior to the date on which benefit payments begin, an optional form of benefit payment as described in section 46-23.10, subsection (a)(1) or (a)(2), which shall be the actuarial equivalent of the normal form of benefit.

(g) *Eligibility for Disability Benefits.* Subject to (g)(4) below, only active members of the system on the date the board determines entitlement to a disability benefit are eligible for disability benefits.

- (1) Terminated persons, either vested or non-vested, are not eligible for disability benefits.
- (2) If a member voluntarily terminates his employment, either before or after filing an application for disability benefits, he is not eligible for disability benefits.
- (3) If a member is terminated by the City for any reason other than for medical reasons, either before or after he files an application for disability benefits, he is not eligible for disability benefits.
- (4) The only exception to (1) above is:
 - a. If the member is terminated by the City for medical reasons and he has already applied for disability benefits before the medical termination, or;



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- b. If the member is terminated by the City for medical reasons and he applies within 30 days after the medical termination date.

If either (4)a., or (4)b. above applies, the member's application will be processed and fully considered by the board.

(h) *Workers' compensation.* When a retiree is receiving a disability pension and workers' compensation benefits pursuant to F.S. ch. 440, for the same disability, and the total monthly benefits received from both exceed one hundred (100) percent of the member's average monthly wage, as defined in F.S. ch. 440, the disability pension benefit shall be reduced so that the total monthly amount received by the retiree does not exceed one hundred (100) percent of such average monthly wage. The amount of any lump sum workers' compensation payment shall be converted to an equivalent monthly benefit payable for ten (10) years certain by dividing the lump sum amount by 83.9692. Notwithstanding the foregoing, in no event shall the disability pension benefit be reduced below the greater of forty-two (42) percent of average final compensation or two and three quarters (2.75) percent of average final compensation times years of credited service.

Sec. 46-23.9. Vesting.

If a member terminates his employment as a police officer, either voluntarily or by discharge, and is not eligible for any other benefits under this system, the member shall be entitled to the following:

(a) If the member has less than five (5) years credited service upon termination, the member shall be entitled to a refund of his accumulated contributions or the member may leave it deposited with the fund.

(b) If the member has more than five (5), but less than ten (10) years of credited service upon termination, the member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the member's credited service, average final compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the member's otherwise normal or early retirement date, based on his actual years of credited service, provided he does not elect to withdraw his accumulated contributions and provided the member survives to his otherwise normal or early retirement date in accordance with the following schedule:

Years of Service	Vested Percentage (%)
5	50%
6	60%
7	70%
8	80%
9	90%

For purposes of this section only, a member may start drawing his vested accrued benefit at age fifty-five (55). An early retirement deduction will be based on the years between age fifty-five (55) and his early retirement date.



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(c) If the member has more than ten (10) years of credited service upon termination, the member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the member's credited service, average final compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the member's otherwise normal or early retirement date, based upon his actual years of credited service, provided he does not elect to withdraw his accumulated contributions and provided the member survives to his otherwise normal or early retirement date

(d) If the member does not withdraw his accumulated contributions and does not survive to his otherwise normal or early retirement date, his designated beneficiary shall be entitled to a benefit as provided herein for a deceased member, vested or eligible for retirement under pre-retirement death.

Sec. 46-23.10. Optional forms of benefits.

(a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a member, upon written request to the board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one (1) of the following options:

- (1) A retirement income of a monthly amount payable to the retiree for his lifetime only.
- (2) A retirement income of a modified monthly amount, payable to the retiree during the lifetime of the retiree and following the death of the retiree, one hundred (100) percent, seventy-five (75) percent, sixty-six and two-thirds (66-2/3) percent or fifty (50) percent of such monthly amount payable to a joint pensioner for his lifetime.

Except where the Retiree's joint pensioner is his spouse, the payments to the joint pensioner as a percentage of the payments to the Retiree shall not exceed the applicable percentage provided for in the applicable table in the Treasury regulations. (See Q&A-2 of 1.401(a)(9)-6)

- (3) If a member retires prior to the time at which social security benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of retirement. The amounts payable shall be as recommended by the actuaries for the system, based upon the social security law in effect at the time of the member's retirement.
- (4) For Members who do not participate in the DROP pursuant to Section 46-23.30, the member may elect a percentage of benefit in a lump sum as follows:
 - a. Five percent (5%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining ninety-five percent (95%) paid under the normal form or as per (1), (2), or (3) above.
 - b. Ten percent (10%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining ninety percent (90%) paid under the normal form or as per (1), (2), or (3) above.
 - c. Fifteen percent (15%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining eighty-five percent (85%) paid under the normal form or as per (1), (2), or (3) above.



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- d. Twenty percent (20%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining eighty percent (80%) paid under the normal form or as per (1), (2), or (3) above.

(b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary (or beneficiaries) to receive the benefit, if any, payable under the system in the event of member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one (1) or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and member's retirement income benefits have commenced, member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

(c) The consent of a member's or retiree's joint pensioner or beneficiary to any such change shall not be required. The rights of all previously-designated beneficiaries to receive benefits under the system shall thereupon cease.

(d) Upon change of a retiree's joint pensioner in accordance with this section, the amount of the retirement income payable to the retiree shall be actuarially redetermined to take into account the age of the former joint pensioner, the new joint pensioner and the retiree and to ensure that the benefit paid is the actuarial equivalent of the present value of the retiree's then-current benefit at the time of the change. Any such retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the board and on completion will be filed with the board. In the event that no designated beneficiary survives the retiree, such benefits as are payable in the event of the death of the retiree subsequent to his retirement shall be paid as provided in section 46-23.11.

(e) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:

- (1) If a member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under section 46-23.7.
- (2) If the designated beneficiary (or beneficiaries) or joint pensioner dies before the member's retirement under the system, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the member upon his retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this section or a new beneficiary is designated by the member prior to his retirement.
- (3) If both the retiree and the beneficiary (or beneficiaries) designated by member or retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection (a), the board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with section 46-23.11.
- (4) If a member continues beyond his normal retirement date pursuant to the provisions of section 46-23.6, subsection (a), and dies prior to his actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a beneficiary (or beneficiaries) designated by the member in the



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amount or amounts computed as if the member had retired under the option on the date on which his death occurred.

- (5) The member's benefit under this section must begin to be distributed to the member no later than the member's required beginning date, as provided under Sec. 46-23.16.

(f) A retiree may not change his retirement option after the date of cashing or depositing his first retirement check.

(g) Notwithstanding anything herein to the contrary, the board in its discretion, may elect to make a lump sum payment to a member or a member's beneficiary in the event that the total commuted value of the monthly income payments to be paid do not exceed one thousand dollars (\$1,000.00). Any such payment made to any person pursuant to the power and discretion conferred upon the board by the preceding sentence shall operate as a complete discharge of all obligations under the system with regard to such member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

Sec. 46-23.11. Beneficiaries.

(a) Each member or retiree may, on a form provided for that purpose, signed and filed with the board, designate a beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such member or retiree by signing and filing with the board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated beneficiaries to receive any benefits under the system shall cease.

(b) If a deceased member or retiree failed to name a beneficiary in the manner prescribed in subsection (a), or if the beneficiary (or beneficiaries) named by a deceased member or retiree predeceases the member or retiree, the death benefit, if any, which may be payable under the system with respect to such deceased member or retiree, shall be paid to the estate of the member or retiree and the board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.

(c) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the system with regard to the deceased member and any other persons with rights under the system and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

Sec. 46-23.12. Claims procedures.

(a) The board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("claimant"), including members, retirees, beneficiaries, or any person affected by a decision of the board.

(b) The board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the board's claims procedures. The claimant may request in writing the issuance of subpoenas by the board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.



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Sec. 46-23.13. Reports to division of retirement.

Each year and no later than March 15th, the board shall file an annual report with the Division of Retirement containing the documents and information required by F.S. ' 185.221.

Sec. 46-23.14. Roster of retirees.

The secretary of the board shall keep a record of all persons enjoying a pension under the provisions of this ordinance in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. Additionally, the secretary shall keep a record of all members in such a manner as to show the name, address, date of employment and date of termination of employment.

Sec. 46-23.15. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to basic limitation for form of benefit.* If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

- (1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
 - a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or
 - b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of



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benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (I) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

- (2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:
- a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;
 - b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (I) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or
 - c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (I) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.
- (3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits not taken into account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

- (1) Any ancillary benefit which is not directly related to retirement income benefits;
- (2) Any other benefit not required under '415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1)); and
- (3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

- (1) A member's applicable limit will be applied to the member's annual benefit in the member's first limitation year of benefit payments without regard to any automatic cost of living adjustments;
- (2) thereafter, in any subsequent limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- (3) in no event shall a member's benefit payable under the system in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(e) *Other adjustments in limitations.*

- (1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- (2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.
- (3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 46-23.8, or pre-retirement death benefits paid pursuant to Sec. 46-23.7.
- (4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than ten (10) years of participation.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 46-23.8, or pre-retirement death benefits paid pursuant to Sec. 46-23.7.

(g) *Participation in other defined benefit plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten thousand dollar (\$10,000) limit; less than ten years of service.* Notwithstanding anything in this Sec. 46-23.15, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of Sec. 46-23.15 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable limitation year and for any prior limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of Sec. 46-23.15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service credit purchase limits.*

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Sections 46-23.25 and 46-23.26, then the requirements of this section will be treated as met only if:

- a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
- b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this

subparagraph, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph.

- (2) For purposes of this subsection the term "permissive service credit" means service credit
- a. recognized by the system for purposes of calculating a member's benefit under the plan,
 - b. which such member has not received under the plan, and
 - c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

- (1) For purposes of applying the Code Section 415(c) limits which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).
- a. However, for limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).
 - b. For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of 22 months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

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1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
 2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.
 - c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.
- (2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:
- a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
 - b. If payment pursuant to subparagraph (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.
- (3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).
- (4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.
- (1) *Additional limitation on pension benefits.* Notwithstanding anything herein to the contrary:
- (1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
 - (2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or

pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 1223, Title 10, U.S. Code.

(m) *Effect of Direct Rollover on 415(b) Limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).**Sec. 46-23.16. Minimum Distribution of benefits.**

(a) *General rules.*

- (1) *Effective date.* Effective as of January 1, 1989, the plan will pay all benefits in accordance with a good faith interpretation of the requirements of Code Section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Code Section 414(d). Effective on and after January 1, 2003, the plan is also subject to the specific provisions contained in this Section. The provisions of this section will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.
- (2) *Precedence.* The requirements of this section will take precedence over any inconsistent provisions of the plan.
- (3) *TEFRA Section 242(b)(2) Elections.* Notwithstanding the other provisions of this section other than this subsection (a)(3), distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the plan that related to Section 242(b)(2) of TEFRA.

(b) *Time and manner of distribution.*

- (1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the Member's required beginning date. For a member who attains age seventy and one-half (70 2) prior to January 1, 2020, the member=s required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the member attains age seventy and one-half (70 2) or (ii) the calendar year in which the member terminates employment with the City. For a member who attains age seventy and one-half (70 2) on or after January 1, 2020, the member=s required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the member attains age seventy-two (72) or (ii) the calendar year in which the member terminates employment with the City.
- (2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:
 - a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained age 70 2, (or age 72 for a member who would have attained age 702 after December 31, 2019) if later, as the surviving spouse elects.

- b. If the member's surviving spouse is not the member's sole designated beneficiary, then, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died.
- c. If there is no designated beneficiary as of September 30 of the year following the year of the member's death, the member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
- d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2), distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.) the date distributions are considered to begin is the date distributions actually commence.

- (3) *Death After Distributions Begin.* If the member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.
- (4) *Form of distribution.* Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with this section. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and Treasury regulations. Any part of the member's interest which is in the form of an individual account described in Section 414(k) of the Code will be distributed in a manner satisfying the requirements of Section 401(a)(9) of the Code and Treasury regulations that apply to individual accounts.
- (c) *Determination of amount to be distributed each year.*
- (1) *General requirements.* If the member's interest is paid in the form of annuity distributions under the plan, payments under the annuity will satisfy the following requirements:
 - a. The annuity distributions will be paid in periodic payments made at intervals not longer than one year.
 - b. The member's entire interest must be distributed pursuant to Sec. 46-23.6, Sec. 46-23.7, Sec. 46-23.9, or Sec. 46-23.10 (as applicable) and in any event over a period equal to or less than the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. The life expectancy of the member, the member's

spouse, or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

- (2) *Amount required to be distributed by required beginning date.* The amount that must be distributed on or before the member's required beginning date (or, if the member dies before distributions begin, the date distributions are required to begin under Sec. 46-23.7) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., monthly. All of the member's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.
- (3) *Additional accruals after first distribution calendar year.* Any additional benefits accruing to the member in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.
- (d) *General distribution rules.*
 - (1) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Code Section 401(a)(9)(G), and effective for any annuity commencing on or after January 1, 2008, the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.
 - (2) The death and disability benefits provided by the plan are limited by the incidental benefit rule set forth in Code Section 401(a)(9)(G) and Treasury Regulation Section 1.401-1(b)(1)(I) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25% of the cost for all of the members' benefits received from the retirement system.
- (e) *Definitions.*
 - (1) *Designated beneficiary.* The individual who is designated as the beneficiary under the plan and is the designated beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.
 - (2) *Distribution calendar year.* A calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to Sec. 46-23.7.

Sec. 46-23.17. Miscellaneous provisions.

(a) *Interest of members in system.* All assets of the fund are held in trust, and at no time prior to the satisfaction of all liabilities under the system with respect to retirees and members and their spouses or beneficiaries, shall any part of the corpus or income of the fund be used for or diverted to any purpose other than for their exclusive benefit.

(b) *No reduction of accrued benefits.* No amendment or ordinance shall be adopted by the City Council of the City of Clermont which shall have the effect of reducing the then vested accrued benefits of members or a member's beneficiaries.

(c) *Qualification of system.* It is intended that the system will constitute a qualified public pension plan under the applicable provisions of the code for a qualified plan under code section 401(a) and a governmental plan under code section 414(d), as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.

(d) *Use of forfeitures.* Forfeitures arising from terminations of service of members shall serve only to reduce future city contributions.

(e) *Prohibited Transactions.* Effective as of January 1, 1989, a board may not engage in a transaction prohibited by Code Section 503(b).

(f) *USERRA.* Effective December 12, 1994, notwithstanding any other provision of this system, contributions, benefits and service credit with respect to qualified military service are governed by Code Section 414(u) and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. To the extent that the definition of "credited service" sets forth contribution requirements that are more favorable to the member than the minimum compliance requirements, the more favorable provisions shall apply.

(g) *Vesting.*

(1) Member will be 100% vested in all benefits upon attainment of the plan's age and service requirements for the Plan's normal retirement benefit; and

(2) A member will be 100% vested in all accrued benefits, to the extent funded, if the plan is terminated or experiences a complete discontinuance of employer contributions.

(h) *Electronic forms.* In those circumstances where a written election or consent is not required by the plan or the Code, an oral, electronic, or telephonic form in lieu of or in addition to a written form may be prescribed by the board. However, where applicable, the board shall comply with Treas. Reg. ' 1.401(a)-21.

(i) *Compliance with Chapter 185, Florida Statutes.* It is intended that the system will continue to qualify for funding under F.S. ' determined based upon his actual years of Credited Service. Accordingly, unless otherwise required by law, any provision of the system which violates the requirements of F.S. ch. 185, as amended from time to time, shall be superseded by and administered in accordance with the requirements of such chapter.

(j) *Missing Benefit Recipients.* The System shall follow the procedures outlined in the IRS Employee Plans Compliance Resolution System (EPCRS) Program and other applicable IRS guidance to locate any missing individuals to whom a full unreduced benefit payment is due and if, at the conclusion of such efforts, the individual cannot be located, the existing procedure of cancelling payments otherwise due (provided that, if the individual is later located, the benefits due shall be paid) will apply.

Sec. 46-23.18. Repeal or termination of system.

(a) This ordinance establishing the system and fund, and subsequent ordinances pertaining to said system and fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby..

(b) If this ordinance shall be repealed, or if contributions to the system are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in F.S. ch. 121, the board shall continue to administer the system in accordance with the provisions of this ordinance, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said members. In the event of repeal, discontinuance of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting (100%) of benefits accrued to date of repeal and such benefits shall be nonforfeitable.

(c) The fund shall be distributed in accordance with the following procedures:

- (1) The board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the city if additional assets are required, in which event the city shall continue to financially support the plan until all nonforfeitable benefits have been funded.
- (2) The board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each police officer entitled to benefits under the plan as specified in subsection (3).
- (3) The board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the police officer's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the police officer.
- (4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the city, less return to the State of the State's contributions, provided that, if the excess is less than the total contributions made by the city and the State to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the city and the State.
- (5) The board shall distribute, in accordance with subsection (2), the amounts determined under subsection (3).

If, after twenty-four (24) months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued, the city or the board of the fund affected has not complied with all the provisions in

this section, the Florida Department of Management Services will affect the termination of the fund in accordance with this section.

Sec. 46-23.19. Domestic relations orders; retiree directed payments; Exemption from execution, non-assignability.

- (a) *Domestic relations orders.*
 - (1) Prior to the entry of any domestic relations order which affects or purports to affect the system's responsibility in connection with the payment of benefits of a retiree, the member or retiree shall submit the proposed order to the board for review to determine whether the system may legally honor the order.
 - (2) If a domestic relations order is not submitted to the board for review prior to entry of the order, and the system is ordered to take action that it may not legally take, and the system expends administrative or legal fees in resolving the matter, the member or retiree who submits such an order will be required to reimburse the system for its expenses in connection with the order.
- (b) *Retiree directed payments.* The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payment to insurance companies for insurance premiums as permitted by F.S. Chapter 185 and to make any payments for child support or alimony.
- (c) *Exemption from execution, non-assignability.* Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the accumulated contributions and the cash securities in the fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

Sec. 46-23.20. Pension validity.

The board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the board.

Sec. 46-23.21. Forfeiture of pension.

- (a) Any member who is convicted of the following offenses committed prior to retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this system,

except for the return of his accumulated contributions as of the date of termination. Specified offenses are as follows:

- (1) The committing, aiding or abetting of an embezzlement of public funds;
- (2) The committing, aiding or abetting of any theft by a public officer or employee from employer;
- (3) Bribery in connection with the employment of a public officer or employee;
- (4) Any felony specified in F.S. ch. 838;
- (5) The committing of an impeachable offense;
- (6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position; or
- (7) The committing on or after October 1, 2008, of any felony defined in F.S. Section 800.04, against a victim younger than sixteen (16) years of age, or any felony defined in F.S. ch. 794, against a victim younger than eighteen (18) years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

(b) Conviction shall be defined as an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the senate of an impeachable offense.

(c) Court shall be defined as any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense. Prior to forfeiture, the board shall hold a hearing on which notice shall be given to the member whose benefits are being considered for forfeiture. Said member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the member shall be afforded a full opportunity to present his case against forfeiture.

(d) Any member who has received benefits from the system in excess of his accumulated contributions after member's rights were forfeited shall be required to pay back to the fund the amount of the benefits received in excess of his accumulated contributions. The board may implement all legal action necessary to recover such funds.

Sec. 46-23.22. Conviction and forfeiture; false, misleading or fraudulent statements.

(a) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit from the system.

(b) A person who violates subsection (a) commits a misdemeanor of the first degree, punishable as provided in F.S. ' 775.082 or ' 775.083.

(c) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (a), a member or beneficiary of the system may, in the discretion of the board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the system. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

Sec. 46-23.23. Indemnification.

(a) To the extent not covered by insurance contracts in force from time to time, the city shall indemnify, defend and hold harmless members of the board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the board. The city reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the board from the judgment, execution, or levy thereon.

(b) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the city immunity from any suit in whole or part, or waive any other substantive or procedural rights the city may have.

(c) This section shall not apply nor shall the city be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the board which constitute felonies or gross malfeasance or gross misfeasance in office.

Sec. 46-23.24. Direct transfers of eligible rollover distributions.

(a) *Rollover distributions.*

(1) *General.* This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the system to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(2) *Definitions.*

a. *Eligible rollover distribution:* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the code and the portion of any distribution that is not includible in gross income. Effective January 1, 2002, any portion of any distribution which would be includible in gross income as after-tax employee contributions will be an eligible rollover

distribution if the distribution is made to an individual retirement account described in section 408(a); to an individual retirement annuity described in section 408(b); to a qualified defined contribution plan described in section 401(a) or 403(a) that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible; or on or after January 1, 2007, to a qualified defined benefit plan described in Code Section 401(a) or to an annuity contract described in Code Section 403(b), that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible.

- b. *Eligible retirement plan:* An eligible retirement plan is an individual retirement account described in section 408(a) of the code; an individual retirement annuity described in section 408(b) of the code; an annuity plan described in section 403(a) of the code; effective January 1, 2002, an eligible deferred compensation plan described in section 457(b) of the code which is maintained by an eligible employer described in section 457(e)(1)(A) of the code and which agrees to separately account for amounts transferred into such plan from this plan; effective January 1, 2002, an annuity contract described in section 403(b) of the code; a qualified trust described in section 401(a) of the code; or effective January 1, 2008, a Roth IRA described in section 408A of the code, that accepts the distributee's eligible rollover distribution. This definition shall also apply in the case of an eligible rollover distribution to the surviving spouse.
- c. *Distributee:* A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse. Effective January 1, 2007, it further includes a nonspouse beneficiary who is a designated beneficiary as defined by Code Section 401(a)(9)(E). However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.
- d. *Direct rollover:* A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

(b) *Rollovers or transfers into the fund.* On or after January 1, 2002, the system will accept, solely for the purpose of purchasing credited service as provided herein, permissible Member requested transfers of funds from other retirement or pension plans, member rollover cash contributions and/or direct cash rollovers of distributions made on or after January 1, 2002, as follows:

- (1) *Transfers and direct rollovers or member rollover contributions from other plans.* The system will accept either a direct rollover of an eligible rollover distribution or a member contribution of an eligible rollover distribution from a qualified plan described in section 401(a) or 403(a) of the Code, from an annuity contract described in section 403(b) of the Code or from an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The system will also accept legally permissible member requested transfers of funds from other retirement or pension plans.

- (2) *Member rollover contributions from IRAs.* The system will accept a member rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code that is eligible to be rolled over.
- (c) *Elimination of Mandatory Distributions.* Notwithstanding any other provision herein to the contrary, in the event this Plan provides for a mandatory (involuntary) cash distribution from the Plan not otherwise required by law, for an amount in excess of one-thousand dollars (\$1,000.00), such distribution shall be made from the Plan only upon written request of the Member and completion by the Member of a written election on forms designated by the Board, to either receive a cash lump sum or to rollover the lump sum amount.

Sec. 46-23.25. Family and medical leave act.

The fractional parts of the twelve (12) month period ending each March 1 that a member is on leave without pay from the city pursuant to the Family and Medical Leave Act (FMLA) shall be added to his credited service provided that:

- (1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.
- (2) The request for credited service for FMLA leave time for the twelve (12) month period prior to each March 1 and payment of professional fees shall be made on or before March 31.
- (3) Payment by the member of the required amount shall be made on or before April 30 for the preceding twelve (12) month period ending March 1 and shall be made in one (1) lump sum payment upon receipt of which credited service shall be issued.
- (4) Credited service purchased pursuant to this section shall not count toward vesting.

Sec. 46-23.26. Military service prior to employment.

The years or fractional parts of years that a police officer serves or has served on active duty in the military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily and honorably or under honorable conditions, prior to first and initial employment with the city Police department shall be added to his years of credited service provided that:

- (1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

- (2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.
- (3) Payment by the member of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one lump sum payment upon receipt of which credited service shall be given or the Member may elect to make payment for the requested Credited Service over a period of time as provided for in paragraph (6) below. Vested Members may use their Share Account balance to purchase this permissive service as provided for in section 46-23.29(l) of this system. The transfer of these Share Account funds does not convert the Share Account funds to employee contributions under this system.
- (4) The maximum credit under this section, combined with Section 46-23.27, Prior Police Service, shall be five (5) years.
- (5) Credited service purchased pursuant to this section shall count for all purposes, except vesting and eligibility for not-in-line of duty disability benefits.
- (6) In lieu of the lump sum payment provided for in paragraph (3) above, a member may elect to make payments over a period of time in order to fully pay the amount provided for in paragraph (1). The member shall be required to notify the board, in writing, of his election to make payments in the manner provided for in this paragraph. The payment plan provided for in this paragraph shall be subject to the following terms:
 - a. The principal amount to be paid shall be determined as set forth in paragraph (1) above.
 - b. The original principal amount shall be amortized over the period beginning with the first payment and ending no later than sixty (60) months from the date of the first payment and shall be reamortized annually to reflect changes in the interest rate provided for in subparagraph c. below.
 - c. Payments shall consist of principal and interest at a rate equal to the actuarially assumed rate of return on plan investments..
 - d. Payments shall be made by payroll deduction from each paycheck on an after-tax basis.
 - e. In the event that a member dies, retires (including entry into any Deferred Retirement Option Plan (DROP)) or otherwise terminates his employment, without having made full payment of the principal amount necessary to receive all credited service requested, the member shall receive so much of the credited service requested, determined using procedures established by the actuary, which could be purchased with the amount of principal paid by the member to the date of his death or termination of employment.
 - f. In the event that the member's employment is terminated for any reason and he is not entitled to any benefit from the system other than the return of the amounts he has had deducted from his paycheck as his normal contribution to the system, the amounts which the member has paid pursuant to this subsection to purchase additional credited service, shall be returned to him including all interest paid, however, no interest shall accrue on amounts paid to purchase service.

Sec. 46-23.27. Prior police service.

Unless otherwise prohibited by law, and except as provided for in Sec. 46-23.1, the years or fractional parts of years that a member previously served as a full-time police officer with the city during a period of previous employment and for which period accumulated contributions were withdrawn from the fund, or the years and fractional parts of years that a member served as a full-time police officer for any other municipal, county or state law enforcement department in the State of Florida shall be added to his years of credited service provided that:

- (1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.
- (2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.
- (3) Payment by the police officer of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one lump sum payment upon receipt of which credited service shall be given, or the Member may elect to make payment for the requested Credited Service over a period of time as provided for in paragraph (7) below. Vested Members may use their Share Account balance to purchase this permissive service as provided for in section 46-23.29(1) of this system. The transfer of these Share Account funds does not convert the Share Account funds to employee contributions under this system.
- (4) The maximum credit under this section for service other than with the City of Clermont, combined with Section 46-23.26, Prior Military Service, shall be five (5) years of credited service and shall count for all purposes, except vesting and eligibility for not-in-line of duty disability benefits. There shall be no maximum purchase of credit for prior service with the City of Clermont and such credit shall count for all purposes, including vesting.
- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in section 46-23.15, subsection (1)(2).
- (6) For purposes of determining credit for prior service as a police officer as provided for in this section, in addition to service as a police officer in this state, credit may be purchased by the member in the same manner as provided above for federal, other state, county or municipal service if the prior service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement, as provided under Chapter 943, Florida Statutes, or the police officer provides proof to the board that such service is equivalent to the service required to meet the definition of a police officer under Sec. 46-23.1, above.
- (7) In lieu of the lump sum payment provided for in paragraph (3) above, a member may elect to make payments over a period of time in order to fully pay the amount provided for in paragraph (1). The member shall be required to notify the board, in

writing, of his election to make payments in the manner provided for in this paragraph, The payment plan provided for in this paragraph shall be subject to the following terms:

- a. The principal amount to be paid shall be determined as set forth in paragraph (1) above.
- b. The original principal amount shall be amortized over the period beginning with the first payment and ending no later than sixty (60) months from the date of the first payment and shall be reamortized annually to reflect changes in the interest rate provided for in subparagraph c. below.
- c. Payments shall consist of principal and interest at a rate equal to the actuarially assumed rate of return on plan investments.
- d. Payments shall be made by payroll deduction from each paycheck on an after-tax basis.
- e. In the event that a member dies, retires (including entry into any Deferred Retirement Option Plan (DROP)) or otherwise terminates his employment, without having made full payment of the principal amount necessary to receive all credited service requested, the member shall receive so much of the credited service requested, determined using procedures established by the actuary, which could be purchased with the amount of principal paid by the member to the date of his death or termination of employment.
- f. In the event that the member's employment is terminated for any reason and he is not entitled to any benefit from the system other than the return of the amounts he has had deducted from his paycheck as his normal contribution to the system, the amounts which the member has paid pursuant to this subsection to purchase additional credited service, shall be returned to him including all interest paid, however, no interest shall accrue on amounts paid to purchase service.

Sec. 46-23.28. Reemployment after retirement

(a) Any retiree who is retired under this may be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Notwithstanding the previous sentence, reemployment by the city shall be subject to the limitations set forth in this section.

(b) *After normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed as a police officer after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by

the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit.

(c) Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue receipt of benefits during any subsequent employment period.

(d) *After early retirement.* Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity shall discontinue receipt of benefits from the system. If by virtue of that reemployment, the retiree is eligible to participate in this system, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, credited service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.

(e) *After disability retirement.*

- (1) Subject to paragraph (2) below, any retiree who is retired under section 46-23.8, Disability (A disability retiree@), may, subject to subsection (e), physical examination requirement, of that section, be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way, the retirement benefits payable under this system.
- (2) Any disability retiree who subsequently becomes an employee of the city in any capacity, except as a police officer, shall discontinue receipt of disability benefits from the system for the period of any such employment.
- (3) If a disability retiree is reemployed as a police officer for the city, his disability benefit shall cease, and Sec. 46-23.8 shall apply.

(f) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

(g) *DROP participants.* Retirees who were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

Sec. 46-23.29. Supplemental benefit component for special benefits; Chapter 185 share accounts.

There was established, effective January 26, 2016, an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefit to be in addition to the benefits provided for in the previous Sections of this plan, such benefit to be funded solely and entirely by F.S. Chapter 185, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. ' 185.35. Effective January 26, 2016, the City shall use 100% of all future Chapter 185 annual distributions up to the amount received in the 2012 calendar year (\$211,000) and 50% of any future annual amount in excess of the 2012 calendar year distribution to fund the normal cost of the pension plan. The remaining 50% of any future annual amounts in excess of the 2012 calendar year distribution shall be allocated to this supplemental component (AShare Plan@), and shall be further allocated to the members and DROP participants as follows:

(a) *Individual Member Share Accounts.* The board shall create individual "member share accounts" for all actively employed plan members and DROP participants and maintain appropriate books and records showing the respective interest of each member or DROP participant hereunder. Each member or DROP participant shall have a member share account for his share of the F.S. Chapter 185 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain separate member share accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

(b) *Share Account Funding.*

(1) Individual member share accounts were established as of January 26, 2016 for all members and DROP participants who were actively employed as of January 26, 2016. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (c) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2015.

(2) Any forfeitures as provided in subsection (d), shall be used as part of future allocations to the individual member share accounts in accordance with the formula set forth in subsection (c)(1).

(c) *Allocation of Monies to Share Accounts.*

(1) *Allocation of Chapter 185 Contributions.*

a. *Initial Allocation.* Effective January 26, 2016, the amount of any premium tax monies allocated to the share plan were allocated to individual member share accounts based on their completed months of credited service in proportion to the combined completed months of credited service of all participants.

All premium tax monies allocated to the share plan in any subsequent plan year shall be allocated as provided for in this subsection. Available

premium tax monies shall be allocated to individual member share accounts at the end of each plan year on September 30 (a Avaluation date@).

- b. *Annual Allocations.* On each valuation date, each current actively employed member of the plan not participating in the DROP and each active DROP participant shall receive a share allocation as follows:
- c. The total funds subject to allocation on each valuation date shall be divided equally among those persons eligible for an allocation and allocated to the member share account of those eligible for an allocation.
- d. Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.

- (2) *Allocation of Investment Gains and Losses.* On each valuation date, each individual member share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

- (3) *Allocation of Costs, Fees and Expenses.* The Board of Trustees shall pay all costs and expenses for the management and operation for the current fiscal year and shall set aside as much of the income as it considers advisable as a reserve for expenses for the next fiscal year.
- (4) *No Right to Allocation.* The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the Chapter 185 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.
- (5) Members and DROP participants shall be provided annual statements setting forth their share account balance as of the end of the plan year.

(d) *Forfeitures.* Any member who has less than five (5) years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (e) shall forfeit his individual member share account. Forfeited amounts shall be included and used as part of the Chapter 185 tax revenues for future allocations to individual member share accounts on each valuation date in accordance with the formula set forth in subsection (c)(1).

(e) *Eligibility For Benefits.* Any member (or his beneficiary) or DROP participant who terminates employment as a police officer with the City or who dies prior to a September 30

valuation date shall, upon application filed with the board, be entitled to be paid the value of his individual member share account, valued as of the immediately preceding valuation date, subject to the following criteria:

(1) *Retirement Benefit.*

- a. A member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early retirement pursuant to Section 46-23.6, or if the member enters the DROP, upon termination of employment.
- b. Such payment shall be made as provided in subsection (f).

(2) *Termination Benefit.*

- a. In the event that a member's employment as a police officer is terminated by reason other than retirement, death or disability, he shall be entitled to receive one hundred percent (100%) of the value of his share account, but only if he is either partially or totally vested in accordance with Section 46-23.9.
- b. Such payment shall be made as provided in subsection (f).

(3) *Disability Benefit.*

- a. In the event that a member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 46-23.8, subsection (a) or a not-in-line of duty disability benefit pursuant to Section 46-23.8, subsection (c), he shall be entitled to one hundred percent (100%) of the value of his share account.
- b. Such payment shall be made as provided in subsection (f).

(4) *Death Benefit.*

- a. In the event that a member or DROP participant dies while actively employed as a police officer, one hundred percent (100%) of the value of his member share account shall be paid to his designated Beneficiary as provided in Section 46-23.7.
- b. Such payment shall be made as provided in subsection (f).

(f) *Payment of Benefits.* Any person eligible for a share account benefit distribution as provided for in (e) above, shall receive an amount equal to the share account balance as of the immediately preceding valuation date (September 30). Payment of the calculated share account balance shall be payable as soon as administratively practicable following the date of retirement, termination, disability or death, but not later than one hundred fifty (150) days following the date of retirement, termination, disability or death, and shall be paid in one lump sum payment, subject to the provision for eligible rollover distributions provided for in Sec. 46-23.24. No optional forms of payments shall be permitted.

(g) *Benefits Not Guaranteed.* All benefits payable under this Section 46-23.29 shall be paid only from the assets accounted for in individual member share accounts. Neither the City nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the member share account balances, except due to his or its own

negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.

(h) *Notional account.* The member share account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member or DROP participant until the member's or DROP participant's termination from employment. The member or DROP participant has no control over the investment of the share account.

(i) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

(j) *Maximum Additions.* Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the code pursuant to the provisions of Section 46-23.15, subsection (k).

(k) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

(l) *Use for Permissive Service Purchase.* Vested Members may use their share account balance to purchase permissive service as defined in sections 46-23.26 and 46-23.27 of this system. The transfer of these funds does not convert the Share Account funds to employee contributions under this system.

Sec. 46-23.30. Deferred Retirement Option Plan.

(a) *Definitions.* As used in this section 46-23.30, the following definitions apply:

(1) *"DROP"* -- The City of City of Clermont Police Officers' Retirement Plan Deferred Retirement Option Plan.

(2) *"DROP account"* -- The account established for each DROP participant under subsection (c).

(b) *Participation.*

(1) *Eligibility to participate.* In lieu of terminating his employment as a Police Officer, any member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP.

(2) *Election to participate.* A member's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least fifteen (15) business days after it is received by the board.

(3) *Period of participation.* A member who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period not to exceed sixty (60) months beginning at the time his election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. A member may participate only once.

(4) *Termination of participation.*

- a. A member's participation in the DROP shall cease at the earlier of:
 1. the end of his permissible period of participation in the DROP as determined under subsection (b)(3); or
 2. termination of his employment as a Police Officer.
- b. Upon the member's termination of participation in the DROP, pursuant to subsection 1 above, all amounts provided for in subsection (c)(2), including monthly benefits and investment earnings and losses or interest, shall cease to be transferred from the system to his DROP account. Any amounts remaining in his DROP account shall be paid to him in accordance with the provisions of subsection (d) when he terminates his employment as a Police Officer.
- c. A member who terminates his participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.

(5) *Effect of DROP participation on the system.*

- a. A member's credited service and his accrued benefit under the system shall be determined on the date his election to participate in the DROP first becomes effective. For purposes of determining the accrued benefit, the member's salary for the purposes of calculating his average final compensation shall include an amount equal to any lump sum payments which would have been paid to the member and included as salary as defined herein, had the member retired under normal retirement and not elected DROP participation. Member contributions attributable to any lump sums used in the benefit calculation and not actually received by the member shall be deducted from the first payments to the member's DROP account. The member shall not accrue any additional credited service or any additional benefits under the system (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment for retirees in the system) while he is a participant in the DROP. After a member commences participation, he shall not be permitted to again contribute to the system nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Sec. 46-23.28.
- b. No amounts shall be paid to a member from the system while the member is a participant in the DROP. Unless otherwise specified in the system, if a member's participation in the DROP is terminated other than by terminating his employment as a Police Officer, no amounts shall be paid to him from the system until he terminates his employment as a Police Officer. Unless otherwise specified in the system, amounts transferred from the system to the member's DROP account shall be paid directly to the member only on the termination of his employment as a Police Officer.

(c) *Funding.*

- (1) *Establishment of DROP account.* A DROP account shall be established for each member participating in the DROP. A member's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2), and earnings or interest on those amounts.

(2) *Transfers from retirement system.*

- a. As of the first day of each month of a member's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his employment as a Police Officer and elected to receive monthly benefit payments thereunder shall be transferred to his DROP account, except as otherwise provided for in subsection (b)(4)b. A member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4), but in no event shall it continue past the date he terminates his employment as a Police Officer.
- b. Except as otherwise provided in subsection (b)(4)b., a member's DROP account under this subsection (c)(2) shall be credited with interest at an effective rate of six and one-half percent (6.5%) per annum compounded monthly determined on the last business day of the prior month's ending balance and credited to the member's DROP account as of such date (to be applicable to all current and future DROP participants).
- c. A member's DROP account shall only be credited with interest and monthly benefits while the member is a participant in the DROP. A member's final DROP account value for distribution to the member upon termination of participation in the DROP shall be the value of the account at the end of the month immediately preceding termination of participation plus any monthly periodic additions made to the DROP account subsequent to the end of the previous month, and prior to distribution. If a member fails to terminate employment after participating in the DROP for the permissible period of DROP participation, then beginning with the member's first month of employment following the last month of the permissible period of DROP participation, the member's DROP account will no longer be credited with interest, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the member is employed by the police department, and no cost-of-living adjustments shall be applied to the member's credit during such period of continued employment. A member employed by the police department after the permissible period of DROP participation will still not be eligible for pre-retirement death or disability benefits and will not accrue additional credited service except as provided for in section Sec. 46-23.28.

(d) *Distribution of DROP accounts on termination of employment.*

- (1) *Eligibility for benefits.* A member shall receive the balance in his DROP account in accordance with the provisions of this subsection (d) upon his termination of employment as a Police Officer. Except as provided in subsection (d)(5), no amounts shall be paid to a member from the DROP prior to his termination of employment as a Police Officer.

(2) *Form of distribution.*

- a. Distribution of his DROP account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection (d)(6); or
- b. The member may elect to have a partial lump sum amount paid to him or a surviving beneficiary, less taxes, with the remainder of the distribution of

his DROP account made in a lump sum, subject to the rollover provisions set forth in subsection (d)(6).

Elections under this paragraph shall be in writing and shall be made in such time or manner as the board shall determine. Notwithstanding the preceding, if a member dies before his benefit is paid, his DROP account shall be paid to his beneficiary in such optional form as his beneficiary may select. If no beneficiary designation is made, the DROP account shall be distributed to the member's estate.

- (3) *Date of payment of distribution.* Except as otherwise provided in this subsection (d), distribution of a member's DROP account shall be made as soon as administratively practicable following the member's termination of employment. Distribution of the amount in a Member's DROP account will not be made unless the Member completes a written request for distribution and a written election, on forms designated by the Board, to either receive a cash lump sum, a partial lump sum and partial rollover amount, or a rollover of the full lump sum amount.
- (4) *Proof of death and right of beneficiary or other person.* The board may require and rely upon such proof of death and such evidence of the right of any beneficiary or other person to receive the value of a deceased member's DROP account as the board may deem proper and its determination of the right of that beneficiary or other person to receive payment shall be conclusive.
- (5) *Distribution limitation.* Notwithstanding any other provision of subsection (d), all distributions from the DROP shall conform to the AMinimum Distribution Of Benefits@ provisions as provided for herein.
- (6) *Direct rollover of certain distributions.* This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in section 46-23.24.
- (e) *Administration of DROP.*
 - (1) *Board administers the DROP.* The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The members of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.
 - (2) *Individual accounts, records and reports.* The board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each member's DROP account, and the board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare and distribute to members

participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.

- (3) *Establishment of rules.* Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.
- (4) *Limitation of liability.*
 - a. The trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
 - b. Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.
- (f) *General provisions.*
 - (1) *The DROP is not a separate retirement plan.* Instead, it is a program under which a member who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this Sec. 46-23.30 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a member is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the member's monthly benefit.
 - (2) *Notional account.* The DROP account established for such a member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from the DROP. The member has no control over the investment of the DROP account.
 - (3) *No employer discretion.* The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
 - (4) *IRC limit.* The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
 - (5) *Amendment of DROP.* The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP.

However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any member.

- (6) *Facility of payment.* If a member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
- (7) *Information.* Each member, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the board the information that it shall require to establish his rights and benefits under the DROP.
- (8) *Written elections, notification.*
 - a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
 - b. Each member or Retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or Retiree notifies the board of his address.
- (9) *Benefits not guaranteed.* All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.
- (10) *Construction.*
 - a. The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.
 - b. The titles and headings of the subsections in this section 46-23.30 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.
- (11) *Forfeiture of retirement benefits.* Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions

applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

- (12) *Effect of DROP participation on employment.* Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

EXHIBIT B

CITY OF CLERMONT FIREFIGHTERS' RETIREMENT PLAN

Sec. 46-24.1 Definitions.

(a) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated contributions means a member's own contributions without interest. For those Participant's who purchase Credited Service with interest or at no cost to the Plan, only that portion of any payment representing the amount attributable to the Participant's contributions based on the applicable Participant contribution rate shall be included in Accumulated Contributions.

Actuarial equivalent means a benefit or amount of equal value, based upon the unisex mortality table promulgated by the Internal Revenue Service for purposes of Internal Revenue Code Section 417(e)(3), and an interest rate equal to the investment return assumption set forth in the last actuarial valuation report approved by the board. This definition may only be amended by the city pursuant to the recommendation of the board using assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

Average final compensation means:

For a Full-Time Firefighter: one-twelfth (1/12) of the average salary of the five (5) best years of the last ten (10) years of credited service prior to retirement, termination, or death, or the career average as a full-time firefighter, whichever is greater. A year shall be twelve (12) consecutive months.

For a Volunteer Firefighter: one-twelfth (1/12) of the average salary of the 5 best years of the last 10 best contributing years prior to change in status to a permanent Full-time Firefighter or retirement as a Volunteer Firefighter or the career average of the Firefighter, whichever is greater.

Beneficiary means the person or persons entitled to receive benefits hereunder at the death of a member who has or have been designated in writing by the member and filed with the board. If no such designation is in effect, or if no person so designated is living, at the time of death of the member, the beneficiary shall be the estate of the member.

Board means the board of trustees, which shall administer and manage the system herein provided and serve as trustees of the fund.

City means City of Clermont, Florida.

Code means the Internal Revenue Code of 1986, as amended from time to time.

Credited service means the total number of years and fractional parts of years of service, rounded to the nearest completed month, as a firefighter during which the member made required contributions to the Plan, omitting intervening years or fractional parts of years when such member was not employed by the city as a firefighter. A member may voluntarily leave his accumulated contributions in the fund for a period of five (5) years after leaving the employ of the Fire department pending the possibility of being reemployed as a firefighter, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the City, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a firefighter with the Fire department within five (5) years, his accumulated contributions, if one-thousand dollars (\$1,000.00) or less shall be returned. If a Member who is not vested is not re-employed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any re-employment, a firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the firefighter repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within ninety (90) days after his re-employment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a firefighter with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

- (1) The member is entitled to re-employment under the provisions of USERRA.
- (2) The member returns to his employment as a firefighter within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA

Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Effective date means December 20, 1960.

Full-Time Firefighter means any person employed full-time solely by the City fire department who is certified as a Firefighter as a condition of employment in accordance with the provisions of Section 633.35, Fl. Stat., and whose duty is to extinguish fires, to protect life, and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

Fund means the trust fund established herein as part of the system.

Member means an actively employed firefighter who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the system adopted by city ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

Plan year means the twelve (12) month period beginning October 1 and ending September 30 of the following year.

Retiree means a member who has entered retirement status.

Retirement means a member's separation from city employment with eligibility for immediate receipt of benefits under the system or entry into the deferred retirement option plan.

Salary means the fixed monthly remuneration paid a firefighter, plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions; where, as in the case of Volunteer Firefighter, remuneration is based on actual services rendered, salary will be total cash remuneration received yearly for such services, prorated on a monthly basis. The remuneration paid a Firefighter by the City for a plan year excludes bonuses. Effective October 1, 2019, the amount of annual overtime compensation that may be

included in the calculation of a retirement benefit shall be limited to the first three hundred (300) hours of overtime paid per calendar year. The amount of the accrued unused sick or annual leave payment at retirement that may be included in the retirement benefit shall be the lesser of (a) the total value of accrued unused sick or annual leave that would have been paid to the firefighter based on years of service as of February 14, 2014 or (b) the actual amount of accrued unused sick or annual leave paid to the firefighter at retirement, regardless of whether the amount of sick or annual leave was, at some time prior to retirement, reduced below the amount on February 14, 2014.

Compensation in excess of the limitations set forth in Section 401(a)(17) of the code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

Spouse means the member's or retiree's spouse under applicable law at the time benefits become payable.

System means the City of Clermont Firefighters' Retirement Plan as contained herein and all amendments thereto.

Volunteer Firefighter means any person whose name is carried on the active membership roll of a constituted volunteer fire department or a combination of a paid and volunteer fire department of any municipality or special fire control district and whose duty is to extinguish fires, protect life, and to protect property. Compensation for services rendered by a Volunteer Firefighter shall not disqualify him as a volunteer. A person shall not be disqualified as a Volunteer Firefighter solely because he has other gainful employment. Any person who volunteers assistance at a fire, but is not an active member of the department described herein is not a Volunteer Firefighter within the meaning of this paragraph.

(b) *Masculine gender.* The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

Sec. 46-24.2. Membership

(a) *Conditions of eligibility.* All firefighters as of the effective date, and all future new firefighters, shall become members of this system as a condition of employment.

(b) *Designation of beneficiary.* Each firefighter shall complete a form prescribed by the board designating a beneficiary or beneficiaries.

Sec. 46-24.3. Board of trustees.

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this ordinance is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Clermont City Council, and two (2) of whom shall be members of the system, who shall be elected by a majority of the firefighters who are members of the system. The fifth trustee shall be chosen by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the Clermont City Council. Upon receipt of the fifth person's name, the Clermont City Council shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a two (2) year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two (2) years, unless he sooner vacates the office or is sooner replaced by the Clermont City Council at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the city as a firefighter or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as but not vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(b) The trustees shall, by a majority vote, elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(c) Each trustee shall be entitled to one (1) vote on the board. Three (3) affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. §112.3143.

(d) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.

(e) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:

- (1) To construe the provisions of the system and determine all questions arising thereunder.
- (2) To determine all questions relating to eligibility and membership.
- (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
- (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
- (5) To distribute to members, at regular intervals, information concerning the system.
- (6) To receive and process all applications for benefits.
- (7) To authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
- (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
- (9) To perform such other duties as are required to prudently administer the system.

Sec. 46-24.4. Finances and fund management

Establishment and operation of fund.

(a) As part of the system, there is hereby established the fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the system, including the assets of the prior Firefighters' Retirement Plan.

(b) The actual custody and supervision of the fund (and assets thereof) shall be vested in the board. Payment of benefits and disbursements from the fund shall be made by the disbursing agent but only upon written authorization from the board.

(c) All funds of the Firefighters' Retirement Plan may be deposited by the board with the Finance Director of the city, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safekeeping of funds for the city. However, any funds so deposited with the Finance Director of the city shall be kept in a separate fund by the Finance Director or clearly identified as such funds of the Firefighters' Retirement Plan. In lieu thereof, the board shall deposit the funds of the Firefighters' Retirement Plan in a qualified public depository as defined in F.S. § 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of F.S. ch. 280. In order to fulfill its investment responsibilities as set forth herein, the board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the board, in the investment of all fund assets.

(d) All funds and securities of the system may be commingled in the fund, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate current accounts and entries as regards the following:

- (1) Current amounts of accumulated contributions of members on both an individual and aggregate account basis, and
- (2) Receipts and disbursements, and
- (3) Benefit payments, and
- (4) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the city, and
- (5) All interest, dividends and gains (or losses) whatsoever, and
- (6) Such other entries as may be properly required so as to reflect a clear and complete financial report of the fund.

(e) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the system showing a detailed listing of assets and a statement of all income

and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

(f) The board shall have the following investment powers and authority:

(1) The board shall be vested with full legal title to said fund, subject, however, and in any event to the authority and power of the Clermont City Council to amend or terminate this fund, provided that no amendment or fund termination shall ever result in the use of any assets of this fund except for the payment of regular expenses and benefits under this system, except as otherwise provided herein. All contributions from time to time paid into the fund, and the income thereof, without distinction between principal and income, shall be held and administered by the board or its agent in the fund and the board shall not be required to segregate or invest separately any portion of the fund.

(2) All monies paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any part of such funds shall be subject to the following:

- a. Notwithstanding any limitation provided for in F.S. ch. 175, to the contrary (unless such limitation may not be amended by local ordinance) or any limitation in prior city ordinances to the contrary, all monies paid into or held in the fund may be invested and reinvested in such securities, investment vehicles or property wherever situated and of whatever kind, as shall be approved by the board, including but not limited to common or preferred stocks, bonds, and other evidences of indebtedness or ownership. In no event, however, shall more than twenty-five percent of the assets of the fund at market value be invested in foreign securities.
- b. The board shall develop and adopt a written investment policy statement setting forth permissible types of investments, goals and objectives of investments and setting quality and quantity limitations on investments in accordance with the recommendations of its investment consultants. The investment policy statement shall be reviewed by the board at least annually.
- c. In addition, the board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1 IRS Notice 2012-6 and Revenue Ruling 2014-24, or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies,

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provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the code, individual retirement accounts that are exempt under section 408(e) of the code, eligible governmental plans that meet the requirements of section 457(b) of the code, and governmental plans under 401(a)(24) of the code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.

1. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection c. shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.

2. The separate account maintained by the group trust for the plan pursuant to subsection c. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.

3. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

(3) At least once every three (3) years, and more often as determined by the board, the board shall retain a professionally qualified independent consultant, as defined in F.S. §175.071, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the board at its next regularly scheduled meeting.

(4) The board may retain in cash and keep unproductive of income such amount of the fund as it may deem advisable, having regard for the cash requirements of the system.

(5) Neither the board nor any trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the fund, except that due to his or its own negligence, willful misconduct or lack of good faith.

(6) The board may cause any investment in securities held by it to be registered in or transferred into its name as trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the fund.

(7) The board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the fund which it may deem to be to the best interest of the fund to exercise.

(8) The board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.

(9) Where any action which the board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a member, the city, or any other entity, of specific information, certification, direction or instructions, the board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.

(10) Any overpayments or underpayments from the fund to a member, retiree or beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the board in such a manner that the actuarial equivalent of the benefit to which the member, retiree or beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the fund in a prudent manner.

(11) The board shall sustain no liability whatsoever for the sufficiency of the fund to meet the payments and benefits provided for herein.

(12) In any application to or proceeding or action in the courts, only the board shall be a necessary party, and no member or other person having an interest in the

fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.

(13) Any of the foregoing powers and functions reposed in the board may be performed or carried out by the board through duly authorized agents, provided that the board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said fund shall always remain in the board.

Sec. 46-24.5. Contributions

(a) *Member contributions.*

(1) *Amount.* Each member of the system shall be required to make regular contributions to the fund in the amount of four percent (4.0%) of his salary. Member contributions withheld by the city on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to §414(h) of the code. Such designation is contingent upon the contributions being excluded from the members' gross income for Federal Income Tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.

(2) *Method.* Such contributions shall be made by payroll deduction.

(b) *State contributions.* Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for firefighters of the city shall be deposited in the fund comprising part of this system immediately and under no circumstances more than five (5) days after receipt by the city.

(c) *City contributions.* So long as this system is in effect, the city shall make quarterly contributions to the fund in an amount equal to the required city contribution as shown by the applicable actuarial valuation of the system.

(d) *Other.* Private donations, gifts and contributions may be deposited to the fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. funds arising from these sources may be used only for additional benefits for members, as determined by the board, and may not be used to reduce what would have otherwise been required city contributions.

Sec. 46-24.6. Benefit amounts and eligibility

(a) *Normal retirement age and date.* A member's normal retirement age is the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of credited service, or the completion of twenty (20) years of credited service, regardless of age. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the City after attaining normal retirement age.

(b) *Normal retirement benefit.*

For Full-Time Firefighters: A Full-Time Firefighter member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal the sum of two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 and three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002.

For Volunteer Firefighters: A Volunteer Firefighter member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal the greater of:

1. Five dollars (\$5.00) a year multiplied by the years of credited volunteer service, or
2. The sum of two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 and three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002.

The normal retirement benefit of a Volunteer Firefighter that changes status from a Volunteer Firefighter to a Full-Time Firefighter shall be the sum of the accrued benefit as a Volunteer Firefighter and the accrued benefit as a Full-time Firefighter.

(c) *Early retirement date.* A member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of credited service. Early retirement under the system is retirement from employment with the city on or after the early retirement date and prior to the normal retirement date.

(d) *Early retirement benefit.* A member retiring hereunder on his early retirement date

may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

- (1) A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date, determined based upon his actual years of credited service as a firefighter and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, determined based upon his actual years of credited service, except that credited service and average final compensation shall be determined as of his early retirement date; or
- (2) An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in paragraph (1) above, reduced by three percent (3.0%) for each year by which the commencement of benefits precedes the date which would have been the member's normal retirement date, determined based upon his actual years of credited service.

(e) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy-two (72) (or seventy and one-half (70½) if that age was reached before December 31, 2019) or the calendar year in which the member terminates employment with the city.

Sec. 46-24.7. Pre-retirement death

(a) *Death prior to vesting, not-in-line of duty.* The beneficiary of a deceased member who was not receiving monthly benefits or who was not yet vested or eligible for early or normal retirement and dies not-in-line of duty shall receive a refund of one hundred (100) percent of the member's accumulated contributions.

(b) *Death after vesting, not-in-line of duty.* The beneficiary of a deceased member who was not receiving monthly benefits and who was vested and dies not-in-line of duty shall receive the benefits otherwise payable to the member at the member's early or normal retirement date, determined based on his actual years of credited service.

(c) *Death prior to vesting, in-line of duty.* If a member dies prior to retirement in-the-line-of-duty, and he is not vested, his beneficiary shall receive the benefit provided for in (d) below.

(d) *Death after vesting, in-line of duty.* If a member, other than a participant in the DROP under Section 46-24.30 dies in-the-line-of-duty, the following benefits are payable:

- (1) If the member dies leaving a surviving spouse, the surviving spouse may

receive a monthly pension equal to one hundred percent (100%) of the monthly salary being received by the member at the time of the member's death for the rest of the surviving spouse's lifetime. Benefits provided by this paragraph supersede any other distribution that may have been provided by the member's designation of beneficiary. Such benefit ceases upon the surviving spouse's death, unless the member's minor children survive the spouse as provided for in paragraph (d)(2) of this subsection.

(2) If the surviving spouse dies and the member's minor children survive the spouse, the monthly payments that otherwise would have been payable to such surviving spouse shall be paid for the use and benefit of the member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of the member's child if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.

(3) If the member dies leaves no surviving spouse but is survived by a child or children under 18 years of age and unmarried, the benefits provided by subparagraph (1), shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of any of the member's children if the child is unmarried and enrolled as a full-time student at an accredited institution. If there is more than one minor child, the benefits shall be divided equally among the children. As each child reaches the benefit termination age, the remaining eligible children will divide the benefits.

(4) If the member dies leaving no surviving spouse and no child or children under 18 years of age and unmarried and no child under age 25 and unmarried and enrolled as a full-time student, then the member's beneficiary shall receive the greater of (i) the member's accrued benefit or (ii) 42% of the member's average final compensation, with the applicable annuity amount payable for 10 years. If the named beneficiary dies before the full 10 years of payments are made, the remaining benefit payments will be paid in a lump sum to the estate of the beneficiary.

(5) For purposes of determining whether a death is in-the-line-of-duty, the presumption and additional presumption provided for in Sec. 46-24.8 (b)(1) and (b)(2) shall apply.

(6) In all cases, the benefits paid in subsections (1), (2) and (3) above will be at

least the member's accrued benefit paid for 10 years. In the event that the surviving spouse or children's benefits cease due to death or reaching the age of majority as provided for herein, the benefit will be paid to the estate of the survivor payee (i.e. the surviving spouse or surviving children).

(e) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above provisions in this section that must be on or before December 31 of the calendar year in which the member would have attained age seventy-two (72) (or seventy and one-half (70½) if that age was reached before December 31, 2019).

(f) The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.

(g) *Rebuttable presumptions of death in line of duty*: The provisions of Sections 112.18, 112.181, and 175.231, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the resulting relating to these rebuttable presumptions and for the determination of any disqualifying events reflected in Chapters 112 and 175, Fla. Stat.

(h) *Non-rebuttable Conclusive cancer presumption in line of duty*: The provisions of Section 112.1816, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules relating to this presumption and for the determination of any disqualifying events as reflected in Chapters 112 and 175, Fla. Stat.

Sec. 46-24.8. Disability.

(a) *Disability benefits in-line of duty*. Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability was directly caused by the performance of his duty as a firefighter, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to the greater of (a) the member's accumulated contributions at five percent (5.0%) interest or (b) the greater of (i) two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 plus three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002 or (ii) forty-two percent (42%) of the average final compensation of the member. Eligibility requirements for disability benefits are set forth in subsection (g), below.

(b) *In-line of duty presumptions.*

(1) *Rebuttable Presumption for hypertension and heart disease.* Any condition or impairment of health of a member caused by hypertension or heart disease shall be presumed to have been suffered in the line of duty unless the contrary is shown by competent evidence, provided such member shall have successfully passed a physical examination upon entering into such service, which examination failed to reveal any evidence of such condition, and provided, further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.

(2) Additional rebuttable presumption for hepatitis, meningitis, and tuberculosis. The presumption provided for in this subsection (b)(2) shall apply only to those conditions described in this subsection that are diagnosed on or after January 1, 1996.

a. *Definitions.* As used in this subsection (b)(2), the following definitions apply:

1. "Body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of meningococcal meningitis or tuberculosis, the term "body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.

2. "Emergency rescue or public safety member" means any member employed full time by the city as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public safety member" does not include any person employed by a public hospital licensed under F.S. ch. 395, or any person employed by a subsidiary thereof.

3. "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.

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4. "High risk of occupational exposure" means that risk that is incurred because a person subject to the provisions of this subsection, in performing the basic duties associated with his employment:

i. Provides emergency medical treatment in a non-health-care setting where there is a potential for transfer of body fluids between persons;

ii. At the site of an accident, fire, or other rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;

iii. Engages in the pursuit, apprehension, and arrest of law violators or suspected law violators and, in performing such duties, may be exposed to body fluids; or

iv. Is responsible for the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, while on work detail outside the facility, or while being transported and, in performing such duties, may be exposed to body fluids.

5. "Occupational exposure," in the case of hepatitis, meningococcal meningitis, or tuberculosis, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.

b. *Presumption.* Any emergency rescue or public safety member who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the member must, by written affidavit as provided in F.S. §92.50, verify by written declaration that, to the best of his knowledge and belief:

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1. In the case of a medical condition caused by or derived from hepatitis, he has not:

I. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his employment;

ii. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;

iii. Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control or the Surgeon General of the United States or had sexual relations with a person known to him to have engaged in such unsafe sexual practices or other high-risk behavior; or

iv. Used intravenous drugs not prescribed by a physician.

2. In the case of meningococcal meningitis, in the ten (10) days immediately preceding diagnosis he was not exposed, outside the scope of his employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.

3. In the case of tuberculosis, in the period of time since the member's last negative tuberculosis skin test, he has not been exposed, outside the scope of his employment, to any person known by him to have tuberculosis.

c. *Immunization.* Whenever any standard, medically recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is

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granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the U.S. Public Health Service, an emergency rescue or public safety member may be required by the city to undergo the immunization or prophylaxis unless the member's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the member's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety member to undergo such immunization or prophylaxis disqualifies the member from the benefits of the presumption.

d. *Record of exposures.* The city shall maintain a record of any known or reasonably suspected exposure of an emergency rescue or public safety member in its employ to the disease described in this section and shall immediately notify the member of such exposure. An emergency rescue or public safety member shall file an incident or accident report with the city of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

e. *Required medical tests; preemployment physical.* In order to be entitled to the presumption provided by this section:

1. An emergency rescue or public safety member must, prior to diagnosis, have undergone standard, medically acceptable tests for evidence of the communicable disease for which the presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection. This paragraph does not apply in the case of meningococcal meningitis.

2. On or after June 15, 1995, an emergency rescue or public safety member may be required to undergo a preemployment physical examination that tests for and fails to reveal any evidence of hepatitis or tuberculosis.

(3) *Non-rebuttable conclusive cancer presumption:* The provisions of Section 112.1816, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees may, if necessary, adopt uniform administrative rules for the conduct of hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.

(c) *Disability benefits not-in-line of duty.* Any member with ten (10) years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability is not directly caused by the performance of his duties as a firefighter shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to the greater of (a) the member's accumulated contributions at five percent (5.0%) interest or (b) the greater of (i) two and one-quarter percent (2.25%) of average final compensation times years of credited service earned prior to October 1, 2002 plus three percent (3.0%) of average final compensation times years of credited service earned on and after October 1, 2002; or (c) 25% of the member's average final compensation. A member determined to be totally and permanently disabled from a non-service connected injury or disease and who has not completed ten (10) years of service shall receive a return of accumulated contributions with 5% interest. Eligibility requirements for disability benefits are set forth in subsection (g), below.

(d) *Conditions disqualifying disability benefits.* Each member who is claiming disability benefits shall establish, to the satisfaction of the board, that such disability was not occasioned primarily by:

- (1) Excessive or habitual use of any drugs, intoxicants or narcotics.
- (2) Injury or disease sustained while willfully and illegally participating in fights, riots or civil insurrections or while committing a crime.
- (3) Injury or disease sustained while serving in any branch of the Armed Forces.
- (4) Injury or disease sustained by the member after his employment as a firefighter with the city of Clermont shall have terminated.
- (5) Injury or disease sustained by the member while working for anyone other than the city and arising out of such employment.

(e) *Physical examination requirement.* A member shall not become eligible for disability benefits until and unless he undergoes a physical examination by a qualified physician or physicians and/or surgeon or surgeons, who shall be selected by the board for that purpose. The board shall not select the member's treating physician or surgeon for this purpose except in an unusual case where the board determines that it would be reasonable and prudent to do so.

Any retiree receiving disability benefits under provisions of this ordinance may be required by the board to submit sworn statements of his condition accompanied by a physician's statement (provided at the retiree's expense) to the board annually and may be required by the board to undergo additional periodic re-examinations by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the board, to determine if such disability has ceased to exist. If the board finds that the retiree is no longer permanently and totally disabled to the

extent that he is unable to render useful and efficient service as a firefighter, the board shall recommend to the city that the retiree be returned to performance of duty as a firefighter, and the retiree so returned shall enjoy the same rights that he had at the time he was placed upon pension. In the event the retiree so ordered to return shall refuse to comply with the order within thirty (30) days from the issuance thereof, he shall forfeit the right to his pension.

The cost of the physical examination and/or re-examination of the member claiming or the retiree receiving disability benefits shall be borne by the fund. All other reasonable costs as determined by the board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the fund.

If the retiree recovers from disability and reenters the service of the city as a firefighter, his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the city will not be considered as credited service for the purposes of the system.

The board shall have the power and authority to make the final decisions regarding all disability claims.

(f) *Disability payments.* The monthly benefit to which a member is entitled in the event of the member's disability retirement shall be payable on the first day of the first month after the board determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be:

- (1) If the retiree recovers from the disability, the payment due next preceding the date of such recovery, or
- (2) If the retiree dies without recovering from disability, the payment due next preceding his death or the 120th monthly payment, whichever is later.

Provided, however, the disability retiree may select, at any time prior to the date on which benefit payments begin, an optional form of benefit payment as described in section 46-24.10, subsection (a)(1) or (a)(2), which shall be the actuarial equivalent of the normal form of benefit.

(g) *Eligibility for Disability Benefits.* Subject to (g)(4) below, only active members of the system on the date the board determines entitlement to a disability benefit are eligible for disability benefits.

- (1) Terminated persons, either vested or non-vested, are not eligible for disability benefits.

(2) If a member voluntarily terminates his employment, either before or after filing an application for disability benefits, he is not eligible for disability benefits.

(3) If a member is terminated by the City for any reason other than for medical reasons, either before or after he files an application for disability benefits, he is not eligible for disability benefits.

(4) The only exception to (1) above is:

a. If the member is terminated by the City for medical reasons and he has already applied for disability benefits before the medical termination, or;

b. If the member is terminated by the City for medical reasons and he applies within 30 days after the medical termination date.

If either (4)a., or (4)b. above applies, the member's application will be processed and fully considered by the board.

Sec. 46-24.9. Vesting.

If a member terminates his employment as a firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this system, the member shall be entitled to the following:

(a) If the member has less than five (5) years credited service upon termination, the member shall be entitled to a refund of his accumulated contributions or the member may leave it deposited with the fund.

(b) If the member has more than five (5), but less than ten (10) years of credited service upon termination, the member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the member's credited service, average final compensation, and the benefit accrual rate as of the date of termination, payable to him commencing at the member's normal or early retirement date, based on his actual years of credited service, provided he does not elect to withdraw his accumulated contributions and provided the member survives to his otherwise normal or early retirement date in accordance with the following schedule:

Years of Service	Vested Percentage (%)
5	50%
6	60%

7	70%
8	80%
9	90%

For purposes of this section only, a member may start drawing his vested accrued benefit at age fifty-five (55). An early retirement deduction will be based on the years between age fifty-five (55) and his early retirement date.

(c) If the member has more than ten (10) years of credited service upon termination, the member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the member's credited service, average final compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the member's normal or early retirement date, based upon his actual years of credited service, provided he does not elect to withdraw his accumulated contributions and provided the member survives to his otherwise normal or early retirement date

(d) If the member does not withdraw his accumulated contributions and does not survive to his otherwise normal or early retirement date, his designated beneficiary shall be entitled to a benefit as provided herein for a deceased member, vested or eligible for retirement under pre-retirement death.

Sec. 46-24.10. Optional forms of benefits

(a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a member, upon written request to the board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one (1) of the following options:

- (1) A retirement income of a monthly amount payable to the retiree for his lifetime only.
- (2) A retirement income of a modified monthly amount, payable to the retiree during the lifetime of the retiree and following the death of the retiree, one hundred (100) percent, seventy-five (75) percent, sixty-six and two-thirds (66-2/3) percent or fifty (50) percent of such monthly amount payable to a joint pensioner for his lifetime. Except where the Retiree's joint pensioner is his spouse, the payments to the joint pensioner as a percentage of the payments to the Retiree shall not exceed the applicable percentage provided for in the applicable table in the Treasury regulations. (See Q&A-2 of 1.401(a)(9)-6)
- (3) If a member retires prior to the time at which social security benefits are

payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of retirement. The amounts payable shall be as recommended by the actuaries for the system, based upon the social security law in effect at the time of the member's retirement.

(4) For Members who do not participate in the DROP pursuant to Section 46-24.30, the member may elect a percentage of benefit in a lump sum as follows:

a. Five percent (5%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining ninety-five percent (95%) paid under the normal form or as per (1), (2), or (3) above.

b. Ten percent (10%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining ninety percent (90%) paid under the normal form or as per (1), (2), or (3) above.

c. Fifteen percent (15%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining eighty-five percent (85%) paid under the normal form or as per (1), (2), or (3) above.

d. Twenty percent (20%) of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining eighty percent (80%) paid under the normal form or as per (1), (2), or (3) above.

(b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary (or beneficiaries) to receive the benefit, if any, payable under the system in the event of member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one (1) or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and member's retirement income benefits have commenced, member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

(c) The consent of a member's or retiree's joint pensioner or beneficiary to any such change shall not be required. The rights of all previously-designated beneficiaries to receive benefits under the system shall thereupon cease.

(d) Upon change of a retiree's joint pensioner in accordance with this section, the

amount of the retirement income payable to the retiree shall be actuarially redetermined to take into account the age of the former joint pensioner, the new joint pensioner and the retiree and to ensure that the benefit paid is the actuarial equivalent of the present value of the retiree's then-current benefit at the time of the change. Any such retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the board and on completion will be filed with the board. In the event that no designated beneficiary survives the retiree, such benefits as are payable in the event of the death of the retiree subsequent to his retirement shall be paid as provided in section 46-24.11.

(e) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:

- (1) If a member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under section 46-24.7.
- (2) If the designated beneficiary (or beneficiaries) or joint pensioner dies before the member's retirement under the system, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the member upon his retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this section or a new beneficiary is designated by the member prior to his retirement.
- (3) If both the retiree and the beneficiary (or beneficiaries) designated by member or retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection (a), the board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with section 46-24.11.
- (4) If a member continues beyond his normal retirement date pursuant to the provisions of section 46-24.6, subsection (a), and dies prior to his actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a beneficiary (or beneficiaries) designated by the member in the amount or amounts computed as if the member had retired under the option on the date on which his death occurred.
- (5) The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy-two (72) (or seventy and one-half (70½) if that age was reached before December 31, 2019) or the calendar year in which the member terminates employment with the City.

(f) A retiree may not change his retirement option after the date of cashing or depositing his first retirement check.

(g) Notwithstanding anything herein to the contrary, the board in its discretion, may elect to make a lump sum payment to a member or a member's beneficiary in the event that the total commuted value of the monthly income payments to be paid do not exceed one thousand dollars (\$1,000.00). Any such payment made to any person pursuant to the power and discretion conferred upon the board by the preceding sentence shall operate as a complete discharge of all obligations under the system with regard to such member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

Sec. 46-24.11. Beneficiaries.

(a) Each member or retiree may, on a form provided for that purpose, signed and filed with the board, designate a beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such member or retiree by signing and filing with the board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated beneficiaries to receive any benefits under the system shall cease.

(b) If a deceased member or retiree failed to name a beneficiary in the manner prescribed in subsection (a), or if the beneficiary (or beneficiaries) named by a deceased member or retiree predeceases the member or retiree, the death benefit, if any, which may be payable under the system with respect to such deceased member or retiree, shall be paid to the estate of the member or retiree and the board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.

(c) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the system with regard to the deceased member and any other persons with rights under the system and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

Sec. 46-24.12. Claims procedures.

(a) The board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("claimant"), including members, retirees, beneficiaries, or any person affected by a decision of the board.

(b) The board shall have the power to subpoena and require the attendance of witnesses

and the production of documents for discovery prior to and at any proceedings provided for in the board's claims procedures. The claimant may request in writing the issuance of subpoenas by the board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

Sec. 46-24.13. Reports to division of retirement

Each year and no later than March 15th, the board shall file an annual report with the Division of Retirement containing the documents and information required by F.S. § 175.261.

Sec. 46-24.14. Roster of retirees.

The secretary of the board shall keep a record of all persons enjoying a pension under the provisions of this ordinance in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. Additionally, the secretary shall keep a record of all members in such a manner as to show the name, address, date of employment and date of termination of employment.

Sec. 46-24.15. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A))). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to basic limitation for form of benefit.* If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that

it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

- (1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
 - a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or
 - b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (I) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or
- (2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:
 - a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;
 - b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (I) for years prior to January 1, 2009, the applicable mortality tables for the distribution

under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (I) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits not taken into account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1)); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

- (1) A member's applicable limit will be applied to the member's annual benefit in the member's first limitation year of benefit payments without regard to any automatic cost of living adjustments;
- (2) thereafter, in any subsequent limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- (3) in no event shall a member's benefit payable under the system in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(e) *Other adjustments in limitations.*

- (1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- (2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.
- (3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 46-24.8, or pre-retirement death benefits paid pursuant to Sec. 46-24.7.
- (4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than ten (10) years of participation.* The maximum retirement benefits

payable under this section to any member who has completed less than ten (10) years of participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 46-24.8, or pre-retirement death benefits paid pursuant to Sec. 46-24.7.

(g) *Participation in other defined benefit plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten thousand dollar (\$10,000) limit; less than ten years of service.* Notwithstanding anything in this Sec. 46-24.15, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of Sec. 46-24.15 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable limitation year and for any prior limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of Sec. 46-24.15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service credit purchase limits.*

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in

Sections 46-24.25 and 46-24.26, then the requirements of this section will be treated as met only if:

- a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
- b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph.

(2) For purposes of this subsection the term "permissive service credit" means service credit—

- a. recognized by the system for purposes of calculating a member's benefit under the plan,
- b. which such member has not received under the plan, and
- c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(1) For purposes of applying the Code Section 415(c) limits which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or

successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

a. However, for limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

(4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.

(l) *Additional limitation on pension benefits.* Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 1223, Title 10, U.S. Code.

(m) *Effect of Direct Rollover on 415(b) Limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code

Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

Sec. 46-24.16. Minimum Distribution of benefits.

(a) *General rules.*

(1) *Effective date.* Effective as of January 1, 1989, the plan will pay all benefits in accordance with a good faith interpretation of the requirements of Code Section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Code Section 414(d). Effective on and after January 1, 2003, the plan is also subject to the specific provisions contained in this Section. The provisions of this section will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.

(2) *Precedence.* The requirements of this section will take precedence over any inconsistent provisions of the plan.

(3) *TEFRA Section 242(b)(2) Elections.* Notwithstanding the other provisions of this section other than this subsection (a)(3), distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the plan that related to Section 242(b)(2) of TEFRA.

(b) *Time and manner of distribution.*

(1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the Member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy-two (72) (or seventy and one-half (70½) if that age was reached before December 31, 2019) or the calendar year in which the member terminates employment with the city.

(2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:

- a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year

in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained age seventy-two (72) (or seventy and one-half (70½) if that age was reached before December 31, 2019) , if later, as the surviving spouse elects.

b. If the member's surviving spouse is not the member's sole designated beneficiary, then, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died.

c. If there is no designated beneficiary as of September 30 of the year following the year of the member's death, the member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2), distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.) the date distributions are considered to begin is the date distributions actually commence.

(3) *Death After Distributions Begin.* If the member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.

(4) *Form of distribution.* Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with this section. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and Treasury regulations. Any part of the member's interest which is in the form of an individual account described in Section 414(k) of the Code will be distributed in a manner satisfying the requirements of Section 401(a)(9) of the

Code and Treasury regulations that apply to individual accounts.

(c) *Determination of amount to be distributed each year.*

(1) *General requirements.* If the member's interest is paid in the form of annuity distributions under the plan, payments under the annuity will satisfy the following requirements:

a. The annuity distributions will be paid in periodic payments made at intervals not longer than one year.

b. The member's entire interest must be distributed pursuant to Sec. 46-24.6, Sec. 46-24.7, Sec. 46-24.9, or Sec. 46-24.10 (as applicable) and in any event over a period equal to or less than the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. The life expectancy of the member, the member's spouse, or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

(2) *Amount required to be distributed by required beginning date.* The amount that must be distributed on or before the member's required beginning date (or, if the member dies before distributions begin, the date distributions are required to begin under Sec. 46-24.7) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., monthly. All of the member's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(3) *Additional accruals after first distribution calendar year.* Any additional benefits accruing to the member in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(d) *General distribution rules.*

(1) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Code Section 401(a)(9)(G), and effective for any annuity commencing on or after January 1, 2008, the minimum distribution incidental benefit rule under Treasury

Regulation Section 1.401(a)(9)-6, Q&A-2.

(2) The death and disability benefits provided by the plan are limited by the incidental benefit rule set forth in Code Section 401(a)(9)(G) and Treasury Regulation Section 1.401-1(b)(1)(I) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25% of the cost for all of the members' benefits received from the retirement system.

(e) *Definitions.*

(1) *Designated beneficiary.* The individual who is designated as the beneficiary under the plan and is the designated beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.

(2) *Distribution calendar year.* A calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to Sec. 46-24.7.

Sec. 46-24.17. Miscellaneous provisions

(a) *Interest of members in system.* All assets of the fund are held in trust, and at no time prior to the satisfaction of all liabilities under the system with respect to retirees and members and their spouses or beneficiaries, shall any part of the corpus or income of the fund be used for or diverted to any purpose other than for their exclusive benefit.

(b) *No reduction of accrued benefits.* No amendment or ordinance shall be adopted by the City Council of the City of Clermont which shall have the effect of reducing the then vested accrued benefits of members or a member's beneficiaries.

(c) *Qualification of system.* It is intended that the system will constitute a qualified public pension plan under the applicable provisions of the code for a qualified plan under code section 401(a) and a governmental plan under code section 414(d), as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.

(d) *Use of forfeitures.* Forfeitures arising from terminations of service of members shall serve only to reduce future city contributions.

(e) *Prohibited Transactions.* Effective as of January 1, 1989, a board may not engage in a transaction prohibited by Code Section 503(b).

(f) *USERRA.* Effective December 12, 1994, notwithstanding any other provision of this system, contributions, benefits and service credit with respect to qualified military service are governed by Code Section 414(u) and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. To the extent that the definition of "credited service" sets forth contribution requirements that are more favorable to the member than the minimum compliance requirements, the more favorable provisions shall apply.

(g) *Vesting.*

(1) Member will be 100% vested in all benefits upon attainment of the plan's age and service requirements for the Plan's normal retirement benefit; and

(2) A member will be 100% vested in all accrued benefits, to the extent funded, if the plan is terminated or experiences a complete discontinuance of employer contributions.

(h) *Electronic forms.* In those circumstances where a written election or consent is not required by the plan or the Code, an oral, electronic, or telephonic form in lieu of or in addition to a written form may be prescribed by the board. However, where applicable, the board shall comply with Treas. Reg. § 1.401(a)-21.

(i) *Compliance with Chapter 175, Florida Statutes.* It is intended that the system will continue to qualify for funding under F.S. §175.091 determined based upon his actual years of Credited Service. Accordingly, unless otherwise required by law, any provision of the system which violates the requirements of F.S. ch. 175, as amended from time to time, shall be superseded by and administered in accordance with the requirements of such chapter.

(j) *IRS Compliance:*

(1) It is intended that the Plan be administered at all times in accordance with the provisions of the Internal Revenue Code and the corresponding Treasury Regulations applicable to a governmental defined benefit retirement plan.

(2) In recognition of the changing requirements of plan qualification, the Board shall adopt an administrative policy setting forth the required provisions for tax qualification. Such a policy shall be amended by the Board as required to maintain continuing compliance with

the Internal Revenue Code and that policy and any amendments shall have the force of law as if adopted by the City Commission.

(k) *Missing Benefit Recipients.* The System shall follow the procedures outlined in the IRS Employee Plans Compliance Resolution System (EPCRS) Program and other applicable IRS guidance to locate any missing individuals to whom a full unreduced benefit payment is due and if, at the conclusion of such efforts, the individual cannot be located, the existing procedure of cancelling payments otherwise due (provided that, if the individual is later located, the benefits due shall be paid) will apply.

Sec. 46-24.18. Repeal or termination of system

(a) This ordinance establishing the system and fund, and subsequent ordinances pertaining to said system and fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby.

(b) If this ordinance shall be repealed, or if contributions to the system are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in F.S. ch. 121, the board shall continue to administer the system in accordance with the provisions of this ordinance, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said members. In the event of repeal, discontinuance of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting (100%) of benefits accrued to date of repeal and such benefits shall be nonforfeitable.

(c) The fund shall be distributed in accordance with the following procedures:

(1) The board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the city if additional assets are required, in which event the city shall continue to financially support the plan until all nonforfeitable benefits have been funded.

(2) The board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each

firefighter entitled to benefits under the plan as specified in subsection (3).

(3) The board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the firefighter's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the firefighter.

(4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the city, less return to the State of the State's contributions, provided that, if the excess is less than the total contributions made by the city and the State to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the city and the State.

(5) The board shall distribute, in accordance with subsection (2), the amounts determined under subsection (3).

If, after twenty-four (24) months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued, the city or the board of the fund affected has not complied with all the provisions in this section, the Florida Department of Management Services will effect the termination of the fund in accordance with this section.

Sec. 46-24.19. Domestic relations orders; retiree directed payments; Exemption from execution, non-assignability.

(a) *Domestic relations orders.*

(1) Prior to the entry of any domestic relations order which affects or purports to affect the system's responsibility in connection with the payment of benefits of a retiree, the member or retiree shall submit the proposed order to the board for review to determine whether the system may legally honor the order.

(2) If a domestic relations order is not submitted to the board for review prior to entry of the order, and the system is ordered to take action that it may not legally take, and the system expends administrative or legal fees in resolving the matter, the member or retiree who submits such an order will be required to reimburse the

system for its expenses in connection with the order.

(b) *Retiree directed payments.* The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payment to insurance companies for insurance premiums as permitted by F.S. Chapter 175 and to make any payments for child support or alimony.

(c) *Exemption from execution, non-assignability.* Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the accumulated contributions and the cash securities in the fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

Sec. 46-24.20. Pension validity

The board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the board.

Sec. 46-24.21. Forfeiture of pension

(a) Any member who is convicted of the following offenses committed prior to retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this system, except for the return of his accumulated contributions as of the date of termination. Specified offenses are as follows:

- (1) The committing, aiding or abetting of an embezzlement of public funds;
- (2) The committing, aiding or abetting of any theft by a public officer or employee from employer;

- (3) Bribery in connection with the employment of a public officer or employee;
- (4) Any felony specified in F.S. ch. 838;
- (5) The committing of an impeachable offense;
- (6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position; or
- (7) The committing on or after October 1, 2008, of any felony defined in F.S. Section 800.04, against a victim younger than sixteen (16) years of age, or any felony defined in F.S. ch. 794, against a victim younger than eighteen (18) years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

(b) Conviction shall be defined as an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the senate of an impeachable offense.

(c) Court shall be defined as any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense. Prior to forfeiture, the board shall hold a hearing on which notice shall be given to the member whose benefits are being considered for forfeiture. Said member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the member shall be afforded a full opportunity to present his case against forfeiture.

(d) Any member who has received benefits from the system in excess of his accumulated contributions after member's rights were forfeited shall be required to pay back to the fund the amount of the benefits received in excess of his accumulated contributions. The board may implement all legal action necessary to recover such funds.

Sec. 46-24.22. Conviction and forfeiture; false, misleading or fraudulent statements.

(a) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or

misleading oral or written statement or withhold or conceal material information to obtain any benefit from the system.

(b) A person who violates subsection (a) commits a misdemeanor of the first degree, punishable as provided in F.S. §775.082 or §775.083.

(c) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (a), a member or beneficiary of the system may, in the discretion of the board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the system. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

Sec. 46-24.23. Indemnification.

(a) To the extent not covered by insurance contracts in force from time to time, the city shall indemnify, defend and hold harmless members of the board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the board. The city reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the board from the judgment, execution, or levy thereon.

(b) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the city immunity from any suit in whole or part, or waive any other substantive or procedural rights the city may have.

(c) This section shall not apply nor shall the city be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the board which constitute felonies or gross malfeasance or gross misfeasance in office.

Sec. 46-24.24. Direct transfers of eligible rollover distributions

(a) *Rollover distributions.*

(1) *General.* This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the system to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible

rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(2) *Definitions.*

a. *Eligible rollover distribution:* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the code and the portion of any distribution that is not includible in gross income. Effective January 1, 2002, any portion of any distribution which would be includible in gross income as after-tax employee contributions will be an eligible rollover distribution if the distribution is made to an individual retirement account described in section 408(a); to an individual retirement annuity described in section 408(b); to a qualified defined contribution plan described in section 401(a) or 403(a) that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible; or on or after January 1, 2007, to a qualified defined benefit plan described in Code Section 401(a) or to an annuity contract described in Code Section 403(b), that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible.

b. *Eligible retirement plan:* An eligible retirement plan is an individual retirement account described in section 408(a) of the code; an individual retirement annuity described in section 408(b) of the code; an annuity plan described in section 403(a) of the code; effective January 1, 2002, an eligible deferred compensation plan described in section 457(b) of the code which is maintained by an eligible employer described in section 457(e)(1)(A) of the code and which agrees to separately account for amounts transferred into such plan from this plan; effective January 1, 2002, an annuity contract described in section 403(b) of the code; a qualified trust described in section 401(a) of the code; or effective January 1, 2008, a Roth IRA described in section 408A of the code, that accepts the distributee's

eligible rollover distribution. This definition shall also apply in the case of an eligible rollover distribution to the surviving spouse.

c. *Distributee:* A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse. Effective January 1, 2007, it further includes a nonspouse beneficiary who is a designated beneficiary as defined by Code Section 401(a)(9)(E). However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

d. *Direct rollover:* A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

(b) *Rollovers or transfers into the fund.* On or after January 1, 2002, the system will accept, solely for the purpose of purchasing credited service as provided herein, permissible Member requested transfers of funds from other retirement or pension plans, member rollover cash contributions and/or direct cash rollovers of distributions made on or after January 1, 2002, as follows:

(1) *Transfers and direct rollovers or member rollover contributions from other plans.* The system will accept either a direct rollover of an eligible rollover distribution or a member contribution of an eligible rollover distribution from a qualified plan described in section 401(a) or 403(a) of the Code, from an annuity contract described in section 403(b) of the Code or from an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The system will also accept legally permissible member requested transfers of funds from other retirement or pension plans.

(2) *Member rollover contributions from IRAs.* The system will accept a member rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code that is eligible to be rolled over.

(c) *Elimination of Mandatory Distributions.* Notwithstanding any other provision herein to the contrary, in the event this Plan provides for a mandatory (involuntary) cash distribution from the Plan not otherwise required by law, for an amount in excess of one-thousand dollars (\$1,000.00), such distribution shall be made from the Plan only upon written request of the Member and completion by the Member of a written election on forms designated by the Board, to either receive a cash lump sum or to rollover the lump sum amount.

Sec. 46-24.25. Family and medical leave act

The fractional parts of the twelve (12) month period ending each March 1 that a member is on leave without pay from the city pursuant to the Family and Medical Leave Act (FMLA) shall be added to his credited service provided that:

- (1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.
- (2) The request for credited service for FMLA leave time for the twelve (12) month period prior to each March 1 and payment of professional fees shall be made on or before March 31.
- (3) Payment by the member of the required amount shall be made on or before April 30 for the preceding twelve (12) month period ending March 1 and shall be made in one (1) lump sum payment upon receipt of which credited service shall be issued.
- (4) Credited service purchased pursuant to this section shall not count toward vesting.

Sec. 46-24.26. Military service prior to employment

The years or fractional parts of years that a firefighter serves or has served on active duty in the military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily and honorably or under honorable conditions, prior to first and initial employment with the city Fire department shall be added to his years of credited service provided that:

- (1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in

connection with the purchase of years of credited service.

a. The member salary used as the initial salary for the projected salary will be the salary for the member for the year preceding each purchase of service credits.

b. The calculation of the full actuarial cost will be made using the assumptions used in the actuarial valuation performed prior to the purchase of the service credits.

(2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.

(3) Payment by the member of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one lump sum payment upon receipt of which credited service shall be given or the Member may elect to make payment for the requested Credited Service over a period of time as provided for in paragraph (6) below.

(4) The maximum credit under this section, combined with Section 46-24.27, Prior Firefighter Service, shall be five (5) years.

(5) Credited service purchased pursuant to this section shall count for vesting, benefit accrual, and for satisfying service requirements for benefits.

(6) In lieu of the lump sum payment provided for in paragraph (3) above, a member may elect to make payments over a period of time in order to fully pay the amount provided for in paragraph (1). The member shall be required to notify the board, in writing, of his election to make payments in the manner provided for in this paragraph, The payment plan provided for in this paragraph shall be subject to the following terms:

a. The principal amount to be paid shall be determined as set forth in paragraph (1) above.

b. The original principal amount shall be amortized over the period beginning with the first payment and ending no later than sixty (60) months from the date of the first payment and shall be reamortized annually to reflect changes in the interest rate provided for in subparagraph c. below.

c. Payments shall consist of principal and interest at a rate equal to the actuarially assumed rate of return on plan investments..

d. Payments shall be made by payroll deduction from each paycheck on an after-tax basis.

e. In the event that a member dies, retires (including entry into any Deferred Retirement Option Plan (DROP)) or otherwise terminates his employment, without having made full payment of the principal amount necessary to receive all credited service requested, the member shall receive so much of the credited service requested, determined using procedures established by the actuary, which could be purchased with the amount of principal paid by the member to the date of his death or termination of employment.

f. In the event that the member's employment is terminated for any reason and he is not entitled to any benefit from the system other than the return of the amounts he has had deducted from his paycheck as his normal contribution to the system, the amounts which the member has paid pursuant to this subsection to purchase additional credited service, shall be returned to him including all interest paid, however, no interest shall accrue on amounts paid to purchase service.

Sec. 46-24.27. Prior firefighter service

Unless otherwise prohibited by law, and except as provided for in Sec. 46-24.1, the years or fractional parts of years that a member previously served as a full-time firefighter with the city during a period of previous employment and for which period accumulated contributions were withdrawn from the fund, or the years and fractional parts of years that a member served as a full-time firefighter for any other municipal, county or state law enforcement department in the State of Florida shall be added to his years of credited service provided that:

(1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

a. The member salary used as the initial salary for the projected salary will be the salary for the member for the year preceding each purchase of service credits.

b. The calculation of the full actuarial cost will be made using the assumptions used in the actuarial valuation performed prior to the purchase of the service credits.

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- (2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.
- (3) Payment by the firefighter of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one lump sum payment upon receipt of which credited service shall be given, or the Member may elect to make payment for the requested Credited Service over a period of time as provided for in paragraph (7) below.
- (4) The maximum credit under this section for service other than with the City of Clermont, combined with Section 46-24.26, Prior Military Service , shall be five (5) years of credited service and shall count for all purposes. There shall be no maximum purchase of credit for prior service with the City of Clermont and such credit shall count for all purposes, including vesting.
- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in section 46-24.15, subsection (1)(2).
- (6) For purposes of determining credit for prior service as a firefighter as provided for in this section, in addition to service as a firefighter in this state, credit may be purchased by the member in the same manner as provided above for federal, other state, county or municipal service if the prior service is recognized by the Division of State Fire Marshal, as provided in Chapter 633, Florida Statutes, or the firefighter provides proof to the board that such service is equivalent to the service required to meet the definition of a firefighter under Sec. 46-24.1, above.
- (7) In lieu of the lump sum payment provided for in paragraph (3) above, a member may elect to make payments over a period of time in order to fully pay the amount provided for in paragraph (1). The member shall be required to notify the board, in writing, of his election to make payments in the manner provided for in this paragraph, The payment plan provided for in this paragraph shall be subject to the following terms:
- a. The principal amount to be paid shall be determined as set forth in paragraph (1) above.
 - b. The original principal amount shall be amortized over the period beginning with the first payment and ending no later than sixty (60) months from the date of the first payment and shall be reamortized annually to reflect changes in the interest rate provided for in subparagraph c. below.

c. Payments shall consist of principal and interest at a rate equal to the actuarially assumed rate of return on plan investments.

d. Payments shall be made by payroll deduction from each paycheck on an after-tax basis.

e. In the event that a member dies, retires (including entry into any Deferred Retirement Option Plan (DROP)) or otherwise terminates his employment, without having made full payment of the principal amount necessary to receive all credited service requested, the member shall receive so much of the credited service requested, determined using procedures established by the actuary, which could be purchased with the amount of principal paid by the member to the date of his death or termination of employment.

f. In the event that the member's employment is terminated for any reason and he is not entitled to any benefit from the system other than the return of the amounts he has had deducted from his paycheck as his normal contribution to the system, the amounts which the member has paid pursuant to this subsection to purchase additional credited service, shall be returned to him including all interest paid, however, no interest shall accrue on amounts paid to purchase service.

Sec. 46-24.28. Reemployment after retirement

(a) Any retiree who is retired under this may be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Notwithstanding the previous sentence, reemployment by the city shall be subject to the limitations set forth in this section.

(b) *After normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed as a firefighter after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment

period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit.

(c) Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue receipt of benefits during any subsequent employment period.

(d) *After early retirement.* Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity shall discontinue receipt of benefits from the system. If by virtue of that reemployment, the retiree is eligible to participate in this system, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, credited service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.

(e) *After disability retirement.*

(1) Subject to paragraph (2) below, any retiree who is retired under section 46-24.8, Disability (“disability retiree”), may, subject to subsection (e), physical examination requirement, of that section, be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way, the retirement benefits payable under this system, unless such disability retiree is rehired as a firefighter or performing services which are

similar to firefighting services.

(2) Any disability retiree who subsequently becomes an employee of the city in any capacity, except as a firefighter, shall discontinue receipt of disability benefits from the system for the period of any such employment.

(3) If a disability retiree is reemployed as a firefighter for the city, his disability benefit shall cease and Sec. 46-24.8 shall apply.

(f) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

(g) *DROP participants.* Retirees who were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

Sec. 46-24.29. Supplemental benefit component for special benefits; Chapter 175 share accounts.

There was established, effective January 24, 2017, an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefit to be in addition to the benefits provided for in the previous Sections of this plan, such benefit to be funded solely and entirely by F.S. Chapter 175, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. §175.351. Effective January 24, 2017, the City shall use 100% of all future Chapter 175 annual distributions up to the amount received in the 2012 calendar year (\$188,967) and 50% of any future annual amount in excess of the 2012 calendar year distribution to fund the normal cost of the pension plan. The remaining 50% of any future annual amounts in excess of the 2012 calendar year distribution shall be allocated to this supplemental component ("Share Plan"), and shall be further allocated to the members and DROP participants as follows:

(a) *Individual Member Share Accounts.* The board shall create individual "member share accounts" for all actively employed plan members and DROP participants and maintain appropriate books and records showing the respective interest of each member or DROP participant hereunder. Each member or DROP participant shall have a member share account for his share of the F.S. Chapter 175 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain separate member share accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

(b) *Share Account Funding.*

(1) Individual member share accounts were established as of January 24, 2017 for all members and DROP participants who were actively employed as of January 24, 2017. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (c) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2015.

(2) Any forfeitures as provided in subsection (d), shall be used as part of future allocations to the individual member share accounts in accordance with the formula set forth in subsection (c)(1).

(c) *Allocation of Monies to Share Accounts.*

(1) *Allocation of Chapter 175 Contributions.*

a. *Initial Allocation.* Effective January 24, 2017, the amount of any premium tax monies allocated to the share plan were allocated to

individual member share accounts based on their completed months of credited service in proportion to the combined completed months of credited service of all participants.

All premium tax monies allocated to the share plan in any subsequent plan year shall be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual member share accounts at the end of each plan year on September 30 (a “valuation date”). To be eligible for a distribution, an individual member must be employed on September 30.

b. *Annual Allocations.* On each valuation date, each current actively employed member of the plan not participating in the DROP, each DROP participant and each retiree who retires or DROP participant who has terminated DROP participation in the plan year ending on the valuation date (including each disability retiree), or beneficiary of a deceased member (not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:

c. The total funds subject to allocation on each valuation date shall be divided equally among those persons eligible for an allocation and allocated to the member share account of those eligible for an allocation.

d. Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.

(2) *Allocation of Investment Gains and Losses.* On each valuation date, each individual member share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these

annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

(3) *Allocation of Costs, Fees and Expenses.* The Board of Trustees shall pay all costs and expenses for the management and operation for the current fiscal year and shall set aside as much of the income as it considers advisable as a reserve for expenses for the next fiscal year.

(4) *No Right to Allocation.* The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the Chapter 175 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.

(5) Members and DROP participants shall be provided annual statements setting forth their share account balance as of the end of the plan year.

(d) *Forfeitures.* Any member who has less than five (5) years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (e) shall forfeit his individual member share account. Forfeited amounts shall be included and used as part of the Chapter 175 tax revenues for future allocations to individual member share accounts on each valuation date in accordance with the formula set forth in subsection (c)(1).

(e) *Eligibility For Benefits.* Any member (or his beneficiary) or DROP participant who terminates employment as a firefighter with the City or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria:

(1) *Retirement Benefit.*

a. A member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early retirement pursuant to Section 46-24.6, or if the member enters the DROP, upon termination of employment.

b. Such payment shall be made as provided in subsection (f).

(2) *Termination Benefit.*

a. In the event that a member's employment as a firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive one hundred percent (100%) of the value of his share

account, but only if he is either partially or totally vested in accordance with Section 46-24.9.

b. Such payment shall be made as provided in subsection (f).

(3) *Disability Benefit.*

a. In the event that a member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 46-24.8, subsection (a) or a not-in-line of duty disability benefit pursuant to Section 46-24.8, subsection (c), he shall be entitled to one hundred percent (100%) of the value of his share account.

b. Such payment shall be made as provided in subsection (f).

(4) *Death Benefit.*

a. In the event that a member or DROP participant dies while actively employed as a firefighter, one hundred percent (100%) of the value of his member share account shall be paid to his designated Beneficiary as provided in Section 46-24.7.

b. Such payment shall be made as provided in subsection (f).

(f) *Payment of Benefits.* If a member or DROP participant terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the member's share account, the member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection (c) above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.

(g) *Benefits Not Guaranteed.* All benefits payable under this Section 46-24.29 shall be paid only from the assets accounted for in individual member share accounts. Neither the City nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the member share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.

(h) *Notional account.* The member share account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the

system. There is no change in the system's assets, and there is no distribution available to the member or DROP participant until the member's or DROP participant's termination from employment. The member or DROP participant has no control over the investment of the share account.

(i) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

(j) *Maximum Additions.* Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the code pursuant to the provisions of Section 46-24.15, subsection (k).

(k) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

Sec. 46-24.30. Deferred Retirement Option Plan

(a) *Definitions.* As used in this section 46-24.30, the following definitions apply:

(1) *"DROP"* -- The City of City of Clermont Firefighters' Retirement Plan Deferred Retirement Option Plan.

(2) *"DROP account"* -- The account established for each DROP participant under subsection (c).

(b) *Participation.*

(1) *Eligibility to participate.* In lieu of terminating his employment as a Firefighter, any member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP.

(2) *Election to participate.* A member's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least fifteen (15) business days after it is received by the board.

(3) *Period of participation.* A member who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period not to exceed sixty (60) months beginning at the time his election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. A member may participate only once.

(4) *Termination of participation.*

a. A member's participation in the DROP shall cease at the earlier of:

1. the end of his permissible period of participation in the DROP as determined under subsection (b)(3); or
2. termination of his employment as a Firefighter.

b. Upon the member's termination of participation in the DROP, pursuant to subsection 1 above, all amounts provided for in subsection (c)(2), including monthly benefits and investment earnings and losses or interest, shall cease to be transferred from the system to his DROP account. Any amounts remaining in his DROP account shall be paid to him in accordance with the provisions of subsection (d) when he terminates his employment as a Firefighter.

c. A member who terminates his participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.

(5) *Effect of DROP participation on the system.*

a. A member's credited service and his accrued benefit under the system shall be determined on the date his election to participate in the DROP first becomes effective. For purposes of determining the accrued benefit, the member's salary for the purposes of calculating his average final compensation shall include an amount equal to any lump sum payments which would have been paid to the member and included as salary as defined herein, had the member retired under normal retirement and not elected DROP participation. Member contributions attributable to any lump sums used in the benefit calculation and not actually received by the member shall be deducted from the first payments to the member's DROP account. The member shall not accrue any additional credited service or any additional benefits under the system (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment for retirees in the system) while he is a participant in the DROP. After a member commences participation, he shall not be permitted to again contribute to the system nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Sec.

46-24.28.

b. No amounts shall be paid to a member from the system while the member is a participant in the DROP. Unless otherwise specified in the system, if a member's participation in the DROP is terminated other than by terminating his employment as a Firefighter, no amounts shall be paid to him from the system until he terminates his employment as a Firefighter. Unless otherwise specified in the system, amounts transferred from the system to the member's DROP account shall be paid directly to the member only on the termination of his employment as a Firefighter.

(c) *Funding.*

(1) *Establishment of DROP account.* A DROP account shall be established for each member participating in the DROP. A member's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2), and earnings or interest on those amounts.

a. The credited service and vesting credits of a participant in the DROP shall remain as they existed on the effective date of the DROP. The DROP participant is not eligible for any additional credited service or increases in salary after entry into DROP.

b. Payment for accrued unused leave earned before February 14, 2014 shall be made, at the option of the participant:

1. When commencing participation in the DROP;
2. As the leave is actually used during participation in the DROP; or
3. When the participant actually terminates employment with the City.

(2) *Transfers from retirement system.*

a. As of the first day of each month of a member's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his employment as a Firefighter and elected to receive monthly benefit payments thereunder shall be transferred to his DROP account, except as otherwise provided for in subsection (b)(4)b. A member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and

(b)(4), but in no event shall it continue past the date he terminates his employment as a Firefighter.

b. Except as otherwise provided in subsection (b)(4)b., a member's DROP account under this subsection (c)(2) shall be credited with interest at an effective rate of six and one-half percent (6.5%) per annum compounded monthly determined on the last business day of the prior month's ending balance and credited to the member's DROP account as of such date (to be applicable to all current and future DROP participants).

c. A member's DROP account shall only be credited with interest and monthly benefits while the member is a participant in the DROP. A member's final DROP account value for distribution to the member upon termination of participation in the DROP shall be the value of the account at the end of the month immediately preceding termination of participation plus any monthly periodic additions made to the DROP account subsequent to the end of the previous month, and prior to distribution. If a member fails to terminate employment after participating in the DROP for the permissible period of DROP participation, then beginning with the member's first month of employment following the last month of the permissible period of DROP participation, the member's DROP account will no longer be credited with interest, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the member is employed by the Fire department, and no cost-of-living adjustments shall be applied to the member's credit during such period of continued employment. A member employed by the Fire department after the permissible period of DROP participation will still not be eligible for pre-retirement death or disability benefits and will not accrue additional credited service except as provided for in section Sec. 46-24.28.

(d) *Distribution of DROP accounts on termination of employment.*

(1) *Eligibility for benefits.* A member shall receive the balance in his DROP account within 30 days after the end of any calendar quarter following termination of employment in accordance with the provisions of this subsection (d) upon his termination of employment as a Firefighter. Except as provided in subsection (d)(5), no amounts shall be paid to a member from the DROP prior to his termination of employment as a Firefighter.

(2) *Form of distribution.*

a. Distribution of his DROP account shall be made in a lump

sum, subject to the direct rollover provisions set forth in subsection (d)(6);
or

b. The member may elect to have a partial lump sum amount paid to him or a surviving beneficiary, less taxes, with the remainder of the distribution of his DROP account made in a lump sum, subject to the rollover provisions set forth in subsection (d)(6).

Elections under this paragraph shall be in writing and shall be made in such time or manner as the board shall determine. Notwithstanding the preceding, if a member dies before his benefit is paid, his DROP account shall be paid to his beneficiary in such optional form as his beneficiary may select. If no beneficiary designation is made, the DROP account shall be distributed to the member's estate.

- (3) *Date of payment of distribution.* Except as otherwise provided in this subsection (d), distribution of a member's DROP account shall be made as soon as administratively practicable following the member's termination of employment. Distribution of the amount in a Member's DROP account will not be made unless the Member completes a written request for distribution and a written election, on forms designated by the Board, to either receive a cash lump sum, a partial lump sum and partial rollover amount, or a rollover of the full lump sum amount.
- (4) *Proof of death and right of beneficiary or other person.* The board may require and rely upon such proof of death and such evidence of the right of any beneficiary or other person to receive the value of a deceased member's DROP account as the board may deem proper and its determination of the right of that beneficiary or other person to receive payment shall be conclusive.
- (5) *Distribution limitation.* Notwithstanding any other provision of subsection (d), all distributions from the DROP shall conform to the "Minimum Distribution Of Benefits" provisions as provided for herein.
- (6) *Direct rollover of certain distributions.* This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in section 46-24.24.
- (e) *Administration of DROP.*
 - (1) *Board administers the DROP.* The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The

members of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.

(2) *Individual accounts, records and reports.* The board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each member's DROP account, and the board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare and distribute to members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.

(3) *Establishment of rules.* Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.

(4) *Limitation of liability.*

a. The trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.

b. Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel.

The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

(f) *General provisions.*

- (1) *The DROP is not a separate retirement plan.* Instead, it is a program under which a member who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this Sec. 46-24.30 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a member is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the member's monthly benefit.
- (2) *Notional account.* The DROP account established for such a member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from the DROP. The member has no control over the investment of the DROP account.
- (3) *No employer discretion.* The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (4) *IRC limit.* The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
- (5) *Amendment of DROP.* The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any member.
- (6) *Facility of payment.* If a member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.

(7) *Information.* Each member, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the board the information that it shall require to establish his rights and benefits under the DROP.

(8) *Written elections, notification.*

a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

b. Each member or Retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or Retiree notifies the board of his address.

(9) *Benefits not guaranteed.* All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(10) *Construction.*

a. The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.

b. The titles and headings of the subsections in this section 46-24.30 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

(11) *Forfeiture of retirement benefits.* Nothing in this section shall be construed

to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

(12) *Effect of DROP participation on employment.* Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10101021
Phone: (352) 241-7331
Date: 03/01/21
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	03/09/2021	03/09/2021	\$127.81

LEGAL NOTICE

Notice is hereby given that the City Council of 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.

proceedings, and may need to ensure that 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 hearings.

Tracy Ackroyd Howe, MMC
City Clerk

ORDINANCE NO. 2021-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, REPEALING ORDINANCE 304-C, AMENDING SECTION 46-21; AMENDING SECTION 46-23 TO ADD AN AMENDED AND RESTATED PLAN DOCUMENT FOR THE CITY OF CLERMONT POLICE OFFICERS' RETIREMENT PLAN; AMENDING SECTION 46-24 TO ADD AN AMENDED AND RESTATED PLAN DOCUMENT FOR THE CITY OF CLERMONT FIREFIGHTERS' RETIREMENT PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Ad No: 10101021
March 09, 2021.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, March 23, 2021 at 6:30 P.M. for final enactment.

All meetings will be held in the City Council Chamber inside Clermont City Hall, located at 685 West Montrose Street unless otherwise noted.

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

Payment Info	
Ad Price	\$127.81
Tax	\$0.00
Sub Total	\$127.81
Prepaid Amount	\$0.00
Balance Due	\$127.81



POST OFFICE BOX 888343
ATLANTA, GEORGIA 30356-0343
TELEPHONE 770.392.0980
FACSIMILE 770.392.2193

December 18, 2020

Trustees of the Retirement Plan for the Police Officers of the City of Clermont
Mr. J. Scott Baur
Managing Partner
Resource Centers, LLC
4360 Northlake Boulevard, Suite 206
Palm Beach Gardens, FL 33410

Re: Retirement Plan for the Police Officers of the City of Clermont

Ladies and Gentlemen:

In response to your request, I have reviewed the recently proposed restated legal plan document. The purpose of the restatement is to incorporate recent amendments into the document and to make several modifications and clarifications to the current language of the plan in order to preserve compliance with the requirements of the Internal Revenue Code.

Because the restatement does not make any substantive changes to the plan, I have determined that the proposed restated legal plan document as submitted to me will have no actuarial impact on the plan.

If you have any questions, please do not hesitate to call me.

Sincerely,

Charles T. Carr

Charles T. Carr
Consulting Actuary



POST OFFICE BOX 888343
ATLANTA, GEORGIA 30356-0343
TELEPHONE 770.392.0980
FACSIMILE 770.392.2193

December 18, 2020

Trustees of the City of Clermont Firefighters' Retirement Plan
Mr. J. Scott Baur
Managing Partner
Resource Centers, LLC
4360 Northlake Boulevard, Suite 206
Palm Beach Gardens, FL 33410

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Sincerely,

Charles T. Carr

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Consulting Actuary