

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
January 10, 2023

CALL TO ORDER

The City Council met in a regular meeting on Tuesday, January 10, 2023 in the Clermont City Council Chambers. Mayor Murry called the meeting to order at 6:30 pm with the following Council Members present: Council Members Gonzalez, Pines, Entsuah, and Purvis.

Other City officials present were City Manager Bulthuis, City Attorney Mantzaris, and Deputy City Clerk Wisniewski.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Police Chaplain Michael Saxe followed by the Pledge of Allegiance.

PROCLAMATION

Deputy City Clerk Wisniewski read the proclamation for Florida Arbor Day.

PUBLIC COMMENTS

Officer Park, Clermont Police Department – spoke about the Honor the Fallen 5k run on March 4, 2023.

Donna Delpino, 789 Pine Lane – expressed concern regarding the Clermont Police Department.

Matthew Jordon Delpino, 789 Pine Lane – expressed concern regarding the Clermont Police Department.

REPORTS

CITY MANAGER REPORT

City Manager Bulthuis –

- Monday, January 16 the City is closed for Martin Luther King, Jr. day.
- MLK Jr. day parade on January 16 at 10:00 am at McKinney Park.

CITY ATTORNEY REPORT

City Attorney Mantzaris – no report

CITY COUNCIL REPORT

Council Member Gonzalez –

- Attended the Police Department swearing in.
- Attended a webinar with Florida League of Cities.

Council Member Purvis –

- Attended the TDC meeting.

Council Member Entsuah –

- Brought up the idea to have training for the public for training on CPR and AED use. Workshop for citizens who want to know more about life saving techniques.

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Fire Chief Ezell stated that we do offer this to the public. Chief Ezell can get with the County and other cities to obtain cooperation to possibly get an initiative started.

Council Member Pines – January 19 will be the Clermont Main Street, State of Main Street address at the Clermont City Center from 6-8 pm.

Mayor Murry –

- MLK Jr. day parade and event on January 16.
- Attended the Police Department swearing in.
- Mayors lunch will be at Suncreek brewery the 1st Tuesday of February.
- Asked for an update on Mason Ridge.

City Manager Bulthuis responded that the City can approve a project but cannot force a developer to move forward.

- Streetscape is starting again downtown.

CONSENT AGENDA

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

Item No. 1 - Plat Approval

Consider approval of the Waterbrooke Phase 6-A plat consisting of 119 lots.

Item No. 2 - Resolution No. 2023-001R

Consider approval of FY 2023 Budget Amendment to the General Fund, Cemetery Fund, Police Impact Fund, Stormwater Fund, and CRA Fund

Item No. 3 - Resolution No. 2023-002R

Consider the subordination of the city interests within an existing utility easement for construction of improvements to State Road 50 by F.D.O.T.

Item No. 4 - Resolution No. 2023-004R

Support Lake County Transportation Impact Fees

Consider requesting the Lake County Board of County Commissioners to adopt new transportation impact fees in the South Lake County Transportation Boundary Area

Item No. 5 - Interlocal Agreement

Consider an agreement between the City of Minneola and the City of Clermont for provision of wastewater services for properties in the Minneola Business Park off HWY 27.

Item No. 6 - Annexation Agreement

Development Previously approved by Lake County

Consider Annexation Agreement for Johns Lake Landing Mixed Use Development.

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Item No. 7 - Utility Service Agreement
Mardoche Dorsonne

Consider sewer service in the amount of 11,700 gallons per day for a 92 bed assisted living facility on property 2,000 ft. south of US 27 and Hartwood Marsh Road intersection.

Item No. 8 - Utility Service Agreement
Hampton Manor

Consider sewer service in the amount of 11,700 gallons per day for a 92 bed assisted living facility on property 2,000 ft. south of US 27 and Hartwood Marsh Road intersection.

Item No. 9 - Contract Amendment

Consider amendments to annual term contracts that have exceeded or may exceed \$50,000 on an annual basis.

Item No. 10 - Piggyback Purchase and Budget Amendment

Consider purchasing one refuge side-loader and one clam truck in the total amount of \$577,206 from the Florida Sheriff's Association contract number FSA22-VEH20.0 and a budget amendment in the amount of \$93,000.

Item No. 11 - Bid Award and Budget Amendments
Mowing Services

Consider the award and approval of a term contract with AB5 Enterprises to provide mowing services in the annual budgeted amount of \$81,055 along with corresponding budget amendments to the Stormwater and General Fund.

Item No. 12 - Surplus Request

Approval of surplus from Information Technology Department and dispose of in accordance with the Purchasing Policy.

Item No. 13 - Single/Sole Source Purchase

Consider approval of a single/sole source purchase from Stryker Medical to acquire LifePak AEDs and equipment in the total budgeted amount of \$56,184.84.

Council member Purvis moved to approve the consent agenda items 1 -13 as presented; Seconded by Council member Pines. Passed unanimously 5-0 with all members present voicing aye.

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UNFINISHED BUSINESS

Item No. 14 – Ordinance No. 2022-033, Clonts Property Rezoning

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, PUBLICATION AND AN EFFECTIVE DATE.

Deputy City Clerk Wisniewski read the title aloud.

Development Services Planner Kruse presented the item. This application was tabled from the August City Council meeting to allow refinement and further study of the traffic impact on the Wellness Way Area Road Network. The updated traffic study was received in October and time was necessary for the City's Traffic Consultant's review, with comments going back and forth between the applicant and the consultant. The additional time was needed for completion and review of the revised traffic study that was fully submitted on December 9. In addition, the proportionate share mitigation agreement with the Lake County School Board was provided to the City as well. As part of this approval process, the Council will also consider approving the Lake County School Board proportionate share mitigation agreement since the City is a party to this agreement.

The applicant is requesting a rezoning to a Planned Unit Development (PUD) to construct a multi-family development consisting of 330 units. The site is approximately 27.5 acres and is located just east of US 27 and directly north of the Olympus Sports and Entertainment development. In October of 2019, the property owner obtained a Developers Agreement from the city that entitled the parent parcel to 12 units per acre and up to 152,000 square feet of commercial and retail use. The current applicant is only requesting to develop the eastern half of the development. The owner of the western half of the property will not be developing their portion until a later date. The property is currently zoned Urban Transition with a Future Land Use of Multi-Use west in the Wellness Way area.

The applicant has provided an updated PUD site plan. The plan was revised to show the public area along the northwest portion of the project and shifted buildings up to the front to build zone, a requirement of the Wellness Way guidelines. The applicant is proposing 330 apartment units along with amenities consisting of a community pool, activity lawn, and promenade. As part of the design, the applicant is requesting relief from the city's grading code. For residential properties, the current code allows for a maximum cut or fill of 10 feet. In this case, because of the significant topography, the applicant is requesting up to a 35 foot cut over 17% of the site, in which most of it is in the proposed stormwater pond at the north end of the site. A small portion, outside of the pond and is expected to have up to 18 feet of cut. The fill area is expected to be up to 12 feet of fill over 0.5 % of the site. Another waiver request by the applicant is to allow retaining walls with a maximum height of 8 feet. Per city code, retaining walls shall have a maximum height of 6 feet.

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The proposed PUD is consistent with the Multi-Use Future Land Use category and Section 2.1.3 of the Wellness Way guidelines. The PUD ordinance has several specific conditions that the applicant will need to satisfy in order to continue to move forward on the development of the site, if approved by City Council. These conditions include the extension of utility lines to the site in a timely manner and mitigation strategies for payment for their proportionate fair share for transportation improvements. The applicant will be required to complete a Proportionate Share Transportation Impact Fee Credit Agreement with Lake County for their share of road improvements in the vicinity, consistent with the Wellness Way policies. The applicant will also be entering into a proportionate share mitigation agreement for school concurrency with the Lake County School Board, which is supplied in the packet for review and the City is a party thereof.

Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development and Section 122-295 Wellness Way Community Design Guidelines and Standards. The project is adjacent to a major arterial, US 27, and a new road, Wellness Way. Public utilities will be brought to the site by the developer and the City does have capacity to serve the project. The proposed project is not in conflict with the City's Comprehensive Plan or Land Development Code. Staff recommends approval.

Josh Evanson with Poulos and Bennett presented on behalf of the developer. The presentation highlighted the site layout, including the buildings and units, roads, landscaping and stated that the development team was in attendance if there were any questions.

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

Discussion ensued regarding elevators, there are elevators in the five story buildings. The retention pond is a dry pond. Talk was had about the topography and needing 8 foot retaining walls as well as the road system.

City Manager Bulthuis explained where this property is located and the road systems within Wellness Way.

Council Member Purvis moved to approve Ordinance No. 2022-033; Seconded by Council Member Gonzalez. The motion passed by roll call vote 5-0.

NEW BUSINESS

Item No. 15 – Variance Request, 982 Nathan Ridge Road

Development Services Director Henschel presented the item. The applicant is requesting one variance for a rear yard setback to allow for the expansion of an existing covered lanai. The request is to expand the existing lanai with a 19' x 12' solid insulated roof screen porch expansion. The property is located in the Highland Ranch Canyons, with a Planned Unit Development (PUD) zoning designation. The PUD requires a minimum of a 20 foot rear yard setback for the primary single family structure. The Land Development Code requires accessory buildings constructed with a solid roof shall be considered a structure and will be required to meet the same setbacks as the primary residence.

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The existing single-family home is located 25 feet from the rear property line and the proposed 19' x 12' patio expansion will be located 13 feet from the rear property line. The screen porch addition will encroach 8 feet into the required rear yard setback. The proposed screen porch expansion will increase the impervious surface area ratio, but will not exceed the maximum 75 percent total lot coverage allowed for the development. The applicant indicates the screen porch addition will allow an outside patio area that is covered and provides protection from the weather and environmental elements.

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 review criteria. Therefore, staff recommends denial of the variance request.

The applicants, Rebecca and Glen Thomas stated that they would like to expand the patio for a Jacuzzi. Ms. Thomas cannot be out in direct sun so they want a roof to enjoy the yard. The Thomas' presented letters from their HOA approving the patio and neighbors in support of their request.

Mayor Murry opened the public hearing.

Vincent Niemic, Regency Hills- questioned if the added roof would be to the structure or the lanai.

Mayor Murry closed the public hearing.

Council inquired what parts if any were original to the house and what parts have been added. Development Services Director Henschel explained that per code they can have a lanai or pergola without any restrictions on setbacks, putting a solid roof on the structure now requires the structure to be within the 25 foot setback. Discussion ensued on what would be allowed in that area without a variance. Are there any other homes in the within 5 to 10 houses that have a similar setup. Looking at the aerial photo staff had of the neighborhood, Mr. Henschel stated he did not see any other structures similar to what the applicant was requesting.

City Attorney Mantzaris stated the addresses of the neighbors who have submitted letters with no objection to the variance.

Council Member Entsuh moved to approve the Variance Request; Seconded by
Council Member Pines. The motion failed 2-3 with Council Member Gonzalez,
Council Member Purvis and Mayor Murry opposing.

Item No. 16 – Variance Request, 200 Division Street

Development Services Planner Kruse presented the item. The applicant is requesting a variance to allow a rear yard setback to be less than the minimum 25 feet required for the R-3 Residential/Professional zoning district. The subject property is located at 200 Division Street within the Cherry Knoll Townhomes Development.

The requested variance is to allow an existing 10' x 17' solid roof screen porch to encroach into the rear yard setback as constructed. The existing screen porch was constructed without a permit and the property owner is requesting a variance to allow the structure to remain as constructed.

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The requested variance would allow the owner the ability to keep the structure as built and apply for an after-the-fact building permit to bring the property into code compliance, this is a code compliance case. The solid roof patio would encroach 10 feet into the rear yard setback and would be approximately 14 feet from the rear property line. The screen porch addition is not out of character with other similar structures in the surrounding neighborhoods and would allow reasonable use of the property. The Land Development code requires any solid roof structures must comply with the setbacks of the primary structure. The screen porch as constructed is located on a corner lot, which could minimize the impact on the adjacent property owners.

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 review criteria. Therefore, staff recommends denial of the variance request.

Kim Rynearson with Blue Skye Screening stated that her company is the contractor who built the screen room. A permit was applied for and granted by the City and was later found that the screen room was drawn in the incorrect place on the permit application. Asking to be able to leave the screen room as is and have the permit adjusted to show the correct location of the screen room.

Mayor Murry opened the public hearing.

Kathy Harris, property owner – The inspector came out twice to look at the footings and said nothing about the screen room being in the wrong location. Ms. Harris has letters from neighbors and the HOA in support.

Mayor Murry closed the public hearing.

Council inquired how the contractor was not aware that they were building in the wrong location. Francisco Pena from Blue Skye explained the mistake when applying for the permit and how the wrong location was permitted.

Council discussed the point of realization that the screen room was in the wrong location and how far it encroaches into the setback. They discussed the original patio that was already there and the steps that need to be taken if Council approves the variance request.

City Attorney Mantzaris reminded Council that one of the key components to a variance is whether the need for the variance results from the action of the applicant/homeowner. In this case the homeowner did what they were supposed to do and hired a contractor who pulled a permit. This shows that this is not a case of inaction of the homeowner.

Council member Purvis moved to approve the variance request; Seconded by Council member Pines. Passed unanimously 5-0 with all members present voicing aye.

Item No. 17 – Variance Request, 1672 Turnstone Way

Development Services Director Henschel presented the item. The applicant is requesting a variance to allow for a reduced rear yard setback, instead of the minimum 25 feet required by code. The subject property is located at 1672 Turnstone Way, which is part of the Lost Lake Subdivision.

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The property zoning is Planned Unit Development (PUD) and the Future Land Use is Master Planned Development.

The requested variance is to allow an existing solid roof pergola patio structure to encroach into the rear yard setback as existing and constructed. The code requires any solid roof structures must comply with the setbacks of the primary residence. The open roof pergola was constructed with a permit and placed 7 ½ feet from the rear property line, which is allowable by the land development regulations. The applicant later installed a solid roof, which changed the setback requirements. The current layout of the patio structure abuts an existing opaque hedge/shrub screen to help minimize any impact on the adjacent property owners. The owner indicates that because the unroofed pergola structure was already approved with a permit and they were not aware the solid roof installation would change the permit requirements, and now requires a variance to allow the pergola to remain as constructed. The applicant also indicates that because the solid roof pergola structure has already been built at a significant cost to the homeowner, the removal of the existing structure will provide an undue and excessive hardship to the property owner.

The applicant has provided several letters of support and no objections from the surrounding property owners. In addition, the HOA had previously approved the open roof pergola, but the addition of the solid roof structure will require a permit from the City before ARB approval.

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 review criteria. Therefore, staff recommends denial of the variance request.

Property owner Karen Hodge stated that she made a mistake. A permit was pulled for the pergola and she was not aware that she had to pull another permit in order to add the panels to cover the roof. The roof panels cost \$9,000 and she would appreciate for Council to allow them to stay.

Sherry Cook, 1672 Turnstone Way, added that they have letters from neighbors who support the request.

Mayor Murry opened public hearing.

Vincent Niemic, Regency Hills – inquired if the roof structure was approved by the applicants HOA.

Mayor Murry closed the public hearing.

Council discussed the company who installed the panels without inquiring if a permit was needed. The structure is set all the way at the back of the property.

Council Member Entsuaah asked if the panels are the only reason that this structure is out of compliance and was told it was.

City Attorney Mantzaris explained that the City code defines a building as solid roof structure and that is what triggers the need for a variance when they don't meet the setback requirements.

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Council member Purvis moved to deny the variance request; Seconded by Council member Pines. Passed 4-1 with Council Member Entsuaah opposing.

Item No. 18 – Board Appointments

City Manager Bulthuis stated that the Police Pension Board and the Fire Pension Board each have one opening. There are two applicants for each board and either of them are fine to serve on whichever board they are appointed.

Mr. Bulthuis asked if the applicants were in attendance and to come up and introduce themselves.

Katherine Falcon, 280 Edgewood Drive – Loves Clermont and will help in any way the City needs her.

Council Member Purvis motioned to approve Kathleen Falcon to the Fire Pension Board and John Baker to the Police Pension Board; Seconded by Council Member Pines. Passed unanimously 5-0 with all members present voicing aye.

City Manager Bulthuis stated that the Code Enforcement Board has three vacancies with two of those being resignations. The vacancies each have different term limits, April 2023, April 2024 and April 2025. Staff recommends that whoever is appointed to the term that expires April 18, 2023 fulfill the three month term and turn it to the full 3 year term expiring in 2026.

Mr. Bulthuis asked if the applicants were in attendance and to come up and introduce themselves.

Chandra Myers, 1040 Glenraven Lane – previously served as Chairperson for the Code Enforcement Board.

Bryan Bain, 3578 Wind River Run – moved to Clermont 3 years ago. Served as an elected member of Council in a previous state.

Kathrine Falcon, 280 Edgewood Drive – would like to rescind her application for the Code Enforcement Board.

Council Member Purvis nominated Chandra Myers to the term expiring April 2026.

Council Member Pines nominated Bryan Bain to the term expiring April 2025 and Domingo (Sonny) Fornoles, JR. to the term expiring April 2024.

Council Member Purvis motioned to approve Chandra Myers to the term expiring April, 2026, Bryan Bain to the term expiring April, 2025 and Domingo (Sonny) Fornoles, Jr. to the term expiring April, 2024; Seconded by Council Member Pines. Passed unanimously 5-0 with all members present voicing aye.

Council reviewed the appointments for the outside boards. All appointments stayed the same with the exception of the below appointments.

Michael Gonzalez to the Lake County League of Cities.

Jon Sousan to the Lake County Arts and Cultural Alliance Board.

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Council Member Entsuh appointed as alternate for the Metropolitan Planning Organization Governing Board.

Item No. 19 – Ordinance No. 2023-002, MSTU Introduction

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 125.01(l)(q), FLORIDA STATUTES (1999), CONSENTING TO THE INCLUSION OF THE CITY OF CLERMONT, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MUNICIPAL SERVICE TAXING UNIT FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

Deputy City Clerk Wisniewski read the title aloud.

Council Member Entsuh moved to introduce Ordinance No. 2023-002; Seconded by Council Member Purvis. Passed unanimously 5-0 with all members present voicing aye.

Item No. 20 – Ordinance No. 2023-003, Firefighter Pension Plan Revisions Introduction

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF 1 CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF 2 CLERMONT FIREFIGHTERS' PENSION TRUST FUND, AS ADOPTED 3 BY ORDINANCE NO. 304-C; PROVIDING PLAN BENEFIT REVISIONS; 4 PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

Deputy City Clerk Wisniewski read the title aloud.

Council Member Entsuh moved to introduce Ordinance No. 2023-003; Seconded by Council Member Pines. Passed unanimously 5-0 with all members present voicing aye.

Item No. 21 – Ordinance No. 2023-004, Police Officers Pension Plan Revisions Introduction

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF CLERMONT POLICE OFFICERS' RETIREMENT PLAN, AMENDING CHAPTER 46; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

Deputy City Clerk Wisniewski read the title aloud.

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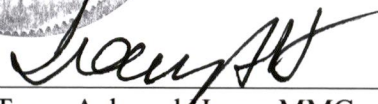
Council Member Entsuah moved to introduce Ordinance No. 2023-004; Seconded by Council Member Purvis. Passed unanimously 5-0 with all members present voicing aye.

Mayor Murry shared with the public that Clermont resident Frank Klum is turning 100 years old and the VFW will be having a luncheon to honor him.

ADJOURN: With no further comments, this meeting adjourned at 8:36 pm.

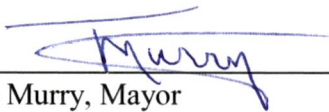


ATTEST:



Tracy Ackroyd Howe, MMC
City Clerk

APPROVED:



Tim Murry, Mayor