

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
March 14, 2023

CALL TO ORDER

The City Council met in a regular meeting on Tuesday, March 14, 2023 in the Clermont City Council Chambers. Mayor Murry called the meeting to order at 6:30pm with the following Council Members present: Council Members Pines, Entsuah and Purvis.

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

Absent: Council Member Gonzalez

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Police Chaplain James Pagano followed by the Pledge of Allegiance.

LAKE COUNTY BOARD REPORT

Lake County Commissioner Parks spoke about the ongoing County wide joint planning effort and expressed his appreciation to the City Manager, Mayor and Council for their participation. Mr. Parks stated that they are discussing the conservation strategy county wide and is looking forward to future meetings.

The County budget process has begun and Mr. Parks is hoping to allocate up to four percent (4%) for road projects. The Commission did vote to increase the Impact Fees in south Lake County starting October 1, 2023 which will become effective 60 days later.

A lot of growth is occurring in Lake County and the increased Impact fees will help fund road projects associated with development. There is road resurfacing that is needed and the penny sales tax will help with that.

Supportive of the “Meet Us in the Middle” project and will work with the city to help. If the City can get three Commissioners to agree, they can help with funding for the project.

There was discussion regarding lighting and the resurfacing of County roads.

Council Member Purvis spoke about funds available from the Federal Government and what could be done with that. Commissioner Parks stated that the County has applied for a program that could award upwards of \$1,000,000.00. The funds would first be used to identify safety issues and then the following year they could receive funding for projects stemming from the identified safety issues.

Sharon Keyes, 644 W. Osceola – Inquired about the Urban Partnership with the City.

Commissioner Parks said that he is not aware of the latest information but the County is open to an urban partnership through the Community Development Block Grant (CDBG).

Discussion ensued regarding solid waste in the County. They are aware of the issue and there is a plan in place to address it. If there are issues, he urged the public to email the County. For every missed pick up, the company is fined.

OPENING COMMENTS

City Manager Bulthuis informed the Council of the following agenda change:

Item No. 12- Variance Request, 4448 Linwood Trace Lane

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City Manager Bulthuis informed the Council this is a request to table this item to April 11, 2023.

Council Member Pines moved to table the Variance request to April 11, 2023; Seconded by Council Member Entsuah. Passed unanimously 4-0 with all members present voicing aye.

PUBLIC COMMENTS

There were no public comments.

REPORTS

CITY MANAGER REPORT

- City Manager Bulthuis asked Fire Chief Ezell and his team to come forward. Mr. Bulthuis stated that he had the pleasure of accompanying the Fire Department to Orlando to receive accreditation. We are the only Fire Department in Lake County who has this international accreditation.

Chief Ezell introduced Captain Cassler who elaborated on the accreditation process. It is a process of continuous improvement, to develop a plan and put in place for the next 3 to 5 years. There are only 309 Fire Departments in the world that have accredited status, 217 in the US and of those only 114 that have an ISO rating of 1 that we have.

- City Manager Bulthuis announced there will be a Council workshop on March 21 to talk about impact fees. State law has a provision that if Council finds extraordinary circumstances, the city has the ability to go to maximum impact fees without having a phased approach. Staff will recommend to Council to go to the maximum impact fees for Parks and Recreation, Water, Sewer, Police and Fire on new development. There will be two workshops then a first and second reading of the ordinance to adopt.
- The Police Department will be doing "Tip a Cop" at Texas Roadhouse tomorrow.
- Pups in the Park will be held at Lake Hiawatha on Saturday.
- City Manager Bulthuis had Parks and Recreation Director Forman come forward to review the watercraft rental business ordinance. The original ordinance was adopted in June 2021, staff reviewed the ordinance and provided a survey asking for the vendor's feedback. Mr. Forman reviewed the results of the survey and stated one of the suggestions was to allow for stacking for two hours instead of the one the ordinance allows. Staff agrees with the change and will amend the ordinance accordingly.

Council Member Purvis requested to do the same review a year from now.

CITY ATTORNEY REPORT

Legislature initiated their session for this year. Asked Council for a consensus for the Mayor to send objection letters on the pending bills to the Governor, Speaker of the House, Senate President and Local Legislature.

SB 682 and HB 671 Residential Building Permits, would require the city to reduce the permit fee by 75% if an owner retains a private provider for plans review or building inspection services. Requires the city to notify a building permit applicant in writing within 3 days of submission if the application is not complete, if not done then the application would be deemed complete. Notify an applicant within 9 days after completed application if the city needs additional information and reduces the number of times the city can

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request additional information from three to two. If the timeframes are not met, then the application will be deemed approved.

CS/HB 401 Sovereign Immunity, Increases the statutory limits on liability for tort claims against the state, counties, cities, school districts, special districts and Community Development Districts. The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. CS/HB 401 was amended to increase the caps for damages against state and local government entities to \$2,500,000 per person and \$5,000,000 per incident. SB 604 would increase the caps to \$400,000 per person and \$600,000 per incident. This bill would have an incredible impact on city resources. The League of Cities believes there may be an increase on the limits, but how much remains to be seen.

SB 798 and HB 975 Solid Waste Management. This bill provides that the local government's fee may not exceed the local government's administrative cost and that the fee must be commensurate with fees for other industries. The City Council approves franchise agreements for private haulers who use city streets to do solid waste collection.

City Manager Bulthuis spoke about HB 1331 which impacts the municipal water charges and surcharges and the ability to transfer those funds to the General Fund. SB 1380 subjects city water and sewer systems to the public service commission. Both bills would change how the city operates, 15% of water and sewer revenue is transferred to the General Fund. Mr. Mantzaris asked for letters of objection from the Mayor for the bills Mr. Bulthuis pointed out.

HB 439 Use and Development Regulations, the bill was amended and the objectionable piece was removed so no action will be needed at this time.

There are two bills the city is in support of and is requesting letters of support from the Mayor.

HB 7007 Security and Fire safety System Plans, saves from repeal the public record and public meeting exemption for security or fire safety system plans for any property owned by or leased to a government entity.

SB 842 Public Records/Reports of County or Municipal Code Violations, creates a public records exemption for the personal identifying information of a person reporting a potential code violation.

Consensus from Council was to send letters of objection for SB 682 and HB 671 Residential Building Permits, CS/HB 401 Sovereign Immunity and SB 798 and HB 975 Solid Waste Management and send letters of support for HB 7007 Security and Fire safety System Plans and SB 842 Public Records/Reports of County or Municipal Code Violations.

Mr. Mantzaris informed Council that he will be out of town at the next meeting and his partner Lindsay Greene will cover the meeting in his absence.

CITY COUNCIL REPORT

Council Member Entsua – No report.

Council Member Pines –

- Congratulated the Fire Department on the accreditation.
- Congratulated the Police Department on their conviction of a drug dealer.
- Sommer Sports celebrated their 40th anniversary.

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Council Member Purvis –

- Congratulations to the Fire Department.
- Commended the staff at the Arts and Recreation Center.
- Attended the Tourist Development Council meeting last week.

Mayor Murry –

- Congratulations to the Fire Department on accreditation.
- Walked in the 5K with the Police Department.
- Tomorrow is coffee with the cops.
- Attended anniversary event for Sommer Sports.
- Attended Florida League of Mayors conference.
- Mayor's luncheon went well.
- Attended the opening of Little League baseball season.
- Thanked City Manager for educating the public on the Meet Us in the Middle project.

City Manager Bulthuis clarified the city does not rent out bikes along the bike path as it is not the role of city government to be in the rental business.

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 – Meeting Minutes

Consider approval of the minutes of the February 21, 2023 Council Workshop.

Item No. 2 – Bid Award
Public Services Trailer

Consider bid award to Nationwide Haul, LLC to purchase a 22-foot sludge dump trailer in the amount of \$60,253.

Item No. 3 – Bid Award
ARC Roof Replacement

Consider bid award to CMR Construction & Roofing, LLC to replace the existing roof at the Clermont Arts & Recreation Center in the amount of \$497,082 with an additional \$100,000 reserved for contingency.

Item No. 4 – Comprehensive Plan Proposal and Budget Amendment

Consider approval of East Central Florida Regional Planning Council proposal to redevelop the Comprehensive Plan and budget amendment in the amount of \$300,000.

Item No. 5 – Grant Acceptance and Budget Amendment

Consider acceptance of JAG C-8C201 grant for funds to purchase electronic equipment to create a strategic communications studio and a corresponding budget amendment.

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Item No. 6 – Grant Acceptance and Budget Amendment	Consider acceptance of a reimbursement grant and budget amendment in the amount of \$12,000 to fund the purchase of a camera and replacement carabiners.
Item No. 7 – Resolution No. 2023-009R	Consider approval of revisions to the Purchasing Policy.
Item No. 8 – Pay and Classification Schedule and Budget Amendment	Consider approval of a revised Pay and Classification Schedule, and performance evaluation/merit pay plan, and amend the budget for all funds effective April 10, 2023.
Item No. 9 – Amendment to Employment Contract	Consider updating the current employment contract for the City Manager.
Item No. 10 – Collective Bargaining Negotiations Team Request	Consider a negotiation team for the Clermont Police Officers Local 6013 and Sergeants Local 6014.

Dani Page pulled agenda Item No. 9 and Council Member Entsua pulled agenda Item No. 8 for further discussion.

Council Member Entsua moved to approve Consent Agenda Items 1-7 and Item No. 10; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye.

Item No. 8 – Council Member Entsua asked City Manager Bulhuis to provide background on this item.

Mr. Bulhuis stated he was asked to look into the employee pay structure. The current starting wage for the city is \$12.16 an hour, the state has mandated that within two and a half years the minimum wage will be \$15.00 an hour. There are currently 486 positions in the city with 62 vacancies that are difficult to fill due to the wages the city is offering. Mr. Bulhuis spoke about raising the minimum pay and then the issue of compression. Finance and Human Resources worked with the City Manager on a formula to raise the minimum wage to \$15.00 while also raising the pay for all employees to help offset compression.

Council discussed their knowledge of the item.

Council Member Entsua moved to approve Consent Agenda Item 8; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye.

Item No. 9 – Dani Page, Tuscany Ridge - expressed concern regarding the City Managers Contract.

Mr. Bulhuis reviewed the changes to the contract. The contract was changed to align the City Managers reviews with the reviews for the other departments in the City.

Council spoke about the City Managers review being public and done at City Council Meetings.

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Discussion ensued between Dani Page and Mr. Bulthuis regarding a conversation that was held at the Clermont City Center on the date of March 8, 2023.

Council Member Purvis moved to approve Item No. 9 as presented; Seconded by Council Member Pines.

Discussion was had regarding the possibility of a City Manager contract violation. City Attorney Mantzaris explained that City Managers are evaluated at every Council Meeting. City Council has the right with or without cause to evaluate and terminate the City Manager.

Passed unanimously 4-0 with all members present voicing aye.

UNFINISHED BUSINESS

Item No. 11 – Ordinance No. 2023-009, Land Development Code – Murals, Final Hearing

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 102 SIGNS; AMENDING SECTION 102-26 “OTHER SIGNS”; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; RECORDING; PUBLICATION AND AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Development Services Director Henschel presented the item. City staff is proposing a sign code change regarding murals. This proposed change will clarify the location of where murals may be placed. The current language in the code does not allow murals to be on the side of a building if the side fronts a right-of-way. The strikethrough language currently in the code is “The front building façade is determined as any façade facing a vehicular street right of way”. Staff is recommending to strike that sentence and allow the placement of murals on the side of buildings. Murals proposed for the front of buildings will remain prohibited.

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

Council spoke about signs and the difference between a mural and a sign. City Manager Bulthuis stated that the first mural is currently going up on the art walk.

Council Member Entsua moved to approve Ordinance No. 2023-009; Seconded by Council Member Pines. The motion passed by roll call vote 4-0.

NEW BUSINESS

Item No. 12 – *This item was addressed earlier in the meeting and tabled to the April 11, 2023 meeting.*

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Item No. 13 – Variance Request, 1160 Lakeview Drive

Development Services Director Henschel presented the variance request to allow for a driveway apron that was constructed without a permit to remain as existing. The property is located at 1160 Lakeview Drive in the Lakeview Height Subdivision. The property zoning is R-2 Medium Density Residential and has a Future Land Use designation is Low Density Residential. The Land Development Code, Section 54.78 allows the maximum width of a residential driveway access to an off-street parking shall be 20 feet for two-way vehicular movement and ten feet for one-way. The existing parking pad/apron was constructed without an approved permit, which is a violation of city codes. The applicant is seeking a resolution to bring the property into code compliance. The code requires all construction, regardless of scope of work, must comply with specific requirements and standards for any type of driveway, parking additions, or modifications of any new/or existing dwelling units or structures. The construction plans must be reviewed and approved prior to the issuance of a building permit for any alterations or changes to the property. In addition, the completion of the work must be inspected for final approval.

Staff finds the proposed parking pad/driveway apron constructed without a permit does not comply with City Codes. The concrete pad surface area could be considered as intrusive and out of character with other properties in the neighborhood. 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 requested variance.

The Property Manager, Leslie Campasano, was in attendance on behalf of the owner. The tenant constructed the apron, part of the code violation is that there was a permit needed. If Council denies the request, the tenant will tear it out and then will vacate the property. If council approves the request, then the owners will serve the tenant to vacate. Ms. Campasano is in attendance to hear the decision so that the owners of the property know how to proceed.

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

Council Member Entsuh moved to deny the variance request; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye.

Item No. 14 – Ordinance No. 2023-006, LDC Amendment, Introduction

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 38; ADDING SECTION 38.5 LAKEFRONT PROPERTIES PARKING AND STORAGE FOR BOATS; PROVIDING FOR CONFLICT, SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Council Member Entsuh moved to introduce Ordinance No. 2023-006; Seconded by Council Member Pines. Passed unanimously 4-0 with all members present voicing aye.

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Item No. 15 – Ordinance No. 2023-007, LDC Amendment, Introduction

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 122 ZONING; SECTION 122-342 SPECIAL SETBACKS; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; RECORDING; PUBLICATION AND AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Council Member Entsuah moved to introduce Ordinance No. 2023-007; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye.

Item No. 16 – Ordinance No. 2023-010, Rooms to Go Annexation, Introduction

AN ORDINANCE UNDER THE CODE OF ORDINANCES 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 AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Council Member Entsuah moved to introduce Ordinance No. 2023-010; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye.

Item No. 17 – Ordinance No. 2023-011, Ashley Furniture, Introduction

AN ORDINANCE UNDER THE CODE OF ORDINANCES 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 AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Council Member Entsuah moved to introduce Ordinance No. 2023-011; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye.

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Item No. 18 – Ordinance No. 2023-012, Wendy's, Introduction

AN ORDINANCE UNDER THE CODE OF ORDINANCES 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 AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Council Member Entsuh moved to introduce Ordinance No. 2023-012; Seconded by Council Member Purvis. Passed unanimously 4-0 with all members present voicing aye

ADJOURN: With no further comments, this meeting adjourned at 8:13pm.



ATTEST:

A handwritten signature in cursive script, appearing to read "Tracy AH", is written over a horizontal line.

Tracy Ackroyd Howe, MMC
City Clerk

APPROVED:

A handwritten signature in cursive script, appearing to read "Murry", is written over a horizontal line.
Tim Murry, Mayor