



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, September 19, 2017**

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 changed by the Mayor. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

Constitution Week

PRESENTATIONS

Downtown Parking 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 - Meeting Minutes

Consider approval of the July 25, 2017, August 8, 2017, and August 22, 2017 Council Meeting minutes.

Item No. 2 - Interlocal Agreement

Consider transfer of jurisdiction from Lake County to the City for a portion of a 15-foot unimproved right-of-way located west of U.S. Hwy. 27 and north of Caspian Lane.

Item No. 3 - Bid Award

Consider bid award to Marbeck Construction Co. for the construction of a pre-engineer metal building in the total tentative FY 2018 budget amount of \$547,800.

Item No. 4 - Contract Award

Consider request to piggyback the School Board of Broward County contract with PFM Asset Management, LLC to provide investment advisory services.

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Item No. 5 - Contract Award

Consider approval of single source award to NuTerra Management, LLC. to provide hauling and processing of organic green waste material to compost facility in the estimated annual tentative FY 2018 budgeted amount of \$90,000.

UNFINISHED BUSINESS

Item No. 6 - Variance Requests

Sherwin Williams

Consider variance requests to allow for a reduction in: required parking, rear-yard setback, landscape buffers and building facade landscaping for a vacant parcel located at 840 E. Hwy 50.

Item No. 7 - Ordinance No. 2017-28; *Final*

Clermont Ridge Senior Villas Annexation

Consider ordinance to annex 6.35 +/- acres for property located north of Hunt Trace Blvd. and west of Oakley Seaver Dr.

Item No. 8 - Ordinance No. 2017-29; *Final*

Clermont Ridge Senior Villas Comprehensive Plan Amendment

Consider ordinance to change the future land use designation for 6.35 +/- acres from Lake County Urban Medium to High Density Residential for property located north of Hunt Trace Blvd. and west of Oakley Seaver Dr.

Item No. 9 - Ordinance No. 2017-30; *Final*

Clermont Ridge Senior Villas Rezoning

Consider ordinance to change the zoning from Urban Estate to Planned Unit Development for an age-restricted senior housing project on property located north of Hunt Trace Blvd. and west of Oakley Seaver Dr.

NEW BUSINESS

Item No. 10 - Event and Road Closure Request

Consider Downtown Partnership request to host weekly Farmer's Market and Merchant Faire with road closures.

Item No. 11 - Event and Road Closure Request

Consider Downtown Partnership request to have road closures for the First Friday Family Food Trucks and Music on Montrose event.

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| Item No. 12 - Downtown Restaurant Site | Purpose of the action item is to inform council and receive directive action. |
| Item No. 13 - Ordinance No. 2017-27; <i>Introduction Table to October 10, 2017</i> | Consider ordinance to repeal and replace Chapter 102-Signs in the Land Development Code. |
| Item No. 14 - Ordinance 2017-32; <i>Introduction</i> | Consider ordinance to ban Medical Marijuana dispensaries in the City and repeal Ordinance 2016-48 which was allowed as a conditional use in the M-1 Industrial zoning district. |
| Item No. 15 - Ordinance No. 2017-33; <i>Introduction Anderson Hill Annexation</i> | Consider ordinance to annex 9.47 +/- acres located west of U.S. Highway 27 and north of Anderson Hill Road. |
| Item No. 16 - Ordinance No. 2017-34; <i>Introduction Anderson Hill Small-Scale Comprehensive Plan Amendment</i> | Consider ordinance to change the future land use from Lake County Urban Low Density to Commercial for 9.47 +/- acres located west of U.S. Highway 27 and north of Anderson Hill Road. |
| Item No. 17 - Ordinance No. 2017-35; <i>Introduction Anderson Hill Rezoning</i> | Consider ordinance for a Planned Unit Development to allow 58,000 square feet of C-2 General Commercial uses on 9.47 +/- acres west of U.S. Highway 27 and north of Anderson Hill Road. |

ADJOURN

Any person wishing to appeal any decision made by the City Council at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act (ADA), if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding he/she should contact Clermont, City Clerk's Office, 352-241-7330.

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.



Whereas, the Constitution of the United States established a foundation for the success of our nation through core beliefs such as popular sovereignty and limited government; and

Whereas, September 17, 2017 marks the two hundred thirtieth anniversary of the framing of the Constitution of the United States of America by the constitutional convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through September 23 as Constitution Week;

Now, Therefore, I, Gail L. Ash, Mayor of the City of Clermont in the State of Florida, do hereby proclaim September 17 through September 23, 2017 as

Constitution Week

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 12th day of September in the year two thousand seventeen.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 25, 2017

City Council met in a regular meeting on Tuesday, July 25, 2017 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, Travis and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Broadway gave the invocation followed by the Pledge of Allegiance.

PROCLAMATION

Parks and Recreation Month

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

PUBLIC COMMENTS

There were no public comments.

REPORTS

City Manager Gray announced Item 6; Resolution No. 2017-23, Heritage Hills Conditional Use Permit Amendment, was withdrawn by the applicant.

City Attorney Mantzaris requested direction from the Council regarding the medical marijuana constitutional amendment. The City adopted a Conditional Use Permit requirement for medical marijuana dispensaries which is in the City's Code. The Code states you can have a medical marijuana dispensary in the City; however, the dispensary must meet certain requirements and obtain a Conditional Use Permit. During the 2017 Special Legislative Session a bill was adopted which preempted a City from regulating medical marijuana dispensaries any more restrictive than a general pharmacy. The City has a code in place which contradicts State law. The new bill adopted by the legislature and signed by the governor also includes banning a medical marijuana dispensary from within 500 feet of a school, and allows a municipality to ban a medical marijuana dispensary within their jurisdiction. Staff recommendation is to ban medical marijuana dispensaries for the time being.

Mayor Ash asked if the City should wait and see if a lawsuit is filed against the legislative decision.

City Attorney Mantzaris commented the State has the right to preempt municipalities and counties. Municipalities and counties are taking the position to ban the medical marijuana dispensaries. The ban would not prohibit the use of medical marijuana.

Council Member Goodgame asked if law enforcement can ask to see someone's prescription.

City Attorney Mantzaris stated the law prohibits using medical marijuana in public places and there is an authorization card for those eligible to use medical marijuana.

The Council was in favor of banning medical marijuana dispensaries for the time being. Staff will move forward with an ordinance.

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Council Member Bates stated he met with Lake County Tax Collector Bob McKee and would like to see a representative from his office provide a report at an upcoming Council meeting.

Council Member Goodgame reported the West Orange/South Lake Transportation Task Force meeting and decided 501C3 entities cannot have 'economic development' in their title. Wellness Way is moving forward and the road work should begin this year. County Road 455 needs to run into the sector area to connect into Wellness Way.

Council Member Mullins – No report.

Council Member Travis reported she asked the Lake Sumter Metropolitan Planning Organization for a study on Old Highway 50 and Mohawk Road due to near miss accidents. The Lake Sumter Metropolitan Planning Organization conducted the study and recommended a left turn lane on Old Highway 50 heading west. Ms. Travis expressed disappointment in the Lake Sumter Metropolitan Planning Organization not putting pedestrian safety first.

Mayor Ash held Coffee with the Mayor at Maribella's Beauty Salon, attended the Lake Apopka Natural Gas board meeting, and attended the local task force meeting on the homeless. Mayor Ash reported the proposed City budget was reviewed by the Council on July 18, 2017. The millage rate is recommended to remain the same. She attended the 80th birthday celebration of Herbie Wallace.

CONSENT AGENDA

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

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| Item No. 1 – Meeting Minutes | Consider approval of the June 13, 2017 Regular Council Meeting minutes. |
| Item No. 2 – Change Order | Consider change order from Tetra Tech for the Sunburst Lower Floridan Well project in the budgeted amount of \$167,837.00. |
| Item No. 3 – Fee Reduction Request | Consider request of a reduced rate for use of the Arts and Recreation Center pool for the East Ridge High School Swim Team. |
| Item No. 4 – Resolution No. 2017-34 | Consider approval of sale of city owned property within the Downtown Central Business District for the purchase price of \$195,000.00. |
| Item No. 5 – Resolution No. 2017-35 | Consider authorizing the surplus and quit claim of 0.157 acres between East Montrose Street and East Desoto Street. |

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

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UNFINISHED BUSINESS

Item No. 6 – Resolution No. 2017-23, *Heritage Hills Conditional Use Permit Amendment*

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting an amendment to a Conditional Use Permit (Resolution 2016-09) for a Planned Unit Development to remove a condition requiring sidewalks along Hartwood Marsh Road.

The applicant has withdrawn the request.

Item No. 7 – Variance Request - *Mobil Gas Station*

Senior Planner Kruse presented the variance request to allow native landscaping without an irrigation system at the Mobil gas station located at 998 East Highway 50. The applicant appeared before the Council on June 27, 2017 and was provided additional time to supply the specifics of the proposed landscape plants. Staff noted the plants appear to be native to south Florida and may not survive the cooler temperatures in this area. Staff recommended denial of the variance request.

Applicant; John Hart, represented the owner and lessee of the property. Mr. Hart noted one correction and indicated the plants were Florida native plants. The shrubs are being replaced and part of the irrigation system has been repaired. Mr. Hart reviewed the proposed flowers and plants that require less water. He requested approval of the variance request.

Mayor Ash opened the public hearing.

Jim Purvis; 4206 Hammersmith Drive, spoke in opposition of the request.

Mayor Ash closed the public hearing.

Council Member Mullins asked if the crotons would be planted in containers. Mr. Hart noted they would not be in containers.

Council Member Goodgame noted the applicant should comply with the City's Code and spoke in opposition to the variance request.

Council Member Mullins liked the idea of variety and low water usage; however, he was opposed to abandoning the City's landscaping code.

Council Member Travis moved to deny the variance request; seconded by Council Member Goodgame.

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Mr. Hart stated the store operates on a minimal budget and the current owner is considering closing the store.

The motion passed with all members present voting aye.

NEW BUSINESS

Item No. 8 – Variance Request - *Vaughn*

Senior Planner Magruder presented the request to allow a rear yard setback to construct a 10 foot by 20 foot screened room with a solid roof at 13551 Laranja Street in the Terrace Grove subdivision. The proposed screen room addition would allow for a 14-foot rear yard setback from an existing brick wall located in the rear of the property. The property was developed in Lake County and annexed into the city with a Planned Unit Development zoning which requires a 20-foot rear yard setback. The Homeowners Association Architectural Review Board has approved the proposed screen room. Staff recommended denial of the variance request

Anthony Vaughn; Applicant, was present.

Mayor Ash opened the public hearing.

Barbara Rights; Terrace Grove Association Manager, stated the Architectural Review Board did approve the addition of the screen room. Ms. Rights stated there is a 10-foot buffer in front of a brick wall to the rear of the property. The brick wall and buffer are owned and maintained by the Terrace Grove Association.

Mayor Ash closed the public hearing.

Council Member Mullins mentioned the Council has not granted any variances in the Terrace Grove subdivision.

City Manager Gray noted the subdivision was recently annexed into the City.

Council Member Mullins was in favor of the request due to the brick wall and 10-foot buffer in the rear of the property.

Mayor Ash noted approving the variance would set a precedent.

Council Member Goodgame moved for approval of the variance request; seconded by Council Member Mullins. The motion passed 4 to 1 with Mayor Ash in opposition.

Item No. 9 – Variance Request – *Clark*

Senior Planner Magruder presented the variance request for a rear yard setback of 20 feet to allow construction of a screen room with a solid roof for property located at 1440 Cabot Drive in the Harvest Landing Phase 2A subdivision. The proposed screen room will encroach 5 feet into the rear yard setback. The Impervious Surface Ratio with the proposed structure would increase from 45 percent to 50 percent. The maximum Impervious Surface Ratio allowed for the subdivision is 50 percent. The proposed structure is similar to existing structures that have been built in the community. The Homeowners

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Association Architectural Review Committee approved the proposed screen room. Staff recommended denial of the variance request.

Mia Higdon; Silver Star Construction, stated she was representing the owner, Holly Clark. Mayor Ash opened the public hearing. There were no public comments. Mayor Ash closed the public hearing.

Council Member Bates asked if there was a wall behind the property line.

Ms. Higdon commented there was not a wall behind the property; however, there were different elevations behind the lot and there are no rear yard neighbors. The property is close to the road by Lowe's.

Council Member Mullins stated the site map indicates there were undeveloped lots behind the property.

Council Member Mullins noted when the subdivision was approved, the houses were too large for the lots. Mr. Mullins commented a retaining wall was present; however, it was lower than the property and looks down on the property to the rear.

Mayor Ash clarified the 5 feet is on the 10-foot side of the property; not the 40-foot side of the property.

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

Item No. 10 – Variance Request – Growler USA

Senior Planner Kruse presented the variance request to allow a reduction of 16 parking spaces for a proposed restaurant development in an existing commercial building in the Clermont Crossings plaza. The current uses of the building consist of retail and restaurant use. The plaza has 77 parking spaces available and with the addition of the proposed restaurant, the plaza would have a deficit of 16 parking spaces. The applicant has provided staff with documents containing language on cross-access easements and operating agreements with BJ's Wholesale development. Staff recommended denial of the variance request.

Charles Good; Growler, USA Owner, requested the variance be considered due to the existing 19 spaces which are not being used. The business would not affect the surrounding businesses parking.

Mayor Ash opened the public hearing.

Jim Purvis; 4206 Hammersmith Drive, asked for clarification of the cross-access parking agreement and employees parking in the cross-access area.

Christy Clark; 12150 Lakeshore Drive, and Zach McNamara spoke in favor of the request.

Mayor Ash closed the public hearing.

Council Member Goodgame asked of the businesses in the building and the business which will have the unused parking. Senior Planner Kruse reviewed the various business establishments and the parking requirements.

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Council Member Mullins asked of obtaining a firm long-term land lease, expressing concern of losing the right to use the other parking spaces. Mr. Good stated the parking agreement was included with the request.

Council Member Bates asked of the hours of operation. Mr. Good stated the business would close at 10 or 11pm, and midnight on the weekends. The business will not have a large lunchtime business.

City Attorney Mantzaris commented the cross access agreement was not included. The variance request was to consider the cross access right that they have, if there is no cross access there is no way to comply and meet City Code. Staff has the cross access agreement. The applicant is stating they have the right to use another property to meet the parking requirement and they are asking approval based on the cross access agreement.

Council Member Mullins commented the applicant has an agreement to use 19 parking spaces and spoke in favor of approving the request.

Mayor Ash asked if the agreement included 19 parking spaces. Senior Planner Kruse indicated they have 19 additional parking spaces they can use.

City Attorney Mantzaris clarified this was not a typical parking variance request. The variance request meets the parking space requirement; it is a portion of the parking spaces located on another piece of property. The applicant will have a parking issue if they lose the right to use parking spaces on the other property.

Council Member Goodgame asked what would happen to cause him to lose those spaces. City Attorney Mantzaris stated he had not seen the agreement; however, the grantor of the agreement may have the right to terminate the agreement.

Mr. Good stated the current agreement does not have a term limit.

Council Member Mullins moved to grant the variance request; seconded by Council Member Travis. The motion passed with all members present voting aye.

Item No. 11 – Resolution No. 2017-29 – *Citrus Tower Park*

City Clerk Ackroyd Howe read Resolution 2017-29 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow for a commercial shopping center over 20,000 square feet in the Lost Lake Reserve Planned Unit Development.

Senior Planner Magruder presented the Conditional Use Permit to allow for a commercial shopping center consisting of multiple offices and retail buildings for a total of 56,325 square feet in the Lost Lake Reserve Planned Unit Development. Staff recommended approval.

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Attorney Jimmy Crawford; Applicant, was present on behalf of the contract purchasers. Attorney Crawford stated the proposed development was part of the Lost Lake Development of Regional Impact and was approved for 70,000 square feet. The proposed development was designed without requesting any variances. The proposed development will prohibit restaurants due to parking limitations and will consist of professional office and retail businesses. Mr. Roundtree; representing the owner, was available to answer any questions.

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

Council Member Goodgame asked if there was a deceleration lane on Citrus Tower Boulevard. Attorney Crawford stated it was a deceleration lane.

Council Member Goodgame asked of a deceleration lane on Johns Lake Road. Attorney Crawford commented Lake County will determine if one is required during their review process.

Council Member Goodgame noted Johns Lake Road is busy, particularly in the morning during the school year.

Council Member Travis inquired of the amount of space for medical facilities. Attorney Crawford stated the amount of space for medical facilities was unknown; however, one building they have sold will be a medical facility.

Council Member Travis and Mayor Ash expressed concern of the current existence of empty medical facilities in Clermont. Attorney Crawford commented the buildings will not be built until they are sold.

Mayor Ash asked if Council would review the site plan prior to construction. City Manager Gray stated the site plans are reviewed by staff and must meet the standards set in the Conditional Use Permit.

Council Member Bates moved for approval; seconded by Council Member Goodgame.
The motion passed with all members present voting aye.

Item No. 12 – Ordinance No. 2017-31 – Introduction, Cemetery Code Amendment

City Clerk Ackroyd Howe read Ordinance 2017-31 aloud by title only.

An Ordinance of the Code of Ordinances of the City of Clermont, Lake County, Florida, amending Chapter 22, Cemeteries, Section 22-1, “Definitions” and Section 22-7 “Trust Fund”, repealing all ordinances in conflict herewith, providing for severability, codification and effective date.

Council Member Mullins moved for introduction of Ordinance 2017-31; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

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Item No. 13 – Proposed Ad Valorem Millage Rate

Finance Director VanZile commented based on the budget workshops, staff is proposing advertising a millage rate of 4.2061 for Fiscal Year 2017-2018. The rate represents an increase of 6.7755 percent over the rolled back rate of 3.9392. The millage rate will be included in the tax notices sent out in August, and the final rate will be approved at the September 21, 2017 public hearing.

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

Council Member Mullins moved to advise the existing millage rate; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:00pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
August 8, 2017

Clermont City Council met in a regular meeting on Tuesday, August 8, 2017 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, Travis and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Anderson gave the invocation followed by the Pledge of Allegiance.

PRESENTATION

Police Department Re-Accreditation

Police Chief Broadway announced the Clermont Police Department received reaccreditation. The reaccreditation was the best one to date due to the professionalism of the Clermont Police Department. Police Chief Broadway thanked Mayor Ash and City Manager Gray for attending the ceremony when the Police Department was presented with their certificate.

Mayor Ash commented the Clermont Police Department is an outstanding Police Department.

PUBLIC COMMENTS

Charlene Forth; 939 West Desoto Street, spoke of Officer Garrett's status and distributed a document to the City Council. Ms. Forth commented Clermont Police Officers should be equipped with body cameras.

Ms. Forth requested to speak on another subject and asked Council Member Goodgame to allow her to proceed. Mayor Ash stated Ms. Forth had addressed the Council for the allotted time.

City Attorney Mantzaris stated the Mayor is the presiding officer of the meeting and controls the meeting. The majority of the Council can extend the speaking time of individual, not an individual Council Member.

Jim Purvis; 4206 Hammersmith Drive, commented a speaker has been allowed to return after other speakers and address the Council on another matter. Mayor Ash stated a person is allowed to address the Council for non-agenda items for three minutes.

Ms. Forth requested City Attorney Mantzaris provide her the applicable rules and requested the Council to extend the time for her to address the Council.

Council Members Bates, Goodgame, and Travis were not opposed to extending Ms. Forth's speaking time.

Council Member Mullins was in agreement with Mayor Ash.

Ms. Forth commented there was a contentious item on the agenda. The public should have the right to speak without a time limit.

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Robin Brown; 1010 Scott Street, thanked the Police Department for coming into their community and helping the community feel safer. Ms. Brown commented the work of Officer Colon, Officer Rogers, and Police Chief Broadway was making a difference in the community.

REPORTS

City Manager Gray announced the Council Workshop for August 15, 2017 has been cancelled. The Canoe/Kayak Nationals event was great and he thanked Parks and Recreation Director Davidoff, Public Works Director Brunson, and Economic Development and Community Redevelopment Agency Director Schmidt for their hard work.

City Manager Gray stated the applicant requested Item 12, Sherwin Williams Variance Request, be tabled to the September 12, 2017 meeting.

Council Member Goodgame moved to table Item 12 to September 12, 2017; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City Attorney Mantzaris – No report.

Council Member Bates commented the schools will be in session beginning next week and asked everyone to be careful on the roads.

Council Member Goodgame stated a neighbor was killed in a vehicle accident at State Road 50 and 5th Street. The City had worked for two years to have the Department of Transportation lengthen the time of the amber light. The amber light was extended to 8 seconds; however, when the red light cameras were put into place, the time was reduced to 5 seconds. Mr. Goodgame requested City Manager Gray contact Lake County to extend the amber light time to 8 seconds.

Council Member Goodgame reported the banquet at the Performance Art Center for the Canoe/Kayak Nationals event was impressive and approximately 1,000 people attended. Mr. Goodgame thanked staff for their work on coordinating the dinner.

Council Member Mullins commented on the lack of rain at the August Food Truck and Music on Montrose Street event.

Council Member Travis reported on attending the opening of the Southern Hospitality shop and the banquet for the Canoe/Kayak Nationals event.

Mayor Ash commented on meeting with City Manager Gray, Capital Planning, Grants, and Projects Director, and Dr. Shortelle, Executive Director of St. Johns River Water Management District to discuss forming a regional organization related to water usage to develop regional solutions. Ms. Ash welcomed the Canoe/Kayak Nationals Championship teams. Mayor Ash reported on attending the ribbon cutting ceremony at Bulk Nation and the Canoe/Kayak Nationals banquet. Ms. Ash thanked City Manager Gray, Parks and Recreation Director Davidoff, Economic Development and Community Redevelopment Agency Director Schmidt, and Public Works Director Brunson for all their efforts in this event.

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CONSENT AGENDA

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

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| Item No. 1 – Meeting Minutes | Consider approval of the June 27, 2017 Regular Council Meeting minutes. |
| Item No. 2 – Canvassing Board | Appointment of Canvassing Board members for the 2017 elections. |
| Item No. 3 – Bid Award – Legacy Loop Master Plan Project – Phase 1 | Consider approval of bid award to Florida Safety Contractors, Inc. in the total budgeted amount of \$333,754.20. |
| Item No. 4 – Bid Award – Street Resurfacing | Consider approval of bid award to the Lane Construction Corporation in the total budgeted amount of \$372,750.00. |
| Item No. 5 – Bid Award – Manhole and Liftstation Rehabilitation | Consider bid award to VacVision Environmental, LLC.; Utility Technicians, Inc.; Hinterland Group, Inc.; U.S. Water Services Corporation; and Danus Utilities, Inc. in the total budgeted amount of \$550,000.00. |
| Item No. 6 – Road Closure and Event Request | Consider request to allow The Pink Bow Foundation to host their 2 nd annual “Spring & Flower Festival” on May 5, 2018. |
| Item No. 7 – Fee reduction request | Consider request of a reduced rate for use of the Arts and Recreation Center pool for the Minneola High School Swim Team. |
| Item No. 8 – Resolution No. 2017-25 | Consider amending the rules and regulations of the Oak Hill Cemetery. |
| Item No. 9 – Resolution No. 2017-36 | Consider an agreement between the City, the Florida Disc Golf Foundation, Inc., and Lake County for the construction, maintenance, and promotion of a disc golf course at Lake Hiawatha Park with funding in the Fiscal Year 2018 budget. |
| Item No. 10 – Resolution No. 2017-40 | Consider Resolution amending the amount of time permitted to address the Council, Board, or Commission. |

Jim Purvis pulled Item 10; Resolution 2017-40.

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Linda Charlton pulled Item 8; Resolution 2017-25.

Council Member Goodgame pulled Item 2; 2017 Elections Canvassing Board.

Council Member Mullins moved for approval of Consent Agenda Items 1, 3, 4, 5, 6, 7, 9, and 11; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Council Member Goodgame inquired of having someone from the public on the 2017 Canvassing Board. City Clerk Ackroyd Howe indicated the Canvassing Board has always consisted of staff and a Council Member. Council Member Bates stated members of the public can attend.

Council Member Mullins moved for approval of Consent Agenda Item 2; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Linda Charlton; 9101 County Road 561, asked of the changes to the cemetery rules and regulations. City Clerk Ackroyd Howe noted when the Third Addition to Oak Hill Cemetery opens, upright monuments will be allowed in the Third Addition.

Council Member Goodgame moved for approval of Item 8; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Jim Purvis; 4206 Hammersmith Drive, asked of the proposed changes to the speaking time limit. City Attorney Mantzaris stated the change is to make the time limits for agenda and non-agenda items the same at 3 minutes.

Mr. Purvis inquired of time limits for agenda item presentations. City Attorney Mantzaris commented from a legal perspective, the applicant has the right under the law to present sufficient information to address the issue in quasi-judicial proceedings. The Council has limited restrictions on limiting an applicant's presentation. The applicant is entitled to the relief they are seeking and the Council has to be cautious on cutting them off.

Mr. Purvis felt it was unfair to limit the public.

Council Member Bates inquired of a limit to the number of times a person can come up. City Attorney Mantzaris stated there was nothing in the Council's Rules of Conduct limiting the number of times someone can come to the podium. The presiding officer is allowed to control and address repetitive comments or irrelevant information. The concept of time restraints is statutorily authorized under the law and is to allow everyone a fair opportunity to address the Council on any issue throughout the entire meeting. The time limits have to be adjusted to accommodate the particular issue that is before Council even though you have time limits in place.

Council Member Goodgame spoke in favor of allowing someone to speak more than once. City Attorney Mantzaris commented the strict rules of Roberts Rules of Order are not meant to interfere or prohibit relevant public discussion, it is for time and efficiency to allow the Council to address all of the business at a particular meeting. The Council, as a majority, always has the right to hear further discussion, extend the time limits, or allow someone another opportunity to speak. There is a process to do this under the Council's Rules of Conduct by asking the presiding officer as a point of order to allow someone an opportunity to address, rebut, reply, or ask a question to something heard.

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Council Member Mullins commented in agreement with Council Member Goodgame; however, sometimes an abundance of back and forth occurs and it is important for someone who is running the meeting to control the extent of the conversations.

Council Member Travis noted the time limit was in sync with Lake County's time limits.

Mayor Ash noted Council was in agreement with changing the time limit to three minutes and should Council wish to make further changes to allow the public multiple times to speak on a subject, another resolution would have to be drafted.

City Attorney Mantzaris cautioned Council on attempting to set steadfast rules, as issues are case-specific. The Council understands when there is good, progressive, and relevant discussion occurring on an item.

Council Member Travis moved for approval of Item 10; seconded by Council Member Bates. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 11 – Ordinance No. 2017-31 - *Final, Cemetery Code Amendment*

City Clerk Ackroyd Howe read Ordinance 2017-31 aloud by title only.

An Ordinance of the Code of Ordinances of the City of Clermont, Lake County, Florida, amending Chapter 22, Cemeteries, Section 22-1, "Definitions" and Section 22-7 "Trust Fund", repealing all ordinances in conflict herewith, providing for severability, codification and effective date.

Finance Director Van Zile presented the ordinance to allow all the proceeds of the Cemetery Fund to pay for the annual cost of maintenance and/or improvements to the cemetery. The change was recommended in the Non-Utility Fee Study completed in 2016 and will provide greater budget flexibility to the City. The change will take effect the beginning of the 2017-2018 Fiscal Year.

Mayor Ash asked staff to report on the impact on the cemetery fund next year.

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

Council Member Mullins asked if there was a risk of losing funds to maintain the cemetery. Finance Director VanZile commented when the fund was established it was a standard to have a perpetual care trust fund; however, the cemetery will always be maintained by the City.

Council Member Goodgame moved for adoption of Ordinance 2017-31; seconded by Council Member Bates. The motion passed 5 to 0 on a roll call vote.

NEW BUSINESS

Item No. 12 – Variance Requests – *Sherwin Williams*

The request was tabled to the September 12, 2017 meeting.

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Item No. 13 – Variance Request - Bauer

Senior Planner Magruder presented the request to allow a rear-yard setback of 22 feet to construct a screen room with a solid roof at 1789 Bella Lago Drive in the Bella Lago Subdivision. The proposed screen room will encroach 3 feet into the required 25-foot rear yard setback. The Homeowners Association Architectural Review Board has approved the proposed screen room. The property abuts a 50-foot wide landscape buffer and a 4-foot high fence is located to the rear of the property. Staff recommended denial of the variance request.

Steven Meaders; Project Manager, was present on behalf of the owners. Mr. Meaders stated the applicants would like to add shade and use their backyard space. The structure will increase the property value and has satisfied all the Homeowner Association standards. The structure will not detract from the property or surrounding properties and will not damage the property or the environment. Mr. Meaders provided examples of the structure.

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

Council Member Bates asked of any neighbors behind the home and expressed concern of lighting. Mr. Meaders indicated there were neighbors behind the house. The lighting are sconces with frosted glass.

Council Member Goodgame inquired of the size of the existing porch. Mr. Meaders stated the existing lanai is 5 foot by 8 foot.

Council Member Goodgame expressed concern of setting a precedence in the Bella Lago Subdivision.

Mayor Ash noted the Homeowners Association Architectural Review Board approved the structure.

Richard Bauer; Homeowner, addressed the Council and stated the property has a steep incline opposite the Kings Ridge Subdivision and there are large shrubs blocking the view of the homes in Kings Ridge. Mr. Bauer commented the lighting was LED lighting with frosted glass. The surrounding neighbors have enclosed swimming pools which abut their stem walls.

Council Member Mullins spoke in favor of the request.

Council Member Bates moved for approval of the variance request; seconded by Council Member Mullins. The motion passed 4 to 1 with Council Member Goodgame in opposition.

Item No. 14 – Boat Ramp Relocation Master Plan Project

City Manager Gray noted a community meeting was held Thursday, August 3, 2017.

Richard Levy; Levy Consulting, presented the background and history of the Victory Pointe project and the Master Plan. The community meeting was attended by approximately 32 people and concerns were expressed regarding noise from ramp activity, boats, and airboats; wetland impacts; construction impacts from dredging; County Road 561 traffic impacts; the need for no wake zones; facility too small for growth; conflict with paddle sports and motor sports; general lake safety; and the proposed site location.

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The options are to build on Lake Minneola on County Road 561, leave the existing boat ramp, build at Bell Ceramics, or find a new location on another lake in the chain and partner with other government entities.

Mayor Ash asked of other boat ramps available for public use on Lake Minneola. City Manager Gray stated the only public boat ramp on the chain of lakes was at Hull Road.

Mayor Ash opened the public hearing.

Stephen Franklin; 378 12th Street, objected to constructing the boat ramp at Lake Hiawatha Preserve. The site does not provide ample space for temporarily docking a boat to retrieve the trailer and it appears there is less available parking than the current boat ramp location. The Lake Hiawatha Preserve site does not meet the needs and the future growth of the community. Mr. Franklin showed a possible site plan of what could be done at the Bell Ceramics site and requested Council table the boat ramp project and review changing the location to the Bell Ceramics site.

Dawn Faretti; representing her parents at 10220 Lake Minneola Shores, stated the proposed boat ramp location will be 40 feet from their property line and would cause undue stress on her father's health. The drinking water well for her parent's home is located near the proposed boat ramp site and there is concern of the impact the construction will have on the well.

Roy Davis; 1445 Lake Avenue, spoke in opposition of the proposed boat ramp location and the Victory Pointe project. Mr. Davis suggested leaving the boat ramp at the current location or relocate the boat ramp to the Bell Ceramics site.

Gallus Quigley; Lake County Parks and Trails Division, stated the Lake County Board of County Commissioners would like to review the proposed option for the boat ramp at Lake Hiawatha and have time to analyze and provide input consistent with the Management Plan requirements of the Public Lands Trust money provided for the purchase of the property.

Chris Davis commented he was one of the 20 homes affected on Lake Minneola and stated the wetland area would be affected, hundreds of oak trees would be destroyed, and wildlife would be displaced. Algae bloom has been an issue in the past and the problem will increase when the wetlands are disturbed. Mr. Davis spoke in favor of the Bell Ceramics site.

Mike Berry; Lake County Water Authority Executive Director, reminded Council the Lake County Water Authority Board had provided money for the existing boat ramp and contributed to the Victory Pointe project. The proposed site at Lake Hiawatha Preserve is more environmentally damaging than the Bell Ceramics site. The Lake Hiawatha Preserve site is one of the last natural wetlands on the lake and is one of the shallowest part of the lake. The Bell Ceramics site is much deeper and may not require dredging. Mr. Berry stated permitting for dredging is difficult and fewer conflicts would arise from the Bell Ceramics site. The Emerald Lakes Mobile Home Park would be a potential location for a boat ramp.

Charlene Forth; 939 West Desoto Street, spoke in opposition of the proposed boat ramp location.

Don Townsend; 15841 Tower View Drive, expressed concern with doing away with a boat ramp.

Holly Zubkin; 15848 Tower View Drive, spoke in opposition of the proposed boat ramp location and preferred the Bell Ceramics site.

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Shelly Thomas; 9732 Hasson Ridge Road, expressed concern with doing away with a boat ramp. Ms. Thomas requested the City not proceed with the Victory Pointe project until another proposed boat ramp site is available.

Jim Purvis; 4206 Hammersmith Drive, expressed concern with the Lake Hiawatha Preserve site and requested Council table the boat ramp and consider the alternative sites.

Lorrie Franklin; 378 12th Street, spoke in opposition of the proposed boat ramp location and preferred the Bell Ceramics site.

Mayor Ash closed the public hearing.

Mayor Ash recessed the meeting at 8:22pm. Mayor Ash reconvened the meeting at 8:33pm.

Council Member Mullins asked of the Lake County approval. City Manager Gray noted the City spoke with the Lake County Public Works Department for several months and they suggested the City move the road.

Council Member Mullins expressed concerned of the shallow water and dredging at the Lake Hiawatha and commented the Lake Hiawatha Preserve location is not his first choice. Mr. Mullins was of the understanding there is a current boat ramp for sale on County Road 561 at Cypress Cove and the Lake County Water Authority could purchase the property for a Lake County Water Authority boat ramp facility on Lake Minnehaha. The City would not have to build a boat ramp, which would save the City \$2,000,000.00. Victory Pointe is a stormwater project to protect the lakes. Mr. Mullins spoke in favor of tabling the boat ramp to allow time for Lake County and the Lake County Water Authority to work on a boat ramp facility.

Council Member Travis was opposed to the Bell Ceramics site due to the proximity to the schools, pedestrians, and multiple stop signs which would back up traffic. Ms. Travis spoke in favor of Lake County providing a boat ramp and saving the City \$2,000,000.00. The Victory Pointe project needs to move forward as it is a stormwater project to protect the lakes. The Master Plan was designed to bring people to the downtown area, which is what the residents want.

Council Member Bates commented he liked Council Member Mullins suggestion; however, he was not opposed to looking further at the Bell Ceramics site.

Council Member Goodgame commented on a prior discussion regarding the Rowing Club Boathouse and suggested moving the Rowing Club Boathouse to the Bell Ceramics site because the rowing course is on the east side of the lake. Mr. Goodgame agreed the current boat ramp location was not appropriate and was in favor of pursuing Council Member Mullins suggestion.

Council Member Bates asked of the time necessary to pursue various options.

City Manager Gray suggested postponing for 30 to 45 days.

Council Member Mullins moved to table to the September 26, 2017 meeting and work with Lake County and the Lake County Water Authority on a boat ramp; seconded by Council Member Bates.

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Council Member Mullins stated he understood there was a bid to build the boat ramp at Lake Hiawatha Preserve and asked of the time frame the bid amount was valid. City Manager Gray stated the bid amount was valid for 90 days.

Council Member Travis asked of the date the current boat ramp would need to close. Capital Planning, Projects, and Grants Director Kinzler commented the boat ramp would have to close early 2018.

The motion passed with all members present voting aye.

Item No. 15 – Resolution No. 2017-37 – *Transfer Jurisdiction of Lake Minneola Shores, CR 1733*

City Manager Gray announced the item is withdrawn and will be brought back to Council when necessary.

Item No. 16 – Ordinance No. 2017-28 – *Introduction, Clermont Ridge Senior Villas Annexation*

City Clerk Ackroyd Howe read Ordinance 2017-28 aloud by title only.

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 an effective date, severability, recording, and publication.

Council Member Goodgame moved to introduce Ordinance 2017-28; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Item No. 17 – Ordinance No. 2017-29 – *Introduction, Clermont Ridge Senior Villas Small Scale Comprehensive Plan Amendment*

City Clerk Ackroyd Howe read Ordinance 2017-29 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Small Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the Small Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Small Scale Comprehensive Plan Amendment; providing for the adoption of the Small Scale Comprehensive Plan Amendment; establishing the legal status of the Small Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Council Member Goodgame moved for introduction of Ordinance 2017-29; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Item No. 18 – Ordinance No. 2017-30 – *Introduction, Clermont Ridge Senior Villas Rezoning*

City Clerk Ackroyd Howe read Ordinance 2017-30 aloud by title only.

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

Council Member Goodgame moved for introduction of Ordinance 2017-30; seconded by Council Member Mullins. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:48pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
August 22, 2017

Clermont City Council met in a regular meeting on Tuesday, August 22, 2017 in the Clermont City Council Chambers. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Ackroyd Howe.

Council Member Travis was absent.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Colon gave the invocation followed by the Pledge of Allegiance.

PRESENTATION

Quarterly Budget Update

Finance Director Van Zile presented the highlights of the City of Clermont Quarterly Performance Report for the period of October 1, 2016 through June 30, 2017. The report represented the financial activity of the City of Clermont and is located on the City's website. Mr. VanZile reviewed the top 10 revenues, major fund revenues, major fund expenditures, and departmental expenditures. The future Quarterly Budget Updates will contain additional information on the Master Plan projects.

Mayor Ash noted Items 7, 8 and 9 will be tabled to September 12, 2017.

PUBLIC COMMENTS

Stephen Franklin; 378 12th Street, spoke of a possible boat ramp site on the west side of Lake Minnehaha. Mr. Franklin distributed a copy of a potential site plan to the Council. The site plan provides the needed parking for boating and events. Mr. Franklin will be presenting the site plan to the Lake County Water Authority meeting on August 24, 2017.

Council Member Goodgame noted he spoke with Lake County Commissioner Parks and the property owners rejected the idea of having a boat ramp at Mr. Franklin's proposed site.

City Manager Gray stated he has a meeting with the Lake County Manager and the Lake County Water Authority and will bring the boat ramp options to the Council at the September 26, 2017 Council meeting.

REPORTS

City Manager Gray reported on the difficulty in recruiting building inspectors and plans reviewers positions and the consideration of offering a signing bonus. The City has been recruiting for four positions for more than a year; however, the private sector hires the majority of licensed inspectors and plans reviewers. The City is within the salary range; however, there are not enough licensed inspectors and plans reviewers throughout the state. Mr. Gray asked for a Council consensus of offering a one-time signing bonus of \$2,500, and the individuals would have to stay a minimum of one year. The City has four positions available and there is \$10,000 available in budget. The City could possibly end the contracts with the current companies providing the services for the City.

Council was in agreement with offering the one-time bonus.

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The City received the SAFER grant for the Fire Department and City Manager Gray requested Council to accept the grant to move forward on recruiting. The grant will pay 75 percent of the salaries for the first and second year of employment, 35 percent the third year, and after the third year the City will pay the full cost.

Council Member Mullins moved to accept the SAFER grant for nine positions; seconded by Council Member Bates. The motion passed with all member present voting aye.

City Manager Gray announced the First Budget Public Hearing will be held on September 7, 2017 at 6:30pm and the Final Budget Public Hearing will be held at 6:30pm on September 21, 2017. The 9/11 Ceremony will be held at the Arts and Recreation Center beginning at 10am.

City Attorney Mantzaris – No report.

Council Member Bates – No report.

Council Member Goodgame reported the property in front of the Kings Ridge subdivision has lost all of the deed restrictions and the property has been sold to Vista Medical Group. Mr. Goodgame commented on the demonstration Chief Broadway gave at the South Lake Chamber of Commerce meeting.

Council Member Mullins commented the items being tabled were due to the Planning and Zoning Commission's lack of a quorum for their August meeting and asked if this has been a recurring issue. City Attorney Mantzaris stated it was not a recurring issue.

Mayor Ash reported on attending the Lake County Mayors/Manager meeting, the opening of the Dream Academy, the Firefighter swearing in ceremony, the ribbon cutting for the Lake/Sumter State College Science and Health building, the Homeless Task Force meeting, attended the wake for Richard Langley, and held Coffee with the Mayor at Gray Collective Bridal Shop.

CONSENT AGENDA

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

Item No. 1 – Meeting Minutes

Consider approval of the July 11, 2017 Regular Council Meeting minutes.

Item No. 2 – Contract Award

Consider request to piggyback the Lake County Board of County Commissioners contract with Bee-Saf-Tee Fire Equipment, Inc. to provide fire protection systems inspection, testing, and maintenance in the estimated annual budget amount of \$50,000.00.

Item No. 3 – Utility Easement

Consider acceptance of an easement located on Hartle Road for the Hartle Road expansion.

Item No. 4 – Utility Easement

Consider acceptance of an easement located on Hartle Road for the Hartle Road expansion.

City of Clermont
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Item No. 5 – Resolution No. 2017-16 Consider approval of Resolution adopting Fire Department Standards of Cover.

Item No. 6 – Resolution No. 2017-41 Consider approval of Resolution authorizing surplus and a quit claim of City property (.02 acres) in exchange for quit claim of property (.018 acres) from Victory Pointe, LLC.

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

UNFINISHED BUSINESS

Item No. 7 – Ordinance No. 2017-28 – Final, Clermont Ridge Senior Villas Annexation
Table to September 12, 2017

City Clerk Ackroyd Howe read Ordinance 2017-28 aloud by title only.

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 an effective date, severability, recording, and publication.

Council Member Mullins moved to table Ordinance 2017-28 to September 12, 2017; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 8 – Ordinance No. 2017-29 – Final, Clermont Ridge Senior Villas Small Scale Comprehensive Plan Amendment
Table to September 12, 2017

City Clerk Ackroyd Howe read Ordinance 2017-29 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Small Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the Small Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Small Scale Comprehensive Plan Amendment; providing for the adoption of the Small Scale Comprehensive Plan Amendment; establishing the legal status of the Small Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Council Member Mullins moved to table Ordinance 2017-29 to September 12, 2017; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

City of Clermont
MINUTES
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Item No. 9 – Ordinance No. 2017-30 – *Final, Clermont Ridge Senior Villas Rezoning Table to September 12, 2017*

City Clerk Ackroyd Howe read Ordinance 2017-30 aloud by title only.

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

Council Member Mullins moved to table Ordinance 2017-30 to September 12, 2017; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 7:00pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 19, 2017			
Agenda Item Name			
Interlocal Agreement			
Requested Action			
Recommend approval of the interlocal agreement with Lake County for the transfer of right-of-way.			
Staff Report			
On December 13, 2016, the Council granted a conditional use permit, Resolution 2016-45, to allow for a self-storage facility at a location north of Caspian Lane and west of U.S. Highway 27. Subsequent to the Council approval, the applicant moved forward with permitting the project but discovered that a platted right-of-way existed that needed to be vacated prior to developing the property. The development plans presented to the Council in December 2016 included this portion of the property, and it was also included in all the documents presented. When the scrivener's error was discovered earlier this year, the applicant applied to the City to vacate the right-of-way. The right-of-way, however, is under the jurisdiction of Lake County. City and County staff agreed that a transfer of right-of-way through an Interlocal Agreement would be the best option to convey the right-of-way. Once transferred to the City, the applicant will apply for a right-of-way vacation and come back before the Council for consideration. This portion of the development was primarily for the landscape buffer surrounding the development.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Interlocal Agreement	Interlocal County to City of Clermont Lake Highlands RW revised.pdf	
2.	CUP Site Plan	HUBER CONCEPTUAL SITE PLAN.pdf	
3.	ROW Map	ROW Map Sept.pdf	

**INTERLOCAL AGREEMENT BETWEEN
LAKE COUNTY, FLORIDA
AND
THE CITY OF CLERMONT, FLORIDA
TO TRANSFER JURISDICTION OF
A PORTION OF RIGHT OF WAY AS SHOWN ON THE
PLAT OF LAKE HIGHLANDS COMPANY, RECORDED IN PLAT BOOK 3, PAGE 24**

THIS INTERLOCAL AGREEMENT by and between LAKE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the CITY OF CLERMONT, a municipal corporation pursuant to the laws of the State of Florida, hereinafter referred to as "CITY", to transfer jurisdiction of a portion of public right of way.

WHEREAS, there exists a public right of way, lying on the south and west sides of Tract 61 in Section 32, Township 22 South, Range 26 East, as shown on the plat of Lake Highlands Company, recorded in Plat Book 3, Page 24, Lake County Public Records, lying northerly of Caspian Lane and westerly of US Hwy 27, more particularly described in Exhibit "A", attached hereto and incorporated herein (hereinafter referred to as the "Right-of-Way"); and

WHEREAS, the Right-of-Way lies adjacent to the CITY limits and the adjoining property to the east lies within the CITY limits; and

WHEREAS, the property owner who adjoins the Right-of-Way has requested this platted Right-of-Way be transferred to CITY since the property is being developed in the CITY and CITY desires to accept the transfer; and

WHEREAS, COUNTY agrees to transfer jurisdiction of said Right-of-Way to the CITY in accordance with Section 335.0415, Florida Statutes; and

WHEREAS, COUNTY and CITY find this transfer and the entering of this Agreement is in the best interests of both parties and their citizens.

NOW THEREFORE, IN CONSIDERATION of the mutual promises, conditions and covenants provided for herein, the parties agree as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. County obligations. COUNTY agrees to transfer to CITY, all jurisdiction, rights, interests and maintenance of the portion of platted Right-of-Way, as described in Exhibit "A", attached hereto, dedicated by said Lake Highlands Company plat in Plat Book 3, Page 24 (hereinafter "Right-of-Way"), effective on the date the last party hereto executes this Agreement ("effective date").

Section 3. City obligations. Upon the effective date of this Agreement, CITY agrees to accept jurisdiction of said Right-of-Way as described in Exhibit "A", attached hereto, including any ownership, interests and maintenance responsibilities.

Section 4. Modification. No modification or amendment to this Agreement shall be effective unless contained in a written document executed by the parties hereto, with the same formality and of equal dignity herewith.

Section 5. Entire Agreement. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or

agreements whether oral or written. If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: Lake County through its Board of County Commissioners, signing by and through its Chairman, and City of Clermont, through its City Council, signing by and through its Mayor.

COUNTY

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
Of Lake County, Florida

Timothy I. Sullivan, Chairman

This _____ day of _____, 2017

Approved as to Form and Legality

Melanie Marsh
County Attorney

Interlocal Agreement between Lake County and City of Clermont (relating to the transfer of jurisdiction for a portion of Lake Highlands platted right of way).

ATTEST:

CITY

CITY OF CLERMONT, FLORIDA

Tracy Ackroyd Howe, City Clerk

Gail L. Ash, Mayor

This _____ day of _____, 2017

Approved as to form and legality

Daniel F. Mantzaris
City Attorney

EXHIBIT "A"
PAGE 1 OF 2
(Right-of-Way Description)

THAT UNNAMED RIGHT OF WAY LYING SOUTHERLY OF TRACT 61 AND THAT UNNAMED RIGHT OF WAY LYING WESTERLY OF TRACT 61, AS SHOWN ON THE PLAT OF LAKE HIGHLANDS COMPANY, RECORDED IN PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, BOUNDED AS FOLLOWS:

Bounded on the North by the North line of said Tract 61 extended westerly; and

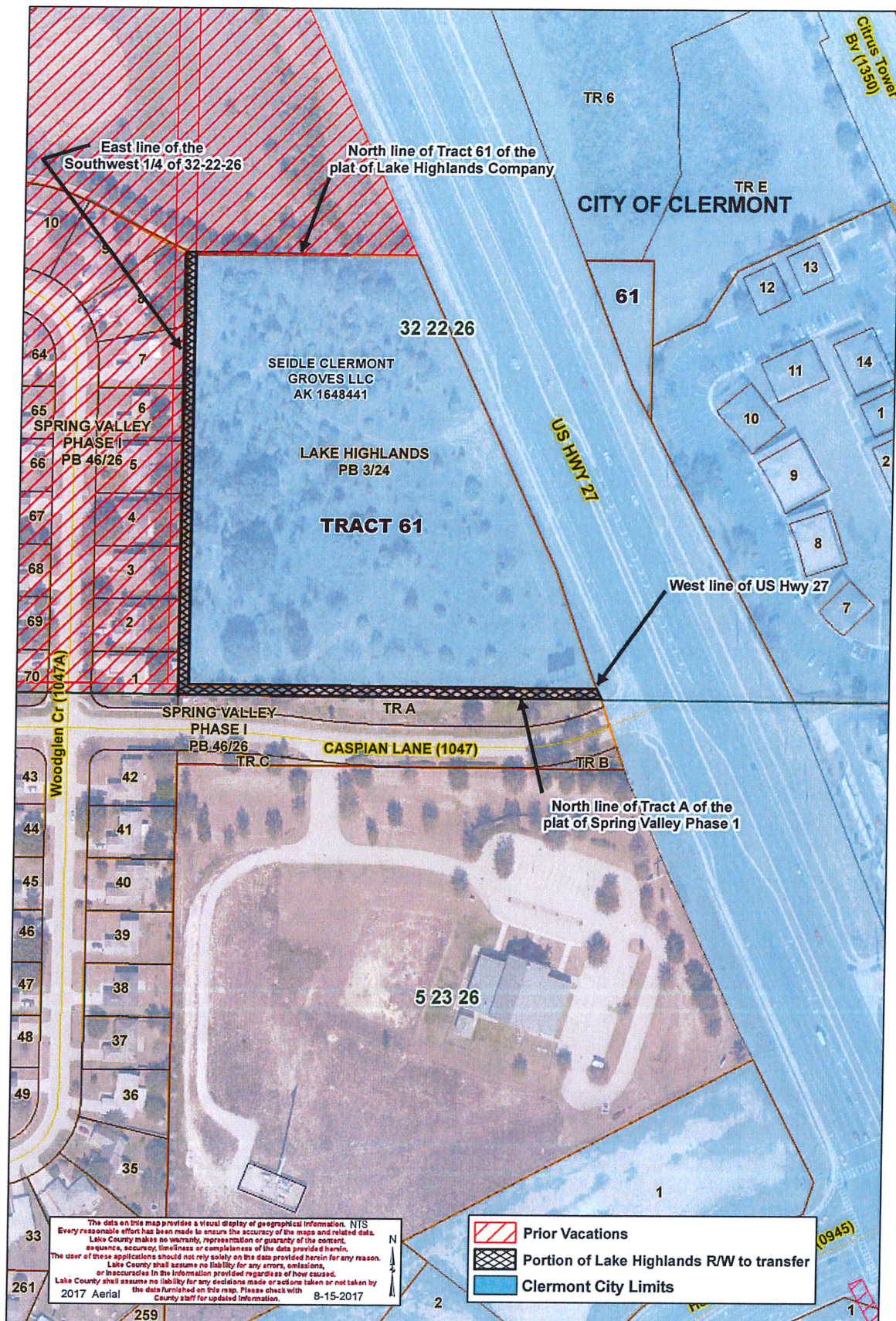
Bounded on the West by the East line of the Southwest $\frac{1}{4}$ of said Section 32; and

Bounded on the South by the North line of Tract A as shown on the plat of Spring Valley Phase 1, recorded in Plat Book 46, Pages 26-27, Public Records Lake County, Florida; and

Bounded on the East by the Westerly right of way line of US Hwy 27.

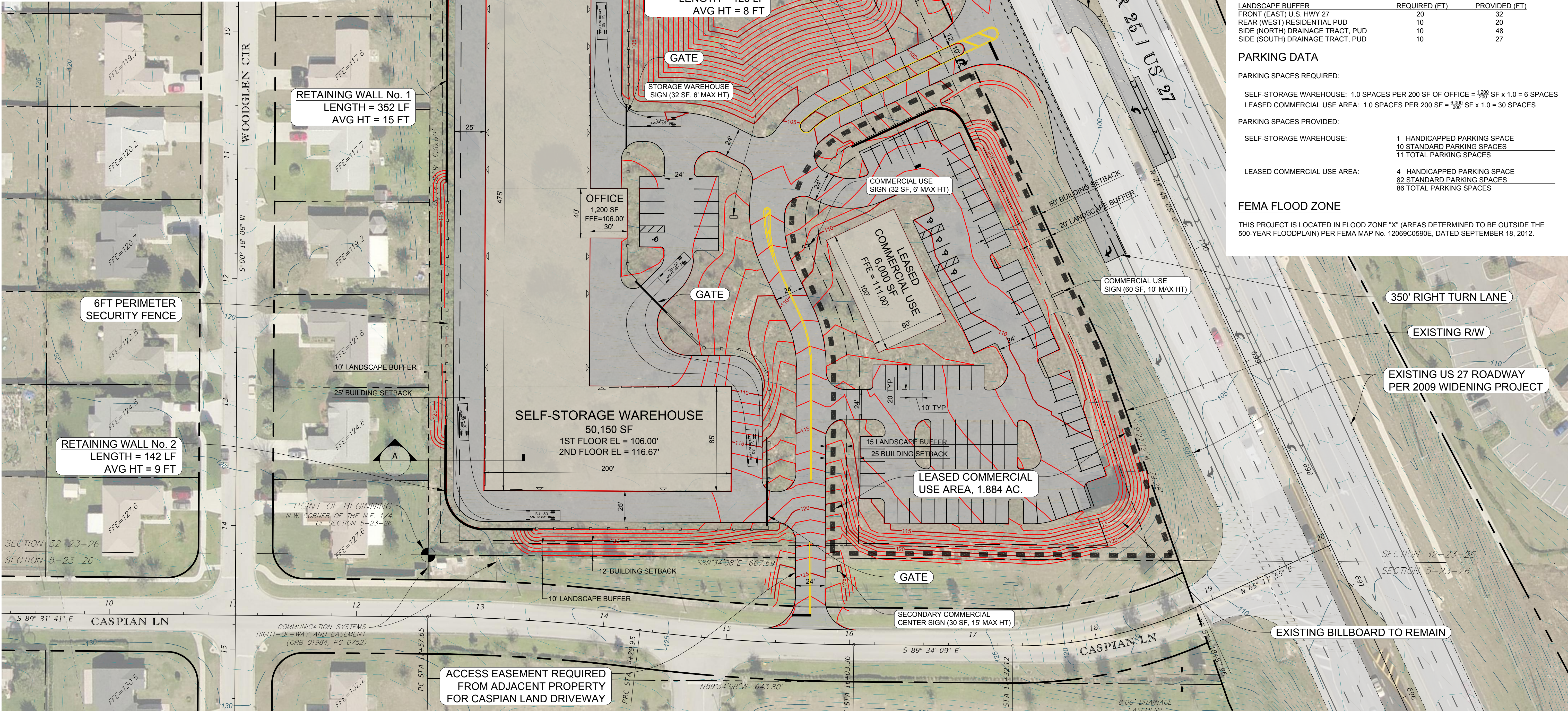
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ESTIMATED WASTEWATER DEMANDS				
BASED ON FAC 64E-6.008 - SYSTEM SIZE DETERMINATION (TABLE 1 FOR SYSTEM DESIGN ESTIMATED SEWAGE FLOWS)				
PROPOSED USE	DEMAND RATE	UNITS	ESTIMATED WASTEWATER AVERAGE DAILY FLOW (GPD)	
SELF-STORAGE WAREHOUSE				
SELF-STORAGE OFFICE (1,200 SF)	15 GPD / 100 SF	12		180
SELF-STORAGE WAREHOUSE (UP TO 200 UNITS)	1 GPD / STORAGE UNIT	200		200
SELF-STORAGE WAREHOUSE (OVER 200 UNITS)	0.5 GPD / STORAGE UNIT	516		258
		SUBTOTAL		638
LEASED COMMERCIAL USE AREA				
COMMERCIAL USE, (±6,000 SF, BASED ON RESTAURANT OPERATING 16 HOURS PER DAY)	40 GPD / SEAT	240		9,600
		SUBTOTAL		9,600
		GRAND TOTAL		10,238

ESTIMATED POTABLE WATER DEMANDS				
BASED ON APPLYING A RATIO OF 300 GPD POTABLE WATER ERU / 250 GPD WASTEWATER ERU TO WASTEWATER DEMANDS DETERMINED PER FAC 64E-6.008 - SYSTEM SIZE DETERMINATION				
PROPOSED USE	ESTIMATED WASTEWATER AVERAGE DAILY FLOW (GPD)	FACTOR	ESTIMATED POTABLE WATER AVERAGE DAILY FLOW (GPD)	
SELF-STORAGE WAREHOUSE				
SELF-STORAGE OFFICE (1,200 SF)	180	1.20		216
SELF-STORAGE WAREHOUSE (UP TO 200 UNITS)	200	1.20		240
SELF-STORAGE WAREHOUSE (OVER 200 UNITS)	258	1.20		310
		SUBTOTAL		766
LEASED COMMERCIAL USE AREA				
COMMERCIAL USE, (±6,000 SF, BASED ON RESTAURANT OPERATING 16 HOURS PER DAY)	9,600	1.20		11,520
		SUBTOTAL		11,520
		GRAND TOTAL		12,286



SITE DATA

PARCEL ID:	09-22-26-1400-061-00000
SITE AREA:	6.885 ACRES
EXISTING USE:	VACANT LAND
PROPOSED USE:	SELF-STORAGE WAREHOUSE & LEASED COMMERCIAL USE AREA
EXISTING FLU - LAKE COUNTY:	URBAN LOW DENSITY
PROPOSED FLU - CITY OF CLERMONT:	INDUSTRIAL
EXISTING ZONING - LAKE COUNTY:	PLANNED COMMERCIAL DISTRICT (CP)
PROPOSED ZONING - CITY OF CLERMONT:	GENERAL COMMERCIAL DISTRICT (C-2)
PROPOSED BUILDING AREA:	1,200 SF (SELF-STORAGE OFFICE) 50,150 SF (STORAGE, 1ST FLOOR) 50,150 SF (STORAGE, 2ND FLOOR) ±6,000 SF (COMMERCIAL USE) 107,500 SF TOTAL
MAXIMUM ALLOWABLE FLOOR AREA RATIO (FAR):	1.00
PROPOSED FLOOR AREA RATIO (FAR):	0.36
MAXIMUM BUILDING HEIGHT:	55 FT
MAXIMUM IMPERVIOUS SURFACE COVERAGE:	80%
PROPOSED IMPERVIOUS SURFACE COVERAGE:	58%

SETBACKS AND BUFFERS

BUILDING SETBACK	REQUIRED (FT)	PROVIDED (FT)
FRONT (EAST) U.S. HWY 27	50	106
REAR (WEST) RESIDENTIAL USE, PUD	25	45
SIDE (NORTH) DRAINAGE TRACT, PUD	12	103
SIDE (SOUTH) DRAINAGE TRACT, PUD	12	52

LANDSCAPE BUFFER	REQUIRED (FT)	PROVIDED (FT)
FRONT (EAST) U.S. HWY 27	20	32
REAR (WEST) RESIDENTIAL PUD	10	20
SIDE (NORTH) DRAINAGE TRACT, PUD	10	48
SIDE (SOUTH) DRAINAGE TRACT, PUD	10	27

PARKING DATA

PARKING SPACES REQUIRED:	
SELF-STORAGE WAREHOUSE: 1.0 SPACES PER 200 SF OF OFFICE = $\frac{1,200}{200}$ SF x 1.0 = 6 SPACES	
LEASED COMMERCIAL USE AREA: 1.0 SPACES PER 200 SF = $\frac{6,000}{200}$ SF x 1.0 = 30 SPACES	

PARKING SPACES PROVIDED:	
SELF-STORAGE WAREHOUSE:	1 HANDICAPPED PARKING SPACE 10 STANDARD PARKING SPACES 11 TOTAL PARKING SPACES
LEASED COMMERCIAL USE AREA:	4 HANDICAPPED PARKING SPACE 82 STANDARD PARKING SPACES 86 TOTAL PARKING SPACES

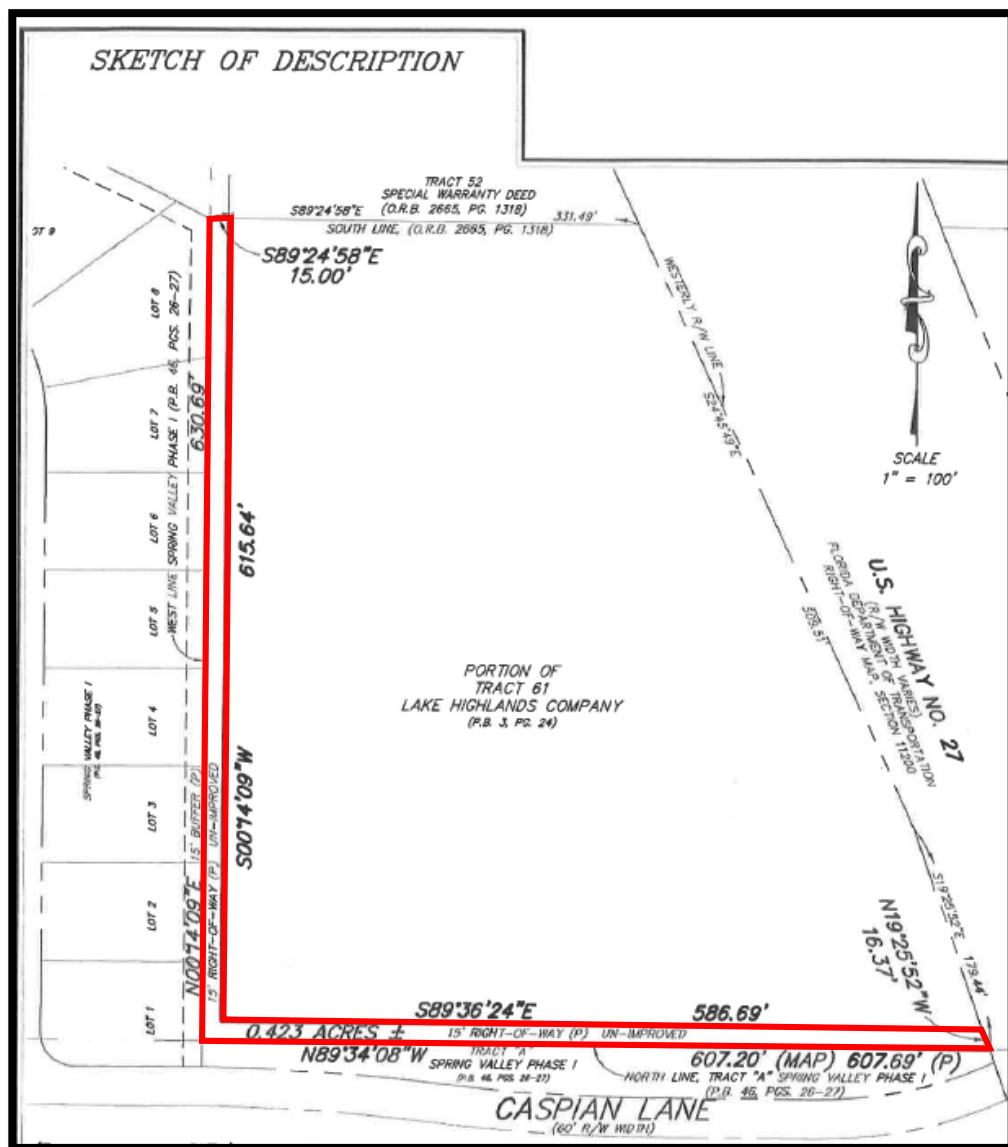
FEMA FLOOD ZONE

THIS PROJECT IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN) PER FEMA MAP NO. 12069C0590E, DATED SEPTEMBER 18, 2012.

CONCEPTUAL SITE & GRADING PLAN

US 27 SELF-STORAGE
CLERMONT, LAKE COUNTY, FL

DATE	9/26/2016
PROJECT NO.	10953
SHEET NUMBER	C02



The 15-foot ROW was part of the plat from
Lake Highlands Company in 1917.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 19, 2017		
Agenda Item Name		
Bid Award		
Requested Action		
Recommend to approve contract between the City of Clermont and Mar-Con Construction, LLC. d/b/a Marbeck Construction Co. for the construction of a pre-engineer metal building at Environmental Services Department.		
Staff Report		
The Purchasing Department and the Environmental Services Department recommend approval of the above action. The Purchasing Department issued a Request for Bid (RFB) number 17-039 to acquire a qualified contractor for the construction of a pre-engineered metal building at Environmental Services Department. The RFB was fully competed, advertised, and complies with the City of Clermont Purchasing Policy. There were six (6) responses to the RFB. The work involves the construction of a 3,44 sq.ft. pre-engineered metal building, installation of a crane and associated site work. The contractor is responsible for procuring, ordering installation, permitting of the pre-engineered metal building. Award is being recommended to the lowest and responsible bidder Mar-Con Construciton, LLC. d/b/a Marbeck Construction Co. in the lump sum price of \$547,800 who complied with all terms, conditions, and specifications stated in the RFB.		
Additional Analysis		
Fiscal Impact Summary		
Project is included in the FY 2018 Tentative Budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFB 17-039 Response Tabulation	RFB 17-039 Response Tabulation.pdf	
2. Newspaper Advertisement	RFB 17-039 Newspaper Advertisement.docx	



RESPONSE TABULATION

RFB 17-039, WAREHOUSE AT WASTEWATER TREATMENT FACILITY
DUE DATE/TIME: JULY 27, 2017 AT 2:00 P.M. (EST)

COMPANY NAME	BIND BOND	ADDENDA 1-4	LUMP SUM PRICE
Marbeck Construction Co. – Clermont, FL	Y	Y	\$547,800.00
Mulligan Constructors, Inc. – Orlando, FL	Y	Y	\$563,000.00
E.O. Koch Construction Co. – Sebring, FL	Y	Y	\$583,208.00
Leisure Construction, Inc. – Palm Harbor, FL	Y	Y	\$649,379.93
E&D Contracting Services, Inc. – Savannah, GA	Y	1-2 Only	\$761,137.00
SEMCO Construction, Inc. – Bartow, FL	Y	Y	\$809,386.00

* Addenda 1-4 were not mandatory submittals with response.

REQUEST FOR BID

The City of Clermont is requesting bids from qualified respondents for the construction of a pre-engineered metal building at Environmental Services Department (RFB 17-039). All responses must be received prior to **2:00 P.M. on Thursday, July 27, 2017**. Information about the bid may be obtained from the City's website at <http://www.clermontfl.gov/> or through BidSync at <https://www.bidsync.com/>.

Publication Date: Newspaper
June 20, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 19, 2017		
Agenda Item Name		
Contract Award		
Requested Action		
Recommend to approve a piggyback contract number RFP 16-024H from the School Board of Broward County contract with PFM Asset Management, LLC to provide investment advisory services.		
Staff Report		
The Purchasing Department and the Finance Department recommend approval of the above action. At the request of the Finance Department, the Purchasing Department sought a contract from the School Board of Broward County to obtain investment advisory services. In accordance with the direction of City Council, the Purchasing Department issued a Request for Interest (RFI) number 1707-003 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 Purchasing Department received no interest from local vendors. Based on this, staff recommends that Council approve to piggyback the School Board of Broward County contract. The contract will be in effect until December 31, 2020. The School Board of Broward County contract was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy. The current investment advisory services contract with PFM Asset Management which has been in effect since 1996 provides fees to be .10% of managed assets. The Broward County contract provides for fees to start at .068% and increase each year to a maximum of .10% in 2020.		
Additional Analysis		
Fiscal Impact Summary		
The savings in investment advisory fees to the city over the length of the contract is projected to be approximately \$18,000.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	RFI 1707-003	RFI 1707-003.pdf
2.	Investment Advisory Services Agreement	City of Clermont Piggyback Contract (SBBC).docx
3.	Exhibit A	EXHIBIT A.pdf
4.	Exhibit B	Exhibit B.pdf



REQUEST FOR INFORMATION

Intent to Utilize Broward County School Board Contract for Investment Advisory Services

CONTACT INFORMATION: Marilyn Rodriguez Contracts Coordinator EMAIL: mrodriguez@clermontfl.org Phone: (352) 241-7350	RFI No. 1707-003	ISSUED DATE: July 25, 2017
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>August 2, 2017 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	

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 Purchasing Director by email.

Hardcopy responses may be delivered to: City of Clermont Purchasing 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 Purchasing 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: Finance Department
- (b) Company Information: PFM Asset Management, LLC
- (c) Contract Number and Title: RFP 16-024H titled Investment Advisory Services
- (d) Length of Contract: Contract expires December 31, 2020
- (e) Product or Service Provided: To provide investment advisory services including management of a medium-term investment portfolio.

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing 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 Purchasing 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
PIGGYBACK AGREEMENT**

THIS PIGGYBACK AGREEMENT, made and entered into this ____ day of August, 2017 (the "Contract"), by and between the CITY OF CLERMONT, FLORIDA, hereinafter referred to as the "City", and PFM ASSET MANAGEMENT LLC, hereinafter referred to as the "Consultant".

WITNESSETH:

WHEREAS, the Florida Interlocal Cooperation Act of 1969 allow public agencies to engage in cooperative purchasing agreements and intergovernmental agreements and contracts; and

WHEREAS, the Consultant and The School Board of Broward County, Florida ("SBBC") entered into an Investment Advisory Agreement, dated as of December 8, 2015 (the "SBBC Agreement"), pursuant to a procurement process conducted through a request for proposals; and

WHEREAS, the SBBC Agreement incorporates by reference RFP 16-024H, Investment Advisory Services, as amended (the "RFP"), and the Consultant's proposal, dated July 22, 2015 (the "Proposal"), all of which are attached hereto as Exhibit "A"; and

WHEREAS, the SBBC Agreement provides for an initial term commencing on January 1, 2016 and continuing through December 31, 2020; and

WHEREAS, the City desires to contract for investment management services (the "Services"); and

WHEREAS, for the provision of such Services, the City wishes to participate in the SBBC Agreement; and

WHEREAS, the Consultant is duly qualified to perform the Services, and agrees to permit the City to participate in the SBBC Agreement for the provision of such Services; and

WHEREAS, by entering into this Piggyback Agreement, the Consultant agrees to honor the terms of the SBBC Agreement for investment advisory services more specifically described in Exhibit "A"; and

NOW THEREFORE, in consideration of the mutual promises and obligations set forth herein, the parties hereto agree as follows:

1 CONTRACT DOCUMENTS

The SBBC Agreement, which incorporates the RFP and the Proposal and which is attached hereto as Exhibit "A", is hereby incorporated by reference into this Contract. Where the terms of this Contract and the SBBC Agreement are at variance, the provisions of this Contract shall prevail.

2 SERVICE DESCRIPTION

The Consultant shall perform discretionary investment management services, as more fully described on Exhibit "A" hereto.

3 FEE SCHEDULE

The Consultant shall be paid according to the schedule attached hereto as Exhibit "B".

Billing shall be on a monthly basis on the average assets under management for the month. Monthly invoices shall be sent to the City for approval, and the fees will be deducted from the portfolio custodial account.

Amounts indicated in this Section 3 represent the entire amounts payable under this Contract. Any additional charges must be approved by the City prior to payment.

4 TERM AND TERMINATION

The term of this Contract shall commence on the date hereof and shall continue through December 31, 2020 unless terminated, cancelled or extended in accordance with the provisions set forth in the SBBC Agreement.

5 ENTIRE AGREEMENT

This Contract (which, for the avoidance of doubt, includes the SBBC Agreement) constitutes the entire understanding of the parties and supersedes all previous representations, written or oral, with respect to the services specified herein. This Contract may not be modified or amended except by a written document, signed by authorized representatives of each party.

6 MODIFICATIONS

Any amendment, modification or variation from the terms of this Contract shall be in writing and shall be effective only after approval of all parties signing the original Contract.

7 ASSIGNMENT

Services covered by this Contract shall not be assigned or sublet in whole or in part without the prior consent of the Client.

8 NOTICES

All notices or demands required to be given pursuant to the terms of this Contract shall be given to the other party in writing, delivered by hand or registered or certified mail, at the addresses set forth below, or to such other address as the parties may substitute by written notice given in the manner prescribed in this paragraph.

In the case of the Consultant:

Steven Alexander
Managing Director
PFM Asset Management LLC
300 South Orange Avenue, Suite 1170
Orlando, FL 32801

In the case of the City:

Notices shall be deemed received on date delivered, if delivered by hand, and on the delivery date indicated on receipt if delivered by certified or registered mail.

10 INAPPLICABILITY OF CERTAIN SBBC AGREEMENT PROVISIONS

Section 2.02(a) of the SBBC Agreement, regarding utilization of certain subconsultant services, is no longer applicable under the SBBC Agreement, and shall not be deemed to be incorporated into this Contract.

11 TERMINATION OF EXISTING AGREEMENT

Upon execution and delivery of this Contract, the Investment Advisory Agreement, dated as of August 1, 1996, between the City and the Consultant shall terminate.

12 COUNTERPARTS

This Contract may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Contract shall be deemed to possess the full force and effect of the original.

13 CAPTIONS

The captions used in this Contract are solely for the convenience of the parties, do not constitute a part of this Contract and are not to be used to construe or interpret this Contract.

14 SEVERABILITY

If any term or provision of this Contract shall be found to be illegal or unenforceable, then notwithstanding such illegality or unenforceability, this Contract shall remain in full force and effect and such term or provision shall be deemed to be deleted.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties below have executed this Contract as of the date first written above.

CITY OF CLERMONT

By: _____

PFM ASSET MANAGEMENT LLC

By: _____

EXHIBIT A

Agreement, dated as of December 8, 2015 (the “SBBC Agreement”), between The School Board of Broward County, Florida (“SBBC”) and PFM Asset Management LLC, incorporating by reference SBBC’s RFP 16-024H, Investment Advisory Services, as amended (the “RFP”), and the Consultant’s proposal, dated July 22, 2015 (the “Proposal”)

EXHIBIT B

Fee Schedules

EXHIBIT A



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

7720 WEST OAKLAND PARK BOULEVARD, SUITE 323, SUNRISE, FLORIDA 33351 • TEL 754-321-0501 • FAX 754-754-0936

PROCUREMENT & WAREHOUSING SERVICES
RUBY CRENSHAW, CPPO, DIRECTOR
www.browardschools.com

SCHOOL BOARD

DONNA P. KORN, *Chair*
DR. ROSLAND OSGOOD, *Vice Chair*

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HEATHER P.
BRINKWORTH
ABBY M. FREEDMAN
PATRICIA GOOD,
LAURIE RICH LEVINSON
ANN MURRAY
NORA RUPERT

June 23, 2015

Dear Prospective Proposers:

**SUBJECT: Instructions to Proposers
Request for Proposals (RFP) 16-024H – Investment Advisory Services**

The School Board of Broward County, Florida (SBBC) is interested in receiving Proposals, in response to the attached RFP, for **Investment Advisory Services**. Any questions regarding this RFP should be addressed to me, in writing, at the address stated above, via facsimile at 754-321-0533 or via e-mail michelle.wilcox@browardschools.com. No other School Board staff member should be contacted in relation to this RFP. Any information that amends or supplements any portion of this RFP, which is received by any method other than an Addendum issued to the RFP should not be considered and is not binding on SBBC.

In order to assure that your Proposal is in full compliance with all requirements of the RFP, carefully read all portions of RFP document paying particular attention to the following areas:

REQUIRED RESPONSE FORM

Section 1.0, Required Response Form must be completed in full and executed by an authorized representative.

PROPOSAL SUBMITTAL FORMAT

Proposers are requested to organize their Proposals in accordance with Section 4.0. SBBC reserves the right to reject and not consider any Proposal not organized and not containing all the information outlined in Section 4.0.

DUE DATE

Proposals are due in the Procurement & Warehousing Services Department on the date and time stated in Section 3.0. In order to have your Proposal considered, it must be received on or before the date and time due. Proposals received after 2:00 p.m. ET on date due will not be considered.

STATEMENT OF “NO RESPONSE”

If you are **not** submitting a Proposal in response to this RFP, please complete Attachment G, Statement of “No Response” and return via facsimile to 754-321-0533 or scan and send via e-mail michelle.wilcox@browardschools.com. Your responses to the Statement of “No Response” are very important to the Procurement & Warehousing Services Department when creating future RFPs.

Thank you for your interest in SBBC. Again, if you have any questions, please contact me at the telephone number or e-mail address stated above.

Sincerely,

Michelle Bryant Wilcox

Michelle Wilcox
Purchasing Agent III

EXHIBIT A

REQUEST FOR PROPOSALS (RFP)

RFP 16-024H

INVESTMENT ADVISORY SERVICES



RFP Release Date: June 23, 2015

Written Questions Due: On or Before 5:00 p.m. ET
July 2, 2015
in Procurement & Warehousing Services Department

Proposals Due:* On or Before 2:00 p.m. ET
July 22, 2015
in Procurement & Warehousing Services Department

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Procurement & Warehousing Services Department
7720 W. Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351-6704

*These are public meetings. The School Board of Broward County, Florida, prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination and/or harassment complaint may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine (TTY) 754-321-2158.

Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine (TTY) 754-321-2158.

EXHIBIT A

TABLE OF CONTENTS

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2.0 Introduction and General Information	2
3.0 Calendar	4
4.0 Information to be Included in the Submitted Proposals	5
5.0 Evaluation of Proposals	12
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7.0 General Conditions	19

Attachment A

A1 - M/WBE Utilization Report

A2 - Employment Diversity Statistics

A3 - M/WBE Participation

Attachment B - Disclosure of Potential Conflict of Interest and Conflicting Employment or Contractual Relationship

Attachment C – W-9 Form

Attachment D – Drug-Free Workplace

Attachment E – Sample Agreement

Attachment F – ACH Payment Agreement Form

Attachment G - Statement of “No Response”

Attachment H – SBBC Policy 3110 – Investment of Funds

Attachment I – SBBC Policy 3112 - OFEB Fund Investment

EXHIBIT A
REQUEST FOR PROPOSALS (RFP) 16-024H
1.0 REQUIRED RESPONSE FORM

RELEASE DATE: June 23, 2015

TITLE: INVESTMENT ADVISORY SERVICES

This Proposal must be submitted to the **Procurement & Warehousing Services Department of The School Board of Broward County, Florida, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704, on or before 2:00 p.m. ET July 22, 2015** and plainly marked **RFP 16-024H, Investment Advisory Services**. Proposals received after 2:00 p.m. EST on date due will not be considered.

Note: Cost of Services should be submitted in a sealed envelope along with, but separate from, the remainder of proposal

One complete, original hard-copy Proposal (clearly marked as such), and one complete, original electronic version (both clearly marked as "original") will constitute the original governing documents. The electronic version in Microsoft Word 6.0 or higher on CD/flash drive and 15 copies (which must be identical to the original Proposal, **including any supplemental information/marketing materials**), of the RFP Proposal, including this **REQUIRED RESPONSE FORM** (Page 1 of RFP 16-024H), must be fully executed and returned on or before 2:00 p.m. ET on date due to the Procurement & Warehousing Services Department in accordance with the submittal requirements. In the case of any discrepancy between the **original** hard-copy Proposal and the copies, the **original** hard-copy Proposal will be the governing document. Proposal must contain all information required to be included in the Proposal as described herein. Completed Proposals must be submitted in a sealed envelope (package, box, etc.) with the RFP number and name clearly typed or written on the front.

PROPOSER INFORMATION

PROPOSER'S (COMPANY) NAME: _____

STREET ADDRESS: _____

CITY, STATE AND ZIP CODE: _____

PROPOSER TELEPHONE: _____ PROPOSER FAX: _____

PROPOSER TOLL FREE: _____

CONTACT PERSON: _____

CONTACT PERSON'S ADDRESS: _____

CONTACT PERSON'S EMAIL ADDRESS: _____

CONTACT TELEPHONE: _____ FAX: _____ TOLL FREE: _____

E-MAIL ADDRESS TO SEND PURCHASE ORDERS TO: _____

INTERNET URL: _____

PROPOSER TAXPAYER IDENTIFICATION NUMBER: _____

Proposal Certification

I hereby certify that: I am submitting the following information as my firm's (Proposer) Proposal and am authorized by Proposer to do so. Proposer has not divulged, discussed, or compared the Proposal with other Proposers and has not colluded with any other Proposer or party to any other Proposal; Proposer, its principals, or their lobbyists has not offered campaign contributions to School Board Members or offer contributions to School Board Members for campaigns of other candidates for political office during the period in which the Proposer is attempting to sell goods or services to the School Board. This period of limitation of offering campaign contributions shall commence at the time of the "cone of silence" period for any solicitation for a competitive procurement as described by School Board Policy 3320, Part II, Section GG as well as School Board Policy 1007, Section 5.4 – Campaign Contribution Fundraising. Proposer acknowledges that all information contained herein is part of the public record as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this Proposal are true and accurate. **Proposer agrees to complete and unconditional acceptance of the contents of all pages in this Request for Proposals (RFP), and all appendices and the contents of any Addenda released hereto; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the Request for Proposals, and any released Addenda and understand that the following are requirements of this RFP and failure to comply will result in disqualification of Proposal submitted.**

Signature of Proposer's Authorized Representative (blue ink preferred on original) _____ Date _____

Name of Proposer's Authorized Representative _____ Title of Proposer's Authorized Representative _____

NOTE: Entries must be completed in ink or typewritten. This original Required Response Form must be fully executed and submitted with this Proposal (see Section 4.1.4).

EXHIBIT A

2.0 INTRODUCTION AND GENERAL INFORMATION

- 2.1 The School Board of Broward County, Florida (hereinafter referred to as "SBBC") desires to receive proposals for Investment Advisory Services as described herein. SBBC's need for investment advisory services is expected to include management of a medium-term investment portfolio. The expectation is that funds placed under management will be core funds with minimal probability of liquidity needs over a planned investment horizon. In addition, the investment advisor will provide investment advice for all of SBBC's investments portfolios.
- 2.2 **Questions and Interpretations:** Any questions concerning any portion of this RFP must be submitted, in writing, to Ms. Michelle Wilcox, **Purchasing Agent III, Procurement & Warehousing Services Department, 754-321-0503** at the address listed in Section 6.1 or via facsimile 754-321-0533 or via e-mail michelle.wilcox@browardschools.com. Any questions which require a response which amends the RFP document in any manner will be answered via Addendum by the Procurement & Warehousing Services Department and provided to all Proposers. No information given in any other manner will be binding on SBBC.
- Any questions concerning any condition or requirement of this RFP must be received in the Procurement & Warehousing Services Department, in writing, **on or before 5:00 p.m. ET July 2, 2015**. Questions received after this date and time will not be answered. Submit all questions to the attention of the individual stated above. If necessary, an Addendum will be issued. Any verbal or written information, which is obtained other than by information in this RFP document or by Addenda, shall not be binding on SBBC.
- 2.3 **Contract Term:** The purpose of this RFP is to establish a contract beginning **January 1, 2016 and continuing through December 31, 2020**. The term of the contract may, if needed, be extended for, 180 days beyond the expiration by mutual agreement between SBBC and the Awardee. Procurement & Warehousing Services Department, will, if considering renewing, request a letter of intent to renew from each Awardee, prior to the end of the current contract period. The Awardee will be notified when the recommendation has been acted upon by the School Board. All costs shall be firm for the term of the contract as stated in Section 2.4 of this RFP. The Proposer agrees to this condition by signing its Proposal.
- 2.4 **Price Adjustments:** **Prices offered shall remain firm through the five (5) years of the contract, as well as the 180 day extension, if exercised.** SBBC reserves the right to request a reduction in contract prices equal to the percentage of change of the CPI in the event of a reduction. SBBC reserves the right to not renew any contract regardless of price considerations. Information on the CPI may be obtained from the Bureau of Labor Statistics at <http://www.bls.gov> or by contacting the Bureau directly.
- 2.5 **Submittal Of Proposal:** Submit Proposals in accordance with Section 4.0. Proposals should be organized and shall include necessary information as to be in full compliance with this Section. In order to facilitate the Proposal evaluation process, special attention should be paid to organizing Proposals in a manner consistent with Section 4.0. SBBC reserves the right to reject and not consider any Proposal that is not submitted in accordance with Section 4.0 or that does not include any necessary information.
- 2.6 **Evaluation and Award:** All responsive Proposals will be evaluated by the Evaluation Committee (hereinafter referred to as "Committee") based upon the information submitted by Proposers in response to Section 4.0 and in accordance with the evaluation criteria established in Section 5.0 for Category a.) Experience and Qualifications and Category b.) Scope of Services. Category c.) Cost of services will be determined by mathematical calculation and Category d.) Minority/Women Business Participation will be evaluated and scored by the District's Supplier Diversity & Outreach Program staff. Based upon the evaluation of Proposals, the Committee will recommend Proposer(s) to SBBC for award. The number of firms to be recommended is solely at the discretion of the Committee.

EXHIBIT A

2.0 INTRODUCTION AND GENERAL INFORMATION (Continued)

- 2.7 **Presentations:** Proposer are to demonstrate their capability and functionality in the context of the Scope of Work provided in the RFP in their presentations. Presentations must be based on your submitted Proposal. No additional information may be added to your presentations that is not in your submitted Proposal. Proposer will be given no more than two (1) hour for their oral presentations. This time includes any necessary set-up and breakdown time associated with the Proposer's presentation. Questions by the Committee Members ("Committee") may be asked during the presentation. Proposer is to answer the Committee's questions quickly and precisely as time is of the essence. Based on the limited time for the presentation, Proposer are responsible for managing their time. The expectation is the Proposer will complete their presentation, in its entirety during this period of time. The conference room has computer hookup to a large television screen. (See Section 5.0 for Presentation Scoring)

EXHIBIT A

3.0 CALENDAR

June 23, 2015	Release of RFP 16-024H
July 2, 2015	Written questions due on or before 5:00 p.m. ET in Procurement & Warehousing Services Department
July 22, 2015	Proposals due on or before 2:00 p.m. ET in Procurement & Warehousing Services Department. Proposal opening will be at 7720 West Oakland Park Blvd., Suite 323, Sunrise, Florida 33351-6704.*
July 29, 2015	Evaluation Committee reviews Proposals and recommends Short-listed Proposers for further evaluation. Meeting to be held at Procurement & Warehousing Services Department 7720 West Oakland Park Boulevard, Suite 323 Sunrise, Florida 33351-6704 at 9:00 a.m.*
August 5, 2015	Presentations from Short Listed Proposers and evaluation for final recommendation Meeting to be held at Procurement & Warehousing Services Department 7720 West Oakland Park Boulevard, Suite 323 Sunrise, Florida 33351-6704 at 9:00 a.m.*
August 8, 2015	Posting of Recommendation

*These are public meetings. SBBC prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination and/or harassment complaint may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine (TTY) 754-321-2158.

Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine (TTY) 754-321-2158.

EXHIBIT A
4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL

- 4.1 In order to maintain comparability and facilitate the review process, it is requested that Proposals be organized in the manner specified below. Include all information requested herein in your Proposal.
- 4.1.1 **Title Page:** Include RFP number, subject, the name of the Proposer, address, telephone number and the date.
- 4.1.2 **Table of Contents:** Include a clear identification of the material by section and by page number.
- 4.1.3 **Letter of Transmittal:** Include the names of the persons who will be authorized to make representations for the Proposer, their titles, addresses and telephone numbers.
- 4.1.4 **Required Response Form:** (Page 1 of RFP) with all required information completed and all signatures as specified (blue ink preferred on original). Any modifications or alterations to this form shall not be accepted and Proposal will be rejected. The enclosed original Required Response Form will be the only acceptable form.
- 4.1.5 **Notice Provision:** When any of the parties desire to give notice to the other, such notice must be in writing, sent by US Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of the paragraph. **This information must be submitted with the Proposal or within three days of request.** For the present, the parties designate the following as the respective places for giving notice:

To SBBC: Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast Third Avenue, 10th Floor
Fort Lauderdale, Florida 33301

With a Copy to: Chief Financial Officer
The School Board of Broward County, Florida
600 Southeast Third Avenue, 10th Floor
Fort Lauderdale, Florida 33301

Treasurer
The School Board of Broward County, Florida
600 Southeast Third Avenue, 2nd Floor
Fort Lauderdale, Florida 33301

Name of Proposer:

(Name of Proposer, Corporation and Agency)

(Address)

With a Copy to:

(Name and Position of Designee of Proposer,
Corporation and Agency)

(Address)

EXHIBIT A

4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL (Continued)

The SBBC's Procurement & Warehousing Services Department shall determine whether each Proposer meets the Minimum Eligibility requirements of Section 4.2 and shall only deliver Proposals meeting the Minimum Eligibility requirements to the Evaluation Committee for further evaluation.

- 4.2 **Minimum Eligibility:** In order to be considered for award and to be further evaluated, Proposer must meet or exceed the following criteria as of the opening date of the Proposal. **Failure to provide the information requested below will result in disqualification of Proposal.** The Proposer is responsible for providing the following information in its response. The Proposer must also include a statement of acknowledgement for each item below.

4.2.1 Proposer must meet or exceed the requirements of Section 7.1, Indemnification. Will your company meet or exceed the requirements as written in Section 7.1 for this contract? ☐ Yes ☐ No **Do not check both boxes.**

4.2.2 Proposer must currently manage at least \$10 billion of domestic fixed income assets for public organizations. The firms' own funds will not be counted as public funds.

4.2.3 Proposer must be registered with the Securities and Exchange Commission under the Investment Advisor's Act of 1940.

4.2.4 Proposer must have Errors & Omissions and Fiduciary Liability Insurance that together is at least \$25 million.

4.2.5 Proposers must have a minimum of ten years in managing fixed income and equities assets for state and local governments

- 4.3 State under what other or former name(s) the Proposer is currently operating under or has operated under.

- 4.4 **Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation):** This section represents the information that will be utilized in the evaluation of Proposals received and assignment of points in accordance with the evaluation criteria established in Section 5.0 for Proposals submitted. Proposers are cautioned to read this section carefully and respond with full complete information that will assist the Evaluation Committee in evaluating Proposal submitted. Proposers are requested to respond in the format and organizational structure stated and to refrain from including promotional or advertisement materials in their Proposal. The maximum allowable points (See Section 5.0) that will be awarded for each section are stated. Failure to respond or incomplete responses to any evaluation criteria below will result in zero or reduced allocation of points for the criteria and may result in disqualification of entire Proposal.

- 4.4.1 **Proposer's Qualifications – (Maximum 40 allowable points)**

4.4.1.1 **Firm Background**

4.4.1.1.1 Describe the organization, date founded and ownership of your firm. Has the firm experienced a significant change in organizational structure, ownership or management during the past three (3) years and, if so, please describe.

4.4.1.1.2 Describe any other business affiliations (e.g. subsidiaries, joint ventures, "soft dollar" arrangements with brokers).

4.4.1.1.3 Identify the types of accounts primarily managed by your firm.

4.4.1.1.4 Does your firm have an office in the State of Florida and describe the staff in the Florida office?

EXHIBIT A

4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL (Continued)

4.4 Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation)

4.4.1 Proposer's Qualifications (Cont'd)

4.4.1.1 Firm Background (cont'd)

- 4.4.1.1.5 Is your firm a registered investment advisor under the Investment Advisor's Act of 1940? Please attached Part II of your most recent Form ADV.
- 4.4.1.1.6 Describe the SEC, FINRA or any other regulatory censure or litigation involving your firm during the past five (5) years.
- 4.4.1.1.7 Summarize fidelity bond coverage, errors and omissions, employee dishonest, fiduciary liability insurance, or other fiduciary coverage your firm carries.
- 4.4.1.1.8 Provide a copy of your firm's most recent audited financial statement.
- 4.4.1.1.9 Briefly describe the firm's Code of Professional and Ethical Standards. Does the firm employ individuals with the Chartered Financial Analyst (CFA) designation? If so, how many?

4.4.1.2 Experience

- 4.4.1.2.1 Describe your firm's experience in managing investment portfolios for public funds and governmental entities including any relevant experience managing public funds in Florida.
- 4.4.1.2.2 Summarize your assets under management (public funds only) over the past five (5) years by the following categories: short-term, medium-term and long-term non-operating and non-restrictive funds. Also, please separate these asset totals by Government Institutions and Other Institutions.
- 4.4.1.2.3 Describe your firm's experience in developing investment policies and portfolio management guidelines for government funds.
- 4.4.1.2.4 Does your firm act as a broker or as a primary dealer in securities or receive any other form of additional compensation (including soft dollars) for client transactions aside from the direct fee paid by clients?
- 4.4.1.2.5 Describe your firm's familiarity with GASB 45 and experience with managing Other Postemployment Benefits (OPEB) Funds, utilizing a combination of equities and fixed income strategies. In addition, describe your experience managing fixed income securities and equities

4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL (Continued)**4.4 Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation)****4.4.1 Proposer's Qualifications (Cont'd)****4.4.1.2 Experience**

- 4.4.1.2.6 Provide five (5) client references (public references) including client name, contact personnel, address, phone number, length of time you have managed their assets and a list of any other related services provided (e.g., cash flow analysis, etc.).
- 4.4.1.2.7 Describe your firm's familiarity and knowledge with all applicable Florida Statutes with regard to qualified investments for public entities.
- 4.4.1.2.8 Include the language your firm requires be included in the investment Advisory Services Agreement and an explanation as to why it is required.

4.4.1.3 Personnel

- 4.4.1.3.1 Provide a summary organizational chart showing your proposed project team including analytical investment and research staff, other decision support and back office support. Identify the primary contact and describe the roles of each key person.
- 4.4.1.3.2 Provide detailed resumes for all key investment professionals who will be directly responsible for the investment of SBBC's funds. Include the following information; title, number of years at your firm, total number of years of experience, professional designation s or licenses.
- 4.4.1.3.3 Identify the account manager assigned to SBBC who has a minimum at least ten (10) years' experience in public funds investment management in Florida.
- 4.4.1.3.4 Describe your firm's activities to keep portfolio managers informed of developments relevant to the management of local government funds.

4.4.1.4. Investment Management Approach and Discipline

- 4.4.1.4.1 Describe your firm's investment management philosophy.
- 4.4.1.4.2 Describe the investment program you are proposing for SBBC, including the type of securities you propose to purchase, how the funds will be managed after the initial investments are made and how you will provide liquidity in accordance with SBBC Investment Policies 3110 and 3112 (see Exhibits H and I).
- 4.4.1.4.3 Describe the primary strategies employed by your firm for adding value to portfolios (e.g. market timing, credit research, etc.).
- 4.4.1.4.4 Describe how investment ideas are originated and how researched, and how the ultimate investment decision is mad. Explain how investment decision is then implemented, monitored and evaluated.

EXHIBIT A

4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL (Continued)

4.4 Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation)

4.4.1 Proposer's Qualifications (Cont'd)

4.4.1.4. Investment Management approach and Discipline (cont'd)

- 4.4.1.4.5 Describe your firm's research capabilities and resources and if your firm assigns credit research to specialists for public funds accounts.
- 4.4.1.4.6 Describe how your firm will review the credit of financial institutions it utilizes and securities to be purchased from these institutions.
- 4.4.1.4.7 Provide your firm's 1 – 3 years and 1 – 5 years performance for the most recent ten (10) years. The composite should consist of a minimum of five (5) current accounts. The duration and composition of the composite should be comparable to a Benchmark that is suitable to the investment strategy(s) requested in this RFP. Provide information about the composition and duration of the data used, including the number of portfolios and amount of assets making up the composite, for your presentation of performance history. The composite should be prepared and presented in compliance with the CFA Institute's Global Investment Performance Standards (GIPS). Please show quarterly returns, gross of all management fees.
- 4.4.1.4.8 Describe the daily procedures for portfolio review and client contact. How often will your firm contact SBBC and what will be the format? If the Treasurer's Office staff calls, when can they expect your firm to return the call?
- 4.4.1.4.9 Outline your process to monitor investment policy compliance.
- 4.4.1.4.10 Identify a performance benchmark you would suggest for SBBC's portfolios given the current investment policy
- 4.4.1.4.11 Detail the possession process of SBBC monies or investment securities, or if you have access to or control any such monies and/or securities
- 4.4.1.4.12 Briefly describe any additional feature, attributes or conditions, which SBBC should consider in selecting your firm.
- 4.4.1.4.13 Describe training opportunities for SBBC staff.

4.4.1.5 Accounting and Reporting

- 4.4.1.5.1 Describe the investment accounting and reporting system used by your firm.
- 4.4.1.5.2 Describe your firm's knowledge of and ability to assist in the compliance with Governmental Accounting Standards Board (GASB) Statements 31, 40 and 72.

EXHIBIT A

4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL (Continued)

4.4 Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation)

4.4.1 Proposer's Qualifications (Cont'd)

4.4.1.5.3 Describe the frequency and format of reports that you would provide to SBBC (including the methods and formulas used to calculate yield and performance). Sample reports should be included.

4.4.1.5.4 Describe your on-line reporting capabilities

4.4.1.6 Indicate that Proposer's firm has experience in the calculation of arbitrage rebate amounts and displays an understanding of the related issues and constraints of the arbitrage regulations and laws.

4.4.1.7 Indicate that Proposer's firm is financially solvent and appropriately capitalized to be able to service SBBC for the duration of the contract.

4.4.1.8 Provide a statement of any litigation or regulatory action that has been filed or is pending against your firm(s) in the last five (5) years. If an action has been filed, state and describe the litigation or regulatory action filed, and identify the court or agency before which the action was instituted, the applicable case or file number, and the status or disposition for such reported action. If no litigation or regulatory action has been filed against your firm(s), provide a statement to that effect. For joint venture or team Proposers, submit the requested information for each member of the joint venture or team.

4.4.2 **Scope of Services Provided – (Maximum 30 allowable points):** Clearly describe how the Proposer can accomplish each of the following Scope of Services provided below. Minimum must include the following:

Section	Scope of Service	Yes, Can Comply	Yes, Can Comply But With Stated Deviations	No, Cannot Comply or Provide
4.4.2.1	Awardee shall actively manage, on a total return basis, SBBC's separate investment portfolios pursuant to the specific, stated investment objectives and SBBC's investment policy.			
4.4.2.2	Awardee shall place orders for the purchase and sale of securities, communicate settlement information to SBBC staff and assist in coordinating security settlement.			
4.4.2.3	Awardee shall have the necessary qualified professional staff to conduct an annual operational review on the treasury management functions of SBBC to ensure that SBBC is in compliance with SBBC's Investment Policy, Internal Controls and standard investment practices.			

EXHIBIT A

4.4.2 **Scope of Services Provided – (Maximum 30 allowable points):** Clearly describe how the Proposer can accomplish each of the following Scope of Services provided below. Minimum must include the following:

Section	Scope of Service	Yes, Can Comply	Yes, Can Comply But With Stated Deviations	No, Cannot Comply or Provide
4.4.2.4	Awardee shall serve as a general resource to SBBC staff for information, advice and training regarding fixed income securities, investments and treasury operations.			
4.4.2.5	Awardee shall work with SBBC staff to develop a detailed cash flow analysis and projections to ensure that the investment strategy is consistent with SBBC's cash requirements. In addition, work with capital budget and accounting staff and assist in the development of project expenditure schedules for the purpose of developing an investment plan for all capital funds including bond proceeds.			
4.4.2.6	Awardee shall provide monthly statements on investment activity, earnings and the value of the investment portfolio. These reports must include the information as required by GASB standards and pronouncements. The selected investment manager must maintain accurate reports of investments including a monthly asset allocation report of the investments and compliance with applicable investment policies of SBBC and State of Florida statutes.			
4.4.2.7	Awardee shall provide quarterly investment reports including a description of market conditions, investment strategies, employed performance and suggested changes to investment strategy.			
4.4.2.8	Awardee shall meet with SBBC on a quarterly basis to report on the performance of the investment portfolio and assist SBBC with the development of both short- and long-term investment strategies.			
4.4.2.9	Awardee shall, at a minimum, attend and present a quarterly performance report on or about February each year. Attendance at other meetings may also be required, as needed.			

EXHIBIT A

4.0 INFORMATION TO BE INCLUDED IN THE SUBMITTED PROPOSAL (Continued)

4.4 Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation)

4.4.2 Scope of Services Provided (Cont'd)

Section	Scope of Service	Yes, Can Comply	Yes, Can Comply But With Stated Deviations	No, Cannot Comply or Provide
4.4.2.10	Awardee must have the capability and experience to develop, design and independently bid a wide array of complex financial investments (structure products) like advance refunding escrow accounts, repurchase agreements, forward rate agreements, flexible investment contracts and other municipal derivatives. This service will be applied to SBBC's current bond proceeds, escrows and future bond issues with the knowledge of public sector asset and liability management.			
4.4.2.11	Awardee must conduct all aspects of the bond and structure products investment program in compliance with the arbitrage and rebate requirements of the U.S. Treasury, currently described in Section 148 of the Internal Revenue Code of 1986 as amended and of the related Code of Federal Regulations.			
4.4.2.12	On occasion, the Awardee may be assigned by an engagement letter setting forth the terms and conditions and cost of such services.			
4.4.2.13	Awardee shall adhere to the Code of Professional and Ethical Standards as described by CFA Institute (AIMR).			
4.4.2.14	Awardee <u>WILL NOT</u> provide custodial services or security safekeeping.			

4.4.3 Cost of Services - (20 points maximum):

Proposer must provide an all-inclusive fee schedule for management services. Fees may be tiered, based on size of portfolio being managed. In addition, proposer must identify any other fees or expenses that may result from award of this RFP. All costs must remain firm during the term of the contract.

Distribution of points will be calculated by dividing the all-inclusive fee offered by each proposer by the lowest all-inclusive fee submitted. That percentage will be multiplied by the maximum amount of points allotted for the criteria. For example, Proposer A submits the lowest all-inclusive fee of \$100,000 and Proposer B submits a fee of \$150,000. Therefore, Proposer A would receive 20 points, which is the maximum number of points allotted for the criteria. Proposer B would earn 13 points based on the following calculation: $(\$100,000/\$150,000) = 67\% \times 20$ maximum points = 13.4 points received. Fractions of points will be rounded to the nearest whole point value. Additionally, based on your firm's fee schedule, calculate the annual fee for managing a \$250 million portfolio.

EXHIBIT A

4.4 **Evaluation Criteria - (Proposer Qualifications, Scope of Services, Costs of Services and M/WBE Participation) (Continued):**

4.4.4 **M/WBE Participation: (Maximum 10 allowable points):** SBBC has a Supplier Diversity & Outreach Program. An M/WBE is defined by SBBC as any legal entity, other than a joint venture, which is organized to engage in commercial transactions and which is a least 51% owned and controlled by minority persons. For information on M/WBE Certification, contact SBBC's Supplier Diversity & Outreach Program at 754-321-0550. SBBC's Florida Supplier Diversity & Outreach Program works to increase the participation of Minority and Women Business Enterprise (M/WBE). It is the intent of the Supplier Diversity & Outreach Program to have a diverse group, as well as an equitable distribution of M/WBE's, participating on any award of this Proposal.

4.4.4.1	<u>M/WBE Information:</u> Proposer will be evaluated and points will be allocated for criterion 4.4.4.2, 4.4.4.3 and 4.4.4.4 depending on the information submitted by the Proposer	Maximum Points
4.4.4.2	Identify the M/WBE firm or firms who will be working with you on this engagement (see Attachment A3, M/WBE Participation). Indicate the extent and nature of the M/WBE's work with specificity, as it relates to the services as described in this RFP, including the percentage of the total costs which will be received by the M/WBE firm in connection with this Proposal (See Attachment A3). Provide proof, in writing, that each proposed firm to be utilized as an M/WBE is certified by The School Board of Broward County, Florida	6
4.4.4.3	Proposer shall provide the staff diversity information by completing and submitting Attachment A2, Employment Diversity Statistics.	2
4.4.4.4	Proposer shall submit information of its involvement in the minority community. Such evidence may include, but not be limited to, minority sponsored events, purchases made from minority companies, scholarship funds targeting minority students, financial contributions and/or providing other corporate resources for minority community projects.	2
	TOTAL POINTS.....	10
	The Awardee will be required to submit a monthly M/WBE Utilization Report (see Attachment A1) to our Supplier Diversity & Outreach Program, which will track payments to M/WBE(s). This report is required 15 days after the end of each month, whether the M/WBE(s) received payments or not, until all committed remuneration has been received by the M/WBE. <u>State your willingness to comply with this requirement.</u>	
	Awardee must provide the Supplier Diversity & Outreach Program a 30-day written notice for substitution of an M/WBE Proposer. <u>State your willingness to comply with this requirement.</u>	

EXHIBIT A

5.0 EVALUATION OF PROPOSALS

- 5.1 The Evaluation Committee (hereinafter referred to as “Committee”), shall evaluate all Proposals received, which meet or exceed Section 4.2, Minimum Eligibility Requirements and Section 7.1 Indemnification, according to the following criteria:

PART 1 – Short Listing of Proposers

<u>CATEGORY</u>		<u>MAXIMUM POINTS</u>
A.	Qualifications	40
	Firm Background	8
	Experience	8
	Personnel	8
	Investment Management approach and Discipline	8
	Accounting and Reporting	8
B.	Scope of Services	30
C.	Cost of Services	20
D.	Supplier Diversity & Outreach Program	
D.1	Participation	6
D.2	Diversity	2
D.3	Community Outreach	<u>2</u>
TOTAL		100

PART 2 – Presentation Scoring

Proposers are to demonstrate their capability and functionality in the context of the Scope of Work provided in the RFP in their presentations. Presentations must be based on Matrix below and consistent with the information submitted in your Proposal. No additional information may be added to your presentation that is not in your submitted Proposal. Proposer will be given no more than one (1) hour for their oral presentations. This time includes any necessary set-up and breakdown time associated with the Proposer’s presentation. Questions by the Committee Members (“Committee”) may be asked during the presentation. Proposer is to answer the Committee’s questions quickly and precisely as time is of the essence. Based on the limited time for the presentation, Proposer are responsible for managing their time. The expectation is the Proposer will complete their presentation, in its entirety during this period of time. **Your presentation must include the following as a minimum in your presentation, but not limited to the outline stated below in the Matrix.**

EXHIBIT A

5.0 EVALUATION OF PROPOSALS

PART 2 – Presentation Scoring (Cont'd)

Presentation Matrix	Maximum Points
Comment on your “investment philosophy” and process for analyzing a client’s portfolio structure and for recommending modifications. How active is your management approach towards this portfolio? Discuss the theory and methodology of your asset allocation modeling process. Is your asset allocation software developed in-house or externally?	25
Describe your manager due diligence/research process. How often does your staff visit with money managers in-house? Describe the capabilities and differentiating features of your firm’s manager research database. Is the database proprietary or purchase? Are managers charged fees for inclusion? How many managers’ performance tracked?	25
Describe the firm’s manager search process. How are the managers initially screened? What criteria are emphasized in the latter stages of search? Is there a minimum number of years of five performance required or a minimum amount of assets in the strategy to be included in the search?	25
Describe your firm’s experience in researching, selecting, and monitoring managers in alternative asset classes, such as hedge funds, private equity, real estate, portable alpha and commodities	25
Total	100

Failure to respond, provide detailed information or to provide requested Proposal elements may result in the reduction of points in the evaluation process. The Committee may recommend the rejection of any proposal containing material deviations from the RFP. The Committee may recommend waiving any irregularities and technicalities. If only one responsive proposal is received, the Committee will proceed without scoring the one responsive proposal and may negotiate the best terms and conditions with that sole proposer or may recommend the rejection of all proposals as permitted by Section 6A-1.012(12)(c), F.A.C."

- 5.2 The Committee reserves the right to ask questions of a clarifying nature once Proposals have been opened, require presentations from all Proposers, interview any or all Proposers that respond to the RFP, or make their recommendations based solely on the information contained in the Proposals submitted. Presentations, if required, will be part of the evaluation process.
- 5.3 Based upon Section 5.1, the Committee, at its sole discretion, may commence negotiations with selected Proposer(s). The Committee reserves the right to negotiate any term, condition, specification, or price (other than Section 4.2 and Section 7.1) with a selected Proposer(s). In the event that mutually agreeable negotiations cannot be reached with a Proposer, the Committee may negotiate with the next ranked Proposer(s), and so forth. An impasse may be declared by the Committee at any time. The Committee will make a recommendation to the Superintendent. The Superintendent may choose to post the recommendation as its intended action of the District in accordance with Section 120.57(3) Florida Statutes or the Superintendent may choose to return the recommendation to the Committee for further deliberations consistent with the RFP.

EXHIBIT A

5.0 EVALUATION OF PROPOSALS (Continued)

- 5.4 **Award:** SBBC intends to make an award only to the Proposer that has complied with the terms, conditions and requirements of the overall RFP. After the conclusion of negotiations, the recommended award would be made for the goods and services sought in the RFP in accordance with the terms of negotiations. The award(s) shall not be a guarantee of business or a guarantee of specified quantities of products or volume of service. An Agreement (in the form of the Sample Agreement attached hereto as **Attachment "E"**) shall be prepared for execution by the Awardee and The School Board, and shall be governed by the laws of the State of Florida, and must have venue established in the 17th Judicial Circuit Court of Broward County, Florida or the United States Court of the Southern District of Florida. This Agreement approved by the SBBC's General Counsel will be submitted to SBBC for final approval. **Approval shall not be a guarantee of business, a guarantee of specified volume of service or minimum dollar revenue to be received on this contract.**

EXHIBIT A

6.0 SPECIAL CONDITIONS

- 6.1 The complete original hard-copy Proposal properly completed and signed must be submitted in a sealed envelope and received **on or before 2:00 p.m. ET, July 7, 2014** at the following address in order to be considered:

PROCUREMENT & WAREHOUSING SERVICES DEPARTMENT
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351-6704
Attention: RFP 16-024H - INVESTMENT ADVISORY SERVICES

One complete, original hard-copy Proposal (clearly marked as such), and one complete, original electronic version (all clearly marked as "original") will constitute the original governing documents. The electronic version in Microsoft Word 6.0 or higher on CD/flash drive and 15 copies (which must be identical to the original Proposal, **including any supplemental information/marketing materials**), of the RFP Proposal, including the **REQUIRED RESPONSE FORM** (Page 1 of RFP 16-024H), must be fully executed and returned on or before 2:00 p.m. ET on date due to the Procurement & Warehousing Services Department in accordance with the submittal requirements. All Proposals shall be submitted in sealed packaging with RFP number and the Proposer's firm name clearly marked on the exterior of package.

- 6.2 **JOINT VENTURES:** In the event multiple Proposers submit a joint Proposal in response to the RFP, a single Proposer shall be identified as the Prime Proposer. If offering a joint Proposal, Prime Proposer must include the name and address of all parties of the joint Proposal. Prime Proposer shall provide all bonding and insurance requirements, execute any Contract, complete the **REQUIRED RESPONSE FORM** shown herein, have overall and complete accountability to resolve any dispute arising within this contract. Only a single contract with one Proposer shall be acceptable. Prime Proposer responsibilities shall include, but not be limited to, performing of overall contract administration, preside over other Proposers participating or present at SBBC meetings, oversee preparation of reports and presentations, and file any notice of protest and final protest as described herein. Prime Proposer shall also prepare and present a consolidated invoice(s) for services performed. SBBC shall issue only one check for each consolidated invoice to the Prime Proposer for services performed. Prime Proposer shall remain responsible for performing services associated with response to this RFP.

6.3 **INSURANCE REQUIREMENTS**

MINIMUM INSURANCE REQUIREMENTS

- 6.3.1 **GENERAL LIABILITY:** Limits not less than \$1,000,000 per occurrence for Bodily Injury/ Property Damage; \$1,000,000 General Aggregate. Limits not less than \$1,000,000 for Products/Completed Operations Aggregate.
- 6.3.2 **WORKER'S COMPENSATION:** Florida Statutory limits in accordance with Chapter 440; Employer's Liability limits not less than \$100,000/\$100,000/\$500,000 (each accident/disease-each employee/disease-policy limit).
- 6.3.3. **PROFESSIONAL LIABILITY:** Limits not less than \$1,000,000 per occurrence covering services provided under this contract.
- 6.3.4 **AUTO LIABILITY:** Owned, Non-Owned and Hired Auto Liability with Bodily Injury and Property Damage limits of not less than \$2,000,000 Combined Single Limit.
If Awardee does not own any vehicles, hired and non-owned automobile liability coverage in the amount of \$1,000,000 will be accepted. In addition, an affidavit signed by the Awardee must be furnished to SBBC indicating the following:
_____(Awardee Name) does not own any vehicles. In the event insured acquires any vehicles throughout the term of this agreement, insured agrees to provide proof of "Any Auto" coverage effective the date of acquisition. (Fax affidavit with Certificate of Insurance to SBBC Risk Management at 866-897-0424.)
- 6.3.5 **ACCEPTABILITY OF INSURANCE CARRIERS:** The insurance policies shall be issued by companies qualified to do business in the State of Florida. The insurance companies must be rated at least A- VI by AM Best or Aa3 by Moody's Investor Service.

EXHIBIT A

6.0 SPECIAL CONDITIONS

6.3 INSURANCE REQUIREMENTS (Continued):

- 6.3.6 **VERIFICATION OF COVERAGE:** Proof of the required insurance must be furnished by an Awardee to SBBC Risk Management Department by Certificate of Insurance within 15 days of notification of award. All certificates (and any required documents) must be received and approved by SBBC before any work commences to permit Awardee time to remedy any deficiencies. **FAX CERTIFICATES OF INSURANCE TO SBBC RISK MANAGEMENT AT 866-897-0424.**
- 6.3.7 **REQUIRED CONDITIONS:** Liability policies must contain the following provisions. In addition, the following wording must be included on the Certificate of Insurance:
The School Board of Broward County, FL, its members, officers, employees and agents are added as additional insured. The endorsement # is: _____.
All liability policies are primary of all other valid and collectable coverage maintained by the School Board of Broward County, Florida.
 (**Please include the Contract # and Title on the Certificate of Insurance.)
(Certificate Holder: School Board of Broward County, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.)
- 6.3.8 **CANCELLATION OF INSURANCE:** Vendors are prohibited from providing services under this contract with SBBC without the minimum required insurance coverage and must notify SBBC within two business days if required insurance is cancelled.

6.4 AWARDEE ACCOUNTING RECORDS AND RIGHT TO AUDIT PROVISIONS:

- 6.4.1 Awardee's and Sub-Contractor's records shall include, but not be limited to, accounting records, payroll time sheets, audited and unaudited financial statements to substantiate payment rates and income, written policies and procedures, Sub-Contractor's files and any other supporting evidence necessary to substantiate payments and income related to this Agreement (all the foregoing herein after referred to as "records") shall be open to inspection and subject to audit and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by the Awardee(s) or any of his/her payees pursuant to the execution of the Agreement. Such records subject to examination shall also include, but not be limited to, those records necessary to evaluate and verify payments and any other matters or items associated with this Agreement.
- 6.4.2 For the purpose of such audits, inspections, examinations and evaluations, SBBC's agent or authorized representative shall have access to said records from the effective date of this Agreement, for the duration of the work, and until five (5) years after the date of final payment by Awardee(s) pursuant to this Agreement. All payments which cannot be documented as paid as required by the Agreement and found not to be in compliance with the provisions of this Agreement, shall be reimbursed to SBBC.
- 6.4.3 SBBC's agent or its authorized representative shall have access to the Awardee's facilities, shall have access to all necessary records and shall be provided adequate and appropriate work space, in order to conduct audits in compliance with this article. SBBC's agent or its authorized representative shall give audited firm reasonable advance notice of intended audits.
- 6.4.4 Awardee(s) shall certify that payments are accurate and correct on each and every payment. If an audit reveals discrepancies, such as an over payment, the Awardee will be required to reimburse SBBC for the discrepancy with a minimum of eighteen percent (18%) per annum.
- 6.4.5 If an audit inspection or examination in accordance with this article, discloses over payments (of any nature) to the Awardee(s) by SBBC in excess of ten percent (10%) of the total payments, the actual cost of SBBC's audit shall be paid by the Awardee as well as the over payments by SBBC.

6.5 W-9 FORM

- 6.5.1 All Proposers are requested to complete the attached W-9, Attachment C, and submit with their Proposal.

EXHIBIT A

7.0 GENERAL CONDITIONS

- 7.1 **INDEMNIFICATION:** This General Condition of the RFP is NOT subject to negotiation and any Proposal that fails to accept these conditions will be rejected as "non-responsive".
- 7.1.1 By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agents' acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence. Nothing herein is intended to serve as a waiver of sovereign immunity by SBBC. Nothing herein shall be construed as consent by SBBC to be sued by third parties in any matter arising out of any contract. Nothing herein shall be construed as a waiver by SBBC to any rights or limits to liability under Section 768.28, Florida Statutes.
- 7.1.2 By AWARDEE: AWARDEE agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by the VENDOR, its agents, servants or employees; the equipment of the AWARDEE, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of AWARDEE or the negligence of AWARDEE's agents when acting within the scope of their employment, whether such claims, judgments, costs and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by the AWARDEE, SBBC or otherwise.
- 7.2 **IRREVOCABILITY OF PROPOSAL:** A Proposal may not be withdrawn before the expiration of 90 days from the date of Proposal opening.
- 7.3 **EVALUATION COMMITTEES AND PROPOSALS:** SBBC and its Proposal Evaluation Committees evaluate and negotiate all Proposals in accordance with State Statutes 119.071 and 286.0113.
- 7.4 **INFORMATION NOT IN RFP:** No verbal or written information which is obtained other than by information in this document or Addenda to this Request for Proposal shall be binding on SBBC.
- 7.5 **PROPOSAL PUBLIC RECORD:** Proposer acknowledges that all information contained within their Proposal is part of the public domain as defined by the State of Florida Sunshine and Public Record Laws.
- 7.6 **NONCONFORMANCE TO CONTRACT CONDITIONS:** Services offered must be in compliance with RFP conditions and specifications and any resulting Agreement at all times. Services not conforming to RFP conditions, specifications or time frames may be terminated at Awardee(s) expense and acquired on the open market. Any increase in cost may be charged against the Awardee(s). Any violation of these stipulations may also result in:
- 7.6.1 For a period of two (2) years, any RFP submitted by Proposer will not be considered and will not be recommended for award.
- 7.6.2 All departments being advised not to do business with Proposer.
- 7.7 **APPLICABLE LAW:** This RFP, and any Agreement resulting from it, shall be interpreted and construed according to the laws of the State of Florida.
- 7.8 **GOVERNING LAW:** This RFP, and any award(s) resulting from this RFP, shall be interpreted and construed in accordance with the laws of the State of Florida. Any protests arising from this RFP shall be subject to Section 120.57(3), Florida Statutes. Any disputes or controversies arising out of a contract awarded under this RFP shall be submitted to the jurisdiction of the state courts of the Seventeenth Judicial Circuit in and for Broward County, Florida.
- 7.9 **LEGAL REQUIREMENTS:** Federal, state, county and local laws, ordinances, rules and regulations that in any manner affect the goods or services covered herein apply. Lack of knowledge by the Proposer will in no way be a cause for relief from responsibility.
- 7.10 **ADVERTISING:** In submitting an RFP, Proposer agrees not to use the results therefrom as a part of any commercial advertising without prior written approval of SBBC.

EXHIBIT A

7.0 GENERAL CONDITIONS (Continued)

- 7.11 **PAYMENT:** A purchase order will be released after award by SBBC for any services to be performed as a result of the RFP. Payment will be provided after services are in compliance with all the conditions of this RFP. All payments will be made by ACH (Automated Clearing House) for automatic deposits (credits). ACH Payment Agreement Form is attached to this RFP.
- 7.12 **EXPENDITURE:** No guarantee is given or implied as to the total dollar value or work as a result of this RFP. SBBC is not obligated to place any order for services performed as a result of this award. Order placement will be based upon the needs and in the best interest of SBBC.
- 7.13 **CONFLICT OF INTEREST AND CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP:** Section 112.313 (3) and (7), Florida Statutes, sets forth restrictions on the ability of SBBC employees acting in a private capacity to rent, lease, or sell any realty, goods, or services to SBBC. It also places restrictions on SBBC employees concerning outside employment or contractual relationships with any business entity which is doing business with SBBC. Each Proposer is to disclose any employees it has who are also SBBC employees by submitting **Attachment B** with its Proposal. Any employees identified by the Proposer when completing **Attachment B** should obtain legal advice as to their obligations and restrictions under Section 112.313 (3) and (7), Florida Statutes.
- 7.14 **PATENTS AND ROYALTIES:** The Proposer, without exception, shall indemnify and save harmless SBBC and its employees from liability of any nature or kind, including cost and expenses for any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by SBBC. If the Proposer uses any design, device, or materials covered by letters, patent, or copyright, it is mutually understood and agreed without exception that the RFP prices shall include all royalties or cost arising from the use of such design, device or materials in any way involved in the work.
- 7.15 **DISPUTES:** In the event of a conflict between the documents, the order of priority of the documents shall be as follows:
- Any Agreement resulting from the award of this RFP (if applicable); then
 - Addenda released for this RFP, with the latest Addendum taking precedence; then
 - the RFP; then
 - Awardee's Proposal.
- In case of any other doubt or difference of opinion, the decision of SBBC shall be final and binding on both parties.
- 7.16 **OSHA:** The Proposer warrants that the product supplied to SBBC shall conform in all respects to the standards set forth in the Occupational Safety and Health Act of 1970, as amended, and the failure to comply with this condition will be considered as a breach of contract.
- 7.17 **ANTI-DISCRIMINATION:** SBBC prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination and/or harassment complaint may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine TTY 754-321-2158.
- 7.18 **LIABILITY, INSURANCE, LICENSES AND PERMITS:** The Proposer agrees to The Indemnification Provision stated herein and will assume the full duty, obligation and expense of obtaining all necessary licenses, permits and insurance. Where Awardee(s) is required to enter or go onto SBBC property to deliver materials or perform work or services, the Awardee(s) shall be liable for any damages or loss to SBBC occasioned by negligence of the Awardee(s) (or agent) or any person the Awardee(s) has designated in the completion of the contract.
- 7.19 **BILLING INSTRUCTIONS AND PAYMENT:** Invoices, unless otherwise indicated, must show purchase order numbers and shall be submitted in duplicate to The School Board of Broward County, Florida, Accounting and Financial Reporting Department, Attn: Accounts Payable, 600 S.E. 3rd Avenue, 7th Floor, Fort Lauderdale, Florida 33301. Payment will be made a minimum of 30 days after delivery, authorized inspection and acceptance. When vendors are directed to send invoices to a school, the school will make direct payments to the vendor.
- 7.20 **PUBLIC ENTITY CRIMES:** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Proposal on a contract to provide any goods or services to a public entity, may not submit a Proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit a Proposal on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for CATEGORY TWO [currently \$25,000] for a period of 36 months from the date of being placed on the convicted vendor list.

EXHIBIT A

7.0 GENERAL CONDITIONS (Continued)

- 7.21 **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY OR VOLUNTARY EXCLUSION - Lower Tier Covered Transactions:** Executive Order 12549, as currently enacted or as amended from time to time, provides that, to the extent permitted by law, Executive departments and agencies shall participate in a government-wide system for non-procurement debarment and suspension. A person who is debarred or suspended shall be excluded from Federal financial and non-financial assistance and benefits under Federal programs and activities. Except as provided in § 85.200, Debarment or Suspension, § 85.201, Treatment of Title IV HEA participation, and §85.215, Exception provision, debarment or suspension of a participant in a program by one agency shall have government-wide effect. A lower tier covered transaction is, in part, any transaction between a participant [SBBC] and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction; and any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently \$100,000) under a primary covered transaction; or any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. A participant may rely upon the certification of a prospective participant in a lower tier covered transaction that it and its principals are not debarred, suspended, proposed for debarment under 48 CFR part 9, subpart 9.4, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. Each participant shall require participants in lower tier covered transactions to include the certification for it and its principals in any Proposal submitted in connection with such lower tier covered transactions.

CERTIFICATION

- 7.21.1 The prospective lower tier participant certifies, by submission of this Proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 7.21.2 Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Proposal.
- 7.22 **BUSINESS ENTERPRISE (M/WBE) PARTICIPATION:** SBBC has a Supplier Diversity & Outreach Program whose intent is to have a diverse group of Minorities and Women Business enterprises (M/WBE) participating on SBBC contract awards. SBBC encourages each Proposer to make every reasonable effort to include M/WBE participation on any contract award under this RFP. An M/WBE is defined by SBBC as any legal entity, other than a joint venture, which is organized to engage in commercial transactions and which is at least 51% owned and controlled by minority or women. If the Proposer is a Certified M/WBE by SBBC or by the State of Florida, Office of Supplier Diversity, Department of Management, **Proposer should indicate its certification number in its Proposal.**

For information on M/WBE Certification, or to obtain information on locating certified M/WBE's, contact SBBC's Supplier Diversity & Outreach Program at 754-321-0550 or www.broward.k12.fl.us/supply/vendors/mwbe.htm.

To receive evaluation points for M/WBE participation, the Proposal shall identify the specific certified M/WBE which will be utilized. The specific elements of work each M/WBE will be responsible for performing, and the dollar value of the work, as the percentage of the total contract value, must be provided.

~~EXHIBIT A~~ 7.0 GENERAL CONDITIONS (Continued)

7.23 **PROTESTING OF RFP CONDITIONS/SPECIFICATIONS:** Any person desiring to protest the conditions/specifications in this RFP, or any Addenda subsequently released thereto, shall file a notice of intent to protest, in writing, within 72 hours after electronic release of the competitive solicitation or Addendum and shall file a formal written protest within ten (10) calendar days after the date the notice of protest was filed. Saturdays, Sundays, State holidays or days during which the school district administration is closed shall be excluded in the computation of the 72 hours. If the tenth (10th) calendar day falls on a Saturday, Sunday, State holiday or day during which the school district administration is closed, the formal written protest must be received on or before 5:00 p.m. EST of the next calendar day that is not a Saturday, Sunday, state holiday or day during which the school district administration is closed. Section 120.57(3)(b), Florida Statutes, as currently enacted or as amended from time to time, states that **“The formal written protest shall state with particularity the facts and law upon which the protest is based”**.

Failure to file a notice of protest or to file a formal written protest within the time prescribed by Section 120.57(3), Florida Statutes, or a failure to post the bond or other security required by Policy 3320, within the time allowed for filing a bond, shall constitute a waiver of proceedings. The failure to post the bond required by SBBC Policy 3320, Part VIII, as currently enacted or as amended from time to time, shall constitute a waiver of proceedings. Notices of protest, formal written protests, and the bonds required by Policy 3320, shall be filed at the office of the Director of Procurement & Warehousing Services, 7720 West Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351 (fax 754-321-0936). Fax filing will not be acceptable for the filing of bonds.

7.24 **POSTING OF RFP RECOMMENDATIONS/TABULATIONS:** RFP Recommendations and Tabulations will be posted in the Procurement & Warehousing Services Department and on www.demandstar.com on **August 8, 2015 at 3:00 p.m. ET**, and will remain posted for 72 hours. Any change to the date and time established herein for posting of RFP Recommendations/Tabulations shall be posted in the Procurement & Warehousing Services Department and/or at www.demandstar.com (under the document section for this RFP). In the event the date and time of the posting of RFP Recommendations/Tabulations is changed, it is the responsibility of each Proposer to ascertain the revised date of the posting of RFP Recommendations/Tabulations. Any person desiring to protest the intended decision shall file a notice of protest, in writing, within 72 hours after the posting of the RFP tabulation and shall file a formal written protest within ten (10) calendar days after the date the notice of protest was filed. Saturdays, Sundays, State holidays and days during which the school district administration is closed shall be excluded in the computation of the 72 hours. If the tenth (10th) calendar day falls on a Saturday, Sunday, state holiday or day during which the school district administration is closed, the formal written protest must be received on or before 5:00 p.m. EST of the next calendar day that is not a Saturday or Sunday, state holiday or days during which the school district administration is closed. No submissions made after the Proposal opening amending or supplementing the Proposal shall be considered. Section 120.57(3)(b), Florida Statutes, as currently enacted or as amended from time to time, states that **“The formal written protest shall state with particularity the facts and law upon which the protest is based”**. Any person who files an action protesting an intended decision shall post with SBBC, **at the time of filing the formal written protest**, a bond, payable to SBBC in an amount equal to one percent (1%) of SBBC's estimate of the total volume of the contract. SBBC shall provide the estimated contract amount to the vendor within 72 hours, excluding Saturdays, Sundays and other days during which SBBC administration is closed, of receipt of notice of intent to protest. The estimated contract amount is not subject to protest pursuant to Section 120.57(3), Florida Statutes. The bond shall be conditioned upon the payment of all costs which may be adjudged against the protestant in an Administrative Hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, SBBC may accept a cashier's check, official bank check or money order in the amount of the bond. If, after completion of the Administrative Hearing process and any appellate court proceedings, SBBC prevails, SBBC shall recover all costs and charges which shall be included in the Final Order or judgment, including charges made by the Division of Administrative Hearings, but excluding attorney's fees. Upon payment of such costs and charges by the protestant, the bond shall be returned. If the protestant prevails, then the protestant shall recover from the Board all costs and charges which shall be included in the Final Order or judgment, excluding attorney's fees. **All documentation necessary for the protest proceedings will be provided electronically by SBBC.**

Failure to file a notice of protest or to file a formal written protest within the time prescribed by Section 120.57(3), Florida Statutes, or a failure to post the bond or other security required by Policy 3320 within the time allowed for filing a bond, shall constitute a waiver of proceedings. The failure to post the bond required by SBBC Policy 3320, Part VIII, as currently enacted or as amended from time to time, shall constitute a waiver of proceedings. Notices of protests, formal written protests, and the bonds required by Policy 3320, shall be filed at the office of the Director of Procurement & Warehousing Services, 7720 West Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351 (fax 754-321-0936). Fax filing will not be acceptable for the filing of bonds.

EXHIBIT A

7.0 GENERAL CONDITIONS (Continued)

- 7.25 **USE OF OTHER CONTRACTS:** SBBC reserves the right to utilize any other SBBC contract, any State of Florida Contract, any contract awarded by any other city or county governmental agencies, other school boards, other community college/state university system cooperative agreements, or to directly negotiate/purchase per SBBC policy and/or State Board Rule 6A-1.012, as currently enacted or as amended from time to time, in lieu of any offer received or award made as a result of this RFP if it is in its best interest to do so.
- 7.26 **ASSIGNMENT:** Neither any award of this RFP nor any interest in any award of this RFP may be assigned, transferred or encumbered by any party without the prior written consent of the Director, Procurement & Warehousing Services Department. There shall be no partial assignments of this RFP including, without limitation, the partial assignment of any right to receive payments from SBBC.
- 7.27 **CANCELLATION:** In the event any of the provisions of this RFP are violated by the Awardee, the Superintendent shall give written notice to the Awardee stating the deficiencies and unless deficiencies are corrected within five (5) days, recommendation will be made to SBBC for immediate cancellation.
- 7.28 **REASONABLE ACCOMMODATION:** Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine 754-321-2158.
- 7.29 **CONE OF SILENCE:** Any proposer, or lobbyist for a proposer, is prohibited from having any communications (except as provided in this rule) concerning any solicitation for a competitive procurement with any School Board member, the Superintendent, any Evaluation Committee Member, or any other School District employee after the Procurement & Warehousing Services Department releases a solicitation to the General Public. All communications regarding this solicitation shall be directed to the designated Purchasing Agent unless so notified by the Procurement & Warehousing Services Department. This "Cone of Silence" period shall go into effect and shall remain in effect from the time of release of the solicitation until the contract is awarded by the School Board. Further, any vendor, its principals, or their lobbyists shall not offer campaign contributions to School Board Members or offer contributions to School Board Members for campaigns of other candidates for political office during the period in which the vendor is attempting to sell goods or services to the School Board. This period of limitation of offering campaign contributions shall commence at the time of the "cone of silence" period for any solicitation for a competitive procurement as described by School Board Policy 3320, Part II, Section GG as well as School Board Policy 1007, Section 5.4 – Campaign Contribution Fundraising. **Any vendor or lobbyist who violates this provision shall cause their Proposal (or that of their principal) to be considered non-responsive and therefore be ineligible for award.**
- 7.30 **SBBC PHOTO IDENTIFICATION BADGE:**
Background Screening: Awardee agrees to comply with all the requirements of Sections 1012.32 and 1012.465, Florida Statutes, and that Awardee and all its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. **Personnel shall include employees, representatives, agents or sub-contractors performing duties under the contract to SBBC and who meet any or all of the three (3) requirements identified above.** This background screening will be conducted by SBBC in advance of Awardee or its personnel providing any services. Awardee will bear the cost of acquiring the background screening required under Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to Awardee and its personnel. The Parties agree that the failure of Awardee to perform any of the duties described in this section shall constitute a material breach of this RFP entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. Awardee agrees to indemnify and hold harmless SBBC, its officers and employees of any liability in the form of physical or mental injury, death or property damage resulting in Awardee's failure to comply with the requirements of this section or Sections 1012.32 and 1012.465, Florida Statutes.
- SBBC issued identification badges must be worn at all times when on SBBC property and must be worn where they are visible and easily readable.**
- MorphoTrust USA, LLC has been contracted to provide all background and fingerprinting services. All questions pertaining to fingerprinting, photo identification and background check services must be directed to the EasyPath Project Coordinator at 754-321-1830 or EasyPathInfo@morphotrust.com. **Each individual, for whom a SBBC photo identification badge is requested, must fill out the forms that are required, provide his/her driver's license and social security card, and must be fingerprinted.** A background check will be conducted for each badge applicant. SBBC reserves the right to require additional information, should it be necessary, and to deny the issuance of a badge to an applicant. Any applicant, that has been denied a badge, is prohibited from entering SBBC property as an employee, sub-contractor or agent of a contract Awardee. There will be three (3) websites used for services: 1) <http://www.11enrollment.com/state/?st=broward> (used for scheduling and registering applicants) 2) <https://sbcc-easypath.browardschools.com/EasyPathWeb/Web.dll> (used for vendors to check the status of applicants and order replacement badges) and 3) <http://www.11enrollment.com/state/forms/broward/51f2c822ca09f.pdf> (form/application). The total fee for the SBBC photo identification badge, fingerprinting and a FBI background check can be found at the following website: <http://www.identogo.com>. Payment options can be made by electronic check (e-check), Visa, MasterCard or use of an established escrow account code. **These fees are non-refundable and are subject to change without notice. Badges are issued for a one-year period and must be renewed annually. The renewal date will be one (1) year from date of issuance. Failure to renew the badge, at that time, will result in the vendor being required to re-apply and pay the going rate for badging and fingerprinting.**

Vendors shall return expired and/or terminated employee badges to the following location: SBBC, Attn: MorphoTrust USA, LLC, 600 SE 3rd Avenue, Fort Lauderdale, Florida 33301.

EXHIBIT A

7.0 GENERAL CONDITIONS (Continued)

- 7.31 **GRATUITIES:** Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of SBBC; including any School Board Member, Superintendent of Schools and any Evaluation Committee Member(s), for the purpose of influencing consideration of this Proposal.
- 7.32 **LOBBYIST ACTIVITIES:** In accordance with SBBC Policy 1100B, as currently enacted or as amended from time to time, persons acting as lobbyists must state, at the beginning of their presentation, letter, telephone call, e-mail or facsimile transmission to School Board Members, Superintendent or Members of Senior Management, the group, association, organization or business interest she/he is representing.
- 7.32.1 A lobbyist is defined as a person who, for immediate or subsequent compensation (e.g., monetary profit/personal gain), represents a public or private group, association, organization or business interest and engages in efforts to influence School Board Members on matters within their official jurisdiction.
- 7.32.2 A lobbyist is not considered to be a person representing school allied groups (e.g., PTA, DAC, Band Booster Associations, etc.) nor a public official acting in her/his official capacity.
- 7.32.3 Lobbyists shall annually (July 1) disclose in each instance and for each client prior to any lobbying activities, their identity and activities by completing the lobbyist statement form which can be obtained from Official School Board Records, School Board Member's Offices or the Superintendent's Office and will be recorded on SBBC's website, www.browardschools.com.
- 7.32.4 The lobbyist must disclose any direct business association with any current elected or appointed official or employee of SBBC or any immediate family member of such elected or appointed official or employee of SBBC.
- 7.32.5 Senior-level employees (Pay Grade 30 and above) and/or School Board Members are prohibited from lobbying activities for one year after resignation or retirement or expiration of their term of office.
- 7.32.6 The Executive Director, Public Relations & Governmental Affairs shall keep a current list of persons who have submitted the lobbyist statement form.
- 7.33 **PREPARATION COST OF PROPOSAL:** Proposer is solely responsible for any and all costs associated with responding to this RFP. SBBC will not reimburse any Proposer for any costs associated with the preparation and submittal of any Proposal, or for any travel and per diem costs that are incurred by any Proposer.
- 7.34 **WITHDRAWAL OF RFP:** In the best interest of SBBC, SBBC reserves the right to withdraw this RFP at any time prior to the time and date specified for the Proposal opening.
- 7.35 **SEVERABILITY:** In case of any one (1) or more of the provisions contained in this RFP shall be for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this shall be considered as if such invalid, unlawful, unenforceable or void provision had never been included herein.
- 7.36 It is the sole responsibility of the **Proposer** to assure it has received the entire Proposal and any and all Addendum.
- 7.37 It is the sole responsibility of the **Proposer** to assure that its Proposal is time stamped in the **PROCUREMENT & WAREHOUSING SERVICES DEPARTMENT** on or before 2:00 p.m. EST on the date due.
- 7.38 No verbal or written information which is obtained other than by information in this document or by Addenda to this RFP shall be binding on SBBC.
- 7.39 No submissions made after the Proposal opening, amending or supplementing the Proposal, shall be considered.

EXHIBIT A

7.0 GENERAL CONDITIONS (Continued)

7.40 **ACCEPTANCE AND REJECTION OF PROPOSALS:**

- 7.40.1 **Acceptance:** All Proposals properly completed and submitted will be evaluated in accordance with Section 5.1. SBBC reserves the right to reject any or all Proposals that contain material deviations from the RFP or that fail to meet all mandatory requirements. SBBC may reject any or all Proposals when it serves the best interest of SBBC.
- 7.40.2 SBBC also reserves the right to waive irregularities or technicalities in any Proposal received if such action is in the best interest of SBBC. However, such a waiver shall in no way modify the RFP requirements or excuse the Proposer from full compliance with the RFP specifications and other contract requirements if the Proposer is awarded the contract.
- 7.40.3 **Rejection:** A Proposal may be rejected if it does not conform to the rules or the requirements contained in this RFP. Examples for rejection include, but are not limited to, the following:
- 7.40.3.1 The Proposal is time-stamped at the Procurement & Warehousing Services Department after the deadline specified in the RFP.
 - 7.40.3.2 Failure to execute and return the enclosed original **REQUIRED RESPONSE FORM** as defined in Subsection 4.1.4 (see Section 1.0).
 - 7.40.3.3 Failure to respond to all subsections within the RFP.
 - 7.40.3.4 Proof of collusion among Proposers, in which case all suspected Proposals involved in the alleged collusive action shall be rejected, and any participants to such collusion shall be barred from future procurement opportunities until reinstated.
 - 7.40.3.5 The Proposal shows non-compliance with applicable laws or contains any unauthorized additions or deletions, is a conditional Proposal, is an incomplete Proposal, or contains irregularities of any kind which make the Proposal incomplete, indefinite, or ambiguous as to its meaning.
 - 7.40.3.6 The Proposer adds provisions reserving the right to accept or reject an award or to enter into a contract pursuant to an award or adds provisions contrary to those in the RFP.
- 7.41 **ORIGINAL DOCUMENT FORMAT:** Only the terms and conditions of this solicitation as they were released by SBBC, or amended via Addendum, are valid. Any modification to any term or condition by a Proposer is not binding unless it is expressly agreed to in writing by SBBC.
- 7.42 **TERMINATION:** This RFP may be terminated with or without cause by SBBC during the term hereof upon thirty (30) days written notice to the other parties of its desire to terminate this RFP. In the event of such termination, SBBC shall not be obligated to pay for any services beyond the effective date of termination.
- 7.43 **PRICE REDUCTIONS:** If, from date of Proposal opening, the Awardee either bids the same products and/or services at a lower price than offered to SBBC or reduces the price of the proposed product or service, the lowest of these reduced prices will be extended to SBBC.
- 7.44 **DISTRIBUTION:** DemandStar by Onvia, www.demandstar.com, is the official method approved by the Procurement & Warehousing Services Department for the distribution of all competitive solicitations including ITBs and RFPs. It is the responsibility of all interested parties to assure they have received all necessary documents, including Addenda and have included all necessary information within their response. SBBC is not responsible for Proposer's failure to obtain complete bidding documents from DemandStar. SBBC reserves the right to reject any Proposal as non-responsive for failure to include all necessary documents or required Addenda. For information regarding the above-referenced solicitation, contact the designated Purchasing Agent as stated herein.
- 7.45 **PURCHASE BY OTHER PUBLIC AGENCIES:** With the consent and agreement of the Awardee(s), purchases may be made under this RFP by other agencies. Such purchases shall be governed by the same terms and conditions as stated herein.
- 7.46 **SBBC INFORMATION SECURITY GUIDELINES:** It is the responsibility of the vendor to read and adhere to the SBBC Information Security Guidelines when using any device connected to the SBBC's network. Following the conclusion of the contract term, all of SBBC's confidential information must be removed from vendor's equipment and all access privileges must be revoked. Final payment will be withheld until the vendor has confirmed, in writing, that all of SBBC's confidential information has been purged from any and all electronic technology devices that were used during this contract and were connected to the SBBC's network.

EXHIBIT A

7.0 GENERAL CONDITIONS (Continued)

- 7.47 **CONFIDENTIAL RECORDS:** The Vendor acknowledges that certain information about the District's students is contained in records created, maintained or accessed by the Vendor and that this information is confidential and protected by the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S. C. 1232g), and/or the Health Insurance Portability and Accountability Act (HIPAA) (45 CFR parts 160-164) and related District policies, as amended from time to time, currently available at www.browardschools.com. The confidential information cannot be disclosed unless valid consent is obtained from the District's students or their legal guardians. Both parties agree to protect these records in compliance with FERPA, HIPAA, and the District's policy. To the extent permitted by law, nothing contained herein shall be construed as precluding either party from releasing such information to the other so that each can perform its respective responsibilities.

Vendor agrees that it may create, receive from or on behalf of the District, or have access to, records or record systems that are subject to FERPA and/or HIPAA (collectively, the "Confidential Records"). Vendor represents, warrants, and agrees that it will: (1) hold the Confidential Records in strict confidence and will not use or disclose the Confidential Records except as (a) permitted or required by this Agreement, (b) required by law, or (c) otherwise authorized by the District in writing; (2) safeguard the Confidential Records according to commercially reasonable administrative, physical and technical standards as required by law; and (3) continually monitor its operations and take any and all action necessary to assure that the Confidential Records are safeguarded in accordance with the terms of this Agreement. At the request of the District, Vendor agrees to provide the District with a written summary of the procedures Vendor uses to safeguard the Confidential Records. A breach of these confidentiality requirements shall constitute grounds for the District to terminate any Agreement with Vendor.

- 7.48 **TIE BID PROCEDURES:** If the Committee's evaluation results in a tie total score between two (2) or more Proposals, priority shall be given to Proposers in the following sequence:

- A business that certifies that it has implemented a drug-free workplace program shall be given preference in accordance with the provisions of Chapter 287.087, Florida Statutes, as currently enacted or as amended from time to time;
- The Broward County Certified Minority/Women Business Enterprise vendor;
- The Palm Beach or Miami-Dade County Certified Minority/Women Business Enterprise vendor;
- The Florida Certified Minority/Women Business Enterprise vendor;
- The Broward County vendor, other than a Minority/Women Business Enterprise vendor;
- The Palm Beach or Miami-Dade County vendor, other than a Minority/Women Business Enterprise vendor;
- The Florida vendor, whose main office is in the State of Florida, other than a Minority/Women Business Enterprise vendor.
- If application of the above criteria does not indicate a priority for award, the award will be decided by a coin toss. The coin toss shall be held publicly either in the Procurement & Warehousing Services Department or the location where the RFP Evaluation takes place. The vendors with the same scores will be invited to be present as witnesses.

- 7.49 If the RFP is for auditing services, and in accordance with Policy 3100 – Annual Financial Audit, the independent audit firm selected by the School Board shall serve at the discretion of the School Board for five (5) consecutive years: the firm selected shall not succeed itself as the School Board's independent auditor except for the first selection when the current auditor will be exempted.

EXHIBIT A

ATTACHMENT A

- A1 M/WBE Utilization Report**
- A2 Employment Diversity Statistics**
- A3 M/WBE Participation**

Proposer's Company Name: _____

Monthly Utilization Reports to be Submitted to:

**The School Board of Broward County, Florida
Supplier Diversity & Outreach Program
7720 West Oakland Park Boulevard, Suite 323
Sunrise, FL 33351-6704**

754-321-0550 Telephone

754-321-0934 FAX

Monthly M/WBE Utilization Report

This report is required 15 days after the end of each month, whether the M/WBE(s) received payments or not, until all committed remuneration has been received by the M/WBE.

1. Reporting Period From: _____ Reporting Period To: _____

This report is required by The School Board of Broward County, Florida. Failure to comply may result in the School Board commencing proceedings to impose sanctions on the Prime Vendor, in addition to pursuing any other available legal remedy. Sanctions may include the withholding of payments for work committed to M/WBE participants, and a negative recommendation to award further contracts bid by The School Board of Broward County, Florida.

Prime Vendor Information

NAME & ADDRESS OF PRIME VENDOR	CONTRACT AMOUNT (if applicable)	LENGTH OF CONTRACT	CONTRACT START DATE	CONTRACT END DATE	TOTAL % OR \$ AMOUNT TO MINORITY/ WOMEN
RFP Number: 16-024H					
RFP Title: Investment Advisory Services					

SUPPLIER DIVERSITY & OUTREACH PROGRAM VENDOR INFORMATION

NAME OF CERTIFIED M/WBE VENDOR	WORK DESCRIPTION	AMOUNT DRAWN/PAID TO VENDOR	AMOUNT FOR WORK PERFORMED DURING MONTH	AMOUNT PAID TO DATE	% of TOTAL PAID TO CONTRACT AMOUNT

Company Official's Signature & Title: _____

Phone # (_____) _____

Date: _____

Employment Diversity Statistics

Proposer's Company Name: _____

Provide the following employment diversity statistics by completing the chart below.

JOB CATEGORIES	TOTAL	NON-HISPANIC WHITE		NON-HISPANIC BLACK		HISPANIC		ASIAN		AMERICAN INDIAN/ ALASKA NATIVE	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Officials and Managers											
Professionals											
Technicians											
Sales Workers											
Office and Clerical											
Craft Workers (Skilled)											
Operatives (Semi-Skilled)											
Laborers (Unskilled)											
Service Workers											
TOTAL											
% of Total Workforce											

M/WBE PARTICIPATION

Complete the following information on the proposed M/WBE participation on this contract.

Proposer's Company Name: _____

M/WBE Firm Information	Scope and/or Nature of Work to be Performed by the M/WBE	% of M/WBE Participation	Actual Amount to be expended with M/WBE *
Firm Name: _____ Contact Person: _____ Address: _____ _____ Telephone No.: _____ Facsimile No.: _____ M/WBE Certification No.: _____ Certifying Agency Name: _____ Address: _____ _____ Telephone No.: _____			
Firm Name: _____ Contact Person: _____ Address: _____ _____ Telephone No.: _____ Facsimile No.: _____ M/WBE Certification No.: _____ Certifying Agency Name: _____ Address: _____ _____ Telephone No.: _____			
Firm Name: _____ Contact Person: _____ Address: _____ _____ Telephone No.: _____ Facsimile No.: _____ M/WBE Certification No.: _____ Certifying Agency Name: _____ Address: _____ _____ Telephone No.: _____			

* PLEASE INDICATE IF AMOUNT TO BE EXPENSED IS: PER YEAR ☐ - PER CONTRACT PERIOD ☐ OR OTHER ☐

ATTACHMENT B

Disclosure of Potential Conflict of Interest and Conflicting Employment or Contractual Relationship

The School Board of Broward County, Florida

RFP – 16- R – INVESTMENT ADVISORY SERVICES

**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST AND CONFLICTING EMPLOYMENT OR
CONTRACTUAL RELATIONSHIP**

In accordance with General Condition 7.12, each Proposer must disclose, in its RFP, the names of any employees who are employed by Proposer who are also an employee of SBBC. Persons identified below may have obligations and restrictions applicable to them under Chapter 112, Florida Statutes.

Name of Proposer's Employee	SBBC Title or Position of Proposer's Employee	SBBC Department/ School of Proposer's Employee
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Check one of the following and sign:

- ☐ I hereby affirm that there are no known persons employed by Proposer who are also an employee of SBBC.
- ☐ I hereby affirm that all known persons who are employed by Proposer, who are also an employee of SBBC, have been identified above.

Signature

Company Name

Name of Official

Business Address

City, State, Zip Code

03/28/13

EXHIBIT A

ATTACHMENT C

W-9 Form

Form W-9 (Rev. August 2013) Department of the Treasury Internal Revenue Service	Request for Taxpayer Identification Number and Certification	Give Form to the requester. Do not send to the IRS.																				
Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)																					
	Business name/disregarded entity name, if different from above																					
	Check appropriate box for federal tax classification: ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C-C corporation, S-S corporation, P-partnership) ▶ _____ ☐ Other (see Instructions) ▶ _____																					
	Exemptions (see Instructions): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____																					
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)																				
City, state, and ZIP code																						
	List account number(s) here (optional)																					
Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3. Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Social security number</td> </tr> <tr> <td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td> </tr> </table>			Social security number																			
Social security number																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td><td style="width: 25%;"> </td> </tr> </table>			Employer identification number																			
Employer identification number																						
Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below), and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.																						
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; vertical-align: top;"> Sign Here Signature of U.S. person ▶ _____ </td> <td style="width: 40%; vertical-align: top;"> Date ▶ _____ </td> </tr> </table>			Sign Here Signature of U.S. person ▶ _____	Date ▶ _____																		
Sign Here Signature of U.S. person ▶ _____	Date ▶ _____																					
General Instructions Section references are to the Internal Revenue Code unless otherwise noted. Future developments. The IRS has created a page on irs.gov for information about Form W-9, at www.irs.gov/w9 . Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page. Purpose of Form A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to: 1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued), 2. Certify that you are not subject to backup withholding, or 3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and 4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9. Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are: • An individual who is a U.S. citizen or U.S. resident alien, • A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, • An estate (other than a foreign estate), or • A domestic trust (as defined in Regulations section 301.7701-7). Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.																						

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity.
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust, and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II Instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See Exempt payee code on page 3 and the separate instructions for the Requester of Form W-9 for more information.

Also see Special rules for partnerships on page 1.

What is FATCA reporting? The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See Exemption from FATCA reporting code on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulation section 301.7701-2(c)(2)(iii). Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Note. Check the appropriate box for the U.S. federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the U.S. federal tax classification in the space provided. If you are an LLC that is treated as a partnership for U.S. federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation, as appropriate. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for U.S. federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

Other entities. Enter your business name as shown on required U.S. federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the Exemptions box, any code(s) that may apply to you. See Exempt payee code and Exemption from FATCA reporting code on page 3.

Exempt payee code. Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following codes identify payees that are exempt from backup withholding:

- 1—An organization exempt from tax under section 501(c)(3), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4047

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 8 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements.

- A—An organization exempt from tax under section 501(c)(3) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4047(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS Individual Taxpayer Identification Number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt payee* code earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. **Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

2. **Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. **Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

4. **Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. **Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ³ The actual owner ⁴
5. Sole proprietorship or disregarded entity owned by an individual	The owner ⁴
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see Special rules for partnerships on page 1.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at spam@ftc.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit irs.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

EXHIBIT A

ATTACHMENT D

Drug-Free Workplace

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
SWORN STATEMENT PURSUANT TO SECTION 287.087, FLORIDA STATUTES, AS CURRENTLY ENACTED OR AS
AMENDED FROM TIME TO TIME, ON PREFERENCE TO BUSINESSES WITH DRUG-FREE WORKPLACE
PROGRAMS.

**THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC
OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.**

This sworn statement is submitted to The School Board of Broward County, Florida,

by _____
(Print individual's name and title)

for _____
(Print name of entity submitting sworn statement)

whose business address is _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____
(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____.)

I certify that I have established a drug-free workplace program and have complied with the following:

1. Published a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Informed employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Given each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notified the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five days after such conviction.
5. Will impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
6. Am making a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

Sworn to and subscribed before me this _____ day of _____, 20____. _____
(Personally Known _____) (Signature)

OR Produced identification _____
Notary Public - State of _____

(Type of identification) _____
My commission expires _____

(Printed, typed or stamped commissioned name of notary public)

FORM: #4530
3/93

EXHIBIT A

ATTACHMENT E

Sample Agreement

EXHIBIT A
AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2014, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

INSERT NAME OF OTHER PARTY

(hereinafter referred to as " *[insert a short name here]* "),
whose principal place of business is
[insert their address here] .

WHEREAS, *[insert information in this portion of the document to explain the purposes and objectives for which the parties are entering into an agreement]* ; and

WHEREAS, *[you may use as many of these recitals or "whereas clauses" as necessary to express the parties' purposes and objectives]* .

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals.** The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement.** Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on _____, 20__ and conclude on _____, 20__ . The term of the contract may, by mutual agreement between SBBC and VENDOR be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. Supply Management & Logistics Department, will, if considering renewing, request a letter to renew from VENDOR, prior to the end of the contract period. Any renewal period shall be approved by the Amendment to this Agreement.

2.02 **Priority of Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. , then;
Third: RFP Number and Title
Fourth: Proposal submitted in response to the RFP by VENDOR

EXHIBIT A

ARTICLE 2 – SPECIAL CONDITIONS

2.03 **Cost of Services.** SBBC shall pay VENDOR for services rendered under this Agreement in accordance with the following schedule

2.04 **Services:** VENDOR will provide SBBC with services as proposed in its Proposal and in compliance with this Agreement and the RFP and its Addenda.

OR

2.04 **Services:** VENDOR will provide SBBC with services as proposed in its Proposal and in compliance with this Agreement and the RFP and its Addenda and **as specified in Attachment ____.** (See 3.17)

2.05 **M/WBE Participation.** VENDOR is a Certified MBE (Type) with SBBC, Certificate #7007-____. OR

2.05 **M/WBE Participation.** VENDOR will provide for M/WBE participation during its performance of services under this contract agreement by using (Company Name) and as set forth in VENDOR's proposal.

2. **Inspection of Insert Name's Records by SBBC.** *Insert Name* shall establish and maintain books, records and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All *Insert Name's* Records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify any and all invoices, billings, payments and/or claims submitted by *Insert Name* or any of *Insert Name's* payees pursuant to this Agreement. *Insert Name's* Records subject to examination shall include, without limitation, those records necessary to evaluate and verify direct and indirect costs (including overhead allocations) as they may apply to costs associated with this Agreement. *Insert Name's* Records subject to this section shall include any and all documents pertinent to the evaluation, analysis, verification and reconciliation of any and all expenditures under this Agreement without regard to funding sources.

(a) **Insert Name's Records Defined.** For the purposes of this Agreement, the term "*Insert Name's* Records" shall include, without limitation, accounting records, payroll time sheets, cancelled payroll checks, W-2 forms, written policies and procedures, computer records, disks and software, videos, photographs, executed subcontracts, subcontract files (including proposals of successful and unsuccessful bidders), original estimates, estimating worksheets, correspondence, change order files (including sufficient supporting documentation and documentation covering negotiated settlements), and any other supporting documents that would substantiate, reconcile or refute any charges and/or expenditures related to this Agreement.

(b) **Duration of Right to Inspect.** For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to *Insert Name's* Records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to *Insert Name* pursuant to this Agreement.

(c) **Notice of Inspection.** SBBC's agent or its authorized representative shall provide *Insert Name* reasonable advance notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation and or reproduction.

ARTICLE 2 – SPECIAL CONDITIONS

(d) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to *Insert Name's* facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate work space in order to exercise the rights permitted under this section.

(e) Failure to Permit Inspection. Failure by *Insert Name* to permit audit, inspection, examination, evaluation and/or reproduction as permitted under this Section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the denial of some or all of any *Insert Name's* claims for payment by SBBC.

(f) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this Section discloses overcharges or unauthorized charges to SBBC by *Insert Name* in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by *Insert Name*. If the audit discloses billings or charges to which *Insert Name* is not contractually entitled, *Insert Name* shall pay said sum to SBBC within twenty (20) days of receipt of written demand under otherwise agreed to in writing by both parties.

(g) Inspection of Subcontractor's Records. *Insert Name* shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by *Insert Name* to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payee's costs from amounts payable by SBBC to *Insert Name* pursuant to this Agreement and such excluded costs shall become the liability of *Insert Name*.

(h) Inspector General Audits. *Insert Name* shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2. Notice. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC: Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast Third Avenue
Fort Lauderdale, Florida 33301

With a Copy to: *Insert Job Title of District Representative*
Insert Address of District Representative

To *Insert Name*: *Insert Name Provided by Other Party*
Insert Address Provided by Other Party

With a Copy to: *Insert Name Provided by Other Party*
Insert Address Provided by Other Party

ARTICLE 2 – SPECIAL CONDITIONS

2. **Background Screening:** *Insert Name* agrees to comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of *Insert Name* or its personnel providing any services under the conditions described in the previous sentence. *Insert Name* shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to *Insert Name* and its personnel. The parties agree that the failure of *Insert Name* to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. *Insert Name* agrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting from *Insert Name's* failure to comply with the requirements of this Section or with Sections 1012.32 and 1012.465, Florida Statutes.

2. **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

A. By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

B. By *Insert Name*: *Insert Name* agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by *Insert Name*, its agents, servants or employees; the equipment of *Insert Name*, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of *Insert Name* or the negligence of *Insert Name's* agents when acting within the scope of their employment, whether such claims, judgments, costs and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by *Insert Name*, SBBC or otherwise.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity.** Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries.** The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

EXHIBIT A

ARTICLE 3 – GENERAL CONDITIONS

3.03 **Independent Contractor.** The parties to this agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Equal Opportunity Provision.** The parties agree that no person shall be subjected to discrimination because of age, race, color, disability, gender identity, gender expression marital status, national origin, religion, sex or sexual orientation in the performance of the parties' respective duties, responsibilities and obligations under this Agreement.

3.05 **Termination.** This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) days written notice to the other parties of its desire to terminate this Agreement. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Default.** The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) days notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.07 **Annual Appropriation.** The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

3.08 **Excess Funds.** Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC with interest calculated from the date of the erroneous payment or overpayment. Interest shall be calculated using the interest rate for judgments under Section 55.03, Florida Statutes, applicable at the time the erroneous payment or overpayment was made by SBBC.

ARTICLE 3 – GENERAL CONDITIONS

3.09 **Public Records.** Pursuant to Section 119.0701, Florida Statutes, any party contracting with SBBC is required to (a) keep and maintain available for public inspection any records that pertain to services rendered under this Agreement; (b) provide the public with access to public records on the same terms and conditions that SBBC would provide such records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law; (c) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (d) meet all requirements for retaining public records and transfer, at no cost to SBBC, all public records in that party's possession upon termination of its Agreement with SBBC and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All of such party's records stored electronically must be provided to SBBC in a format that is compatible with SBBC's information technology systems. Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law. Each party acknowledges that this Agreement and all attachments thereto are public records and do not constitute trade secrets.

3.10 **Student Records:** Notwithstanding any provision to the contrary within this Agreement, any party contracting with SBBC under this Agreement shall fully comply with the requirements of Sections 1002.22 and 1002.221, Florida Statutes; FERPA, and any other state or federal law or regulation regarding the confidentiality of student information and records. Each such party agrees, for itself, its officers, employees, agents, representatives, contractors or subcontractors, to fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes.

3.11 **Compliance with Laws.** Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

3.12 **Place of Performance.** All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

3.13 **Governing Law and Venue.** This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

3.14 **Entirety of Agreement.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

EXHIBIT A
ARTICLE 3 – GENERAL CONDITIONS

3.15 **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.16 **Assignment.** Neither this Agreement or any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.17 **Incorporation by Reference.** Exhibits attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

3.18 **Captions.** The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.19 **Severability.** In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.20 **Preparation of Agreement.** The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.21 **Amendments.** No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.22 **Waiver.** The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.23 **Force Majeure.** Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

ARTICLE 3 – GENERAL CONDITIONS

3.24 **Survival.** All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.25 **Contract Administration:** SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.26 **Authority.** Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By _____
Patricia Good, Chair

Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Office of the General Counsel

EXHIBIT A
FOR VENDOR

(Corporate Seal)

*Insert Full Legal Name of the Corporation,
Agency or Other Legal Entity*

ATTEST:

By _____

_____, Secretary

-or-

Witness

Witness

**The Following Notarization is Required for Every Agreement Without Regard to
Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.**

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of
_____, 20__ by _____ of

Name of Person

_____, on behalf of the corporation/agency.

Name of Corporation or Agency

He/She is personally known to me or produced _____ as identification and
did/did not first take an oath. Type of Identification

My Commission Expires:

Signature – Notary Public

(SEAL)

Printed Name of Notary

Notary's Commission No.

EXHIBIT A

ATTACHMENT F

ACH Payment Agreement Form



EXHIBIT A

ATTACHMENT F

The School Board of Broward County, Florida ACH Payment Agreement Form (ACH CREDITS)

VENDOR NAME:

Authorization Agreement

I (we) hereby authorize **The School Board of Broward County** to initiate automatic deposits (credits) to my account at the financial institution named below. Additionally, I authorize **The School Board of Broward County** to make the necessary debit entries/adjustments in the event that a credit entry is made in error.

Further, I agree not to hold **The School Board of Broward County** responsible for any delay or loss of funds due to incorrect or incomplete information supplied by me or by my financial institution or due to an error on the part of my financial institution in depositing funds to my account.

This agreement will remain in effect until **The School Board of Broward County** receives written notification of cancellation from me or my financial institution and that the origination of ACH transactions to my (our) account must comply with the provisions of U.S. law.

Account Information

Name of Bank or Financial Institution: _____

Branch/ State: _____

Routing No: _____

Account No: _____	Checking ☐	Savings ☐
VENDOR AREA:		
Remittance Confirmation: (please select one) _____	Fax ☐	Email ☐
Federal Identification No. Vendor _____	TAX ID# ☐	SS# ☐

Update Purchase Order Fax & Email Address

Centralized Fax Number _____	Dept. _____
Centralized Email _____	Dept. _____
Centralized Phone No. _____	Dept. _____

Signature

Authorized Signature
(Primary) and Business title: _____ Date: _____

Authorized Signature
(Joint) and Business title: _____ Date: _____

Please attach a VOIDED check to verify bank details and routing number.

This form must be returned to: SBBC – Purchasing – Data Strategy Group
7720 W. Oakland Park Blvd, Sunrise FL 33351 call: 754-321-0516 or fax # 754-321-0533

For Use by DATA STRATEGY GROUP

Vendor Account# _____ Date Entered _____ Initials: _____

EXHIBIT A

ATTACHMENT G

Statement of “No Response”

EXHIBIT A

ATTACHMENT G, STATEMENT OF "NO RESPONSE"

If your company will not be submitting a response to this Request for Proposal, please complete this Statement of "No" Response Sheet and return, prior to the RFP Due Date established within, to:

SBBC
Procurement & Warehousing Services Department
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

This information will help SBBC in the preparation of future RFPs.

RFP Number: _____ Title: _____

Company Name: _____

Contact: _____

Address: _____

Telephone: _____ Facsimile: _____ E-mail: _____

√	Reasons for "NO Response":
	Unable to comply with product or service specifications.
	Unable to comply with scope of work.
	Unable to quote on all items in the group.
	Insufficient time to respond to the Request for Proposal.
	Unable to hold prices firm through the term of the contract period.
	Our schedule would not permit us to perform.
	Unable to meet delivery requirements.
	Unable to meet bond requirements.
	Unable to meet insurance requirements.
	Other (Specify below)

Comments:

Signature: _____ Date: _____

EXHIBIT A

ATTACHMENT H

SBBC Policy 3110-Investment of Funds

INVESTMENT OF FUNDS

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of the School District of Broward County, Florida (hereinafter "District"). These policies are designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

I. SCOPE:

In accordance with Section 218.415, Florida Statutes, this investment policy applies to all cash and investments held or controlled by the District and shall be identified as "Pooled Funds" of the District with the exception of Pension Funds, and funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds. Funds held by state agencies (e.g., Department of Education) are not subject to the provisions of this policy. Pooled funds shall include internal accounts of schools and direct support organizations that choose to have the Treasurer invest funds on their behalf.

RULES:**II. INVESTMENT OBJECTIVES****A. Safety of Principal**

The foremost objective of this investment program is the safety of the principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

From time to time, securities may be purchased at a premium or traded for other securities to improve yield, maturity or credit risk. For these transactions, a loss may be incurred for accounting purposes to achieve optimal investment return, provided any of the following occurs with respect to the replacement security:

1. The yield has been increased, or
2. The maturity has been reduced or lengthened, or
3. The quality of the investment has been improved.

B. Maintenance of Liquidity

The portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodical cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

C. Return on Investment

Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

III. DELEGATION OF AUTHORITY

In accordance with the District's Administrative Policies, the responsibility for providing oversight and direction in regard to the management of the investment program resides with the District's Chief Financial Officer (CFO). The management responsibility for all District funds in the investment program and investment transactions is delegated to the District's Treasurer. The CFO shall establish written procedures for the operation of the investment portfolio and a system of internal accounting and administrative controls to regulate the activities of employees. The District may employ an Investment Manager to assist in managing some of the District's portfolios. Such Investment Manager must be registered under the Investment Advisors Act of 1940.

IV. PERFORMANCE MEASUREMENTS

In order to assist in the evaluation of the portfolio's performance, the District will use performance benchmarks for short-term and long-term portfolios. The use of benchmarks will allow the District to measure its returns against other investors in the same markets.

A. Short Term Funds

The State Board of Administration's Local Government Surplus Funds Trust Fund ("SBA Pool") will be used as a benchmark as compared to the portfolios' net book value rate of return for current operating funds.

B. Long Term Funds

Investment performance of funds designated as self insurance funds, core funds and other non-operating funds that have a longer-term investment horizon will be compared to an index comprised of U. S. Treasury / Agency or Government securities.

1. Self Insurance Fund

The Self Insurance Fund consists of longer term investments with assets invested in three maturity phases. Assets invested in each maturity phase

will be determined by the Chief Financial Officer and will be managed against the appropriate Merrill Lynch Treasury / Agency Index Benchmark as follows:

Phase 1 Benchmark: Merrill Lynch 1-3 Year U.S. Treasury / Agency Index

Phase 2 Benchmark: Merrill Lynch 1-5 Year U.S. Treasury / Agency Index

Phase 3 Benchmark: Merrill Lynch 1-10 Year U.S. Treasury / Agency Index

2. Core Funds

The long-term investment portfolio shall be designed with the annual objective of exceeding the return of the Merrill Lynch 1-3 Year Treasury / Agency Index compared to the portfolio's total rate of return. The Merrill Lynch 1-3 Year Treasury / Agency Index represents all U.S. Treasury and Agency securities maturing over one year, but less than three years. This maturity range is an appropriate benchmark based on the objectives of the County.

V. STANDARDS OF PRUDENCE

The standard of prudence to be used by investment officials shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the CFO in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. The "Prudent Person" rule states the following:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees is the "Prudent Person" standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of "Prudent Expert". The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the contractor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character

and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

VI. ETHICS AND CONFLICTS OF INTEREST

Employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Also, employees involved in the investment process shall disclose to the District any material financial interests in financial institutions that conduct business with the District, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the District's investment program.

VII. INTERNAL CONTROLS AND INVESTMENT PROCEDURES

The CFO shall establish a system of internal controls and operational procedures that are in writing and made a part of the District's operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation, by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, separation of transaction authority from accounting and recordkeeping, wire transfer agreements, banking service contracts and collateral/depository agreements. No person may engage in an investment transaction except as authorized under the terms of this policy.

Independent auditors, the Financial Advisory Committee as well as financial auditors, as a normal part of the annual financial audit to the District shall conduct a review of the system of internal controls to ensure compliance with policies and procedures.

VIII. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION

Investments should be made subject to the cash flow needs and such cash flows are subject to revisions as market conditions and the District's needs change. However, when the invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Treasurer may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the District's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the District. The Financial Advisory Committee, Treasurer or the Treasurer's designee shall have the option to further restrict investment percentages from time to time based on market conditions, risk and diversification investment strategies. The percentage allocations requirements for investment types and issuers are calculated based on the original cost of each investment. Investments not listed in this policy are prohibited.

EXHIBIT A

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A. The Florida Local Government Surplus Funds Trust Fund (“SBA”)

1. Investment Authorization
The Treasurer may invest in the SBA.
2. Portfolio Composition
Up to 100% of available funds may be invested in the SBA.

B. United States Government Securities

1. Purchase Authorization
The Treasurer may invest in negotiable direct obligations, or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to the following:
 - Cash Management Bills
 - Inflation Index Securities
 - Treasury Securities – State and Local Government Series (“SLGS”)
 - Treasury Bills
 - Treasury Notes
 - Treasury Bonds
 - Treasury Strips
2. Portfolio Composition
Up to 100% of available funds may be invested in the United States Government Securities.
3. Maturity Limitations
The maximum length to maturity of any direct investment in the United States Government Securities is ten (10) years from the date of purchase.

C. United States Government Agencies

1. Purchase Authorization
The Treasurer may invest in bonds, debentures, notes or callables issued or guaranteed by the United States Governments agencies, provided such obligations are backed by the full faith and credit of the United States Government. Such securities will include, but not be limited to the following:
 - United States Export – Import Bank
 - Direct obligations or fully guaranteed certificates of beneficial ownership
 - Farmer Home Administration
 - Certificates of beneficial ownership
 - Federal Financing Bank

EXHIBIT A

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- Discount notes, notes and bonds
- Federal Housing Administration Debentures
- General Services Administration
- United States Maritime Administration Guaranteed
- Title XI Financing
- New Communities Debentures
- United States Government guaranteed debentures
- United States Public Housing Notes and Bonds
- United States Government guaranteed public housing notes and bonds
- United States Department of Housing and Urban Development
- Project notes and local authority bonds

2. Portfolio Composition
A maximum of 50% of available funds may be invested in United States Government agencies.
3. Limits on Individual Issuers
A maximum of 25% of available funds may be invested in individual United States Government agencies.
4. Maturity Limitations
The maximum length to maturity for an investment in any United States Government agency security is ten (10) years from the date of purchase.

D. Federal Instrumentalities (United States Government sponsored agencies)

1. Purchase Authorization
The Treasurer may invest in bonds, debentures, inflation index securities notes or callables issued or guaranteed by United States Government sponsored agencies (Federal Instrumentalities) which are non-full faith and credit agencies limited to the following:
 - Federal Farm Credit Bank (FFCB)
 - Federal Home Loan Bank or its district banks (FHLB)
 - Federal National Mortgage Association (FNMA)
 - Federal Home Loan Mortgage Corporation (Freddie-Macs) including Federal -Home Loan Mortgage Corporation participation certificates
 - Student Loan Marketing Association (Sallie-Mae)
2. Portfolio Composition
A maximum of 80% of available funds may be invested in Federal Instrumentalities.

3. Limits on Individual Issuers
A maximum of 40% of available funds may be invested in any one issuer.
 4. Maturity Limitations
The maximum length to maturity for an investment in any Federal Instrumentality security is ten (10) years from the date of purchase.
- E. Interest Bearing Time Deposit or Saving Accounts
1. Purchase Authorization
The Treasurer may invest in non-negotiable interest bearing time certificates of deposit or savings accounts in banks organized under the laws of this state and/or in national banks organized under the laws of the United States and doing business and situated in the State of Florida, provided that any such deposits are secured by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes. Additionally, the bank shall not be listed with any recognized credit watch information service.
 2. Portfolio Composition
A maximum of 25% of available funds may be invested in nonnegotiable interest bearing time certificates of deposit.
 3. Limits on Individual Issuers
A maximum of 15% of available funds may be deposited with any one issuer.
 4. The maximum maturity on any certificate shall be no greater than one (1) year from the date of purchase.
- F. Repurchase Agreements
1. Purchase Authorization
 - a. The Treasurer may invest in repurchase agreements composed of only those investments based on the requirements set forth by the District's Master Repurchase Agreement. All firms are required to sign the Master Repurchase Agreement prior to the execution of a repurchase agreement transaction.
 - b. A third party custodian with whom the District has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one (1) business day. A clearly marked receipt that shows evidence of ownership must be supplied to the Treasurer and retained.
 - c. Securities authorized for collateral are negotiable direct obligations of the United States Government, Government Agencies, and Federal

Instrumentalities with maturities under five (5) years and must have a market value for the principal and accrued interest of 102 percent of the value and for the term of the repurchase agreement. Immaterial short-term deviations from 102 percent requirement are permissible only upon the approval of the Treasurer.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in repurchase agreements excluding one (1) business day agreements and overnight sweep agreements.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested with any one institution.

4. Limits on Maturities

The maximum length to maturity of any repurchase agreement is 90 days from the date of purchase.

G. Commercial Paper

1. Purchase Authorization

The Treasurer may invest in commercial paper of any United States company that is rated, at the time of purchase, “Prime-1” by Moody’s and “A-1” by Standard & Poor’s (prime commercial paper). If the commercial paper is backed by a letter of credit (“LOC”), the long-term debt of the LOC provider must be rated “A” or better by at least two nationally recognized rating agencies.

2. Portfolio Composition

A maximum of 35% of available funds may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of 10% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 270 days from the date of purchase.

H. Corporate Notes

1. Purchase Authorization

The Treasurer may invest in corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States that have a long term debt rating, at the time of purchase, at a

minimum “Aa” by Moody’s and a minimum long term debt rating of “AA” by Standard & Poor’s.

2. Portfolio Composition
A maximum of 25% of available funds may be directly invested in corporate notes.
3. Limits on Individual Issuers
A maximum of 5% of available funds may be invested with any one issuer.
4. Maturity Limitations
The maximum length to maturity for corporate notes shall be five (5) years from the date of purchase.

I. Bankers’ Acceptances

1. Purchase Authorization
The Treasurer may invest in Bankers’ Acceptances issued by a domestic bank or a federally chartered domestic office of a foreign bank, which are eligible for purchase by the Federal Reserve System, at the time of purchase, the short-term paper is rated, at a minimum, “P-1” by Moody’s Investors Services and “A-1” Standard & Poor’s.
2. Portfolio Composition
A maximum of 35% of available funds may be directly invested in Bankers’ acceptances
3. Limits on Individual Issuers
A maximum of 10% of available funds may be invested with any one issuer.
4. Maturity Limitations
The maximum length to maturity for Bankers’ acceptances shall be 180 days from the date of purchase.

J. State and/or Local Government Taxable and/or Tax-Exempt Debt

1. Purchase Authorization
The Treasurer may invest in state and/or local government taxable and/or tax-exempt debt, general obligation and/or revenue bonds, rated at least “Aa” by Moody’s and “AA” by Standard & Poor’s for long-term debt, or rated at least “MIG-2” by Moody’s and “SP-2” by Standard & Poor’s for short-term debt.
2. Portfolio Composition
A maximum of 20% of available funds may be invested in taxable and tax-exempt debts.
3. Maturity Limitations

A maximum length to maturity for an investment in any state or local government debt security is three (3) years from the date of purchase.

K. Registered Investment Companies (Money Market Mutual Funds)

1. Investment Authorization

The Treasurer may invest in shares in open-end, no-load provided such funds are registered under the Federal Investment Company Act of 1940 and operate in accordance with 17 C.F.R. § 270.2a-7, which stipulates that money market funds must have an average weighted maturity of 90 days or less. In addition, the share value of the money market funds must equal to \$1.00.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in money market funds.

3. Limits of Individual Issuers

A maximum of 25% of available funds may be invested with any one money market fund.

4. Rating Requirements

The money market funds shall be rated “AAm” or “AAm-G” or better by Standard & Poor’s, or the equivalent by another rating agency.

5. Due Diligence Requirements

A thorough review of any money market fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Treasurer that will contain a list of questions that covers the major aspects of any investment pool/fund.

L. Intergovernmental Investment Pool

1. Investment Authorization

The Treasurer may invest in intergovernmental investment pools that are authorized pursuant to the Florida Interlocal Cooperation Act, as provided in Section 163.01, Florida Statutes and provided that said funds contain no derivatives.

2. Portfolio Composition

A maximum of 25% of available funds may be invested in intergovernmental investment pools.

3. Due Diligence Requirements

A thorough review of any investment pool/fund is required prior to investing, and on a continual basis.

There shall be a questionnaire developed by the Treasurer that will contain a list of questions that covers the major aspects of any investment pool/fund.

M. Mortgage-Backed Securities (MBS)

1. Investment Authorization

The Treasurer may invest in mortgage-backed securities (MBS) which are usually based on mortgages that are guaranteed by a government agency for payment of principal and a guarantee of timely payment.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in MBS.

3. Limits of Individual Issuers

A maximum of 20% of available funds may be invested with any one MBS.

4. Rating Requirements

MBS shall be AA rated or better by Standard & Poor's or the equivalent by another nationally recognized rating agency.

5. Maturity Limitations

A maximum length to maturity for an investment in any MBS is ten (10) years from the date of purchase.

N. Asset-Backed Securities (ABS)

1. Investment Authorization

The Treasurer may invest in asset-backed securities (ABS) which are bonds or notes backed by financial assets.

2. Portfolio Composition

A maximum of 10% of available funds may be invested in ABS.

3. Limits of Individual Issuers

A maximum of 5% of available funds may be invested with any one ABS.

4. Rating Requirements

ABS shall be AA rated or better by Standard & Poor's or the equivalent by another nationally recognized rating agency.

5. Maturity Limitations

A maximum length to maturity for an investment in any ABS is ten (10) years from the date of purchase.

O. Short Term Bond Funds

1. Investment Authorization

The Treasurer may invest in bond funds.

2. Portfolio Composition

A maximum of 25% of available funds may be invested in bond funds.

3. Limits of Individual Issuers

A maximum of 10% of available funds may be invested with any one bond fund.

4. Rating Requirements and Duration

Bonds funds shall be AAA rated or better by Standard & Poor's or the equivalent by another nationally recognized rating agency. Duration shall be no greater than 1.7 years.

5. Due Diligence Requirements

A thorough investigation of any bond fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Treasurer that will contain a list due diligence considerations that deal with the major aspects of any investment pool/fund. A current prospectus must be obtained.

IX. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS

Investment in any derivative products or the use of reverse repurchase agreements requires specific Board approval prior to their use. If the Board approves the use of derivative products, the Treasurer shall develop sufficient understanding of the derivative products and have the expertise to manage them. A "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying

assets or indices or asset values. If the Board approves the use of reverse repurchase agreements or other forms of leverage, the investment shall be limited to transactions in which the proceeds are intended to provide liquidity and for which the Treasurer has sufficient resources and expertise to manage them.

X. CONTINUING EDUCATION

The Chief Financial Officer, treasurer and appropriate staff designated by the Chief Financial Officer shall each annually complete 8 hours of continuing education in subjects or courses of study related to investment practices and products.

XI. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

Authorized District staff and Investment Advisors shall only purchase securities from financial institutions, which are qualified as public depositories by the Treasurer of the State of Florida, or institutions designated as “Primary Securities Dealers” by the Federal Reserve Bank of New York. The Financial Advisory Committee may approve other regional or local broker/dealer, as it deems appropriate.

Authorized District staff and Investment Advisors shall only enter into repurchase agreements with financial institutions that are state qualified public depositories and primary securities dealers as designated by the Federal Reserve Bank of New York.

For the investment of debt proceeds, Financial Institutions shall be selected pursuant to the debt covenants.

XII. MATURITY AND LIQUIDITY REQUIREMENTS

Operating Funds

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than twenty-four (24) months.

Core Funds

Investments of reserves, project funds, debt proceeds and other non-operating funds (“core funds”) shall have a term appropriate to the need for funds and in accordance with debt covenants, but in no event shall exceed five (5) years and the average duration of the funds as a whole may not exceed three (3) years.

Self Insurance Funds

Investments of self insurance funds shall have terms appropriate investment balances based on actuarial reports as provided by the District. Self Insurance Fund investments shall be invested between one (1) and ten (10) years, but in no event shall exceed ten (10) years and the average duration of the funds as a whole may not exceed four (4) years.

The maturities of the underlying securities of a repurchase agreement will follow the requirements of the Master Repurchase Agreement.

XIII. REPORTING

The Treasurer and/or Investment Advisor shall provide the CFO with quarterly investment reports. Schedules in the quarterly report should include the following:

- A. A listing of individual securities held at the end of the reporting period
- B. Percentage of available funds represented by each investment type
- C. Coupon, discount or earning rate
- D. Average life or duration and final maturity of all investments
- E. Par value, and market value

On a quarterly basis, the Treasurer shall prepare and submit to the Board, a written report on all invested funds. The quarterly report shall provide all, but not limited to, the following: a complete list of all invested funds, name or type of security in which the funds are invested, the amount invested, the maturity date, earned income, the book value, the market value and the yield on each investment. The quarterly report will show performance on both a book value and total rate of return basis and will compare the results to the above-stated performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public. On an annual basis, an Investment Report shall be prepared and submitted to the Board at a retreat.

XIV. THIRD-PARTY CUSTODIAL AGREEMENTS

Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchase by, and all collateral obtained by the District should be properly designated as an asset of the District. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida as defined in Section 658.12, Florida Statutes, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the CFO and which authorization has been provided, in writing, to the

custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, shall be permitted unless by such a duly authorized person.

The custodian shall provide the Treasurer with safekeeping receipts that provide detail information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a “delivery vs. payment” basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free.

XV. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

After the Treasurer or the Investment Advisor has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3) qualified banks and/or approved broker/dealers must be contacted and asked to provide bids/offers on securities in questions. Bids will be held in confidence until the bid deemed to best meet the investment objectives is determined and selected. However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

- A. Telerate Information System
- B. Bloomberg Information Systems
- C. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing
- D. Daily market pricing provided by the District’s custodian or their correspondent institutions

The Treasurer or the Investment Advisor shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the Treasurer or the Investment Advisor, competitive bidding would inhibit the selection process. Examples of when this method may be used include:

When time constraints due to unusual circumstances preclude the use of the competitive bidding process.

When no active market exists for the issue being traded due to the age or depth of the issue.

When a security is unique to a single dealer, for example, a private placement.

EXHIBIT A

3110

3110

When the transaction involves new issues or issues in the “when issued” market.

Overnight sweep repurchase agreements will not be bid, but may be placed with the District’s depository bank relating to the demand account for which the repurchase agreement was purchased.

Authority: F.S. 1001.41(1) (2), 218.415

Adopted: 1/18/00, 4/28/06, 6/5/07

ATTACHMENT I

SBBC Policy 3112 – OFEB Fund Investment

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OPEB FUND
INVESTMENT POLICY

I. SCOPE

- A. The School Board of Broward County, Florida (the “Board”) has established the Broward County Public Schools OPEB Fund (the “Fund”). The Fund is intended to provide for funding of non-pension post-employment benefits (“OPEB”) for employees who meet the age and service requirements outlined in Florida Statute 112.0801. This Investment Policy Statement (the “Policy”) reflects investment policy, objectives and constraints of the Fund.
- B. The purpose of the Fund is to achieve long term growth of Fund assets by maximizing long term rate of return on investments and minimizing risk of loss to fulfill the Board’s current and long term OPEB obligations. The specific purpose of the Policy is to achieve the following:
1. Document investment objectives, performance expectations and investment guidelines for Fund assets.
 2. Establish an appropriate investment strategy for managing all Fund assets, including an investment time horizon, risk tolerance ranges and asset allocation to provide sufficient diversification and overall return over the long-term time horizon of the Fund.
 3. Establish investment guidelines to control overall risk and liquidity.
 4. Establish periodic performance reporting requirements that will effectively monitor investment results and ensure that the investment policy is being followed.
 5. Comply with all fiduciary, prudence, due diligence and legal requirements for Fund assets.
- C. Responsibility for execution and oversight of the investment program is vested with the Broward County Public Schools Office of the Chief Financial Officer (the “Office”). Responsibility for the administration of the investment program is hereby delegated by the Office to the Chief Financial Officer, who shall maintain an Investment Procedures and Internal Controls Manual based on this Policy. The Chief Financial Officer shall be responsible for monitoring internal controls, administrative controls and to regulate the activities of the Office’s staff involved with the investment program. The Authorized Staff is limited to the following positions:
- Chief Financial Officer
 - Treasurer
 - Designees as authorized by the Chief Financial Officer
- D. The Office may utilize investment advisors or managers to facilitate the effective management of the Fund assets and to maintain compliance with this Policy. The investment advisor may assist in establishing investment policy, objectives, and guidelines; selecting investment managers; reviewing such managers over time; measuring and evaluating investment performance; and other tasks as deemed appropriate. The investment advisor may also select investment managers with discretion to purchase, sell, or hold specific securities that will be used to meet the Fund’s investment objectives. The investment advisor must be registered with the Securities and Exchange Commission.

- E. The Office may also utilize additional specialists such as attorneys, auditors, actuaries, retirement plan consultants, and others to assist the Office in meeting its responsibilities and obligations to administer Fund assets prudently.
- F. The Office will review the Policy at least annually and the Policy may be revised upon the Board's approval.

II. INVESTMENT OBJECTIVES

- A. To invest assets of the Fund in a manner consistent with the following fiduciary standards: (a) all transactions undertaken must be for the sole interest of Fund beneficiaries and defray reasonable expenses in a prudent manner, and (b) assets are to be diversified in order to minimize the impact of large losses in individual investments.
- B. To provide for funding and anticipated withdrawals on a continuing basis for payment of OPEB benefits and related expenses.
- C. To conserve and enhance the value of Fund assets in real terms through asset appreciation and income generation, while maintaining a moderate investment risk profile.
- D. To minimize principal fluctuations on a five year rolling return basis.
- E. To achieve a long-term level of return commensurate with contemporary economic conditions and equal to or exceeding the investment objective set forth in the Policy.
- F. The Fund's investment objectives are based on a 15-year investment horizon so that interim fluctuations should be viewed with appropriate perspective. The Office has adopted a long-term investment horizon such that the chances and duration of investment losses are carefully weighed against the long-term potential for appreciation of assets.
- G. The investment advisor shall review annually the appropriateness of the Policy for achieving the Fund's stated objectives. It is not expected that the Policy will change frequently. In particular, short-term changes in the financial markets should not require an adjustment in the Policy.

III. PERFORMANCE MEASUREMENTS

- A. The investment advisor shall report on a quarterly basis to the Office to review the total Fund investment performance. In addition, the investment advisor will be responsible for keeping the Office advised of any material change in investment strategy, investment managers, and other pertinent information potentially affecting performance of the Fund.
- B. Performance measurements for the Fund's assets to be reviewed on a quarterly basis and evaluated based on five year rolling return basis. Performance is measured to determine the following:
 - 1. If the investment managers have performed in accordance with this Policy.
 - 2. If the investment managers have performed reasonably based on their respective asset class and investment style.
 - 3. How the managers have performed in relation to other investment managers within the same asset class and investment style ("Peers").
- C. The performance measurement indexes on the asset categories are as follows:
 - 1. The Fund's fixed income portfolio return will be compared to the weighted average return of the Lehman Aggregate Bond Index or appropriate equivalent.

2. The Fund's domestic equity portfolio return will be compared to the weighted average return of the Standard and Poor's 500 Index or appropriate equivalent.
3. The Fund's international portfolio return will be compared to the weighted average return of the Morgan Stanley Europe, Australia, & Far East (EAFE) Index or appropriate equivalent.
4. The Fund's real estate portfolio return will be compared to the weighted average return of the MSCI US REIT Index or appropriate equivalent.

IV. INVESTMENT AND FIDUCIARY STANDARDS

- A. The Fund's assets will be invested in a manner consistent with the standards set forth in:
 1. Chapters 112 and 518, Florida Statutes.
 2. The Fund's Investment Policy Statement.
 3. In the event of a conflict within these provisions or any other provisions of law authorizing investments, the investment and fiduciary standards set forth in Section 112.661(4), Florida Statutes and item (1) above shall prevail.
- B. The Office will adhere to the Prudent Person Standard and this standard shall be applied in the context of managing the overall Fund. The Prudent Person Standard is as follows:

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.”
- C. Any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of Prudent Expert. The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the Investment Advisor/Manager shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.
- D. The investment advisor shall prudently select appropriate investment managers to manage the assets of the Fund. Investment managers must meet the following criteria:
 1. The investment manager must be a bank, insurance company, or investment adviser as defined by the Investment Advisers Act of 1940.
 2. With respect to Fund assets invested in a mutual fund, the Manager must provide historical quarterly performance data for the mutual fund compliant with Securities Exchange Commission (“SEC”) and National Association of Securities Dealers (“NASD”) standards.
 3. The investment manager must provide historical quarterly performance data compliant with Global Investment Performance Standards (“GIPS”), calculated on a time-weighted basis, based on a composite of all fully discretionary accounts of similar investment style and reported net of fees.
 4. The investment manager must provide detailed information on history of the firm, key personnel, key clients, fee schedule (including most favored nation clauses), and support

personnel. This information can be a copy of a recent Request for Proposal (RFP) completed by the manager.

5. The investment manager must clearly articulate the investment strategy that will be followed and document that the strategy has been successfully adhered to over time.
 6. The investment manager for portfolios other than Pooled Vehicles (see Authorized Investments) must confirm that it has received, understands and will adhere to this Policy and any manager specific policies by signing a consent form provided by the Office.
- E. Investment manager(s) are expected to be aware of corporate provisions that may adversely affect stockholdings, including but not limited to “golden parachutes,” “super majorities,” “poison pills,” “fair price” provisions, staggered boards of directors, and other tactics. Investment manager(s) should vote proxies with the interest of preserving or enhancing the security’s value.

The investment manager(s) of a commingled plan or mutual fund that holds the assets of the Fund along with assets of other funds with conflicting proxy voting policies must reconcile the conflicting policies to the extent possible, and, if necessary, to the extent legally permissible vote the proxies to reflect the policies in proportion to each fund’s interest in the pooled fund.

V. AUTHORIZED INVESTMENTS

- A. Funds placed with investment managers are to be invested in those authorized classes of investments as contained in this Policy. Investments should be made subject to the Fund’s cash flow needs and such cash flows are subject to revision due to changes in the Fund’s needs and market conditions.
- B. The investment advisor shall make every effort to prudently select investments that follow the guidelines listed below.

Until the Fund reaches a size where investment in separate accounts are viable and appropriate, the Fund will invest in Pooled Vehicles such as commingled and/or mutual funds. Pooled Vehicles are regulated by either the Office of the Comptroller of the Currency (“OCC”) or the SEC and provide the Fund the ability to appropriately diversify its holdings in a cost effective manner. Inherent within the Pooled Vehicle structure is the limitation on customizing the underlying security selection based on Fund specific economic, social or other screens.

Pooled Vehicles

Every effort shall be made, to the extent practical, prudent and appropriate, to select commingled funds and/or mutual funds that have investment objectives and policies that are consistent with this Policy (as outlined below in Equities and Fixed Income sections). However, given the nature of commingled funds and mutual funds, it is recognized that there may be deviations between this Policy and the objectives of these pooled vehicles. A commingled fund or mutual fund will not be included in Fund portfolio unless it complies with the Investment Company Act of 1940’s diversification requirement.

Cash Equivalents

Cash equivalent reserves shall consist of cash instruments having a quality rating of A-1, P-1 or higher, as established by Moody's or Standard & Poor's. Bankers' acceptances, certificates of deposit and savings accounts must be made of United States banks or financial institutions or United States branches of foreign banks, which are federally insured with unrestricted capital of at least \$50 million. Short-term corporate obligations must be rated A or better by Moody's or by Standard & Poor's.

Equities

Investment in common stocks, preferred stocks and publicly traded Real Estate Investment Plans shall be restricted to high quality, readily marketable securities of corporations that are actively traded on a major exchange.

Not more than 5% of the total stock portfolio valued at market may be invested in the common stock of any one corporation. Ownership of the shares of one company shall not exceed 2% of those outstanding. Not more than 25% of stock valued at market may be held in any one industry category. Other than these constraints, there are no quantitative guidelines suggested as to issues, industry or individual security diversification. However, prudent diversification standards should be developed and maintained by the investment manager(s).

The overall non-U.S. equity allocation should include a diverse global mix of at least 10 countries. The emerging markets exposure as defined by Morgan Stanley Capital International Inc. should be limited to 35% of the non-U.S. portion of the portfolio.

In order to maintain an effective money management structure that is style neutral, the target growth to value allocation in the all market capitalizations is one-to-one. However, in no case will the growth to value allocation for a particular market capitalization exceed two-to-one. Conversely, value shall not exceed growth by the same ratio.

Fixed Income

Fixed income investments shall be high quality, marketable securities with a preponderance of the investments in (1) U.S. Treasury, Federal Agencies and U.S. Government guaranteed obligations, and (2) investment grade municipal or corporate issues excluding convertibles.

Fixed income securities of any one issuer shall not exceed 5% of the total bond portfolio, including U.S. Treasury/Federal Agency issues, at time of purchase. The 5% limitation does not apply to issues of the U.S. Treasury or other Federal Agencies.

The overall rating of the fixed income assets shall be at least "A", according to one of the three rating agencies (Fitch, Moody's or Standard & Poor's). In cases where the yield spread adequately compensates for additional risk, securities where two of the three rating agencies (Fitch, Moody's or Standard & Poor's) have assigned ratings of Baa3 or BBB- ratings, can be purchased up to a maximum of 20% of total market value of fixed income securities. If the credit quality of any one issue should drop below investment grade (as defined by two of the three rating agencies – Fitch, Moody's and Standard & Poor's), the investment manager should notify the Office and the investment advisor immediately detailing their course of action regarding the security.

Active bond management is encouraged and may require transactions that will temporarily lower the return or change the maturity of the portfolio in anticipation of market changes. Holdings of individual securities should be liquid so as not to incur unnecessary transaction costs.

- C. The following investments and transactions are not authorized and shall not be purchased: collectibles, convertible bonds, letter stock and other unregistered securities, commodities or

commodity contracts, short sales, margin transactions, private placements (with the exception of Rule 144A securities), venture capital funds, private equity, direct real estate equity, natural resource properties, hedge funds; derivatives, options or futures for the purpose of portfolio leveraging are also prohibited.

VI. MATURITY AND LIQUIDATION REQUIREMENTS

- A. In general, the Fund will hold up to 6 months of projected liquidity needs in cash equivalents for benefit payments and expenses. The actual amount of assets held for liquidity purposes will be based in part on the cash needs of the Fund and the projected frequency of cash additions to the Fund.
- B. On a quarterly basis, the Fund's Actuary or Benefits Administrator will notify the Office of the Fund's liquidity requirements for the payment of benefits and expenses.

VII. PORTFOLIO COMPOSITION

- A. The Office has adopted the following long-term target asset mix for the Fund as shown below.
- B. The Fund assets shall be diversified with the intent to minimize risk of investment loss. Consequently, the total portfolio will be constructed and maintained to provide prudent diversification with regard to the concentration of holdings in individual issues, issuers, countries, governments or industries.

The Office believes that to achieve the greatest likelihood of meeting Fund's investment objectives and the best balance between risk and return for optimal diversification, the Fund should allocate investment assets in accordance with the targets for each asset class as follows:

Investment Assets

<u>Asset Class</u>	<u>Asset Weightings</u>	
	<u>Range</u>	<u>Target</u>
Domestic Equity	31% - 41%	36%
International Equity	18% - 28%	23%
Other Equity	1% - 11%	6%
Fixed Income	30% - 40%	35%

Liquidity Assets

	<u>Range</u>	<u>Target</u>
Cash Equivalent	0% - 100%	100%

The investment managers shall have discretion to temporarily invest a portion of the assets in cash reserves when they deem it appropriate. However, the managers will be evaluated against their Peers on the performance of the total funds under their direct management.

- C. The asset allocation range established by this Policy represents a long-term perspective. As such, rapid unanticipated market shifts or changes in economic conditions may cause the asset mix to fall outside the Policy range. When these divergences occur, the investment advisor will rebalance the asset mix to its appropriate targets and ranges. Similarly, if the cash requirement to handle liquidity needs falls to a level where near term distributions (over the following six months or less) cannot be met and no contributions are anticipated, the investment advisor will rebalance the fund to its appropriate targets and ranges.

When the investment advisor is notified of new contributions by the custodian or the Fund, the investment advisor will review the Fund allocation and fill the liquidity allocation first and the remaining investment allocations last.

- D. The Board will review these asset allocation targets annually and will revise the targets if any significant changes occur within the capital market environment. These review activities will be handled in conjunction with the fiscal year end annual investment review provided to the Board by the Office and the investment advisor.

VIII. RISK AND DIVERSIFICATION

- A. The Board has adopted a strategy, described in Section VII, whereby the Fund's assets will be diversified to the extent practicable in order to control the risk of loss which might result from an over-concentration of investments in a specific security, maturity, issuer, dealer, or bank through which financial instruments are bought or sold.
- B. In a further effort to control the risk of loss and assure adequate diversification, the following limitations are imposed upon the investment of the Fund's assets:
1. A maximum of 5% investment in the outstanding common stock of any one company or organization.
 2. A maximum of 5% investment in the outstanding debt issuance of any one company or organization.

IX. EXPECTED ANNUAL RATE OF RETURN

On a five year rolling return basis period, the performance objective for Fund assets will be to achieve an average total annual rate of return that is equal to or greater than the Fund's assumed rate of return in its actuarial valuation. Additionally, it is expected that the annual rate of return on Fund assets will be commensurate with the then prevailing investment environment. Measurement of this return expectation will be judged by reviewing returns in the context of industry standard benchmarks, peer universe comparisons for individual Fund investments and blended benchmark comparisons for the Fund in its entirety.

X. THIRD-PARTY CUSTODIAL AGREEMENTS

All securities will be held with the custodial bank under a contractual agreement signed by the Superintendent of Schools and the Chief Financial Officer. All securities purchased by and all collateral obtained by the investment managers and/or the Office are designated as assets of the Fund. No withdrawal of securities, or transfer of funds, in whole or in part, can be made from safekeeping except by written authorization provided by the Office. Securities transactions between a broker/dealer and the custodial bank involving the purchase or sale of securities by transfer of money or securities must be

made on a “delivery vs. payment” basis, if applicable, to ensure that the custodial bank will have the security or money, as appropriate, in hand at the conclusion of the transaction.

XI. MASTER REPURCHASE AGREEMENT

All approved institutions and dealers transacting repurchase agreements will execute and perform as stated in the Master Repurchase Agreement. All repurchase agreement transactions will adhere to the requirements of the Master Repurchase Agreement.

XII. BID REQUIREMENTS

Each investment manager shall obtain competitive bids and offers on investment transactions to the fullest extent possible. The investment managers will make periodic reports to the Office reflecting purchases, sales, or other activity.

XIII. INTERNAL CONTROLS

- A. The Office will establish a system of internal controls and written operational procedures to be a part of the Fund’s operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, separation of transaction authority from accounting and record keeping, wire transfer agreements, banking service contracts, collateral/depository agreements, and “delivery-versus-payment” procedures. No person may engage in an investment transaction except as authorized under the terms of this investment policy.
- B. Independent auditors, as a normal part of their annual financial audits, will conduct a review of the system of internal controls to ensure compliance with policies and procedures. Additionally, the Fund’s Actuary, Investment Advisor, and the District’s auditors will complete an annual system review.

XIV. CONTINUING EDUCATION

Annually, members of the Office’s office have the responsibility for completing continuing education programs in matters relating to the Fund’s investments by reading the appropriate materials and by attending the appropriate local and national conferences and seminars. No less than eight hours are required.

XV. REPORTING

On an annual basis, the Office and the investment advisor will provide the Board with an investment report regarding the Fund’s investment portfolio. The annual report shall provide all, but not limited to, the following: name and type of securities in which the funds are invested, the amount invested, income earned, the book value and the market value of the investment portfolio. The review will also include a review of the investment policy as prescribed in Section VII, D of this document. Investment reports shall be available to the public.

VALUATION OF ILLIQUID INVESTMENTS

All illiquid investments for which a generally recognized market is not available or for which there is no consistent or generally recognized pricing mechanism will be given an actuarial valuation by the Fund's Actuary on an annual basis. For each actuarial valuation, the Board must verify the determination of a fair market value for those investments and ascertain that their determination complies with all applicable state and federal requirements.

Authority: F.S. 1001.41.

Law implemented: F.S. 112, 518,

Adopted: June 16, 2009.

Fixed fee schedule for assets under management

Year 1

Portfolio Value	Assets Under Management	Basis % of Account Amortized Cost plus Accrued Interest
Self-Insurance and	First \$25 million	0.077% (7.7 basis points)
Long Term Operating	Next \$25 million	0.066% (6.6 basis points)
Funds	Next \$50 million	0.061% (6.1 basis points)
	Next \$100 million	0.06% (6.0 basis points)
	Over \$200 million	0.05% (5.0 basis points)
Bond Proceed Funds	All Bond Proceeds	0.06% (6.0 basis points)

Year 2

Portfolio Value	Assets Under Management	Basis % of Account Amortized Cost plus Accrued Interest
Self-Insurance and	First \$25 million	0.079% (7.9 basis points)
Long Term Operating	Next \$25 million	0.068% (6.8 basis points)
Funds	Next \$50 million	0.062% (6.2 basis points)
	Next \$100 million	0.06% (6.0 basis points)
	Over \$200 million	0.05% (5.0 basis points)
Bond Proceed Funds	All Bond Proceeds	0.05% (5.0 basis points)

Year 3

Portfolio Value	Assets Under Management	Basis % of Account Amortized Cost plus Accrued Interest
Self-Insurance and	First \$25 million	0.082% (8.2 basis points)
Long Term Operating	Next \$25 million	0.070% (7.0 basis points)
Funds	Next \$50 million	0.064% (6.4 basis points)
	Next \$100 million	0.06% (6.0 basis points)
	Over \$200 million	0.05% (5.0 basis points)
Bond Proceed Funds	All Bond Proceeds	0.05% (5.0 basis points)

Year 4

Portfolio Value	Assets Under Management	Basis % of Account Amortized Cost plus Accrued Interest
Self-Insurance and	First \$25 million	0.085% (8.5 basis points)
Long Term Operating	Next \$25 million	0.073% (7.3 basis points)
Funds	Next \$50 million	0.066% (6.6 basis points)
	Next \$100 million	0.06% (6.0 basis points)
	Over \$200 million	0.05% (5.0 basis points)
Bond Proceed Funds	All Bond Proceeds	0.05% (5.0 basis points)

Year 5

Portfolio Value	Assets Under Management	Basis % of Account Amortized Cost plus Accrued Interest
Self-Insurance and	First \$25 million	0.10% (10.0 basis points)
Long Term Operating	Next \$25 million	0.08% (8.0 basis points)
Funds	Next \$50 million	0.07% (7.0 basis points)
	Next \$100 million	0.06% (6.0 basis points)
	Over \$200 million	0.05% (5.0 basis points)
Bond Proceed Funds	All Bond Proceeds	0.05% (5.0 basis points)

Multi Asset Class Management (MACM”) fee schedule
for assets under management

Portfolio Value	Assets Under Management	Annual Fee
OPEB Trust	First \$10 Million	0.45%
	Next \$10 Million	0.35%
	Next \$30 Million	0.25%
	Next \$50 Million	0.20%
	Over \$100 Million	0.15%

There would be no extra travel or expense charges. There is minimum annual fee of \$10,000.

For purposes of this schedule, "Assets Under Management" means, with respect to the MACM Funds portfolio, the net market value of all cash and investments assets as of the end of the most recent month.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 19, 2017			
Agenda Item Name			
Contract Award			
Requested Action			
Recommend to approve contract between the City of Clermont and NuTerra Management, LLC. to provide hauling and processing of organic green waste material to compost facility.			
Staff Report			
The Purchasing Department and the Environmental Services Department recommend approval of the above action. In accordance with the direction of City Council, the Purchasing Department issued a Request for Interest (RFI) number 1707-001 to verify whether the services proposed by NuTerra Management, LLC. were capable of being met by more than one company. The RFI was posted on the City's website for ten (10) business days. During the RFI process, the Purchasing Department received one response from company Residual Solutions, Inc., showing interest in providing similar services. City staff met with the representative of the company and invited them onsite for inspections. In conclusion, Residual Solutions, Inc. was not in position to haul raw waste due to the lack of having locations, within a reasonable distance, to effectively provide the City with these services. The services being provided is on a trial period basis ending May 31, 2018. Based on this, staff recommends that Council approve single source contract with NuTerra Management Services, LLC.			
Additional Analysis			
Fiscal Impact Summary			
Annual projected cost of \$90,000 is included in the FY 2018 Tentative Budget.			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. RFI 1707-001		RFI 1707-001.pdf	



REQUEST FOR INFORMATION

Disposition of Unground Green Waste at Compost Facility

CONTACT INFORMATION: Freddy L. Suarez, MPA, CPPB Purchasing Director EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7350	RFI No. 1707-001	ISSUED DATE: <i>July 12, 2017</i>
	NOTICE OF INTENT TO SOLE SOURCE PURCHASE NOTICE END DATE: <u>July 26, 2017 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	

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 Purchasing Director by email.

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

This Request for Information (RFI) is intended to verify whether the specifications for the commodity specified below are non-restrictive and capable of being met by more than one company. **This is not an invitation to submit a bid or quote.** This notice will be posted for ten (10) business days.

The City of Clermont Purchasing Policy provides that a purchase may be made without competition when there is only one source for the required supply or service. Therefore a "single/sole source" purchase is justified if there is only one product or service that can reasonably meet the City's need and there is only one vendor who can provide the product or service.

1 – SINGLE / SOLE SOURCE INFORMATION

(a) Department: Environmental Services

(b) Company Information: NuTerra Management, LLC., 6621 South Point Dr., Jacksonville, FL.

(c) Product or Service Provided: Hauling and processing of uncontaminated organic green waste material to compost facility.

The City of Clermont Environmental Services Department is looking for a company that is accepting unground green waste including the staging of hauling trailers with sufficient capacity at City of Clermont WWTP located at 3335 Hancock St., hauling including all logistical aspects, and grinding of unground green waste to meet acceptable compost amendment specifications and incorporation of ground material into the composting process as final end disposition. More importantly, the City of Clermont will be able recognize 100% of the recycling credits for end disposition of their unground green waste at a FDEP permitted composting facility.

2 – ACTION TO BE TAKEN

No action is required if you agree the proposed service is a valid single source. If you disagree that the proposed services is a valid single source, please contact the Purchasing Director by email or by mail prior to the “Notice End Date” indicated above to advise whether your company can provide the product or service mentioned above.

Prospective respondents are requested to provide information regarding their ability to provide the product or service described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing 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, September 19, 2017		
Agenda Item Name		
Variance Requests <i>Sherwin Williams</i>		
Requested Action		
Recommend denial of the variance requests.		
Staff Report		
<i>This request was originally scheduled to be heard by the Council on Aug. 8, 2017, but it was tabled to Sept. 12, 2017 at the applicant's request.</i> The applicant is requesting five variances to the land development code (LDC) for construction of a new 4,000-square-foot Sherwin Williams retail store. The subject parcel is currently vacant, and the current zoning of the property is C-2 General Commercial. This parcel, previously owned by FDOT, is located at the corner of Highway 50 and Milholland Drive. The applicant has indicated that the subject parcel has many disadvantages that make the site a challenge to develop. The requested variances include: 1) To allow for a reduction of seven parking spaces instead of the number as required by the LDC, Section 98-14. 2) To allow for a reduced rear yard setback of 12 feet instead of the 25 feet required by the LDC, Section 122-226. 3) To allow for a reduced minimum width of the perimeter landscape buffers between abutting properties for the north and east buffers instead of the requirements of the LDC, Section 118-37(d)(1). 4) To allow for the reduction of the minimum width for the landscape buffers adjacent to rights-of-way for the south and west buffers instead of the requirements in the LDC, Section 118-37(e)(1). 5) To allow for a reduced building facade landscaping of 25 percent instead of the 60 percent required by the LDC, Section 118-37(i). Staff acknowledges that this site presents some unusual development challenges. However, staff cannot support this variance request because Section 86-174 of the LDC requires a positive finding on eight review criteria in order to grant a variance, and staff believes that four of the eight do not meet these findings. Therefore, staff recommends denial of the variance requests.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Site Location Map	Sherwin Williams Map.pdf
2.	Site Plan	NEW SITE PLAN -07-31-17.pdf
3.	FDOT Letter	Sherman Williams FDOT letter.pdf
4.	Variance Review Criteria	86-174 Review Criteria-Sherwin Williams.docx
5.	Variance Application	Sherwin Williams App.pdf
6.	Legal Ad	New Sherwin Williams VAR Legal AD.pdf

Sherwin Williams – Site Map



780 HWY 50

1340 US HWY 50

6' PROPOSED
LANDSCAPE BUFFER

10' REQUIRED
LANDSCAPE BUFFER

FN/D
LS 157.

850 EAST HWY 50

MILHOLLAND STREEET 47' R/W

PROPOSED SHERWIN-WILLIAMS
AREA = 4,000 SF

150 LF -DECORATIVE
RETAINING WALL WITH FENCE

DIFFER

PROPOSED 5' WIDE

13' PROPOSED
LANDSCAPE BUFFER

CORNER
TRIANGLE
P.O.C.

P.O.C.

WEST BOUND 1A
STATE R

ROAD 50 LANE

VARIES

[illegible]

NO.	REVISIONS	DATE:
1.	SUBMIT TO CITY OF CLERMONT	7/7/17

RAVI S.V. ALUR P.E. #50583

DATE:

ASPIRE ENGINEERING, INC.

CONSULTING ENGINEERS . PLANNERS

1023 PROFESSIONAL PARK DR., BRANDON, FL 33511

TEL: (813) 571-2850, FAX: (813) 571-1753; E-mail: aspireeng@yahoo.com

SR 50 @ MILHOLLAND
SHERWIN-WILLIAMS

**SECTION 30, TOWNSHIP 22 S., RANGE 26 E.
CITY OF CLERMONT, FLORIDA**

SITE PLAN

DATE: 07/07/2017

DESIGNED BY: RA

25232

FILE NAME: 17000SITE

PROJECT #: 17-000

SHEET:

○
|
└─



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 S. Woodland Boulevard
DeLand, Florida 32720-6834

**MIKE DEW
SECRETARY**

June 29, 2017

FDOT is in the process of selling this parcel to DRP Company of Alabama, Inc. as represented by Dennis M. Skop. Please allow him to obtain the variances needed so that we may complete the sale.

Any questions, please contact me for further discussion.

**Leslie Rak
Department of Transportation
386-943-5090
Leslie.rak@dot.state.fl.us**

Sherwin Williams Variance

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. 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:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: The size and shape of the parcel along with the widening of State Road 50 and the existence of utility easements on the parcel have made it impossible to fully utilize the parcel to its highest and best use.

Staff comments: This parcel does have circumstances existing which are peculiar to the land. The applicant purchased this property with the current conditions. The applicant can construct a smaller building that may allow more flexibility and compliance with the Land Development Code.

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: The conditions limiting use of the property have not been created by present or proposed owners of the property.

Staff comments: The current conditions of the site were not created by the applicant giving rise to the requested variance. However, the parcel was purchased with the existing conditions and could be developed with a smaller building footprint or different use that may allow more flexibility and compliance with the land development codes.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: Sherwin Williams paint company wishes to have a location here to better serve its customers and 4,000 square feet is the minimum needed to successfully operate a full service paint store that must compete with big box stores many times the size. Any reduction in size would create less opportunity for a successful operation.

Staff comments: With the existing conditions in place that are presenting challenges in developing the site, the applicant would be faced with undue hardship to develop the lot according to the land development code, even if it was feasible. However, the applicant may choose another parcel that does not present these challenges.

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: *In contrast, this site presents the potential for increased expenses such as underground retention and a sprinkled dumpster.*

Staff comments: *No evidence of decreased costs due to the variance requests.*

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: *As the site shows, we are using best practices to maximize the existing parcel for its highest and best value.*

Staff comments: *The applicant is trying to maximize the potential use of the site by requesting the variance for landscaping buffer widths, parking waivers, and building setbacks for the property. However, the site could be developed at a lower intensity and requested variances may not be required.*

Negative finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: *Visual observation of existing properties along State Road 50 show that many building do not strictly conform to setbacks, etc. Granting of requested variances will not confer any special privileges.*

Staff comments: *The City Council has granted similar variance requests in the past for other properties in the same zoning district. There are other properties along State Road 50 that required development mitigation because of the widening of road.*

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site; and

Applicant response: *In contrast, Sherwin Williams is a valued member of the community and neighborhood that it is located in and will only enhance an otherwise vacant parcel. DRP company will remain the owner of the parcel and takes great pride of ownership as we do not sell our projects but hold for the long term in every case.*

Staff comments: *The proposed variances appear not to substantially diminish property values or alter the essential character of the area and surrounding properties.*

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: *Sherwin Williams in concert with Drop Company operate in a good neighborhood stance and will serve as an asset to the community and surrounding neighborhoods. This project will contribute to the overall purpose and intent of the code and be in harmony with the general welfare of the City of Clermont and Lake County.*

Staff comments: Granting of the requested variances will be in harmony with the general intent and purpose of the land development code. The intent of the landscaping is to provide a buffer between properties and street rights-of-way. The applicant is proposing landscape buffers of varying widths and additional vegetation that will be clustered to provide a sufficient buffer for the general purpose and intent of the code.

Positive finding

STAFF RECOMMENDATION:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that **four** of the eight do not meet these findings. Therefore, staff recommends **denial** of the variance requests by the applicant to the Clermont Land Development Code.



CITY OF CLERMONT
VARIANCE
Application

DATE: July 7, 2017 _____

FEE: \$600

PROJECT NAME (if applicable): Sherwin Williams _____

APPLICANT DRP Company of Alabama, Inc. _____

CONTACTPERSON: Dennis M. Skop _____

Address: 4308 W Cayuga St _____ 4308 W Cayuga St. _____

City: Tampa _____ State: FL _____ Zip: 33614 _____

Phone: 813-870-0709 _____ Fax: 813-870-1833 _____

E-Mail: dskopdrp@aol.com _____

OVVNER: DRP Company under contract with FDOT-see enclosed

Address: 719 S Woodland Blvd _____ 719 S. Woodland Blvd. _____

City: Deland _____ State: FL _____ Zip: 32720-6834 _____

Phone: 386-943-5090 _____ Fax: _____

Address of Subject Property: 840 East Hwy 50, Clermont, FL. _____

General Location: Adjacent to Wendys restaurant at corner of Sr 50 and Milholland Drive

Adjacent to Wendys at corner of Sr 50 and Milholland Drive

Legal Description (include copy of survey): _____

Land Use (City verification required): Commercial-Retail _____





Zoning (City verification required):

C 2

**CITY OF CLERMONT
VARIANCE**

Application

Page 2

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

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

122-226 ; 98-14 ; 118-37 ; 102.12

What are you proposing to do that would require a variance and why? We are proposing a 4,000 square foot retail paint store. Several variances are requested due to the size and shape of parcel and existing utility easements on property that limit placement of building and site.

How does the Code create a hardship? The requirements for setbacks, parking, buffers, etc make it impossible to utilize this site for its highest and best use which in this case is a building coverage of less than 18%, which is below the normal expectations and standards of development. This will be the case for most any uses intended for this site.

*** * * * The following justifications must be completed * * * *
for any variance requested:**

Variance requested - subject and code section: East side setback from 20 ft to 12 ft (sec. 122-226); Landscape buffer along Sr 50 from 20 ft to (varies as shown on site plan) Sec. 118-37
Landscape buffer along Millholland Drive from 15 ft to (varies as shown on site plan) (sec 118-37)
ParkiParking variance from 20 spaces to eighteen spaces Sec 98-14 Sign setback from Sr 50
WE will exceed the landscaping requirements along the streets by planting in clusters.

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) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district. The size and shape of the parcel along with the widening of Sr 50 and the existence of utility easements on the parcel have made it impossible to fully utilize the parcel to its highest and best use.

(2) The condition giving rise to the requested variance has not been created by any

person presently having an interest in the property;

(The conditions limiting use of the property have not been created by present or proposed owners of property.)



CITY OF CLERMONT VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant. Sherwin Williams paint company wishes to have a location here to better serve its customers and 4,000 sq ft is the minimum needed to successfully operate a full service paint store that musy compete with big box stores many times this size. Any reduction in size would create less opportunity for a successful operation.

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded. In contrast, this site presents the potential for increased expenses such as underground retention and a sprinled dumpster.

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure. As the site plan shows, we are using best practices to maximize the existing parcel for its highest and best use.

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district. Visual observation of existing properties along Sr 50 show that many buildings do not strictly conform to setbacks, etc. Granting of requested variances will not confer any special privilege.

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and
In contrast, Sherwin Williams is a valued member of any community and neighborhood that it is located in and will only enhance an otherwise vacant parcel. DRP Ciompany will remain the owner of the parcel and takes great pride of ownership as we do not sell our projects but hold for the long term in every case,



CITY OF CLERMONT
VARIANCE
Application

Page 4

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Sherwin Williams in concert with Drop Company operate in a good neighbor swtance and will serve as an asset to the community and surrounding neighborhood. This project will contribute to the overall purpose and intent of the code and be in harmony with the general welfare of the city of Clermont and Lake county.

Applicant Name (print)

x **DRP Company of
Alabama Inc**

Applicant Name (~e)

[Handwritten signature]
Debra M. Shep

Owner Name (print)

x *The State of Florida Dept
of Transportation*

Owner Name (~l;f... Ye)

******* 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

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following five variances: (1) to allow for a reduction of seven parking spaces instead of the number as required by the Land Development Code, Section 98-14; (2) to allow for a reduced rear yard setback of 12 feet instead of the 25 feet required by the Land Development Code, Section 122-226; (3) to allow for a reduced perimeter landscape buffers between abutting properties for the north perimeter buffers instead of the requirements of the Land Development Code, Section 118-37(d)(1); (4) to allow for the reduction of landscape buffers minimum width adjacent to right of ways for the south and west buffers instead of the requirements in the Land Development Code, Section 118-37(e)(1); (5) to allow for a reduced building façade landscaping of 25 percent instead of the 60 percent required by the Land Development Code, Section 118-37(i); at the following location:

LOCATION:

Vacant property (Alt. Key 1592771)
840 East Highway 50
Corner of E. Highway 50, east of Milholland Drive

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, September 12, 2017 at 6:30 P.M. in the Clermont City Hall 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.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
September 5, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 19, 2017			
Agenda Item Name			
Ordinance No. 2017-28; <i>Final</i> <i>Clermont Ridge Senior Villas Annexation</i>			
Requested Action			
Recommend approval of Ordinance 2017-28.			
Staff Report			
<i>Due to a lack of a quorum at the Aug. 1, 2017 Planning & Zoning Commission meeting, the related requests for a comprehensive plan amendment and rezoning on this property could not be considered by the Commission for a recommendation to the City Council. Final hearings for the annexation, comprehensive plan amendment and rezoning are now requested to be considered together at the Sept. 12, 2017 meeting, which will follow the September Planning & Zoning Commission meeting on Sept. 11, 2017. The ordinances were introduced at the Council meeting on Aug. 8, 2017.</i> The applicant, New Beginnings Housing, Inc, is requesting annexation of the subject property. The property is located north of Hunt Trace Boulevard and west of Oakley Seaver Drive. The City limits are adjacent to the south and east property boundaries. The property is currently in Lake County and is being used for a single-family home site. The property is approximately 6.35 acres in size and is in the City's water and sewer service area. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The applicant wishes to receive services from the City in order to develop the property into an age-restricted (62 and over) senior housing development. This request is being heard concurrently with requests for a small-scale comprehensive plan amendment and a rezoning to a Planned Unit Development (PUD) for senior housing. The related request for a comprehensive plan amendment would change the future land use from Lake County's Urban Medium to the City's High Density Residential designation. The rezoning request is to change the zoning from Urban Estate (currently Agricultural District in Lake County) to the City's PUD zoning classification. Because a majority of the surrounding property is in the City, and the City can adequately provide services, staff recommends approval of the annexation.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			

1.	Ordinance No. 2017-28	2017-28 Clermont Ridge Annex.doc
2.	Maps	Clermont Ridge Senior Villas Maps.pdf
3.	Application	Carrier Annex App.pdf
4.	Legal ad	Clermont Ridge Annex legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-28

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 AN EFFECTIVE DATE, SEVERABILITY, RECORDING, AND PUBLICATION.

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

Lake Highlands 20-22-26 Tract 61B, that part of vacated platted road bounded on S by N line of Tract 61B, on N by high water line of Jacks Lake and on E & W by N'ly extensions of E & W lines of Tract 61B, PB 3 PG 30 ORB 638 PG 322. Alternate Key 1647801
Containing 6.35 Acres +/-

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.

CITY OF CLERMONT
ORDINANCE No. 2017-28

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.

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.

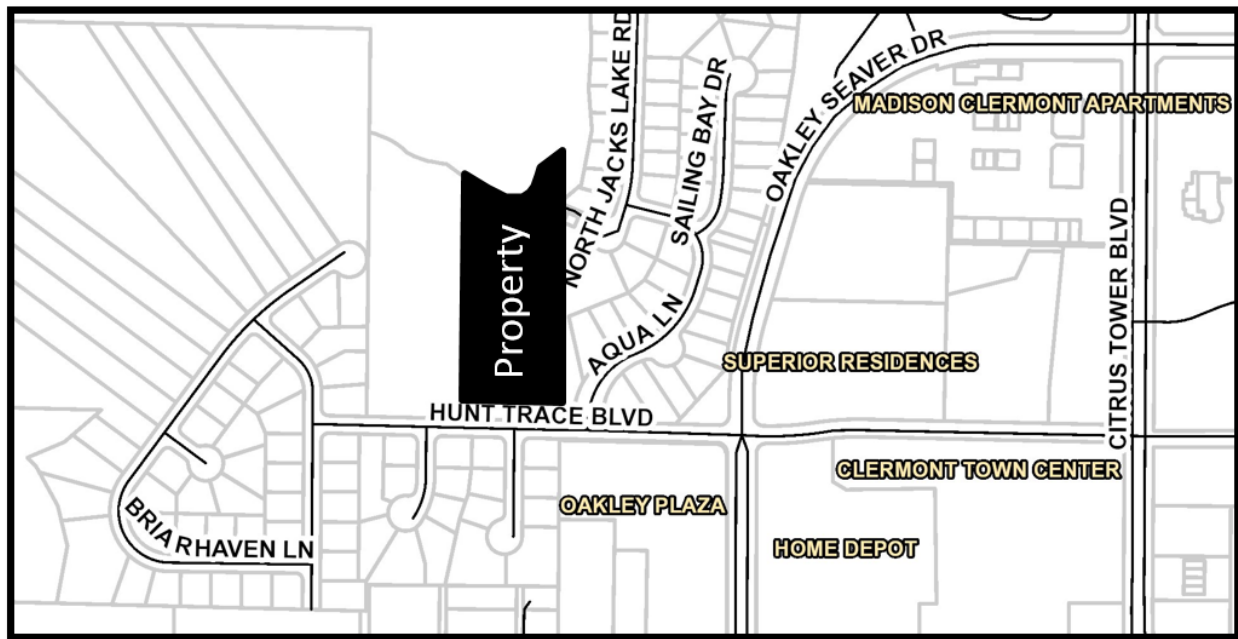
SECTION 5.

This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 6.

This Ordinance shall be published as provided by law, and it shall become law and take effect upon its Second Reading and Final Passage.

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-28

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 12th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Clermont Ridge Senior Villas

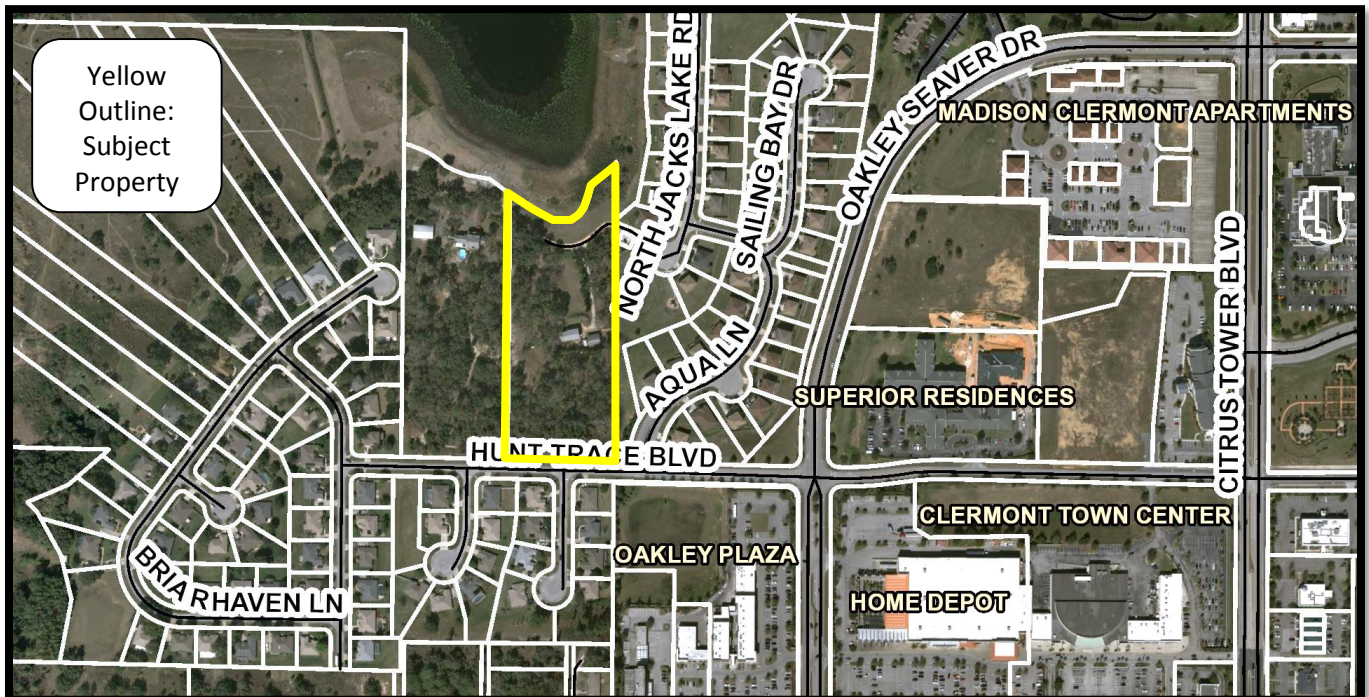
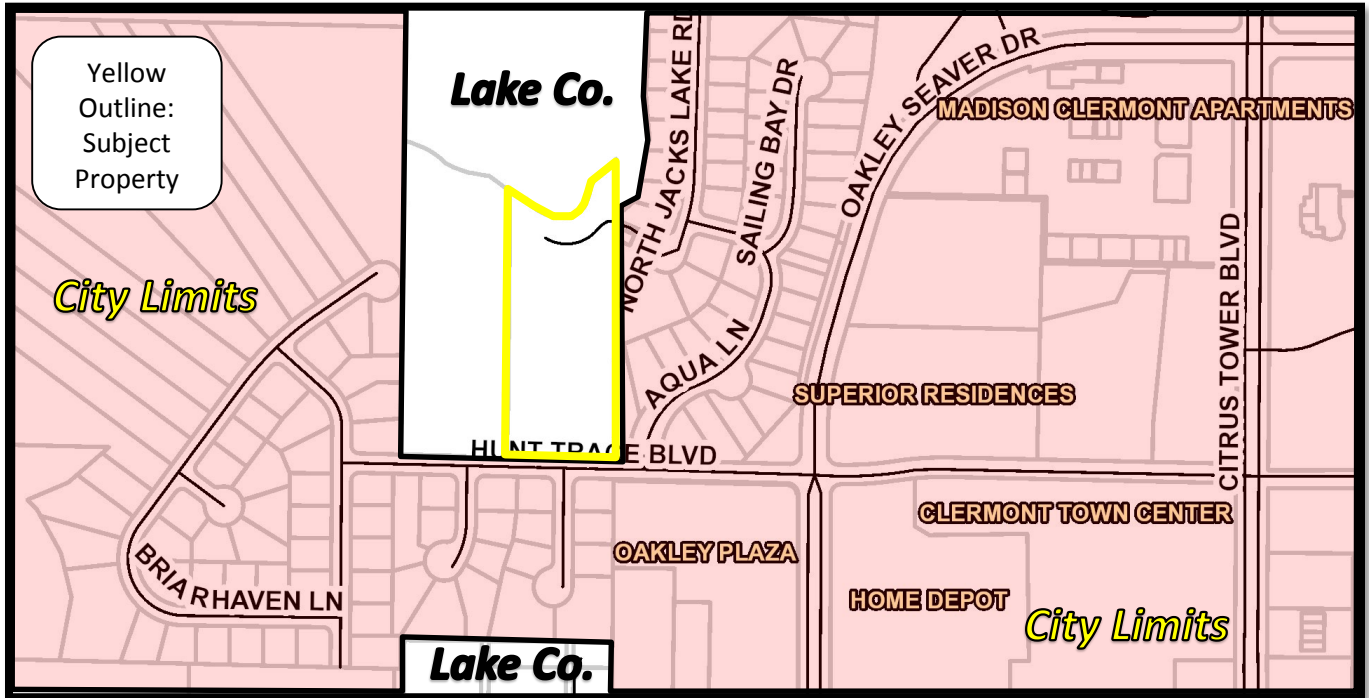


Exhibit – Future Land Use Map - Clermont Ridge Senior Villas

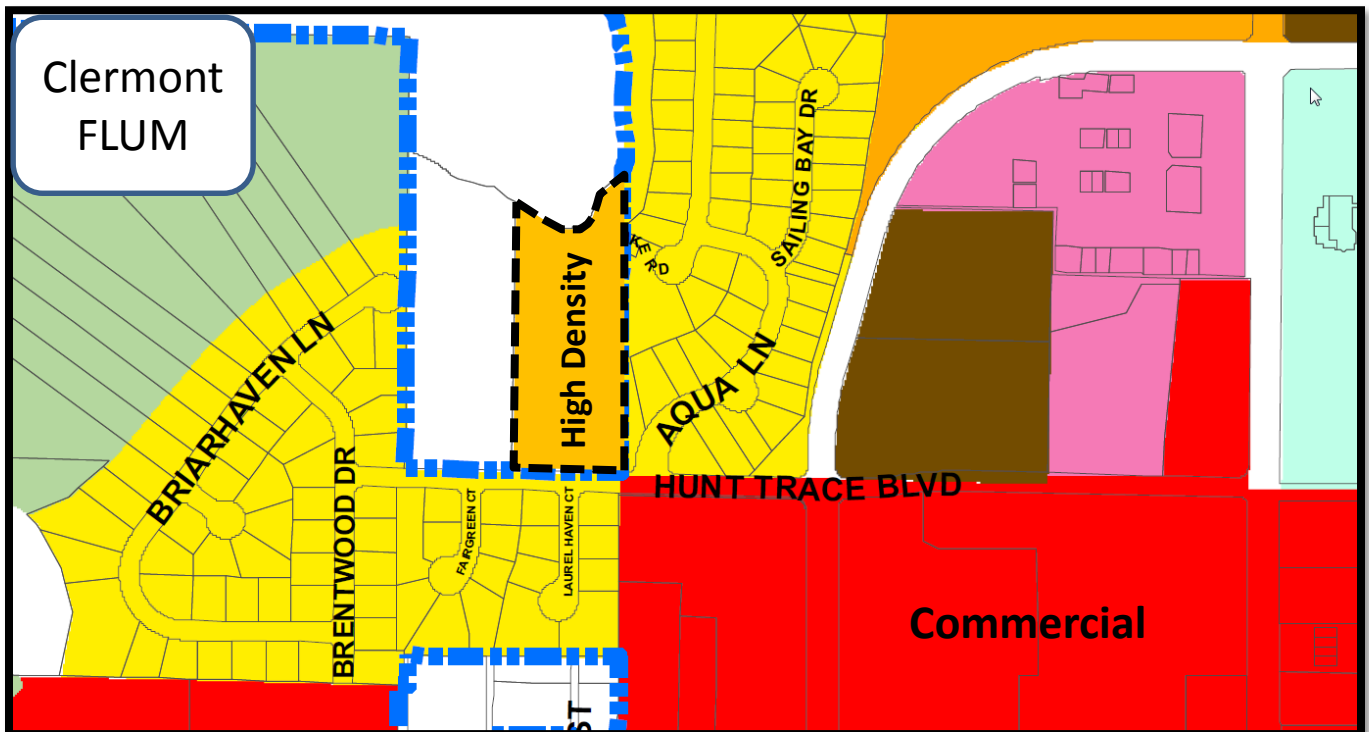
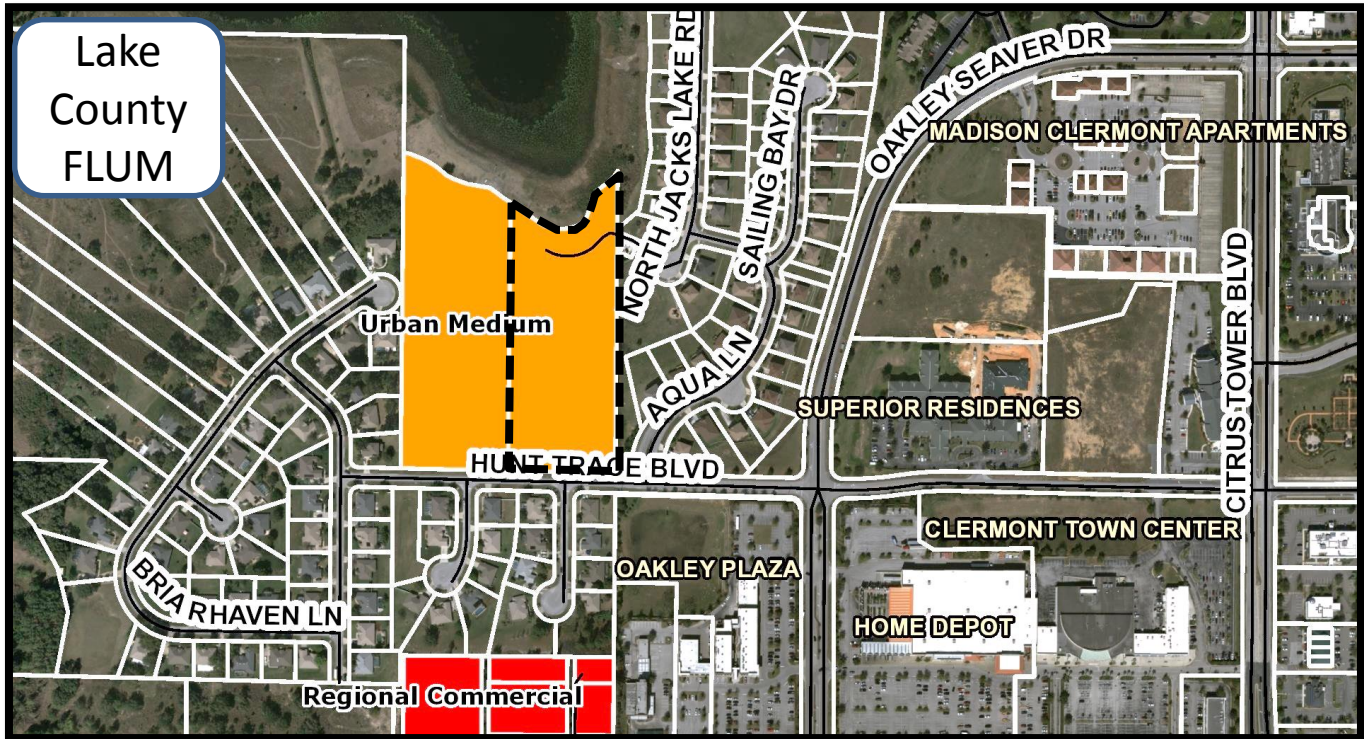
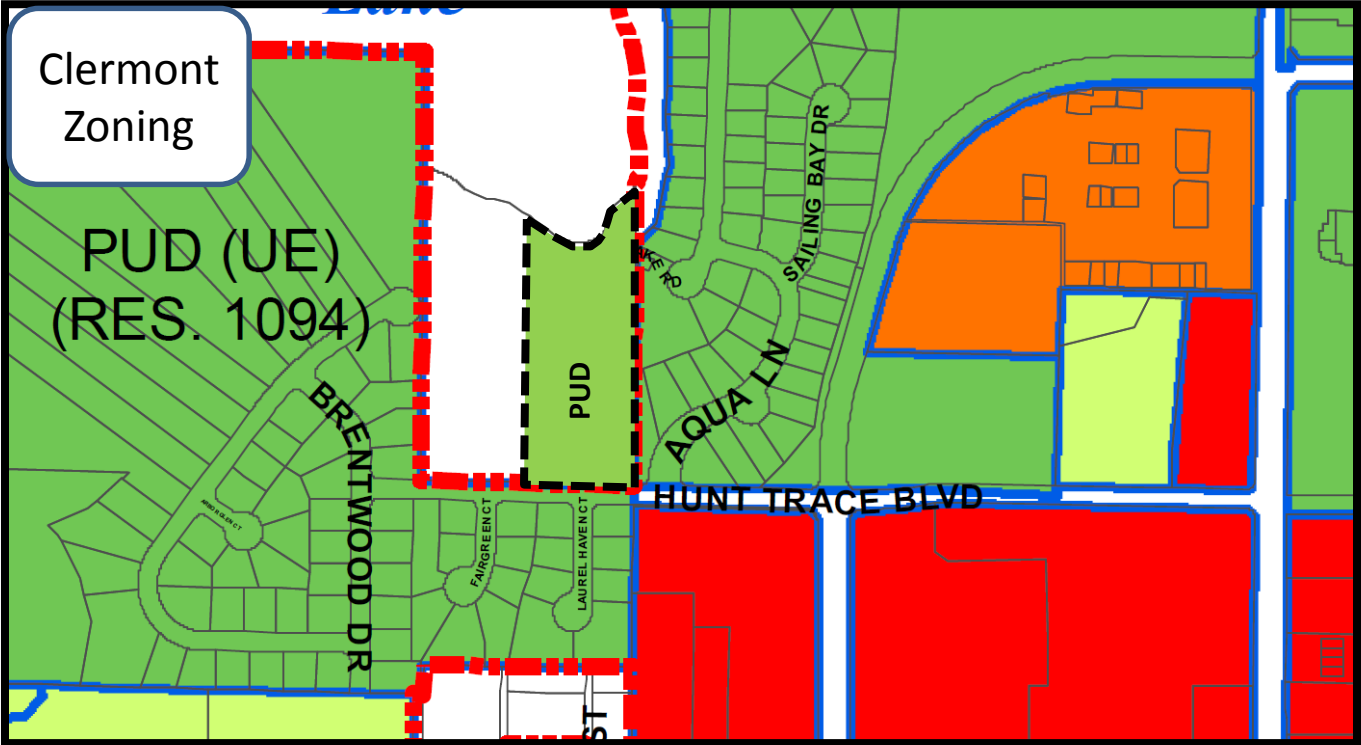
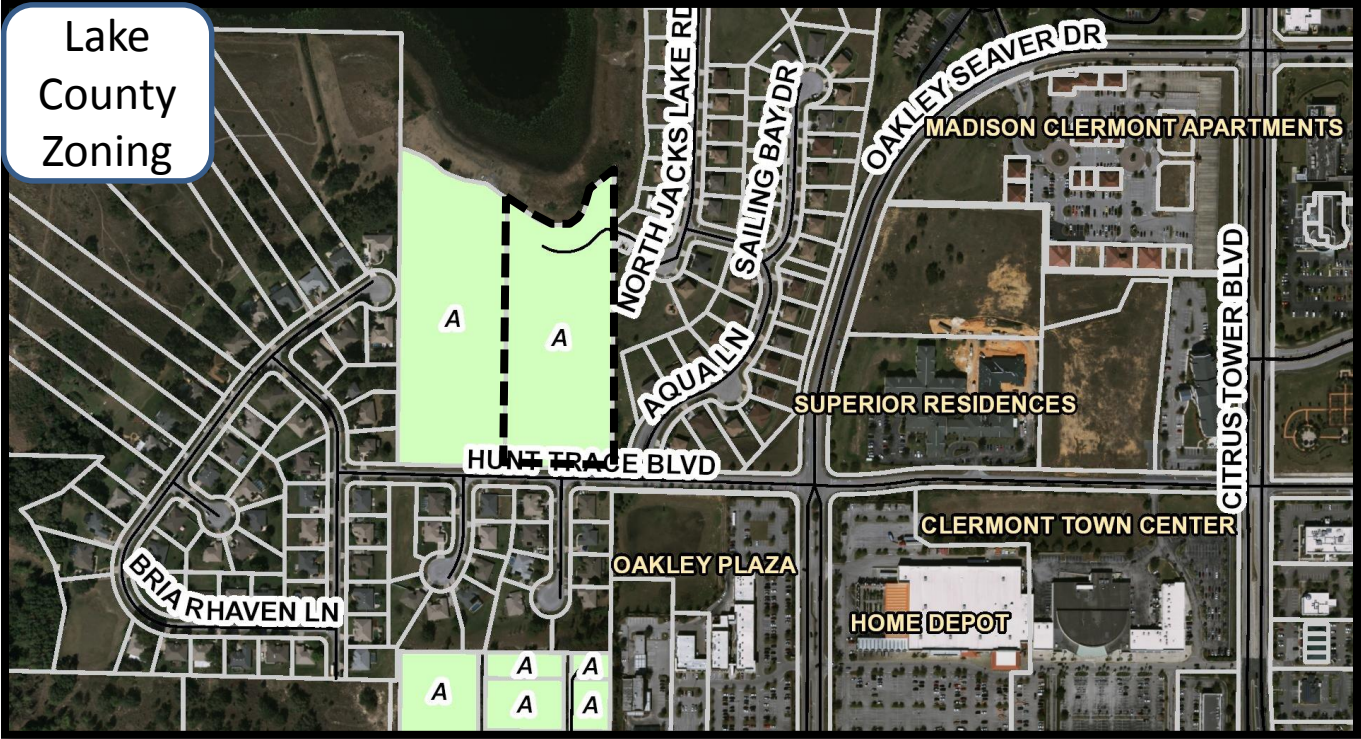


Exhibit – Zoning Map - Clermont Ridge Senior Villas



Rec: 7-5-17
gjk

APPLICATION & PETITION

DATE: 6/4/17FEE: \$155.⁰⁰

+ cost of advertising

Please type or print – use black pen/ink only.

PROJECT NAME (if applicable): CARRIER GARDEN HOMESAPPLICANT: NEW BEGINNINGS HOUSING, INCAddress: P O Bx 783963City: WINTER GARDEN State: FL Zip: 34778Phone: 828-989-4711 Fax: —Applicant is: Owner: ☒ Agent: ☐ Purchaser: ☐ Lessee: ☐ Optionee: ☐OWNER: NEW BEGINNINGS HOUSING, INCAddress: P O Bx 783963City: WINTER GARDEN State: FL Zip: 34778Phone: 828-989-4711 Fax: —AGENT NAME (Affidavit required): HANK DUNDAddress: 665 MT. STirling AVECity: APOLKA State: FL Zip: 32712Phone: 828-989-4711 Fax: —E-Mail: HANKDUND111@gmail.comProperty address and/or general location: 13605 N. JAMES LAKE RD
CLERMONT, FL
AK 1647801Area of property: 6 +/- acres, and/or +/- sq. ft.The property is PRESENTLY used for: RESIDENTIAL - SINGLE FAMILYThe property is PROPOSED to be used for: MULTI-FAMILY.



Existing Lake County Land Use* : AG - residential

Existing Lake County Zoning* : AG

*** 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: 2 structures
1 House, 1 detached garage

State the reason or basis for this request: ~~SHORE OF STARS~~
Affordable Homes for Senior Citizens
of Clermont

EXACT LEGAL DESCRIPTION as shown on the Tax Receipt or Warrant Deed.
(attach copy).

Section 20, Township 22, Range 26

Lake Highlands 20-22-26 Tract 61B,
that part of vacated plat 20 bounded
on S by N line of Tract 6

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.

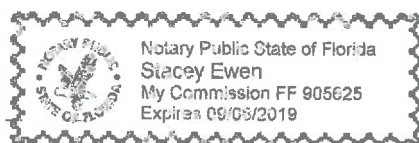
IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 5th day of July, 2017.

Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt).

[Signature]
Landowner (Petitioner)

07/15/17
Date

[Signature]
Notary Public
Sept 8, 2019
My Commission Expires





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: 7/5/17

Before me, the undersigned authority personally appeared Hank Dunn
(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:

multi-jan. 17

3. That said authority (owner) has appointed (agent's name) Hank Dunn
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 [Signature]
Owner (signature)

X [Signature]
Agent's (signature)

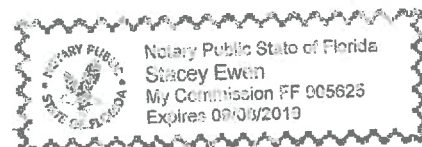
Sworn to and subscribed before
me this 5th day of July,
20 17.

[Signature]
Notary Public, State of FL
My commission expires: Sept 8, 2019

Sworn to and subscribed before
me this 5th day of July,
20 17.

[Signature]
Notary Public, State of FL
My commission expires: Sept 8, 2019

***Note:** Owner must sign affidavit. When agent is representing case, both agent and owner must sign affidavit.



Property Record Card

General Information

Owner Name:	CARRIER WILLIAM H & NANCY L	Alternate Key:	1647801
Mailing Address:	PO BOX 121051 CLERMONT, FL 34712-1051 Update Mailing Address	Parcel Number:	09-22-26- 080061B00000
		Millage Group and City:	0003 (UNINCORPORATED)
		Total Certified Millage Rate:	14.8515
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	13605 JACKS LAKE RD CLERMONT FL 34711 Update Property Location ⓘ	Property Name:	— Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	LAKE HIGHLANDS 20-22-26 TRACT 61B, THAT PART OF VACATED PLATTED RD BOUNDED ON S BY N LINE OF TRACT 61B, ON N BY HIGH WATER LINE OF JACKS LAKE & ON E & W BY N'LY EXTENSIONS OF E & W LINES OF TRACT 61B PB 3 PG 30 ORB 638 PG 322		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY LAKEFRONT (0103)	0	0		2	AC	\$0.00	\$49,590.00
2	VACANT RESIDENTIAL (0000)	0	0		4.35	AC	\$0.00	\$146,921.00

Residential Building(s)

Building 001

Residential	Single Family	Building Value: \$83,667.00	
Summary			
Year Built: 1981	Total Living Area: 1942 ⓘ	Central A/C: Yes	Attached Garage: No
Bedrooms: 4	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 1
Incorrect Bedroom, Bath, or other information? ⓘ			
Section(s)			

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, August 22, 2017 at 6:30 P.M. 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. 2017- 28

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 AN EFFECTIVE DATE; SEVERABILITY; RECORDING, AND PUBLICATION.

LOCATION:

13605 Jacks Lake Road
Property on the north side of Hunt Trace Blvd.
and west of Oakley Seaver Dr.
Alternate Key 1647801

LEGAL DESCRIPTION

Lake Highlands 20-22-26 Tract 61B, that part of vacated platted road bounded on S by N line of Tract 61B, on N by high water line of Jacks Lake and on E & W by N'ly extensions of E & W lines of Tract 61B, PB 3 PG 30 ORB 638 PG 322 .

Containing 6.35 Acres +/-

See Map Below

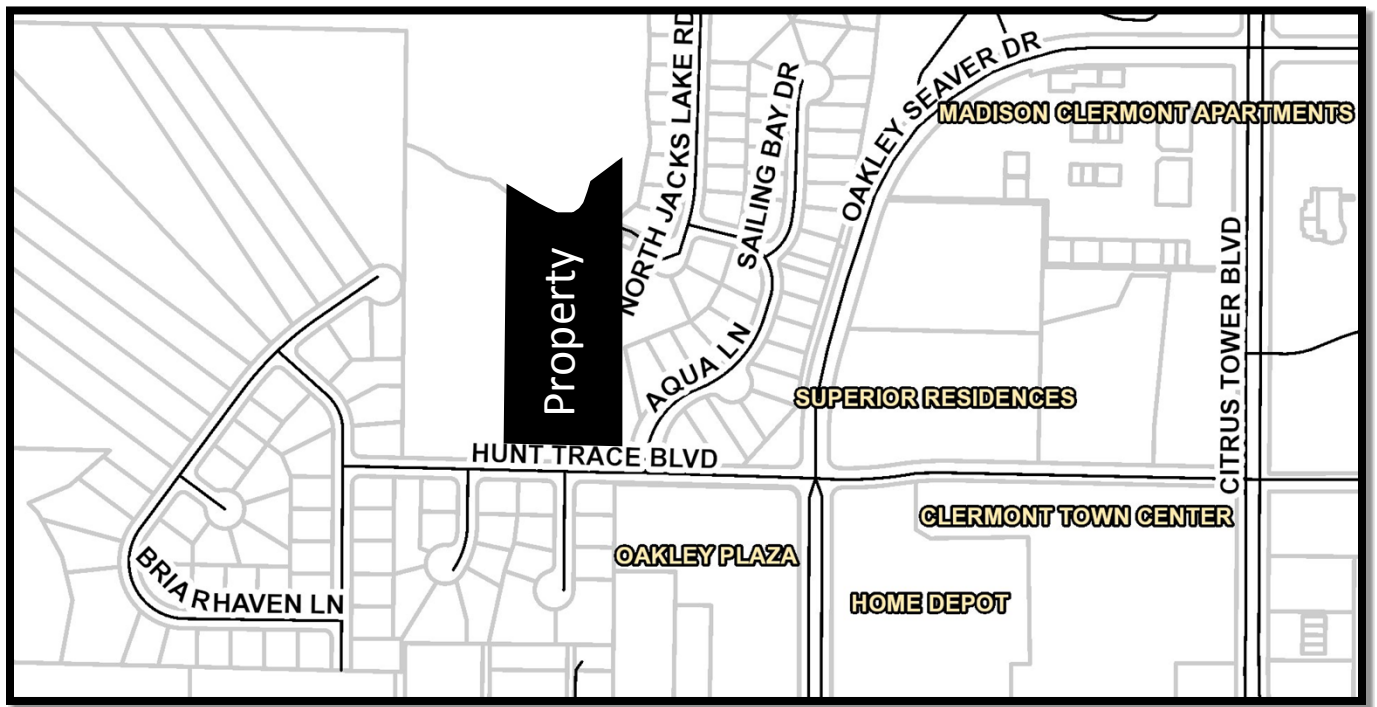
This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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
Daily Commercial
August 8 & 15, 2017

Location Map:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 19, 2017	
Agenda Item Name	
Ordinance No. 2017-29; <i>Final</i> <i>Clermont Ridge Senior Villas Comprehensive Plan Amendment</i>	
Requested Action	
Recommend approval of Ordinance 2017-29.	
Staff Report	
<i>Due to a lack of a quorum at the Aug. 1, 2017 Planning & Zoning Commission meeting, this request and the related request for a rezoning on this property could not be considered by the Commission for a recommendation to the City Council. Final hearings for the annexation, comprehensive plan amendment and rezoning are now requested to be considered together at the Sept. 12, 2017 meeting, which will follow the September Planning & Zoning Commission meeting on Sept. 11, 2017. The ordinances were introduced at the Council meeting on Aug. 8, 2017.</i> The applicant, New Beginnings Housing, Inc, is requesting a small-scale comprehensive plan amendment for the subject property. The property is approximately 6.35 +/- acres in size and is located north of Hunt Trace Boulevard and west of Oakley Seaver Drive. This request is being heard concurrently with requests for annexation and a rezoning to a Planned Unit Development (PUD) to allow senior housing. The applicant would like to develop the property and have City services available. The small-scale comprehensive plan amendment would change the future land use from Lake County's Urban Medium to the City's High Density Residential designation. Lake County's Urban Medium density would allow a maximum of seven dwelling units per acre. The applicant is requesting the City's High Density Residential designation that will allow a maximum of up to 12 units per acre. The proposed senior housing project with small, affordable one-bedroom units (approximately 400 square feet living space) will require High Density Residential future land use to achieve the goal of the project and provide the highest and best use for the property. The subject property is located in close proximity to South Lake Hospital, medical offices, an assisted living facility, hotel, public transit services and commercial shopping opportunities. The proposed use is consistent with the surrounding area and several other projects with similar densities such as Madison Clermont Apartments and the Lofts, which consist of up to 12 dwelling units per acre. The proposed High Density Residential future land use designation is consistent with the City's adopted comprehensive plan policies, specifically policies 1.2.2, 1.2.4, and 1.3.1, for the senior housing project. Therefore, staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Urban Medium to City High Density Residential.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance 2017-29	2017-29 Clermont Ridge Senior Villas CPA.doc
2.	Maps	Clermont Ridge Senior Villas Maps.pdf
3.	Conceptual Site Plan	Clermont Ridge Senior Villas - Concept Plan - 7-14-17 revised.pdf
4.	Elevations	Elevations.pdf
5.	Application	Carrier small scale comp plan app.pdf
6.	Legal Ad	CPA Carrier Garden Homes legal ad.docx
7.	Legal Ad 2	UPDATED CPA Clermont Ridge legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2017-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR THE ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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 on the proposed amendment to the plan in light of written comments, proposals and objections from the general public;

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

Lake Highlands 20-22-26 Tract 61B, that part of vacated platted road bounded on S by N line of Tract 61B, on N by high water line of Jacks Lake and on E & W by N'y extensions of E & W lines of Tract 61B, PB 3 PG 30 ORB 638 PG 322.

Alternate Key 1647801

Containing 6.35 Acres +/-

CITY OF CLERMONT
ORDINANCE No. 2017-29

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM LAKE COUNTY URBAN MEDIUM
TO CITY OF CLERMONT HIGH DENSITY RESIDENTIAL

Section 2.

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.

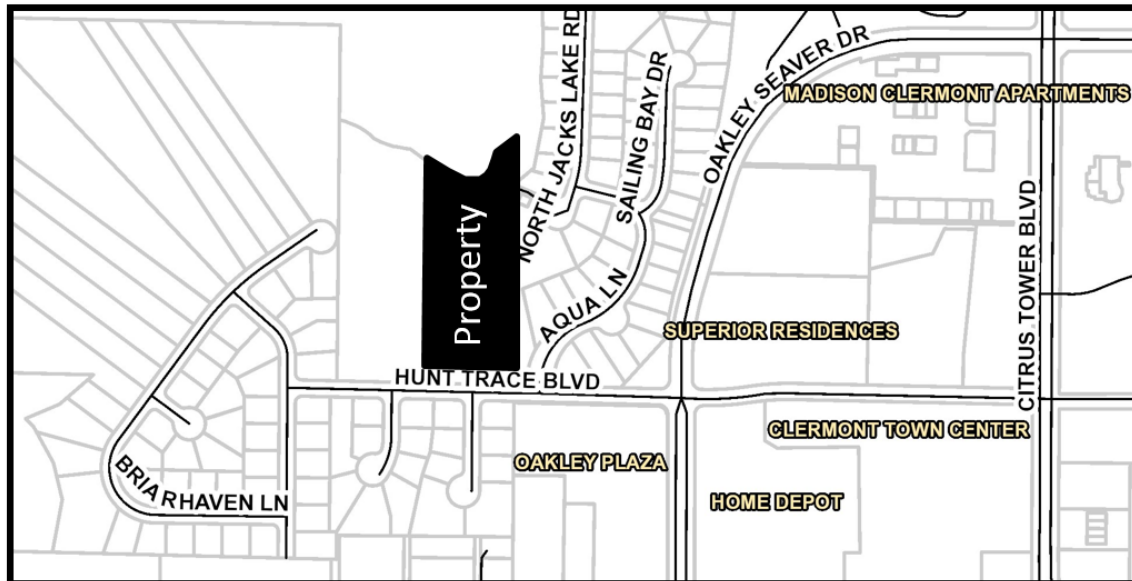
Section 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4.

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.

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-29

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 12th day of September, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Clermont Ridge Senior Villas

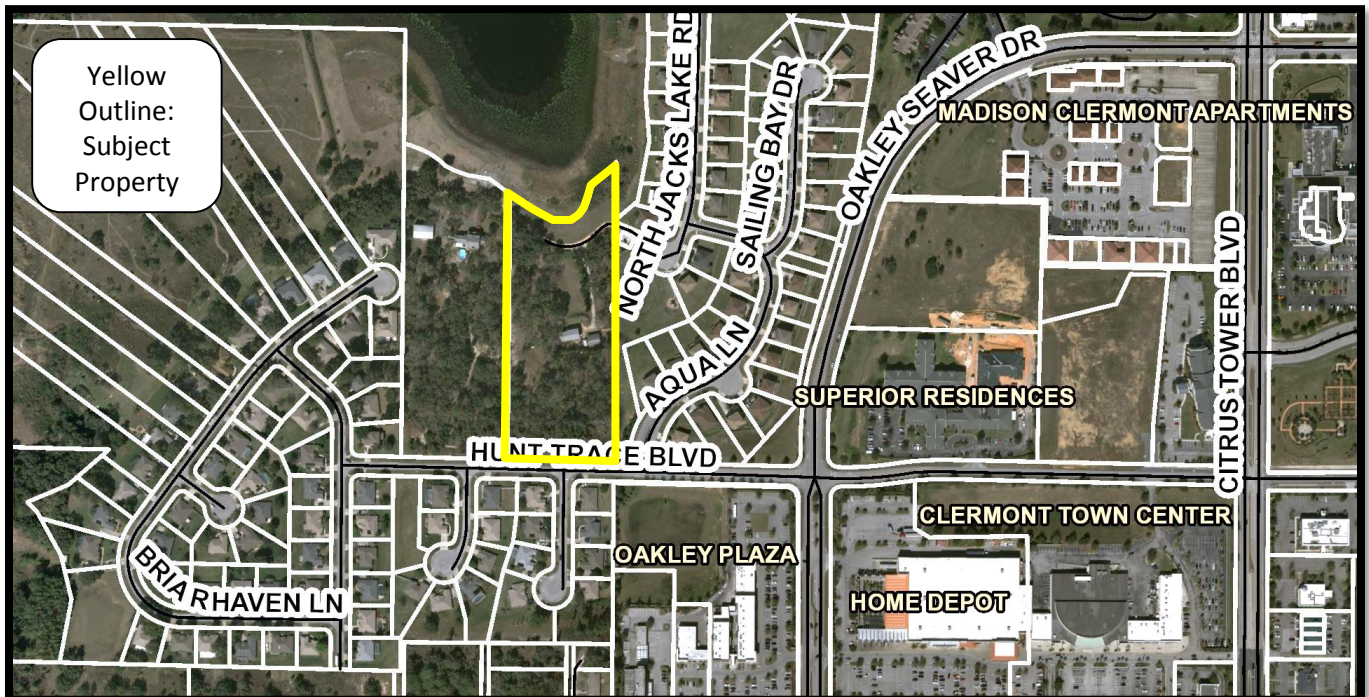
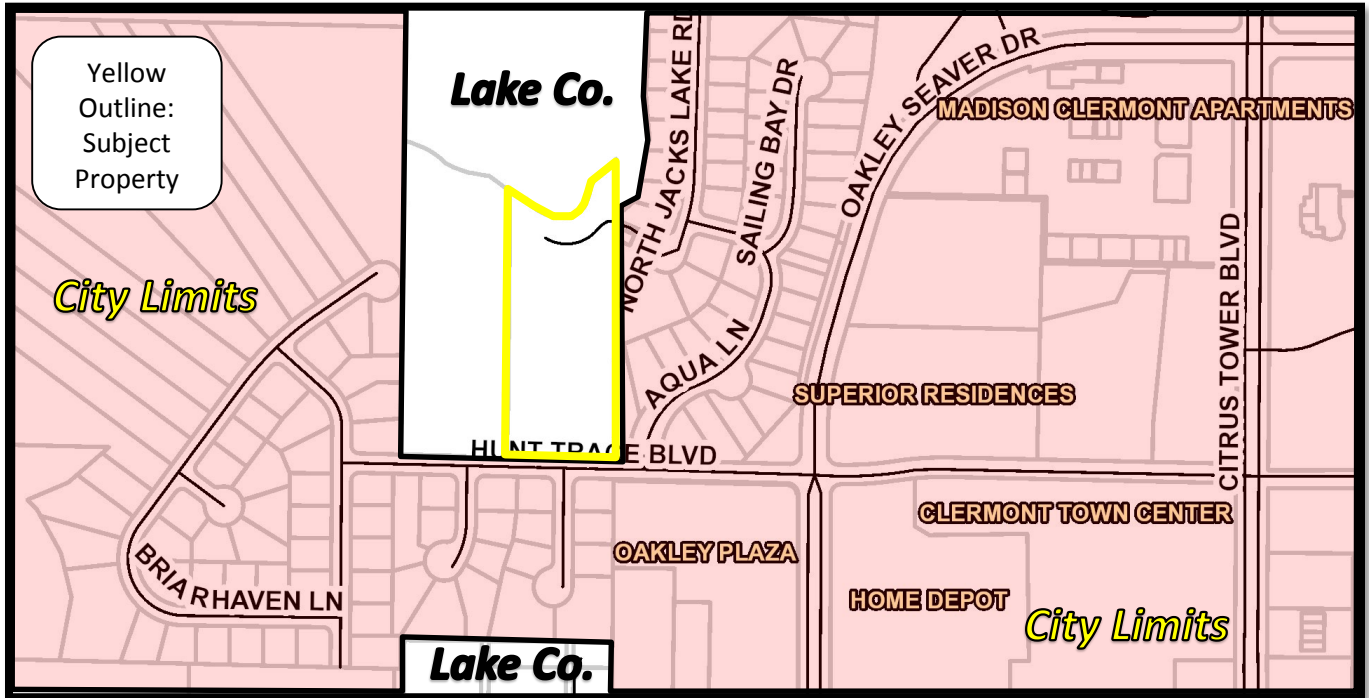


Exhibit – Future Land Use Map - Clermont Ridge Senior Villas

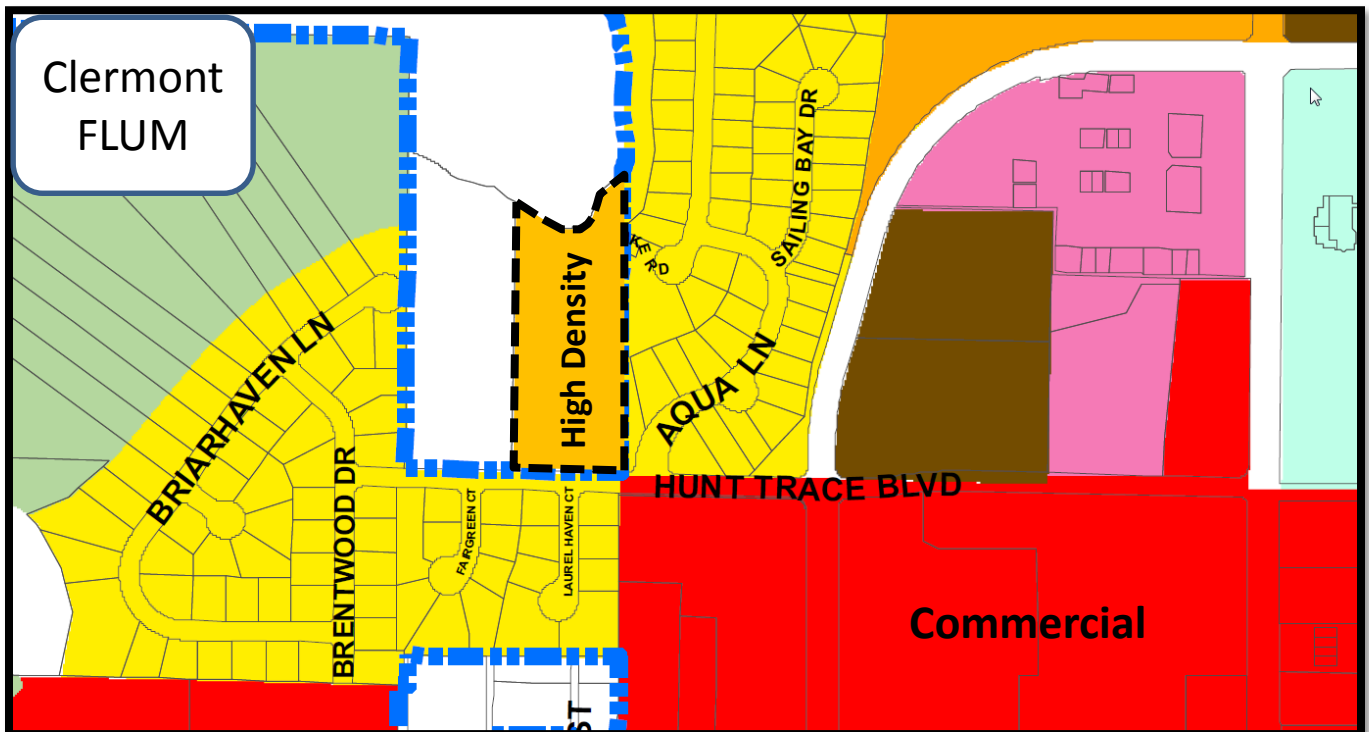
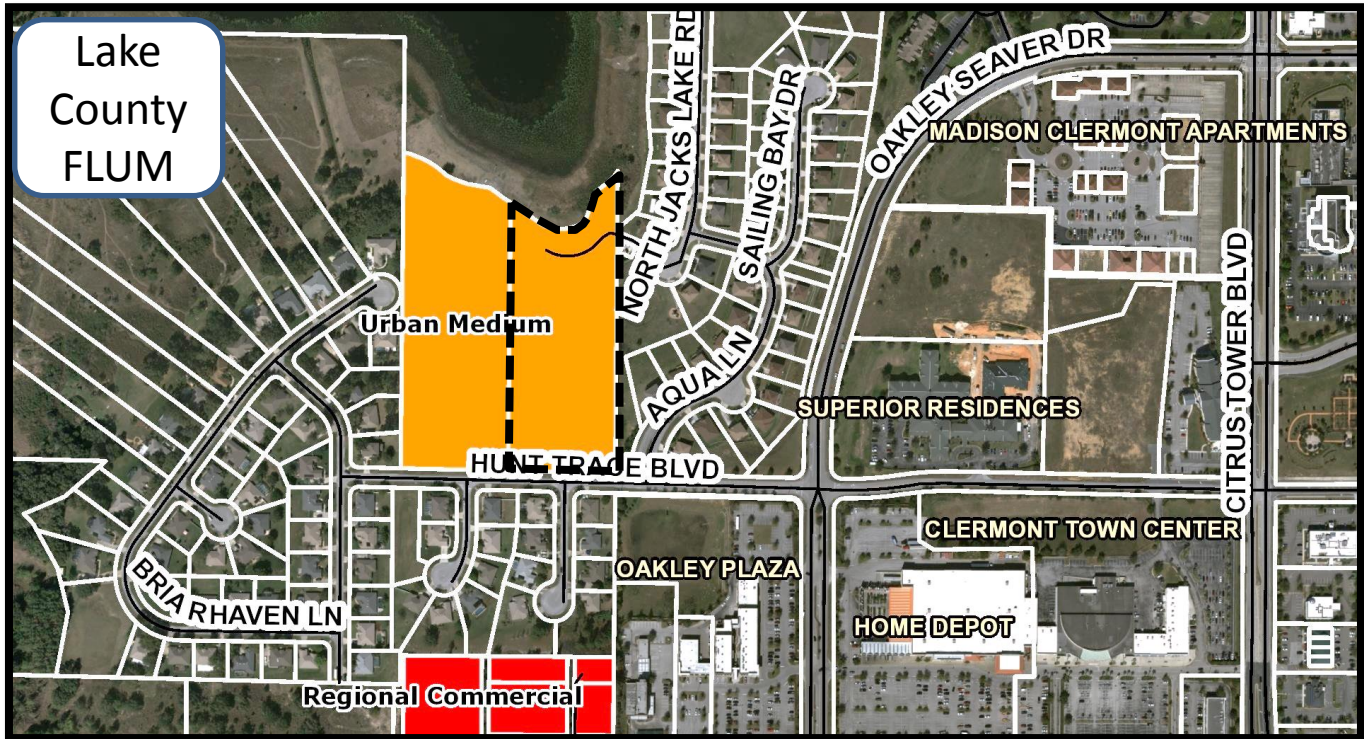
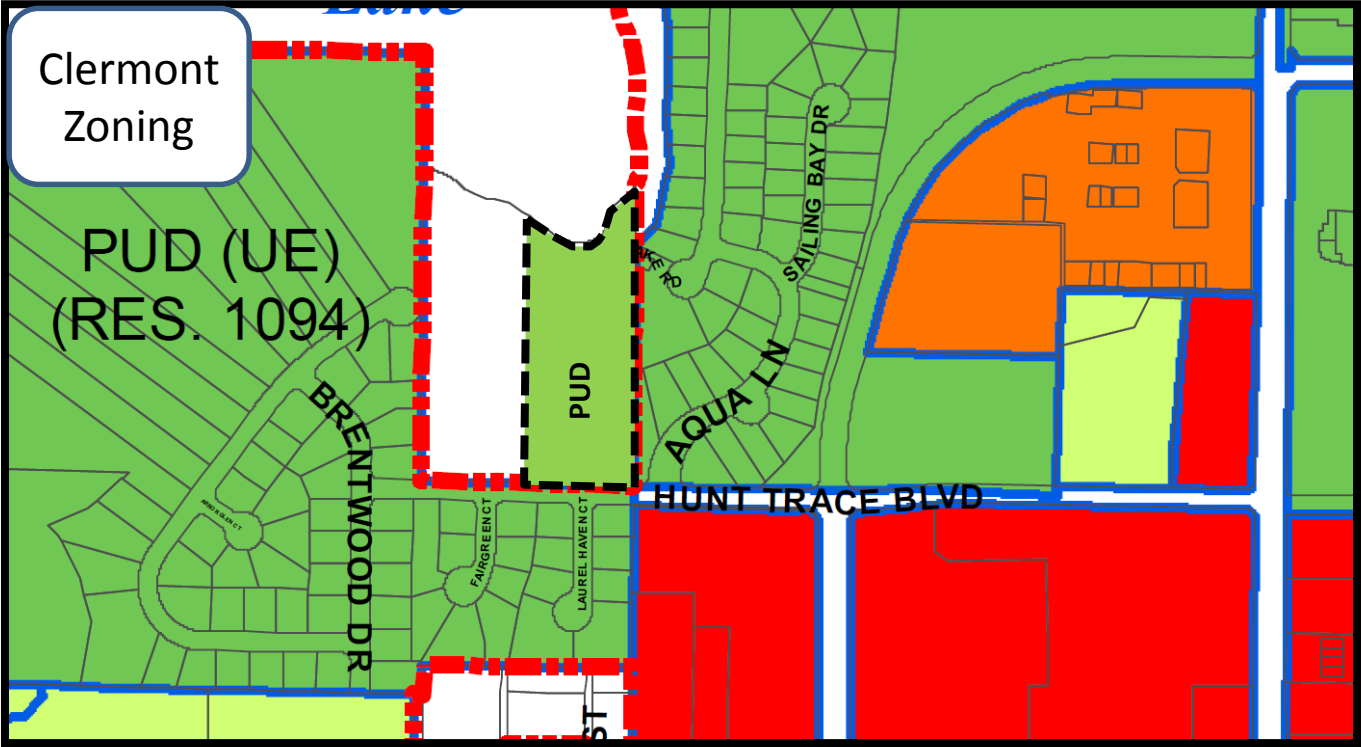
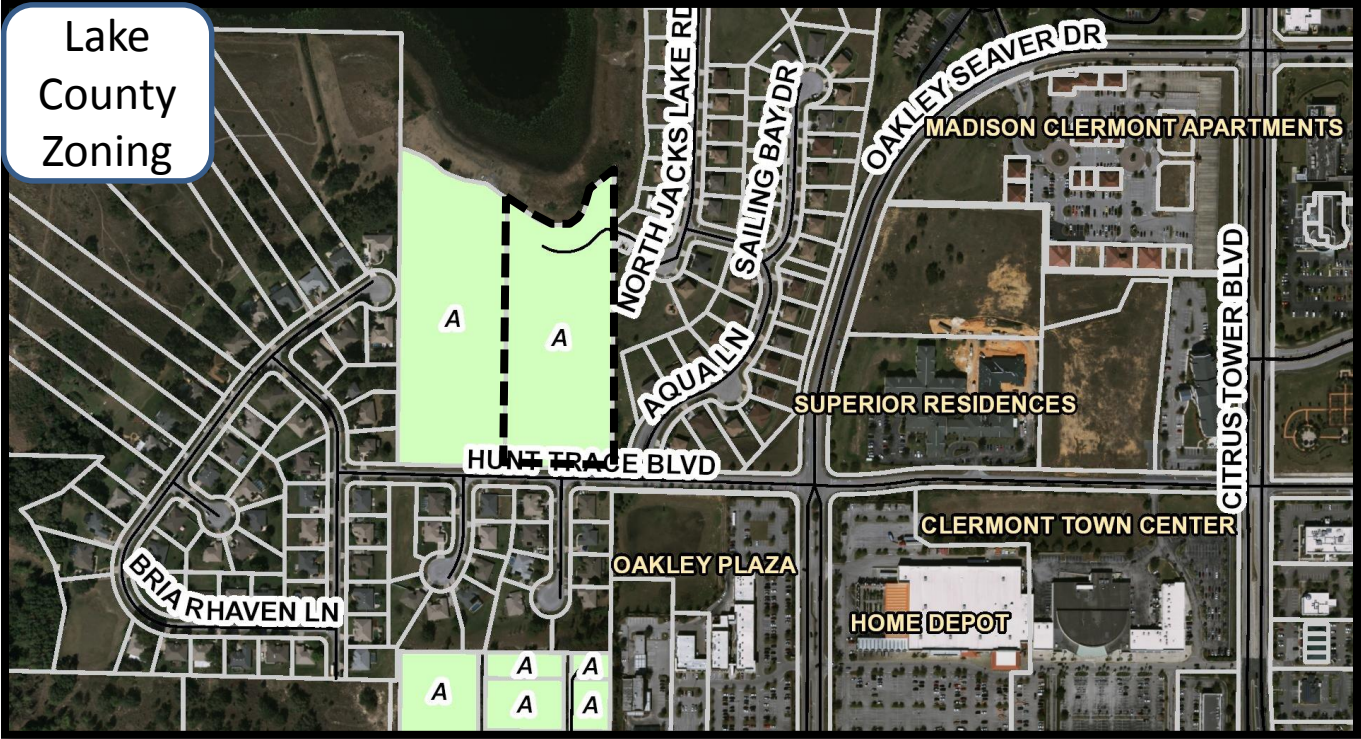


Exhibit – Zoning Map - Clermont Ridge Senior Villas



CONCEPTUAL SITE PLAN
CLERMONT RIDGE
SENIOR VILLAS
CLERMONT, FLORIDA
PARCEL NO. 09-22-26-080061B00000

SITE DATA

OWNER: CARRIER WILLIAM H & NANCY L
13605 JACKS LAKE RD
CLERMONT, FL 34711

PARCEL NO: 09-22-26-080061B00000

ALTERNATE KEY: 1647801

EXISTING ZONING: AGRICULTURE

EXISTING USE: RESIDENTIAL

EXISTING FLU: URBAN MEDIUM DENSITY

PROPOSED USE: PUD-RESIDENTIAL/MULTIFAMILY

AGE RESTRICTED 55+

TOTAL UNITS: 70 UNITS (11.02 UNITS PER ACRE)

UNIT SIZE: 392 SQ. FT.

TOTAL AREA: 6.35 ACRES

ZONING:
NORTH: R-1 SINGLE FAMILY
SOUTH: PUD-RESIDENTIAL
EAST: PUD-RESIDENTIAL
WEST: PUD-RESIDENTIAL

FLU:

RESIDENTIAL NORTH: LOW DENSITY

RESIDENTIAL SOUTH: LOW DENSITY

RESIDENTIAL EAST: LOW DENSITY

RESIDENTIAL WEST: LOW DENSITY

EXISTING USE:
NORTH: RESIDENTIAL
SOUTH: RESIDENTIAL
EAST: RESIDENTIAL
WEST: RESIDENTIAL

SETBACKS:

FRONT(HUNT TRACE BLVD): 25'
SIDE: 10'
REAR(JACK'S LAKE NHWL): 25'

LANDSCAPE BUFFERS:

FRONT(HUNT TRACE BLVD): 20'
SIDE: 10'

WATER:

CITY OF CLERMONT

SEWER:

CITY OF CLERMONT

BUILDING HEIGHT:

35' MAXIMUM

WETLANDS:

SEE SITE PLAN

PARKING REQUIRED:

105 SPACES
1.5 SPACES PER ONE BEDROOM UNIT

PARKING PROVIDED:

120 SPACES
AS SHOWN: 14 BUILDINGS
EACH BUILDING: 1 BEDROOM = 1.5 SPACES
TOTAL PER BUILDING: 8 SPACES

STANDARD SPACES SHALL BE: 10 x 20
ADA SPACES SHALL BE: 12 x 20 WITH

VARIANCES REQUESTED:

- MINIMUM UNIT SIZE 392 SQ FT
- MAXIMUM RETAINING WALL 10' HEIGHT
- CUT TO EXCEED 10'
- FILL TO EXCEED 10'

ANTICIPATED TRIP GENERATION

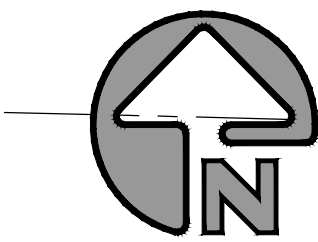
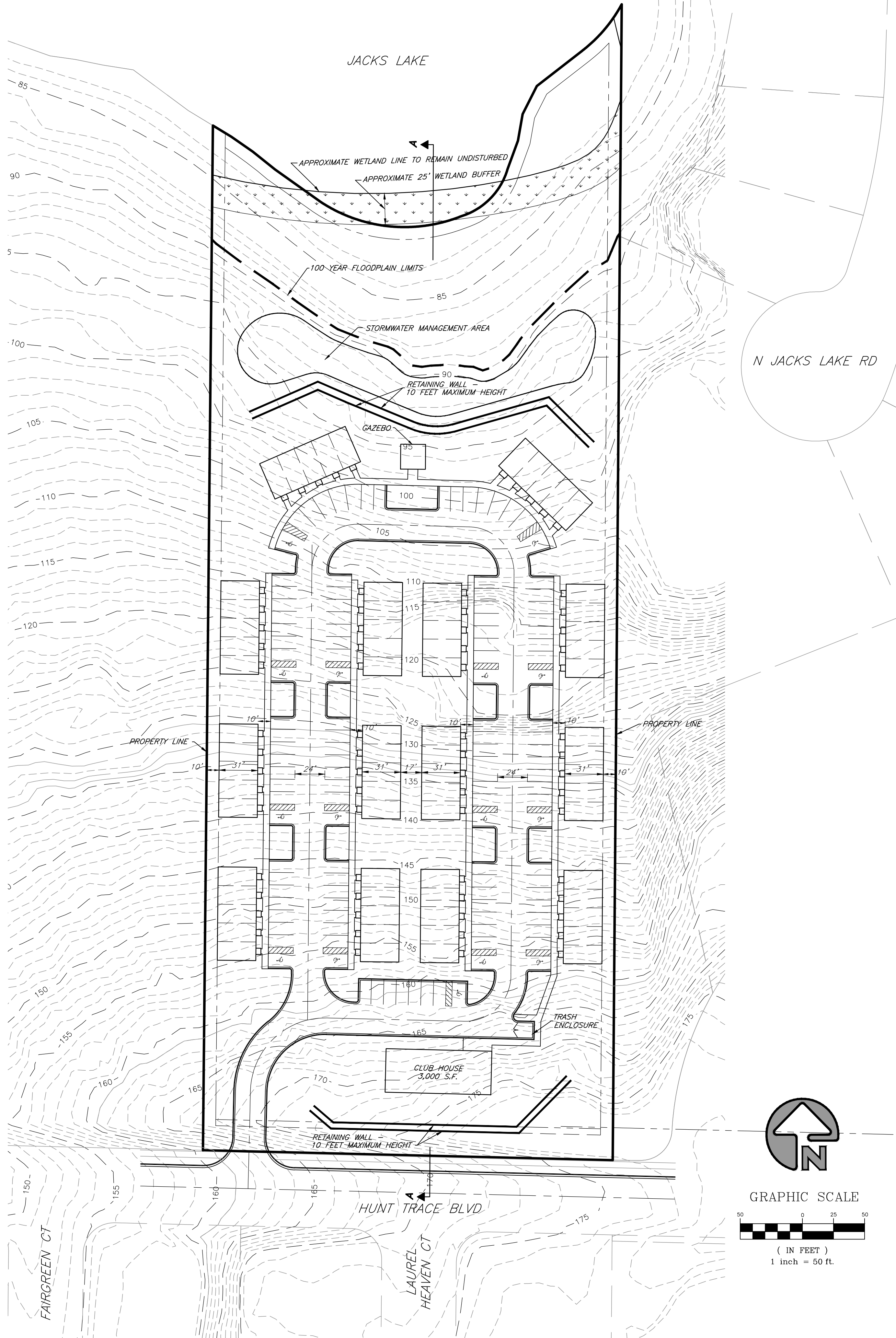
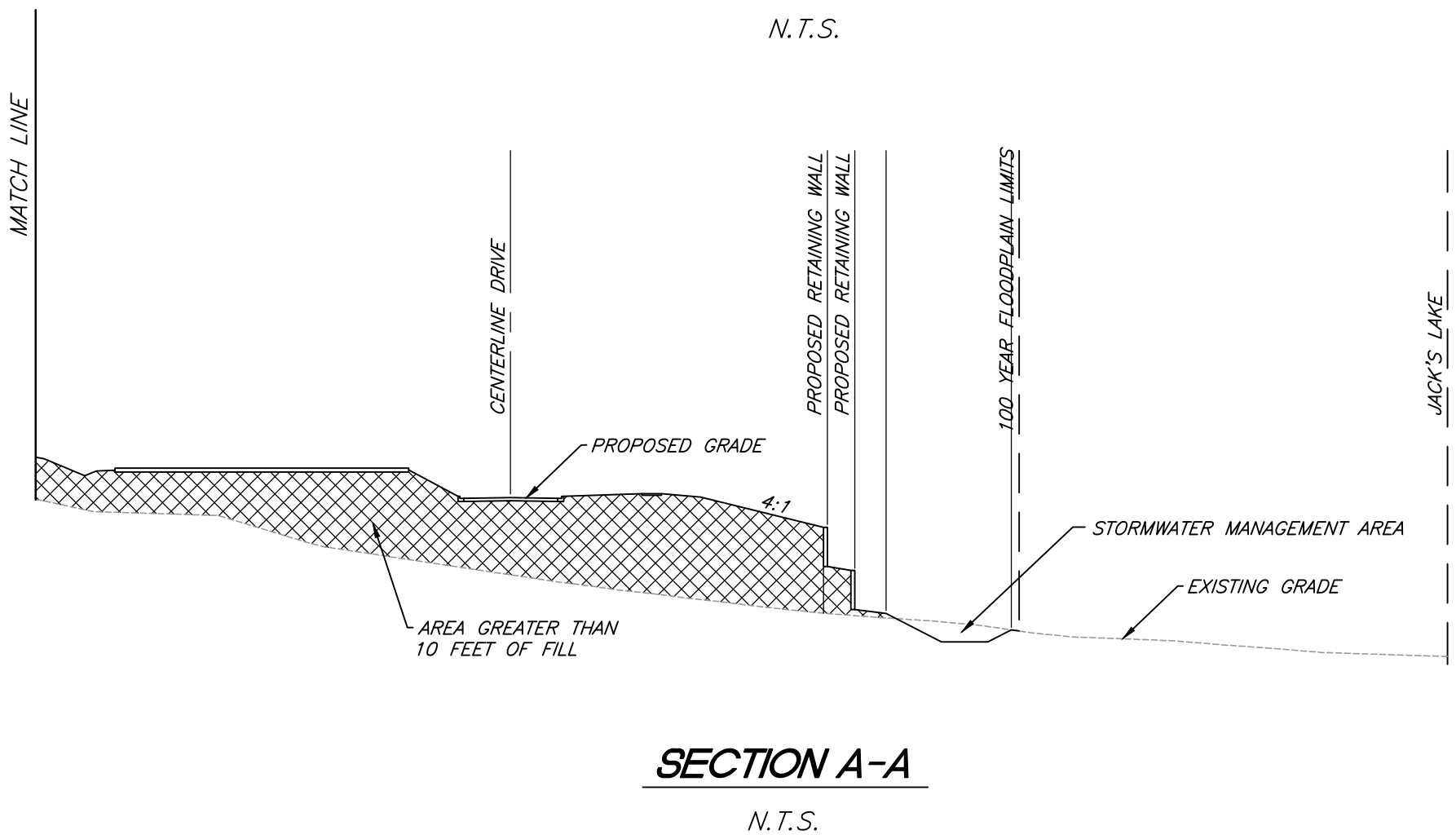
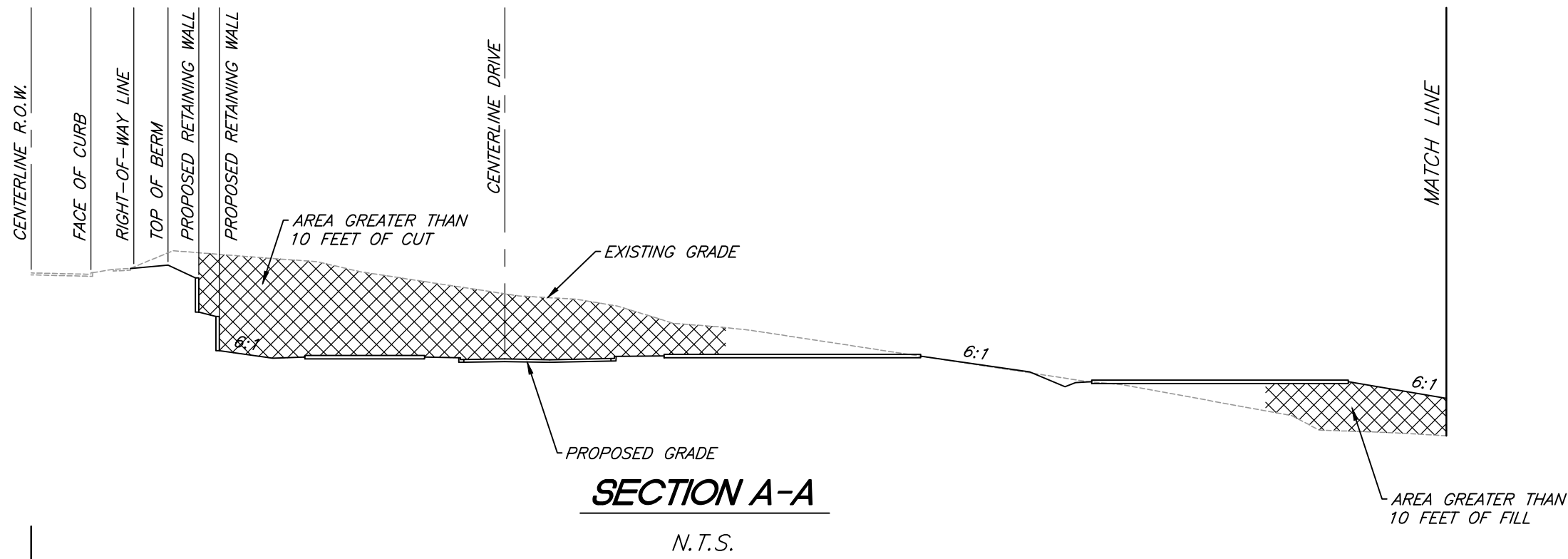
Description/ITE Code	Vehicle Trip Generation Rates							Expected Units	Total Generated Trips			Total Distribution of Generated Trips						
	are for peak hour of adjacent street traffic unless highlighted)								Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By	
	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out											
Senior Adult Housing- Attached 252	0.13	0.16		36%	64%	60%	40%	70.0	244	9	11	3	6	0	7	4	0	

PROPERTY DESCRIPTION

LOT 61-B, SECTION 20, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE HIGHLAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 30, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

TOGETHER WITH

THAT PART OF VACATED PLATTED ROAD BOUNDED ON THE SOUTH BY THE NORTH LINE OF THE TRACT 61-B, LAKE HIGHLAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 30, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND BOUNDED ON THE NORTH BY THE HIGH WATER LINE OF JACK'S LAKE AND BOUNDED ON THE EAST AND WEST BY THE NORTHERLY EXTENSIONS OF THE EAST AND WEST LINES OF TRACT 61-B, LAKE HIGHLAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 30, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

CLERMONT RIDGE SENIOR VILLAS
CONCEPT PLAN

HEI
HIGHLAND
ENGINEERING, INC.
79 West Illiana Street
Orlando, Florida 32806
Office 407-275-7877
Fax 407-275-7901
CA No. 27612

JOB No.: NBL-001
DESIGNED BY: J.B.
DRAWN BY: J.K. & L.A.
APPROVED BY: J.B.
DATE: 07.14.2017
SHEET: 1 OF 1

REV.	DATE	DESCRIPTION	APP'D BY



⑥ $\frac{3D \text{ View } 1}{12''} = \frac{2}{1'-0''}$

This architectural section drawing shows a building facade with six numbered markers (1-6) indicating vertical levels. The drawing includes a horizontal line labeled 'Roof Brg. 9'-0"' and a vertical line labeled 'Level 1 0"'. The facade features a series of vertical panels, some of which contain double doors with arrows indicating opening direction. A small, detailed structure is visible on the right side of the facade.

An architectural rendering of a proposed single-story building with a light yellow exterior and a grey gabled roof. The building features a series of gabled entryways supported by white columns. A paved walkway runs along the front of the building, and there are several palm trees and other landscaping elements. Two small figures of people are standing on the walkway to the left. The background shows a clear blue sky and a white horizon line.

5 3D View 1_1
12" = 1'-0"



www.autodesk.com/revit

Consultant
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Phone

[illegible]

Owner

Project Name

Unnamed

Project Number	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker

A102

Scale	As indicated
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CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application

Rec. 7-5-17
JK

DATE: 6/4/17

FEE: 755.00

Project Name (if applicable): Carnier Garden Homes

Applicant: NEW BEG. WINGS HOUSING, INC

Contact Person: HANK DUND

Address: 665 MT. STirling AVE

City: APOPKA State: FL Zip: 32712

Phone: 828-989-4711 Fax:

E-Mail: HANKDUND111@gmail.com

OWNER: NEW BEG. WINGS HOUSING, INC

Address: P.O. BOX 783963

City: WINTER GARDEN State: FL Zip: 34778

Phone: 828-989-4711 Fax: -

E-Mail: HANKDUND111@gmail.com

General Location: 13605 N. JACKS LAKE RD
CLERMONT, FL 34911

Legal Description (include copy of survey): LAKE HIGHLANDS
20-22-26 TRACT 613, THAT PART OF VACATED
PLATTED 20 bounded on S by N line of
TRACT 6 AK 1647801

Property size (in acres or square feet):

6.35 acres

Flood hazard area (yes) and approx. acreage (no) ✓

Existing (Actual) Land Use: AG - Residential

Existing Zoning: AG

Existing Future Land Use: MULTI-FAMILY RESIDENTIAL

Proposed Future Land Use: MULTI-FAMILY

Type of development proposed:



Proposed density (dwelling units/acre) or intensity: 12/acre

Proposed Zoning District: MULT-FAM.14

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).

CLERMONT HAS A CURRENT & GROWING SHORTAGE OF SMALL & AFFORDABLE 1 (ONE) BEDROOM APARTMENTS TO SERVE PEOPLE WHO ARE RETIRING AND ONLY HAVE SOCIAL SECURITY BENEFITS TO LIVE ON

THIS ZONING CHANGE WILL ALLOW LONG TIME RESIDENTS OF CLERMONT AN OPPORTUNITY TO LIVE IN A SMALL MANAGEABLE HOME AT AN AFFORDABLE RATE. THIS SITE MEETS FL HOUSING FINANCING REQUIREMENTS AS IT IS CLOSE TO THE HOSPITAL, SHOPPING AND BUS LINE

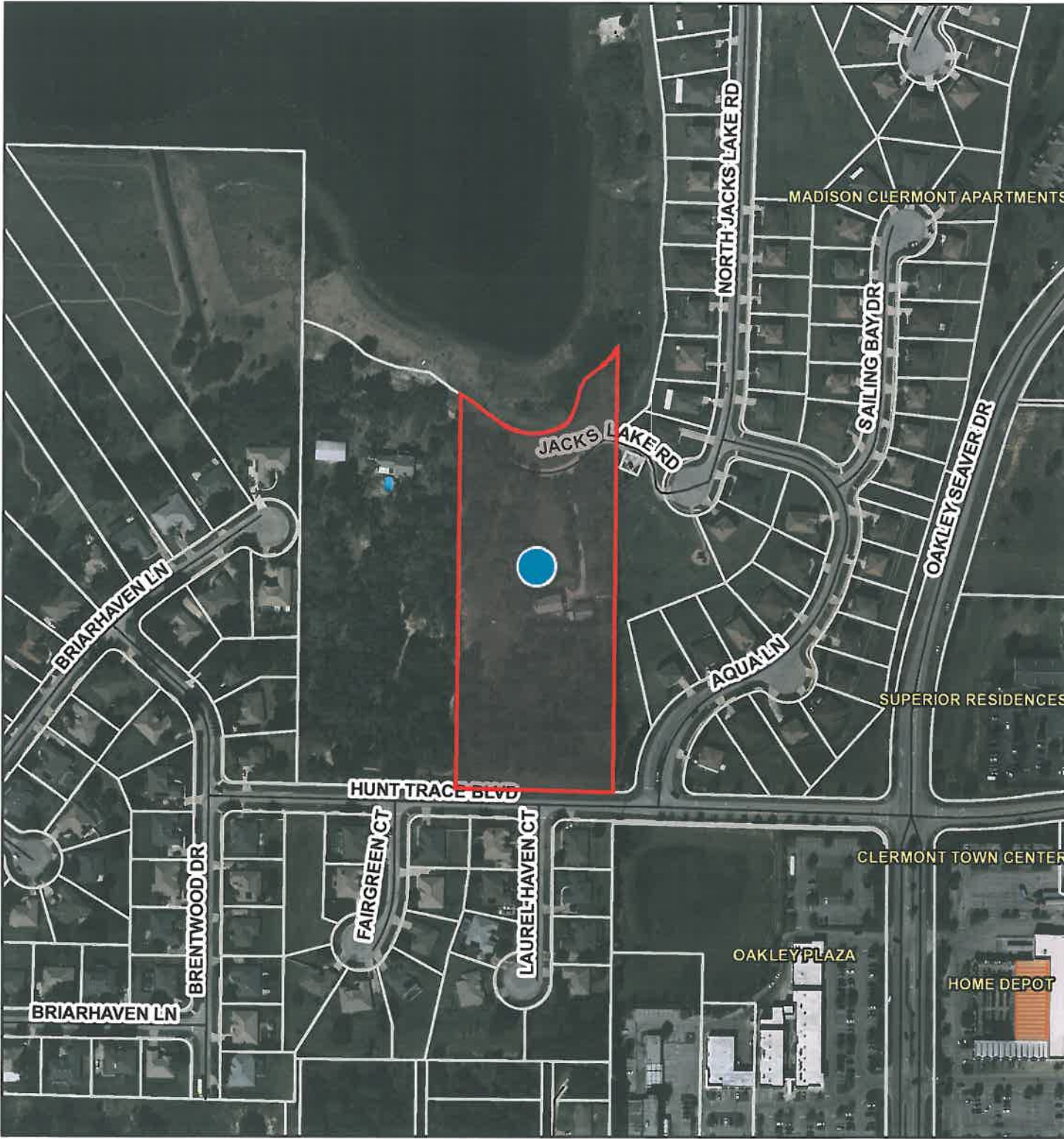
The City of Clermont may require additional information to justify, clarify or explain the necessity of the requested Comprehensive Plan Amendment which may include the following:

- 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



July 5, 2017

pointLayer

 Override 1

polygonLayer

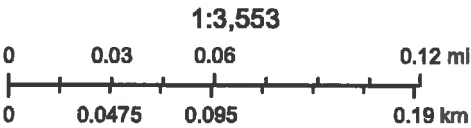
 Override 1
 County Boundary

Street Names

 Local Streets

Property Name

 Tax Parcels
 Surrounding Counties



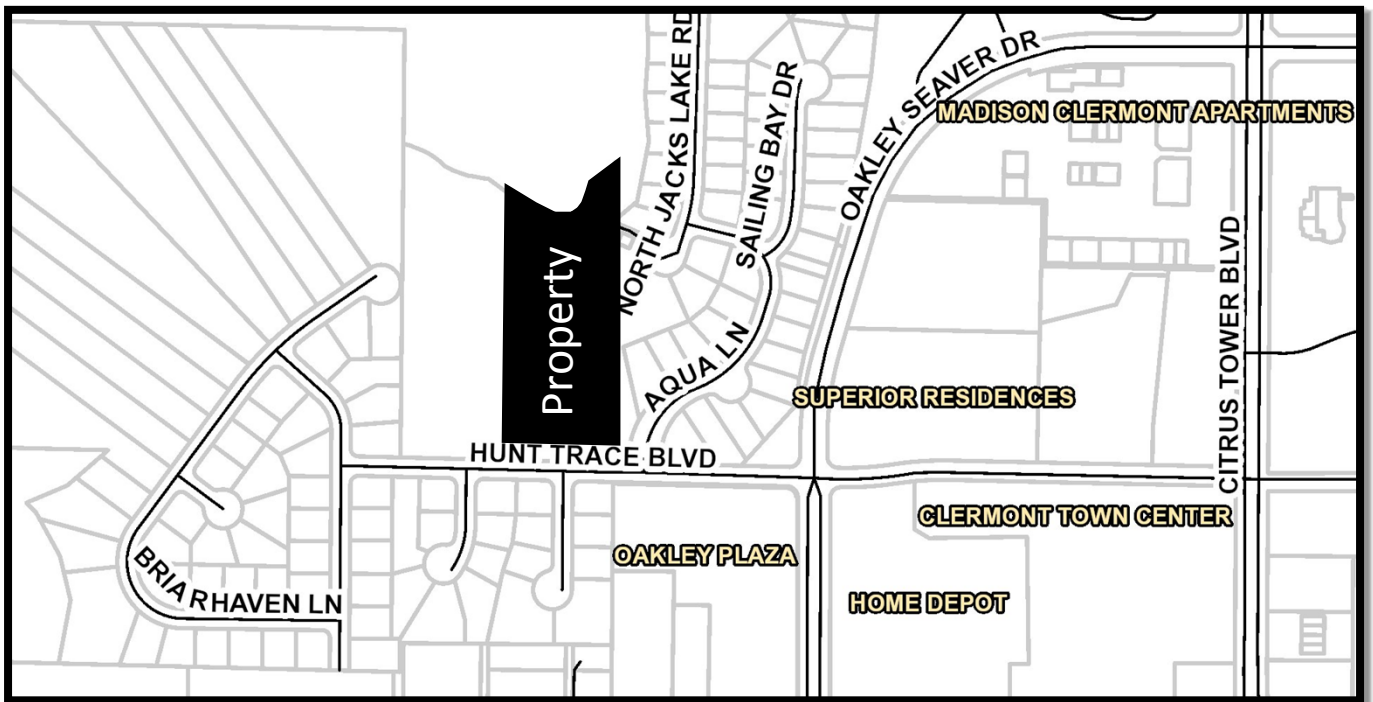
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017- 29

The City of Clermont will hold public hearings on Tuesday, August 1, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, August 8, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, August 22, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 6.35 +/-acre parcel below from Lake County Urban Medium to City of Clermont High Density Residential. Alternate Key 1647801.



Location:
13605 Jacks Lake Road
property on the north side of Hunt Trace Blvd. and west of Oakley Seaver Dr.

Ordinance #2017- 29:

An ordinance of the City of Clermont, Florida, adopting the small-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the small-scale comprehensive plan amendment; setting forth the purpose and intent of the small-scale comprehensive plan amendment; providing for the adoption of the small-scale comprehensive plan amendment; establishing the legal status of the small-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 241-7302 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-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 hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
July 21, 2017 and August 8, 2017

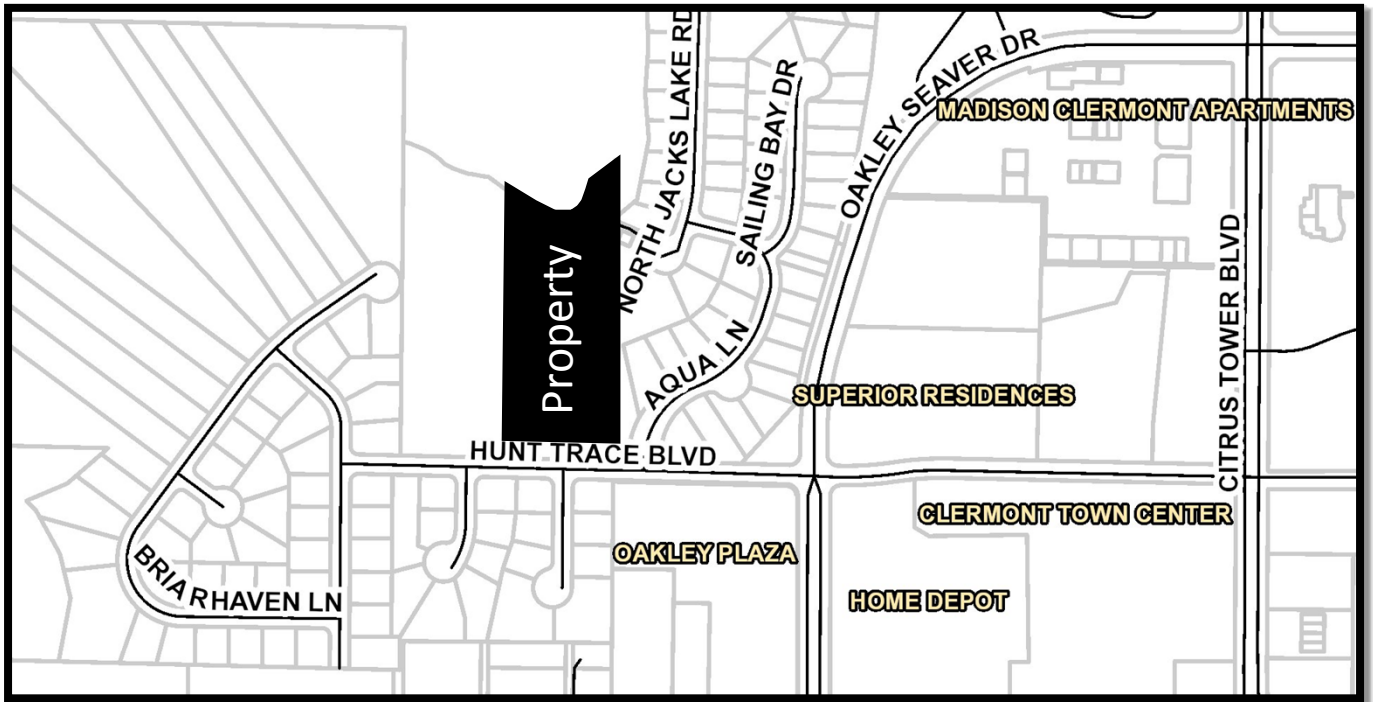
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017- 29

The City of Clermont will hold public hearings on Monday, September 11, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, September 12, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 6.35 +/--acre parcel below from Lake County Urban Medium to City of Clermont High Density Residential. Alternate Key 1647801.



Location:
13605 Jacks Lake Road
property on the north side of Hunt Trace Blvd. and west of Oakley Seaver Dr.

Ordinance #2017- 29:

An ordinance of the City of Clermont, Florida, adopting the small-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the small-scale comprehensive plan amendment; setting forth the purpose and intent of the small-scale comprehensive plan amendment; providing for the adoption of the small-scale comprehensive plan amendment; establishing the legal status of the small-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

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Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
August 28, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 19, 2017	
Agenda Item Name	
Ordinance No. 2017-30; <i>Final</i> <i>Clermont Ridge Senior Villas Rezoning</i>	
Requested Action	
Recommend approval of Ordinance 2017-30.	
Staff Report	
<i>Due to a lack of a quorum at the Aug. 1, 2017 Planning & Zoning Commission meeting, this request and the related request for a comprehensive plan amendment on this property could not be considered by the Commission for a recommendation to the City Council. Final hearings for the annexation, comprehensive plan amendment and rezoning are now requested to be considered together at the Sept. 12, 2017 meeting, which will follow the September Planning & Zoning Commission meeting on Sept. 11, 2017. The ordinances were introduced at the Council meeting on Aug. 8, 2017.</i> The applicant, New Beginnings Housing, Inc, is requesting a rezoning of the subject property. This request is being heard concurrently with requests for annexation and small-scale comprehensive plan amendment. Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to Planned Unit Development (PUD) zoning in order to develop the property as an age-restricted (62 and over) residential project. The applicant desires to develop the property for low-income senior housing. The applicant is proposing 70 units on 6.35 +/- acres, located north of Hunt Trace Boulevard and west of Oakley Seaver Drive. The density would be 11.02 units per acre. The property is within 2,000 feet of South Lake Hospital, medical offices, an assisted living facility, hotel, a public transportation network and commercial shopping opportunities. Also within this area are several other projects with similar densities, such as Madison Clermont Apartments and the Lofts, which consist of up to 12 dwelling units per acre. The applicant has provided a conceptual site plan, prepared by Highland Engineering, Inc., dated 07-14-17, showing the layout of the buildings and parking on the site. The project will consist of 14 buildings with five living units each, 70 total units, with a clubhouse and other amenities for the residents. The proposal is for residential use only with no commercial aspects proposed. In addition, there will be no impact on the Lake County school system by the proposed development since it is an age-restricted community. The property will be managed by one entity. The site is currently being used for a single-family home. The current conditions of the site will be challenging to develop and the very nature of the PUD zoning will allow waivers to the land development code to provide development flexibility and to maximize the use of the land. The property slopes down from Hunt Trace Boulevard towards Jacks Lake. The overall change in elevation is almost 100 feet and makes the site challenging to develop. The applicant's engineer is requesting cut and fill up to 36 feet over the project area. The engineer has indicated that approximately 27% of the site will have cuts exceeding 10 feet and 40% of the site will have fill exceeding 10 feet. The applicant is requesting a maximum retaining wall height of 10 feet. The applicant is requesting a 10-foot building setback from the side property lines, east and west. The applicant can meet the required setbacks from Hunt Trace	

Boulevard and Jacks Lake, which are 25 feet.

Since this proposal is for affordable senior housing, the applicant is requesting a minimum living unit size of 392 square feet or greater. Five units will be in one building, which will be around 2,000 square feet. The units are designed for one or two people with only a one-bedroom offering. The applicant has indicated that they can serve the entire development with one central trash enclosure for solid waste collection. The concept plan includes more than the required parking spaces and the trip generation for this type of use, Senior Adult Housing – Attached 252, is much lower than Residential PUD 270, which could be allowed under Lake County's Medium Density future land use. The City currently has a utility easement running along the east property boundary that must remain clear. Therefore, no landscaping is being proposed along the eastern property line except for groundcover.

Staff has reviewed the applicant's proposal and believes the proposed use at this location is compatible with the uses in the area. Staff believes the proposal meets the standards with regard to Section 122-315, Review Criteria for a PUD. Therefore, staff recommends approval of Ordinance 2017-30 for a PUD to be developed in substantial accordance with the conceptual plan prepared by Highland Engineering, Inc., dated 07-14-17.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|-----------------------|---|
| 1. | Ordinance No. 2017-30 | 2017-30 Clermont Ridge Senior Villas PUD.docx |
| 2. | Location Map | Carrier location map.pdf |
| 3. | Maps | Clermont Ridge Senior Villas Maps.pdf |
| 4. | Conceptual Site Plan | Clermont Ridge Senior Villas - Concept Plan - 7-14-17 revised.pdf |
| 5. | Elevations | Elevations.pdf |
| 6. | Rezoning Application | Carrier rezoning app.pdf |
| 7. | Legal ad | REZ Clermont Ridge Senior Housing legal ad.docx |
| 8. | Legal Ad 2 | UPDATED REZ Clermont Ridge Senior Housing legal ad.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-30

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

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

Lake Highlands 20-22-26 Tract 61B, that part of vacated platted road bounded on S by N line of Tract 61B, on N by high water line of Jacks Lake and on E & W by N'y extensions of E & W lines of Tract 61B, PB 3 PG 30 ORB 638 PG 322 . Containing 6.35 Acres +/-

LOCATION

13605 Jacks Lake Road
Property on the north side of Hunt Trace Blvd. and west of Oakley Seaver Dr.
Alternate Key 1647801

FROM: Urban Estate
TO: Planned Unit Development

SECTION 2 - General Conditions:

This application for a Planned Unit Development to allow for an age-restricted; 62 and over, senior housing Planned Unit Development; be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by Highland Engineering, Inc., dated 7-14-17, Clermont Ridge Senior Villas Concept Plan. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits.

CITY OF CLERMONT
ORDINANCE No. 2017-30

3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

SECTION 3 - Land Uses and Specific Conditions:

1. A total of up to 70 dwelling units may be permitted on the site, not to exceed a density of 12 units per acre within the project.
2. The project shall be used as an age-restricted 62 and over community for senior housing only. If, at a future date, the community wishes to eliminate its age-restricted status, an amendment to the Planned Unit Development Ordinance shall be required. Any school related impacts due to the change, including assessment of impact fees, cost of student stations, and other unforeseeable impacts at this time, shall be coordinated and approved through the Lake County School Board prior to the elimination of the age-restricted status.
3. Setbacks for buildings:

From East and West Property Lines:	10 feet from the property line
From Hunt Trace Boulevard:	25 feet from right-of-way
From Jacks Lake:	25 feet from the established high-water mark
4. The senior housing project will have private trash collection service that will be maintained by the developer or designated party. Trash collection will be coordinated through a central trash receptacle/dumpster.
5. Maximum building height for all structures will be 35 feet, measured at the highest point for the senior housing project.
6. The minimum residential unit size shall be 392 square feet of air-conditioned living space.
7. The project may have elevation changes of up to 36 feet in height over the project site through the use of cut and fill. Up to 30 percent of the site may have cuts greater than 10 feet and 40 percent of the site may have fill greater than 10 feet. All changes to cut and fill shall be submitted to the City Engineer at the time of final site plan review and approval.
8. Retaining wall heights up to 10 feet in height are allowed to deal with the extreme grades on the site. A five foot landscape buffer shall be required in front of the retaining walls if they are viewed from public rights-of way.

CITY OF CLERMONT
ORDINANCE No. 2017-30

9. The landscape buffer along Hunt Trace Boulevard shall be 20 feet in width and the landscape buffer along the west property line shall be 10 feet in width. The eastern property boundary is exempt from tree and shrub landscape requirements due to an existing City utility easement. Groundcover is required and shall be a drought tolerant sod.
10. Recreation amenities shall be provided for the residents.
11. The project shall be developed according to the R-3 Residential/Professional zoning designation, Section 122-181 in the Land Development Code, unless expressly stated in this ordinance.

SECTION 4:

All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.

SECTION 5:

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 6:

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. 2017-30

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 12th day of September, 2017.

CITY OF CLERMONT

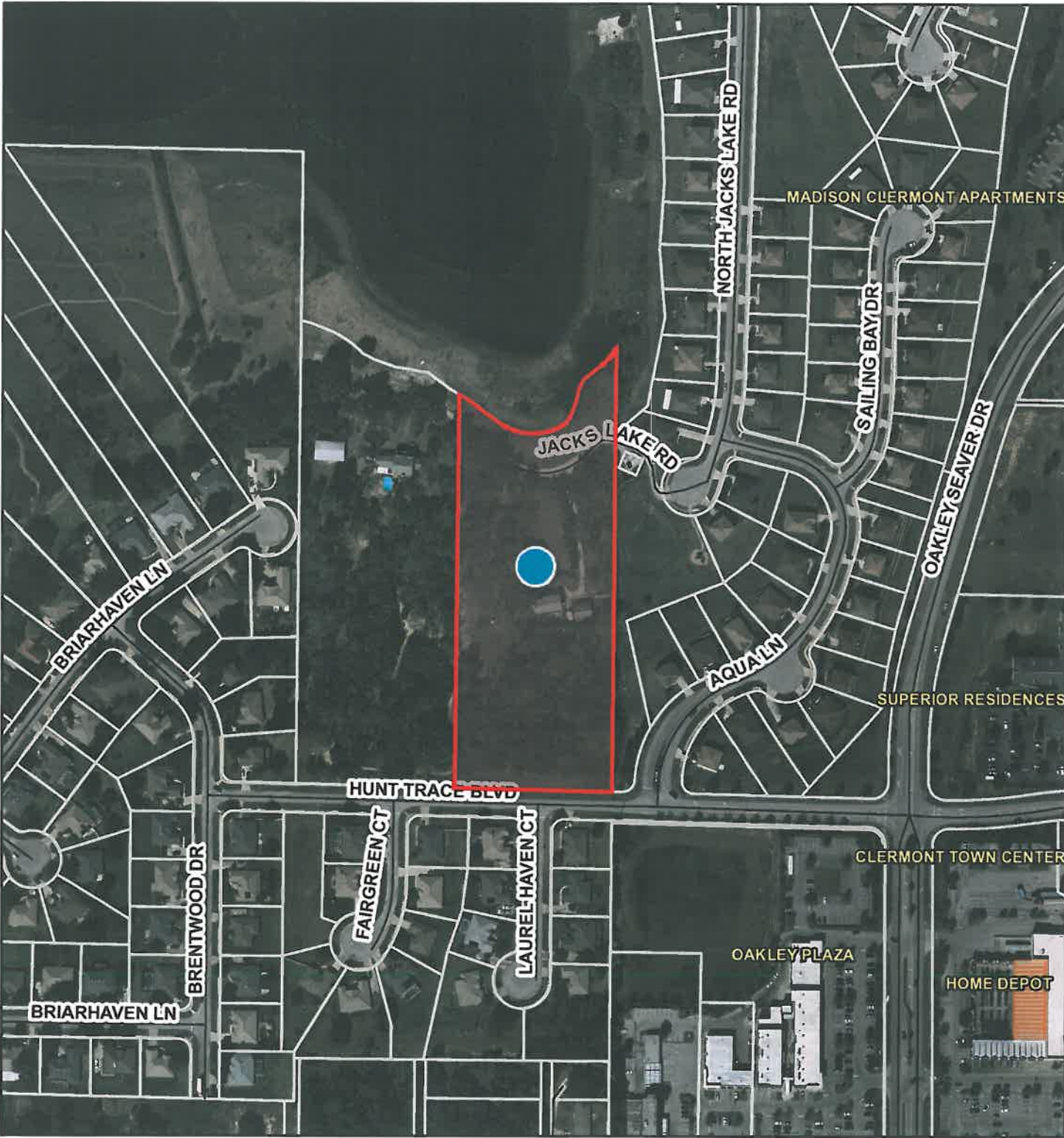
Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



July 5, 2017

pointLayer

 Override 1

polygonLayer

 Override 1
 County Boundary

Street Names

 Local Streets

Property Name

 Tax Parcels
 Surrounding Counties

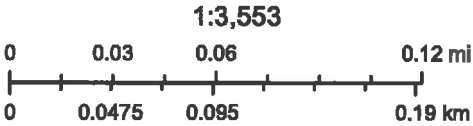


Exhibit - Location Map – Clermont Ridge Senior Villas

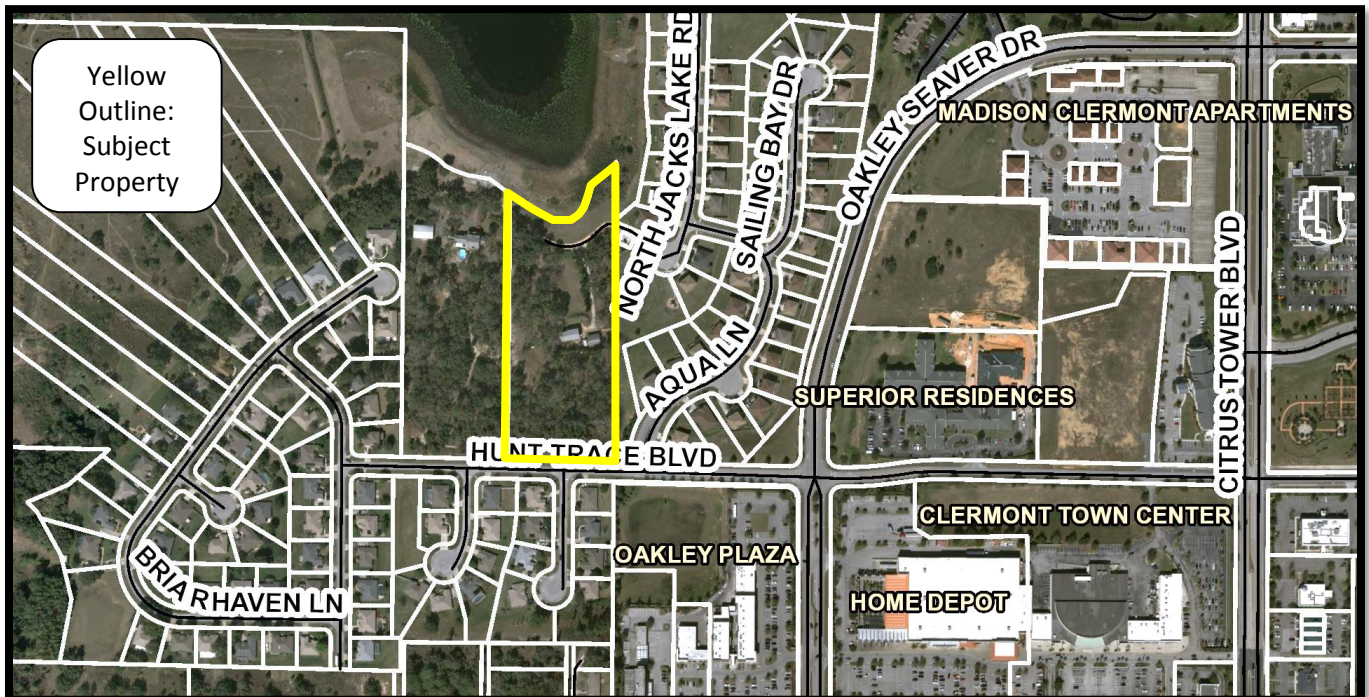
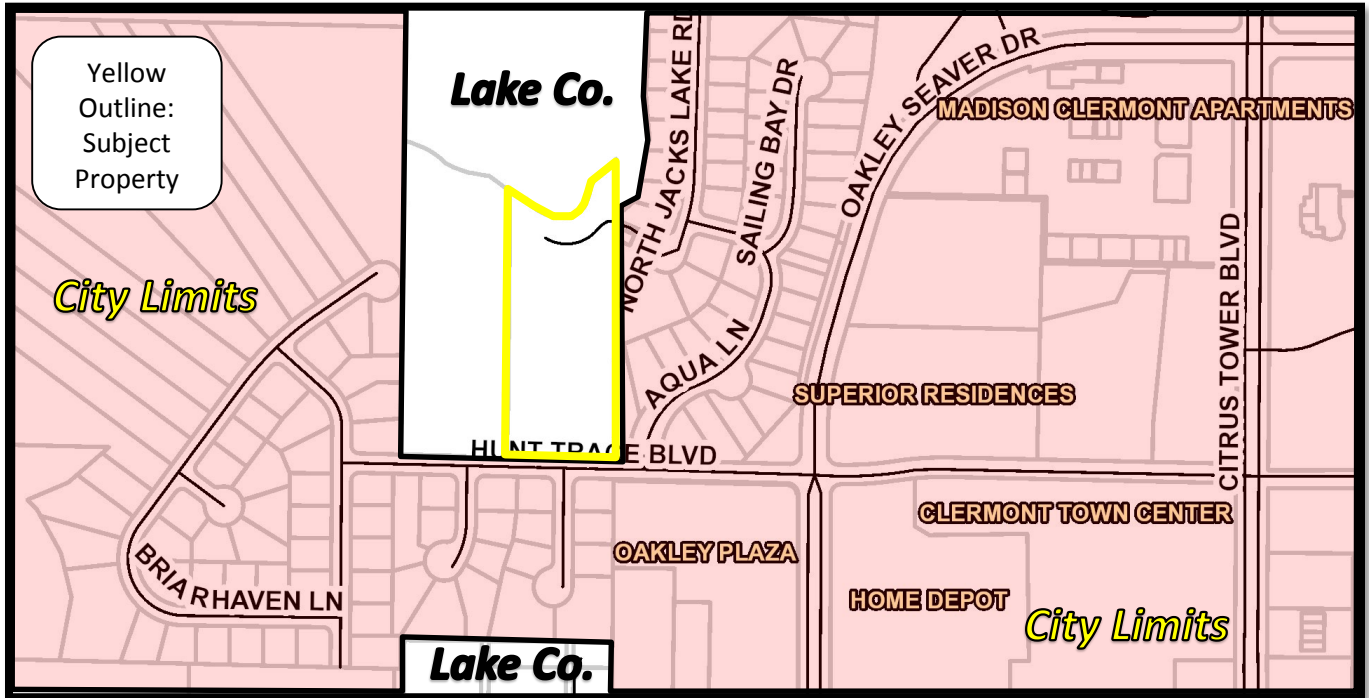


Exhibit – Future Land Use Map - Clermont Ridge Senior Villas

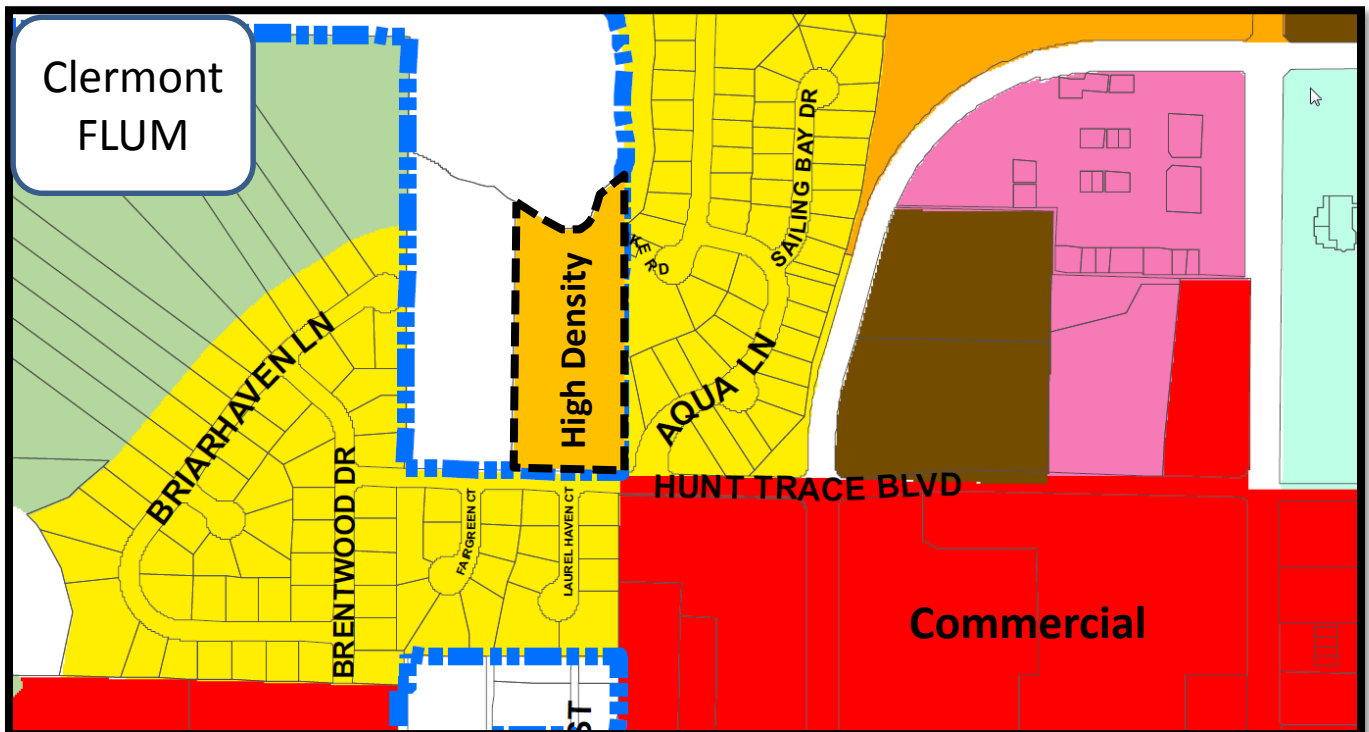
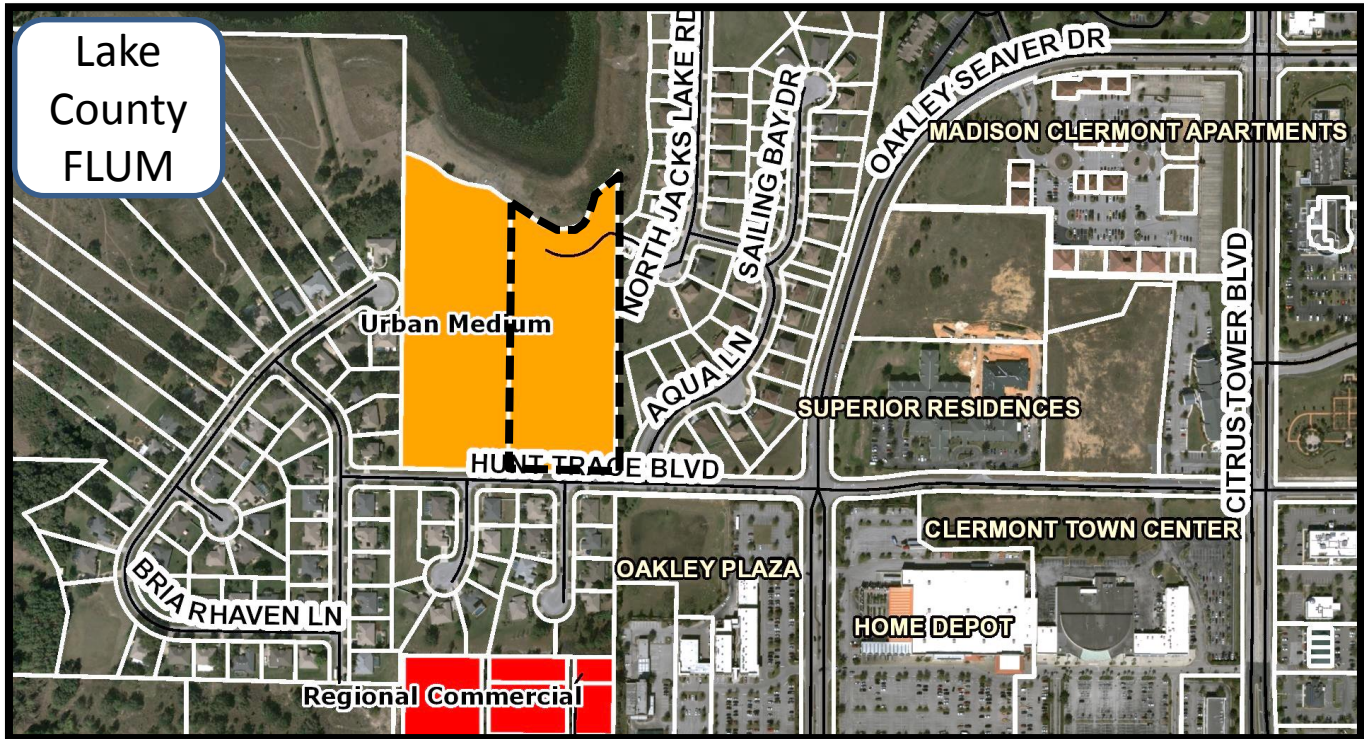
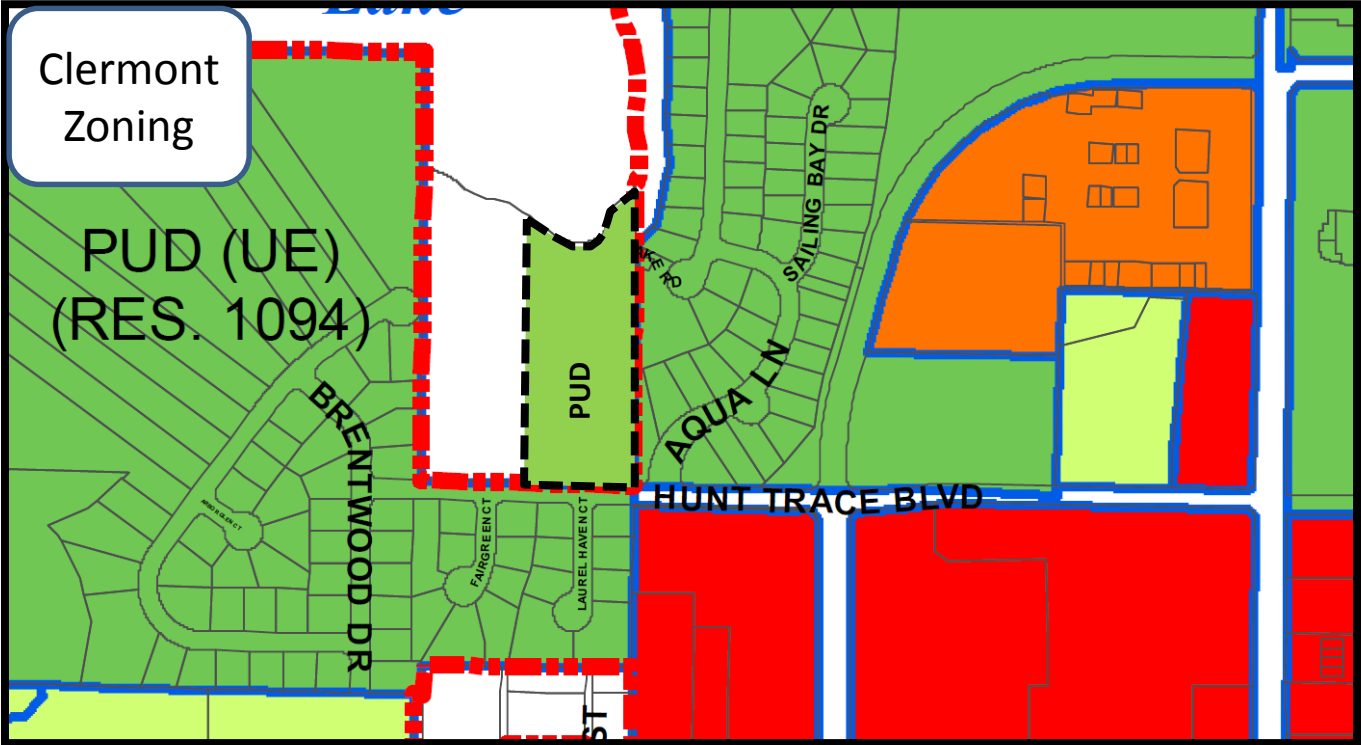
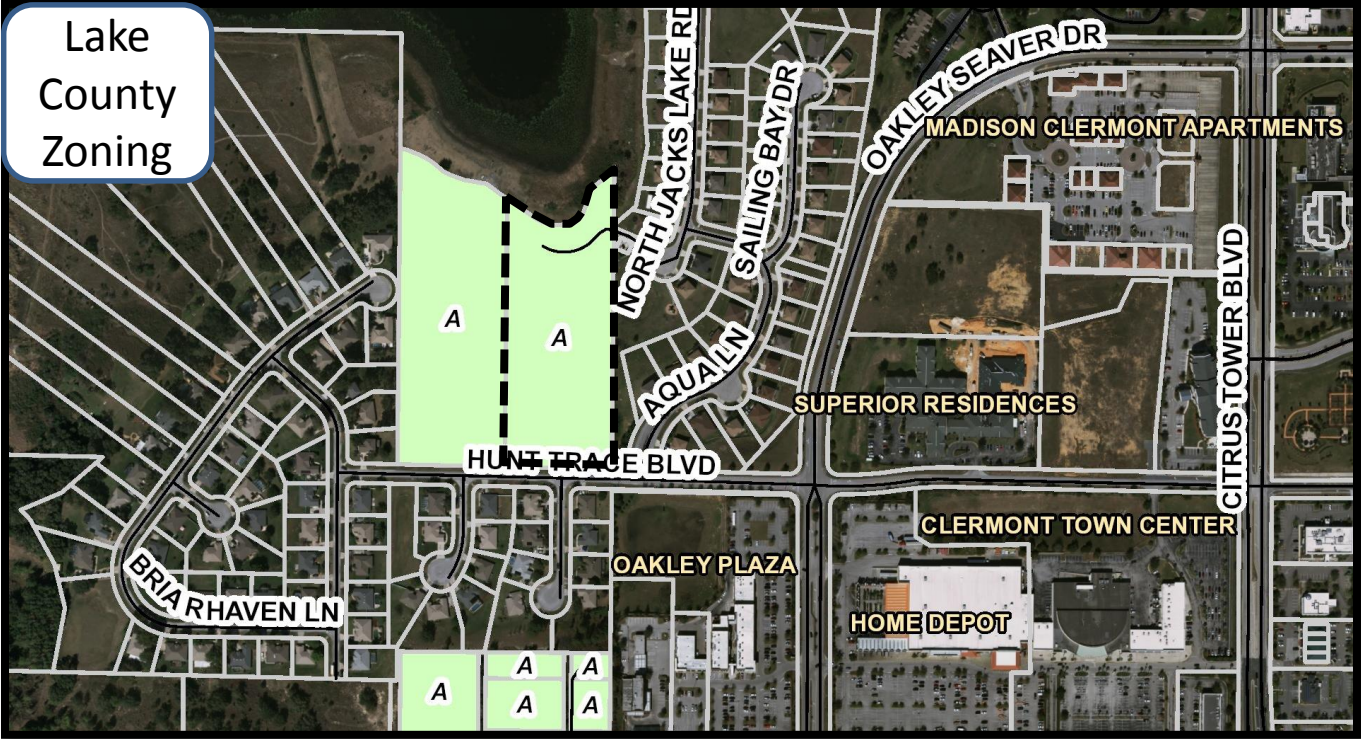


Exhibit – Zoning Map - Clermont Ridge Senior Villas



SITE DATA

JOB No.:	NBL-001
DESIGNED BY:	J.B.
DRAWN BY:	J.K. & L.A.
APPROVED BY:	J.B.
DATE:	07.14.2017
SHEET:	1 OF 1



⑥ $\frac{3D \text{ View } 1 \ 2}{12'' = 1'-0''}$

9 7 8 10

Roof Brq 9'-0"

Level 1 0"

A 3D architectural rendering of a long, single-story building with a gabled roof. The building features a series of gabled entryways and windows with dark frames. A paved walkway runs along the front of the building, and the surrounding area is landscaped with green grass and trees. Two small figures of people are visible on the walkway to the left.

5 3D View 1_1
12" = 1'-0"



Consultant
Address
Address
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Phone

Consultant
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Phone

[illegible]

Owner

Project Name

Unnamed

Project Number	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker

A102

Scale	As indicated
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REC 1706-0001

REC. 7-5-17
JK



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: 6/4/17

FEE: \$542.⁰⁰
+ cost of advertisement

PROJECT NAME (if applicable): Carrier Garden Home

APPLICANT: New BEGINNINGS Housing, Inc

CONTACT PERSON: HANK DUND

Address: 665 MT. STirling Ave

City: APPOKA State: FL Zip: 32712

Phone: 828-989-4711 Fax: —

E-Mail: HANKDUND111@gmail.com

OWNER: New BEGINNINGS Housing, Inc

Address: PO Box 783963

City: Winter Garden State: FL Zip: 34778

Phone: 828-989-4711 Fax: —

Address of Subject Property: 13605 N. JACKS LAKE Rd. Clermont, FL 34711

Legal Description (include copy of survey): LAKE HISHIM25, 20-22-26

TRACT 61B, THAT part of vacated Platted 20
bounded on S by N Line of TRACT 6
AK 1647801

Acreage: 6 ± Land Use: Residential/AG
(City verification required)

Present Zoning: AG Proposed Zoning: MULTI-FAMILY
(City verification required) PUD



**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

What are you proposing to do that would require a rezoning?

MOVING FROM SINGLE FAMILY TO
MULTI-FAMILY

NEW BEGINNINGS HOUSING, INC

Applicant Name (print)

x

by [Signature]
Applicant Name (signature)

NEW BEGINNINGS HOUSING, INC

Owner Name (print)

x

[Signature]
Owner Name (signature)

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



APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Haric Dunn, who being

by me first duly sworn on oath, deposes and says:

1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, 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.
2. That he (she) desires a Future Land Use Amendment from AG to Multi-Family for the property legally described on the attachment of this application.
3. That the submittal requirements for the application have been completed and attached hereto as part of the application.

Haric Dunn

Affiant - Applicant Name (print)

X

[Signature]

Affiant - Applicant Name (signature)

NEW BEGINNINGS HOUSING, INC.

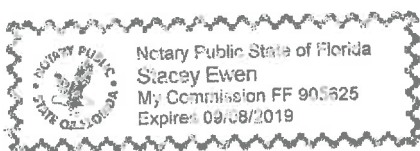
SWORN to and SUBSCRIBED before me by

or personally known by me this 5th day of July, 2017.

X

[Signature]

Notary Public, State of Florida at Large



My Commission Expires: Sept 8, 2019



OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Hank Durr, 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 AS to MULTI-FAMILY for the property legally described on the attachment of this application.
3. That the owner of said property has appointed Hank Durr 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.

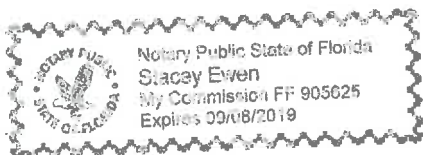
Hank Durr
Affiant - Applicant Name (print)

X [Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 5th day of July, 2017.

X [Signature]
Notary Public, State of Florida at Large



My Commission Expires: Sept 8, 2019

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. 2017-30

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

LOCATION

13605 Jacks Lake Road
Property on the north side of Hunt Trace Blvd.
and west of Oakley Seaver Dr.
Alternate Key 1647801

LEGAL DESCRIPTION

Lake Highlands 20-22-26 Tract 61B, that part of vacated platted road bounded on S by N line of Tract 61B, on N by high water line of Jacks Lake and on E & W by N'y extensions of E & W lines of Tract 61B, PB 3 PG 30 ORB 638 PG 322 .

Containing 6.35 Acres +/-

FROM Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, August 1, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, August 22, 2017 at 6:30 p.m. for final enactment.

All meetings will be held at City Hall, located at 685 W. Montrose Street.

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.

Daily Commercial
July 25 & August 8, 2017

Tracy Ackroyd Howe, MMC
City Clerk

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. 2017-30

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

LOCATION

13605 Jacks Lake Road
Property on the north side of Hunt Trace Blvd.
and west of Oakley Seaver Dr.
Alternate Key 1647801

LEGAL DESCRIPTION

Lake Highlands 20-22-26 Tract 61B, that part of vacated platted road bounded on S by N line of Tract 61B, on N by high water line of Jacks Lake and on E & W by N'ly extensions of E & W lines of Tract 61B, PB 3 PG 30 ORB 638 PG 322 .

Containing 6.35 Acres +/-

FROM Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Monday, September 11, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, September 12, 2017 at 6:30 p.m. for final enactment.

All meetings will be held at City Hall, located at 685 W. Montrose Street.

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.

Daily Commercial
August 28, 2017

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 19, 2017		
Agenda Item Name		
Event and Road Closure Request		
Requested Action		
Staff Report		
The Clermont Downtown Partnership is requesting to host their weekly Farmer's Market & Merchant Faire every Sunday (except Easter) for 12 months starting on September 17, 2017 from 9:00 AM - 2:00 PM in Downtown Clermont. The organization is requesting to close off roads starting at 5:30AM until 4:00PM at the following intersections: -Montrose Street between Lake Avenue and 7th Street (Entrance to City Hall) -Montrose Street at previous Police Station entrance -8th Street and Montrose Street -8th Street and Minneola Avenue -7th Street and entrance to parking lot inbetween Montrose Street & Minneola Ave. -7th Street and Desoto -Public parking lot area next to SL Animal League on east side. (14 parking spaces) (see attached map for specifics)		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Farmers Market Application and Map		Farmer's Market 8 24 17.pdf



APPLICATION FOR SPECIAL EVENTS PERMIT

PLEASE TYPE OR PRINT CLEARLY

Today's Date 8/24/17
Name of Event Farmers Market & Merchant Fair
Date(s) of Event Every Sunday Estimated Attendance: 1800 average
Event Start Time: 9:00 am Event End Time: 2:00 pm
Before Event Setup Time: 5:30 am After Event Cleanup Time: 4:00 pm (2 Hrs)
Name of Organization/Applicant Clermont Downtown Partnership

The refundable deposit will be made payable and mailed to the name and address of the applicant listed

Check Type of Organization ☐ Resident ☐ Non Resident ☒ Non-Profit ☐ Business

Non-Profit documentation must be provided with application.

Tax Exempt ☒ Yes ☐ No If yes, provide Tax Exempt #

501-c-6 (on file)

If Yes, you must provide your Tax Exempt Certificate with application.

Federal ID # or Driver's License # 59-3749760
Event Contact Sandy Farnsworth Email info@clermontdowntown
Day Phone 352-617-8788 Cell Phone 352-617-8788 Partnership.com
Address Po Box 120734 City Clermont State FL Zip 34712-0734
Secondary Contact Keith Mullins Phone # 352-394-9805
Briefly Describe Event: Weekly Outdoor, Open market vendors
Fresh produce, soaps, oils, food

Location of Event on City Property: ☐ A ☐ B ☐ C ☐ D ☐ Map 1 ☐ Map 2

Please choose A, B, C, or D on MAP 1 or MAP 2

Other Location: See attached floorplan

PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AND RETURN WITH YOUR APPLICATION

Alcohol Served: ☐ Yes ☐ No

If Yes, State Alcoholic Beverage License REQUIRED for sale for alcoholic beverages 1-800-375-6975 and approval from the City of Clermont City Manager and Council.

Canopy/Tent Use: ☒ Yes ☐ No Size of Tent* 10 x 10

**Tents larger than 900 sq. ft. will require an additional permit*

Electrical Use: ☒ Yes ☐ No Describe the need: low amp, fans, heaters, grill, etc.

Additional permits may be required based on use

Electrical Power Provided: ☐ Generator ☐ Temporary Power Drop ☐ Property Power

Gas Fueled Equipment: ☒ Yes ☐ No Describe Use:

If Yes, subject to permits as required by the Building/Fire Safety Division.

Fuel Source ☒ Propane ☐ Natural Gas ☐ Diesel Fuel ☐ Gasoline

Cooking Equipment Use: ☒ Yes ☐ No

If Yes, subject to approval as required by the Florida DBPR, Division of Hotels and Restaurants. Contact number 1-850-487-1395

Cooking Types: ☐ Fryers ☐ Propane Grill ☐ Charcoal Grill ☐ Concession Trailer ☒ Food Trucks

Insurance may be required by provider

Rides: ☐ Yes ☐ No

Ride Types: ☐ Mechanical ☒ Bounce Houses ☒ Animals

Insurance may be required by provider

Pyrotechnic/Fireworks Displays: ☐ Yes ☒ No

If Yes, requires separate approval process completed by Company with the Fire Prevention Division. The release of Sky Lanterns is not permitted under state law.

Streets to be Closed or Traffic Control: ☒ Yes ☐ No

Written submission for road closure is required and will require city council approval

Fire or Law Enforcement Stand-by Requested: ☐ Yes ☒ No

If Yes, requires separate approval process completed by applicant with the Clermont Police Department and Clermont Fire Department. Law enforcement or fire/ems stand-by may be required by the City for certain events/activities and at the applicant's cost.

Live Television or Radio Broadcast: ☐ Yes ☒ No

DJ, Band, Music or Sound Amplification Devices: ☒ Yes ☐ No

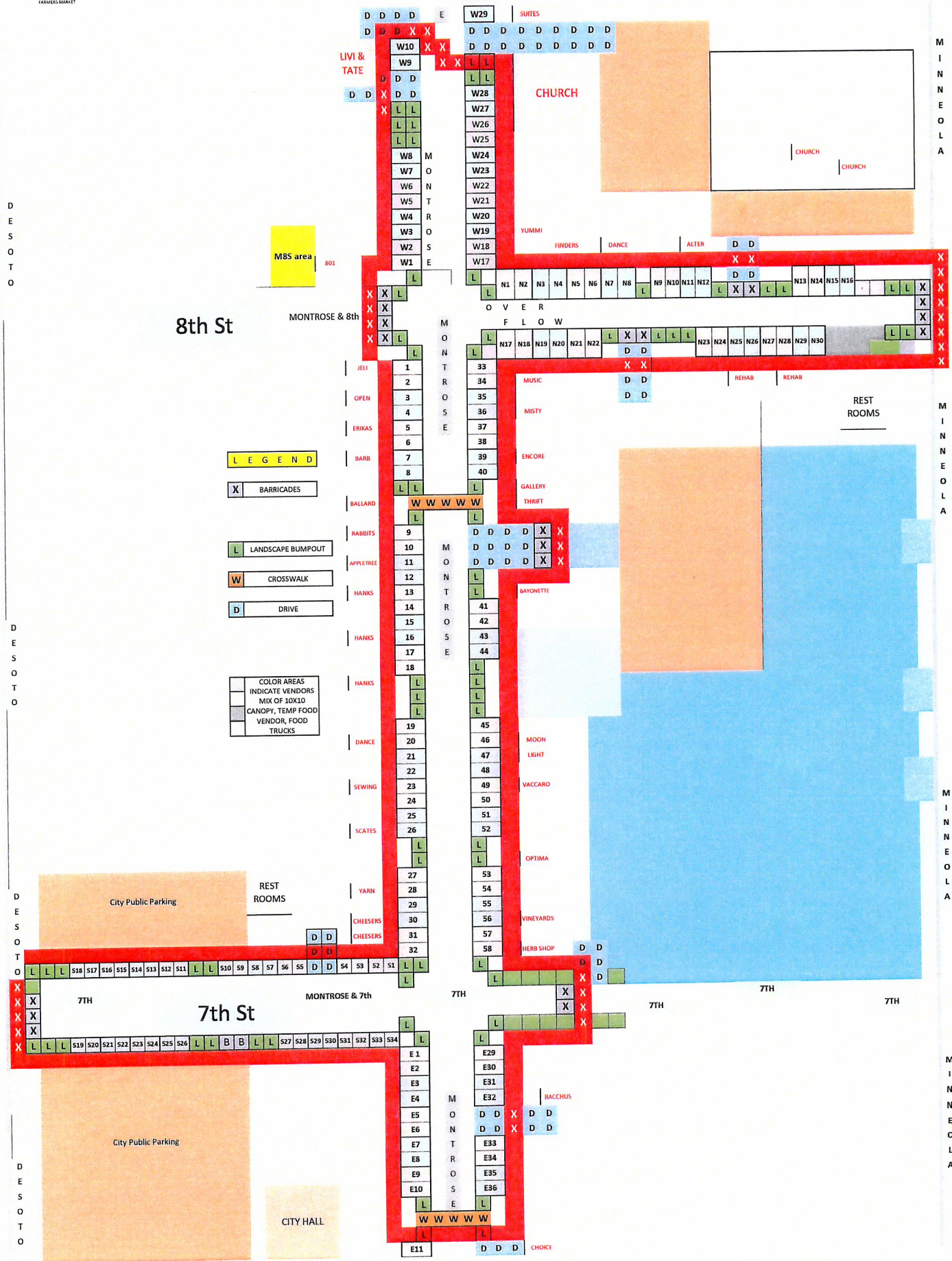
Describe:

If loud sounds are created that require a permit under the City Noise Ordinance, a letter requesting a permit for such activity must accompany this permit application.

Banners or Attention Getting Devices: ☒ Yes ☐ No

If Yes, Attention Getting Devices and Banners require a separate permit with the Building/Fire Safety Division. Temporary signage is not permitted in right-of-ways.

Banners for exposure at 8th / Hwy 50. Sized to fit per City requirements/permit Request. 18" x 24" real estate type directional sign for day of event use only





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 19, 2017	
Agenda Item Name	
Event and Road Closure Request	
Requested Action	
Staff Report	
The Clermont Downtown Partnership (CDP) has requested road closures from 5:00 PM to 10:00 PM every first Friday of the month for the next twelve months starting in October 2017 (with the exception of December 1, 2017) for their "First Friday Family Food Trucks & Music On Montrose . The organization is requesting the following road closures: -Montrose Street and Lake Avenue -Montrose Street at previous Police Station entrance -8th Street and Montrose Street -8th Street and the entrance to Revive Ministries between Minneola Avenue and Montrose Street -7th Street and entrance to parking lot in between Montrose Street and Minneola Avenue -7th Street and Desoto Street -Public parking lot area next to the South Lake Animal League on east side. (14 parking spaces) (see attached map for specifics) Request is for the following dates: 10/6/17 11/3/17 01/5/18 02/2/18 03/2/18 04/6/18 05/4/18 06/1/18 07/6/18 08/3/18 09/7/18 10/5/18	

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	First Friday Application and Map	First Fridays 8 24 17.pdf



APPLICATION FOR SPECIAL EVENTS PERMIT

PLEASE TYPE OR PRINT CLEARLY

Today's Date

8/24/17

Name of Event

First Friday Food Truck + Music on Montrose

Date(s) of Event

See notes on bottom

Estimated Attendance: 1800 each 3000 December

Event Start Time:

5:30 pm food/bp music

Event End Time:

9:00 pm

Before Event Setup Time:

4:00 pm

After Event Cleanup Time:

11:00 pm

Name of Organization/Applicant

Clermont Downtown Partnerships

The refundable deposit will be made payable and mailed to the name and address of the applicant listed

Check Type of Organization

☐

Resident

☐

Non Resident

☒

Non-Profit

☐

Business

Non-Profit documentation must be provided with application.

Tax Exempt

☒

Yes

☐

No

If yes, provide Tax Exempt #

501-C-6 on file

If Yes, you must provide your Tax Exempt Certificate with application.

Federal ID # or Driver's License #

59-374976D

Event Contact

Sandy Farnsworth

Email

info@clermontdowntownpartnerships.com

Day Phone

352-617-8788

Cell Phone

352-617-8788

Address

PO Box 120734

City

Clermont

State

FL

Zip

34712-0734

Secondary Contact

Keith Mullins

Phone #

352-394-9805

Briefly Describe Event:

Free concert series, live band at City Hall Park Food Trucks

Location of Event on City Property:

☐

A

☐

B

☐

C

☒

D

☐

Map 1

☐

Map 2

Please choose A, B, C, or D on MAP 1 or MAP 2

Other Location:

See attached floor plan

every 1st Fri on the month

PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AND RETURN WITH YOUR APPLICATION

Alcohol Served: ☐ Yes ☒ No

If Yes, State Alcoholic Beverage License REQUIRED for sale for alcoholic beverages 1-800-375-6975 and approval from the City of Clermont City Manager and Council.

Canopy/Tent Use: ☒ Yes ☐ No Size of Tent* 10 X 10

*Tents larger than 900 sq. ft. will require an additional permit

Electrical Use: ☒ Yes ☐ No Describe the need: low amp, fans, heaters

Additional permits may be required based on use

Electrical Power Provided: ☐ Generator ☐ Temporary Power Drop ☒ Property Power

Gas Fueled Equipment: ☒ Yes ☐ No Describe Use: Some food trucks use propane

If Yes, subject to permits as required by the Building/Fire Safety Division.

Fuel Source ☒ Propane ☐ Natural Gas ☐ Diesel Fuel ☐ Gasoline

Cooking Equipment Use: ☒ Yes ☐ No

If Yes, subject to approval as required by the Florida DBPR, Division of Hotels and Restaurants. Contact number 1-850-487-1395

Cooking Types: ☐ Fryers ☐ Propane Grill ☐ Charcoal Grill ☐ Concession Trailer ☒ Food Trucks

Insurance may be required by provider

Rides: ☐ Yes ☒ No

Ride Types: ☐ Mechanical ☐ Bounce Houses ☐ Animals

Insurance may be required by provider

Pyrotechnic/Fireworks Displays: ☐ Yes ☒ No

If Yes, requires separate approval process completed by Company with the Fire Prevention Division. The release of Sky Lanterns is not permitted under state law.

Streets to be Closed or Traffic Control: ☒ Yes ☐ No

Written submission for road closure is required and will require city council approval

Fire or Law Enforcement Stand-by Requested: ☐ Yes ☒ No

If Yes, requires separate approval process completed by applicant with the Clermont Police Department and Clermont Fire Department. Law enforcement or fire/ems stand-by may be required by the City for certain events/activities and at the applicant's cost.

Live Television or Radio Broadcast: ☐ Yes ☒ No

DJ, Band, Music or Sound Amplification Devices: ☒ Yes ☐ No

Describe: Street musicians - low amp mostly atmosphere

If loud sounds are created that require a permit under the City Noise Ordinance, a letter requesting a permit for such activity must accompany this permit application.

Banners or Attention Getting Devices: ☒ Yes ☐ No

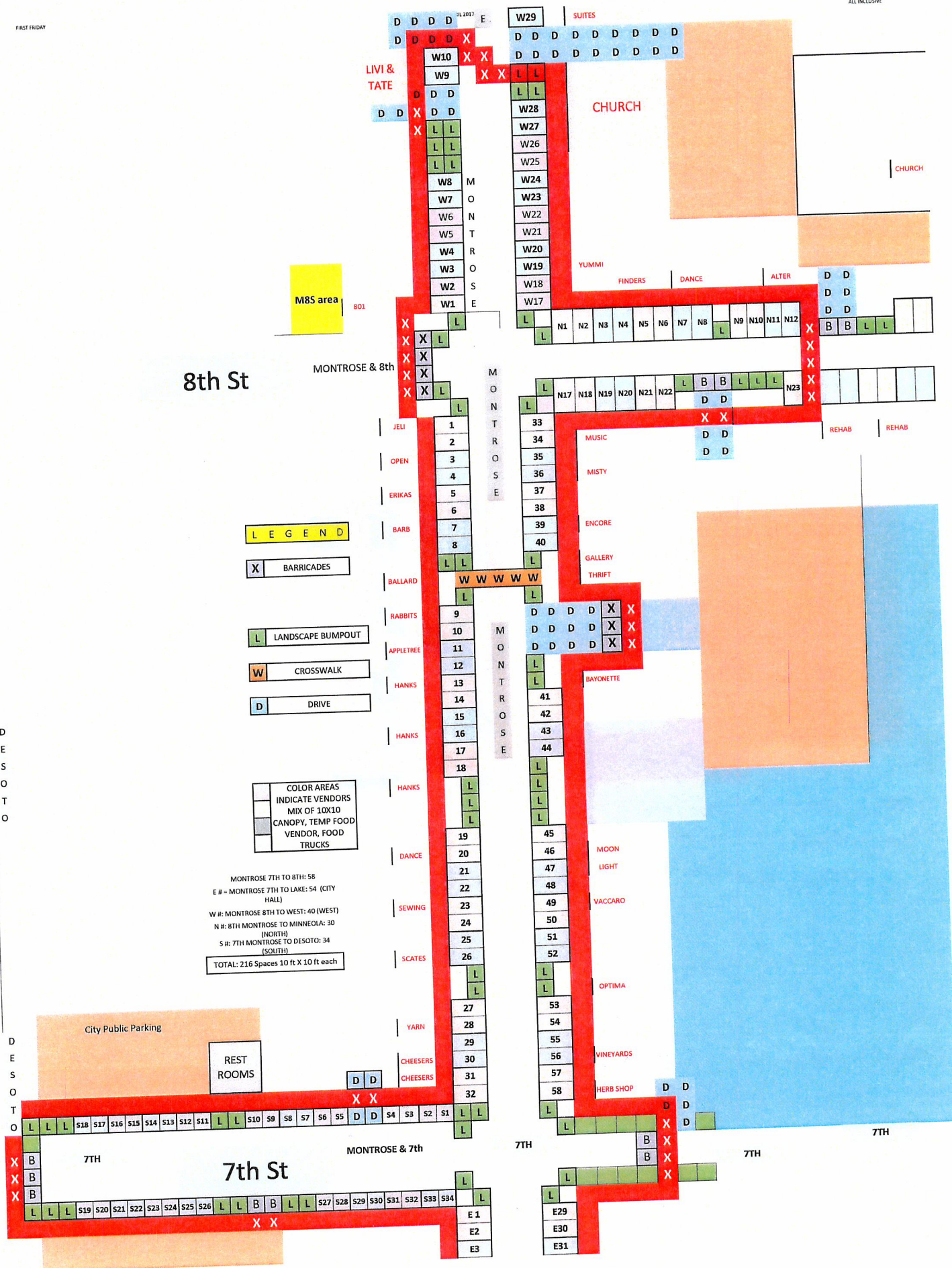
If Yes, Attention Getting Devices and Banners require a separate permit with the Building/Fire Safety Division. Temporary signage is not permitted in right-of-ways.

Banners for exposure at 8th / Hwy 50 per City requirements / permit. Request use of 18" x 24" real estate directional signs for day of event use only.

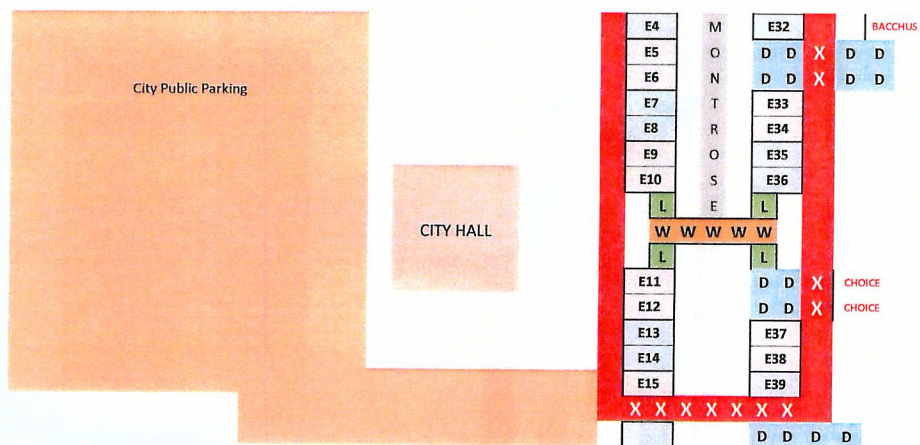
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CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 19, 2017			
Agenda Item Name			
Downtown Restaurant Site			
Requested Action			
Staff Report			
The elements associated with the masterplan include both public infrastructure investments, matched with private sector investment. It was identified within the adopted master plan a key element would include deployment and development adjacent to existing restaurant operator on the waterfront. Activating opportunity by aligning with a well known, destination brand, would fill the restaurant entertainment gap existing in downtown serving as an accelerator for renewal. The city is in discussion with a reputable operator for the development of a restaurant pad site. This land currently serves an economic development purpose as a storm water basin site, which will be transitioned once Victory Pointe is completed.			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Site option	Rustek Site.png	





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date			
Tuesday, September 19, 2017			
Agenda Item Name			
Ordinance No. 2017-27; <i>Introduction</i> <i>Table to October 10, 2017</i>			
Requested Action			
Recommend tabling of Ordinance 2017-27.			
Staff Report			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. Legal ad Sign code amendment legal ad.pdf			

LEGAL NOTICE

Notice is hereby given that 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.

ORDINANCE NO. 2017-27

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 102 SIGNS, PROVIDING FOR CODIFICATION, SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Monday, September 11, 2017 at 6:30 p.m.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 12, 2017 at 6:30 p.m. for (introduction) and consideration on Tuesday, September 26, 2017 at 6:30 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

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, MMC
City Clerk

Daily Commercial
August 31, 2017
September 19, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, September 19, 2017		
Agenda Item Name		
Ordinance 2017-32; <i>Introduction</i>		
Requested Action		
Recommend introduction of Ordinance 2017-32.		
Staff Report		
The City Council in September 2016 approved Ordinance 2016-48 which amended Section 82-12 of the land development code to include definitions of marijuana and marijuana dispensaries and amended Section 122-264 M-1 Conditional Uses to provide that medical marijuana dispensaries shall require a conditional use in the M-1 Industrial zoning district. Subsequent to the enactment of Ordinance 2016-48, the Florida Legislature passed preemptive legislation that would preclude local governments from regulating medical marijuana dispensaries any differently than pharmacies. However, Senate Bill 8A did provide that local governments could adopt a prohibition on the operation of medical marijuana dispensaries and cannabis farms within their jurisdictions. Based on the recent legislative action, staff recommends that the City move forward with a ban on medical marijuana dispensaries and cannabis farms and repeal Ordinance 2016-48.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ordinance 2017-32	2017-32 Medical Marijuana Dispensaries ban 2017.doc
2.	Ordinance 2016-48	Ordinance 2016-48.pdf
3.	Ad	2017-32 Medical Marijuana repeal ad.doc

CITY OF CLERMONT
ORDINANCE NO. 2017-32

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS, REPEALING IN ITS ENTIRETY ORDINANCE 2016-48 AND AMENDING CHAPTER 18 “BUSINESSES,” CREATING ARTICLE III “MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS”, PROVIDING FOR PURPOSE AND DEFINITIONS, DECLARING MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS UNLAWFUL AND PROHIBITING, PROVIDING FOR USE OF MEDICAL MARIJUANA, PROVIDING FOR EFFECT OF ANNEXATION, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2016 Amendment 2 to the Florida Constitution was adopted by vote of the electors of the State of Florida; and

WHEREAS, Amendment 2 legalized the cultivation and distribution of marijuana within the State of Florida for specified medical purposes; and

WHEREAS, the Legislature of the State of Florida adopted Senate Bill 8A which was signed into law by Governor Rick Scott and which provided and authorized among other things that the City could adopt a prohibition on the operation of medical marijuana dispensaries and cannabis farms within the jurisdictional limits of the City; and

WHEREAS, the City Council of the City of Clermont finds that it is in the best interests of the health, safety, welfare and morals of the citizens of Clermont to prohibit the operation of medical marijuana dispensaries within the municipal limits, along with the operation of any cannabis farms, and

WHEREAS, based on all of the foregoing, the City Council deems it necessary and in the best interest of the City to enact an ordinance prohibiting the operation of such businesses.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County Florida that:

SECTION 1.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

SECTION 2.

Ordinance 2016-48 adopted by action of the City Council on November 8, 2016, is hereby repealed in its entirety.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

Section 3.

Chapter 18, “Businesses”, Article III “Medical Marijuana Dispensaries and Cannabis Farms Prohibited” of the City Code of the City of Clermont, Florida, is hereby created to read as follows:

Article III “Medical Marijuana Dispensaries and Cannabis Farm”

Sec. 18-85. Purpose and definitions.

- (a) *Purpose and intent.* The purpose and intent of this Article is to prohibit the maintenance or operation of a medical marijuana dispensary or cannabis farm as defined herein.
- (b) *Definitions.* For the purpose of this Article the following definitions shall apply:

Cannabis refer to the meaning given cannabis in Section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC Cannabis

Cannabis Farm shall mean any property used in whole or in part for the growing or cultivation of Cannabis plants, whether or not such growing or cultivation is lawful under the laws of Florida.

Marijuana shall mean and be synonymous with, Cannabis.

Medical Marijuana Dispensary shall mean any treatment center, entity, establishment, or portion thereof, which is lawfully licensed to acquire, cultivate, possess, process, transfer, transport, sell, dispense or administer marijuana, products containing marijuana, products derived from marijuana, related supplies, or educational materials. A pharmacy as defined in Section 465.003, Florida Statutes which employs a Florida Licensed pharmacist onsite shall not be considered a Medical Marijuana Dispensary.

Medical Use shall mean any use of any form of cannabis to treat a qualifying medical condition as provided in Amendment 2 and any legislation adopted to implement Amendment 2.

Non – Medical Use shall refer to any possession, sale, distribution, transfer, delivery, or use, of Cannabis or Cannabis based products when not associated with any Medical Use thereof.

Sec. 18-86. Medical Marijuana Dispensaries and Cannabis Farms Prohibited.

The maintenance or operation of a Medical Marijuana Dispensary or Cannabis Farm is declared to be unlawful within the City of Clermont and is prohibited in all applicable land use and zoning categories and districts within the City.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

Sec. 18-87. Possession and Use of Cannabis for Medical Use.

Possession and use of Cannabis for Medical Use, by a person to whom the Cannabis was sold or distributed by a Medical Marijuana Dispensary operated in strict and full accordance with the laws of Florida, and located outside the municipal limits of Clermont, shall not be a violation of this Code, provided however that any person claiming to be entitled to the benefits of this Subsection shall bear the burden of establishing, by clear and convincing evidence, that he or she was legally prescribed the Cannabis for Medical Use in full compliance with Florida law, and acquired the Cannabis from a fully licensed Medical Marijuana Dispensary. Notwithstanding this Section, any sale, transfer, distribution, or delivery of Cannabis by the person claiming the benefits of this Subsection, to any other person whomsoever, whether or not for Medical Use, is prohibited, as is the act by the person claiming the benefit of this Subsection of permitting any other person to use the Cannabis of the person claiming such benefit.

Sec. 18-87. Effect of Annexation.

If a Medical Marijuana Dispensary or Cannabis Farm is lawfully located on property outside the municipal limits of Clermont, which is later annexed into the City of Clermont, such Medical Marijuana Dispensary or Cannabis Farm shall be allowed to continue its operations within the property so annexed, for a period not to exceed 180 days, after which further operation as a Medical Marijuana Dispensary or Cannabis Farm shall be unlawful under this article.

Sec. 18-87. Enforcement of violations; penalties.

- (a) Each violation of this Article shall constitute a separate offense punishable as provided in Section 1-15 of the City Code by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment.
- (b) Nothing in this Article shall be construed to prohibit the City from enforcing this Article by alternate means including, but not limited to: Code Enforcement or Code Citations pursuant to Florida Statute Chapter 162, Part I or II; by criminal action; by civil action, including petitions to enjoin persons violating this Article; or by any other means available by law.

Sec. 18-88-18-89. Reserved.

SECTION 4. Codification.

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

SECTION 5. Conflict.

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Severability.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7. Effective Date.

This Ordinance shall take effect as provided by law upon its final adoption.

CITY OF CLERMONT
ORDINANCE NO. 2017-32

PASSED AND ADOPTED by the City Council of the City of Clermont, this 26th day of September, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE No. 2016-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF CLERMONT BY AMENDING SECTION 82-12, "LAND USE DEFINITIONS" PROVIDING FOR DEFINITIONS OF MARIJUANA AND MARIJUANA DISPENSARIES AND AMENDING SECTION 122-264 "M-1-CONDITIONAL USES" PROVIDING MEDICAL MARIJUANA DISPENSARIES SHALL REQUIRE A CONDITIONAL USE; SETTING FORTH STANDARDS AND REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact Ordinances in furtherance thereof; and

WHEREAS, the within the above referenced grant of powers, the City of Clermont (the "City") has the authority to regulate land development and the use of property within the City for the protection of the public health, safety and welfare; and

WHEREAS, the City Council has determined that given the potential impact on the surrounding areas, that Medical Marijuana Dispensaries, if allowed by law, should be a conditional use permitted in limited areas of the City; and

WHEREAS, the City Council has determined that it is in the public interest to set certain distance and other standards regarding the operation of Medical Marijuana Dispensaries; and

WHEREAS, the City Council has found that a high proportion of sales in such facilities are cash sales, necessitating additional security procedures and precautions; and

WHEREAS, consistent with the findings stated above, the City Council has determined that adoption of this Ordinance is in the best interest of the public health, safety and welfare;

CITY OF CLERMONT
ORDINANCE No. 2016-48

NOW THEREFORE BE IT RESOLVED AND ENACTED, by the City Council of the City of Clermont, Lake County, Florida that:

SECTION 1.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

SECTION 2.

Section 82-12 "Land use definitions" of the Clermont Code of Ordinances is hereby amended to add the following definitions:

Section 82-12 - Land use definitions

Marijuana: The meaning given cannabis in Section 893.02(3), Florida Statutes, and shall include all forms of medical cannabis or low-THC Cannabis.

Medical Marijuana Dispensary: Any treatment center, entity, establishment, or portion thereof, which is lawfully licensed to acquire, cultivate, possess, process, transfer, transport, sell, dispense or administer marijuana, products containing marijuana, products derived from marijuana, related supplies, or educational materials. A pharmacy as defined in Section 465.003, Florida Statutes which employs a Florida License pharmacist onsite shall not be considered a Medical Marijuana Dispensary.

SECTION 3.

Section 122-264 "M-1 Conditional Uses" of the Clermont Code of Ordinances is hereby amended as follows: (underlined depicts added wording):

Section 122-264. M-1- Conditional uses.

(a) Conditional uses in the M-1 district are as follows:

- (1) Airports.
- (2) Junkyards.
- (3) Planned unit development per article IV of this chapter.
- (4) Utility facilities (i.e. electric transformers, gas regulator stations, etc.).
- (5) Adult entertainment establishments.
- (6) Medical Marijuana Dispensary.

CITY OF CLERMONT
ORDINANCE No. 2016-48

- (7) Conditional uses of the C-2 general commercial district not specifically listed as a permitted use in the M- 1 light commercial district, provided they meet the regulations of the C-2 district.
- (b) Other manufacturing or wholesale uses not listed as a permitted use may be considered as a conditional use, provided the requirements of Chapter 86, Article III, Division 3, and the following conditions are met:
- (1) The use is so located, site-planned and designed to avoid undue noise, odor, smoke, explosive hazards or any other nuisances or dangers to abutting properties.
 - (2) Adequate waste treatment, roadways and utilities can be provided.
 - (3) All applicable local, state and federal regulations regarding such use can be met.
 - (4) No wholesale or retail establishment may occupy more than 100,000 square feet.
- (c) Medical Marijuana Dispensary shall be subject to the following additional criteria:
- (1) Loitering. The Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees. The Medical Marijuana Dispensary shall not permit any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, for any period of time longer than that reasonably required to arrive and depart.
 - (2) Security. The owners shall have a review of the site with the City Police Department prior to opening and annually. It shall be the responsibility of the owner to schedule the reviews with the Department.
 - (3) No Drive through Service. No Medical Marijuana Dispensary shall have a drive through or drive in service. All dispensing, payment for and receipt of medical marijuana shall occur from inside the Medical Marijuana Dispensary.
 - (4) Alcoholic Beverages or Marijuana. No sale of alcoholic beverages or consumption or use of alcoholic beverages or marijuana shall be allowed on the premises, including in the parking areas.
 - (5) Separation Distances. A Medical Marijuana Dispensary shall not operate within two hundred (200) feet of any residentially zoned or residentially used property, or school existing or approved by the City at the time of application. All distance requirements shall be measured

CITY OF CLERMONT
ORDINANCE No. 2016-48

by drawing a straight line from the nearest property line of the protected use to the nearest property line of the proposed Medical Marijuana Dispensary.

- (6) Operating Hours. Medical Marijuana Dispensaries shall not be allowed to operate between 7:00pm and 7:00am.
- (7) Compliance with Other Laws. All Medical Marijuana Dispensaries shall at all times be in compliance with all federal and state laws and regulations, and the City of Clermont Code of Ordinances, as may be amended from time to time.
- (d) In case of uncertainty of the classification of any public use, uses may be permitted which, after consideration by the Planning and Zoning Commission and approval of the City Council, are not more obnoxious to the district than the uses provided in this Section. All conditional uses must be provided per Chapter 86, Article III, Division 3.

SECTION 4. Conflict.

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. Severability.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6. Codification.

The text of Sections 2 and 3 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

SECTION 7. Effective Date.

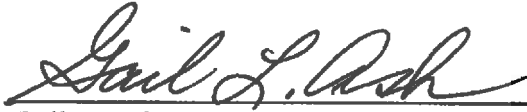
This Ordinance shall be published as provided by law and shall take effect immediately upon its Second Reading and Final Passage. Thereafter at the first regular council meeting after May 1, 2017, the Ordinance shall be reviewed by the City Council for consideration of possible changes as the Council may deem appropriate.

CITY OF CLERMONT
ORDINANCE No. 2016-48

PASSED AND ADOPTED by the City Council of the City of Clermont, this 8th day of November, 2016.



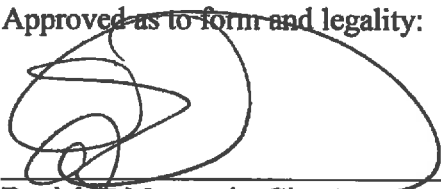
CITY OF CLERMONT


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:


Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that 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.

ORDINANCE NO. 2017-32

AN ORDINANCE OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RELATED TO MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS, REPEALING IN ITS ENTIRETY ORDINANCE 2016-48 AND AMENDING CHAPTER 18 "BUSINESSES," CREATING ARTICLE III "MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS", PROVIDING FOR PURPOSE AND DEFINITIONS, DECLARING MEDICAL MARIJUANA DISPENSARIES AND CANNABIS FARMS UNLAWFUL AND PROHIBITING, PROVIDING FOR USE OF MEDICAL MARIJUANA, PROVIDING FOR EFFECT OF ANNEXATION, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 26, 2017 at 6:30 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

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

Daily Commercial
September 12, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 19, 2017	
Agenda Item Name	
Ordinance No. 2017-33; <i>Introduction Anderson Hill Annexation</i>	
Requested Action	
Recommend introduction of Ordinance 2017-33.	
Staff Report	
The applicant, Avid Group, is requesting annexation of the subject property. The City's comprehensive plan encourages requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be provided and when proposed uses are compatible with the City's comprehensive plan (Policy 1.12.3). This property was the subject of an annexation request earlier this year, but it was withdrawn in April by the applicant to further refine the development plan. The property is located west of U.S. Highway 27 and north of Anderson Hill Road. The City limits are across U.S. Highway 27 right-of-way to the east. This is considered contiguous under Chapter 171 of the Florida Statutes for annexation. The property is approximately 9.5 acres in size and is in the City's sewer service area. Water to the site will be provided by the private utility provider, Utilities Inc. The property is located within the Interlocal Service Boundary Agreement (ISBA) and the Joint Planning Area (JPA). The applicant has requested to receive services from the City in order to develop the property into a commercial retail center with up to 58,000 square feet of C-2 General Commercial uses. The northern portion has a 10,000-square-foot vacant building, previously used as the West Star gym, which will undergo renovations. The southwest portion of the property was previously used by St. Mathis Episcopal Church and the parking lot is the only improvement remaining. The southeast portion fronts U.S. Highway 27 and is currently vacant. This request is being heard concurrently with requests for a small-scale comprehensive plan amendment and a rezoning to a Planned Unit Development (PUD). The related request for a comprehensive plan amendment would change the future land use from Lake County's Urban Low within a major commercial corridor to the City's Commercial designation. The rezoning request is to change the zoning from Urban Estate (currently Planned Commercial District and Community Facility District in Lake County) to the City's Planned Unit Development (PUD) zoning classification, allowing C-2 General Commercial uses. The applicant's request for annexation appears to be consistent with the City's comprehensive plan, and the City can provide the necessary services. Staff recommends approval of the annexation.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2017-33	ANN ORD 2017-33.doc	
2. Anderson Hill Maps	Anderson Hill Retail Maps 9-17.pdf	
3. Location Map	Anderson Hill 9-17 Annex location map.pdf	
4. Exhibit	Anderson Hill 9-17 annex Exhibit B.pdf	
5. Neighboring property owners letter	Neighbors letter_Aug 24 2017.pdf	
6. Application	Anderson Hill 9-17 Annexation App.pdf	
7. Legal Ad	ANN Anderson Hill legal ad 9-17.docx	

CITY OF CLERMONT
ORDINANCE No. 2017-33

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 AN EFFECTIVE DATE, SEVERABILITY, RECORDING, AND PUBLICATION.

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

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence

CITY OF CLERMONT
ORDINANCE No. 2017-33

N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

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.

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 5.

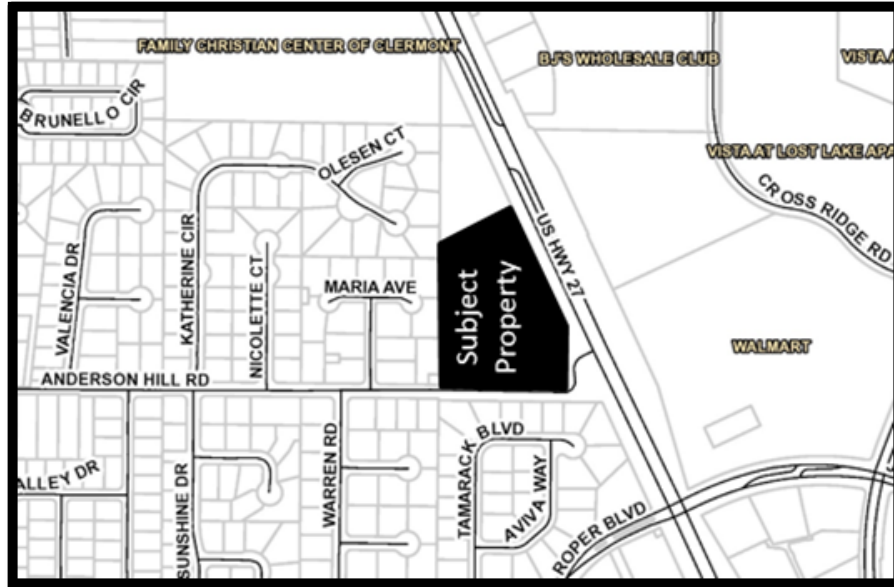
This Ordinance shall be recorded in the Public Records of Lake County, Florida.

SECTION 6.

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. 2017-33

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-33

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

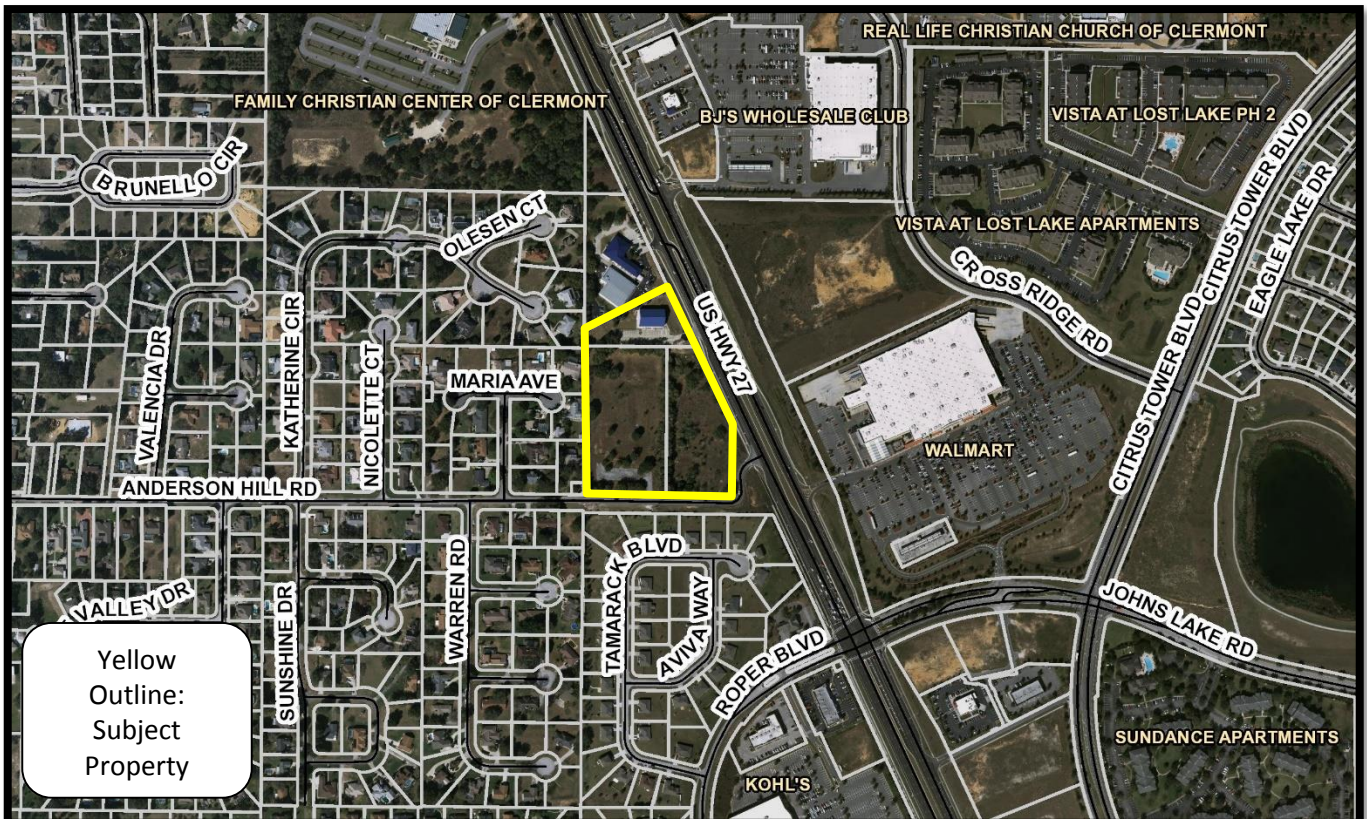
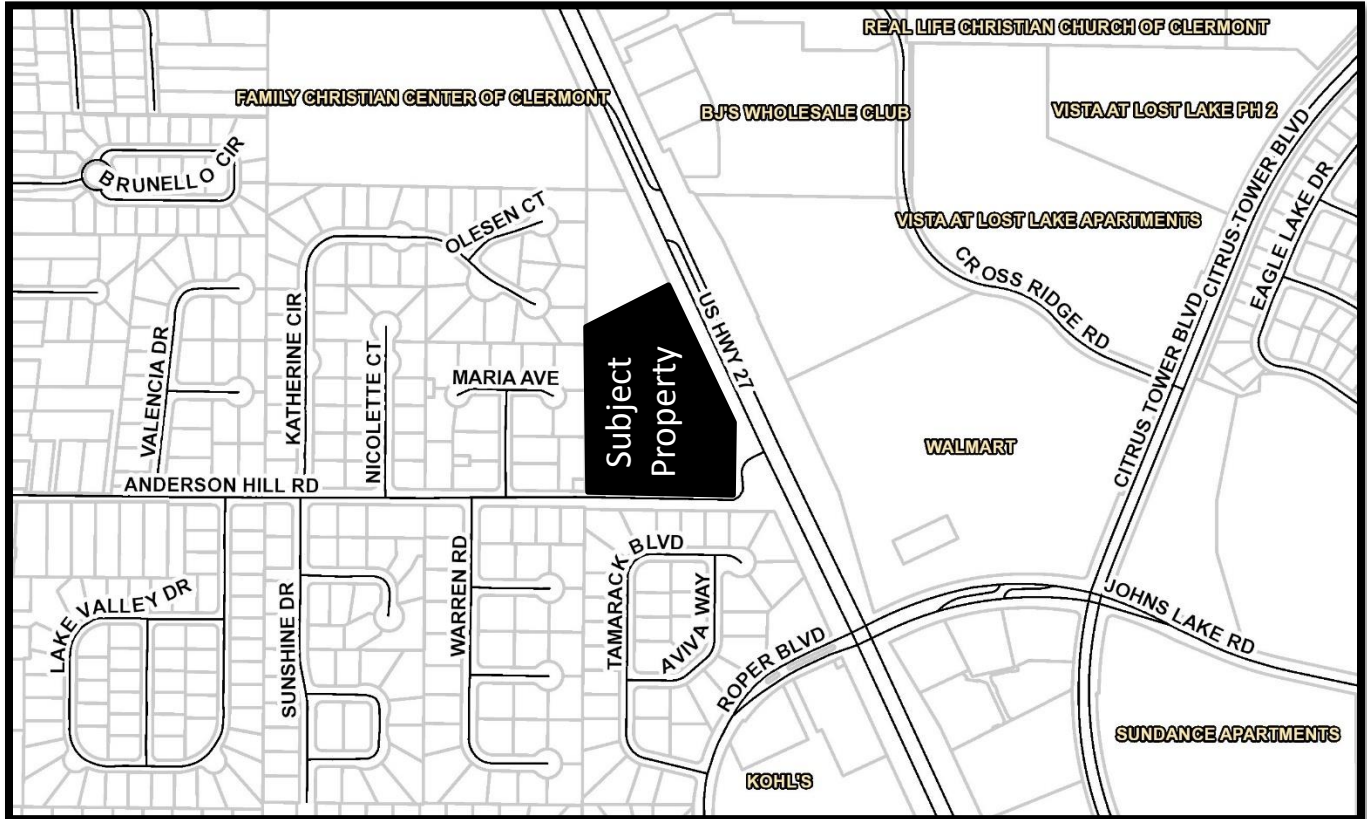


Exhibit – Future Land Use Map – Anderson Hill Retail

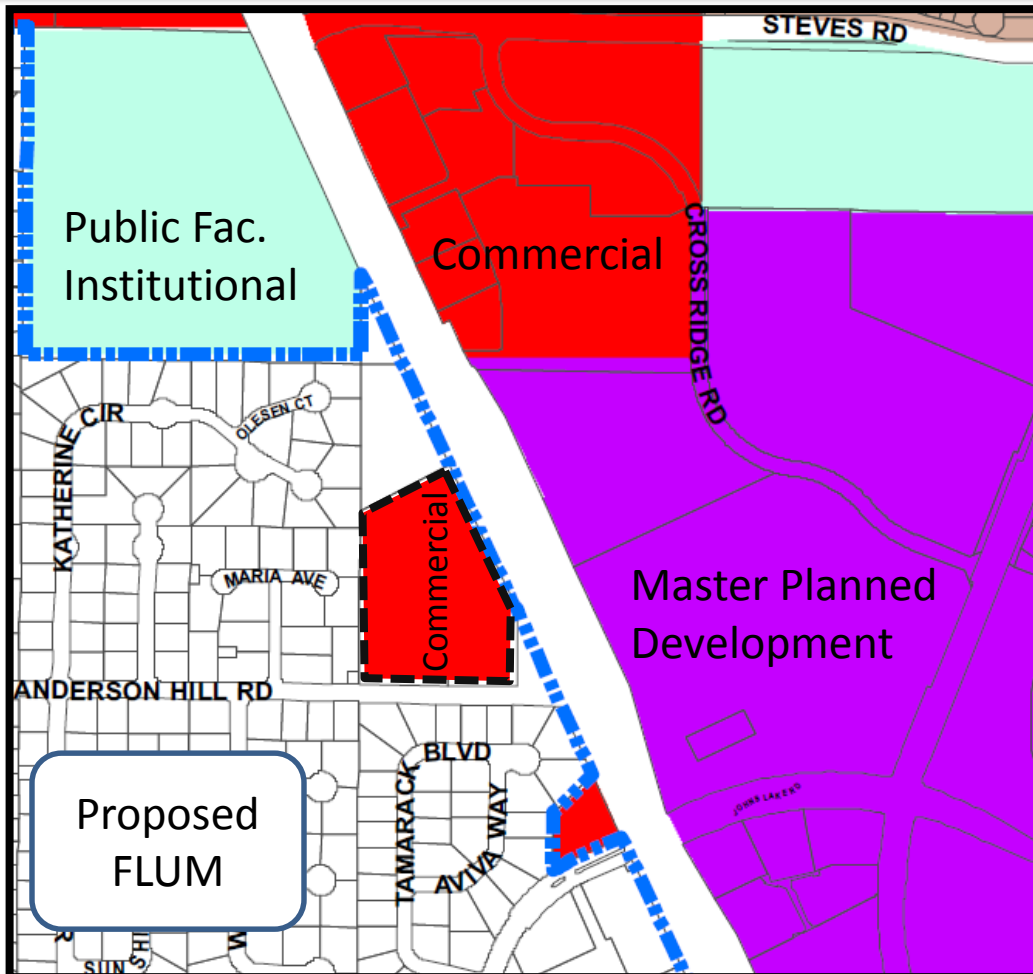


Exhibit – Zoning Map – Anderson Hill Retail

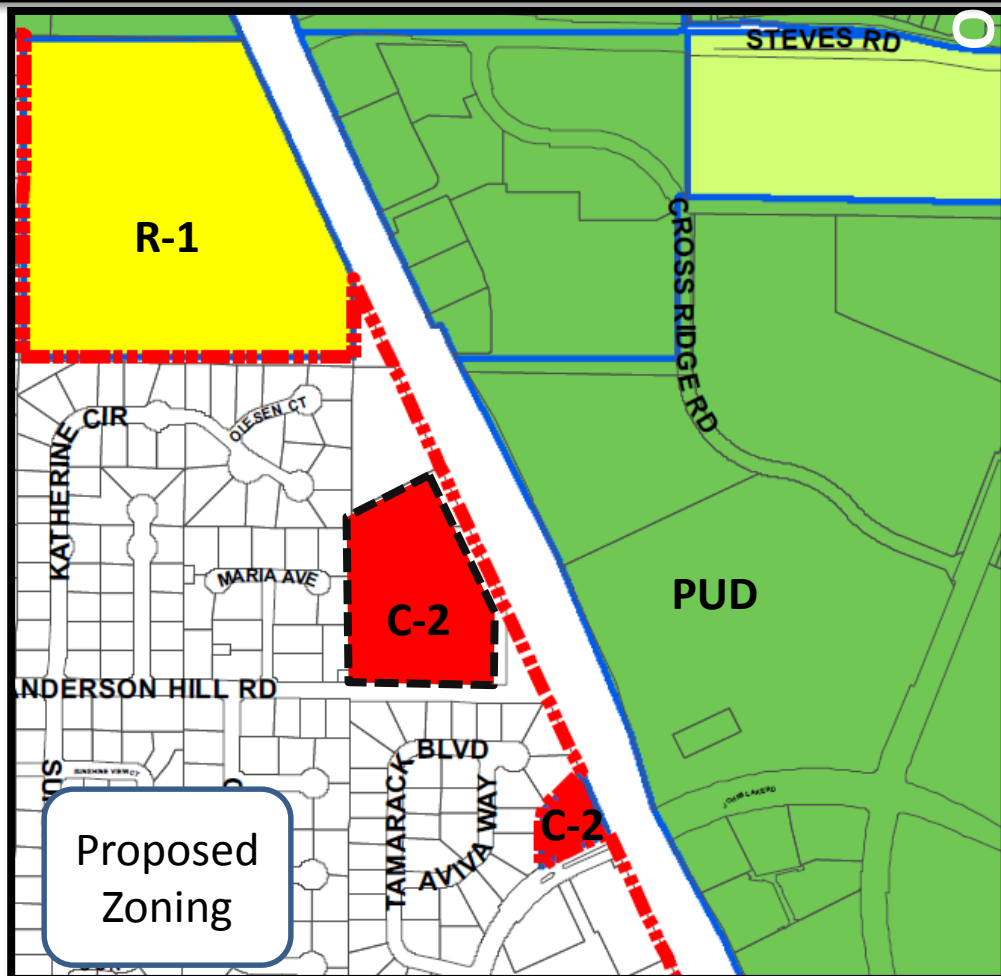
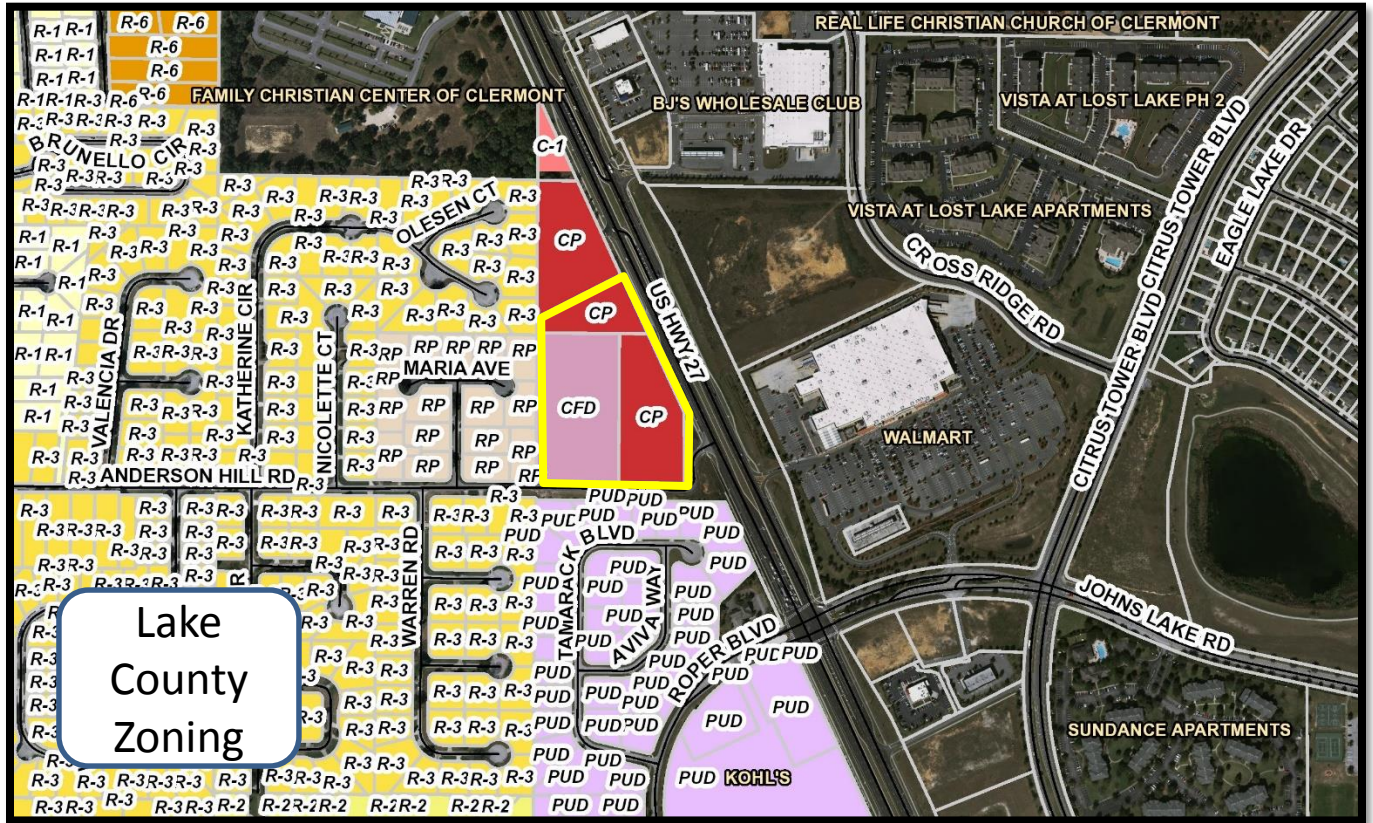


Exhibit - Annexation Map – Anderson Hill Retail

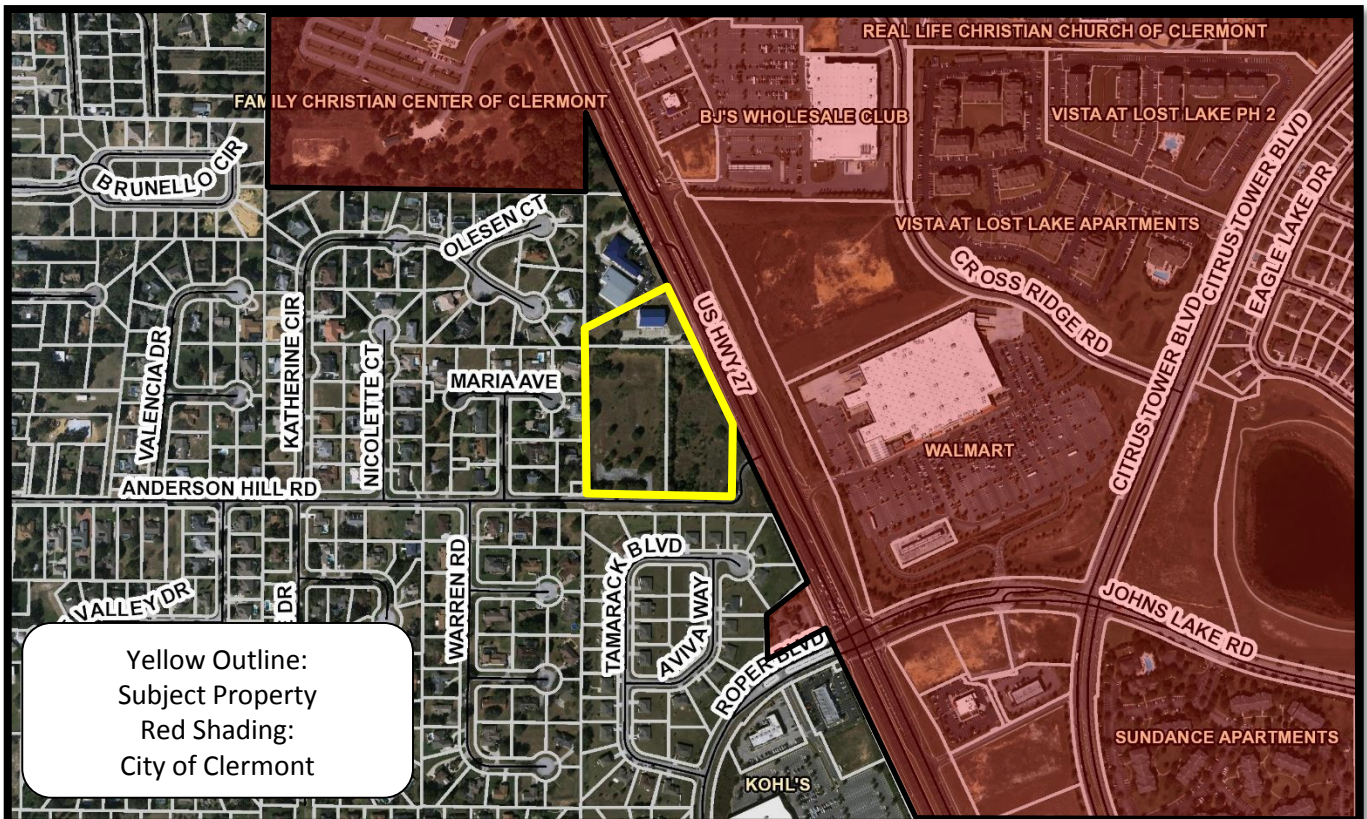
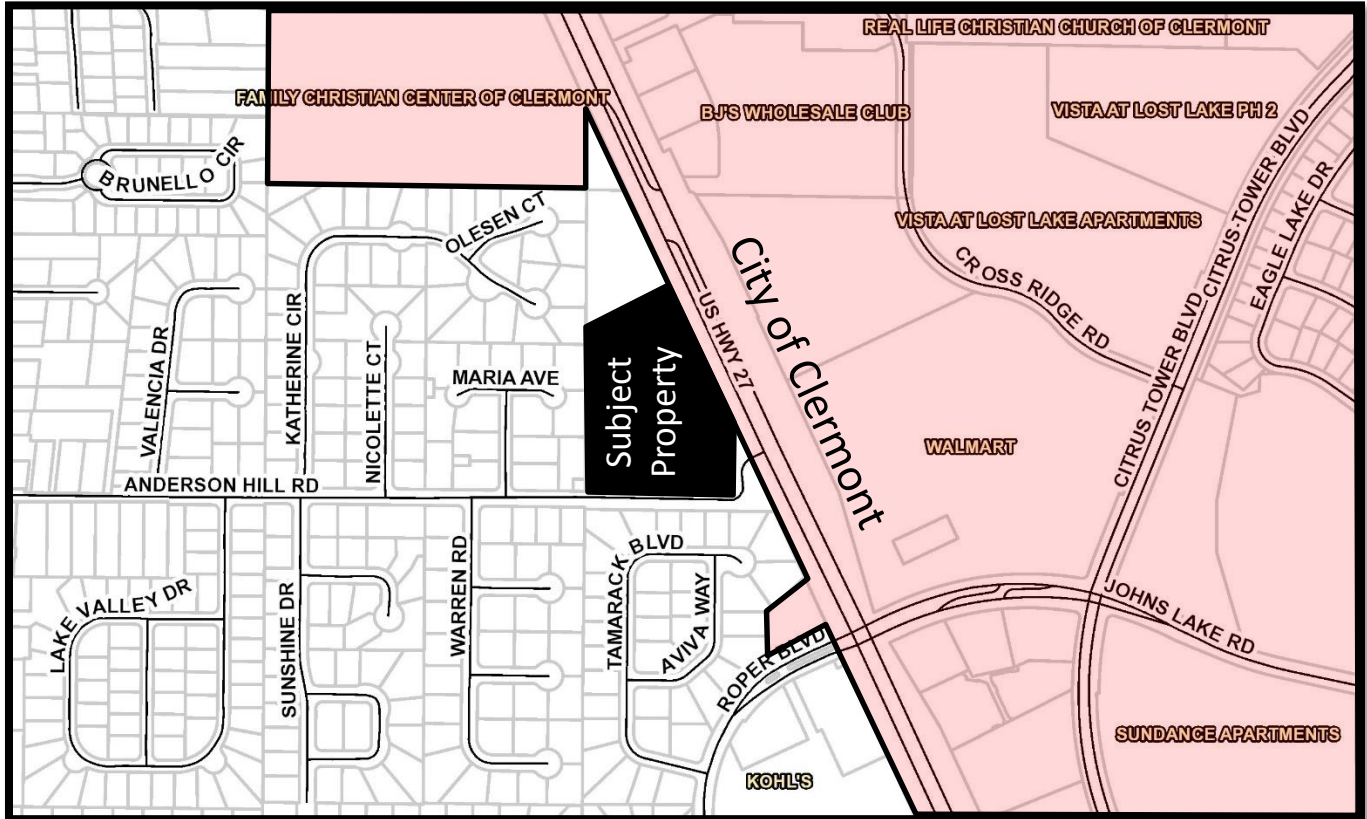
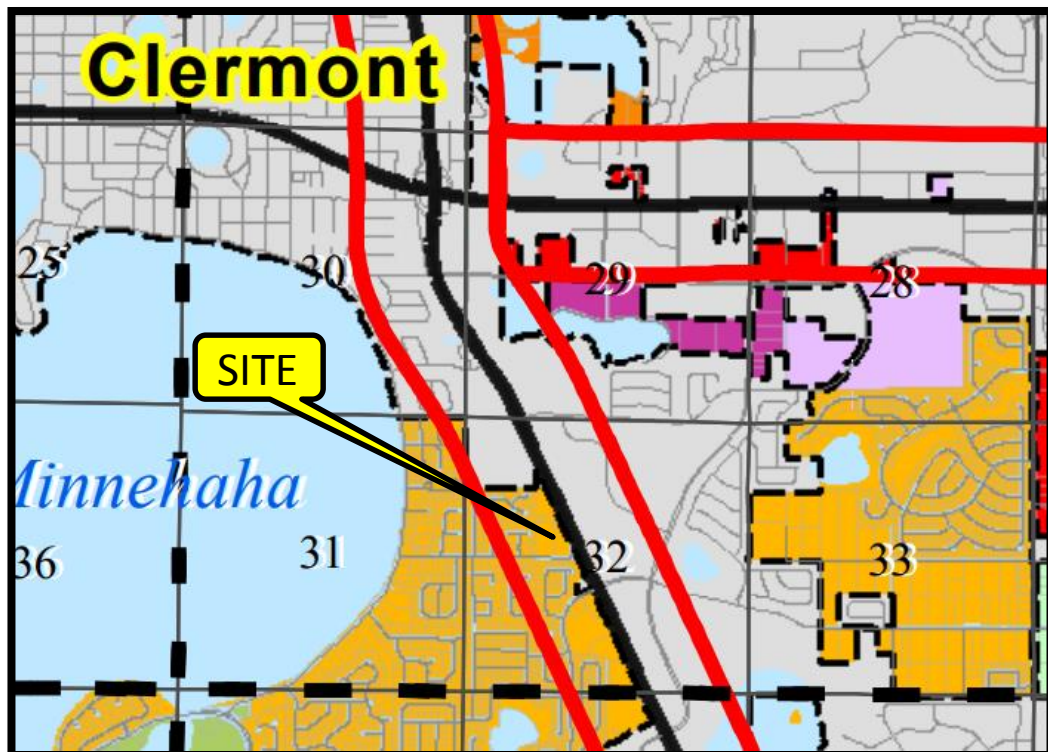
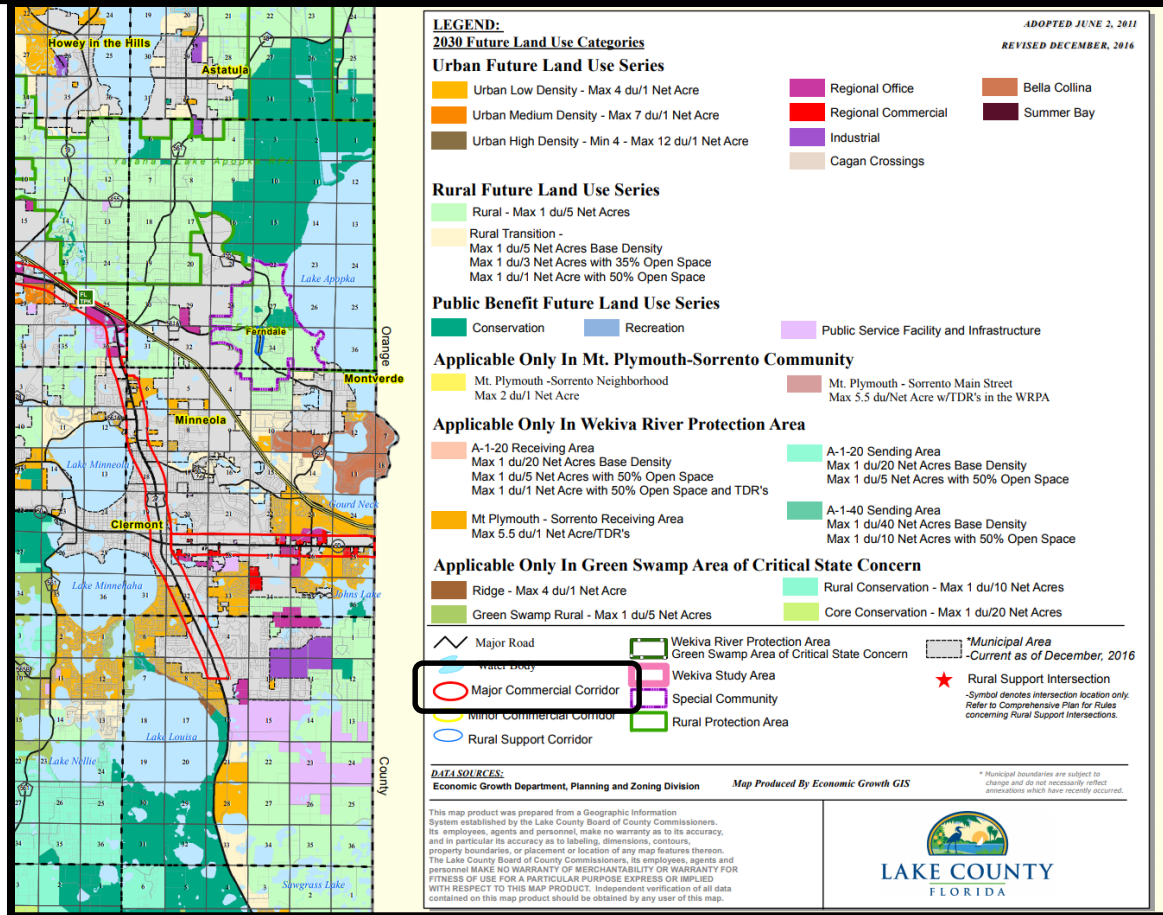


Exhibit – Lake County Future Land Use Map 2030 Anderson Hill Retail



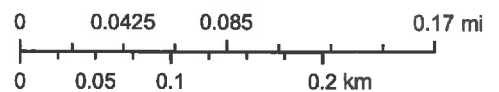
LOCATION MAP



July 27, 2017

1:5,000

- | | | | |
|--|-------------------------|--|---------------------------|
| | County Boundary | | Tax Parcels Alternate Key |
| | Street Names | | Tax Parcels |
| | Local Streets | | Surrounding Counties |
| | Subdivision Lot Numbers | | |
| | Property Name | | |



Narrative & Justification Statement
Annexation/Small-Scale Comp Plan/PUD Rezoning Applications

Anderson Hill Retail
NWC of US Highway 27 & Anderson Hill Road, Clermont, FL

Project Description:

Subject property is comprised of three parcels totaling 9.47 acres of land located at the northwest corner of US Highway 27 and Anderson Hill Road in unincorporated Lake County. The properties are owned by Anderson Hill DLSU, LLC, who will combine the properties for (re)development as a multi-tenant retail/commercial shopping center.

The two parcels fronting US Highway 27 are currently zoned CP (Commercial Parkway) and the rear parcel is zoned CFD (Community Facility District) in unincorporated Lake County. All three parcels have a future land use map designation of Urban Low Density. The property owner/developer seeks annexation of the three parcels into the City of Clermont with PUD (Planned Unit Development) zoning and Commercial future land use map designation.

The northern parcel is currently developed with a 9,472 sq.ft., two-story commercial building that was previously occupied by West Star fitness center. The existing building and some of the associated site improvements (parking and retention pond) will be retained as part of the redevelopment. The eastern parcel was approved for a 33,000 sq.ft., 2-story retail/office building in Lake County. The western parcel was approved for a 25,913 sq.ft. church, office and daycare center. A total of 68,385 sq.ft. of nonresidential building area has been approved through the county for a gross Floor Area Ratio (FAR) of 0.17 on the 9.47-acre site.

The PUD site development plan is attached for the proposed development project. Including the existing building, the total building area will be 56,372 sq.ft. plus 1,400 sq.ft. of outdoor patios for a gross Floor Area Ratio (FAR) of 0.14 on the 9.47-acre site. Permitted uses within the development shall be those that are permitted within the City's C-2 (General Commercial District) zoning district.

As discussed in the "*Traffic Analysis Executive Summary*", prepared by Traffic Planning and Design, Inc., dated July 19, 2017, there is a de minimis difference between the above-described entitled/approved development and the proposed development. The difference is a decrease of 34 net new trips during the A.M. peak hour and an increase of 12 net new trips during the P.M. peak hour.

The three individual site plans included a total of three access driveways (one onto US Highway 27 and two onto Anderson Hill Road). By combining and master planning the three parcels through the City's PUD process, one of the driveways will be eliminated on Anderson Hill Road.

Small-Scale Comprehensive Plan Amendment and Rezoning Evaluation Criteria:

Pursuant to Land Development Code (LDC) Section 82-226, the Planning Commission and City Council shall consider the following criteria. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

Review Criteria

- 1. Consistency with the comprehensive plan, or, in the case of a plan amendment, consistency with the remainder of the plan and its goals, objective and policies.**

Applicant's finding: The properties can be (re)developed consistent with the goals, objectives and policies of the City's comprehensive plan. The PUD site development plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

Subject property is being annexed into the City of Clermont and therefore needs to have a City future land use map designation and zoning district assigned. The proposed PUD (Planned Unit Development) zoning and Commercial future land use map designation are appropriate given the physical characteristics and location of the property and the development pattern of the surrounding area. One of the subject parcels is already commercially developed, as is the majority of this segment of the US Highway 27 corridor (from State Road 50 to the north to Hammock Ridge Road/Citrus Tower Boulevard to the south). For example, the property across US Highway 27 is located in the City and is developed as a WalMart Super Center. And, the adjacent property to the north is located in the County and developed as an automobile repair shop.

- 2. Consistency with applicable sections of this land development code.**

Applicant's finding: The properties can be (re)developed consistent with the applicable sections of the City's land development code. The PUD site development plan has been submitted for concurrent review and approval to demonstrate the developer's intent and ability to do so.

- 3. Additionally, as to rezoning amendments:**
 - a) Whether justified by changed or changing conditions.**
 - b) Whether adequate sites already exist for the proposed district uses.**
 - c) Whether specific requirements of this land development code are adequate to ensure compatibility with adjoining properties as required by the comprehensive plan.**

Applicant's finding:

- a. The changing condition that triggered the need for this land use amendment and rezoning is the pending annexation of these properties in order to (re)develop and connect to the City's central sewer system. Thus, rezoning within the City of Clermont is both necessary and justified.
- b. Two of the three parcels are already zoned for commercial uses within Lake County. The third parcel was previously owned by a church and thus had obtained master plan zoning in the County to allow for institutional uses. Consolidation of all three parcels for the proposed commercial development project makes sense because it provides adequate site area and depth to address changes in topography and it overcomes the irregular shapes and depths of the existing commercial parcels.
- c. The project can be developed consistent with the City's land development code requirements, which by design are intended to provide use-based compatibility measures such as minimum building setbacks and landscape buffering between different uses. A neighborhood meeting was held on March 30, 2017 and based on feedback from the adjoining property owners, specific details of the proposed landscape buffer for the western boundary are provided on the PUD site development plan. The neighbors requested a wall (not a fence) be installed on top of or adjacent to the retaining wall, one neighbor requested that he not have any trees along his portion of the buffer because of the close proximity of his house and pool enclosure to the property line, and the other three neighbors requested additional privacy screening so the trees will be clustered along their lots instead.

Planned Unit Development Review Criteria:

Pursuant to Land Development Code (LDC) Section 122-315, the Planning Commission and City Council shall use the following standards in reaching recommendations and decisions to grant PUD approval. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

Review Criteria

1. Location

- a. **Relation to major transportation facilities.**

Applicant's finding: The development is located at the intersection of a state-maintained arterial roadway (US Highway 27) and a county-maintained collector road (Anderson Hill Road). Both roads are currently operating at an acceptable level of service (LOS), per the "2016 Lake County Annual Traffic Counts" report prepared by Lake County Public Works and the "Lake County TMS Segment Report – 2014/15 Level of Service" prepared by Lake-Sumter MPO.

The proposed project will not degrade the LOS on either road, per the *“Lake County Retail Project Traffic Impact Analysis”*, prepared by Traffic Planning and Design, Inc., dated June 5, 2017, which has been reviewed and approved by Lake-Sumter MPO. Included with this application is the *“Traffic Analysis Executive Summary”*, prepared by Traffic Planning and Design, Inc., dated July 19, 2017, which contains a general summary of the TIA and follow-up analysis conducted, as well as a copy of the MPO approval letter, dated June 20, 2017.

In addition, the public right-of-way width and streets are adequate to serve the project. There was previously an additional 40’ of right-of-way dedication granted from subject property along Anderson Hill Road. The developer is proposing to construct safety upgrades to improve the shoulders along the curved section of Anderson Hill Road just west of US Highway 27, to add striping along Anderson Hill Road, and to construct a 5-ft. pedestrian sidewalk along the north side of Anderson Hill Road.

The three individual site plans previously approved in unincorporated Lake County included a total of one access driveway onto US Highway 27 and two access driveways onto Anderson Hill Road. By combining and master planning the three parcels through the City’s PUD process, one of the driveways will be eliminated on Anderson Hill Road.

b. Relation to public utilities, facilities and services.

Applicant’s finding:

Potable Water and Fire Service: Utilities are available to serve the development. Potable water is adjacent to the site and provided by Utilities Inc. (see attached service availability letter). The developer will install water and fire service connections as needed to serve the development.

Sanitary Sewer: The developer will be installing an on-site lift station and an off-site sewer main extension in order to connect to the City of Clermont’s existing sanitary sewer system. Wastewater discharge shall comply with the requirements of Code Section 66-76.

Stormwater: The development does not outfall into a City-maintained stormwater system. It drains into the FDOT right-of-way. The project’s design will abide by all of the stormwater release rate and volume criteria of FDOT, SJRWMD, and the City.

Due to the fact that the existing site contains significant depressional storage, the existing site does not release much of its stormwater runoff. The design of the proposed development will have to mimic the same low-discharge scenario. Very little runoff from the developed site is expected to leave the site. Almost all of the project’s runoff will be retained and percolated.

The rates and volumes of water to be discharged from the property were anticipated in the design of FDOT's US 27 drainage system. The project is not anticipated to overburden any downstream drainage systems.

The project will include an outfall structure to allow its permitted discharges, as well as allowing runoff from storms greater than the design storm to exit the site without creating adverse on-site flooding conditions.

Solid Waste: There is adequate capacity to dispose of solid waste from the development. Hazardous waste generation is not anticipated since the development is a shopping center with typical uses such as retail businesses, personal service establishments, fitness centers, restaurants, offices, and bank/ATM facilities.

c. Physical character of site and relation to surrounding property.

Applicant's finding: The site is suitable for development in the manner as approved under the Florida Building Code, and other applicable state, county and city laws. The proposed commercial development is consistent with the character and type of development that is allowed within the requested City land use and zoning classifications, which allow a maximum density of 12 du/ac (none proposed) and a maximum intensity of 0.25 FAR and 0.80 ISR. There are no residential units proposed and the PUD site development plan shows the project's proposed intensity of 57,772 sq.ft. (0.14 FAR).

The development is compatible with the terrain and surrounding development pattern. Consolidation of the three parcels for redevelopment allows the property to be graded and developed consistent with the City's grading standards. In addition to traditional compatibility measures such as minimum building setback and landscape buffer requirements, the design further enhances compatibility because of the site needing to be terraced and lowered (relative to the residential lots to the west), which in turn further increases the building setbacks and buffering, further reduces light and noise associated with traffic circulation since vehicles will be below the abutting residential grade level, and ensures that stormwater runoff is directed away from the neighborhood.

The buildings, drive-thru facilities, and outdoor patio areas are located toward the front of the site in order to orient activity toward the street and away from the neighborhood. The stormwater pond/open space and parking are primarily oriented toward the rear of the site for increased separation from the neighborhood. Site access is limited to one driveway per street to minimize impacts on traffic flow and there are multiple routes for safe and convenient vehicular circulation within the development. Sidewalks are provided for pedestrian safety and interconnectivity between all uses/buildings within the development and from the two abutting streets.

2. Uses, density, open space, living area per family and other regulations.

Applicant's finding: The development is intended to comply with the standards for the City's C-2 General Commercial District in terms of both dimensional standards and permitted uses. The only potential design exceptions known to be requested are related to the western buffer yard. Approval is requested to allow the proposed 6' high screening wall to be constructed as an integral part of the top tier retaining wall, as shown on the PUD site development plan, or in close proximity to the retaining wall (less than 5' separation) if built as a separate freestanding structure. It is not clear whether the code requires a separation or not, so specific approval is requested. This will allow a full 10' buffer width to maximize the root zone for healthy growth of the buffer trees. The other exception is to allow clustering of the trees within the western buffer, as shown on the PUD site development plan, to address one neighbor's request for no trees along his common property line and intensification of the tree density along the other three neighbor's common property lines.

Prepared by:
AVID Group

A handwritten signature in blue ink, appearing to read 'Peter Pensa', with a stylized flourish extending to the right.

Peter Pensa, AICP
Director of Planning

August 24, 2017

VIA E-MAIL CORRESPONDENCE

Re: Anderson Hill Commercial Project – Avid Group

Dear Mayor Ash and Members of Clermont City Council:

As you are aware, immediately prior to the April 11 Clermont City Council Meeting, Avid Group withdrew its applications for annexation, comprehensive plan amendment, rezoning and conditional use permit on the 9.5 acres located at the intersection of Anderson Hill Road and US Highway 27. Many residents contacted you via e-mail, letters and calls expressing concern about Avid Group's development plans. Their withdrawal letter noted the Applicant will "continue to engage the residents and to work with them on a proposal which deals with their concerns."

On June 30, 2017 Avid Group resubmitted their applications for annexation, comprehensive plan amendment, rezoning and conditional use permit with the City of Clermont. **Included in these applications and modified plans is language that may wrongly lead the City Council to believe that the concerns and issues the residents have with the proposed development have been addressed – they have not.**

We, the residents, wish to avoid any misrepresentation by the Applicant and/or its legal counsel. Therefore, we respectfully offer the following conditions and uses that would make development of this property **safe and compatible** with the surrounding area:

1. No access from Anderson Hill Road
2. Acceptable Uses:

Residential	• Single-family detached and attached units • Multi-family not to exceed 2-story (35-ft.)	
Community Facility Development	• Churches • K-12 schools	• Day care • Assisted Living Facility
Professional Offices (operating hours limited to 8 am to 8 pm)	• Law Offices • Executive Offices	• Travel Agent • Real Estate Offices

3. Install Stop signs at Katherine Circle, creating a 4-way stop (~half way down Anderson Hill Road)
4. Install sidewalks from Lakeshore Drive to US Highway 27 along at least one side of Anderson Hill Road
5. Along the western side of the site that abuts existing residential property:
 - a. Maintain a 40-foot wide buffer from the residential property lines to be landscaped with viburnum hedge to be maintained at no less than 6-ft in height – and trees to create privacy screen (per each resident request)
 - b. Construct an 8-foot masonry wall along entire existing grade, to be finished in real or faux stone on residence side, to be erected along the property line prior to beginning construction – including site preparation – to minimize noise, dust, etc.
 - c. Keep and maintain the existing mature landscape
6. Along the southern property line (along Anderson Hill Road):
 - a. Maintain a minimum 30-foot wide landscaped buffer – within the buffer, install and maintain a 4- ft. high viburnum hedge

We appreciate your consideration and believe you will find these requests are fair to ensure the safety and compatibility of the existing (decades old) residential environment with the development of the property.

Regards – Anderson Hill Area Homeowners

cc: Darren Gray, City Manager
Lake County Commissioner Sean Parks
Lake County Commissioner Leslie Campione
Lake County Commissioner Timothy Sullivan
Lake County Commissioner Wendy Breeden
Lake County Commissioner Josh Blake
Lake County Engineer Fred Schneider

NAME	ADDRESS	SIGNATURE
Keith McFarland	13117 Sunshine Cir Clermont, FL 34711	Keith McFarland
Elaine McFarland	13117 Sunshine Cir, Clermont	Elaine McFarland
TOM ENGLISH	12307 WARREN RD	TOM ENGLISH
ROSE FARRELL	13215 Maria Ave	Rose Farrell
Andrew D. Gilliam	13222 Palmer Dr.	Andrew D. Gilliam
SANDRA MARTIN	11925 ONE JUDIC DR	Sandra Martin
Richard Pendorgest	12708 Linda Rd., C.	Richard Pendorgest
FERNANDO L. NATEO	12816 Katherine Cir	Fernando L. Nateo
YOSHIE MATEU	12816 Katherine Cir	Yoshie Mateu
James Roberts	13205 Plaza Ave	James Roberts
Patricia Roberts	13205 Plaza Ave.	Patricia Roberts
Mary C. Battersby	12535 El Viento St.	Mary C. Battersby
Rebecca B. Newsome	12211 Lake Valley Dr Clermont, FL 34711	Rebecca B. Newsome
David Hopkins	12100 Garnet Dr. Clermont FL 34711	David Hopkins
Allison Hopkins	12100 Garnet Dr. Clermont 34711	Allison Hopkins
PAUL BEIRNES	12340 LAKE VALLEY DR	PAUL BEIRNES
Lynne P. Beirnes	12340 Lake Valley Dr.	Lynne P. Beirnes
Vince Johnson	13145 PALMER Drive	Vince Johnson
Kelli Johnson	13145 Palmer Dr	Kelli Johnson
Nancy Srodes	12339 Warren Rd.	Nancy Srodes

Name	Address	Signature
Mary L. Ivanoff	12435 Lake View Clermont FL 34711	Mary Louise Ivanoff
Pat Colvin	12435 Lake Valley Dr Clermont FL 34711	Pat Colvin
Allen E. Colvin	12435 Lake Valley Dr Clermont FL 34711	Allen E. Colvin
Carol Colvin	12435 Kathleen Ave Clermont, FL 34711	Carol Colvin
Karen Albritten	12230 Lake Valley Dr Clermont FL 34711	Karen E. Albritten
JIM ALBRIGHT	✓	James D. Albritten
CHRISTINE WHEELER	12580 Nicolette Ct 34711	Christine Wheeler
Scott Wheeler	12580 Nicolette Ct 34711	Scott Wheeler
Matthew Ledridge	1312 Anderson Hill Rd Clermont 34711	Matthew Ledridge
GARY CLARICE E YENOR	12200 Lake Valley Dr Clermont, FL 34711	Clarice E. Yenor
CHARLES & DIANNE RUSS	12512 LAKE SHORE CLERMONT, FL	Dianne Russ
BARBARA THOMPSON	12930 Amber Ave Clermont, FL	Barbara Thompson
Sharon Nichols	13728 Olsen Ct Clermont 34711	Sharon Nichols
Megan Jones	12303 Sunshine Drive Clermont, FL 34711	Megan Jones
Robin Cotch	12558 Nicolette Ct Clermont 34711	Robin Cotch
JACK FARRELL	13215 MARIN AVE CLERMONT 34711	Jack Farrell
Jennifer Cotch	12522 Valencia Dr. Clermont FL 34711	Jennifer Cotch
Tim Snodes	12239 Warren Rd Clermont FL	Tim Snodes
Gunny Calfee	12811 Amber Ave	Gunny Calfee
David Calfee	12811 Amber Ave	David Calfee
Richard Newsome	12211 Lake Valley Pl	Richard Newsome



APPLICATION & PETITION

\$155.00 +

cost of advertisement

FEE: ~~\$50.00~~DATE: Jun 30, 2017

Please type or print – use black pen/ink only.

PROJECT NAME (if applicable): Anderson Hill CommercialAPPLICANT: AVID Group, ATTN: Peter Pensa, AICPAddress: 2300 Curlew Road, Suite 201City: Palm Harbor State: FL Zip: 34683Phone: 727-789-9500 x181 Fax: n/aApplicant is: Owner: ☐ Agent: ☒ Purchaser: ☐ Lessee: ☐ Optionee: ☐OWNER: Anderson Hill DLSU, LLCAddress: 625 State Road 100City: Palatka State: FL Zip: 32177Phone: 386 329-4000 Fax: AGENT NAME (Affidavit required): AVID Group, ATTN: Peter Pensa, AICPAddress: 2300 Curlew Road, Suite 201City: Palm Harbor State: FL Zip: 34683Phone: 727-789-9500 x181 Fax: n/aE-Mail: peter.pensa@avidgroup.com

Property address and/or general location: NWC of US Hwy 27 & Anderson Hill Rd
 (no address - Parcel# 09-22-26140002700000; 13301 Anderson Hill Rd - Parcel#
 09-22-26140002700001; & 12629 US Hwy 27 - Parcel# 09-22-26140002200001)

Area of property: 9.47 +/- acres, and/or 412,248 +/- sq. ft.

The property is PRESENTLY used for: Vacant commercial building (formerly a fitness center) and
vacant commercial/nonresidential land

The property is PROPOSED to be used for: Commercial development. See attached project
description and justification statement.



Existing Lake County Land Use* : Urban Low Density

Existing Lake County Zoning* : CP & CFD

*** 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: _____
One parcel has a 9,472 SF, 2-story building that was previously occupied by a fitness center. The other two parcels are vacant commercial/nonresidential land. _____

State the reason or basis for this request: Commercial development. See attached project description and justification statement.

EXACT LEGAL DESCRIPTION as shown on the Tax Receipt or Warrant Deed.
(attach copy).

Section 32, Township 22 S, Range 26 E

See attached legal description

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**

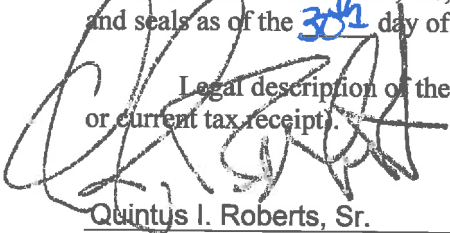
WE, the undersigned landowner(s) pursuant to the provisions of Chapter 59-1497 (Senate Bill No. 912), Laws of Florida, Regular Session 1959, entitled

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.

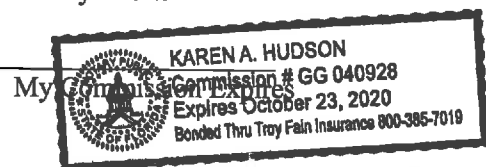
IN WITNESS WHEREOF, we, the undersigned landowners, as petitioners, have hereunto set our hands and seals as of the 30th day of June, 2017

Legal description of the property: (Type, print in black ink, or attach a copy of the warranty deed or current tax receipt).


Quintus I. Roberts, Sr.
Landowner (Petitioner)

6.30.2017
Date


Notary Public





OWNER / AGENT AFFIDAVIT (ANNEXATION)

Date: Jun 30, 2017

Before me, the undersigned authority personally appeared Quintus I. Roberts, Sr. (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:
commercial development of the property
3. That said authority (owner) has appointed (agent's name) AVID Group
(Peter R. Pensa, AICP) 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 [Signature]
Owner (signature)

X [Signature]
Agent's (signature)

Sworn to and subscribed before
me this 30th day of June,
20 17.

Karen A. Hudson

Notary Public, State of FL

My commission expires:

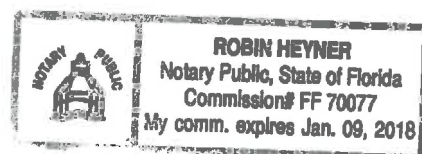
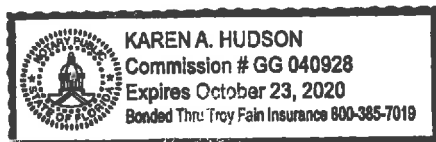
Sworn to and subscribed before
me this 27 day of July,
20 17.

Robin Heyner

Notary Public, State of FL

My commission expires: 1-9-18

*Note: Owner must sign affidavit. When agent is representing case, both agent and owner must sign affidavit.



Anderson Hill Retail

Overall Legal Description:

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, Public Records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest Corner of Tract 22 as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22, N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the west right-of-way line of US Highway 27; thence along said west right-of-way line, S24°35'30"E, a distance of 269.86 feet to a point on the south line of Tract 22; thence continue along said west right-of-way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the north right-of-way line of Anderson Hill Road; thence N89°03'43"W along the said north right-of-way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the west line of Tract 27 as shown on said the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East; thence along said west line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres more or less.

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, September 26, 2017 at 6:30 P.M. 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. 2017-33

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 AN EFFECTIVE DATE; SEVERABILITY; RECORDING, AND PUBLICATION.

LOCATION:

West and northwest of the intersection of US Highway 27 and Anderson Hill Road
Alternate keys 1453496, 3828239, and 2826541

LEGAL DESCRIPTION

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

See Map Below

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.

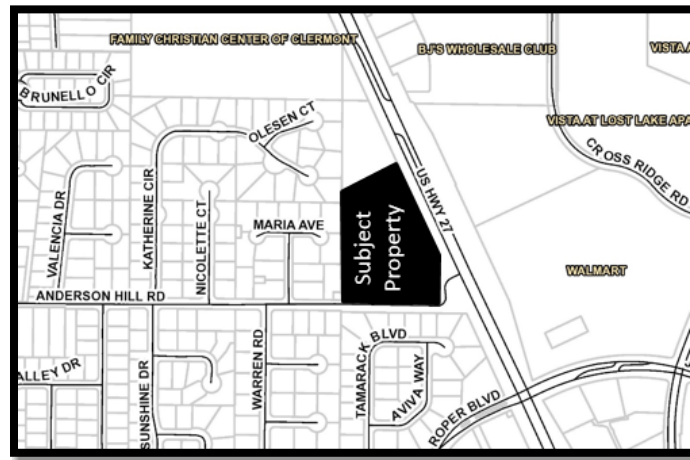
Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd Howe, MMC

City Clerk
Daily Commercial

September 12, 2017 & September 19, 2017

Location Map:





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date											
Tuesday, September 19, 2017											
Agenda Item Name											
Ordinance No. 2017-34; <i>Introduction</i> <i>Anderson Hill Small-Scale Comprehensive Plan Amendment</i>											
Requested Action											
Recommend introduction of Ordinance 2017-34.											
Staff Report											
The applicant, Avid Group, is requesting a small-scale comprehensive plan amendment for the subject property. The request was before the Council earlier this year for consideration, but it was withdrawn in April by the applicant to further refine the development plan. The property is approximately 9.5 +/- acres in size. This request is being heard concurrently with requests for annexation and rezoning. The applicant wishes to develop the property and use City services. The small-scale comprehensive plan amendment would change the future land use from Lake County's Urban Low within a major commercial corridor to the City's Commercial designation. The property fronts a major six-lane arterial roadway encouraging commercial use and has existing commercial uses to the north and across U.S. Highway 27 to the east. The commercial designation is supported by the proximity of the property to U.S. Highway 27 and the existing development pattern of comparable intensity in the area. In addition, Lake County's comprehensive plan, Policies I-1.3.2 & I-1.3.10.6, permits the proposed commercial activities and encourages infill development within commercial corridors. The City's commercial future land use would be comparable with Lake County's Urban Low within the major commercial corridor designation. The commercial future land use is the most appropriate based on the development pattern of the surrounding area, which is primarily commercial along the U.S. Highway 27 corridor. Staff recommends approval of the small-scale comprehensive plan amendment to change the future land use from Lake County Urban Low to Commercial in the City.											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
Exhibits Attached (copies of original agreements)											
<table border="0"><tr><td>1.</td><td>Ordinance 2017-34</td><td>CPA ORD 2017-34.doc</td></tr><tr><td>2.</td><td>Location map</td><td>Anderson Hill 9-17 Sm Sc location map.pdf</td></tr><tr><td>3.</td><td>Maps and Exhibits</td><td>Anderson Hill Retail Maps 9-17.pdf</td></tr></table>			1.	Ordinance 2017-34	CPA ORD 2017-34.doc	2.	Location map	Anderson Hill 9-17 Sm Sc location map.pdf	3.	Maps and Exhibits	Anderson Hill Retail Maps 9-17.pdf
1.	Ordinance 2017-34	CPA ORD 2017-34.doc									
2.	Location map	Anderson Hill 9-17 Sm Sc location map.pdf									
3.	Maps and Exhibits	Anderson Hill Retail Maps 9-17.pdf									

4.	Neighboring property owners letter	Neighbors letter_Aug 24 2017.pdf
5.	Application	Anderson Hill 9-17 Small Scale app.pdf
6.	Legal Ad	CPA Anderson Hill legal ad 9-17.docx

CITY OF CLERMONT
ORDINANCE No. 2017-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR THE ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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 on the proposed amendment to the plan in light of written comments, proposals and objections from the general public;

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

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to

CITY OF CLERMONT
ORDINANCE No. 2017-34

a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

Alternate Key 1453496, 3828239, and 2826541.

CHANGE IN FUTURE LAND USE CLASSIFICATION

FROM COUNTY URBAN LOW DENSITY
TO CITY OF CLERMONT COMMERCIAL

Section 2.

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 3.

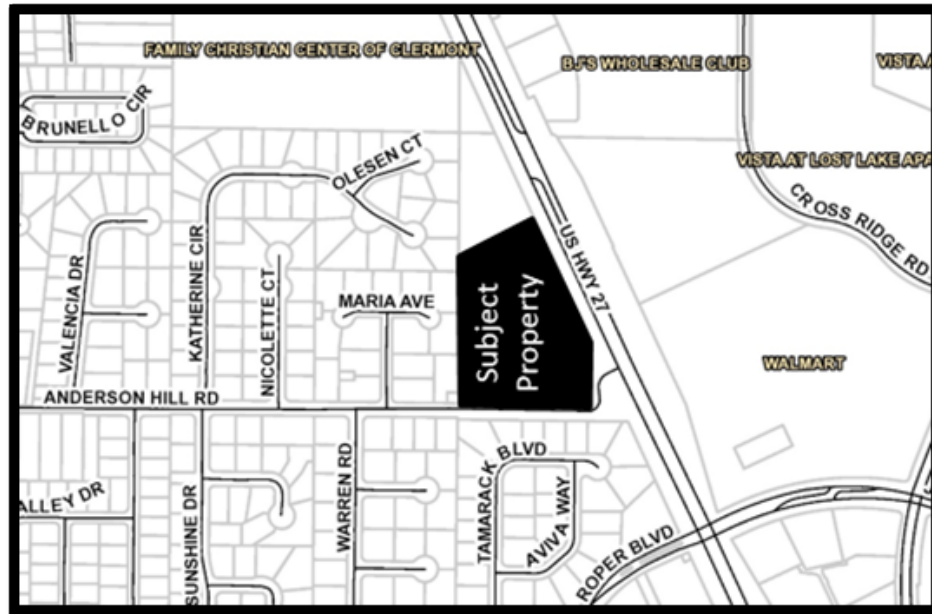
All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 4.

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. 2017-34

Location map:



CITY OF CLERMONT
ORDINANCE No. 2017-34

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 26th day of September, 2017.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LOCATION MAP



July 27, 2017



County Boundary

Street Names

Local Streets

Subdivision Lot Numbers

Property Name

Tax Parcels Alternate Key



Tax Parcels



Surrounding Counties

1:5,000

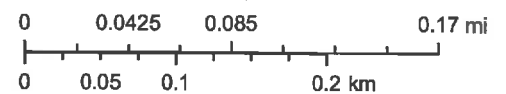


Exhibit - Location Map – Anderson Hill Retail

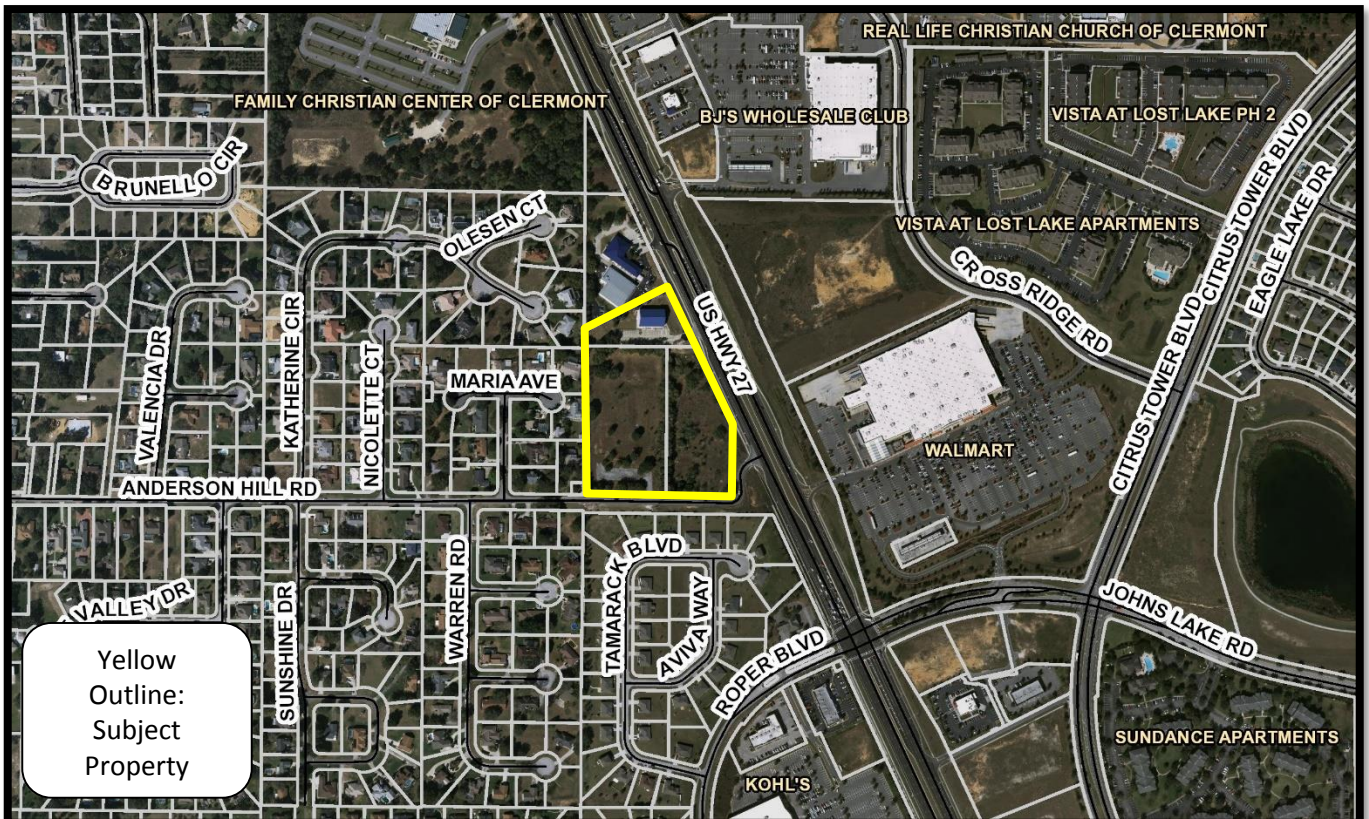
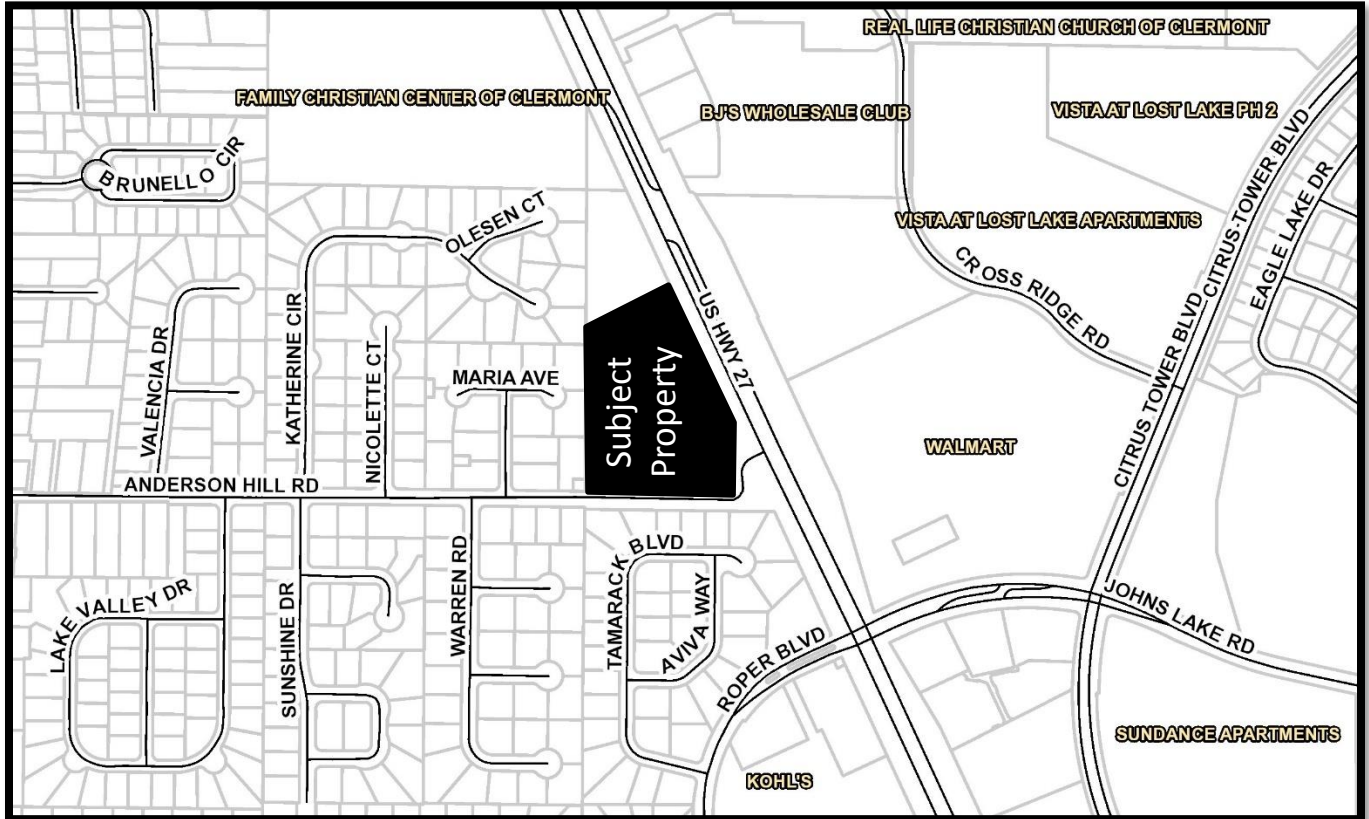


Exhibit – Future Land Use Map – Anderson Hill Retail

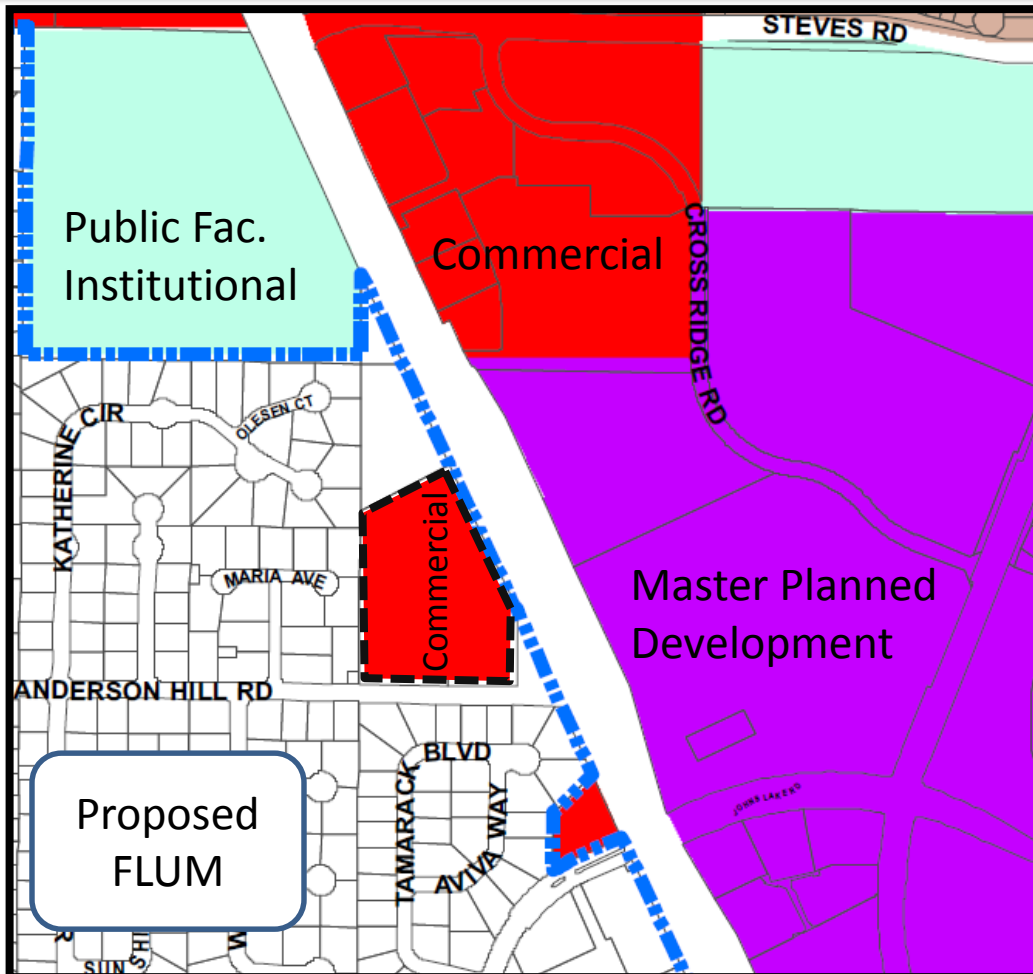


Exhibit – Zoning Map – Anderson Hill Retail

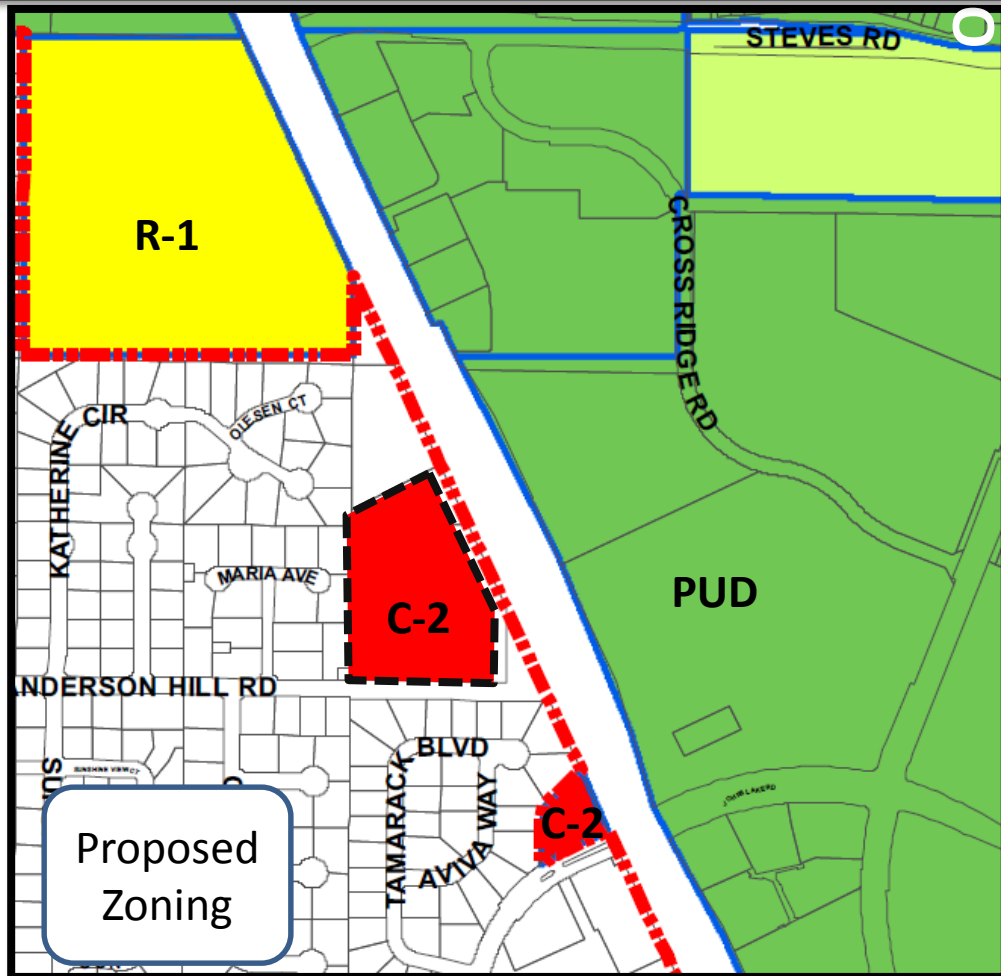
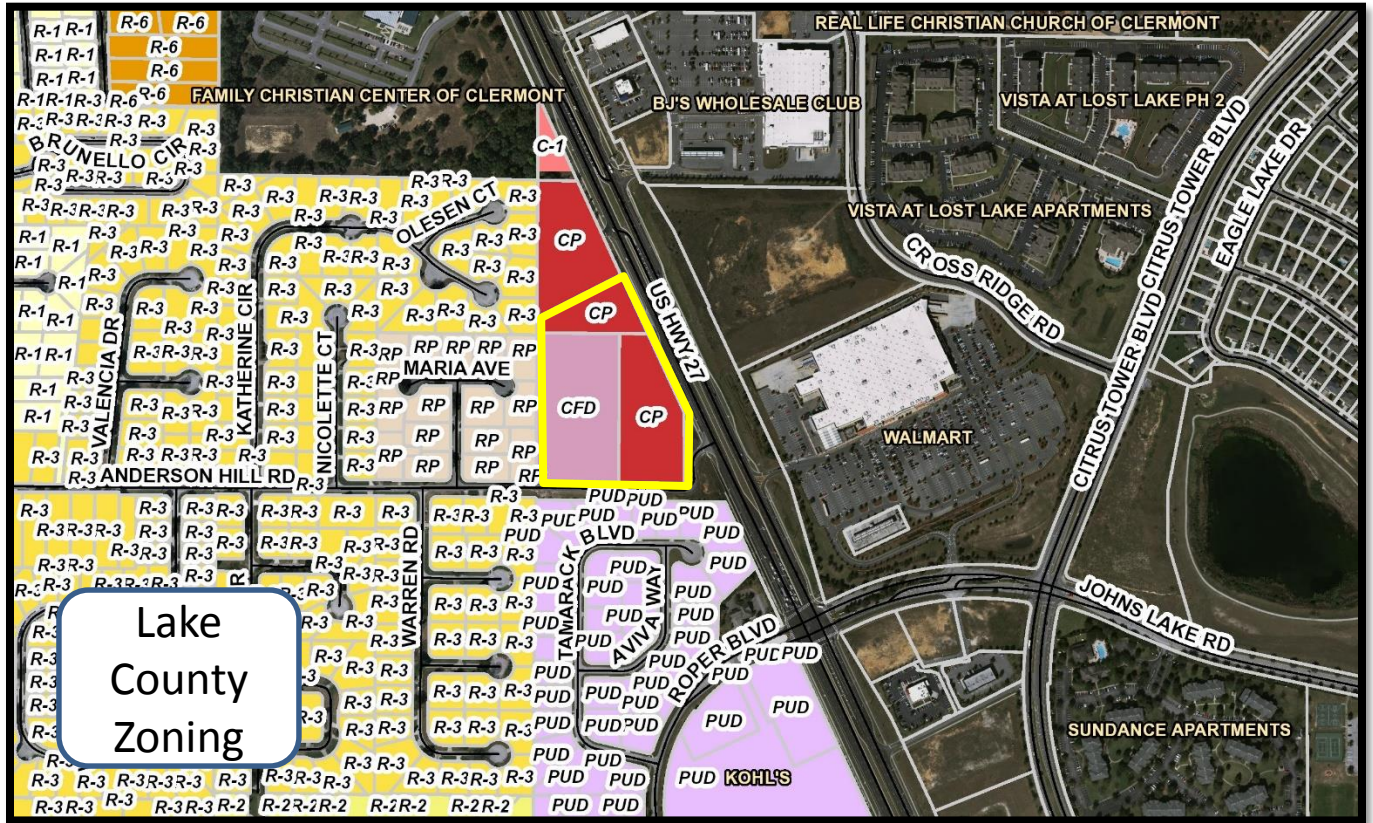


Exhibit - Annexation Map – Anderson Hill Retail

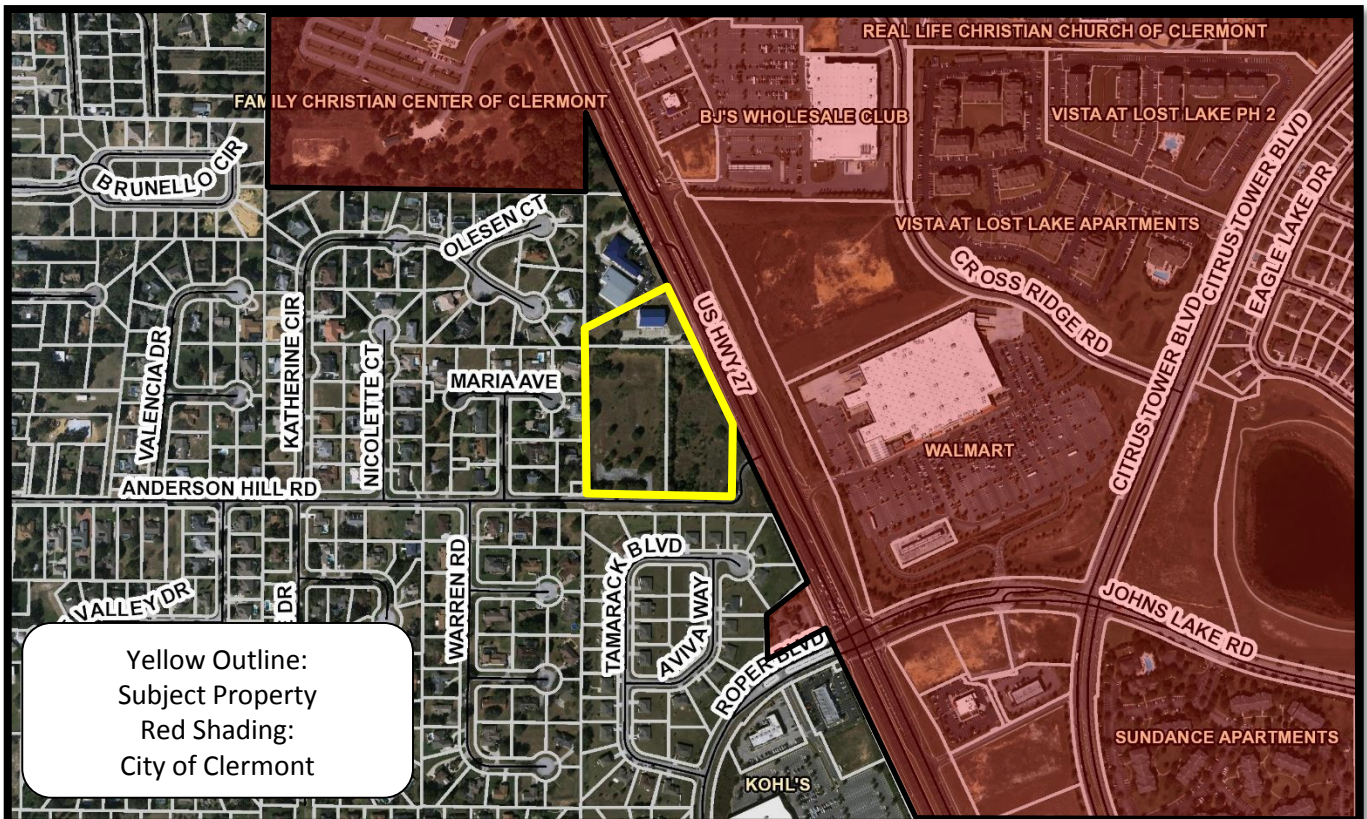
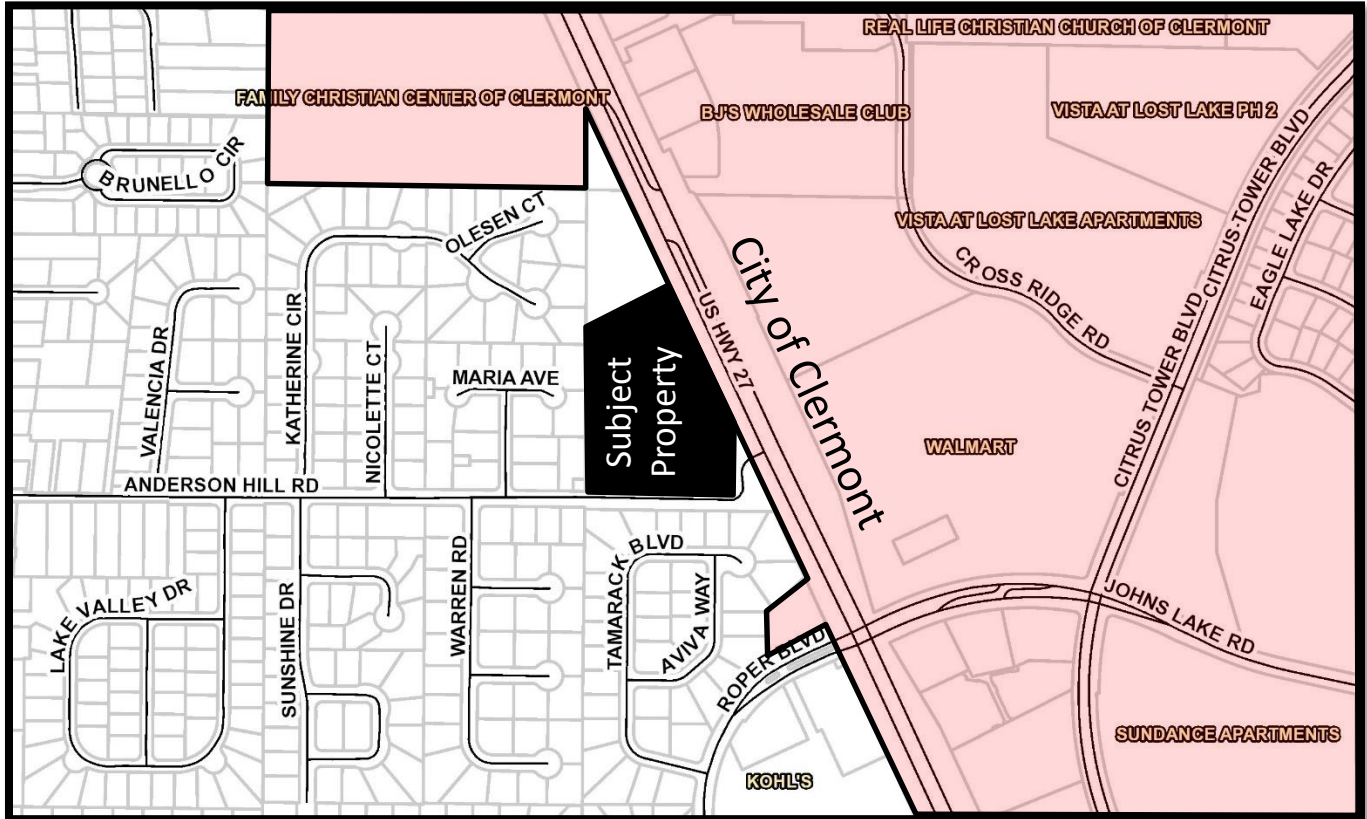
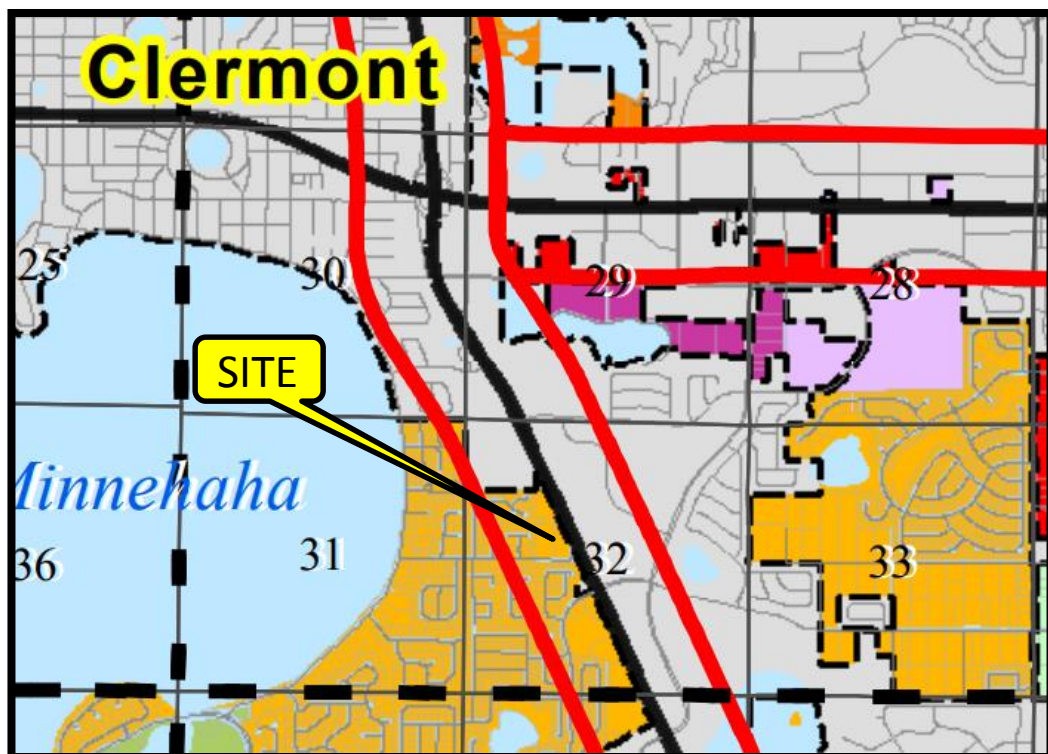
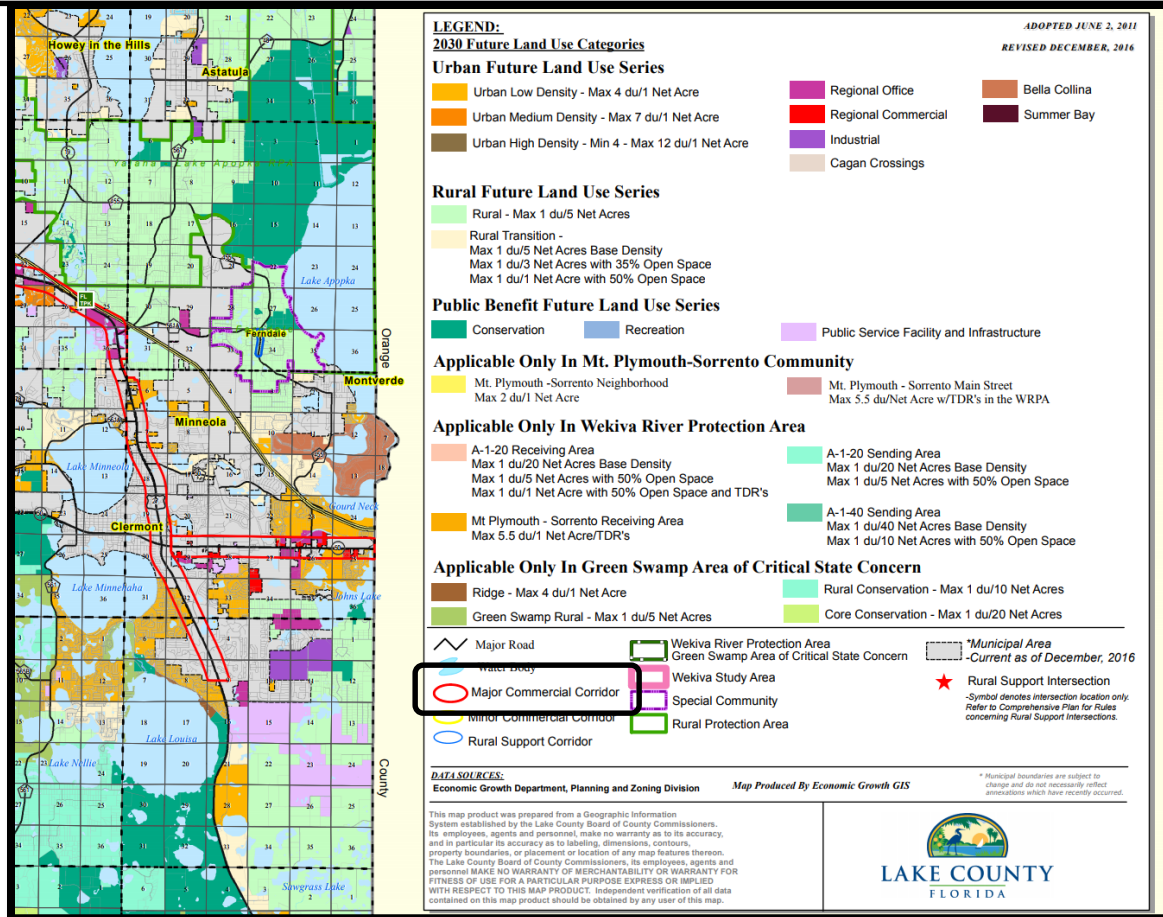


Exhibit – Lake County Future Land Use Map 2030

Anderson Hill Retail



August 24, 2017

VIA E-MAIL CORRESPONDENCE

Re: Anderson Hill Commercial Project – Avid Group

Dear Mayor Ash and Members of Clermont City Council:

As you are aware, immediately prior to the April 11 Clermont City Council Meeting, Avid Group withdrew its applications for annexation, comprehensive plan amendment, rezoning and conditional use permit on the 9.5 acres located at the intersection of Anderson Hill Road and US Highway 27. Many residents contacted you via e-mail, letters and calls expressing concern about Avid Group's development plans. Their withdrawal letter noted the Applicant will "continue to engage the residents and to work with them on a proposal which deals with their concerns."

On June 30, 2017 Avid Group resubmitted their applications for annexation, comprehensive plan amendment, rezoning and conditional use permit with the City of Clermont. **Included in these applications and modified plans is language that may wrongly lead the City Council to believe that the concerns and issues the residents have with the proposed development have been addressed – they have not.**

We, the residents, wish to avoid any misrepresentation by the Applicant and/or its legal counsel. Therefore, we respectfully offer the following conditions and uses that would make development of this property **safe and compatible** with the surrounding area:

1. No access from Anderson Hill Road
2. Acceptable Uses:

Residential	• Single-family detached and attached units • Multi-family not to exceed 2-story (35-ft.)	
Community Facility Development	• Churches • K-12 schools	• Day care • Assisted Living Facility
Professional Offices (operating hours limited to 8 am to 8 pm)	• Law Offices • Executive Offices	• Travel Agent • Real Estate Offices

3. Install Stop signs at Katherine Circle, creating a 4-way stop (~half way down Anderson Hill Road)
4. Install sidewalks from Lakeshore Drive to US Highway 27 along at least one side of Anderson Hill Road
5. Along the western side of the site that abuts existing residential property:
 - a. Maintain a 40-foot wide buffer from the residential property lines to be landscaped with viburnum hedge to be maintained at no less than 6-ft in height – and trees to create privacy screen (per each resident request)
 - b. Construct an 8-foot masonry wall along entire existing grade, to be finished in real or faux stone on residence side, to be erected along the property line prior to beginning construction – including site preparation – to minimize noise, dust, etc.
 - c. Keep and maintain the existing mature landscape
6. Along the southern property line (along Anderson Hill Road):
 - a. Maintain a minimum 30-foot wide landscaped buffer – within the buffer, install and maintain a 4- ft. high viburnum hedge

We appreciate your consideration and believe you will find these requests are fair to ensure the safety and compatibility of the existing (decades old) residential environment with the development of the property.

Regards – Anderson Hill Area Homeowners

cc: Darren Gray, City Manager
Lake County Commissioner Sean Parks
Lake County Commissioner Leslie Campione
Lake County Commissioner Timothy Sullivan
Lake County Commissioner Wendy Breeden
Lake County Commissioner Josh Blake
Lake County Engineer Fred Schneider

NAME	ADDRESS	SIGNATURE
Keith McFarland	13117 Sunshine Cir Clermont, FL 34711	Keith McFarland
Elaine McFarland	13117 Sunshine Cir, Clermont	Elaine McFarland
TOM ENGLISH	12307 WARREN RD	TOM ENGLISH
ROSE FARRELL	13215 Maria Ave	Rose Farrell
Andrew D. Gilliam	13222 Palmer Dr.	Andrew D. Gilliam
SANDRA MARTIN	11925 ONE JUDIC DR	Sandra Martin
Richard Pendorgest	12708 Linda Rd., C.	Richard Pendorgest
FERNANDO L. WATSON	12816 Katherine Cir	Fernando Watson
YOSHIE MATEL	12816 Katherine Cir	Yoshie MATEL
James Roberts	13205 Plaza Ave	James Roberts
Patricia Roberts	13205 Plaza Ave.	Patricia P. Roberts
Mary C. Battersby	12535 El Viento St.	Mary C. Battersby
Rebecca B. Newsome	12211 Lake Valley Dr Clermont, FL 34711	Rebecca B. Newsome
David Hopkins	12100 Garnet Dr. Clermont FL 34711	David Hopkins
Alison Hopkins	12100 Garnet Dr. Clermont 34711	Alison L Hopkins
PAUL BEIRNES	12340 LAKE VALLEY DR	PAUL BEIRNES
Lynne P. Beirnes	12340 Lake Valley Dr.	Lynne P. Beirnes
Vince Johnson	13145 PALMER Drive	Vince Johnson
Kelli Johnson	13145 Palmer Dr	Kelli Johnson
Nancy Srodes	12339 Warren Rd.	Nancy Srodes

Name	Address	Signature
Mary L. Ivanoff	12435 Lake View Clermont FL 34711	Mary Louise Ivanoff
Pat Colvin	12435 Lake Valley Dr Clermont FL 34711	Pat Colvin
Glenn E. Colvin	12435 Lake Valley Dr Clermont FL 34711	Glenn E. Colvin
Carol Colvin	12415 Kathleen Circle Clermont, FL 34711	Carol Colvin
Karen Albritton	12230 Lake Valley Dr Clermont FL 34711	Karen E. Albritton
JIM ALBRITTON	✓	James D. Albritton
CHRISTINE WHEELER	12580 Nicolette Ct 34711	Christine Wheeler
Scott Wheeler	12580 Nicolette Ct 34711	Scott Wheeler
Matthew Ledridge	1312 Anderson Hill Rd Clermont 34711	Matthew Ledridge
GARY CLARICE E YENOR	12200 Lake Valley Dr Clermont, FL 34711	Clarice E. Yenor
CHARLES & DIANNE RUSS	12512 LAKE SHORE CLERMONT, FL	Dianne Russ
BARBARA THOMPSON	12930 Amber Ave Clermont, FL	Barbara Thompson
Sharon Nichols	13728 Olsen Ct Clermont 34711	Sharon Nichols
Megan Jones	12303 Sunshine Drive Clermont, FL 34711	Megan Jones
Robin Cotch	12558 Nicolette Ct Clermont 34711	Robin Cotch
JACK FARRELL	13215 MARIA AVE CLERMONT 34711	Jack Farrell
Jennifer Cotch	12522 Valencia Dr Clermont FL 34711	Jennifer M. Cotch
Tim Snodes	12239 Warren Rd Clermont FL	Tim Snodes
Gunny Calfee	12811 Amber Ave	Gunny Calfee
David Calfee	12811 Amber Ave	David Calfee
Richard Newsome	12211 Lake Valley Pl	Richard Newsome



**CITY OF CLERMONT
COMPREHENSIVE PLAN AMENDMENT
Application**

DATE: Jun 30, 2017

FEE: \$755.00

Project Name (if applicable): Anderson Hill Commercial

Applicant: AVID Group

Contact Person: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

Phone: 727-789-9500 x181 Fax: n/a

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386 329-4000 Fax: _____

E-Mail: qrobertscpi@yahoo.com

General Location: NWC of US Hwy 27 & Anderson Hill Rd

(no address - Parcel# 09-22-26140002700000; 13301 Anderson Hill Rd - Parcel#
09-22-26140002700001; & 12629 US Hwy 27 - Parcel# 09-22-26140002200001)

Legal Description (include copy of survey): See attached legal description

Property size (in acres or square feet): 9.47 +/-

Flood hazard area (yes) ☐ and approx. acreage _____ (no) ☒

Existing (Actual) Land Use: Commercial

Existing Zoning: CP & CFD (County)

Existing Future Land Use: Urban Low Density (County)

Proposed Future Land Use: Commercial (City)

Type of development proposed: Commercial





Proposed density (dwelling units/acre) or intensity: Approx. 0.14 FAR

Proposed Zoning District: PUD (Planned Unit Development)

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).

See attached project description and justification statement.

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

Quintus I. Roberts, Sr., 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 Urban Low Density (Lake County) to Commercial (City of Clermont) for the property legally described on the attachment of this application.
3. That the owner of said property has appointed AVID Group 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.

Quintus I. Roberts, Sr.

Affiant - Applicant Name (print)

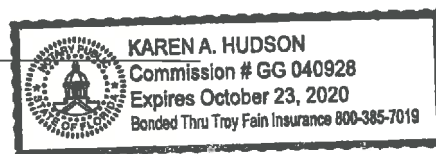
X [Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 30th day of June, 20 17.

X Karen A. Hudson
Notary Public, State of Florida at Large

My Commission Expires:





APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE:

Before me, the undersigned authority personally appeared

Peter R. Pensa, who being

by me first duly sworn on oath, deposes and says:

1. That he (she) affirms and certifies that he (she) understands and will comply with all ordinances, regulations and policies of Lake County, 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.
2. That he (she) desires a Future Land Use Amendment from Urban Low Density (Lake County) to Commercial (City of Clermont) for the property legally described on the attachment of this application.
3. That the submittal requirements for the application have been completed and attached hereto as part of the application.

Peter R. Pensa

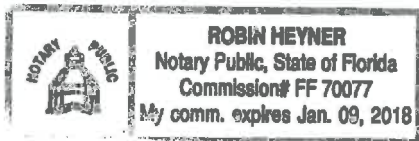
Affiant - Applicant Name (print)
Director of Planning
AVID Group

X

[Signature]
Affiant - Applicant Name (signature)

SWORN to and SUBSCRIBED before me by

or personally known by me this 27 day of July, 2017.



X

Robin Heyner
Notary Public, State of Florida at Large

My Commission Expires: 1/9/18

Anderson Hill Retail

Overall Legal Description:

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, Public Records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest Corner of Tract 22 as shown on the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22, N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the west right-of-way line of US Highway 27; thence along said west right-of-way line, S24°35'30"E, a distance of 269.86 feet to a point on the south line of Tract 22; thence continue along said west right-of-way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the north right-of-way line of Anderson Hill Road; thence N89°03'43"W along the said north right-of-way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the west line of Tract 27 as shown on said the Lake Highland Company Plat of Section 32, Township 22 South, Range 26 East; thence along said west line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres more or less.

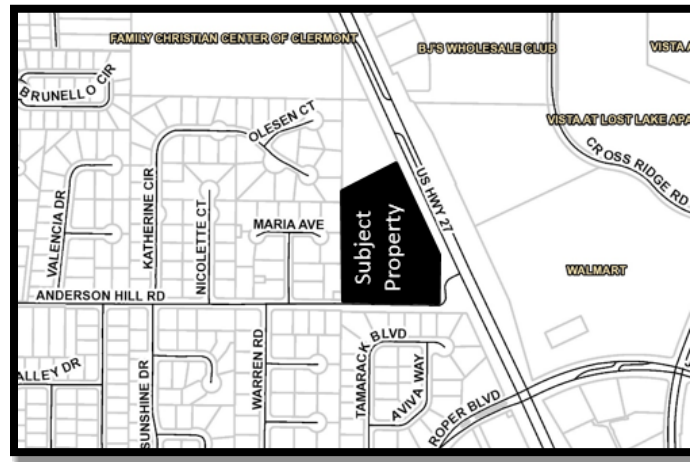
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2017-34

The City of Clermont will hold public hearings on Monday, September 11, 2017 at 6:30 p.m. before the Planning and Zoning Commission; and Tuesday, September 12, 2017 at 6:30 p.m. (1st reading of the adoption ordinance) and Tuesday, September 26, 2017 (final reading of the adoption ordinance) at 6:30 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the 9.47 +/-acre parcel below from Lake County Urban Low Density to City of Clermont Commercial. Alternate Key 1453496, 3828239, and 2826541.



Location:

West and Northwest of the intersection of US Hwy 27 and Anderson Hill Rd
Ordinance #2017-34:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the small-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the small-scale comprehensive plan amendment; setting forth the purpose and intent of the small-scale comprehensive plan amendment; providing for the adoption of the small-scale comprehensive plan amendment; establishing the legal status of the small-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 241-7302 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-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 hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
September 1, 2017 & September 12, 2017



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date	
Tuesday, September 19, 2017	
Agenda Item Name	
Ordinance No. 2017-35; <i>Introduction Anderson Hill Rezoning</i>	
Requested Action	
Recommend introduction of Ordinance 2017-35.	
Staff Report	
The applicant, Avid Group, is requesting a rezoning of the subject property. The property is approximately 9.5 +/- acres in size. The project was before the Council earlier this year for consideration, but was withdrawn by the applicant to further refine the development plan. This request is being heard concurrently with requests for annexation and a small-scale comprehensive plan amendment. Upon annexation, the zoning would default to Urban Estate. The applicant is requesting a change to Planned Unit Development (PUD) zoning with C-2 General Commercial uses. The owner wishes to develop the property as a multi-tenant commercial shopping center with typical uses consisting of retail businesses, personal service establishments, fitness center, restaurants, office, and bank/ATM facilities. These uses are all permitted uses in the C-2 General Commercial district. The overall development will have up to 58,000 square feet of C-2 General Commercial use, including approximately 1,400 square feet for outdoor patio use. One of the buildings, the proposed fitness center, will occupy more than 20,000 square feet of floor space but not more than 22,000 square feet. This structure is identified as "Commercial F" on the PUD site development plan prepared by Avid Group, dated 6/30/17. The overall floor area ratio (FAR) of the development is 14%, well under the maximum amount allowable of 25% under the Commercial future land use. The site will be developed to meet the City's architectural standards and will be developed in a manner that closely resembles the architectural style and elevations as presented in the design concepts prepared by Empad Architecture and Design. The applicant has requested PUD zoning for the subject property to include permitted uses in the C-2 General Commercial zoning district with a request for a few waivers to the Land Development Code (LDC) that allows for a flexible development plan tailored to the site. The waivers requested by the applicant include the following: 1. A six-foot high decorative masonry or brick wall to be constructed as an integral part of the top tier of the retaining wall along the western property line. 2. A modified western landscape buffer that allows clustering of four canopy trees and two understory trees and the omission of these trees along the shared property line at 13220 Maria Avenue. 3. One structure greater than 20,000 square feet but not more than 22,000 square feet. Staff has reviewed the applicant's proposal and believes general commercial uses at this location are compatible with the uses in the area. The four single-family residential homes to the west are approximately 15 feet higher than the proposed development. Adjacent to the homes will be a 10-foot landscape buffer, a six-foot high decorative masonry or brick wall on top of the retaining wall, stormwater pond and the majority of the parking. This transition will keep the buildings pushed toward the front of the property along U.S. Highway 27. The existing building on the	

northern portion of the property will be the nearest building to the western property line, which is more than 200 feet away.

The applicant has submitted a traffic impact analysis and it has been reviewed by the Lake-Sumter MPO. The Lake-Sumter MPO is satisfied with the responses provided and is requesting monitoring of two intersections in the area to determine if the project causes the level of service of the intersections to deteriorate below acceptable standards. A condition has been placed in the ordinance that requires monitoring and the developer's proportionate fair-share for improvements if it becomes warranted.

Under previously approved ordinances and site plans granted by Lake County, development utilizing approximately 68,000 square feet of floor area could be constructed on the subject property. The St. Mathias Episcopal Church project was approved for approximately 26,000 square feet, the Pointe at Lost Lake was approved for approximately 33,000 square feet, and the existing building is approximately 9,000 square feet. The applicant is proposing 58,000 square feet under the terms of the PUD, or approximately 10,000 square feet less.

Staff has reviewed the application and believes that the proposed uses will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the proposed use will comply with the regulations and conditions specified. Staff believes the proposed PUD meets the review criteria in Section 122-315. Staff recommends approval of the request for a Planned Unit Development with C-2 General Commercial uses with the conditions outlined in Ordinance 2017-35.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|-----|--|--|
| 1. | Ordinance 2017-35 | 2017-35 Anderson Hill Rezone.docx |
| 2. | Maps and Exhibits | Anderson Hill Retail Maps 9-17.pdf |
| 3. | Site Map | 3188001-PUD Site Development Plan 6-30-17.pdf |
| 4. | Elevation Board | Anderson Hill Color Elevation Board.pdf |
| 5. | Lake-Sumter MPO Comment Letter | Lake Co Retail Proj TIA_MPO Comments_6-20-17.pdf |
| 6. | Exhibit A - Utilities Inc letter | Anderson Hill 9-17 rezoning exhibit A.pdf |
| 7. | Lake Co - St Mathias Episcopal Site Plan | St Mathias Episcopal Church site plan Pg 1.pdf |
| 8. | Lake Co - Pointe at Lost Lake Site Plan | Point at Lost Lake Site Plan Pg 1 and 3.pdf |
| 9. | Neighboring property owners letter | Neighbors letter_Aug 24 2017.pdf |
| 10. | Application | Anderson Hill 9-17 Rezoning app.pdf |
| 11. | Legal Ad | REZ Anderson Hill legal ad 9-17.docx |

CITY OF CLERMONT
ORDINANCE No. 2017-35

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

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

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

LOCATION

West and Northwest of the intersection of US Highway 27 and Anderson Hill Road
Alternate Keys 1453496, 3828239 & 2826541

From: Urban Estate (UE)
To: Planned Unit Development (PUD)

CITY OF CLERMONT
ORDINANCE No. 2017-35

SECTION 2 - General Conditions:

This application for a Planned Unit Development to allow for a multi-tenant commercial development with C-2 General Commercial uses; be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. The property shall be developed in substantial accordance with the Planned Unit Development Site Development Plan prepared by Avid Group, dated June 30, 2017. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a Zoning Clearance or other development permits.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

SECTION 3 - Land Uses and Specific Conditions:

1. The project may consist of up to 58,000 square feet of C-2 General Commercial uses with one structure greater than 20,000 square feet but no more than 22,000 square feet. This structure is identified as "Commercial F" on the Planned Unit Development Site Development Plan prepared by Avid Group, dated June 30, 2017.
2. Setbacks
From US Highway 27 50 feet from the property line
From Anderson Hill Road 25 feet from the property line
North property line: 12 feet from the property line
West property line: 50 feet from the property line
3. Maximum building height will be 35 feet, measured at the highest point.
4. Driveway access and parking may be below the centerline of US Highway 27 or Anderson Hill Road and will be subject to the approval of the City Engineer.
5. The project may have elevation changes of up to 15 feet in height over the project site through the use of cut and fill. These changes will be submitted to the City Engineer at the time of final engineering.
6. Individual retaining wall heights up to 6 feet in height are allowed to deal with the changing grades on the site and may be stair stepped, not to exceed 15 feet of elevation change.

CITY OF CLERMONT
ORDINANCE No. 2017-35

7. A modified landscape buffer along the western property line is requested as a result of meeting with the adjoining property owners on Maria Avenue. The landscape buffer shall be a minimum of 10 feet in width and shall consist of a six-foot high decorative masonry or brick wall that may be incorporated onto the top of the retaining wall. In addition, the property owner at 13220 Maria Avenue has requested no trees to be planted along the property line due to an existing pool enclosure. The four canopy trees and two understory trees will be clustered within the rest of the western landscape buffer.
8. The existing billboard will be removed prior to building permit issuance on either parcel Alternate Key 1453496 or 2826541.
9. The developer will construct safety upgrades to improve the shoulders along the curved section of Anderson Hill Road just west of US Highway 27. In addition, the developer will add striping along Anderson Hill Road extending from US Highway 27 to the western property line and will construct a 5 foot pedestrian sidewalk along the north side of Anderson Hill Road the length of the property. Off-site improvements shall be eligible for transportation impact fee credits to the extent allowed pursuant to Lake County Code.
10. The developer shall submit an annual report to the City of Clermont, no later than February 15 of each year, on the monitoring of the intersections of US Highway 27 at John's Lake Road and Citrus Tower Boulevard at John's Lake Road. The results of the monitoring will be to see if the southbound left turns and eastbound left turns; respectively, cause the Level of Service (LOS) of the intersection to deteriorate below acceptable standards. If it is determined that additional traffic improvements are warranted, the developer will assist in the improvements through their proportional share. This annual report shall conclude two years after final build out of the development.
11. The buildings shall be constructed in a manner that closely resembles the architectural style and elevation as presented in the Anderson Hill Color Elevation Board labeled "Design Concepts" prepared by Empad Architecture and Design, dated February 6, 2017 and shall meet the City of Clermont's Architectural Standards.
12. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.

SECTION 4:

All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.

SECTION 5:

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.

CITY OF CLERMONT
ORDINANCE No. 2017-35

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 26th day of September, 2017.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Anderson Hill Retail

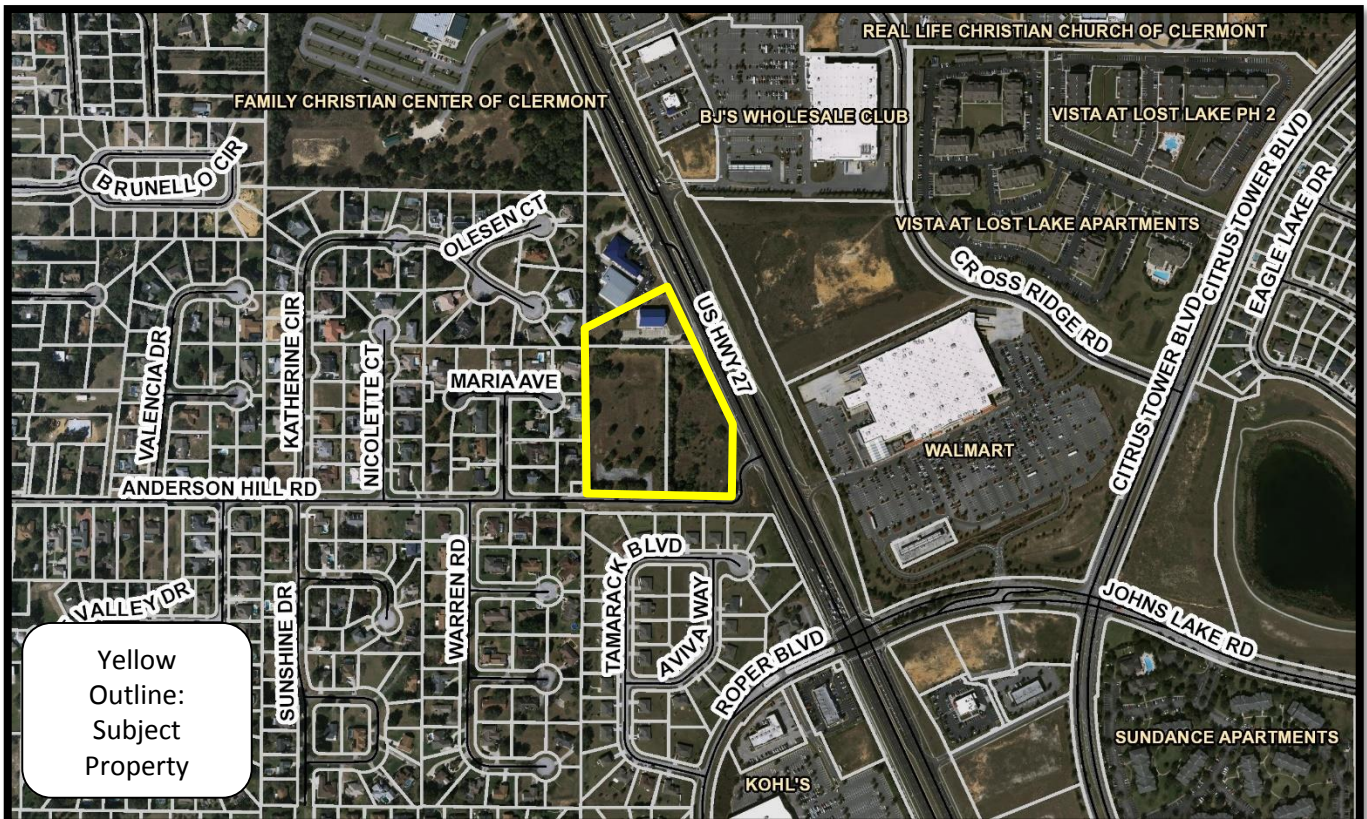
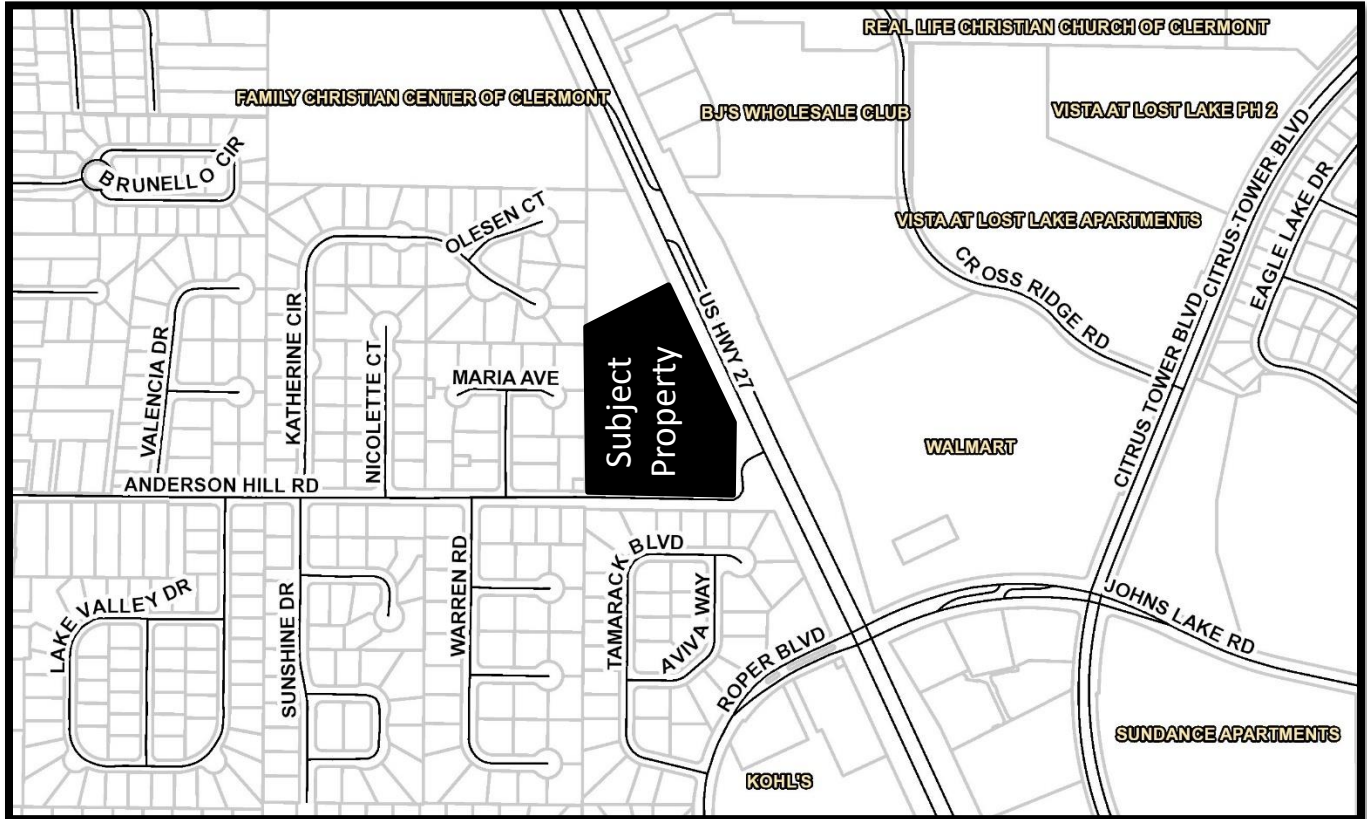


Exhibit – Future Land Use Map – Anderson Hill Retail

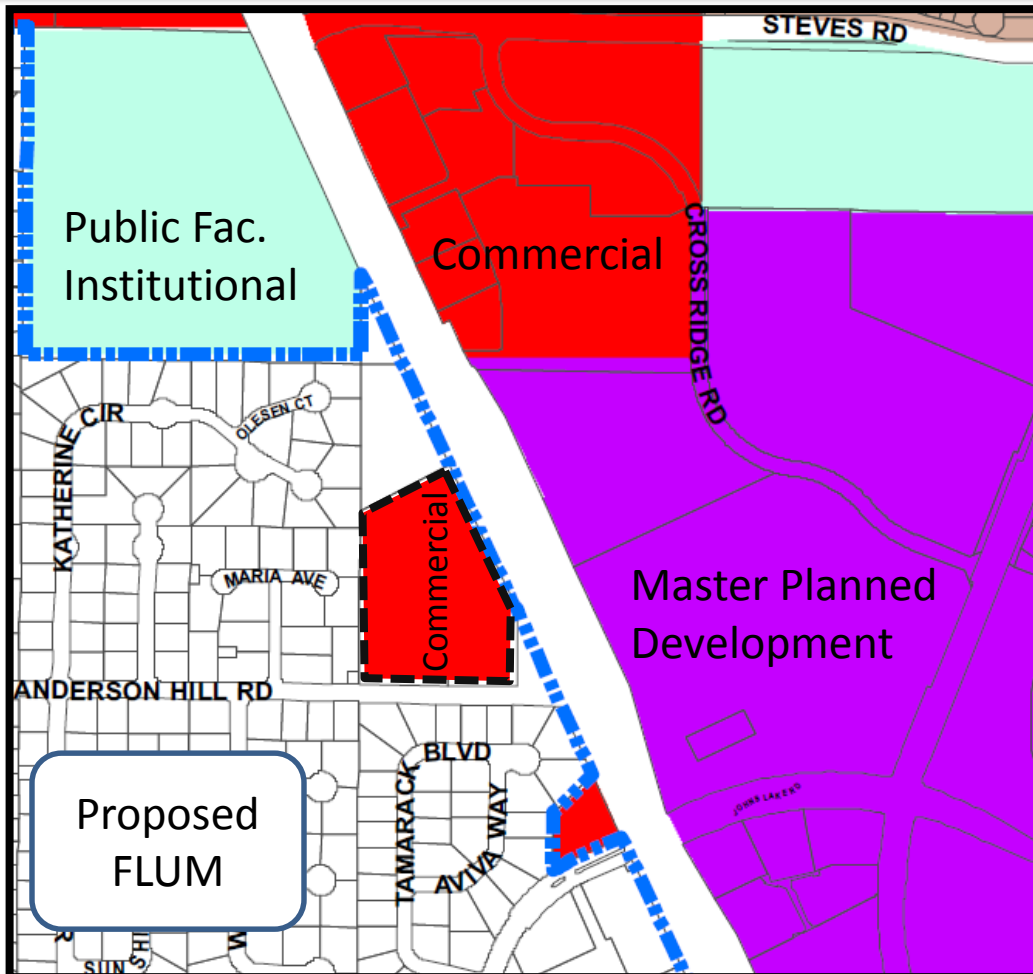


Exhibit – Zoning Map – Anderson Hill Retail

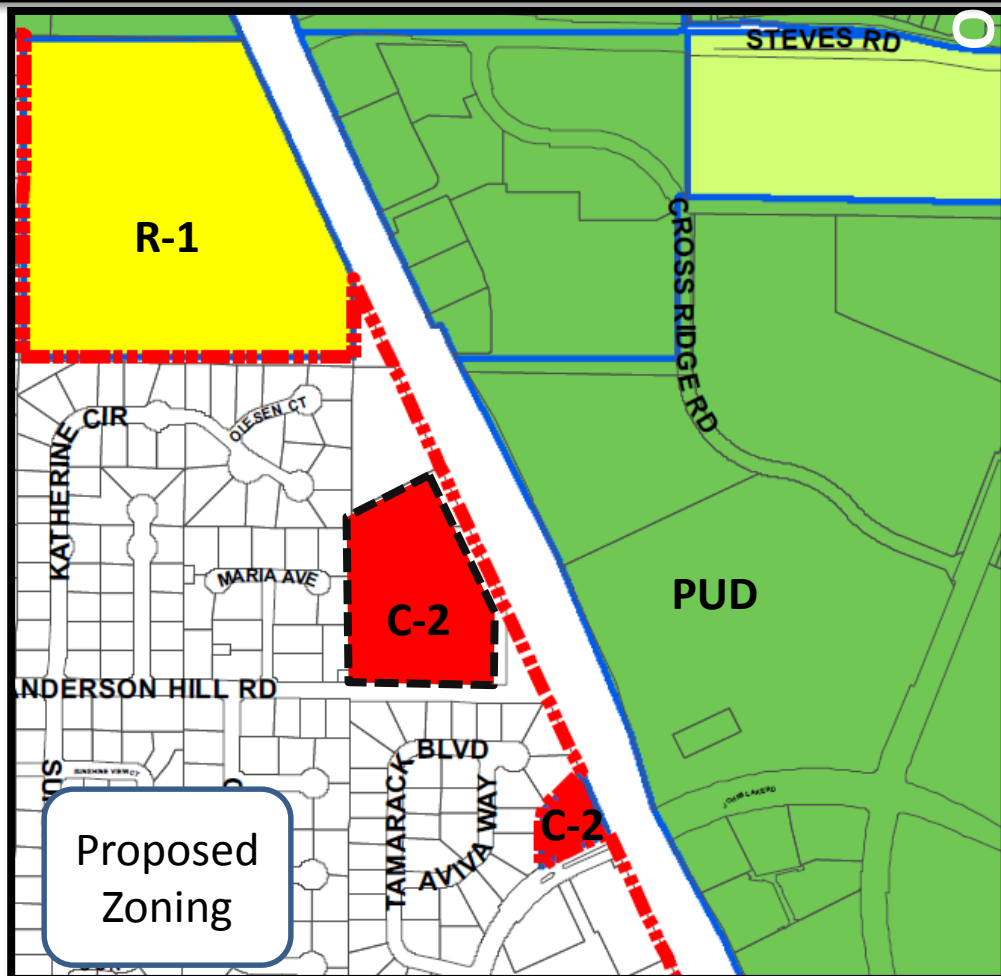
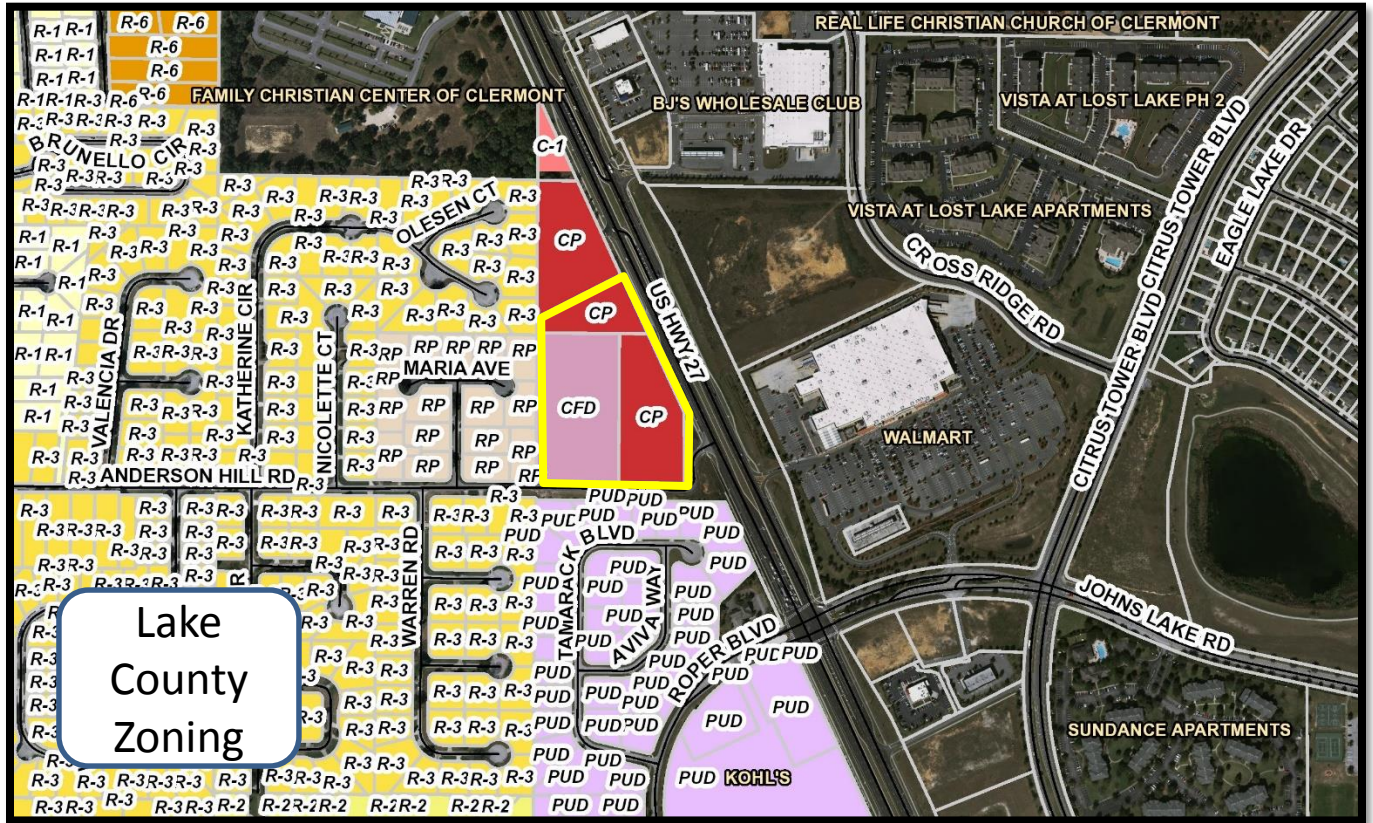


Exhibit - Annexation Map – Anderson Hill Retail

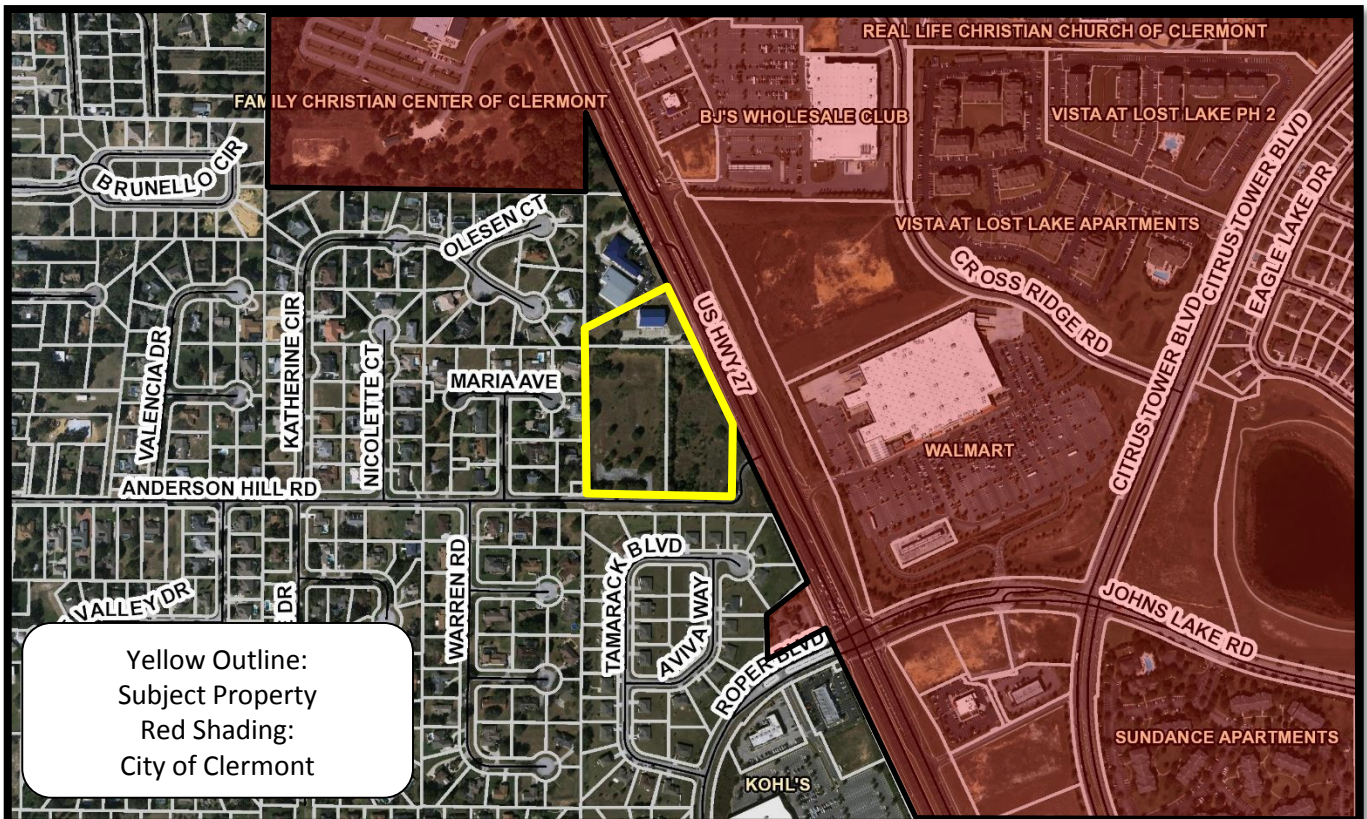
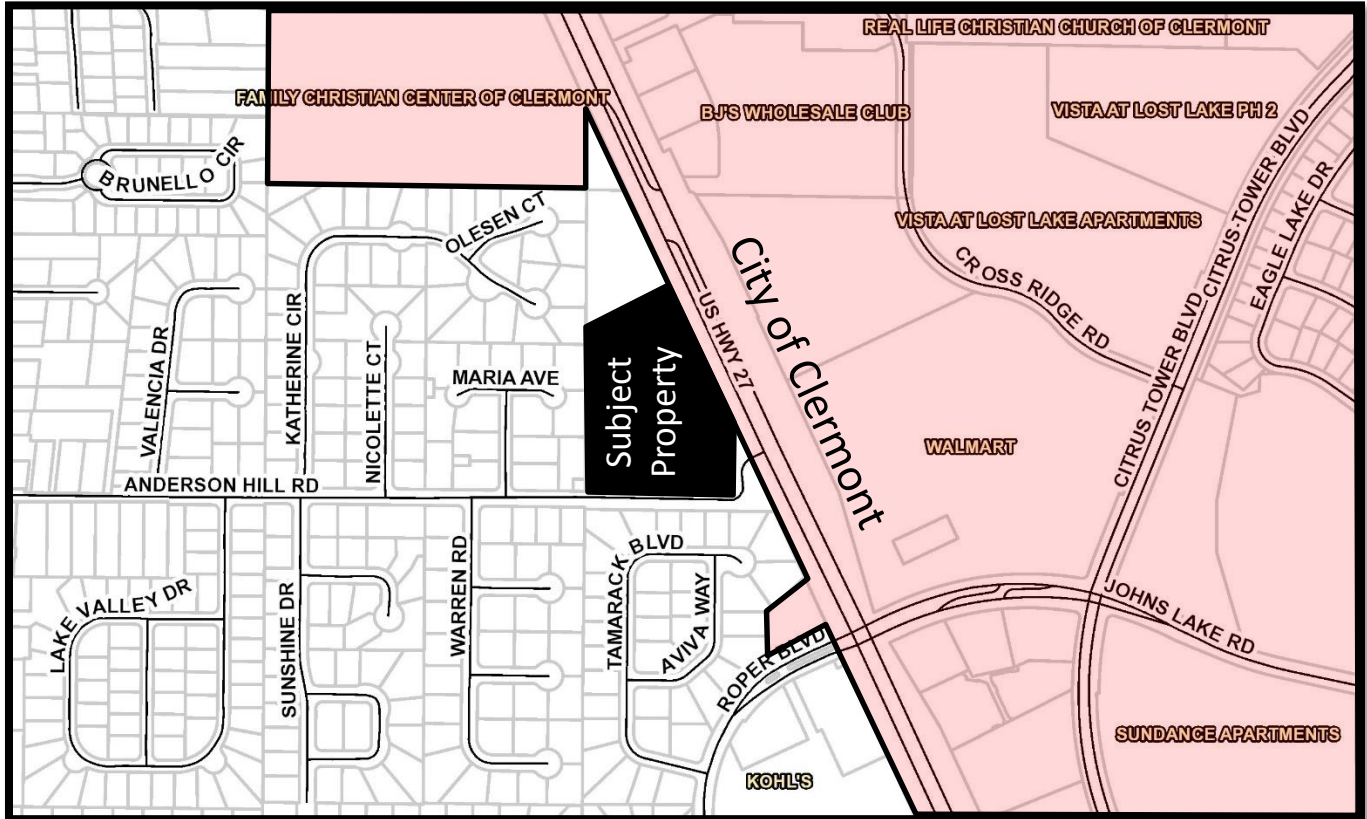
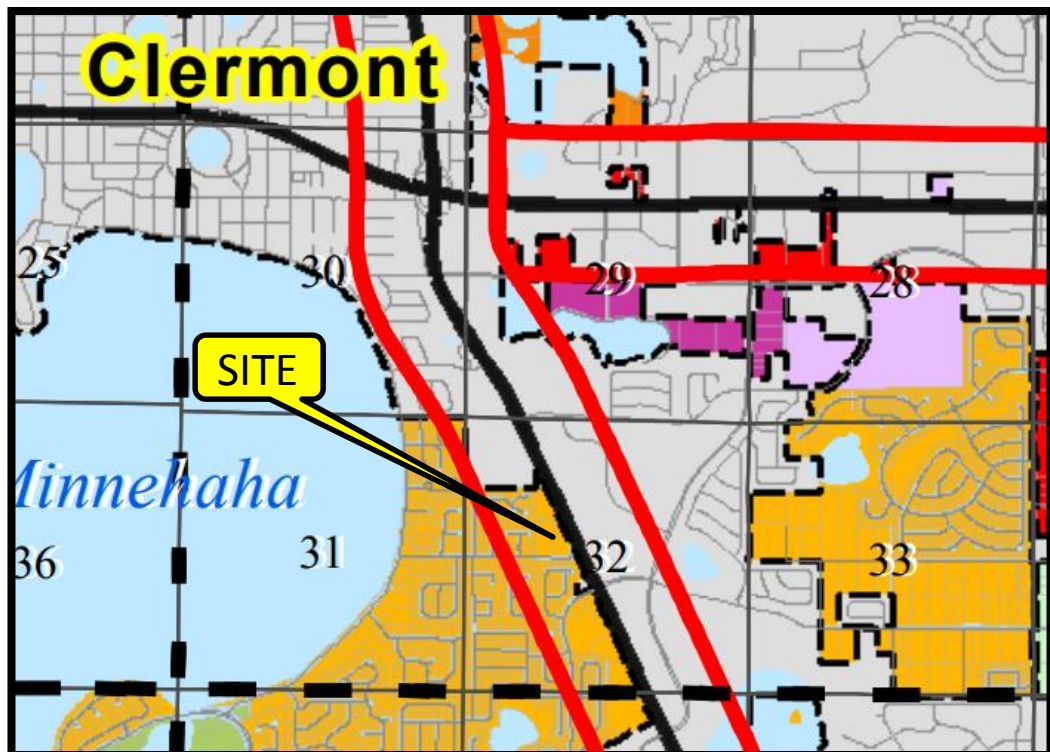
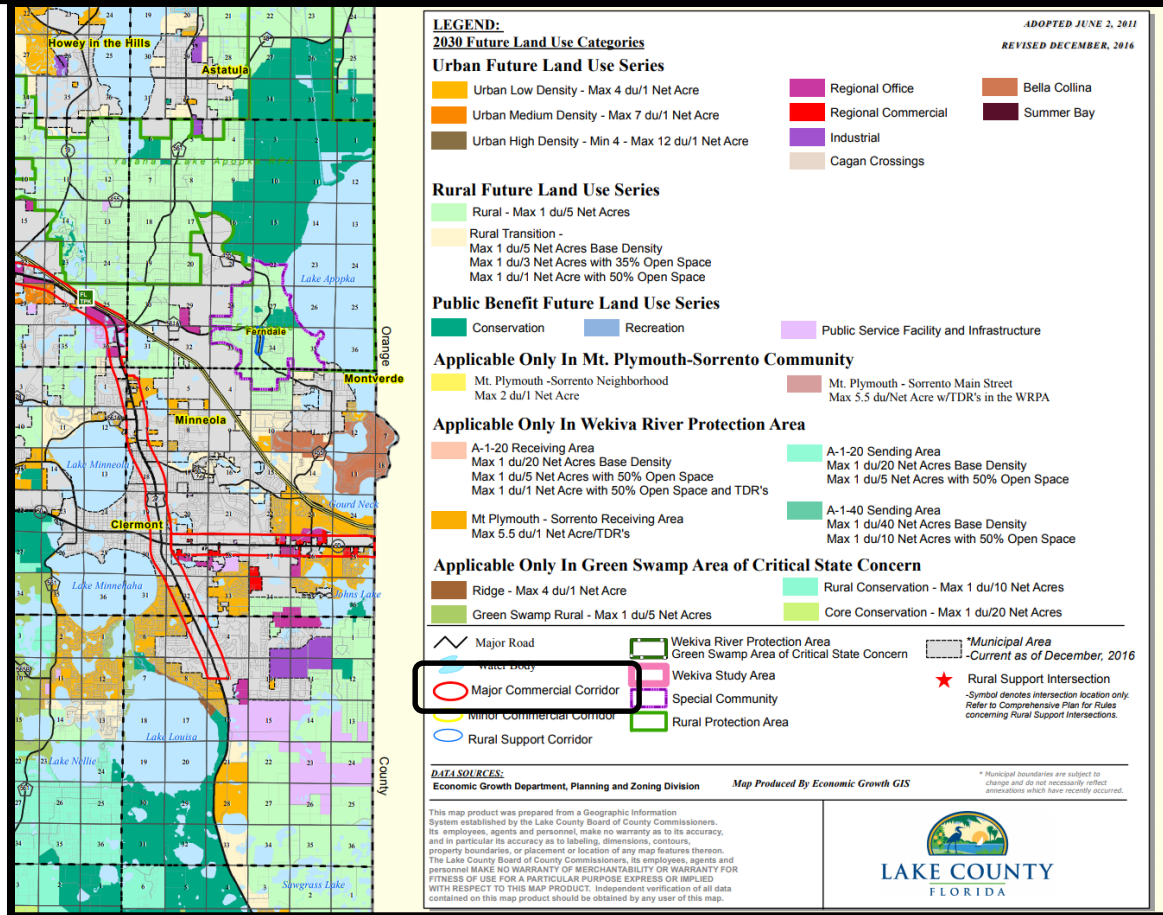
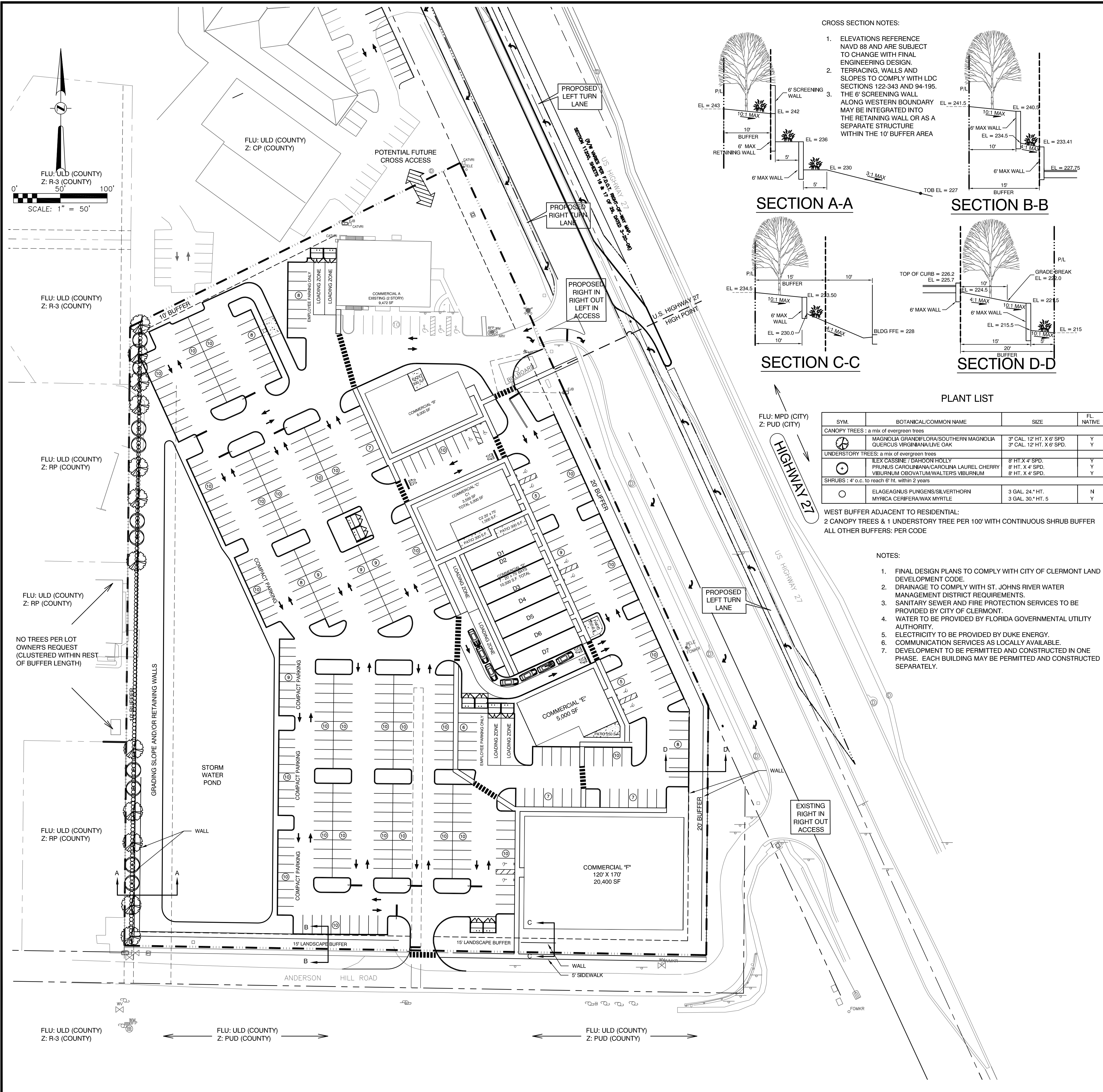


Exhibit – Lake County Future Land Use Map 2030

Anderson Hill Retail

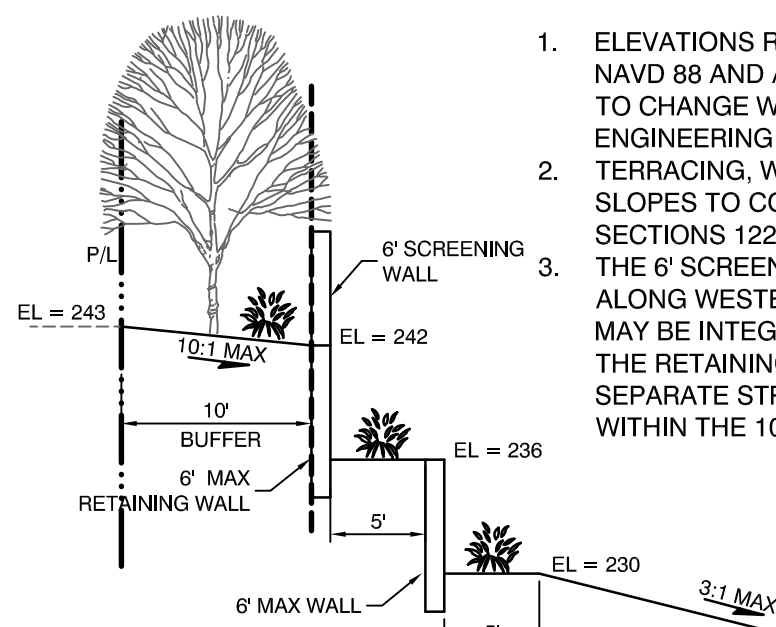


THESE PLANS MAY NOT BE COPIED AND/OR MODIFIED WITHOUT WRITTEN PERMISSION FROM AVID GROUP®. COPYRIGHT 2013

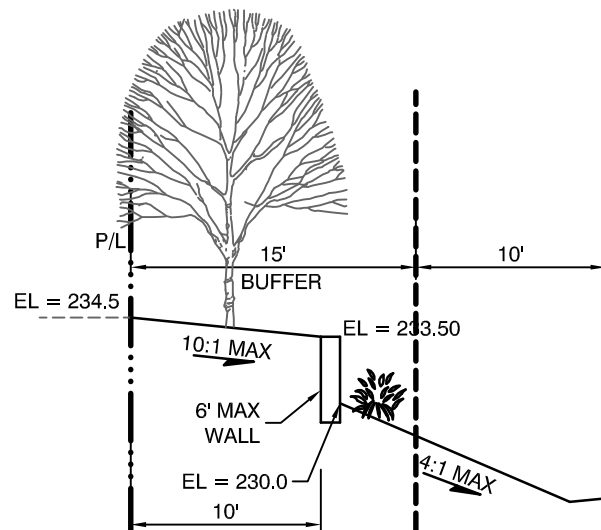


CROSS SECTION NOTES:

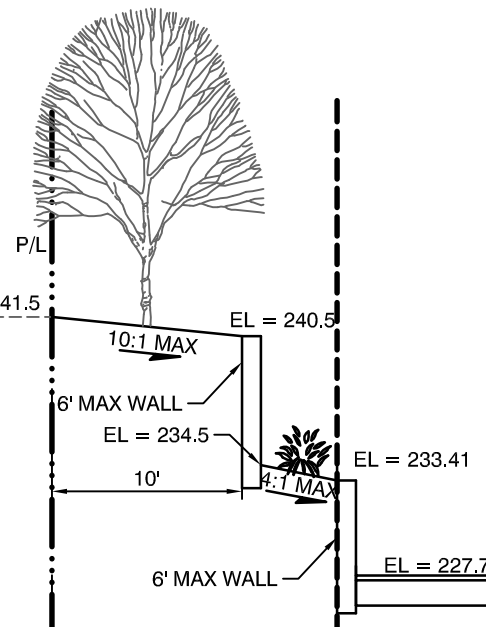
- ELEVATIONS REFERENCE NAVD 88 AND ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING DESIGN.
- TERRACING, WALLS AND SLOPES TO COMPLY WITH LDC SECTIONS 122-343 AND 94-195.
- THE 6' SCREENING WALL ALONG WESTERN BOUNDARY MAY BE INTEGRATED INTO THE RETAINING WALL OR AS A SEPARATE STRUCTURE WITHIN THE 10' BUFFER AREA



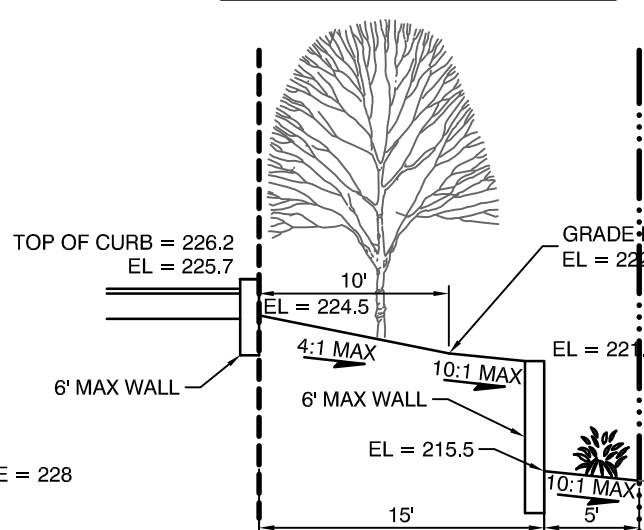
SECTION A-A



SECTION C-C



SECTION B-B



SECTION D-D

PLANT LIST

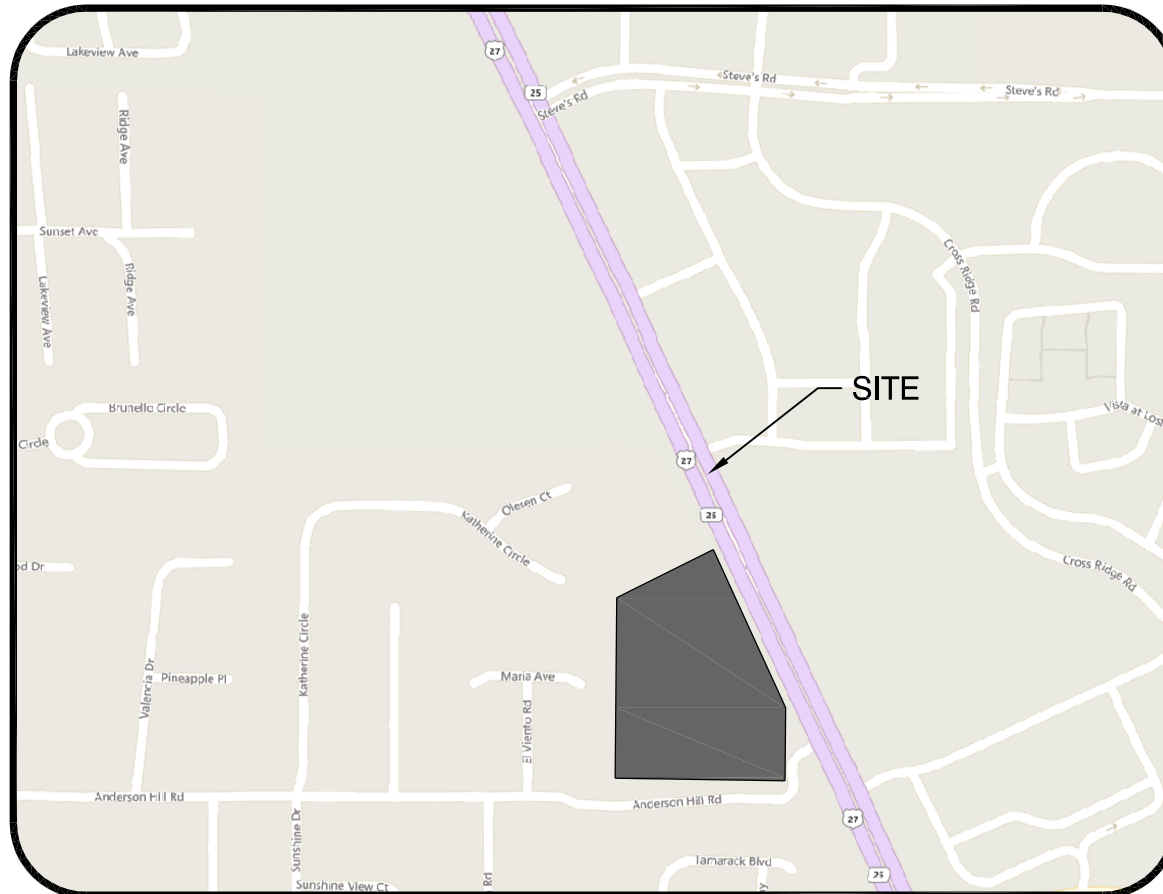
SYM.	BOTANICAL/COMMON NAME	SIZE	FL NATIVE
CANOPY TREES : a mix of evergreen trees			
☐	MAGNOLIA GRANDIFLORA/SOUTHERN MAGNOLIA	3" CAL. 12' HT. X 6" SPD	Y
☐	QUERCUS VIRGINIANA/LIVE OAK	3" CAL. 12' HT. X 6" SPD.	Y
UNDERSTORY TREES: a mix of evergreen trees			
○	ILEX CAESALPINIA/DARLON HOLLY	8' HT. X 4" SPD.	Y
○	PRUNUS CAROLINIANA/CAROLINA LAUREL CHERRY	8' HT. X 4" SPD.	Y
○	VIBURNUM OBOVATUM/WALTERS VIBURNUM	8' HT. X 4" SPD.	Y
SHRUBS : 4" o.c. to reach 6' ht. within 2 years			
○	ELAEAGNUS PUNGENS/SILVERTHORN	3 GAL. 24" HT.	N
○	MYRTICA CERIFERA/WAX MYRTLE	3 GAL. 30" HT. 5	Y

WEST BUFFER ADJACENT TO RESIDENTIAL:
2 CANOPY TREES & 1 UNDERSTORY TREE PER 100' WITH CONTINUOUS SHRUB BUFFER
ALL OTHER BUFFERS: PER CODE

NOTES:

- FINAL DESIGN PLANS TO COMPLY WITH CITY OF CLERMONT LAND DEVELOPMENT CODE.
- DRAINAGE TO COMPLY WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REQUIREMENTS.
- SANITARY SEWER AND FIRE PROTECTION SERVICES TO BE PROVIDED BY CITY OF CLERMONT.
- WATER TO BE PROVIDED BY FLORIDA GOVERNMENTAL UTILITY AUTHORITY.
- ELECTRICITY TO BE PROVIDED BY DUKE ENERGY.
- COMMUNICATION SERVICES AS LOCALLY AVAILABLE.
- DEVELOPMENT TO BE PERMITTED AND CONSTRUCTED IN ONE PHASE. EACH BUILDING MAY BE PERMITTED AND CONSTRUCTED SEPARATELY.

LOCATION MAP



SITE DATA

SITE ADDRESS:	NO ADDRESS	13301 ANDERSON HILL RD CLERMONT, FL 34711	12629 US HIGHWAY 27 CLERMONT, FL 34711
PARCEL NO.:	09-22-26140002700000	09-22-26140002700001	09-22-26140002200001
SITE AREA:	3.24 ACRES M.O.L. 9.47 ACRES / 412,248 SF M.O.L. (TOTAL)	4.69 ACRES M.O.L.	1.54 ACRES M.O.L.
PROPERTY ZONING:	EXISTING (LAKE COUNTY): CP (PLANNED COMMERCIAL) PROPOSED (CITY OF CLERMONT): PUD (PLANNED UNIT DEVELOPMENT)	CFD (COMMUNITY FACILITY)	CP (PLANNED COMMERCIAL)
FUTURE LAND USE:	EXISTING (LAKE COUNTY): URBAN LOW DENSITY PROPOSED (CITY OF CLERMONT): COMMERCIAL	URBAN LOW DENSITY COMMERCIAL	URBAN LOW DENSITY COMMERCIAL
PROPERTY USE:	VACANT	VACANT	COMMERCIAL BUILDING (FORMER FITNESS CENTER)
PROPOSED BLDG SETBACKS (FT):	MINIMUM REQUIRED	MINIMUM PROVIDED	
US 27:	50 FT	62.6	
ALL OTHER STREETS:	25 FT	89.8	
SIDE PROPERTY LINES:	12 FT	15.4	
PROPOSED INTENSITY:	56,372 SF (BUILDINGS) AND 1,400 SF (OUTDOOR PATIOS) 57,772 SF / 412,248 SF = 0.14 FAR		

Required parking per city of Clermont code:

Commercial (Retail/Office)	1/200 sf
Restaurants and lounges	1/50 sf devoted to patron use + 1/4 employees

Building	Unit/Use	SF	Patio	Required
Commercial A (Existing)	(retail)	9,472		47.4
Commercial B	(restaurant)	6,000	300	81.9
Commercial C	C1 (retail)	3,500		17.5
Commercial D	C2 (restaurant)	1,500	300	23.4
	D1 (restaurant)	1,500	300	23.4
	D2 (retail)	1,500		7.5
	D3 (retail)	1,500		7.5
	D4 (retail)	1,500		7.5
	D5 (retail)	1,500		7.5
	D6 (retail)	1,500		7.5
Commercial E	D7 (restaurant)	1,500	250	22.8
	(restaurant)	5,000	250	68.3
Commercial F	(retail)	20,400		102.0
Drive-thru ATM	atm	n/a		9.00
Total		56,372	1,400	424.1
Provided				424.0

assumptions:

- restaurant and patio gross area = 80% patron use area
- restaurant employees = 1/100 sf non-patron use area

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

TRACT 27 TOGETHER WITH A PORTION OF TRACT 22, AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:
BEGIN AT THE SOUTHWEST CORNER OF TRACT 22 AS SHOWN ON THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST, RECORDED IN PLAT BOOK 3, PAGE 24, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF TRACT 22, N00°31'25"E, A DISTANCE OF 61.46 FEET; THENCE N63°34'33"E, A DISTANCE OF 393.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 27; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S24°35'30"E, A DISTANCE OF 269.86 FEET TO A POINT ON THE SOUTH LINE OF TRACT 22; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE S24°35'30"E, A DISTANCE OF 366.85 FEET; THENCE S00°27'49"W, A DISTANCE OF 266.03 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ANDERSON HILL ROAD; THENCE N89°03'43"W ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF SAID ANDERSON HILL ROAD, A DISTANCE OF 620.93 FEET TO A POINT ON THE WEST LINE OF TRACT 27 AS SHOWN ON SAID THE LAKE HIGHLAND COMPANY PLAT OF SECTION 32, TOWNSHIP 22 SOUTH, RANGE 26 EAST; THENCE ALONG SAID WEST LINE OF SAID TRACT 27, N00°31'46"E, A DISTANCE OF 598.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 22 AND THE POINT OF BEGINNING.
CONTAINING A TOTAL OF 9.47 ACRES, MORE OR LESS.

PROFESSIONAL TEAM

OWNER/DEVELOPER:
ANDERSON HILL DLSU, LLC
625 STATE ROAD 100
PALATKA, FLORIDA 32177
PHONE: (386) 329-4000

TRAFFIC ENGINEER:
TRAFFIC PLANNING AND DESIGN, INC.
535 VERSAILLES DR
MAITLAND, FLORIDA 32751
PHONE: (407) 628-9955

SURVEYOR:
HLSM, LLC
794 BIG TREE DR SUITE 108
LONGWOOD, FLORIDA 32750
PHONE: (407) 647-7346

CIVIL ENGINEER/PLANNER:
AVID GROUP
2300 CURLEW ROAD SUITE 201
PALM HARBOR, FLORIDA 34683
PHONE: (727) 789-9500

GEOTECHNICAL ENGINEER:
ECS FLORIDA, LLC
2815 DIRECTORS ROW, SUITE 500
ORLANDO, FLORIDA 32809
PHONE: (407) 859-9599

ARCHITECT:
EMPAD
1901 ULMERTON RD SUITE 195
CLEARWATER, FLORIDA 33762
PHONE: (727) 570-9506

SC ASSETS, LLC

ANDERSON HILL RETAIL

CLERMONT, FLORIDA

PUD SITE DEVELOPMENT PLAN

SHEET NO.

1 of 1

NO.	DATE	DESCRIPTION	BY
11			
10			
9			
8			
7			
6			
5			
4			
3			
2			
1			

NOT VALID WITHOUT ORIGINAL SEAL AND REGISTERED PROFESSIONAL ENGINEER'S SIGNATURE
PROJ. NO. 3188001
PROJ. NAME: ANDERSON HILL RETAIL
DATE: 06/30/17

CIVIL ENGINEERING
LAND PLANNING
TRAFFIC/TRANSPORTATION SURVEYING
34683
2300 CURLEW ROAD, STE 201
PALM HARBOR, FLORIDA
AVID GROUP®
PHONE (727) 789-9500
FAX (727) 784-6662
AVIDGROUP.COM



Retail C & D HWY 27 (East) Elevation



Retail C & D Parking Lot (West) Elevation





Lake County

Sumter County

Town of Astatula

City of Bushnell

City of Center Hill

City of Clermont

City of Coleman

City of Eustis

City of Fruitland Park

City of Groveland

Town of
Howey-in-the-Hills

Town of Lady Lake

City of Leesburg

City of Mascotte

City of Minneola

Town of Montverde

City of Mount Dora

City of Tavares

City of Umatilla

City of Webster

City of Wildwood

Florida Central
Railroad

Lake County Schools

Sumter County Schools

Mr. John E. Kruse, AICP
Senior Planner
Development Services Dept.
685 W. Montrose St.
Clermont, FL 34711

June 20, 2017

RE: Lake County Retail Project Traffic Impact Analysis – Response to Review Comments

Mr. Kruse,

I have reviewed the applicant's response to the review comments prepared by the Lake~Sumter MPO dated March 23, 2017 regarding the Lake County Retail Project Traffic Impact Analysis document submitted by Traffic Planning and Design, Inc. dated June 5, 2017. The project is located on the northwest quadrant of the intersection of US-27 and Anderson Hill Road. Currently this is vacant land. The proposed development is 57,772 square feet of shopping center (ITE LU Code 820). Access to the site will be provided via two access points; 1) a limited access onto US-27 (right-in, right-out, and left-in); 2) a full access onto Anderson Hill Road.

The Lake~Sumter MPO is satisfied with the responses given, however it needs to be noted that the intersections included in Comment #8 (US-27 at John's Lake Road and Citrus Tower Blvd. at John's Lake Road) should be monitored to see if the southbound left turns and eastbound left turns (respectively) cause the LOS of the intersections to deteriorate below acceptable standards.

These comments provided to Lake County are advisory in nature. Any acceptance or revisions to the TIA are at the discretion of Lake County to make based on the comments presented.

Sincerely,

Brian R. Hutt
Lake~Sumter MPO
TMS Project Manager
(352) 315-0170 Ext. 3

"Promoting Regional Transportation Partnerships"

www.LakeSumterMPO.com

1616 South 14th Street, Leesburg, Florida 34748
Phone (352) 315-0170 – Fax (352) 315-0993



May 19, 2017

Mr. Quint Roberts
ANU Management, Inc.
625 State Road 100
Palatka, FL 32177

RE: Anderson Hill Retail
Potable Water Service Availability

Dear Mr. Roberts:

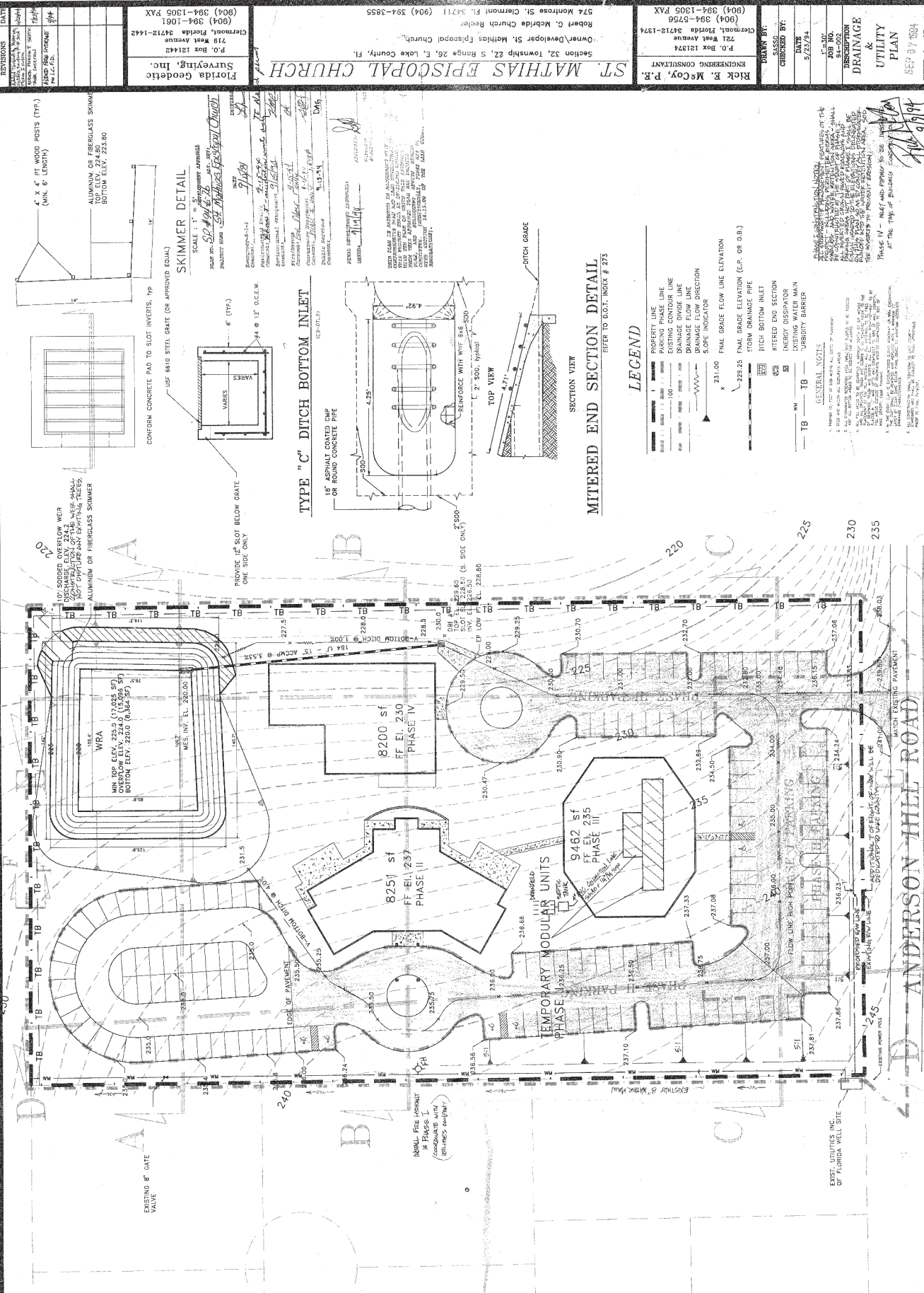
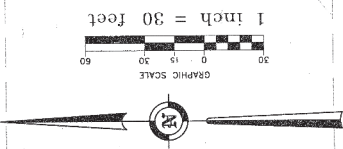
This office has received and reviewed your request dated May 16, 2017 in regards to the above referenced project. This letter serves to advise you that the proposed project is located within the Utilities Inc. of Florida - Lake Utility Services. FPSC certificated service area for the provision of potable water. Utilities Inc. of Florida has the available capacity to serve the proposed project and is ready and willing to do so contingent upon the execution of a mutually acceptable agreement between the Developer/Owner and the Utility.

Should the Owner decide to move forward with the project, please contact me directly at 866.842.8432, extension 1360 or by email at bkgongre@uiwater.com

Sincerely,
UTILITIES INC. OF FLORIDA

A handwritten signature in cursive script that reads "Bryan K. Gongre".

Bryan K. Gongre
Regional Manager



ST. MATHIAS EPISCOPAL CHURCH
Section 32, Township 22, S Range 26, E, Lake County, FL.
Owner/Developer: St. Mathias Episcopal Church.
Robert C. McBride Church Rectory
574 Montrose St., Clermont, FL 34711 (904) 394-1855

Florida Geodetic Surveying, Inc.
P.O. Box 121442
719 West Avenue
Clermont, Florida 34712-1442
(904) 394-1001 FAX
(904) 394-1305 FAX

Rick E. McCoy, P.E.
ENGINEERING CONSULTANT
P.O. Box 121374
721 West Avenue
Clermont, Florida 34712-1374
(904) 394-5756
(904) 394-1305 FAX

REVISIONS

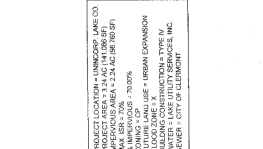
DATE	BY	REVISION
10/1/94	RM	1. Initial Design
10/1/94	RM	2. Final Design
10/1/94	RM	3. Final Design

DRIVER BY:
DATE: 9/27/94
SASS:
CHECKED BY:
JOB NO.: 84-003
UNITS: 84-003
DRAINAGE & UTILITY PLAN
SEP 27 1994
SHEET 3 OF 4

GENERAL NOTES

1. NUMBER OF FEET OF SIDE WALK AS SHOWN ON MAP.
2. SIDE WALK SHALL BE 4' WIDE MINIMUM.
3. SIDE WALK SHALL BE 4' WIDE MINIMUM.
4. SIDE WALK SHALL BE 4' WIDE MINIMUM.
5. SIDE WALK SHALL BE 4' WIDE MINIMUM.
6. SIDE WALK SHALL BE 4' WIDE MINIMUM.
7. SIDE WALK SHALL BE 4' WIDE MINIMUM.
8. SIDE WALK SHALL BE 4' WIDE MINIMUM.
9. SIDE WALK SHALL BE 4' WIDE MINIMUM.
10. SIDE WALK SHALL BE 4' WIDE MINIMUM.

Phase IV - 100' wide frontage to be used for parking area at the time of building construction.

[illegible]

STORM STRUCTURES AND PIPING SYSTEM									
PIPE #	I.D.#	FROM STRUCTURE			TO STRUCTURE			PIPE	
		RM	INV.	INV.	LD #	INV.	DI.	LENGTH	SLOPE
		FOOT TYPE	ELEV	ELEV			(IN.)	(FT.)	(%)
P1-1	S1-1	TYPE 2 / P BOTTOM	223.72	213.50	S1-2	213.00	24	103	0.49
P1-2	S1-2	TYPE 1 / P BOTTOM	224.12	213.00	S1-3	213.00	48	103	0.49
P1-3	S1-3	TYPE 1 / P BOTTOM	224.12	213.00	S1-4	213.00	48	103	0.49
P1-4	S1-4	TYPE 1 / P BOTTOM	223.72	210.40	S1-5	208.80	48	101	0.59
P1-5	S1-5	TYPE 1 / P BOTTOM	216.80	208.80	S1-6	208.80	48	101	0.59
P1-6	S1-6	TYPE 1 / P BOTTOM	216.80	205.20	S1-7	202.00	60	155	4.37
P2-1	S2-1	TYPE 1 / P BOTTOM	216.62	210.30	S2-2	209.90	48	65	0.62
P2-2	S2-2	TYPE 2 / P BOTTOM	216.67	209.90	S2-3	208.80	48	55	2.50
P2-3	S2-3	TYPE 2 / P BOTTOM	216.67	208.80	S2-4	208.80	48	55	2.50
P2-4	S2-4	TYPE 2 / P BOTTOM	216.67	212.30	S2-5	212.30	24	4	2.50
P2-5	S2-5	TYPE 2 / P BOTTOM	216.67	212.30	S2-6	212.30	24	4	2.50
P2-6	S2-6	TYPE 2 / P BOTTOM	216.67	212.30	S2-7	212.30	24	109	0.28
P2-7	S2-7	TYPE 2 / P BOTTOM	216.67	212.30	S2-8	212.30	24	109	0.28
P2-8	S2-8	TYPE 2 / P BOTTOM	216.67	212.30	S2-9	212.30	24	109	0.28
P2-9	S2-9	TYPE 2 / P BOTTOM	216.67	212.30	S2-10	212.30	24	109	0.28
P2-10	S2-10	TYPE 2 / P BOTTOM	216.67	212.30	S2-11	212.30	24	109	0.28
P2-11	S2-11	TYPE 2 / P BOTTOM	216.67	212.30	S2-12	212.30	24	109	0.28
P2-12	S2-12	TYPE 2 / P BOTTOM	216.67	212.30	S2-13	212.30	24	109	0.28
P2-13	S2-13	TYPE 2 / P BOTTOM	216.67	212.30	S2-14	212.30	24	109	0.28
P2-14	S2-14	TYPE 2 / P BOTTOM	216.67	212.30	S2-15	212.30	24	109	0.28
P2-15	S2-15	TYPE 2 / P BOTTOM	216.67	212.30	S2-16	212.30	24	109	0.28
P2-16	S2-16	TYPE 2 / P BOTTOM	216.67	212.30	S2-17	212.30	24	109	0.28
P2-17	S2-17	TYPE 2 / P BOTTOM	216.67	212.30	S2-18	212.30	24	109	0.28
P2-18	S2-18	TYPE 2 / P BOTTOM	216.67	212.30	S2-19	212.30	24	109	0.28
P2-19	S2-19	TYPE 2 / P BOTTOM	216.67	212.30	S2-20	212.30	24	109	0.28
P2-20	S2-20	TYPE 2 / P BOTTOM	216.67	212.30	S2-21	212.30	24	109	0.28
P2-21	S2-21	TYPE 2 / P BOTTOM	216.67	212.30	S2-22	212.30	24	109	0.28
P2-22	S2-22	TYPE 2 / P BOTTOM	216.67	212.30	S2-23	212.30	24	109	0.28
P2-23	S2-23	TYPE 2 / P BOTTOM	216.67	212.30	S2-24	212.30	24	109	0.28
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P2-26	S2-26	TYPE 2 / P BOTTOM	216.67	212.30	S2-27	212.30	24	109	0.28
P2-27	S2-27	TYPE 2 / P BOTTOM	216.67	212.30	S2-28	212.30	24	109	0.28
P2-28	S2-28	TYPE 2 / P BOTTOM	216.67	212.30	S2-29	212.30	24	109	0.28
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P2-30	S2-30	TYPE 2 / P BOTTOM	216.67	212.30	S2-31	212.30	24	109	0.28
P2-31	S2-31	TYPE 2 / P BOTTOM	216.67	212.30	S2-32	212.30	24	109	0.28
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P2-34	S2-34	TYPE 2 / P BOTTOM	216.67	212.30	S2-35	212.30	24	109	0.28
P2-35	S2-35	TYPE 2 / P BOTTOM	216.67	212.30	S2-36	212.30	24	109	0.28
P2-36	S2-36	TYPE 2 / P BOTTOM	216.67	212.30	S2-37	212.30	24	109	0.28
P2-37	S2-37	TYPE 2 / P BOTTOM	216.67	212.30	S2-38	212.30	24	109	0.28
P2-38	S2-38	TYPE 2 / P BOTTOM	216.67	212.30	S2-39	212.30	24	109	0.28
P2-39	S2-39	TYPE 2 / P BOTTOM	216.67	212.30	S2-40	212.30	24	109	0.28
P2-40	S2-40	TYPE 2 / P BOTTOM	216.67	212.30	S2-41	212.30	24	109	0.28
P2-41	S2-41	TYPE 2 / P BOTTOM	216.67	212.30	S2-42	212.30	24	109	0.28
P2-42	S2-42	TYPE 2 / P BOTTOM	216.67	212.30	S2-43	212.30	24	109	0.28
P2-43	S2-43	TYPE 2 / P BOTTOM	216.67	212.30	S2-44	212.30	24	109	0.28
P2-44	S2-44	TYPE 2 / P BOTTOM	216.67	212.30	S2-45	212.30	24	109	0.28
P2-45	S2-45	TYPE 2 / P BOTTOM	216.67	212.30	S2-46	212.30	24	109	0.28
P2-46	S2-46	TYPE 2 / P BOTTOM	216.67	212.30	S2-47	212.30	24	109	0.28
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P2-48	S2-48	TYPE 2 / P BOTTOM	216.67	212.30	S2-49	212.30	24	109	0.28
P2-49	S2-49	TYPE 2 / P BOTTOM	216.67	212.30	S2-50	212.30	24	109	0.28
P2-50	S2-50	TYPE 2 / P BOTTOM	216.67	212.30	S2-51	212.30	24	109	0.28
P2-51	S2-51	TYPE 2 / P BOTTOM	216.67	212.30	S2-52	212.30	24	109	0.28
P2-52	S2-52	TYPE 2 / P BOTTOM	216.67	212.30	S2-53	212.30	24	109	0.28
P2-53	S2-53	TYPE 2 / P BOTTOM	216.67	212.30	S2-54	212.30	24	109	0.28
P2-54	S2-54	TYPE 2 / P BOTTOM	216.67	212.30	S2-55	212.30	24	109	0.28
P2-55	S2-55	TYPE 2 / P BOTTOM	216.67	212.30	S2-56	212.30	24	109	0.28
P2-56	S2-56	TYPE 2 / P BOTTOM	216.67	212.30	S2-57	212.30	24	109	0.28
P2-57	S2-57	TYPE 2 / P BOTTOM	216.67	212.30	S2-58	212.30	24	109	0.28
P2-58	S2-58	TYPE 2 / P BOTTOM	216.67	212.30	S2-59	212.30	24	109	0.28
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P2-61	S2-61	TYPE 2 / P BOTTOM	216.67	212.30	S2-62	212.30	24	109	0.28
P2-62	S2-62	TYPE 2 / P BOTTOM	216.67	212.30	S2-63	212.30	24	109	0.28
P2-63	S2-63	TYPE 2 / P BOTTOM	216.67	212.30	S2-64	212.30	24	109	0.28
P2-64	S2-64	TYPE 2 / P BOTTOM	216.67	212.30	S2-65	212.30	24	109	0.28
P2-65	S2-65	TYPE 2 / P BOTTOM	216.67	212.30	S2-66	212.30	24	109	0.28
P2-66	S2-66	TYPE 2 / P BOTTOM	216.67	212.30	S2-67	212.30	24	109	0.28
P2-67	S2-67	TYPE 2 / P BOTTOM	216.67	212.30	S2-68	212.30	24	109	0.28
P2-68	S2-68	TYPE 2 / P BOTTOM	216.67	212.30	S2-69	212.30	24	109	0.28
P2-69	S2-69	TYPE 2 / P BOTTOM	216.67	212.30	S2-70	212.30	24	109	0.28
P2-70	S2-70	TYPE 2 / P BOTTOM	216.67	212.30	S2-71	212.30	24	109	0.28
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P2-73	S2-73	TYPE 2 / P BOTTOM	216.67	212.30	S2-74	212.30	24	109	0.28
P2-74	S2-74	TYPE 2 / P BOTTOM	216.67	212.30	S2-75	212.30	24	109	0.28
P2-75	S2-75	TYPE 2 / P BOTTOM	216.67	212.30	S2-76	212.30	24	109	0.28
P2-76	S2-76	TYPE 2 / P BOTTOM	216.67	212.30	S2-77	212.30	24	109	0.28
P2-77	S2-77	TYPE 2 / P BOTTOM	216.67	212.30	S2-78	212.30	24	109	0.28
P2-78	S2-78	TYPE 2 / P BOTTOM	216.67	212.30	S2-79	212.30	24	109	0.28
P2-79	S2-79	TYPE 2 / P BOTTOM	216.67	212.30	S2-80	212.30	24	109	0.28
P2-80	S2-80	TYPE 2 / P BOTTOM	216.67	212.30	S2-81	212.30	24	109	0.28
P2-81	S2-81	TYPE 2 / P BOTTOM	216.67	212.30	S2-82	212.30	24	109	0.28
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P2-85	S2-85	TYPE 2 / P BOTTOM	216.67	212.30	S2-86	212.30	24	109	0.28
P2-86	S2-86	TYPE 2 / P BOTTOM	216.67	212.30	S2-87	212.30	24	109	0.28
P2-87	S2-87	TYPE 2 / P BOTTOM	216.67	212.30	S2-88	212.30	24	109	0.28
P2-88	S2-88	TYPE 2 / P BOTTOM	216.67	212.30	S2-89	212.30	24	109	0.28
P2-89	S2-89	TYPE 2 / P BOTTOM	216.67	212.30	S2-90	212.30	24	109	0.28
P2-90	S2-90	TYPE 2 / P BOTTOM	216.67	212.30	S2-91	212.30	24	109	0.28
P2-91	S2-91	TYPE 2 / P BOTTOM	216.67	212.30	S2-92	212.30	24	109	0.28
P2-92	S2-92	TYPE 2 / P BOTTOM	216.67	212.30	S2-93	212.30	24	109	0.28
P2-93	S2-93	TYPE 2 / P BOTTOM	216.67	212.30	S2-94	212.30	24	109	0.28
P2-94	S2-94	TYPE 2 / P BOTTOM	216.67	212.30	S2-95	212.30	24	109	0.28
P2-95	S2-95	TYPE 2 / P BOTTOM	216.67	212.30	S2-96	212.30	24	109	0.28
P2-96	S2-96	TYPE 2 / P BOTTOM	216.67	212.30	S2-97	212.30	24	109	0.28
P2-97	S2-97	TYPE 2 / P BOTTOM	216.67	212.30	S2-98	212.30	24	109	0.28
P2-98	S2-98	TYPE 2 / P BOTTOM	216.67	212.30	S2-99	212.30	24	109	0.28
P2-99	S2-99	TYPE 2 / P BOTTOM	216.67	212.30	S2-100	212.30	24	109	0.28
P2-100	S2-100	TYPE 2 / P BOTTOM	216.67	212.30	S2-101	212.30	24	109	0.28
P2-101	S2-101	TYPE 2 / P BOTTOM	216.67	212.30	S2-102	212.30	24	109	0.28
P2-102	S2-102	TYPE 2 / P BOTTOM	216.67	212.30	S2-103	212.30	24	109	0.28
P2-103	S2-103	TYPE 2 / P BOTTOM	216.67	212.30	S2-104	212.30	24	109	0.28
P2-104	S2-104	TYPE 2 / P BOTTOM	216.67	212.30	S2-105	212.30	24	109	0.28
P2-105	S2-105	TYPE 2 / P BOTTOM	216.67	212.30	S2-106	212.30	24	109	0.28
P2-106	S2-106	TYPE 2 / P BOTTOM	216.67	212.30	S2-107	212.30	24	109	0.28
P2-107	S2-107	TYPE 2 / P BOTTOM	216.67	212.30	S2-108	212.30	24	109	0.28
P2-108	S2-108	TYPE 2 / P BOTTOM	216.67	212.30	S2-109	212.30	24	109	0.28
P2-109	S2-109	TYPE 2 / P BOTTOM	216.67	212.30	S2-110	212.30	24	109	0.28
P2-110	S2-110	TYPE 2 / P BOTTOM	216.67	212.30	S2-111	212.30	24	109	0.28
P2-111	S2-111	TYPE 2 / P BOTTOM	216.67	212.30	S2-112	212.30	24	109	0.28
P2-112	S2-112	TYPE 2 / P BOTTOM	216.67	212.30	S2-113	212.30	24	109	0.28
P2-113	S2-113	TYPE 2 / P BOTTOM	216.67	212.30	S2-114	212.30	24	109	0.28
P2-114	S2-114	TYPE 2 / P BOTTOM	216.67	212.30	S2-115	212.30	24	109	0.28
P2-115	S2-115	TYPE 2 / P BOTTOM	216.67	212.30	S2-116	212.30	24	109	0.28
P2-116	S2-116	TYPE 2 / P BOTTOM	216.67	212.30	S2-117	212.30	24	109	0.28
P2-117	S2-117	TYPE 2 / P BOTTOM	216.67	212.30	S2-118	212.30	24	109	0.28
P2-118									

PRELIEVE PERIODICALS WINTER 2004

August 24, 2017

VIA E-MAIL CORRESPONDENCE

Re: Anderson Hill Commercial Project – Avid Group

Dear Mayor Ash and Members of Clermont City Council:

As you are aware, immediately prior to the April 11 Clermont City Council Meeting, Avid Group withdrew its applications for annexation, comprehensive plan amendment, rezoning and conditional use permit on the 9.5 acres located at the intersection of Anderson Hill Road and US Highway 27. Many residents contacted you via e-mail, letters and calls expressing concern about Avid Group's development plans. Their withdrawal letter noted the Applicant will "continue to engage the residents and to work with them on a proposal which deals with their concerns."

On June 30, 2017 Avid Group resubmitted their applications for annexation, comprehensive plan amendment, rezoning and conditional use permit with the City of Clermont. **Included in these applications and modified plans is language that may wrongly lead the City Council to believe that the concerns and issues the residents have with the proposed development have been addressed – they have not.**

We, the residents, wish to avoid any misrepresentation by the Applicant and/or its legal counsel. Therefore, we respectfully offer the following conditions and uses that would make development of this property **safe and compatible** with the surrounding area:

1. No access from Anderson Hill Road
2. Acceptable Uses:

Residential	• Single-family detached and attached units • Multi-family not to exceed 2-story (35-ft.)	
Community Facility Development	• Churches • K-12 schools	• Day care • Assisted Living Facility
Professional Offices (operating hours limited to 8 am to 8 pm)	• Law Offices • Executive Offices	• Travel Agent • Real Estate Offices

3. Install Stop signs at Katherine Circle, creating a 4-way stop (~half way down Anderson Hill Road)
4. Install sidewalks from Lakeshore Drive to US Highway 27 along at least one side of Anderson Hill Road
5. Along the western side of the site that abuts existing residential property:
 - a. Maintain a 40-foot wide buffer from the residential property lines to be landscaped with viburnum hedge to be maintained at no less than 6-ft in height – and trees to create privacy screen (per each resident request)
 - b. Construct an 8-foot masonry wall along entire existing grade, to be finished in real or faux stone on residence side, to be erected along the property line prior to beginning construction – including site preparation – to minimize noise, dust, etc.
 - c. Keep and maintain the existing mature landscape
6. Along the southern property line (along Anderson Hill Road):
 - a. Maintain a minimum 30-foot wide landscaped buffer – within the buffer, install and maintain a 4- ft. high viburnum hedge

We appreciate your consideration and believe you will find these requests are fair to ensure the safety and compatibility of the existing (decades old) residential environment with the development of the property.

Regards – Anderson Hill Area Homeowners

cc: Darren Gray, City Manager
Lake County Commissioner Sean Parks
Lake County Commissioner Leslie Campione
Lake County Commissioner Timothy Sullivan
Lake County Commissioner Wendy Breeden
Lake County Commissioner Josh Blake
Lake County Engineer Fred Schneider

NAME	ADDRESS	SIGNATURE
Keith McFarland	13117 Sunshine Cir Clermont, FL 34711	Keith McFarland
Elaine McFarland	13117 Sunshine Cir, Clermont	Elaine McFarland
TOM ENGLISH	12307 WARREN RD	TOM ENGLISH
ROSE FARRELL	13215 Maria Ave	Rose Farrell
Andrew D. Gilliam	13222 Palmer Dr.	Andrew D. Gilliam
SANDRA MARTIN	11925 ONE JUDIC DR	Sandra Martin
Richard Pendorgest	12708 Linda Rd., C.	Richard Pendorgest
FERNANDO L. WATEO	12816 Katherine Cir	Fernando L. Wateo
YOSHIE MATEL	12816 Katherine Cir	Yoshie MATEL
James Roberts	13205 Plaza Ave	James Roberts
Patricia Roberts	13205 Plaza Ave.	Patricia P. Roberts
Mary C. Battersby	12535 El Viento St.	Mary C. Battersby
Rebecca B. Newsome	12211 Lake Valley Dr Clermont, FL 34711	Rebecca B. Newsome
David Hopkins	12100 Garnet Dr. Clermont FL 34711	David Hopkins
Alison Hopkins	12100 Garnet Dr. Clermont 34711	Alison L. Hopkins
PAUL BEIRNES	12340 LAKE VALLEY DR	PAUL BEIRNES
Lynne P. Beirnes	12340 Lake Valley Dr.	Lynne P. Beirnes
Vince Johnson	13145 PALMER Drive	Vince Johnson
Kelli Johnson	13145 Palmer Dr	Kelli Johnson
Nancy Srodes	12339 Warren Rd.	Nancy Srodes

Name	Address	Signature
Mary L. Ivanoff	12435 Lake View CLERMONT FL 34711	Mary Louise Ivanoff
Pat Colvin	12435 Lake Valley Dr CLERMONT FL 34711	Pat Colvin
Allen E. Colvin	12435 Lake Valley Dr CLERMONT FL 34711	Allen E. Colvin
Carol Colvin	12435 Kathleen Ave CLERMONT, FL 34711	Carol Colvin
Karen Albritton	12230 Lake Valley Dr CLERMONT FL 34711	Karen E. Albritton
JIM ALBRITTON	✓	James D. Albritton
CHRISTINE WHEELER	12580 Nicolette Ct 34711	Christine Wheeler
Scott Wheeler	12580 Nicolette Ct 34711	Scott Wheeler
Matthew Ledridge	1312 Anderson Hill Rd CLERMONT 34711	Matthew Ledridge
GARY CLARICE E YENOR	12200 Lake Valley Dr CLERMONT, FL 34711	Clarice E. Yenor
CHARLES & DIANNE RUSS	12512 LAKE SHORE CLERMONT, FL	Dianne Russ
BARBARA THOMPSON	12930 Amber Ave CLERMONT, FL	Barbara Thompson
Sharon Nichols	13728 Olsen Ct CLERMONT 34711	Sharon Nichols
Megan Jones	12303 Sunshine Drive CLERMONT, FL 34711	Megan Jones
Robin Cotch	12558 Nicolette Ct CLERMONT 34711	Robin Cotch
JACK FARRELL	13215 MARIA AVE CLERMONT 34711	Jack Farrell
Jennifer Cotch	12522 Valencia Dr CLERMONT FL 34711	Jennifer Cotch
Tim Snodes	12239 Warren Rd CLERMONT FL	Tim Snodes
Gunny Calfee	12811 Amber Ave	Gunny Calfee
David Calfee	12811 Amber Ave	David Calfee
Richard Newsome	12211 Lake Valley Pl	Richard Newsome

RE21707-0002



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: Jun 30, 2017

\$542.00 +
cost of advertisement
FEE: ~~\$350.00~~

PROJECT NAME (if applicable): Anderson Hill Commercial

APPLICANT: AVID Group

CONTACT PERSON: Peter Pensa, AICP

Address: 2300 Curlew Road, Suite 201

City: Palm Harbor State: FL Zip: 34683

Phone: 727-789-9500 x181 Fax: n/a

E-Mail: peter.pensa@avidgroup.com

OWNER: Anderson Hill DLSU, LLC

Address: 625 State Road 100

City: Palatka State: FL Zip: 32177

Phone: 386 329-4000 Fax: _____

Address of Subject Property: NWC of US Hwy 27 & Anderson Hill Rd
(no address - Parcel# 09-22-26140002700000;
13301 Anderson Hill Rd - Parcel# 09-22-26140002700001; and
12629 US Hwy 27 - Parcel# 09-22-26140002200001)

Legal Description (include copy of survey): See attached legal description

Acreage: 9.47 +/- Land Use: Urban Low Density (County)
(City verification required)

Present Zoning: CP & CFD (County) Proposed Zoning: PUD (City)
(City verification required)





**CITY OF CLERMONT
REZONING
APPLICATION
Page 2**

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

What are you proposing to do that would require a rezoning?

Commercial development of the property. See attached project description and justification statement.

Peter R. Pensa

Applicant Name (print)
Director of Planning
AVID Group

Quintus I. Roberts, Sr.

Owner Name (print)
Managing Member
Anderson Hill DLSU, LLC

X

A blue ink signature of Peter R. Pensa, written in a cursive style.

Applicant Name (signature)

X

A black ink signature of Quintus I. Roberts, Sr., written in a cursive style.

Owner Name (signature)

City of Clermont
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

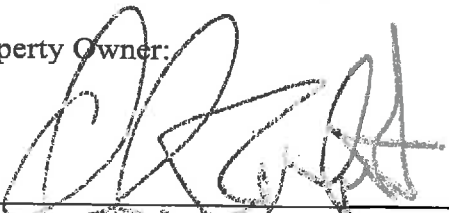
LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group to act as our agent for and with all regulatory agencies, departments, and their personnel for the City of Clermont, Lake County, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other utility providers or regulatory agencies in an effort to receive all approvals necessary for developing the proposed project on an approximately 9.47 acres, m.o.l. tract that is generally located on the west side of U.S. Highway 27, north of Anderson Hill Road in the City of Clermont (annexation proposed), Lake County, Florida.

Parcel ID Number:	Site Acreage	Street Address (if assigned):
09-22-26140002700000	3.24, acres m.o.l.	No Address, US Highway 27 Clermont, FL 34711
09-22-26140002700001	4.69, acres m.o.l.	13301 Anderson Hill Rd Clermont, FL 34711
09-22-26140002200001	1.54, acres m.o.l.	12629 US Highway 27 Clermont, FL 34711

Property Owner:

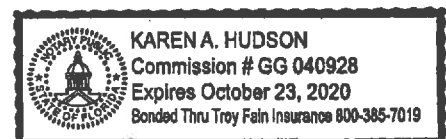

Name: Quintus I. Roberts, Sr.
Title: Managing Member
Anderson Hill DLSU, LLC
625 State Road 100
Palatka, FL 32177

STATE OF Florida COUNTY OF Putnam On
this the 30th day of June 2017 before me, the undersigned Notary Public of
the State of Florida, personally appeared Quintus I Roberts Sr and whose
name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed
it. The individual(s) are ☒ personally known to me, or ☐ presented the following
identification: _____.

WITNESS MY HAND AND SEAL:

NOTARY SEAL &
COMMISSION EXPIRATION:


NOTARY SIGNATURE



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. 2017-35

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

LOCATION:

West and northwest of the intersection of US Highway 27 and Anderson Hill Road
Alternate keys 1453496, 3828239, and 2826541

LEGAL DESCRIPTION

Tract 27 together with a portion of Tract 22, as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, Plat Book 3, Page 24, public records of Lake County, Florida. Being more particularly described as:

Begin at the Southwest corner of Tract 22 as shown on the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East, recorded in Plat Book 3, Page 24, of the public records of Lake County, Florida; thence along the West line of Tract 22 N00°31'25"E, a distance of 61.46 feet; thence N63°34'33"E, a distance of 393.00 feet to a point on the West Right-of-Way line of US Highway 27; thence along said West Right-of-Way line, S24°35'30"E, a distance of 269.86 feet to a point on the South line of Tract 22; thence continue along said West Right-of-Way line S24°35'30"E, a distance of 366.85 feet; thence S00°27'49"W, a distance of 266.03 feet to a point on the North Right-of-Way line of Anderson Hill Road; thence N89°03'43"W along the said North Right-of-Way line of said Anderson Hill Road, a distance of 620.93 feet to a point on the West line of Tract 27 as shown on said the Lake Highland Company plat of Section 32, Township 22 South, Range 26 East; thence along said West line of said Tract 27, N00°31'46"E, a distance of 598.50 feet to the Southwest corner of said Tract 22 and the Point of Beginning.

Containing a total of 9.47 acres, more or less.

FROM Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Monday, September 11, 2017 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, September 26, 2017 at 6:30 p.m. for final enactment.

All meetings will be held at City Hall, located at 685 W. Montrose Street.

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.

Daily Commercial
September 1, 2017 & September 12, 2017

Tracy Ackroyd Howe, MMC
City Clerk