

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
JANUARY 26, 2021

The City Council met in a regular meeting on Tuesday, January 26, 2021 in the Clermont City Council Chambers. Mayor Murry called the meeting to order at 6:30pm with the following Council Members present: Council Members Pines, Entsuah, Bates, and Purvis. Other City officials present were Interim City Manager Dauderis, City Attorney Mantzaris, and City Clerk Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Carlos Aviles of Calvary Chapel Church, gave the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

Sea Cadet Program Update

Commanding Officer Gary Schindele provided an update on the Sea Cadet program in the last year. The Sea Cadet program is a navy youth development program. The presentation was made via PowerPoint. He expressed his appreciation of support from the City.

Police Department Awards

Police Chief Broadway recognized exemplary efforts of officers during the year 2019. Outstanding Citizen of the Year – Chet Wells; Civilian of the Year – Robert Lederhandler; Meritorious Service - Debbie Arroyo, Sergeant Chris Martin, Corporal Philip Pollen, and Sergeant Melissa France; Life Saving Award - Sergeant. Mark Marshall; Supervisor of the Year - Lieutenant Nicholas Bloom; Police Officer of the Year - Corporal Justin Lattimore; Captains Award – John Gracyzk and Brent Joyner.

Police Department Reaccreditation

Police Chief Broadway provided an update on the reaccreditation process. He announced that every three (3) years the department is visited by a commission to evaluate the department against certain standards. The Clermont Police Department received its reaccreditation. Chief Broadway introduced Shane Strickland and Desiree Cicco as the department's accreditation team that ensures ongoing compliance and maintaining the accreditation standards.

PUBLIC COMMENTS

Vincent Niemic, 4569 Barrister Drive, Clermont – presented listed priority projects approved by the Metropolitan Planning Organization.

Dani Page, Tuscany Ridge, Clermont – informed the Council that The Art Walk project had 30 days to remove the Count Trillion logo and it was not removed.

Charlene Forth, 939 Desoto Street, Clermont – thanked the community, police department, and others for assisting when a family was in need at Christmas.

REPORTS

INTERIM CITY MANAGER REPORT

Interim City Manager Dauderis began her report by presenting agenda changes to the Council for action.

Following the agenda changes, Interim City Manager Dauderis recognized Sanitation Foreman Jose Nazario who returned a wallet to its rightful owner. The City presented him with a certificate of appreciation.

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Interim City Manager Dauderis provided the Council with an update on the City Manager recruitment process. She also provided an update on the Council Chambers upgrades and that she is recommending that the Council wait until the end of February before considering returning to the chambers in City Hall.

Interim City Manager Dauderis provided an update on the art district/VP Development situation. She informed the Council that the City has entered into public/private partnership as part of the master plan downtown. She informed the Council that there have been significant road blocks and including the challenge regarding neighboring property owner. The City has worked for a mutually beneficial solution for all parties, but has not been successful.

City Attorney Mantzaris restated that staff has worked hard to resolve this issue. He provided background that under the prior City Manager it was anticipated that these issues could be worked through, but that has not been the case. There is ongoing litigation between the two parties which the City is not a party to. The City has provided a tri-party agreement, but is still awaiting final comments. At this point, the City is unsure if one party wants to even continue, and staff is trying to get an answer to that question. The City cannot make the parties agree. The City has done as much as possible to get the parties to agree voluntarily.

Council Member Purvis stated that he has tried to play the role of mediator to no avail. He emphasized that this is not a reflection on staff as he knows staff has made a sincere, strong effort towards resolution. He requested that staff report back to him in two weeks regarding the following issues: 1) Can the substantial payment be put on hold until a future date, 2) He recommends the temporary withdrawal of any CUP granted to either of the parties, 3) Recommends the City issue a cease and desist order to a business operating in nonconformance concerning with City ordinances regarding approvals.

Mayor Murry concurred with Council Member Purvis.

City Attorney Mantzaris asked for clarification on Council Member Purvis's third request and whether it was in regard to the mural approvals. Council Member Purvis confirmed that was what he was referencing.

The rest of the Council expressed similar statements.

City Attorney Mantzaris asked the Council to exercise prudence regarding this situation. He reminded them that there is ongoing legislation and while the City is not a party there are areas where the City will be involved.

CITY ATTORNEY REPORT

City Attorney Mantzaris informed the Council that required ethics training will be made available in a digital format broken into two 2 hours sessions. It will be recorded so that those need to watch on their own time will have the ability to do so.

CITY COUNCIL REPORT

Council Member Bates – No report.

Council Member Purvis –

- Thanked Police Department for stepping up for Pastor Brenda's family at Christmas.

Council Member Entsuah –

- Attended 75th VFW dinner. Humbled by the veterans.

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Council Member Pines –

- Thanked Police Department for providing exemplary service.

Mayor Murry –

- Enjoyed ribbon-cutting ceremonies for new businesses in the city. Encouraged to see so many businesses during the pandemic.
- Volunteered at the Covid-19 vaccination location.
- Attended VFW 75th Anniversary dinner.

COUNTY COMMISSION REPORT

This section was heard out of order and was heard prior to Item No. 8.

County Commission Chairman Parks –

Mayor Murry invited County Chairman Parks to the podium. Chairman Parks introduced Commissioner Doug Shields to the Council and then made himself available for questions. The Council did not have any questions for the Chairman. Chairman Parks provided the Council with an update on Covid-19 and the vaccination process.

CONSENT AGENDA

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

Item No. 1 – Change Order & Budget Amendment Consider change order 2 for the Victory Pointe and Highlander Pavilion audio systems contract with Infinity Corporation of Central Florida, Inc. to replace existing mixes and add Creston controls in the amount of \$9,822 along with a budget amendment in the Recreation Impact Fee Fund.

Item No. 2 – Second Amendment to Banking Services Agreement Consider contract amendment between the City of Clermont and Fifth Third Bank.

Item No. 3 – Resolution No. 2021-003R Consider establishing rules of conduct for City Council, board and committee meetings, and their memberships

Member of the public, Charlene Forth, requested that Item No. 3 be pulled for further consideration.

MOTION TO APPROVE consent agenda Items 1 and 2 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

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Mayor Murry invited Ms. Forth to the podium to speak to Item No. 3.

Charlene Forth, 939 W. Desoto, Clermont – requested the Council adjust language regarding the process.

Council Member Purvis asked that staff be given an opportunity to explain what they drafted. He stated that he originally had some concerns, but after talking with the Interim City Manager, they were put to rest.

Mayor Murry stated in response to Ms. Forth that the public and the Council are both addressed in the drafted language and he believes that it is clear.

City Attorney Mantzaris explained to the Council that first and foremost when drafting the language, they paid special attention to the form of government which is Council-Manager. He further explained that as the body closest to the public they are able to place items on the agenda on behalf of residents; any one of the five can request an item. The presumption is that a resident would approach a city Council Member with their requests.

City Attorney Mantzaris reminded the Council that the City Manager serves at the pleasure of the Council and if they are unhappy with how the manager is handling an issue, they have recourse with which to address the issue. City Attorney Mantzaris continued that the most important thing that is understood in the proposed language is that City Council meetings are business meetings and the agenda should only address items the Council has authority over. He informed them that their authority is limited to setting policy and that it is the authority of the City Manager to dictate day-to-day decisions. This explains why the City Manager is in charge of the agenda. They have the ability to determine if an issue can be handled through administrative channels instead of going to the Council.

Council Member Purvis stated for clarification purposes that if the City Manager says no to a request and the resident goes to a Council Member and the Council Member makes the request, the item goes on the agenda. City Attorney Mantzaris confirmed that was the correct interpretation.

Interim City Manager Dauderis added that the resolution also cleans up some housekeeping items such as the Mayor Pro Tem will attend events in place of the Mayor, and that travel by Council Member spouses shall not be reimbursed. Based on Council discussion, she also suggested language allowing the Council to override the Mayor on the time clock if he opposes extending time. The Council consented to the additional language.

Mayor Murry suggested moving the Public Comments section to after Reports. Council Member Purvis countered that there should be a second Public Comments section at the end of the meeting. City Attorney Mantzaris cautioned against both proposals, but stated that as a resolution, the Council can more easily change the rules if they decide to do so. Council Member Bates opposed any change. It was decided to leave the Order as is.

MOTION TO APPROVE AS AMENDED the rules of conduct contained in Resolution 2021-003R made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

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UNFINISHED BUSINESS

Item No. 4 – Variance Request – 210 Crystal Lake Drive

This item was heard out of order and was considered under the Interim City Managers Report.

MOTION TO TABLE the variance request for 210 Crystal Lake Drive until March 9, 2021 made by Council Member Bates, Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 5 – Ordinance No. 2020-16 –Final –Hartwood Marsh Assisted Living Facility CPA

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.

This item was heard out of order and was considered under the Interim City Managers Report.

City Clerk Howe read the ordinance title into the record.

MOTION TO TABLE the public hearing of Ordinance No. 2020-16 until February 23, 2021 made by Council Member Bates, Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 6 – Ordinance No. 2020-17 – Final – Hartwood Marsh Assisted Living Facility PUD

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, RECORDING, AND PUBLICATION.

This item was heard out of order and was considered under the Interim City Managers Report.

City Clerk Howe read the ordinance title into the record.

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MOTION TO TABLE the public hearing of Ordinance No. 2020-17 until February 23, 2021 made by Council Member Bates, Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 7 – Ordinance No. 2020-30 – Final – Encompass Health PUD

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, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, EFFECTIVE DATE, AND PUBLICATION.

This item was heard out of order and was considered under the Interim City Managers Report.

City Clerk Howe read the ordinance title into the record.

MOTION TO TABLE the public hearing of Ordinance No. 2020-17 until February 9, 2021 made by Council Member Pines, Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

NEW BUSINESS

Item No. 8 – Hooks Street Alternative Corridor Evaluation Study

Lake County Commissioner Parks introduced Duane Dunbar and Fred Schneider.

Mr. Dunbar introduced himself as the principal planner for the project. The project is an extension of Hooks Street eastward. It will intersect with Emil Jahna Road and conclude at Hartle Road. The project has been done in collaboration with Lake County staff. Mr. Dunbar presented his presentation via PowerPoint. The presentation highlighted the different opportunities for the expansion. It also looked at arterial roads and connections and their possible expansion; an example being taking Hancock from two lanes to four lanes. Mr. Dunbar also presented the options of round-a-bouts instead of lighted intersections. The request tonight is for the Council to approve one of the options and the alignment as they are moving into the design phase.

Mayor Murry opened the floor for comments from the public.

Vincent Niemiec, 4569 Barrister Drive, Regency Hills, Clermont - Concerned about roundabout. He expressed curiosity as to how Hooks Street is moving forward as a Level C road when Hancock and Hartwood Marsh are Level Fs.

Samii Taylor, 4480 Powderhorn Place Road, Clermont – Does not support a round-a-bout. Supports four lane roads.

Lee Shirah, unknown address – supports four lane roads. Owns property off of Hancock.

Randy Everdeen, 2430 Woodward Hill Court – opposes the round-a-bout due to traffic backup.

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Harvey Clemens, Waterbrook Community – supports four lane roads. Asked designers to also consider noise walls.

Seeing no further comments, Mayor Murry closed the public hearing.

Council Member Purvis stated that he is no fan of round-a-bouts and supports making this a reliever road. He is opposed to spending money on making it a parkway.

The Council Members concurred with Council Member Purvis.

Council Member Entsuah express concerns about notice to the public. Mr. Dunbar stated that they went 300 feet from the centerline of the proposed roadway and notified those residents.

MOTION TO RECOMMEND to the Board of County Commissioners the four (4) lane option with a traffic light instead of a round-a-bout made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 9 – Variance Request – 833 Scott Street

Planning and Development Coordinator Nick Gonzalez presented the variance request at 833 Scott Street. The property is located on the northeast corner, and it is zoned medium density residential. The application is requesting a reduction of the variance from 25ft to 6ft from the property lone. Upon review, City staff recognizes the limitations of the lot. Staff recommends approval of the variance request.

Ken Costello, Winter Garden – *Applicant*. Available for questions.

Mayor Murry opened the floor for comments from the public; seeing none, the floor was again closed.

Council Member Bates inquired as to the property to the south. Mr. Gonzalez responded that the property is City owned right-of-way and is very large.

Development Services Director Curt Henschel stated the home would require a long driveway. Mr. Gonzalez informed the Council the driveway would be coming from Juniata Street.

Mayor Murry indicated that he will not support the variance request. He stated that there is another house there, and the proposed house is not consistent with anything in the community. He feels it is unsafe and would be too close to the street.

Council Member Pines asked if there are other homes of the same size and asked what the proposed square footage is. Mr. Costello responded that the proposed home is 1,400 sq ft. Director Henschel stated that there are a lot of homes that are the same size.

MOTION TO DENY the variance request made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 10 – Variance Request – Advent Health Park

Development Services Director Henschel presented the variance request. The applicant is requesting two (2) variances to the sign code for the Advent Health Master Sign Plan.

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The first is to exceed the maximum number of signs located on a site, and the second is to allow for a wall sign greater than the allowance of the code. The City Council has previously approved the rezoning for the Advent Health Emergency Medical Park. Upon completed review, staff recommended approval of the variance request.

Ken Soday, 134 Detmore Drive, Winter Park – *Applicant Representative*. Informed the Council he was available for questions.

Mayor Murry opened the floor for comments from the public.

Dani Page, Tuscany Ridge, Clermont – expressed concern that this could set precedence for others.

Seeing no further comments, Mayor Murry closed the floor for public comments.

Council Member Purvis expressed concern that this project is going to be more than just a medical facility. He expressed support for proper signage.

The Council discussed whether both emergency signs are needed.

Council Member Entsuah expressed concern with the plan and stated that he feels the City needs to follow the rules in place.

MOTION TO APPROVE the variance request with the condition that the applicant reduce the square footage of either the ER sign or the Emergency sign on the side of the building made by Council Member Purvis. Seconded by Council Member Bates. *No vote was taken.*

Prior to the vote, Council Member Bates offered a friendly amendment to the motion on the floor to completely remove the ER sign located on the side of the building. Council Member Purvis accepted the friendly amendment to his original motion.

MOTION TO APPROVE both of the variance requests with the condition that the applicant remove the ER sign located on the side of the building made by Council Member Purvis. Seconded by Council Member Bates. Passed 4-1 with Councilmember Entsuah opposing.

Item No. 11 – Lien Reduction Request – 1312 Disston Avenue

Development Services Director Henschel presented the lien reduction request. The property was in violation. Owner was not present at that meeting. Brought into compliance with outstanding lien amount. Requesting lien reduction from \$33,000 to \$8,500.

Mayor Murry opened the floor for comments from the public.

Dani Page, Tuscany Ridge, Clermont - expressed support.

Charlene Forth, 939 W. Desoto, Clermont - expressed support.

Seeing no one else come forth, Mayor Murry closed the floor from further comments.

Council Member Purvis asked how the \$8,500 figure was arrived at.

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City Attorney Mantzaris explained that under the previous City Manager a formula was created based on an internal policy. Furthermore, he added that significant negotiations have occurred between the applicant and staff to arrive at this figure.

MOTION TO APPROVE the lien reduction request from \$33,000 to \$8,500 payable within 30 days made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members voicing aye.

Item No. 12 – Resolution No. 2021-009R – *Citizen Advisory Committee*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA CREATING A SPECIAL POLICE DEPARTMENT CITIZENS ADVISORY COMMITTEE; PROVIDING FOR THE PURPOSE; MEMBERSHIP; QUALIFICATIONS; STAFF ASSIGNMENT/ RESPONSIBILITIES; CONDUCT OF MEETINGS; CONFLICT AND AN EFFECTIVE DATE.

Police Chief Broadway presented the staff analysis for the resolution. He provided background that the idea had developed in response to the protest this past summer. A decision was made to place the idea on an agenda last fall, but was postponed until a full Council was seated. He explained that the committee's purpose is for transparency; it does not have decision making authority and only makes recommendations to the Chief of Police. The committee will also receive feedback from the community, reevaluate services and seek ways to better protect services. Chief Broadway did inform the Council that the Police Department already has platforms in place that provide these ideas.

Mayor Murry opened the floor for comments from the public.

Vincent Niemiec, 4569 Barrister Drive, Clermont – opposed the committee. He asked the Council to ask the Chief if he wants the committee for the Police Department.

Chief Broadway responded that the City has community policing platforms in place that encourage dialogue and building positive relationships that have consistently brought community and police together to enhance the quality of life. With those factors in place, he does not see that there is a need for an advisory committee.

John Coffrin, 1431 5th Street, Clermont – opposed the committee. Reminded the Council that the Police Department is accredited and is already held to a higher standard.

Linda Beebe, 431 W. Minnehaha Avenue, Clermont – opposed the committee. Stated that the Police Department is receptive to residents. She attended the Citizens Academy.

Cindy Davis, 10302 Lake Minneola Shores – opposed to the committee.

Shantel Coffrin, 1431 5th Street, Clermont – opposed to the committee.

Dani Page, Tuscany Ridge, Clermont – opposed to the committee.

Carlos Solis, 143 W. Montrose Street, Clermont – opposed to the committee.

Paula Hoisington 564 E. Desoto Street, Clermont – supports the committee. Believes that the committee is just a tool in the tool box for better law enforcement.

Charlene Forth, 939 W. Desoto Street, Clermont – supports the committee.

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Linda Charlton, 91021 County Rd 561 - supports the committee.

Seeing no one else come forth, the Mayor closed the floor from further public comment.

Council Member Bates stated he is opposed to the committee as the Police Department is already transparent.

Council Member Pines stated that she is opposed to the committee. She reviewed Chief Broadway's accolades and asked the chief how many complaints have been received with regards to staff assignments, deadly force, excessive force, etc.

Chief Broadway responded that he was appointed in December 2012 and had a shooting that evening where the office fired a round. The investigation was conducted by the State of Florida and the officer received discipline. There has been one complaint for excessive force and the officer was exonerated.

Council Member Pines asked Chief Broadway about training of officers. Chief Broadway stated that officers train ten (10) times out of the year on a range of topics including but not limited to: Crisis Intervention, Active Threats, Best Policies and Procedures.

Council Member Entsuah asked if there is anything the Police Department needs. Chief Broadway stated that he is very content, blessed, and enjoys coming to work in Clermont. He is thankful for the Council and the City Manager who provides support so that the Police Department can provide exceptional services to protect the committee.

Mayor Murry agreed with Council statements that Clermont has an excellent Police Department. He wanted to clarify that he did not bring this issue to the City, but he strongly supports the idea. He expressed several examples from his personal past interactions with the Police Department where he has not been treated fairly because of the color of his skin. He also stated that he still receives phone calls, as recently as a few weeks ago, from residents who are being pulled over without doing anything wrong. When he receives comments from the community, he contacts Chief Broadway.

MOTION TO DENY the passage of Resolution 2021-009R creating a Citizens Advisory Committee for the Clermont Police Department made by Council Member Bates. Seconded by Council Member Purvis. Passed 4-1 with Mayor Murry opposing the denial.

Item No. 13 – Ordinance No. 2021-001 – *Final – Skorman/Hooks Street Multifamily*

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

This item was heard out of order and was considered under the Interim City Managers Report.

City Clerk Howe read the ordinance title into the record.

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MOTION TO TABLE the public hearing of Ordinance No. 2021-001 until February 23, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 14 – Ordinance No. 2021-003 – Introduction – Victory Village & Market PUD Rezoning

City Clerk Howe read the ordinance title into the record.

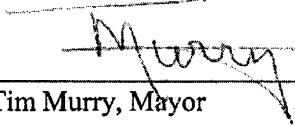
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MOTION TO INTRODUCE for future consideration Ordinance No. 2021-003 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

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ADJOURN: With no further comments, this meeting adjourned at 10:24 pm.

APPROVED:



Tim Murry, Mayor

ATTEST:



Tracy Ackroyd Howe, City Clerk

