



**City Council
May 23, 2022
Council Chambers
6:30 PM**



WELCOME to our City Council meeting. In the interest of time efficiency, the following will prevail for comments by the public. Each speaker will be permitted up to 3 minutes to state his/her case. Group presentations will be permitted 3 speakers including the spokesperson - each being limited to up to 3 minutes. No speakers will be interrupted. Please silence all electronic devices during the meeting. THANK YOU for participating in your City Government.

- I. Call to Order
- II. Invocation - Moment of Silence
- III. Pledge of Allegiance
- IV. Public Hearing
 1. Ordinance - Amending Orange County Fertilizer Ordinance
 2. Ordinance - Amending the 2035 CDP Petition No. 2022-01 (ALU) Property Rights Element
 3. Ordinance - Amending the 2035 CDP Petition No. 2022-02 (ALU) Water Supply Facilities Work Plan
- V. Old Business
- VI. Consent Agenda
 1. Approve the City Council Meeting Minutes of May 9, 2022
- VII. Public Period
- VIII. Decisions
 1. Appointments - Transportation Advisory Board (2)
 2. Planning and Zoning Commission Bylaws Update
 3. Ordinance - Authorize Loans for up to \$20 Million Utility Revenue Note 2022
- IX. Discussion
 1. FY 2023 Strategic Planning Session Summary
 2. Board of Adjustments and Appeals
- X. City Manager's Report/City Attorney/Council Reports
- XI. Adjournment

Notice: Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office (407-539-6219) 48 hours in advance of the meeting.

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

MEETING DATE		AGENDA
May 23, 2022		Section: Public Hearing
Department/Office : Public Works	AGENDA REPORT	Item #: 1.
Subject: Ordinance - Amending Orange County Fertilizer Ordinance		
Requested Action or Motion: Move to adopt an ordinance amending Section 20-96 of the City Code to clarify the application of the Orange County Fertilizer Management Ordinance within the City of Maitland, as adopted.		
Summary Explanation & Background: On April 22, 2019, the City Council of the City of Maitland enacted Ordinance No.1351, which adopted and authorized enforcement of the fertilizer regulations contained within the Orange County Code, Chapter 15, Article XVII, within the boundaries of the City. On June 8, 2020, City Council enacted an Ordinance amending its Code regarding the Orange County Code to eliminate an exception allowing certified applicators to apply fertilizer during the prohibited season. On February 8, 2022, Orange County adopted Ordinance 2022-03 overhauling their Fertilizer Management section of the code, which eliminated the need for the City exception and created an appeal mechanism involving a County board. The Ordinance will become effective June 1, 2022 to coincide with the beginning of the period when no fertilizer containing nitrogen or phosphorous can be applied to turf or landscape plants. Adopting this ordinance will allow City staff the ability to enforce this ordinance and regulate the application of fertilizers in the City. The references to the Orange County Environmental Protection Division or Environmental Protection Commission shall be read to refer to the City of Maitland Public Works and references to Orange County code enforcement officers shall be read to include City of Maitland code enforcement officers. Applications for variances under Section 15-811 of the Orange County Code shall be reviewed and decided by Public Works based on the content requirements of Section 15-811(a) and criteria of Section 15-811(c) of the Orange County Code. An applicant for a variance may appeal the decision of the City of Maitland Public Works to the City Council by written notice within thirty (30) days. Prior to being presented to the City Council, this recommended revision was reviewed by the Lakes Advisory Board at their April board meeting. After taking public input, staff recommends City Council adopt the ordinance amending Section 20-96 of the City Code to clarify the application of the Orange County Fertilizer Management Ordinance within the City of Maitland, as adopted.		
Fiscal Impact: N/A		
Exhibits:		

- | |
|---|
| 1. Fertilizer Ordinance 5-2022
2. ORA20220211_Ordinance 2022_03
3. Fertilizer Memo from Orange County |
| Commission/Board: City Council |
| Contact Person: Kimberley Tracy 407-539-6216 |
| Reviewed by City Attorney
Yes |

MEETING DATE		AGENDA
May 23, 2022		Section: Public Hearing
Department/Office : Community Development	AGENDA REPORT	Item #: 2.

Subject:
Ordinance - Amending the 2035 CDP Petition No. 2022-01 (ALU) Property Rights Element

Requested Action or Motion:
Authorize the transmittal of the proposed ordinance amending the City's Comprehensive Development Plan 2035 (CDP) to the State Land Planning Agency for review.

Summary Explanation & Background:
The proposed amendment to the City's Comprehensive Development Plan 2035 (CDP) was prompted by a 2021 change in Florida law requiring local governments to include a Property Rights Element in their comprehensive plans by adoption of its next proposed plan amendment or its next regularly scheduled Evaluation and Appraisal Report (EAR), whichever occurred first. In reviewing a variety of Property Rights elements from other local jurisdictions, staff modeled Maitland's proposed ordinance language used by Orange County and approved by the State. Details and background can be found in the enclosed 'Data and Analysis' document.

Action to Date

- April 20, 2022 - DRC recommended approval of the CDP amendment.
- May 5, 2022 - P&Z held a public hearing and provided a recommendation for approval of the CDP amendment.

Next Step

Following the public hearing, the City Council will authorize the transmittal of the proposed 2035 CDP amendment to the State Land Planning Agency for review.

In accordance with Florida Statute 163.3184(11)(b) the governing body shall hold two advertised public hearings on a proposed comprehensive plan amendment, transmittal stage and adoption stage.

Fiscal Impact:
None

Exhibits:

1. Petition No. 2022-01 (ALU) Property Rights
2. Ordinance 2035 CDP Amendment Property Rights

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney
Yes

MEETING DATE		AGENDA
May 23, 2022		Section: Public Hearing
Department/Office : Community Development	AGENDA REPORT	Item #: 3.

Subject:
Ordinance - Amending the 2035 CDP Petition No. 2022-02 (ALU) Water Supply Facilities Work Plan

Requested Action or Motion:
Authorize the transmittal of the proposed ordinance amending the City's Comprehensive Development Plan 2035 (CDP) to the State Land Planning Agency for review.

Summary Explanation & Background:
This item proposes to amend the City's Comprehensive Development Plan 2035 (CDP) to reflect the updated Water Supplies Facilities Work Plan that covers the planning period from 2021-2031. Section 163.3177, Florida Statutes requires that the Water Supply Facilities Work Plan (WSFWP) be updated to recognize a 10-year planning period, and the City of Maitland has recently completed its 10-year update for the 2021-2031 planning period. Maitland Comprehensive Development Plan 2035 was adopted in 2019 and references the 2018-2028 planning period. The amendment merely changes the dates of the Water Supply Facilities Plan from 2018-2028 to 2021-2031. Details and background can be found in the enclosed 'Data and Analysis' document.

Action to Date

- April 20, 2022 - DRC recommended approval of the CDP amendment.
- May 5, 2022 - P&Z held a public hearing and provided a recommendation for approval of the CDP amendment.

Next Step
Following the public hearing, the City Council will authorize the transmittal of the proposed 2035 CDP amendment to the State Land Planning Agency for review.

In accordance with Florida Statute 163.3184(11)(b) the governing body shall hold two advertised public hearings on a proposed comprehensive plan amendment, transmittal stage and adoption stage.

Fiscal Impact:
None

Exhibits:

1. Petition No. 2022-01 (ALU) Water Plan
2. Ordinance 2035 CDP Water Supply Plan

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney
Yes

MEETING DATE		AGENDA
May 23, 2022		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Approve the City Council Meeting Minutes of May 9, 2022		
Requested Action or Motion: Approve the City Council Meeting Minutes of May 9, 2022.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Minutes 05092022		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney		

MEETING DATE		AGENDA
May 23, 2022		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.

Subject:
Appointments - Transportation Advisory Board (2)

Requested Action or Motion:
Council decision to appoint TAB board members.

Summary Explanation & Background:
The Transportation Advisory Board (TAB) has two (2) vacancies. The terms of Scott Zornek and Ian Lockwood expire May 23, 2022. In accordance with the TAB constitution, members shall serve for a term of three (3) years and may be re-appointed by council for one (1) successive term. Scott Zornek has served two (2) terms and is not eligible for re-appointment. Ian Lockwood has verbally expressed interest in continuing to serve and would like to be considered for re-appointment.

The following applicants reflect the Transportation Advisory Board as their:

First (1st) Choice
Colleen Lilling

Second (2nd) Choice
Dale McDonald
Andrew Smith

Attached are their completed Volunteer to Serve on a Board / Commission forms for your review and consideration.

The City Council is requested to make two (2) appointments each to serve for a three-year term, beginning May 23, 2022, and expiring May 23, 2025.

Fiscal Impact:
N/A

Exhibits:

1. Lilling - TAB
2. Lockwood - TAB
3. McDonald - TAB
4. Smith - TAB

Commission/Board: City Council

Contact Person: Lori Hollingsworth 407-539-6219

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
May 23, 2022		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 2.

Subject:

Planning and Zoning Commission Bylaws Update

Requested Action or Motion:

Approve the proposed Planning and Zoning Commission bylaw changes.

Summary Explanation & Background:

With the adoption of the new Land Development Code effective March 1 of this year, the Bylaws of the Planning and Zoning Commission require an update for consistency to reflect the new roles and responsibilities it has been assigned. Staff also proposes using this opportunity to streamline the bylaws to reflect contemporary best practices and delete portions that may be obsolete or unnecessary. Changes to the bylaws require a two-thirds vote of the Commission and City Council approval. The Planning and Zoning Commission voted unanimously to recommend approval of the proposed changes at their May 5, 2022 meeting.

The proposed changes are shown in the attached 'strikethrough/underlined' version of the bylaws, and consist of:

- **Recommendations to City Council; Final Action by Commission.** ARTICLE VII TRANSACTION OF BUSINESS, Section C of the bylaws are proposed to be updated to reflect the new responsibilities granted to the Planning and Zoning Commission in Article 2. Administration of the updated Land Development Code.
- **'Community Meetings'.** ARTICLE IX HEARINGS would be amended to reflect that 'community meetings' prior to staff review are no longer conducted by the Planning and Zoning Commission, but are hosted and organized by the applicant, and minutes of the meeting (and any responses by neighbors) are provided to staff and the Planning and Zoning Commission.
- **Appointment of committees.** ARTICLE III COMMITTEES is proposed to be deleted as unnecessary. The roles and responsibilities are not defined and removing them from the bylaws would not prevent the formation of ad-hoc committees.
- **Addition of a 'Consent' agenda space.** ARTICLE VI PROCEDURE, SECTION A would be amended to provide an agenda space for any items recommended for approval by the

Development Review Committee (DRC) that doesn't require discussion or have known public opposition.

- **Meeting documentation.** ARTICLE VI PROCEDURE, SECTION C would be amended to change the amount of time an applicant has to update or submit materials for a Planning and Zoning Meeting. This effectively moved the deadline from the end of business on the Wednesday before a meeting to Thursday before a meeting. This is consistent with our internal deadlines for submitting agenda packets no later than the Friday the week before a meeting.
- **Definitions.** ARTICLE X DEFINITIONS would be amended to reflect the updated references in the Land Development Code.
- **Land Development Regulation Commission.** The certification block would be amended to delete the reference to the 'Land Development Regulation Commission'. This is an outdated term and redundancy, as the Community Planning Act (163.3164(25) Florida Statute) already states that the responsibilities of the land development regulation commission may be performed by the local planning agency.

Fiscal Impact:

None

Exhibits:

1. P&Z.Bylaws.05.2022

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney

Yes

MEETING DATE		AGENDA
May 23, 2022		Section: Decisions
Department/Office : Finance Department	AGENDA REPORT	Item #: 3.

Subject:

Ordinance - Authorize Loans for up to \$20 Million Utility Revenue Note 2022

Requested Action or Motion:

Introduce an ordinance to adopt by ordinance approval to borrow up to \$20 million in Utility debt and set the public hearing date for June 13, 2022.

Summary Explanation & Background:

As required in City Charter Section 2.12, requires all borrowing of monies to be authorized by ordinance.

In September 2014, the City presented the results of a Water and Waste Water rate study. As part of the study, improvements were analyzed and funding sources were recommended, which included borrowing money to expedite the improvements, which were also needed to support redevelopment in the City.

In August of 2015, working with the City's financial advisor, Craig Dunlap of Dunlap & Associates, the City issued the 2015 Utility Revenue Note to finance the improvements and in March 2019, Council approved borrowing up to \$20 Million in Florida State Revolving Fund loans.

The City's Capital Improvement Program has identified multiple projects as detailed in the 2022-2026 Capital Improvements Program document. The proposed projects address multiple water and wastewater improvement needs within the City. The State Revolving Fund loans will be specifically addressing replacement of: 17-92 water mains south of Ventris to the southern City limit; which have reached the near end of their useful lives. This project has been in design and engineering for a number of years and has faced many technical difficulties, chief among those is 17-92 is a state highway and a major artery cutting through the heart of downtown Maitland. There are numerous utility conflicts and concessions that have to be worked through with FDOT, which has caused the cost of the project to increase from initial estimates in 2014. The northern portion of the water lines were constructed with funds from prior authorization. Dommerich Hills Sanitary Sewer Connection. With the scheduled completion of the Master Lift Station #1 on Tuscarora Drive and Phase 1 of the sewer connections anticipated to be completed in the fall of 2022, phases 2-4 are ready to begin. These phases of the sanitary sewer system will now have the capacity to bring in the additional 447 homes in the Dommerich Hills area currently on individual septic tanks.

Multiple Drinking Water supply line upgrades to 6-inch for protective services considerations for Gamewell, Shellpoint; and Dommerich Estates, and Druid Hills subdivisions among others.

The State Revolving Fund offers very favorable interest rates to the City compared to a conventional bank loan or bonds. The State is not able to provide an exact rate at this time, other than to provide

rates for similar cities with recent loans in the 0.025% to 4.75% range, with 4.75% as the baseline and 1.25% the actual rate range.

At a future date, Council will be approving by resolution a Florida Department of Environmental Protection required "Utility Facility Plan" for the implementation of the above improvements and a resolution authorizing the loan agreement.

The attached ordinance was drafted by Bryant, Miller and Olive, the City's bond counsel, and reviewed by the City Attorney.

Fiscal Impact:

Exhibits:

1. 20M Utility Borrowing Ordinance 5-23-2022

Commission/Board: City Council

Contact Person: Jerry Gray 407-539-6201

Reviewed by City Attorney
Reviewed by Bond Counsel.

MEETING DATE		AGENDA
May 23, 2022		Section: Discussion
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: FY 2023 Strategic Planning Session Summary		
Requested Action or Motion: Discussion Only.		
Summary Explanation & Background: On April 28, 2022, City Council and senior management staff participated in a half day strategic planning session for the upcoming FY 2023 budget and CIP planning process. Attached is the summary of the FY 2023 one to five year priorities and the existing FY 2022 priorities. Staff will provide an overview of the strategic planning process and summary for Council discussion.		
Fiscal Impact: None.		
Exhibits: 1. Essential Priorities 2023		
Commission/Board: City Council		
Contact Person: Sharon Anselmo 407-539-6221		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
May 23, 2022		Section: Discussion
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.

Subject: Board of Adjustments and Appeals
Requested Action or Motion: Direct staff to move forward with either sunseting the BAA or appointment of new BAA members.
Summary Explanation & Background: There are currently four (4) vacancies on the Board of Adjustments and Appeals (BAA). Per Sec. 4.7-26 Board membership and officers. The board should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. There are four (4) applicants to serve on the BAA, only one (1) has knowledge and experience. If the one qualified applicant was to be appointed, the board would not have the required quorum of four (4) per Sec. 4.7-28, to hear or vote on appeals regarding decisions and interpretations of the Building Official or Fire Official. FS 553.775 allows for the Florida Building Commission, in coordination with the Building Officials Association of Florida, to designate a panel composed of seven members to hear requests to review decisions of local building officials. Five members must be licensed as building code administrators, one member must be a licensed architect and one member a licensed engineer. Each must have experience interpreting or enforcing provisions of the Florida Building Code and Florida Accessibility Code for Building Construction. In regard to the application, enforcement and interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code review by a joint committee composed of members of the Florida Building Code and the Fire Code Advisory Council, if the BAA was to sunset. The State Fire Marshal and the Florida Building Commission in agreement would resolve any conflict that the joint committee was unable to. The local building official and local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code and the Florida Building code are subject to review by a joint committee. Appeals relating to the Florida Building Code would be filed with the Florida Building Commission and appeals relating to the Florida Fire Prevention Code would be filed with the State Fire Marshals office, as provided for in the Florida Statutes. Staff is asking for the Council's direction. Sunset the BAA and defer appeals to the process defined in the Florida Statutes or appoint the one (1) qualified applicant.
Fiscal Impact: N/A
Exhibits:

Commission/Board: City Council
Contact Person: Lori Hollingsworth 407-539-6219
Reviewed by City Attorney Yes