City Council
October 12, 2020
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

III. Pledge of Allegiance

IV. Presentation
   1. ICMA Certificate of Distinction

V. Public Hearing
   1. Ordinance - Extending Solid Waste/Recycling Franchise Agreement

VI. Old Business

VII. Consent Agenda
   1. Approve the City Council meeting Minutes of September 28, 2020
   2. Purchase Motor Fuel - Lynch Oil Company

VIII. Public Period

IX. Decisions
   1. Waiver Request - St. Anthony Coptic Church (1185 N. Wymore Road)
   2. Ordinance - Amendment to Chapter 14, Special Event Procedure
   3. Ordinance - Amending Chapter 6 "Fire Protection and Prevention"
   4. Ordinance - Amending Chapter 2 - Police Officers' & Firefighters' Pension Plan
   5. Ordinance – Non Exclusive C&D Franchise Agreement - Disposall Inc.

6. Resolution to Acquire Property

X. Discussion

XI. City Manager's Report/City Attorney/Council Reports

XII. 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
October 12, 2020		Section: Public Hearing
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Ordinance - Extending Solid Waste/Recycling Franchise Agreement

Requested Action or Motion:
After receiving public input, adopt an ordinance to extend and amend the franchise for solid waste and recyclable materials collection franchise agreement for one (1) three (3) year renewal as outlined in Section 1.C of the agreement.

Summary Explanation & Background:
In July 2013, the City entered into an exclusive franchise with Waste Pro of Florida, Inc. for solid waste and recyclable materials collection. The initial term of the contract will expire in October, and there is one (1) three year extension included in the initial agreement. Staff recommends renewing the franchise with Waste Pro of Florida, Inc. for the three (3) year extension period, subject to the following amendments to the original contract:

1. Section 1.C Renewal Option - Add one (1) additional three (3) year term to provide additional flexibility for renewing or bidding out the services at the end of the extension period.
2. Section 2.B Definitions - Add organic recyclables to the list of definitions.
3. Section 3.A Exclusive and Nonexclusive Services - Add organic recyclables to the list of non-exclusive services.
4. Section 4.A and 5.A - Remove reference to RFID technology which is no longer required by the City.
5. Section 8.D (4) - Remove reference to RFID technology.
6. Section 8.F (2) - Delete paragraph related to RFID maintenance.
7. Section 8.0 (4) - Delete paragraph related to RFID equipment.
8. Section 8.Q (1) - Delete paragraph related to RFID reports no longer required.
9. Section 11.D (1)(d) - Currently, the AMV of program recycling revenue does not cover the cost of the processing fees charged at the local municipal recycling facility.
10. Exhibit 4 - Remove reference to RFID requirement.
11. Exhibit 5 - Remove RFID specifications.

On September 28, 2020, City Council introduced the ordinance and set the public hearing date for October 12, 2020. After receiving public input, staff recommends Council adopt an ordinance to renew the franchise with Waste Pro of Florida, Inc.

Fiscal Impact:
The Solid Waste Fund budget for FY 2021 included the impact of the cost of recyclables processing and the rate adjustment per the original contract.

Exhibits:

1. Waste Pro Contract Rev 2. Ordinance Waste Pro of Fl 3. Original Ordinance 1239 - 2013
Commission/Board: City Council
Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
October 12, 2020		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Approve the City Council meeting Minutes of September 28, 2020

Requested Action or Motion:
Move to approve the meeting minutes of September 28, 2020

Summary Explanation & Background:

Fiscal Impact:
N/A

Exhibits:
1. MInutes of September 282020

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
October 12, 2020		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 2.

Subject:
Purchase Motor Fuel - Lynch Oil Company

Requested Action or Motion:
Move to authorize the Public Works Department to piggy back off of the City of Orlando Contract for motor fuel purchases (Contract IFB19-0021) from available funds for fuel.

Summary Explanation & Background:
The Fiscal Year 2021 budget includes funding for bulk fuel and oil purchase at the Public Works facility for City-wide fuel purchases from the General Fund, Utility Fund, Solid Waste Fund and Environmental Stormwater Fund. This includes gasoline, diesel fuel and motor oil lubricants. After research and review of available piggyback options and potential vendors, the Fleet Division recommends to purchase gasoline and diesel fuel from Lynch Oil by piggy backing off the City of Orlando contract IFB19-0021. The City of Orlando contract provides for a $0.13 markup on the current wholesale price on the day of delivery and can meet all the fuel requirements of the City. This contract is in effect from March 17, 2019 until March 16, 2024, with potential extensions available through March 16, 2029. The amount to be expended will exceed the City Manager's purchasing threshold.

In addition to having a consolidated fuel purchase arrangement, an arrangement of this nature assists the City's quarterly State of Florida fuel sales tax filing allowing for a refund from the State for exempt fuel purchases.

Staff recommends City Council authorize the City Manager to execute a piggyback contract with Lynch Oil for Motor Fuel-Tank Wagon Delivery through March 16, 2024, and any subsequent extensions of the contract approved by the City of Orlando through March 16, 2029.

Fiscal Impact:
FY 2021 City-wide budget is $308K.

Exhibits:
1. Lynch Oil Orlando ExecutedContract
2. Lynch Oil Piggyback 10062020

Commission/Board: City Council

Contact Person: Jerry Gray, Finance Director 407-539-6201

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
October 12, 2020	CITY OF MAITLAND FLORIDA	Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 1.

Subject:
Waiver Request - St. Anthony Coptic Church (1185 N. Wymore Road)

Requested Action or Motion:
Move to deny the St. Anthony Coptic Church request for a waiver of the one (1) year time limit to consider a rezoning petition for a property.

Summary Explanation & Background:
Request:

The St. Anthony Coptic Church, requests a waiver of the one (1) year time limit to consider a petition for rezoning of any part or all of the same property per Section 7.5-53(X). This subsection may be waived by the affirmative vote of four (4) members of the City Council, when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City.

This waiver, if granted by Council, would allow the applicant to request to amend the Petition 2016-02 (AZ-PD) to modify the conditions of approval, to remove the requirement that they underground the utility lines and remove the wooden power poles along the north side of the property.

Background:

In 2016, St. Anthony's Coptic Church applied to rezone their property from R-lAA (Orange County) zoning district to Planned Development (PD) zoning district. The proposal was to redevelop the Coptic Church property with the addition of a 300 seat sanctuary, renovations of the existing 3,441 square-foot chapel, construction of a new two-story multi-purpose building (~19,601 square feet) and the construction of an 800 square-foot administrative office. During the planning process, staff reviewed the Coptic Church development plan and included some development standards in the conditions of approval adopted in Ordinance 1321. Following the PD adoption, the Coptic Church received approvals for their site plan and site permit which were consistent with the PD's approvals. The church received building permit approval in April, 2018.

On February 10, 2020, the St. Anthony Coptic Church requested Council modify the conditions of approval for Petition 2016-02 (AZ-PD) 'Coptic Church Planned Development (Ordinance No. #1321) located at 1185 N. Wymore Road, specifically to remove the following requirements:

- Item No. 15: There are no sidewalks located along Wymore on the west side of the site. The applicant shall provide sidewalks the entire length of the site along Wymore road at a width no less than 6 feet.

- Item No. 46: The development of this property will require undergrounding consistent with section Sec. 5-20. - Electric and utility services to be located underground: electrical system to be upgraded, of the Maitland City Code.

At the February 10, 2020 meeting, Council unanimously denied the request. Since receiving Council's denial, the applicant has agreed to complete the sidewalks along the entire length of the site and work with Duke Energy to underground the overhead utilities and remove the wooden power poles along the eastern portion of the property. Stating financial impacts caused by the COVID-19 pandemic, the applicant would like to remove the requirement of undergrounding and removing the poles along the north side of the property. To remove this requirement, the applicant would need to amend the Planned Development.

Staff Analysis of the February 20, 2010 Request:

Maitland City Code References:

- Section 15-20. -Sidewalks to be constructed when buildings built, and Section. 15-22. Council may require sidewalk construction by owner; describes the responsibility of the property owner to construct sidewalks on streets and in the public right-of-way. No hardship provisions are identified in these sections.
- Section 5-20 Electric and utility services to be located underground; electrical system to be upgraded, establishes that it is the developer's responsibility to construct and install utility lines of all kinds beneath the surface of the ground. This is applicable for additions or alterations to existing structures when the value of the improvements exceeds fifty percent of the value of the structures.
- Section 5-20 recognizes physical hardships such as existing buildings, swimming pools, large trees, natural disasters as imposing unreasonable hardships on property owner's compliance with the requirement to underground utilities. Upon written confirmation from the appropriate utility company or the applicant, the Building Official may waive the requirement until the hardship no longer exists. However, this section does not cite economic reasons as a justification for a hardship waiver of the utility undergrounding and upgrading requirement.

During the review and approval process of Petition 2016-02 (AZ-PD), the Building Official determined that there were no physical hardships present at the site that would justify a hardship waiver of the distribution lines.

Case Timeline:

- On August 1, 2019, the Planning and Zoning Commission unanimously voted to forward the proposed PD Amendment to Council with a recommendation of denial. They did recommend a one-year extension from the date of Council approval to underground utilities.
- On December 18, 2019, the Development Review Committee unanimously voted to forward the proposed PD Amendment to Council with a recommendation of denial.
- On February 20, 2020, City Council unanimously voted to deny introduction of the ordinance amending *St. Anthony Orthodox Coptic Church* PD (Petition 2016-02 AZ-PD) to remove conditions.

The applicant is requesting Council remove the one year time limit to consider a rezoning (to amend the conditions of approval) on the same property where Council final action was taken. Should Council grant the waiver, the applicant would be permitted to reapply for a PD amendment for Council consideration.

Fiscal Impact:
N/A

Exhibits:
1. St. Anthony Letter

Commission/Board: City Council

Contact Person: Harris Berns-Cadle , Planner III 407-875-2898

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
October 12, 2020		Section: Decisions
Department/Office : Parks & Recreation	AGENDA REPORT	Item #: 2.

Subject:
Ordinance - Amendment to Chapter 14, Special Event Procedure

Requested Action or Motion:
Move to introduce the proposed ordinance amending Chapter 14 of the City Code as presented and set the public hearing and action date for October 26, 2020.

Summary Explanation & Background:
Upon review of Chapter 14 of the City Code (Special Events), it was noted that currently only not-for-profit organizations are permitted to host a special event in the City of Maitland. The City Attorney recommended that this restriction is not permissible and that any group should be evaluated equally regardless of their membership, purpose, or message. The attached ordinance revision revises this language appropriately. Also included are updated regulations pertaining to fireworks and other minor verbiage modifications.

Staff recommends to introduce the proposed ordinance amending Chapter 14, Special Event Procedure, and set the public hearing and action date for October 26, 2020.

Fiscal Impact:
None

Exhibits:
1. Chapter 14 revisions final

Commission/Board: City Council

Contact Person: Jay Conn, Parks & Recreation Director 407-539-6264

Reviewed by City Attorney
Yes

MEETING DATE		AGENDA
October 12, 2020		Section: Decisions
Department/Office : Fire/Rescue	AGENDA REPORT	Item #: 3.

Subject:
Ordinance - Amending Chapter 6 "Fire Protection and Prevention"

Requested Action or Motion:
Move to introduce an ordinance amending and re-adopting City Code Chapter 6 "Fire Protection and Prevention" and set the public hearing date for October 26, 2020.

Summary Explanation & Background:
The City of Maitland has submitted local amendments to the statewide Florida Fire Prevention Code (FFPC) to the State Fire Marshal's Office (SFMO). This submittal process fulfilled the established statutory obligations and the City has been authorized by the SFMO to adopt and readopt these local amendments into its City code according to Florida Statute 633.202. This ordinance update maintains and clarifies these local amendments, and aligns the City Code with the FFPC. This ordinance must be re-adopted every three years.

Updates and changes to the Maitland City Code include:

1. The recognition of the new Florida Fire Prevention Code (FFPC), 7th edition, 2018 editions of NFPA 1 Fire Prevention Code and NFPA 101 Life Safety Code.

2. Removing the necessity of gaining a permit for residential backyard fire pit use. Guidance on residential burning, in relation to combustible materials, size of the fire, and setbacks from adjacent buildings, are provided in greater clarity. Commercial burning of yard waste or construction materials remains prohibited. Any fire that creates a nuisance atmosphere may be extinguished at the discretion of the authority having jurisdiction or the Division of Forestry.

After receiving public input, staff is recommending City Council introduce an ordinance amending and re-adopting City Code Chapter 6 "Fire Protection and Prevention" and set the public hearing date for October 26, 2020. If adopted, the ordinance will become effective January 1, 2021.

Fiscal Impact:
None.

Exhibits:
1. LOCAL ORDINANCE Chap 6 with Track changes (2)

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
October 12, 2020		Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 4.

Subject:
Ordinance - Amending Chapter 2 - Police Officers' & Firefighters' Pension Plan

Requested Action or Motion:
After receiving public input, introduce and ordinance to amend Chapter 2, Article IV, Division 4, to amend the membership of the Police Officers' and Firefighters' Pension Plan and set the public hearing date for October 26, 2020.

Summary Explanation & Background:
On August 13, 2012, the City Council adopted Ordinance No. 1230 removing the Mayor as a trustee of the Police Officers and Firefighters Pension Plan ("Pension Plan") and a adding a member of Senior Management to be appointed by the City Council to serve as a trustee for the Police Officers and Firefighters Pension Plan ("Pension Plan"). Subsequently, Charter Section 5.06 was amended by Ordinance No. 1232 on November 26, 2012 to apply term limits for any member of a permanent board, commission, or agency appointed by the City Council to two consecutive terms. Although this was intended to impact the resident members of the Pension Board, as drafted it also impacted the appointed senior management representative.

The City's current Finance Director, Jerry Gray, was appointed by City Council in 2014 to fill the unexpired term of the now City Manager. He was then reappointed by City Council again in August of 2016. As of August 2020, the Finance Director is not eligible for re-appointment. The City code specifies that the two Chiefs, Police and Fire, are named by position and therefore avoid the term limits applied to appointed members. Staff is recommending that Council amend the City code to specify the Finance Director is named by position, rather than appointed by Council. This would allow Jerry Gray to continue to serve as a trustee while he serves in position of Finance Director. This is consistent with the intention of Ordinance 1230, to have the member of senior management with the most financial experience and appropriate background continue to serve as a trustee for the Pension Plan.

After taking public input, introduce the ordinance and set the public hearing date for October 26, 2020.

Fiscal Impact:
None.

Exhibits:
1. Ordinance Finance Director Trustee Position

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221

Reviewed by City Attorney
Reviewed by Pension Board Attorney.

MEETING DATE		AGENDA
October 12, 2020		Section: Decisions
Department/Office : Finance Department	AGENDA REPORT	Item #: 5.

Subject:
Ordinance – Non Exclusive C&D Franchise Agreement - Disposall Inc.

Requested Action or Motion:
Move to introduce an ordinance granting a non-exclusive franchise agreement to Disposall Inc., and set the public hearing date for October 26, 2020.

Summary Explanation & Background:
In July 2013, the City Council approved an exclusive franchise with Waste Pro of Florida, Inc., for collection of single and multi-family residential solid waste, yard waste and recycling, and commercial solid waste. The franchise excludes the disposal of solid waste and construction and demolition ("C&D") debris removal and the City established non-exclusive franchises through adoption of City Code Sections 7-32 through 7-37 in August 2013. The non-exclusive franchise program enables residents and businesses to obtain competitive pricing for C&D debris removal services while still maintaining a level of oversight to ensure haulers are properly licensed, insured and qualified to provide services within the City limits. Self-hauling by residents or contractors of C&D debris is not regulated.

Haulers who wish to provide C&D removal services within the City must submit an application and the required documentation outlined by the City Code. Per the City Charter all franchises must be adopted via ordinance, and the attached non-exclusive franchise agreement was drafted by the City Attorney's office.

Disposall Inc., has completed the application and submitted all documentation required under Section 7.24, and is qualified to provide C&D debris removal services. This hauler is located in Orlando, Florida, and has been in business since 1979. They currently provide 600 roll off containers utilizing the hauling services for clients and desire to provide services to Maitland residents and businesses.

Staff is recommending the City Council introduce an ordinance granting a non-exclusive franchise agreement to Disposall Inc., and set the public hearing date for October 26, 2020.

Fiscal Impact:
N/A

Exhibits:
1. Construction CD Ordinance Disposall (1)

Commission/Board: City Council

Contact Person: Jerry Gray, Finance Director 407-539-6201
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
October 12, 2020		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 6.

Subject:
Resolution to Acquire Property

Requested Action or Motion:
Move to approve a resolution to acquire specific real property for community benefit and public purposes.

Summary Explanation & Background:
This item has been placed on the agenda at the request of Mayor McDonald.

Fiscal Impact:
N/A

Exhibits:
1. Resolution - Aquire Real Property October 2020

Commission/Board: City Council

Contact Person: Maria Waldrop, City Clerk 407-539-6219

Reviewed by City Attorney
N/A