



**City Council
Approved Minutes
July 11, 2022
Council Chambers
6:30 PM**



I. CALL TO ORDER

Present: 4 - Councilmember Lori Wurtzel, Councilmember Michael Wilde, Vice-Mayor Lindsay Hall Harrison, Mayor John Lowndes

Absent: 1 - Councilmember Vance Guthrie

Mayor Lowndes called the July 11, 2022, meeting to order at 6:32 pm. Staff also in attendance: Interim City Manager Reggentin, City Clerk Hollingsworth, City Attorney Shepard, Finance Director Gray, Parks and Recreation Director Conn, Public Works Director Tracy, Community Development Director Matthys, Police Captain Palmer, Deputy Fire Chief Morton, Public Information Officer Sargent, and Administrative Assistant for the City Manager Cordero.

II. INVOCATION - MOMENT OF SILENCE

Mayor Lowndes offered a moment of silence.

III. PLEDGE OF ALLEGIANCE

Mayor Lowndes led the Pledge of Allegiance.

IV. PRESENTATION

1. WATER AND SEWER RATES PRESENTATION

Bryan Mantz from GovRates provided a brief presentation regarding the City of Maitland Water and Wastewater Utility Rate Study Report dated June 28, 2022.

A discussion ensued. Bryan Mantz and Interim City Manager Reggentin answered questions posed by the Council.

Interim City Manager Reggentin sought direction from the Council regarding the following recommendations:

- Adopt proposed schedule of water and wastewater user rates for FY2023-2027.
- Adopt proposed water and wastewater connection/impact fees.
- Adopt proposed miscellaneous service charges.
- Adopt proposed changes to the rate indexing clause.
- Adopt a future user rate increase by resolution instead of ordinance.

- Update financial and rate plans atleast once every three years, to preserve the ability to gradually phase-in any rate adjustments.

After a brief discussion, the City Council directed staff along with the city attorney to draft an ordinance encompassing the proposed recommendations and to include a clause for future rate increases to be adopted by resolution.

V. PUBLIC HEARING - NONE

There was no Public Hearing.

VI. OLD BUSINESS

There was none to report.

VII. CONSENT AGENDA

Mayor Lowndes opened the public comment period for Consent items #2 through #7.

There being no one who wished to speak, Mayor Lowndes closed the public comment period.

Councilmember Wilde posed a question regarding item #2 - Purchase and Installation of Electric Vehicle (EV) Charging Station - Optimus Energy Solutions, but did not want the item to be removed from the Consent agenda. Councilmember Wilde inquired about EV Charging Stations and potential partnerships or grant opportunities going forward with future purchases and installation of EV Charging Stations. A discussion ensued by the Council.

Interim City Manager Reggentin requested authorization from the Council to amend Consent item #4 - Purchase Vehicle with Police Package - Alan Jay Fleet Sales to include a second vehicle that is currently available with a cost difference of \$225. The total cost of two (2) vehicles is \$100,287.

After a brief discussion, a motion was made to approve the Consent agenda, to include amending Consent item #4, authorizing the purchase of two (2) police package vehicles to include the difference in the amount of \$225 on the second vehicle for a grand total of \$100,287, as presented.

RESULT:	Approve
MOVER:	Vice-Mayor Lindsay Hall Harrison
SECONDER:	Councilmember Lori Wurtzel
AYES:	Lori Wurtzel, Michael Wilde, Lindsay Hall Harrison, John Lowndes
NAYS:	None

1. APPROVE THE CITY COUNCIL MEETING MINUTES OF JUNE 27, 2022

Approve the City Council Meeting Minutes of June 27, 2022.

2. PURCHASE AND INSTALLATION OF ELECTRIC VEHICLE (EV) CHARGING STATIONS - OPTIMUS ENERGY SOLUTIONS, LLC.

Approve the purchase and installation of five (5) Charge Point electric vehicle charging stations from Optimus Energy Solutions, LLC. utilizing Sourcewell contract # 051017-CPI in the amount of \$91,791 and authorizing a 10% contingency for a total project cost of \$101,000.

3. PURCHASE AND INSTALLATION OF GPS PRE-EMPTION TRAFFIC CONTROL DEVICE SYSTEMS FOR MAITLAND FIRE - TRANSPORTATION CONTROL SYSTEMS (TCS)

Approve the purchase and installation of hardware for GPS pre-emption traffic management systems upgrade for emergency services.

4. PURCHASE VEHICLE WITH POLICE PACKAGE - ALAN JAY FLEET SALES

Authorize the purchase of one (1) police package vehicle for \$50,031 from Alan Jay Chevrolet.

5. MID-YEAR SALARY ADJUSTMENTS

Approve mid-year salary adjustments.

6. PROFESSIONAL GIS SERVICES AGREEMENT AND EXPANDED SCOPE - DRMP, INC.

Authorize the Interim City Manager to execute the professional services agreement with expanded scope for Professional GIS Services provided by DRMP, Inc.

7. PURCHASE OF PUMPS AND CONTROLS FOR LIFT STATIONS #8 AND #42 - XYLEM WATER SOLUTIONS

Authorize purchase of the Lift Station #8 and #42 pumps and controls from Xylem Water Solutions in the amount of \$388,050.

VIII. PUBLIC PERIOD

Mayor Lowndes opened the Public Period. There being no one who wished to speak, Mayor Lowndes closed the Public Period.

IX. DECISION

1. BOARD OF ADJUSTMENTS & APPEALS (BAA)

City Clerk Hollingsworth stated that as discussed at the May 23, 2022 City Council meeting, there are currently four (4) vacancies on the Board of Adjustments and Appeals (BAA). The purpose of the board is to hear appeals regarding interpretations of the Florida Building Code by the Building Official and appeals of interpretations of the Florida Fire Prevention Code by the Fire Marshal. Under the current system, the BAA

would hear appeals from an owner or contractor if a disagreement arose between the city and owner or contractor's interpretation of the building or fire code. If either party disagreed with the BAA, that determination could be appealed to the Florida Building Commission or State Fire Marshal's Office following the procedures described in the building or fire code. The BAA has not met since 2009.

Per Sec. 4.7-26 of the city code, 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 required by the code. If the one qualified applicant was to be appointed, the board would still 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 or Fire Official.

A discussion ensued. City Clerk Hollingsworth answered questions posed by the Council.

Interim City Manager Reggentin stated that during this discussion, the Council requested that staff examine alternatives to a local BAA with specific references to process and time frames. One option was to consult with Orange County to determine whether they would be willing to enter into an interlocal agreement to allow the city to utilize the county's BAA to hear city appeals. The Community Development Department contacted the Orange County Building Official, who indicated that using the county board was not an option.

As an alternative, appeals can be heard directly by either the Florida Building Commission or the State Fire Marshal's Office. F.S. 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. Within this process, an appeal is filed in a form provided by the Florida Building Commission. The maximum amount of time this process takes is 31 days. The entire process is done via written correspondence, so no in-person meetings are required.

Appeals to the Fire Marshal's interpretation are handled in a similar manner through the State Fire Marshal's office with a request for a declaratory statement. To submit a petition for declaratory statement, the

petitioner must submit the form provided by the State Fire Marshal's Office. The Fire Marshal shall review the request and render a decision. If the appellant disagrees with the decision, it may be appealed to the State Fire Marshal's office. The State Fire Marshal shall return an expedited judgement within 45 days of receiving the requests for an expedited declaratory or 90 days for a standard declaratory statement. As with the appeal to the Florida Building Commission, this process is done through correspondence and no in-person meetings are required.

There is an additional factor to consider if the City Council would like to continue utilizing a local BAA for initial appeals. The Florida Fire Prevention Code is very specific regarding the makeup of the BAA. These requirements are as follows:

- 5 or 7 members plus 1 ex officio representing the city.
- Appointed for a 3-year term
- Experience in 1 of 6 specific disciplines. These include:
 - Engineering or architectural design
 - General contracting
 - Fire protection contracting
 - Fire department operations or fire code enforcement
 - Building code enforcement
 - Legal
- Shall not be employees and must live in jurisdiction
- No more than one member can represent a specific discipline.

This will make the appointment of qualified members of a BAA more difficult than is currently experienced due to the specific requirements of the fire code.

If the Council determines that sunseting the BAA is appropriate, the proposed code language is as follows:

Appeals of a Building Official Decision or Interpretation. Appeals of a Building Official decision or interpretation of the Florida Building Code or the Florida Accessibility Code shall be made to the Florida Building Commission as set forth in Florida Statutes, Chapter 553, as amended from time to time.

Appeals of a Fire Marshal Decision or Interpretation. Appeals of a Fire Marshal decision or interpretation relating to provisions of the Florida Fire Prevention Code, may be appealed to the State Fire Marshal's office, as set forth in Florida Statutes, Chapter 633, as amended from time to time.

A discussion ensued. Interim City Manager Reggentin answered

questions posed by the Council.

Mayor Lowndes opened the public comment period. There being no one who wished to speak, Mayor Lowndes closed the public comment period.

After a brief discussion, a motion was made to authorize the city attorney along with staff to draft an ordinance sunsetting the Board of Adjustments and Appeals (BAA).

RESULT:	Approve
MOVER:	Councilmember Michael Wilde
SECONDER:	Vice-Mayor Lindsay Hall Harrison
AYES:	Lori Wurtzel, Michael Wilde, Lindsay Hall Harrison, John Lowndes
NAYS:	None

X. DISCUSSION

1. CONSIDERATION OF ADDITIONAL CITY CHARTER AMENDMENTS

City Clerk Hollingsworth stated that the staff is working with the City Attorney on the draft ordinance for proposed charter amendments, as directed at the April 25, 2022, meeting.

Since then, additional questions for council to discuss and consider have risen.

First, Section 2.16 requires the code to be furnished to city officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council. The city pays to host the code online, making it available 24-7 to anyone with online access. The language is vague as to which public offices and libraries code books will be maintained. Additionally, it will be difficult to ensure that all updates are included in a timely fashion at remote locations. In relation to making codes available for purchase at a reasonable price fixed by the city council, codes are currently available for purchase through the Municipal Code Corporation. However, the price is not specifically fixed by the city council. It is fixed as a function of the contract with Municipal Code Corporation. If the city council were to consider a change to this section, an up-to-date hard copy could be maintained in the Clerk's office at City Hall.

Sec. 2.16 - Authentication and recording; codification; publishing.

(b) Codification. Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the

preparation of a general codification of all city ordinances which have been specified by the council for inclusion in the Code. The general codification shall be adopted by the council by ordinance and shall be published promptly, together with this charter and any amendments thereto. This compilation shall be known and cited officially as the Maitland City Code. Copies of the Code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

A discussion ensued. City Clerk Hollingsworth answered questions posed by the Council.

Secondly, Bill Cowles, Supervisor of Elections (SOE), requested that all cities consider a period for candidate petitions to be submitted prior to qualifying and a subsequent period for qualifying, allowing the SOE staff adequate time to certify submitted petitions and provide a candidate petition certification.

Under our current procedures, both the petition process and qualifying are simultaneous during the week of qualifying. This has created a problem for the Supervisor of Elections to verify signatures on petitions for candidates who have submitted paperwork late in the week. The time frame is compressed and the SOE cannot guarantee that the verification will be conducted to meet our timeframe. If adjustments are not made, it could lead to the city verifying petition signatures. To address this situation, the charter could be amended to separate the timing for submission of petitions from the qualifying process. Requiring petition submission and verification prior to the qualifying time frame will allow the SOE adequate time to verify signatures, eliminate the need for city staff to verify signatures and relieve candidates of the complication of acquiring additional petitions late in the qualifying process, which could jeopardize their candidacy.

Third, the oath in the city charter does not reflect the oath contained in Sec. 99.021, Florida Statutes. The candidate oath nonpartisan office form is presented by the Clerk to each candidate during qualifying. Candidates affirm and then sign said oath. The content of the oath could be removed from the city charter in favor of the statutory oath via charter amendment if the voters so desired.

Sec. 8.04. - Qualifications of candidate; form of oath. Any person who is a resident of the city for a minimum of 6 months and has the qualifications of an elector therein may become a candidate for nomination to the office of mayor or to council seat by filing with the city clerk a petition subscribed to by not less than fifty (50) persons who are qualified electors of the city

and by taking and subscribing to an oath or affirmation in substantially the following form and filing the same together with the petition with the city clerk at any time after noon of the first day of qualifying, which shall be noon of the 50th day prior to the general city election but not later than noon of the 46th day prior to the day of the general city election. However, in any year which is a multiple of four and during which the general city election is held concurrent with the Florida Presidential Preference Primary, the first day of qualifying shall be noon of the 80th day prior to the general city election and the final day of qualifying shall be no later than noon of the 76th day prior to the election date. The city clerk shall post in city hall notification of the date of the general city election no later than ninety (90) days prior to the date of such general city election.

State of Florida

County of Orange

City of Maitland Before me, an officer authorized to administer oaths and take acknowledgements, personally appeared _____ who first being duly sworn says he is a candidate for the office of _____ in the City of Maitland, Florida, at elections to be held in the year 20____; that he is a qualified elector in the City of Maitland; that he is duly qualified to hold office under the Constitution and laws of the State of Florida, and that he has not violated any of the laws of the City or State relating to primary or general elections or the registration of voters therefor. Sworn to and subscribed before me this _____ day of _____, A.D. 20____, in the City of Maitland, Florida.

A discussion ensued. City Clerk Hollingsworth answered questions posed by the Council.

Finally, the date for a run-off election is set by the Orange County Supervisor of Elections and historically is set five to six weeks after the general election. This is due to the preparation time needed, including notifications, ballot preparation and equipment. If run-offs are still desired, the four (4) weeks would need to be considered for amendment, to coordinate the election with the SOE.

Sec. 8.03. - Elections.

(c) Run-off city election. When there are two (2) or more candidates for the office of mayor or for a council seat and when no candidate receives a majority of the total number of votes cast in the general city election, a run-off city election shall be held. If the foregoing shall occur, the run-off election shall be held four (4) weeks after the general city election necessitating a run-off election occurred for the office of the mayor or council seat for which no candidate received a majority of the total votes cast in the general city election.

A discussion ensued. City Clerk Hollingsworth answered questions posed by the Council.

After a brief discussion, the City Council directed the city attorney along with staff to incorporate these four (4) additional proposed charter amends into the charter amendment ordinances to be introduced at a future City Council meeting.

XI. CITY MANAGER'S REPORT/CITY ATTORNEY/COUNCIL REPORTS

City Attorney Shepard provided a brief update regarding the Arch Insurance Company settlement and final release with InterCounty Engineering, Inc. Mr. Shepard also provided a brief update regarding Peacock Ford's legal filings.

Interim City Manager Reggentin stated that the first FY23 Budget Workshop is Monday, July 18, 2022, beginning at 5:30 p.m.

XII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:06 pm.