



**City Council
Approved Minutes
August 8, 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 August 8, 2022 meeting to order at 6:31pm. Staff also in attendance: Interim City Manager Reggentin, City Clerk Hollingsworth, Community Development Director Matthys, Public Works Director Tracy, Parks and Recreation Director Conn, Finance Director Gray, Police Chief Manuel, Fire Chief Watts, Administrative Assistant to the City Manager Cordero, and Public Information Officer Sargent.

II. INVOCATION - MOMENT OF SILENCE

Mayor Lowndes offered a moment of silence.

III. PLEDGE OF ALLEGIANCE

Mayor Lowndes led the Pledge of Allegiance.

IV. PRESENTATIONS

1. PROCLAMATION UNIVERSAL ONENESS DAY

Mayor Lowndes, on behalf of the City Council, presented Mr. Amogh Pendharkar of the Hindu Swayamsevak Sangh USA, Inc., which is also known as the Hindu Service Society (HSS) with a Proclamation proclaiming August 11, 2022 as "Universal Oneness Day" and encouraged all citizens to participate in the observance of this day.

Mr. Amogh Pendharkar and Mrs. Punam Agarwal expressed their appreciation to the Council for presenting this Proclamation celebrating "Universal Oneness Day" and provided a brief history of Hindu Swayamsevak Sangh USA, Inc., also known as Hindu Service Society (HSS), a 501(c) (3) organization.

V. PUBLIC HEARING

1. ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) 2035 TO INCLUDE A PROPERTY RIGHTS ELEMENT- PETITION NO. 2022-01 (ALU)

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending the Maitland Comprehensive Development Plan 2035 (2035 CDP) pursuant to Florida Statutes, Chapter 163; providing for authority; providing for adoption of a Property Rights Element by including a new Chapter 9, which contains a goal, an objective, and four policies; providing for severability; and providing for an effective date.

Community Development Director Matthys stated that on April 20, 2022, DRC recommended approval of the CDP amendment; On May 5, 2022, P&Z held a public hearing and provided a recommendation for approval of the CDP amendment; on June 13, 2022, City Council held a public hearing and authorized the transmittal of the CDP amendment to the Department of Economic Opportunity (DEO); on June 20, 2022, amendment was transmitted to DEO; and, on July 20, 2022, DEO provided a letter acknowledging that their review was complete and they had no comments. In addition, the City did not receive objections or comments from any reviewing agencies such as, SJRWMD, DEP and FDOT.

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. The June 13, 2022 meeting was for the transmittal public hearing, which was advertised in the Orlando Sentinel on May 29, 2022. The second public hearing is scheduled for August 8, 2022 to adopt the ordinance, which was advertised in the Orlando Sentinel on August 1, 2022.

Following the public hearing, staff recommended Council adopt the ordinance amending the 2035 CDP to include the Property Rights Element, as presented.

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

A motion was made to adopt Ordinance No. 1401, Amending the City's Comprehensive Development Plan (CDP) 2035 to include the Property Rights Element, as presented.

RESULT:	Adopt
MOVER:	Councilmember Michael Wilde
SECONDER:	Vice-Mayor Lindsay Hall Harrison
AYES:	Lori Wurtzel, Michael Wilde, Lindsay Hall Harrison, John Lowndes

NAYS:	None
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2. ORDINANCE AMENDING THE 2035 COMPREHENSIVE DEVELOPMENT PLAN (2035 CDP) TO INCLUDE REFERENCE TO THE UPDATED WATER SUPPLY FACILITIES WORK PLAN - PETITION NO. 2022-02 (ALU)

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending the Maitland Comprehensive Development Plan 2035 (2035 CDP) pursuant to Florida Statutes, Chapter 163; amending the Infrastructure, (Potable Water and Stormwater Sub-Elements) and Open Space (Conservation Sub-Elements) to recognize the updated Water Supply Facilities Work Plan; providing for severability; and providing for an effective date.

Community Development Director Matthys stated that on April 20, 2022, DRC recommended approval of the CDP amendment; on May 5, 2022, P&Z held a public hearing and provided a recommendation for approval of the CDP amendment; on June 13, 2022, the City Council held a public hearing and authorized the transmittal of the CDP amendment to the Department of Economic Opportunity (DEO); on June 20, 2022, the amendment was transmitted to DEO; and, on July 20, 2022, DEO provided a letter acknowledging that their review was complete and they had no comments. In addition, the City did not receive objections or comments from any reviewing agencies such as, SJRWMD, DEP and FDOT.

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Staff recommended City Council adopt the ordinance amending the 2035 CDP to recognize the updated Water Supply Facilities, as presented.

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

A motion was made to adopt Ordinance No. 1402, Amending the City's 2035 CDP to reflect the updated Water Supply Facilities Work Plan, as presented.

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

3. ORDINANCE AMENDING CHAPTER 20 WATER, SEWER AND SEWAGE DISPOSAL RATES

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending Chapter 20, Water, Sewers and Sewage Disposal, Article I, In General, Article II, Water, to provide for miscellaneous service charges and fees to be set by resolution; and providing for conflicts, for severability and for an effective date.

Public Works Director Tracy stated that the City engaged GovRates to perform a Water and Sewer Rate Study and provided a summary of the study results (attached hereto and made a part thereof). At the July 11, 2022 City Council Meeting, Bryan Mantz from GovRates presented the results of the study, which included an overview of the City's utility and current rate structure, as well as rate guiding principles, a survey of surrounding municipality rates and proposed rate recommendations for recurring monthly charges and connection fees. GovRate's rate study concluded that revenues under existing rates are insufficient to meet all the revenue requirements of the Utility Fund and recommended adoption of rates.

As a part of the presentation, it was recommended to adopt the new rates and charges through a resolution rather than by ordinance. The staff has prepared an ordinance that has removed all specific rates and has included language that all rates and fee schedules shall be adopted by resolution. The connection fees for both water and sewer remain in the ordinance and have been updated as recommended in the rate study. At the July 25, 2022 meeting, City Council moved to introduce the ordinance, and set the public hearing date for August 8, 2022.

The City Council directed staff to develop the resolution utilizing a 9% annual increase between FY 2023 and FY 2024 and a 6% increase for FY 2025 and FY 2027 as proposed in the rate study. The proposed resolution is a consent item on this evening's agenda and is contingent upon the adoption of this ordinance.

A discussion ensued. Public Works Director Tracy answered questions posed by the Council.

City staff recommended City Council adopt the ordinance implementing GovRate's recommendations to amend Chapter 20 of the City Code.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, made a statement regarding the proposed rate in the ordinance.

Public Works Director Tracy and Interim City Manager Reggentin acknowledged Mr. McDonald's inquiry regarding the rate increase, which will reflect the 9.9.6.6.6 in the resolution.

After a brief discussion, a motion was made to adopt Ordinance No. 1403, Amending Chapter 20, Water, Sewers and Sewage Disposal, Article I In General, Article II Water, and Article III Sewers and Sewage Disposal to provide for updated water and sewer rates, as presented.

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

VI. OLD BUSINESS

There was none to report.

VII. CONSENT AGENDA

Mayor Lowndes opened the public comment period for Consent items #5 through #7.

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

A motion was made to approve the Consent agenda, including the amendment, a typo, to Consent item #3, July 25, 2022 City Council meeting minutes, as presented.

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

1. CITY COUNCIL FY23 BUDGET WORKSHOP MINUTES OF JULY 18, 2022

Approve the City Council FY23 Budget Workshop Minutes of July 18, 2022.

2. CITY COUNCIL FY23 BUDGET WORKSHOP MINUTES OF JULY 19, 2022

Approve the City Council FY23 Budget Workshop Minutes of July 19, 2022.

3. CITY COUNCIL MEETING MINUTES OF JULY 25, 2022

Approve as amended the City Council Meeting Minutes of July 25, 2022.

4. CITY COUNCIL FY23 BUDGET WORKSHOP MINUTES OF AUGUST 1, 2022

Approve the City Council FY23 Budget Workshop Minutes of August 1, 2022.

5. RESOLUTION ESTABLISHING AND ADOPTING UTILITY SERVICE RATES AND CHARGES

Adopt Resolution No. 6-2022, establishing and adopting utility rates and charges, and providing an effective date of October 1, 2022.

6. PARKS AND RECREATION DEPARTMENT CONTRACTUAL PAYMENTS

Approve the contractual payments to LAB Sports for an amount of up to \$70,000 for FY 2022.

7. INTERLOCAL AGREEMENT WITH ORANGE COUNTY - 800 MEGAHERTZ RADIO SYSTEM

Authorize the Mayor to execute the Interlocal Agreement with Orange County for the 800 Megahertz Radio System as presented.

VIII. PUBLIC PERIOD

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

IX. DECISIONS

1. REQUEST FOR REDUCTION OF FINE FOR CODE VIOLATIONS (1920 AND 1930 ROGERS AVE.)

Community Development Director Matthys stated that the City received multiple complaints regarding overgrown vegetation at 1920 and 1930 Rogers Avenue dating back to 2010. Over the course of 11 years, the City has opened 11 code cases on 1920 Rogers Avenue and 9 code cases on 1930 Rogers Avenue for overgrown vegetation, most of which were resolved after notice from the City. The properties have changed owners 3 times during the 11 year period. The current property owner (Classic Home Developers, LLC) acquired the properties by Quit Claim deed on

April 20, 2021 and has owned the properties during the last 2 code enforcement cases on both properties.

The following timeline outlines the Code Enforcement Actions that resulted in the liens placed on the properties located at 1920 and 1930 Rogers Avenue:

- May 7, 2021 - The City posted the properties and sent a Notice of Violation (NOV) via certified mail to Classic Home Developers with a compliance date of May 12, 2021.
- May 14, 2021 - After receiving no response or compliance, the City posted the properties and sent a Notice of Hearing (NOH) via certified mail to Classic Home Developers, LLC notifying the property owner of the scheduled public hearing in front of the Special Magistrate for June 2, 2021 regarding Code CASE-04-21-2274 (1920 Rogers Avenue) and Code Case-04-21-2275 (1930 Rogers Avenue).
- June 2, 2021 - A finding of fact was ordered by Special Magistrate (Dan Mantzaris) concluding that Classic Home Developers, LLC was in violation of Sections 8-19 (Maintenance) and 7-6 (Excessive growth of grass, weeds and brush) and that if the property owner repeated the violations, the City may bring the matter back before the Code Enforcement Special Magistrate as a repeat violation and seek imposition of a fine up to \$500 per day.
- October 6, 2021 - After receiving another complaint, the properties were brought back to the Code Enforcement Magistrate (Case Number 09-21-2361 and Case Number 09-21-2362) and found to be in repeat violation of the prior Order of the Special Magistrate for a period of fourteen (14) days. A fine was imposed against the property owner in the amount of \$250 per day for the period of September 13, 2021 (date of Notice of Violation) to September 27, 2021 (date the violations were corrected). The total amount of the fine for both properties totaled \$7,000.00 (\$3,500 for 1920 Rogers Avenue and \$3,500 for 1930 Rogers Avenue).
- November 1, 2021 - Having received no payment of the code enforcement fine, the Finding of Facts, Conclusion and Order Imposing Fines were recorded at the Orange County Comptroller's office.

Both properties continue to be in compliance and maintained since September 27, 2021.

On July 7, 2022, staff received an email request from Mr. Anthony Grant (owner of Classic Home Developers, LLC and current property owner) requesting that the City consider reducing the liens. Mr. Grant continues to maintain the properties in compliance and intends to build homes on

both lots later this year.

The staff supports Mr. Grant's request as the first goal of code enforcement is to get the property into compliance, followed by recovering the costs incurred. Staff recommends a reduction to 10% of the accrued fines once the violations are cured, as this amount would adequately recoup the City's expenses.

A discussion ensued. Community Development Director Matthys 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 approve Mr. Grant's, the property owner, request to reduce the fine ordered by the Special Magistrate on September 13, 2021 (Case Numbers CODE-09-21-2361 and CODE-09-21-2362) for the properties located at 1920 and 1930 Rogers Avenue to 10% of the current accrued fine amount to cover the administrative cost to the City.

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

2. ORDINANCE INTRODUCTION PETITION 2021-03 (AZ-PD) MAITLAND CONCOURSE NORTH LOT 1

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending the Official Zoning Map, a part of Article I of the Maitland Land Development Code (as amended by Ordinance 1396, previously Chapter 21), by changing the zoning classification of property generally located north of Maitland Boulevard and west of Maitland Avenue, further described herein, from Planned Development to Planned Development; approving a Conceptual Development Plan for Lot 1 of Maitland Concourse North; and providing for an effective date.

Community Development Director Matthys stated that The Maitland Concourse North (MCN) Planned Development was approved on February 22, 2016, via Ordinance 1303. During the review of the original Planned Development (PD), the city worked with the applicant and the community to carefully review Maitland Concourse North's visual impact on the surrounding area. Research was conducted to assess the existing

vegetation, topography, line-of-sight, and other factors to determine tree preservation, adequate buffers, screening type and frequency, landscaping requirements, streetscape requirements and more.

Since the approval of the PD, MCN has constructed internal roadways, stormwater facilities, landscaping and other infrastructure per the approved PD. In addition, a 350 unit apartment complex located on Lot 7 has been completed, as well as a 100 unit/111 bed ACLF and 20 unit/23 bed Memory Care facility on Lot 5. Construction of retail and restaurant uses is underway on Lot 2, consistent with the PD approved in 2016.

An application was filed by Alan Charron, Maitland Synergy, LLC and Corkscrew, LLC, 2345 W. Sand Lake Road, Suite 100, Orlando, Florida 32809, to amend Lot 1 of the Maitland Concourse North Planned Development (PD). The applicant is proposing to develop up to 75,000 square feet of commercial uses and associated infrastructure consistent with the approved Lot 1 entitlements. The proposed site re-design consists of five buildings that vary between one (1) and two (2) stories and include retail, office and restaurant spaces, including one (1) drive-thru.

The Maitland Concourse North Development Program was designed to place the highest intensity (FAR and height) towards the center of the project primarily (Lots 1, 2, 3, & 6) designated as Restricted Mixed Office Commercial Land Use category (MORC). Lot 1 was assigned 75,000 square feet of building floor area and the proposed amendment does not modify that allocation. The Floor Area Ratio (FAR) of Lot 1 will remain the same, as will all setbacks, perimeter buffer yards, and the residential scale and character of the buildings will be maintained, as is evident from the proposed building elevations.

The applicant is proposing to revise the development plan site layout that was approved as part of the "Palloni Plan". The proposed conceptual PD plan maintains the 75,000 square feet of commercial development between one and two stories in height and breaks up the building and parking lot, while providing additional pedestrian connectivity and open space. The proposed project is parked at a scale of 5 spaces per 1,000 square feet.

On February 28, 2022, City Council amended the Comprehensive Development Plan (CDP) to allow for one drive-thru establishment, with a maximum interior square footage of 5,000, located on the western portion of Lot 1 and with the condition that the PD concept plan had to be reasonably consistent with the plan shown to City Council at that CDP adoption public hearing.

On July 6, 2022, the Development Review Committee (DRC) unanimously recommended approval of the proposed zoning amendment for Planned Development. The DRC recommendation report is consistent with the parameters established in the CDP amendment.

On July 21, 2022, the Planning and Zoning Commission unanimously recommended approval of the proposed zoning amendment for Planned Development certifying consistency with the Comprehensive Development Plan, and that satisfactory provision and arrangement has been made concerning the factors itemized for review by the Development Review Committee.

Staff recommends Council introduce an ordinance for Petition 2021-03 (AZ-PD) - Maitland Concourse North Lot 1 PD Amendment, and set the public hearing and action date for August 22, 2022.

A discussion ensued. Community Development Director Matthys 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 introduce an ordinance, Amending the Official Zoning Map, a part of Article I of the Land Development Code for Petition 2021-03 (AZ-PD), Maitland Concourse North Lot 1 PD; and, set the public hearing and action date for August 22, 2022.

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

3. ORDINANCE INTRODUCTION SUNSETTING BOARD OF ADJUSTMENTS AND APPEALS (BAA)

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending Chapters Four through Six of the Maitland Code of Ordinances to sunset the Board of Adjustments and Appeals; providing for an appeals process regarding the Florida Building Code, the Florida Fire Prevention Code and the Standard Unsafe Building Abatement Code; providing for conflicts, providing for severability; providing for codification and providing an effective date.

Interim City Manager Reggentin stated that the City Council, at the July 11, 2022 meeting, authorized the drafting of an ordinance to sunset the Board of Adjustment and Appeals (BAA) and add the appeals process afforded in the State Statutes to the city code.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, expressed his discontent.

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

Staff recommends introduction of the ordinance sunsetting the BAA and establishing the appeals process as defined in the State Statutes.

A motion was made to introduce an ordinance sunsetting the Board of Adjustment and Appeals (BAA) and amending Chapter four through six of the Maitland Code of Ordinances; providing for the appeals process as defined by the State Statutes; and, setting the public hearing and adoption for August 22, 2022.

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

4. ORDINANCE INTRODUCTION CHAPTERS 11 AND 18 FORT MAITLAND PARK BOAT TRAILER PARKING

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending Chapters 11 and 18 of the Maitland Code of Ordinances to provide for paid boat trailer parking and general parking enforcement at Fort Maitland Park; providing for findings; providing for conflicts; providing for severability; providing for codification and providing an effective date.

Interim City Manager Reggentin stated that at the City Council meetings of June 27th and July 25th, the Council discussed various restrictions that could be put in place for the Fort Maitland boat parking spaces when the park reopens in September. Following the discussion at the July 25th meeting, the Council directed staff to prepare an ordinance that accomplished the following:

1. Develop a system to meter/charge for parking spaces on weekends.
2. Maitland residents will be issued a trailer decal with the purchase of an annual boat pass at no extra charge. The decal must be properly affixed to the trailer, allowing law enforcement to promptly identify the vehicle as belonging to a Maitland resident pass holder for which no parking fee is required.
3. Weekend parking shall be charged at a rate of \$25 per space.
4. Signage will be provided to indicate that the weekend parking fee is waived for Maitland residents that purchase an annual boat pass and properly display the trailer decal.
5. The fine for illegal parking should be raised from \$30.00 to \$100.00.

In reference to the method in which the fee was collected, the Public Works department is soliciting quotes from vendors to install and manage a text or scan to park payment system. Based upon these vendors' estimates, the system should be implemented by the time the park opens.

During the review of the current regulations for Fort Maitland Park, it was noticed that the park hours for this park differ from other park hours. The latest park closing time other than Fort Maitland Park is 10:00 pm. Based upon discussions with Parks and Recreation and Police Department staff, it is recommended to adjust the closing time for Fort Maitland Park to coincide with the latest park closing times in the city.

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 discussion, a motion was made to introduce an ordinance, Amending Chapters 11 and 18 of the code and establishing the Fort Maitland Boat Parking Requirements; and, setting the public hearing and adoption for August 22, 2022, as amended per discussion.

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

X. DISCUSSION**1. UPTOWN MAITLAND LOT 2 - 425 SYBELIA PARKWAY**

Councilmember Hall Harrison requested at the July 25th meeting to have a Council discussion regarding 425 Sybelia Parkway, Uptown Maitland Lot 2 and the City's desire to acquire said property.

Councilmember Hall Harrison expressed her interest in the city purchasing Mr. Jensen's, J5 Properties 8650 LLC., property for a future park development. A discussion ensued.

There being no consensus, Interim City Manager Reggentin proposed bringing this back for further discussion with the full council at the next meeting and including Mr. Jensen's sales price. The City Council concurred.

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

City Attorney Shepard provided an update on the Peacock Ford legal proceeding.

Councilmember Hall Harrison congratulated Counsel Schumer on becoming Board Certified for City, County and Local Government Law.

XII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:47pm.