



**City Council
Approved Minutes
August 22, 2022
Council Chambers
6:30 PM**



I. CALL TO ORDER

Present: 5 - Councilmember Lori Wurtzel, Councilmember Vance Guthrie, Councilmember Michael Wilde, Vice-Mayor Lindsay Hall Harrison, Mayor John Lowndes

Absent: 0 -

Vice-Mayor Hall Harrison called the August 22, 2022, meeting to order at 6:33pm. Staff also in attendance: Interim City Manager Reggentin, City Clerk Hollingsworth, Community Development Director Matthys, Finance Director Gray, Human Resources Director Gondar, Public Works Director Tracy, Parks and Recreation Director Conn, Fire Chief Watts, Police Chief Manuel, Administrative Assistant to the City Manager Cordero, and Public Information Officer Sargent. Mayor Lowndes arrived at 6:49pm.

II. INVOCATION - MOMENT OF SILENCE

Vice-Mayor Hall Harrison offered a moment of silence.

III. PLEDGE OF ALLEGIANCE

Vice-Mayor Hall Harrison led the Pledge of Allegiance.

IV. PRESENTATION

1. EMPLOYEE OF THE THIRD QUARTER APRIL 1 - JUNE 30, 2022

Vice-Mayor Hall Harrison presented Officer Nickolas Lawrence with the Employee of the Quarter Award, thanking and congratulating Officer Lawrence for his on-going efforts as an outstanding representative of the City of Maitland.

V. PUBLIC HEARING

1. ORDINANCE AMENDING THE PLANNED DEVELOPMENT (PD) MAITLAND CONCOURSE NORTH (MCN) LOT 1 - PETITION 2021-03 (AZ-PD)

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 restated 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 redesign 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. The DRC staff report is attached to the draft City Ordinance included in this agenda packet.

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.

Community Development Director Matthys stated that on August 8, 2022, the City Council introduced an ordinance for Petition 2021-03 (AZ-PD) - Maitland Concourse North Lot 1 PD Amendment to set the public hearing and action date for August 22, 2022.

Staff recommends the Council to adopt the ordinance for Petition 2021-03 (AZ-PD) - Maitland Concourse North Lot 1 PD Amendment and associated conceptual development plan. A discussion ensued.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, inquired regarding the distinction between a restaurant and a quick-service restaurant.

Community Development Director Matthys offered examples of the differences between a restaurant and a quick-service restaurant.

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

A motion was made to adopt Ordinance No. 1404, Amending the Planned Development and associated Conceptual Development Plan for Maitland Concourse North (MCN) Lot 1 - Petition 2021-03 (AZ-PD), as presented.

RESULT:	Adopt
MOVER:	Councilmember Lori Wurtzel

SECONDER:	Councilmember Vance Guthrie
AYES:	Lori Wurtzel, Vance Guthrie, Michael Wilde, Lindsay Hall Harrison
NAYS:	None

2. ORDINANCE AMENDING CHAPTER 4, 5 & 6 AND 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 August 8, 2022 meeting, introduced the ordinance, setting the public hearing and adoption for August 22, 2022. The Board of Adjustment and Appeals (BAA) will sunset upon adoption and any appeals shall be in accordance with State Statutes and city code.

Staff recommends adoption of the ordinance sunsetting the BAA and establishing the appeals process as defined in the State Statutes. A discussion ensued.

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. 1405, Amending Chapters four through six, sunsetting the Board of Adjustments and Appeals (BAA) and providing for an appeals process as defined by the State Statutes and city code, as presented.

RESULT:	Adopt
MOVER:	Councilmember Michael Wilde
SECONDER:	Councilmember Vance Guthrie
AYES:	Lori Wurtzel, Vance Guthrie, Michael Wilde, Lindsay Hall Harrison
NAYS:	None

3. ORDINANCE AMENDING 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 August 8, 2022 City Council meeting, the Council introduced an ordinance regulating boat trailer parking at Fort Maitland Park. This ordinance detailed the fee schedule for parking; the means of identifying Maitland residents' annual pass holders; the means of collection of parking fees; the fine for illegal parking; and adjustments to park hours.

The resolution containing the parking fee and means of collection is included later on this agenda.

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. 1406, Amending Chapters 11 and 18 of the Maitland boat parking and general parking enforcement at Fort Maitland, as presented.

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

VI. OLD BUSINESS

There was none to report.

VII. CONSENT AGENDA

Councilmember Guthrie asked for consent item #7, City Attorney Fee Agreement & Increase - Shepard, Smith, Kohlmyer and Hand P.A. to be removed for discussion.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, expressed his opinion regarding consent item #11, Compressed Work Schedule.

Interim City Manager Reggentin provided a brief summary of what the

compressed work schedule entailed.

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

A motion was made to approve the Consent agenda as presented with the exception of item #7, City Attorney Fee Agreement & Increase - Shepard, Smith, Kohlmyer and Hand P.A.

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

- 1. CITY COUNCIL MEETING MINUTES OF AUGUST 8, 2022**
Approve the City Council meeting minutes of August 8, 2022, as presented.
- 2. 3RD QUARTER 2022 FINANCIAL SUMMARY**
Receive the 3rd Quarter 2022 Financial Summary and Investment Schedule as presented.
- 3. AWARD BID & CONTRACT FOR LIFT STATIONS 8 AND 42 REHABILITATION - CARR & COLLIER, INC.**
Authorize the Interim City Manager to execute a contract with Carr & Collier, Inc. in the amounts of \$911,350 for Lift Station 8 and \$806,350 for Lift Station 42 Rehabilitation Project, for a total contract amount of \$1,717,700 and establish a contingency of \$45,000 and \$40,000 (5%) for a total purchase approval amount not to exceed \$1,802,700. In addition, authorize reallocation of funds in the amount \$646,142 from water line replacements project.
- 4. PROFESSIONAL SERVICES AGREEMENT WITH DRMP, INC.- KELLER ROAD IMPROVEMENTS DESIGN PROPOSAL**
Authorize the Interim City Manager to execute a professional engineering services agreement with DRMP, Inc. for the design of the Keller Road Improvements in the amount not to exceed \$348,555 and appropriate additional funding of \$124,000 from the Mobility Impact Fund.
- 5. PIGGYBACK CONTRACT WITH OVATION CONSTRUCTION COMPANY**
Authorize the Interim City Manager to "piggyback" the Sourcewell contract FL-R6-GC08-111821-OCC with Ovation Construction Company for Job Order Contracting (JOC) on multiple City projects.

6. FLORIDA STATE REVOLVING FUND LOAN AMENDMENT 2 TO LOAN AGREEMENT WW480270

Authorize the Mayor to execute amendment two (2) to the State Revolving Fund Loan Agreement, WW480270, for the Construction of the Lift Station 1 - Dommerich Hills Phase 1 Project, as presented.

8. RESOLUTION ESTABLISHING AN EQUIVALENT RESIDENTIAL UNIT RATE (ERU) FOR ENVIRONMENTAL STORMWATER UTILITY FEES

Adopt Resolution No. 7-2022, establishing a rate of \$10.40 per equivalent residential unit (ERU) per month for environmental stormwater utility fees, as presented and providing an effective date of October 1, 2022.

9. RESOLUTION AUTHORIZING LOAN FROM FLORIDA STATE REVOLVING FUND PROGRAM FOR \$9.175 MILLION UTILITY REVENUE NOTE

Approve Resolution No. 8-2022, authorizing a loan from the Florida State Revolving Loan program for the purpose of financing water utility improvements, Dommerich Phase 2- 4; approving the execution and delivery of note not to exceed \$9,175,000 plus capitalized interest and authorizing the form of the supplemental loan agreement.

10. RESOLUTION ESTABLISHING THE DAILY FEE FOR PARKING A VEHICLE WITH A BOAT TRAILER AT FORT MAITLAND PARK

Adopt Resolution No. 9-2022, establishing the daily fee for parking a vehicle with a boat trailer at Fort Maitland Park as presented.

11. COMPRESSED WORK SCHEDULE

Approve the compressed work schedule beginning January 2, 2023.

12. CANCEL NOVEMBER 28 AND DECEMBER 26, 2022 CITY COUNCIL MEETINGS

Cancel the regular scheduled City Council meetings of Monday, November 28 and December 26, 2022.

13. EDWARD BYRNE MEMORIAL JAG PROGRAM FUNDS FEDERAL FISCAL YEAR 2021 - \$10, 000 TO MAITLAND POLICE DEPARTMENT

Accept \$10,000 from the Edward Byrne Memorial JAG Program to the Maitland Police Department and authorize Mayor Lowndes to execute the required documents.

VIII. PUBLIC PERIOD

Mayor Lowndes opened the Public Period.

Audra Bussey, 2006 Mohican Trail, voiced her concerns regarding minimal signage near school crosswalks. Ms. Bussey provided the Council with pictures of the areas she feels are in need of additional crosswalk signage.

Dale McDonald, 108 Tangelo Court, expressed his discontent with the new

prefab restrooms at Fort Maitland Park.

Erin Baker, 900 Parliament Road, also voiced her concerns regarding minimal signage at school crosswalks.

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

Interim City Manager Reggentin provided a brief synopsis regarding the pedestrian signage and school zone standards in accordance with state standards and guidelines from the Florida Department of Transportation. He also stated that the city is currently in the process of implementing these updates and changes.

IX. DECISIONS

1. ORDINANCE INTRODUCTION LAND DEVELOPMENT CODE (LDC) REFINEMENT

City Clerk Hollingsworth read aloud, by title, an ordinance of the City of Maitland, Florida, amending the Land Development Code by amending Section 2.5.3 (d)(3) 'Waterfront Structure Permit Procedure' to remove a time limitation on the staff review and decision for these permits; amending Section 2.4.11 'Post-Decision Limitations and Actions', Section 2.5.3(K) 'Post-Decision Limitations and Actions', and Section 2.5.4(D)(2) 'Types of Appeal' to establish a 15-day appeal process for Waterfront Structure Permits; amending Section 3.3.5 (c) 'Intensity and Dimensional Standards' for Downtown Maitland exempting townhome dwelling from the first floor minimum height standards of 14 feet; amending table 4.3.2(e): Accessory Use and Structure Table to remove Farmer's Market as a listed accessory use; amending Section 4.3.4(o) 'Outdoor Seating, as an Accessory to Eating, Drinking, and Entertainment Use' standards to remove prohibition of food preparation outside the enclosed principle building; amending Sec. 5.3.7. "Shoreline Protection Standards," sub-paragraph (c) "Water Body Setback" and Sec. 5.3.8. "Wetland Protection Standards," sub-paragraph (f) "Setbacks" to exempt certain structures developed prior to the code update; amending table 5.6.4 'Specimen Tree Replacement Standards' to change an inconsistent unit of measurement; and amending Section 10.3.2 'Definitions' to revise the definition of 'Waterfront Structure' to remove inconsistent reference to the shoreline protection area; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

Community Development Director Matthys stated that since the adoption of the updated Maitland Land Development Code (LDC), effective March 1st, 2022, staff has utilized the standards and procedures contained in the code and applied them to new development applications and public

inquiries. While the document overall has proven effective, staff has also identified a few areas where refinements would make the code more effective or where clarifications or corrections would be useful. For this reason, staff has prepared an ordinance to amend the LDC to make these refinements and edits to the document in several areas.

The changes, in summary, of the proposed revisions are:

- Restore portions of the Waterfront Structure Permit procedure to remove a new provision which established a minimum time after public notification for staff to render a decision and reestablish the specific appeal procedure for permits of this type;
- Create an exception to the first floor height to a minimum of 14 feet in the Downtown Maitland zone district for townhouse dwellings;
- Remove "Farmer's Market's" as an allowed accessory use in the West Side zone districts (remaining as a permitted temporary use there and elsewhere);
- Remove a standard in the new outdoor seating standards that prohibits food preparation outside the enclosed principal building containing the eating/drinking establishment;
- Providing an exemption to the Shoreline Protection Standards and Wetland Protection Standard setbacks for legal non-conforming structures;
- Revising a tree replacement standard table to change a requirement measured from "dbh" to "Caliper" as it would be more appropriate for new trees; and
- Editing the definition of Waterfront Structure to revise an incorrect reference to the shoreline protection area.

The updated LDC outlines a procedure for city-initiated LDC updates in Section 2.5.2(c)(2). After recommendation by the Planning and Zoning Commission, the City Council should make its decision based on the following review standards:

The advisability of amending the text of the LDC is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Council shall weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;
2. Is in conflict with any provision of this LDC and the City Code;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;

5. Is consistent with the purpose and intent of the zone districts, or would improve compatibility among uses;
6. Would result in a logical and orderly development pattern;
7. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
8. Would adversely impact the availability of public facilities to accommodate new growth and development.

On August 4, 2022, the Planning and Zoning Commission held a public hearing on the proposed ordinance and unanimously voted to forward the proposed ordinance, as drafted, to the City Council with a recommendation of approval.

Staff recommends that the City Council introduce the proposed LDC refinement ordinance and set the public hearing and action date for September 12, 2022.

A discussion ensued. Community Development Director Matthys answered questions posed by the Council.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, spoke in favor of future developments and the first floor minimum height of townhomes.

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

Upon a brief discussion, a motion was made to introduce the proposed Land Development Code refinement ordinance and set the public hearing and action date for September 12, 2022, as presented.

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

7. **CITY ATTORNEY FEE AGREEMENT & INCREASE - SHEPARD, SMITH, KOHLMYER AND HAND, P.A.**

Interim City Manager Reggentin stated that the City Attorney, Shepard, Smith, Kohlmyer and Hand, P.A. find it necessary to make adjustments to their government rates. Their rates have not changed since December 8, 2005, at \$190.00 per hour with the elimination of the \$5,000.00 monthly retainer on November 27, 2017.

The new rates would take effect for FY 2023 on 10/1/2022.
\$250.00 per hour for board-certified shareholders.
\$225.00 per hour for board-certified associates.
\$200.00 for non-board-certified attorneys.
\$85.00 for paralegals.

Recommended to authorize Mayor Lowndes to execute the fee agreement as presented.

A discussion ensued. Interim City Manager Reggentin and City Attorney Shepard answered questions posed by the Council.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, was in favor of this item being removed from the Consent item for discussion.

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

After a brief discussion, a motion was made to authorize Mayor Lowndes to execute the agreement and fee structure, as presented.

RESULT:	Approve
MOVER:	Councilmember Vance Guthrie
SECONDER:	Councilmember Michael Wilde
AYES:	Lori Wurtzel, Vance Guthrie, 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 25, 2022 meeting, to have a Council discussion regarding 425 Sybelia Parkway, Uptown Maitland Lot 2 and the City's desire to acquire said property.

Following the discussion at the August 8, 2022 City Council meeting, the

Council requested that this item be brought back for additional discussion.

On Tuesday, August 9, 2022, Interim City Manager Reggentin contacted Mr. Gary Jensen, the property owner, to verify his asking price. Mr. Jensen confirmed that his asking price was still 2.1 million dollars. During the discussion, Mr. Jensen indicated that he felt this price was significantly discounted from the actual value of the property. A brief discussion ensued.

After a short discussion, the Council consensus was to cease discussion in regards to 425 Sybelia Parkway at this time.

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

City Attorney Shepard provided another update of the upcoming Peacock Ford legal proceedings.

Councilmember Guthrie provided an update of the Lake Sybelia cleanup last weekend and congratulated the volunteers for removing approximately 156 lbs of trash from the lake.

Councilmember Wurtzel announced that she had been appointed to be a member of the Municipal Administration Legislation from the Florida League of Cities. Additionally, Councilmember Wurtzel requested to have a council discussion at the next city council meeting on September 12, 2022, to discuss the Best Foot Forward Program.

XII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:10pm.