



**City Council
Approved Minutes
November 14, 2022
Council Chambers
6:30 PM**



I. CALL TO ORDER

Present: 4 - Councilmember Lori Wurtzel, Councilmember Vance Guthrie, Vice-Mayor Lindsay Hall Harrison, Mayor John Lowndes
Absent: 1 - Councilmember Michael Wilde

Mayor Lowndes called the November 14, 2022 meeting to order at 6:33pm. 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, Fire Chief Watts, Police Chief Manuel, Public Information Officer Sargent, and Fiscal Assistant Cordero.

II. 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 NEW HOPE FOR KIDS

Mayor Lowndes presented and read aloud a proclamation to Dave Joswick, Executive Director of New Hope for Kids, proclaiming Thursday, November 17, 2022, as Children's Grief Awareness Day and encouraged all citizens to join in observance of this day.

Mr. Joswick extended an invitation to everyone to participate in this event taking place at Cranes Roost Park.

V. OLD BUSINESS

There was none to report.

VI. CONSENT AGENDA

Mayor Lowndes opened the public comment period for Consent items #3 through #14.

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

A motion was made by City Council to approve the Consent agenda as presented.

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

1. **CITY COUNCIL MEETING MINUTES OF OCTOBER 24, 2022**
Approve the City Council meeting minutes of October 24, 2022 as presented.
2. **SPECIAL CITY COUNCIL MEETING MINUTES OF NOVEMBER 1, 2022**
Approve the Special City Council meeting minutes of November 1, 2022.
3. **PIGGYBACK CONTRACT - THE DAVEY TREE COMPANY FOR ARBOR VEGETATION MANAGEMENT SERVICES**
Authorize the Interim City Manager to execute a piggyback contract with The Davey Tree Expert Company for vegetative management services.
4. **PIGGYBACK CONTRACT - CARRIER GLOBAL CORPORATION FOR HVAC EQUIPMENT, PRODUCTS, AND SERVICES**
Authorize the Interim City Manager to execute a contract with Carrier Global Corporation for HVAC equipment, products, and services.
5. **PIGGYBACK CONTRACT - ODYSSEY MANUFACTURING FOR CHEMICAL PURCHASES**
Authorize the Interim City Manager to execute a piggyback contract with Odyssey Manufacturing for the bulk purchase of Sodium Hypochlorite.
6. **MEMO OF UNDERSTANDING AGREEMENT WITH CITY OF CASSELBERRY FOR BILLING OF WASTEWATER SERVICES**
Approve signing Memo of Understanding with the City of Casselberry to perform sewer utility billing services for specified residences in the City of Maitland.
7. **GENERAL FUND BUDGET AMENDMENT**
Increase the FY 2022 General Fund budget by \$1,460,000 and appropriating \$1,460,000 to the Capital Improvements Bicycle/Sidewalk projects to be carried forward to FY 2023.
8. **CARRY FORWARD FUNDS FROM FY 2022**
Approve the recommended Carry Forward listing and to amend the FY 2023 General Fund expenditure budget by \$6,944,700 and revenue budget \$350,000; Stormwater Fund budget by \$1,582,000; Road Impact

Fund \$800,000; and, Utilities Fund expenditure budget by \$9,066,880 and revenue budget by \$819,000.

9. MASTER EQUITY LEASE AGREEMENT FOR FLEET VEHICLES - ENTERPRISE FM TRUST

Authorize the Interim City Manager to approve the Master Equity Lease Agreement with Enterprise FM Trust.

10. HOLIDAY LIGHTING PURCHASE FOR INDEPENDENCE SQUARE AND LAKE LILY PARK

Authorize the City Manager to purchase holiday lighting services from Lighting Pros for Independence Square Park and Lake Lily Park in the amount of \$59,833.

11. GODWIN PORTABLE BYPASS PUMPS PURCHASE (2) - XYLEM WATER SOLUTIONS USA, INC.

Approve the purchase of two (2) Godwin portable bypass pumps from Xylem Water Solutions USA Inc. in the amount of \$117,142 utilizing Florida Sheriffs' Association Contract #FSA20-EQU118.0.

12. SOLE SOURCE PURCHASE FOR MYERS SUBMERSIBLE PUMPS AND REPLACEMENT PARTS - CUSTOM PUMPS & CONTROLS

Approve the sole source purchase of Myers submersible pumps and replacement parts for sanitary sewer lift stations from Custom Pump and Controls.

13. BENJAMIN AVE EMERGENCY STORMWATER PIPE REPAIR - CATHCART CONSTRUCTION COMPANY

Authorize the City Manager to execute an agreement with Cathcart Construction Company in the amount of \$62,268.80 for the repair of the stormwater pipe adjacent to Benjamin Avenue.

14. PROFESSIONAL SERVICES AGREEMENT - TIDAL BASIN

Approve an agreement with Tidal Basin Government Consulting, LLC for an amount not to exceed \$150,000 to manage the claim development and administration under Federal and State Disaster Programs for Hurricane Ian.

VII. PUBLIC PERIOD

Mayor Lowndes opened the Public Period.

Stacie Larson, Director of the Maitland Public Library, extended an invitation to all for the Holiday Tea event and the Polar Express pajama party at the Maitland Library.

Elizabeth Klann, 940 McGregor Way, expressed concern regarding damage to her residence due to sewage backflow during Hurricane Ian. Mrs. Klann stated she is seeking restitution and a solution to alleviate future occurrences. Mrs. Klann presented to City Clerk Hollingsworth a packet of information that

included a summary, photos, and receipts.

Elizabeth Young, 2501 Macbeth Avenue, also expressed concern regarding the damage to her residence prior to and after Hurricane Ian. She also spoke on behalf of her neighbors residing at 930 McGregor Way. Mrs. Young also presented City Clerk Hollingsworth with two (2) packets of information. One packet of information was for her residence, which included a summary, photos, and receipts, and the second information packet was from her neighbor, which included a summary sheet and photos.

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

Mayor Lowndes acknowledged Mrs. Klann and Mrs. Young's concerns and stated there were numerous communities throughout Central Florida adversely impacted by Hurricane Ian, an unprecedented storm.

The above referenced packets of information submitted to the City Clerk are incorporated into these minutes and to be kept on file with the City.

VIII. DECISIONS

1. PLANNING AND ZONING COMMISSION APPOINTMENT

City Clerk Hollingsworth stated that The Planning and Zoning Commission (P&Z) has one (1) vacancy. The term of Kathleen McIver will expire November 5, 2022. In accordance with the Land Development Code (LDC) Article 2, Section 2.3 (d) (4) and the City Charter, members shall serve for a term of three (3) years and may be re-appointed by council for one (1) successive term. Kathleen McIver has served one (1) term and desires to be re-appointed.

The following applicants reflect the Planning and Zoning Commission as their:

First (1st) Choice

Jody Barry
Kathleen Gallagher McIver
Gregory Hardwick
Caleb Keelan

Third (3rd) Choice

Alan DePonceau
Nathaniel Stember

The City Council is requested to make one (1) appointment to serve for a three-year term, beginning November 2022, and expiring November 2025.

Mayor Lowndes requested nominations for one (1) appointment. Councilmember Gurhrie nominated Kathleen Gallagher McIver. The nomination received a second from Councilmember Wurtzel, and Mayor Lowndes passed the gavel to Vice Mayor Hall Harrison to allow himself to third the nomination.

Mayor Lowndes declared Kathleen Gallagher McIver appointed to serve a second three-year term, beginning November 2022, and expiring November 2025.

IX. DISCUSSION

1. PROPOSED ELECTRICAL UPGRADES UPDATE PROVIDED BY DUKE ENERGY

Interim City Manager Reggentin presented an overview of Duke Energy's 2023 projects of hardening/undergrounding electrical lines. He stated that as was discussed at the October 10, 2022, City Council meeting, staff has been engaging Duke Energy in conversations on the potential of undergrounding the electric system in the Dommerich Estates neighborhood since 2018. At a meeting in late July, Duke Energy representatives informed the city that they are moving forward with an undergrounding/hardening project for their system within the Dommerich Estates area in early 2023. The project consists of hardening main lines by replacing the existing overhead lines with larger and taller poles and burying distribution lines. The goal of the project is to provide improved reliability to the service area, which includes eliminating many aerial lines currently located in backyards between properties where tree coverage consistently interferes with the system.

Duke Energy will be implementing this plan with their own funding and at no charge to the city. Duke informed staff that if the city prefers to underground the aerial lines that they plan to harden, staff will need to inform them as soon as possible in order for them to include this change in their construction plans. This would require the city to pay for the difference between the cost of their project and the cost to fully underground all of their systems. Duke Energy's estimated cost for the project is \$6.3 million. Duke Energy's current estimated cost to the city for the burial of the lines that Duke Energy plans to harden is \$900,000. These estimated costs only cover the amount that would be paid to Duke Energy for the burial of the overhead lines that are currently proposed to be hardened.

The second phase of the project is the meter conversion. The city would be responsible for coordinating all customer meter conversions relating to the lines that the city would pay to bury. If the city were to undertake this

portion of the project, it would include soliciting a contract for an electrical contractor or coordinating with the non-regulated division of Duke Energy to provide the service, obtaining rights-of entry on each property, and ensuring the sites are restored. These costs could range from \$141K – \$178K depending upon the contractors' cost for conversion. Residents served by the Duke Energy portion of the project would not be charged for their meter conversions.

If the city does not take on the meter conversion responsibility, the conversion would be the responsibility of the property owner. Duke Energy would coordinate the change out with the owner for the tie-in once the owner completed their meter conversion. If the property owner did not coordinate with Duke Energy in a timely manner, Duke Energy would place a pole in the right-of-way which would be fed from the underground line in front of the property and tie the line in aerially to the existing meter. Any damage to the line past the pole would be the responsibility of the property owner and any outages at service connections are last in line of Duke Energy's priorities to be fixed.

The third phase of the project is to address joint users on the poles. In Maitland, this is typically Spectrum and CenturyLink. At the locations where Duke Energy converts their lines underground, they typically will cut the top off of the existing pole after they have removed their lines and transfer the ownership to one of the other co-locators. If the decision is made to underground the co-locators, the city would also be responsible for working with the co-locators and paying to have them buried. For the Duke Energy poles that are proposed to be hardened, the co-locators are required to relocate to the new poles. Although Duke Energy will remove the poles, there is a process that must be followed and can sometimes take 1-2 years before the poles can be removed. Staff have reached out to the joint users on the Dommerich Estates poles. Spectrum has indicated that they would consider following Duke Energy with the undergrounding of their lines at no charge to the city. We have requested that in writing but, to date, have received no follow-up. We have not received a response from CenturyLink.

According to Duke Energy, the greatest benefit of undergrounding the entire system within Dommerich is that the east and west sides of Dommerich Estates will be looped together. This means, in most cases, if an outage occurs on one side, the feed from the other side will pick up the load to maintain power. Although undergrounding the entire area would provide the benefit of having a looped system, the incremental benefit in reliability to burying lines that Duke Energy would otherwise rebuild with a hardened overhead line is unqualifiable. While theoretically the number of outages would be generally fewer with underground, the time to restore will likely be greater because it's easier to locate and

access faults on an overhead line versus an underground line. Due to the wide range of possible events that may cause an outage, Duke Energy cannot provide numerical estimates of the net benefit without a great deal of speculation.

Dommerich Estates should see improved reliability due to Duke Energy's project without any cost expended by the city or the customer. If the City Council chooses to move forward with the additional undergrounding, staff will need to notify Duke Energy by December 31, 2022. Then develop a plan on how to fund and accomplish the city's portion of the project.

During the last budget year, funds were budgeted for a city-wide undergrounding plan. This issue was discussed with the Duke Energy team during our meetings on the Dommerich project. Based upon these discussions, we learned that developing a city-wide undergrounding project for the electrical system is more complex than other utilities. However, in response to the city's concerns, Duke shared additional plans for undergrounding and hardening scheduled for next year. In addition to the Dommerich project, the following projects are planned:

1. Hardening of Wigwam Place
2. Hardening of Minnehaha Shores (Minnehaha Circle and Kyle Drive)
3. Undergrounding of Maitland Isle (Mariner Way, Shell Point East and West)
4. Hardening of Delroy Park (East, West and South Trotters and Adios Ave.)
5. Hardening of West George Ave., West Sybelia Ave., Hillcrest Ave., and Hillman Ave.
6. Undergrounding of Hope Terrace
7. Undergrounding of Lake Sybelia Shores (Pryde Dr. and Wolsey Dr.)
8. Undergrounding of Maitland Woods
9. Undergrounding of Lake Colony
10. Hardening of Sandspur Road
11. Hardening of Maitland Avenue from Horatio to Maitland Boulevard
12. Hardening of Horatio from Maitland Ave. to the city limit

These were provided to determine if and how they could provide guidance on furthering a city-wide undergrounding plan.

During the October 10th Council Meeting, the City Council requested the cost to underground the neighborhoods that would receive hardening as part of the 2023 Duke Energy plan. These are provided below, but this does not include the undergrounding of the lines proposed to be hardened along Horatio Avenue, Maitland Avenue and Sandspur Road as they are assumed to be cost prohibitive at approximately 1.5 million dollars per mile.

1. Hardening of Wigwam Place - This project is included in the Dommerich estates project.
2. Hardening of Minnehaha Shores (Minnehaha Circle and Kyle Drive) - \$200,000
3. Hardening of Delroy Park (East, West and South Trotters and Adios Ave.) - \$315,000
4. Hardening of West George Avenue - \$28,000
5. West Sybelia Avenue - \$32,000
6. Hillcrest Avenue - \$65,000
7. Hillman Avenue - \$220,000

The total cost paid to Duke Energy for these projects is 1.76 million dollars. Additional costs would be incurred if the city were to include the meter conversions.

In addition to these projects, Duke Energy has recently indicated that there are additional neighborhood hardening projects scheduled for 2023 and include (but not limited to) the following:

1. The neighborhood on Gem Lake Drive is targeted for overhead hardening
2. The neighborhood containing Grove Court and Grove Street has a backlot overhead feed that will be hardened

Staff has requested cost estimates for the projects listed above and a list of any additional projects scheduled for 2023. Also requested by staff was the number of homes affected for each project to determine the cost. A response had not been received by the time of agenda publication.

The City Council requested information regarding funding options if the city were to move forward with any of these projects and pass the costs on to the residents benefiting from the improvements. No funds were budgeted for any undergrounding projects in this budget year. This would require any funding for unbudgeted projects to be funded from fund balance, the city's reserve funds. If costs are to be recovered, there are two options, a non-ad valorem assessment or an assessment utilizing the Duke Energy Local Governmental Cost Recovery Program.

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

The following Duke Energy representatives were present and available to answer project related questions: Engineering Manager Eva Loosier, Director of Government and Community Relations Kari Conley, Government and Community Relations Manager Kris Tietig, and Public Engagement Representative Nephtali Mercado.

Mayor Lowndes opened a public comment period.

The following residents made inquiries regarding the hardening/undergrounding project:

Paul Brennan, 1180 Covewood Trail.
Dough Weiner, 1850 Geranimo Trail.
Steven Shea, 1626 Algonquin Trail.
Bob Yohe, 891 Arapaho Trail.
Chris Hallemeier, 1065 Tuckaseegee Trail.
Gus Bobes, 621 Dommerich Drive.
Camille Koehler, 1780 Tippicanoe Trail.
Dennis Edwards, 1771 Tonto Trail.
Diane Burns, 751 Dommerich Drive.
William Brown, 341 Dommerich Drive.
Allen Thatcher, 1685 E. Horatio Avenue.

Inquiries posed by the public were discussed by the Duke Energy of Florida representatives, Interim City Manager Reggentin, City Council, and City Attorney Shepard.

Staff requested the City Council to set a policy on the City's approach to undergrounding electric lines that Duke Energy proposed to harden.

The three options presented were:

1. Allow Duke Energy to proceed with the identified project per their design.
2. Address each project/street independently and fund them individually.
3. Establish/develop an undergrounding program for all lines that are proposed to be hardened and provide funding.

After discussion, the City Council consensus was to remove from consideration option number #2, Address each project/street independently and fund them individually. This directive was followed with several questions needing to be answered prior to any policy decisions being made. Also, as directed, to present a Special Assessment Ordinance for introduction at the next meeting.

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

Interim City Manager Reggentin expressed his gratitude towards Rotary staff and city staff, including Jay, for the preparation and flexibility in setting up the Art Festival, which was a success in spite of the inclement weather from Hurricane Nicole.

The City Council were also appreciative of the city staff and the success of the Art Festival event.

City Clerk Hollingsworth presented Council with an Emergency Proclamation for Hurricane Nicole, which was executed by the Mayor on November 9th. The Emergency Proclamation for hurricane Nicole was ratified by consensus of the City Council.

City Clerk Hollingsworth also reminded Council of the canceled City Council meeting of November 28th. The next scheduled meeting is on December 12, 2022.

XI. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:27pm.