



**City Council
July 10, 2023
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. Moment of Silence
- III. Pledge of Allegiance
- IV. Old Business
- V. Consent Agenda
 1. City Council Meeting Minutes of June 26, 2023
 2. Police Equipment Purchase Authorization - Axon Enterprises, Inc.
 3. Purchase Agreement Marion Way Easement - Lift Station 7
- VI. Public Period
- VII. Decisions
 1. Ordinance Introduction - Amending Section 8.04 of the City Charter
 2. Request for Appeal of 140 Minnehaha Circle Waterfront Structure Permit
 3. Request for Appeal of 121 Whitecaps Circle Waterfront Structure Permit
- VIII. Discussion
 1. Resolution 21-2015 Ceremonial Opening Invocation and Recitation of the Pledge of Allegiance
- IX. City Manager's Report/City Attorney/Council Reports
- X. 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
July 10, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: City Council Meeting Minutes of June 26, 2023		
Requested Action or Motion: Move to approve the City Council meeting minutes of June 26, 2023, as presented.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes 6-26-2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney No		

MEETING DATE		AGENDA
July 10, 2023		Section: Consent Agenda
Department/Office : Police Department	AGENDA REPORT	Item #: 2.
Subject: Police Equipment Purchase Authorization - Axon Enterprises, Inc.		
Requested Action or Motion: Move to authorize the purchase of 53 officer worn body cameras and taser devices to include all associated hardware and software, and authorize the City Manager to execute the purchase and master services agreement with Axon Enterprises to be included in the FY24 budget, Police Department General Fund and subsequent 4-years, annual cost \$124,296 for a 5-year total of \$621,482.68		
Summary Explanation & Background: The Police Department has utilized Axon Enterprise Products to include their Axon Body 3 – Body Worn Camera and Taser Devices. On October 1st, 2023, the current purchase agreement will expire. In preparation for that expiring contract and to ensure no disruption of services for the Police Department’s Body Worn Camera Program and Taser Device Program, a new purchasing agreement must be established. The Police Department reviewed Axon products and their experience with Axon Body Worn Cameras and Taser Devices dating back to 2018. The provider, Axon, is a sole source due to their proprietary software and hardware that integrates cloud-based storage of all camera data submissions and recordable Taser Device data. The supplemental software and cloud-based services are currently utilized as the public records program with redaction services. In addition, this program offers cloud-based storage of all video and images generated from their products with licensing for all sworn and non-sworn users of the Police Department. The annual cost for the 53 Body Worn Cameras, Taser Devices, Axon Software Programs, Public Records Redaction Professional, and all cloud storage is \$124,296 for five (5) years. A total purchase commitment of \$621,482.68.		
Fiscal Impact: \$621,482.68 total - Annual amount of \$124,296 beginning FY24 for 5-years.		
Exhibits: 1. AXON-Sole Source Justification Letter_Maitland PD		
Commission/Board: City Council		
Contact Person: David Manuel 407-539-6243		
Reviewed by City Attorney Cilff Shepard		

MEETING DATE		AGENDA
July 10, 2023		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 3.
Subject: Purchase Agreement Marion Way Easement - Lift Station 7		
Requested Action or Motion: Move to approve the purchase agreement for a to acquire the necessary easements at 161 Marion Way; and authorize the City Manager to execute all documents necessary to complete the transaction.		
Summary Explanation & Background: Lift station No.7, located at the intersection of Maitland Avenue and Marion Way is recommended to be upgraded and relocated as outlined in the City's Sewer System Master Plan Update 2020. City Council approved an agreement with Burgess and Niple, Inc. for the Lift Station No.7 Relocation Design on June 13, 2022. This project is proposed to relocate Lift Station No.7 from the center of Maitland Avenue to an alternate location. Burgess & Niple evaluated the potential locations where the lift station could be relocated to allow for easier access for maintenance and recommended an area at 161 Marion Way. Public Works staff engaged the property owner to acquire a utility easement that would accommodate the reconstruction lift station and appurtenances. The property owners were willing to negotiate the sale of an easement. The property owners of 161 Marion Way have signed a purchase agreement which will provide the City with a non-exclusive, perpetual utility easement interest, a non-exclusive, perpetual construction easement, and temporary construction easement. The terms of the acquisition have been negotiated by the City through its agent, Ed Barfield of the Barfield Group. The parties have agreed to a net purchase price of \$60,000. The City will pay all recording costs and attorney's fees associated with the closing. Staff recommends City Council move to approve the purchase agreement for a non-exclusive, perpetual utility easement, a non-exclusive, perpetual construction easement and temporary construction easement at 161 Marion Way; and, authorize the City Manager to execute all documents necessary to complete the transaction.		
Fiscal Impact: Funds available in Project #WW401 within the CIP Budget.		
Exhibits: 1. Owner Executed Contract for Purchase and Sale Agreement Anderson 6-26-2023 (c) 2. Owner Executed Non Exclusive Perpetual Utility Ease 6-26-2023 3. Owner Executed Non-Excl Perpetual Const and Access Ease 6-26-2023 4. Owner Executed Temporary Right of Entry 6-26-2023		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		

Reviewed by City Attorney
Drew Smith

MEETING DATE		AGENDA
July 10, 2023		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Ordinance Introduction - Amending Section 8.04 of the City Charter		
Requested Action or Motion: Move to introduce an ordinance amending Section 8.04 of the City Charter and setting the public hearing date for July 24, 2023.		
Summary Explanation & Background: Ordinance 1221, approved in October 2011, modified Section 8.04 of the City Charter by providing candidate qualifying dates to be no sooner than noon on the 80th day prior to election day and no later than noon on the 76th day prior to election day for elections that run concurrently with the Florida Presidential Preference Primary. Since the adoption of Ordinance 1221 there have been changes to the election statutes which have resulted in the Orange County Supervisor of Elections (OC SOE), amending certain deadlines to ensure compliance with the statutes. Section 100.3605(2) and 166.021(4), Florida Statutes, and AGO 2007-34 provide sufficient authority to permit the City Council to amend Section 8.04 of the City Charter to provide candidate qualification dates that correspond with the State of Florida Presidential Preference Primary every four years as determined by the OC SOE. Maitland's next General Election shall be held concurrently with the Florida Presidential Preference Primary (FPPP) on March 19, 2024, the 3rd Tuesday of March, in accordance with the statute. The OC SOE set the final ballot language submittal deadline as December 12, 2023. Requiring both the petition submittal process and candidate qualifying to be completed as follows: Candidate Petition Submittal: November 13 - 17, 2023 Candidate Qualifying: November 27 - December 1, 2023 The ordinance and supporting documentation is attached for your review and consideration. Staff recommends the introduction of the proposed ordinance and to set the public hearing and adoption for July 24, 2023.		
Fiscal Impact: TBD		
Exhibits: - Ordinance No. 1419 Amending Section 8.04 of the City Charter - Qualifying for the Florida Presidential Preference Primary - Memorandum of Law - CBS - FPPP Qualifying Period for Elections - Charter amendment municipal elections (1)		
Commission/Board: City Council		

Contact Person: Lori Hollingsworth 407-539-6219
Reviewed by City Attorney Cliff Shepard

MEETING DATE		AGENDA
July 10, 2023		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 2.
Subject: Request for Appeal of 140 Minnehaha Circle Waterfront Structure Permit		
Requested Action or Motion: Move to affirm, reverse, or modify the decision of the reviewing staff.		
Summary Explanation & Background: Sheila Cichra, representing Creative Deck and Dock, Inc., submitted a Waterfront Structure Permit application (WSP-12-22-45872) on behalf of the property owners, David and Kristen Pontius of 140 Minnehaha Circle. The application included the removal and reconstruction of a storm-damaged boat dock with the same footprint as constructed in 2001 by the previous property owner. The existing structure is non-conforming because it does not meet the required 10' setback from an adjacent property line. The existing setback from the northern property line is 6.1 feet; the existing setback from the southern property line is 8.7 feet. The Land Development Code allows for minor repairs and maintenance of non-conforming structures as long as the non-conformity is not increased. However, the proposed project would not be classified as either a minor repair or as maintenance. Complete removal and reconstruction requires the new structure to meet the current code requirements, including setbacks. Since the condition was not met, staff denied the permit. The applicant requested an appeal pursuant to Section 2.5.3(d)(3)(K) of the Land Development Code, seeking relief from the required 10' setbacks, which is the only noncompliant issue. As part of the permitting process, letters were sent to the five adjoining property owners to each side of the applicant requesting comments or concerns about the proposed dock permit. Two letters of support were received within the 15-day response period. The proposed boat dock is located on Lake Minnehaha and is not out of character with other waterfront structures in the area. The applicant is stating that, based upon the pie-shaped lot, the location of the existing boat dock and other docks in the vicinity, and the two letters of support from the adjacent property owners, City Council should grant the request for appeal. There are no additional criteria within the code to base the decision upon other than the criteria analyzed by staff. The decision is at the discretion of the City Council. City Council may move to affirm, reverse, or modify the decision of the reviewing staff.		
Fiscal Impact: n/a		
Exhibits: 1. WSP 45872 appeal letter		

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| 2. WSP 45872 letters of support
3. WSP 45872 site plan
4. WSP 45872 arial photo |
| Commission/Board: City Council |
| Contact Person: Dan Matthys 407-539-6211 |
| Reviewed by City Attorney
n/a |

MEETING DATE		AGENDA
July 10, 2023		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 3.
Subject: Request for Appeal of 121 Whitecaps Circle Waterfront Structure Permit		
Requested Action or Motion: Move to affirm, reverse, or modify the decision of the reviewing staff.		
Summary Explanation & Background: Sheila Cichra, representing Hodgskin Outdoor Living, Inc., submitted a Waterfront Structure Permit application (WSP-03-23-46861) on behalf of the property owners, Michael and Christine Jablonski of 121 Whitecaps Circle. The application included the removal and rebuilding of a storm-damaged boat dock in the same footprint as constructed in 2001 by the previous property owner. The existing structure is non-conforming because it is 56.3' long, which exceeds the maximum 50' length per the Land Development Code. The Land Development Code allows for minor repairs and maintenance of non-conforming structures as long as the non-conformity is not increased. However, the proposed project would not be classified as either a minor repair or as maintenance, it is a complete removal and reconstruction, which would require the new structure to meet the current code requirements, including maximum length. Since the condition was not met, staff denied the permit. The applicant requested an appeal pursuant to Section 2.5.3(d)(3)(K) of the Land Development Code, seeking relief from the required 50' maximum length, which is the only noncompliant issue. As part of the permitting process, letters were sent to the five adjoining property owners to each side of the applicant requesting comments or concerns about the proposed dock permit. No responses were received within the 15-day response period. The applicant contends that the proposed boat dock, located on Lake Maitland and is not out of character with other waterfront structures in the area, based upon other boat docks in the vicinity and the lack of objections from the adjacent property owners. There are no criteria within the code to base the decision upon. The decision is at the discretion of the City Council. City Council may move to affirm, reverse, or modify the decision of the reviewing staff.		
Fiscal Impact: TBD		
Exhibits: 1. WSP 46861 appeal letter 2. WSP 46861 site plan 3. WSP 46861 arial photo		

Commission/Board: City Council
Contact Person: Dan Matthys 407-539-6211
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
July 10, 2023		Section: Discussion
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Resolution 21-2015 Ceremonial Opening Invocation and Recitation of the Pledge of Allegiance		
Requested Action or Motion: Council discussion.		
Summary Explanation & Background: Councilmember Wurtzel requested an item for this agenda to discuss Resolution 21-2015.		
Fiscal Impact: N/A		
Exhibits: 1. Resolution 21-2015 Ceremonial Opening Invocation & Recitation of Pledge of Allegiance		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney Cliff Shepard		