



**City Council
July 24, 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. Invocation - Dale McDonald
- III. Pledge of Allegiance
- IV. Public Hearing
 1. Ordinance No. 1419 Amending Section 8.04 of the City Charter - Qualifying for the Florida Presidential Preference Primary
- V. Old Business
- VI. Consent Agenda
 1. City Council Meeting Minutes of July 10, 2023
 2. Bid Award - Towing
 3. Library Architectural Design Contract Purchase Order Increase
- VII. Public Period
- VIII. Decisions
 1. Driveway Design Standards Agreement and Policy
 2. Ordinance No. 1420 Introduction - Trespass Warnings on Public Property
 3. Set the Proposed Millage Rate
- IX. Discussion
 1. Resolution 21-2015 Ceremonial Opening Invocation and Recitation of the Pledge of Allegiance
- X. City Manager's Report/City Attorney/Council Reports
- XI. 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 24, 2023		Section: Public Hearing
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Ordinance No. 1419 Amending Section 8.04 of the City Charter - Qualifying for the Florida Presidential Preference Primary		
Requested Action or Motion: Motion to table and continue the public hearing on August 14, 2023.		
Summary Explanation & Background: The public hearing notice was not duly published in accordance with the Florida Statutes. A subsequent public hearing notice was submitted and approved for publication in the July 26, 2023, edition of the Orlando Sentinel.		
Fiscal Impact: TBD		
Exhibits:		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
July 24, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: City Council Meeting Minutes of July 10, 2023		
Requested Action or Motion: Move to approve the City Council meeting minutes of July 10, 2023, as presented.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes 7-10-2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
July 24, 2023		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 2.
Subject: Bid Award - Towing		
Requested Action or Motion: Authorize the City Manager to execute a contract with Tri-County Towing for towing/wrecker services for an initial contract term of 12 months and including annual renewal options not to exceed a contract total of 60 months.		
Summary Explanation & Background: On February 27, 2023, Public Works issued Invitation to Bid (ITB) #420-2023-01 for Towing/Wrecker Services, with the closing date of the solicitation of March 23, 2023 at 10:00 am. The scope of work for the ITB included towing and storing any impounded, abandoned, or wrecked motor vehicle, boat, recreational vehicle, or trailer when summoned by the city. The scope of work also includes basic wrecker services to the City for city-owned vehicles, including towing, jump starts and flat tire related services, at no cost to the City. Two sealed bids were received on March 23 by the 10:00 am deadline: Cortes Towing and Tri-County Towing. Staff opened and reviewed the bids for compliance with minimum qualifications and mandatory requirements. Both bids were rejected due to some charges exceeding the maximum fees outlined in the Orange County Code of Ordinances, Section 35-58. - Establishment of rates. In addition, the ITB stated the bidder's storage lot and building "must be within a seven (7) mile radius of the Maitland Police Department". The address listed for Cortes Towing's storage lot is 8.1 miles from the Maitland Police Department. On June 19, 2023, Public Works issued Invitation to Bid (ITB) #420-2023-02 for Towing/Wrecker Services, with the closing date of the solicitation of July 10, 2023 at 10:00 am. The re-bid included clarification that the maximum rate for services must be in accordance with the Orange County Code of Ordinances and an increased distance from the bidder's storage lot from the Maitland Police Department to a ten (10) mile radius. One bid from Tri-County Towing was received on July 10, 2023 by the 10:00 am deadline. Staff reviewed the bid and found it to be in compliance with minimum qualifications and mandatory requirements. Staff recommends authorizing the City Manager to execute an agreement for a towing/wrecker contract with Tri-County Towing for towing/wrecker services for an initial contract term of 12 months and including annual renewal options not to exceed a contract total of 60 months.		
Fiscal Impact: N/A - No cost to the City for towing/wrecker services		
Exhibits:		

- | |
|---|
| <ol style="list-style-type: none">1. Notice of Non-award2. Bid Checklist & Tabulation3. Agreement-Towing_Wrecker Services 420-2023-02 |
| Commission/Board: City Council |
| Contact Person: Kimberley Tracy 407-539-6216 |
| Reviewed by City Attorney
Jacob Schumer |

MEETING DATE		AGENDA
July 24, 2023		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 3.
Subject: Library Architectural Design Contract Purchase Order Increase		
Requested Action or Motion: Move to authorize City Manager to increase the purchase order for HBM Architects for Phase I of the Maitland Library Design contract by \$12,036 for a total amount of \$231,000.		
Summary Explanation & Background: On June 8, 2023, the City Council authorized the City Manager to execute a contract with HBM Architects for Phase I of the Maitland Library Design for the amount of \$218,964. The scope of services included in the contract was broken down into a lump sum of \$218,964 for services and a not-to-exceed amount of \$12,036 for project related expenses, for a total fee of \$231,000. The request to Council inadvertently did not include the amount for the expenses; therefore staff recommends City Council authorize an additional \$12,036 to be allocated to the purchase order for HBM Architects.		
Fiscal Impact: Funds are available in Bldgs/Imprmts - City Fac CIP (710-570-571-566200-CF001)		
Exhibits: 1. Maitland Library Scope of Services Exhibit A 2. 2023-05-02 Fee Schedule		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney Jacob Schumer		

MEETING DATE		AGENDA
July 24, 2023		Section: Decisions
Department/Office : Public Works	AGENDA REPORT	Item #: 1.
Subject: Driveway Design Standards Agreement and Policy		
Requested Action or Motion: Move to set policy direction to allow pavers to be installed for driveways within City right-of-way with the execution of a Driveway Paver Installation and Hold Harmless Agreement		
Summary Explanation & Background: At the June 12, 2023 meeting, City Council discussed the requirements in Land Development Code Section 3.15(b) regarding the engineering design standard for driveways within city right-of-way (Attachment 1). This section of Code states "All driveways shall be paved from the edge of the paved road to the property line using cement concrete pavement with 3,000 pounds per square inch (psi) and six inches thick or an alternative approved by the Public Works Director". This standard was implemented with the adoption of Ordinance 1380 in July 2020, and has since been codified in the Land Development Code. However, city projects have included this design for sidewalk projects in Dommerich Estates, Sandspur Road, and most recently in Dommerich Hills in association with the sewer project. Application of the standard for non-project related individual residential driveways was delayed in order to provide the attached standard detail for clarification to homeowners and contractors. The new standard was implemented on all new driveways for which the permit was received after January 1, 2023. The detail addresses the portion of a driveway that lies outside of the owner's property and within the city's right-of-way (the land dedicated to the public or city). All work within the city's right-of-way requires a Right-of-Way Use Permit issued from the city that allows the work to be performed and the resulting improvement, such as a driveway or utility line, is "permitted" to use the right-of-way, but this permission does not transfer any land rights to the owner of the improvement. The city is responsible for management of the right-of-way, and therefore must ensure that all right-of-ways meet federal, state, and local requirements, along with following standard engineering practices. As allowed by the code, the Public Works Director has permitted an exception to allow property owners to use pavers within the right-of-way from their property line up to the sidewalk, if one is existing, with the remaining portion constructed of concrete (as shown on the city's typical detail - attachment 2). The City previously permitted driveways that allow material other than concrete with a letter signed by the property owners. This letter stated that if any work was done within the right-of-way and the material was damaged, concrete would be used to replace the damaged material. Due to the previous documentation being only a signed letter not tied to the property, new property owners are not often not aware of the agreement the previous owner signed. This situation has created conflict between the residents and city staff.		

During the meeting, the City Council directed the City Manager to modify the policy to allow pavers in the right-of-way and amend the code based on staff suggestions to incorporate those changes into the Engineering Standards so there are clear, codified requirements available to the public, contractors, current and future staff members. Pavers permitted in the right-of-way shall include an agreement executed between the city and the current property owner and shall be recorded in the Orange County Comptroller's Official Records, ensuring future property owners understand their responsibility in the right-of-way. The attached agreement has been prepared by staff and reviewed by the City Attorney's Office.

Staff is working on the proposed code amendments, which will be presented to Council at a later meeting. In the interim, staff recommends City Council set a policy to allow pavers to be installed for driveways within City right-of-way with the execution of a Driveway Paver Installation and Hold Harmless Agreement.

Fiscal Impact:

N/A

Exhibits:

1. Driveway Pavers Agreement 7-23
2. M16516.5 - DRIVEWAY DETAIL 1-3-23

Commission/Board: City Council

Contact Person: Kimberley Tracy 407-539-6216

Reviewed by City Attorney
Drew Smith

MEETING DATE		AGENDA
July 24, 2023		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 2.
Subject: Ordinance No. 1420 Introduction - Trespass Warnings on Public Property		
Requested Action or Motion: Move to introduce Ordinance No. 1420 creating Section 10-15 Trespass Warnings on Public Property and set the public hearing and action date for August 14, 2023.		
Summary Explanation & Background: The City of Maitland is a highly desirable place to live, work and raise a family due, in part, to our beautiful and safe city facilities and public properties. In order to maintain our facilities/properties and protect public health, safety and welfare, Staff is proposing an ordinance to allow for the issuance of trespass warnings for individuals committing violations of City ordinances, rules or regulations, or State law. The proposed Ordinance No. 1420 creates Section 10-15 (Trespass Warnings of Public Property) which provides for the following: • Authorizes City employees or officials, or their designees, having control over a city facility, building, or outdoor area (including parks) to issue a trespass warning to any individual who violates any City ordinance, rule, regulation or State law or lawful directive of a City employee or official, which violation was committed while on or within a City facility, building or outdoor area, including parks (this does not include rights-of-way). • Authorizes a Police Officer to issue a trespass warning for the same when no other city employee (as indicated above) is present. • Defines (for the purpose of this section) right-of-way to include those sidewalks which are closest to a paved street, provided that the street side edge of the sidewalk is within 20' of the curbline closest to the property. • Provides a one (1) year period for a first violation trespass warning with a second or subsequent violation trespass warning period up to two (2) years. • Authorizes a City employee or official to issue a trespass warning for any lawful reason on any City property (including rights-of-way) when closed to general vehicular or pedestrian use. • Provides an appeal process and timeline to the Special Magistrate.		
Staff Recommendation: Staff recommends Council introduce Ordinance No. 1420 Trespass Warnings on Public Property and set the public hearing and action date for August 14, 2023.		
Fiscal Impact: n/a		
Exhibits:		

1. Ordinance Introduction - Trespass Warnings on Public Property
Commission/Board: City Council
Contact Person: Dan Matthys 407-539-6211
Reviewed by City Attorney Cliff Shepard

MEETING DATE		AGENDA								
July 24, 2023		Section: Decisions								
Department/Office : Administration	AGENDA REPORT	Item #: 3.								
Subject: Set the Proposed Millage Rate										
Requested Action or Motion: (1) Move to set the rolled back millage rate for the 2023 tax year as <u>3.9862</u> (2) Move to set the proposed operating millage rate for the 2023 tax year at 5.2400 mills. (3) Move to set the proposed voted debt millage rate for the 2022 tax year at <u>0.2020</u> , for a combined total of <u>5.442</u> mills. (4) Move to set the date, time and place for the public hearing on the tentative budget for the fiscal year 2023-2024 as Monday, September 11, 2023, 6:30 p.m. in the City Hall Council Chambers.										
Summary Explanation & Background: In accordance with Truth in Millage ("TRIM") compliance requirements as set forth in Chapter 200 of Florida Statutes, the City must calculate a rolled-back rate for the 2023 tax year; set proposed operating and voted debt millage rates and set the date, time and place for the tentative budget hearing. The statutes require separate motions. The operating millage rate used in preparation of the budget draft of 5.2400 is 31.5% higher than the rolled back rate of 3.9862. A mill is the tax rate for each \$1,000 of taxable property value. At 5.2400 mills, a home with a taxable value of \$300,000 will pay \$1,632 in operating and debt millage to the City of Maitland. Each mill generates \$4.18 million to the General Fund and \$431 thousand to the Community Redevelopment Agency. For a home with a taxable value of \$500,000, each additional mill will cost the resident \$500 on their 2023 tax bill, or compared to last year's rate of 4.3453 to this year's proposed 5.2400 amounts to \$447.35 year or \$8.60 per week. The combined total millage rate used in the budget is 5.442, which is 0.8787 mill more than the prior year's combined total rate of 4.5633. The maximum millage rate voting requirements outline three levels of voting options. For tax year 2023, the maximum millage rate that can be levied with a majority vote is 4.9464 and the maximum millage rate allowed by two-thirds vote is 5.4410.										
<table><tr><td>Maximum Millage Rate Voting Options</td><td>Maximum Millage Rate</td></tr><tr><td>Majority Vote (adjusted rolled back rate per State formula)</td><td>Up to 4.9464</td></tr><tr><td>2/3 Vote of Governing Board (110% of the Majority Vote Millage Rate)</td><td>Up to 5.4410</td></tr><tr><td>Unanimous Vote of Governing Board or Referendum</td><td>Any rate up to statutory limits</td></tr></table>			Maximum Millage Rate Voting Options	Maximum Millage Rate	Majority Vote (adjusted rolled back rate per State formula)	Up to 4.9464	2/3 Vote of Governing Board (110% of the Majority Vote Millage Rate)	Up to 5.4410	Unanimous Vote of Governing Board or Referendum	Any rate up to statutory limits
Maximum Millage Rate Voting Options	Maximum Millage Rate									
Majority Vote (adjusted rolled back rate per State formula)	Up to 4.9464									
2/3 Vote of Governing Board (110% of the Majority Vote Millage Rate)	Up to 5.4410									
Unanimous Vote of Governing Board or Referendum	Any rate up to statutory limits									

Once the Council sets the proposed millage, the Certification of Taxable Value (form DR 420) and the Maximum Millage Levy Calculation Preliminary Disclosure (form DR 420 MMP) must be returned to the Orange County Property Appraiser's Office by July 30, 2023. Those forms, which assumes the current millage rate is increased to the proposed rate, are attached for the Council's review. Once returned, the information will be used to generate the notice of proposed taxes which will be issued mid-August.

The final millage rates will be set at the final public hearing in September. The final millage rate could be any millage equal to or lower than the proposed millage rate set by the Council tonight. The millage rate can be increased after the proposed millage is set; however, it involves an onerous process of notification to taxpayers.

Fiscal Impact:

A millage rate of 5.2400 mills generates \$18.553 million to the General Fund and \$2.3 million to the CRA. A debt millage of 0.202 generates \$802 thousand to the debt service fund.

Exhibits:

1. dr420mmp
2. DR420
3. DR420TIF

Commission/Board: City Council

Contact Person: Mark Reggentin 407-539-6220

Reviewed by City Attorney

N/A

MEETING DATE		AGENDA
July 24, 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: At the request of Councilmember Wurtzel, this item was presented for discussion on July 10, 2023. Council consensus was to bring it back for further discussion at a meeting with the full council present.		
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		