



**City Council
Approved Minutes
July 10, 2023
Council Chambers
6:30 PM**



I. CALL TO ORDER

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

Absent: 0 -

Mayor Lowndes called the July 10, 2023 meeting to order at 6:32 pm. Staff also in attendance: City Manager Reggentin, City Attorney Shepard, Parks and Recreation Director Conn, Finance Director Gray, Public Works Director Tracy, Fire Chief Morton, Police Chief Manuel, Community Development Director Matthys, Records Management Specialist Eichner, and Public Information Officer Sargent.

II. MOMENT OF SILENCE

Mayor Lowndes offered a moment of silence.

III. PLEDGE OF ALLEGIANCE

Mayor Lowndes led the Pledge of Allegiance.

IV. OLD BUSINESS

There were none.

V. CONSENT AGENDA

Mayor Lowndes opened the public period for Consent Items #2 and #3. There being no one who wished to speak, Mayor Lowndes closed the public comment period.

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

RESULT: Approve

MOVER: Vice Mayor Vance Guthrie

SECONDER: Councilmember Lindsay Hall Harrison

AYES: Lori Wurtzel, Vance Guthrie, Michael Wilde, Lindsay Hall Harrison, John Lowndes

NAYS: None

- 1. CITY COUNCIL MEETING MINUTES OF JUNE 26, 2023**
Approve the City Council meeting minutes of June 26, 2023, as presented.
- 2. POLICE EQUIPMENT PURCHASE AUTHORIZATION - AXON ENTERPRISES, INC.**

Authorize the City Manager to purchase 53 officer worn body cameras and taser devices to include all associated hardware and software and 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

3. PURCHASE AGREEMENT MARION WAY EASEMENT - LIFT STATION 7

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.

VI. PUBLIC PERIOD

Mayor Lowndes opened the public comment period.

Steven Hampton of 841 Robinhood Drive, Arelis Smith of 960 Gamewell Avenue, Jenny Reeter of 1011 Huntington Court, and Jennifer Patterson of 655 Gamewell Avenue, all spoke about the homeless in Maitland.

Mayor Lowndes asked City Manager Reggentin for an update regarding the homeless issue. City Manager Reggentin stated that an ordinance regarding public property will be discussed at the next City Council meeting.

Stacie Larson, Director of the Maitland Public Library, provided an update of the summer library events.

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

VII. DECISIONS

1. ORDINANCE INTRODUCTION - AMENDING SECTION 8.04 OF THE CITY CHARTER

City Attorney Shepard read aloud, by title, Ordinance 1419 of the City of Maitland, Florida, amending the City Charter Section 8.04 Qualifications of Candidate, Form of Oath.

City Manager Reggentin stated that 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

Mayor Lowndes opened the public comment period.

Mr. Dale McDonald, 108 Tangelo Court, spoke in favor.

There being no one else who wished to speak, Mayor Lowndes closed public comments.

A motion was made to introduce Ordinance No. 1419 amending Section 8.04 of the City Charter and to set a public hearing date of July 24, 2023.

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

2. **REQUEST FOR APPEAL OF 140 MINNEHAHA CIRCLE WATERFRONT STRUCTURE PERMIT**

Community Development Director Matthys stated that 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.

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.

Mayor Lowndes opened the public comment period.

Sheila Cichra, representing the property owners and Creative Deck and Dock, Inc, spoke regarding the dock reconstruction in favor of rebuilding with the same footprint.

Dale McDonald, 108 Tangelo Court, spoke against the request to appeal.

Jennifer Patterson, 655 Gamewell Avenue, spoke in support of the request to appeal.

Mayor Lowndes closed the public comment period.

A brief discussion ensued.

Mayor Lowndes passed the gavel to Vice-Mayor Guthrie in preparation of exiting the meeting after the motion concludes.

A motion was made to reverse the decision of the reviewing staff, granting the appeal and approving the Waterfront Structure Permit for 140 Minnehaha Circle.

RESULT: Approve

MOVER: Councilmember Lori Wurtzel

SECONDER: Mayor John Lowndes

AYES: Lori Wurtzel, Michael Wilde, John Lowndes

NAYS: Vance Guthrie, Lindsay Hall Harrison

**3. REQUEST FOR APPEAL OF 121 WHITECAPS CIRCLE
WATERFRONT STRUCTURE PERMIT**

Mayor Lowndes exited the meeting at 7:35 pm having passed the gavel to Vice Mayor Guthrie.

Community Development Director Matthys stated Sheila Cichra, representing Creative Deck and Dock, 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 with 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.

There are no criteria within the code to base the decision upon. The decision is at the discretion of the City Council.

Vice Mayor Guthrie opened the public comment period.

Sheila Cichra, representing the property owners and Creative Deck and Dock, Inc, spoke regarding the dock reconstruction in favor of rebuilding with the same footprint.

Dale McDonald, 108 Tangelo Court, spoke against the appeal.

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

A discussion ensued.

A motion was made to affirm the decision of the reviewing staff and deny the appeal for the 121 Whitecaps Circle Waterfront Structure Permit.

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

VIII. DISCUSSION

1. RESOLUTION 21-2015 CEREMONIAL OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE

Councilmember Wurtzel stated that Resolution 21-2015 Ceremonial Opening Invocation and Recitation of the Pledge of Allegiance is overly vague, may have questionable constitutionality and appears nearly impossible to fully implement. Another concern is the amount of staff time required.

A discussion ensued.

The consensus of the council was to bring back this item at a future meeting, with all members in attendance for further discussion and direction, if any.

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

City Manager Reggentin provided an update on the upcoming budget workshops and advised that the recent library workshop has an online public input opportunity for those who were unable to attend.

X. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:34 pm.