



**City Council
Approved Minutes
July 24, 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 24, 2023 meeting to order at 6:35 pm. Staff also in attendance: City Manager Reggentin, City Clerk Hollingsworth, Legal Counsel Knight, Parks and Recreation Director Conn, Finance Director Gray, Public Works Director Tracy, Deputy Fire Chief McDowell, Police Chief Manuel, Community Development Director Matthys, Records Management Specialist Eichner, and Public Information Officer Sargent.

II. INVOCATION - DALE MCDONALD

Dale McDonald delivered the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Lowndes led the 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

City Clerk Hollingsworth stated that 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.

A motion was made by the Council to table and continue the public hearing on August 14, 2023.

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

V. OLD BUSINESS

There were none.

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

- 1. CITY COUNCIL MEETING MINUTES OF JULY 10, 2023**
Approve the City Council meeting minutes of July 10, 2023, as presented.
- 2. BID AWARD - TOWING**
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.
- 3. LIBRARY ARCHITECTURAL DESIGN CONTRACT PURCHASE ORDER INCREASE**
Authorize City Manager Reggentin 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.

VII. PUBLIC PERIOD

Mayor Lowndes opened the public comment period.

Michael Dabby, 605 Waverly Lane, stated concerns regarding the water quality in the City of Maitland, citing a recent news story on Seminole County water quality.

Mayor Lowndes briefly addressed the City of Maitland's water quality.

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

VIII. DECISIONS

- 1. DRIVEWAY DESIGN STANDARDS AGREEMENT AND POLICY**

Public Works Director Tracy discussed the suggested changes to be incorporated into the Engineering Standards. 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. 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.

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 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.

A brief discussion ensued.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108 Tangelo Court, sought verification as to this policy changing the Land Development Code. Mayor Lowndes affirmed.

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

A motion was made to set a policy to allow pavers to be installed for driveways within the City right-of-way with the execution of a Driveway Paver Installation Hold Harmless Agreement.

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

2. ORDINANCE NO. 1420 INTRODUCTION - TRESPASS WARNINGS ON PUBLIC PROPERTY

City Clerk Hollingsworth read aloud, by title, Ordinance No. 1420 of the City of Maitland, Florida, amending the Code of Ordinances of the City of Maitland Chapter 10, Miscellaneous Offenses, by creating Setion 10-15 Trespass Warnings on Public Property; providing for codification; providing for severability; providing for conflicts, and setting an effective date.

Community Development Director Matthys introduced the ordinance and

provided a brief overview.

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:

- Builds on Sec. 11-4.6, Code or Ordinances (Prohibits Activities in Parks)-Sept. 2018.
- Authorizes City employees or officials, or their designees 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 be removed).
- 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.

A discussion ensued.

Mayor Lowndes opened the public comment period.

Dale McDonald, 108, sought clarification as to whether this ordinance is for all publicly owned property, except right-of-way.

A motion was made to introduce the proposed Ordinance No. 1420 creating Section 10-15 Trespass Warnings on Public Property and setting the public hearing and action date for August 14, 2023.

RESULT: Introduce

MOVER: Councilmember Michael Wilde

SECONDER: Vice Mayor Vance Guthrie

AYES: Vance Guthrie, Michael Wilde, John Lowndes

NAYS: Lindsay Hall Harrison, Lori Wurtzel

3. SET THE PROPOSED MILLAGE RATE

City Manager Reggentin provided an overview of the proposed millage rate with the following requested action or motion:

(1) Move to set the rolled back millage rate for the 2023 tax year as 3.9862.

(2) Move to set the proposed operating millage rate for the 2023 tax year at 4.9464 mills.

(3) Move to set the proposed voted dept millage rate for the 2023 tax year at 0.2020, for a combined total of 5.1584 mills.

(4) Move to set the date, time and place for the public hearing on the tentative budget for the fiscal 2023-2024 as Monday, September 11, 2023, 6:30 p.m. in the City Hall Council Chambers.

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.

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.

A discussion ensued.

Mayor Lowndes opened the public comment period.

Michelle Rencoret, 541 Minnehaha Road, stated concerns over a millage rate increase.

Dale McDonald, 108 Tangelo Court, spoke in favor of a millage rate increase.

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

A motion was made to set the rolled back millage rate for the 2023 tax year as 3.9862.

RESULT: Approve

MOVER: Vice Mayor Vance Guthrie

SECONDER: Councilmember Lindsay Hall Harrison

AYES:	Vance Guthrie, Michael Wilde, Lindsay Hall Harrison, Lori Wurtzel, John Lowndes
NAYS:	None

A motion was made to set the proposed operating millage rate for the 2023 tax year at 4.9464.

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

A motion was made to set the proposed voted dept millage rate for the 2023 tax year at 0.2020, for a combined total of 5.1484.

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

A motion was made 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.

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

IX. DISCUSSION

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

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.

Councilmember Wurtzel provided a brief overview of the concerns regarding Resolution 21-2015 Ceremonial Opening Invoaction and Recitation of the Pledge of Allegiance stating the questionable constitutionality and staff implementation challenges.

City Clerk Hollingsworth discussed the previous outreach conducted and the current database.

A discussion ensued.

The consensus of the council was to move forward with a potential repeal of Resolution 21-2015, directing the city attorney to draft a resolution as a decision item at a future council meeting.

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

City Manager Reggentin stated, Mr. Matthews from GrayRobinson, the City's governmental consulting firm, is available to provide a legislative update at an upcoming City Council meeting. Council consensus was unanimous to have Mr. Matthews at a future meeting.

XI. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:05 pm.