



**City Council
August 28, 2023
Council Chambers
6:30 PM**



**WELCOME to our City Council meeting. All speakers must complete and submit a Speaker Card, preferably prior to the start of the meeting. A member of the public wishing to address the Council must be a Maitland resident or the owner of property or business in Maitland or their representative. The time limit for each speaker shall be three (3) minutes per agenda item. 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 August 14, 2023
 - 2. City Council FY 24 Budget Workshop Minutes of July 17, 2023
 - 3. City Council FY 24 Budget Workshop Minutes of July 18, 2023
 - 4. City Council FY 24 Budget Workshop Minutes of August 7, 2023
 - 5. 3rd Quarter 2023 Financial Summary
 - 6. Construction Manager at Risk Continuing Contract
 - 7. Resolution No. 9-2023 Establishing an Equivalent Residential Unit Rate (ERU) for Environmental Stormwater Utility Fees
 - 8. Resolution No. 10-2023 Creating an Assessment Area and Imposing a Special Assessment District for Phase 1 Dommerich Hills Sanitary Sewer System Improvements
- VI. Public Period
- VII. Decisions
 - 1. Lakes Advisory Board (LAB) Appointment
 - 2. Parks and Recreation Advisory Board (PRAB) Appointments
 - 3. Planning and Zoning Commission (P&Z) Appointments
 - 4. Florida Recreation Development Assistance Program Grant Application
 - 5. Request for Appeal of 121 Whitecaps Circle Waterfront Structure Permit
- VIII. City Manager's Report/City Attorney/Council Reports
- IX. 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.

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: City Council Meeting Minutes of August 14, 2023		
Requested Action or Motion: Move to approve the City Council meeting minutes of August 14, 2023, as presented.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes 8-14-2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.
Subject: City Council FY 24 Budget Workshop Minutes of July 17, 2023		
Requested Action or Motion: Move to approve the City Council FY 24 Budget Workshop Minutes of July 17, 2023.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes - FY24 Budget Workshop 7-17-2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 3.
Subject: City Council FY 24 Budget Workshop Minutes of July 18, 2023		
Requested Action or Motion: Move to approve the City Council FY 24 Budget Workshop Minutes of July 18, 2023.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes - FY24 Budget Workshop 7-18-2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 4.
Subject: City Council FY 24 Budget Workshop Minutes of August 7, 2023		
Requested Action or Motion: Move to approve the City Council FY 24 Budget Workshop Minutes of August 7, 2023.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes - FY24 Budget Workshop 8-7-2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 5.
Subject: 3rd Quarter 2023 Financial Summary		
Requested Action or Motion: Move to receive the 3rd Quarter 2023 Financial Summary and Investment Schedule as presented.		
Summary Explanation & Background: See attached 3rd Quarter 2023 Financial Summary and Investment Schedule.		
Fiscal Impact: N/A		
Exhibits: 1. Q3 2023 Financial Summary		
Commission/Board: City Council		
Contact Person: Jerry Gray 407-539-6201		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 6.
Subject: Construction Manager at Risk Continuing Contract		
Requested Action or Motion: Move to authorize the City Manager to execute a Continuing Services Agreement for Construction Manager at Risk master agreement with Wharton-Smith, Inc.		
Summary Explanation & Background: The City has planned to construct multiple improvements and expansions to the parks, potable water system, sanitary sewer system, lift stations, bike trails, sidewalks, buildings and other public projects throughout the city, as laid out in the approved Capital Improvements Program and annual operating budgets. In the past several years, the City has completed several projects successfully utilizing the Construction Manager at Risk (CMAR) delivery method. Staff recommends continuing to utilize this method of delivery on CIP projects when it is most beneficial. The benefits of the CMAR method of delivery, as compared to the traditional Design-Bid-Build method, are that it allows the contractor input during design; there is transparency in the bid process and selection of subcontractors; the scope is clearly defined during design; and the cost and schedule is guaranteed with an ability to expedite projects. Florida Statute 255.103 requires CMAR contracts to be selected by qualifications and negotiated, similar to engineering contracts. The statute also allows for a continuing contract for construction projects in which the estimated construction cost of each individual project under the contract does not exceed \$4 million. On April 27, 2023, the City received statements of qualifications for Request For Qualifications (RFQ) Number 410-2023-01, Construction Manager at Risk (CMAR) Parks, Utility, Trails and Other Public Projects. Six firms submitted written statements of qualifications that were evaluated by City staff and subsequent oral presentations were held on May 22, 2023. The selection committee, a cumulative average ranking of the six companies: 1. Wharton-Smith, Inc. 2. Burkhardt Construction, Inc. 3. A² Group, Inc. 4. Oelrich Construction, Inc. 5. Collage Construction 6. Cathcart Construction Company At the meeting on June 12, 2023, City Council approved the ranking and authorized the City Manager to negotiate a contract with the top four firms, starting with Wharton-Smith; then to negotiate a secondary contract with Burkhardt Construction; negotiate a tertiary contract with A²; and negotiate a quaternary		

contract with Oelrich Construction. After negotiations, each contract will be brought to the City Council for approval.

City staff has worked with the City Attorney's Office to develop a Continuing Services Agreement for Construction Manager at Risk to use as a master contract with each company, with the understanding that each project will require a separate scope of services and a GMP (Guaranteed Maximum Price) that will be presented to City Council for approval.

Staff recommends City Council authorize City Manager to execute a Continuing Services Agreement for Construction Manager at Risk master agreement with Wharton-Smith, Inc.

Fiscal Impact:

TBD

Exhibits:

1. CMAR Continuing Services Agreement FINAL DRAFT 08232023 Rev

Commission/Board: City Council

Contact Person: Kimberley Tracy 407-539-6216

Reviewed by City Attorney
Drew Smith

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 7.

Subject:

Resolution No. 9-2023 Establishing an Equivalent Residential Unit Rate (ERU) for Environmental Stormwater Utility Fees

Requested Action or Motion:

Move to adopt Resolution No. 9-2023 establishing a rate of \$10.72 per equivalent residential unit (ERU) per month for environmental stormwater utility fees, as presented and providing an effective date of October 1, 2023.

Summary Explanation & Background:

On August 25, 2008, the City Council adopted Ordinance No. 1168 which established an Environmental Stormwater Utility Fee Fund ("Stormwater Fund"). Below is the rate and revenue history:

Fiscal Year	\$ Amount	% Change From Prev. Year	Rate \$
2014	1,151,033	19.1%	8.60
2015	1,261,157	9.6%	9.25
2016	1,331,111	5.5%	9.80
2017	1,414,856	6.3%	10.39
2018	1,307,042	-8.3%	9.60
2019	1,342,923	3.6%	9.60
2020	1,364,551	1.2%	9.60
2021	1,364,962	1.5%	9.80
2022	1,439,499	3.1%	10.10
2023	1,488,000	3.0%	10.40
2024	1,544,000	3.0%	10.72

On August 7, 2023, the City held the FY 2023 Stormwater Fund budget workshop. As presented in the workshop, the FY 2024 Stormwater Fund budget draft assumed a rate of \$10.72 per equivalent residential unit, an increase of 3% from the rate established on October 1, 2022 (FY 2023). It is anticipated that this rate will generate \$1.518M in stormwater fee revenue in FY 2024.

Note: Every \$1.00 of ERU generates approximately \$140,000 per year in revenue.

Fiscal Impact:

Generates \$1,518,000 in Environmental Stormwater Utility Fees for FY 2024

Exhibits:

- Resolution No. 9-2023 Establishing an Equivalent Residential Unit Rate (ERU) for Environmental Stormwater Utility Fees

Commission/Board: City Council
Contact Person: Jerry Gray 407-539-6201
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
August 28, 2023		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 8.
Subject: Resolution No. 10-2023 Creating an Assessment Area and Imposing a Special Assessment District for Phase 1 Dommerich Hills Sanitary Sewer System Improvements		
Requested Action or Motion: Move to approve Resolution 10-2023 establishing the intent to create an assessment area and imposing a special assessment for Phase 1 of the sanitary sewer improvements of the Dommerich Hills area, as presented.		
Summary Explanation & Background: The City of Maitland has committed to providing sanitary sewer services to the Dommerich Hills area of the City. Phase 1 has been completed and included the relocation of Lift Station 1 and installation of new sewer lines to seventy-nine (79) homes. The final amount for Phase 1 included: Septic to Sewer - \$3,563,127.35 Relocation of Lift Station #1 - \$2,626,427.78 Sidewalk and Traffic Calming - \$379,680.19 Total: \$6,569,235.32 To defray a portion of the septic to sewer conversion which included sewer main lines and laterals for the Phase 1 improvements, it has been the intent that the city would levy a special assessment against all parcels specially benefited thereby, and further designate the special assessment area. This has been communicated to the residents of phase 1 throughout the planning and construction process. The amount attributable to the special assessment is \$4,320.00 per parcel. The majority of the total cost of the project has been funded through the utility and general fund. The attached resolution establishes the intent to establish a special assessment district and the amount to be assessed. Following advertising and notification of the affected residents, a public hearing will be held to receive input and make a final decision on the assessment.		
Fiscal Impact: Utility Fund to receive a minimum of \$341,280.		
Exhibits: 1. RESOLUTION NO 10-2023 2. Boundary description Exhibit A 3. Dommerich Phase 1 Boundary Exhibit B		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		

Reviewed by City Attorney
C. Shepard

MEETING DATE		AGENDA
August 28, 2023		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Lakes Advisory Board (LAB) Appointment		
Requested Action or Motion: Council decision to appoint one (1) Lakes Advisory Board member to fill a vacancy, serving the remaining unexpired term.		
Summary Explanation & Background: The Lakes Advisory Board (LAB) has one (1) vacancy created by a recent board member's resignation. Greg Hardwick resigned from LAB on August 9, 2023. In accordance with the LAB bylaws, the individual so selected shall serve the remaining time period in the unexpired term in which the vacancy was filled. The following applicants reflect the Lakes Advisory Board as their: <u>First (1st) Choice</u> Paul Palmer Brooke Powell <u>Second (2nd) Choice</u> Nathaniel Stember <u>Third (3rd) Choice</u> Eddie Baird Attached are their completed Volunteer to Serve on a Board / Commission forms for your review and consideration. The City Council is requested to make one (1) appointment to serve the remaining unexpired term, beginning August 2023, and expiring December 2025.		
Fiscal Impact: TBD		
Exhibits: 1st Choice LAB - Palmer, Paul 2.20.2023 1st Choice LAB - Powell, Brooke 7.20.2023 2nd Choice LAB - Stember, Nathaniel 8.16.2023 3rd Choice LAB - Baird, Eddie 1.04.2023		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
August 28, 2023		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.
Subject: Parks and Recreation Advisory Board (PRAB) Appointments		
Requested Action or Motion: Council decision to appoint two (2) Parks and Recreation Advisory Board members to each serve a 3-year term.		
Summary Explanation & Background: The Parks and Recreation Advisory Board (PRAB) has two (2) vacancies. The initial terms of both Allison Seward and Louiza Tarassova expired June 2023, neither are seeking to be reappointed at this time. The following applicants reflect the Lakes Advisory Board as their: <u>First (1st) Choice</u> Nathaniel Stember <u>Third (3rd) Choice</u> Doris Houck Caleb Keelan Attached are their completed Volunteer to Serve on a Board / Commission forms for your review and consideration. The City Council is requested to make two (2) appointments to serve for a three-year term, beginning June 2023, and expiring May 2026.		
Fiscal Impact: TBD		
Exhibits: 1st Choice PRAB - Stember, Nathaniel 8.16.2023 3rd Choice PRAB - Houck, Doris 6.27.2023 3rd Choice PRAB - Keelan, Caleb 7.27.2022		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 3.
Subject: Planning and Zoning Commission (P&Z) Appointments		
Requested Action or Motion: Council decision to appoint two (2) Planning and Zoning Commission members to each serve a 3-year term.		
Summary Explanation & Background: The Planning and Zoning Commission (P&Z) has two (2) vacancies. The terms of Jamie Kay Bennett and Glen Jaffee will expire August 2023. 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 the Council for one (1) successive term. Jamie Kay Bennett has served two (2) terms, therefore she is not eligible for reappointment at this time. Glen Jaffee has served one (1) term and desires to be reappointed. The following applicants reflect the Planning and Zoning Commission as their: <u>First (1st) Choice</u> Eddie Baird Jody Barry Gregory Hardwick Doris Houck Glen Jaffee Caleb Keelan <u>Third (3rd) Choice</u> Brooke Powell Attached are their completed Volunteer to Serve on a Board / Commission forms for your review and consideration. The City Council is requested to make two (2) appointments to serve for a three-year term, beginning August 2023, and expiring July 2026.		
Fiscal Impact: TBD		
Exhibits: 1. 1st Choice P&Z- Baird, Eddie 1.04.2023 2. 1st Choice P&Z - Barry, Jody 8.16.2023 3. 1st Choice P&Z - Hardwick, Gregory 8.16.2023 (2) 4. 1st Choice P&Z - Houck, Doris 6.27.2023 5. 1st Choice P&Z - Jaffee, Glen 7.03.2023		

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| 6. | 1st Choice P&Z - Keelan, Caleb 7.27.2022 |
| 7. | 3rd Choice P&Z - Powell, Brooke 7.20.2023 |
| Commission/Board: City Council | |
| Contact Person: Lori Hollingsworth 407-539-6219 | |
| Reviewed by City Attorney
N/A | |

MEETING DATE		AGENDA
August 28, 2023		Section: Decisions
Department/Office : Parks & Recreation	AGENDA REPORT	Item #: 4.
Subject: Florida Recreation Development Assistance Program Grant Application		
Requested Action or Motion: Move to permit the City Manager to apply for a grant for the 2023/24 cycle of the Florida Recreation Development Assistance Program for the proposed improvements to Bellamy Park		
Summary Explanation & Background: The Florida Recreation Development Assistance Program (FRDAP) is an annual grant program funded by the State of Florida to assist local governments with constructing or acquiring facilities to be utilized for outdoor recreation purposes. The upcoming 2023/24 FRDAP grant cycle requires that entities submit grant applications between Aug. 1 and 31, 2023. FRDAP awards are matching grants that fund up to 80% of the total cost of a particular project and individual awards can range up to \$200,000. One stipulation of this program requires that each grant recipient dedicate "the Project Site in perpetuity as an outdoor recreation area for the use and benefit of the general public." A project proposed in the City of Maitland FY24 budget is to complete a rehabilitation project to the basketball court and restrooms at Bellamy Park and is anticipated to cost \$150,000. It should be noted that Bellamy Park has been classified as a Heritage Land property by Resolution 24-90 which requires that "the change of use or sale must be by referendum." For one, the perpetuity clause of the FRDAP program is not foreseen to be of concern to the potential future uses of the Bellamy Park site due to this Heritage Land classification. Secondly, Bellamy Park is located in a residential area and is not on any arterial or easily accessible roads which may be suitable for a change of use to a type of more intense use by the City of Maitland in the future. The Bellamy Park improvement project would be a good fit for the FRDAP program and are in favor of applying for funding in the 2023/24 grant cycle of the FRDAP program.		
Fiscal Impact: Up to an additional \$120,000 in revenue to the general fund		
Exhibits:		
Commission/Board: City Council		
Contact Person: Jay Conn 407-539-6264		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 28, 2023		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 5.
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: Action to Date: At their July 10, 2023 regularly scheduled meeting, Council voted to affirm staff's decision to deny a waterfront structure permit located at 121 Whitecaps Circle. The applicant's representative, Sheila Cichra, was present and spoke on behalf of the property owners, Michael and Christine Jablonski. Staff sent written notification of the Council decision to Mr. and Mrs. Jablonski following the meeting. On August 8, 2023, Sharon Henry, attorney representing the Jablonskis, contacted and informed staff that the owners were not notified of the Council meeting and requested to have their appeal reheard so they could be present to speak. July 10th Staff Report 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, is not out of character with other waterfront structures in the area, based upon other boat docks in the vicinity and that there were 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
Drew Smith