



**City Council  
September 11, 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. Presentations
  1. Proclamation Constitution Week - Mary Virginia Cabell Chapter of Maitland, Daughters of the American Revolution
- V. Public Hearing
  1. Resolution 11-2023 Adopting the Tentative Millage Rate for Fiscal Year 2024 (Tax Year 2023)
- VI. Council Meeting Recess - Convene CRA Meeting
- VII. Old Business
- VIII. Consent Agenda
  1. City Council Meeting Minutes of August 28, 2023
  2. East Central Florida Regional Resilience Collaborative
  3. Cancel November 27 and December 25, 2023 City Council Meetings
  4. Utility Revenue Enhancement Services Agreement - ISI Water Company
  5. Right-of-Way Purchase Independence Lane - Maitland Presbyterian Church Inc.
  6. Right-of-Way Purchase Independence Lane North - RLP Maitland Holdings
- IX. Public Period
- 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.**

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| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | AGENDA                 |
| September 11, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                   | Section: Presentations |
| Department/Office : City Clerk                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | AGENDA REPORT                                                                     | Item #: 1.             |
| <b>Subject:</b><br>Proclamation Constitution Week - Mary Virginia Cabell Chapter of Maitland, Daughters of the American Revolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                   |                        |
| <b>Requested Action or Motion:</b><br>Presentation of Proclamation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                   |                        |
| <b>Summary Explanation &amp; Background:</b><br>Historically, current and past Maitland Mayors' have provided, upon request, a Constitution Week Proclamation to the Orlando Chapter Daughters of the American Revolution. In January 2023, a newly organized and approved Chapter of the Daughters of the American Revolution of Maitland, the Mary Virginia Cabell Chapter, held their first meeting. The new Maitland Chapter has numerous local service projects, such as children's reading at the Maitland Public Library and partnerships with public and private area schools.<br><br>Linda Rinker, First Vice Regent, requested a Constitution Week Proclamation on behalf of the Mary Virginia Cabell Chapter, in recognition of the 1955 petition made to Congress by the Daughters of the American Revolution to set aside annually the week of September 17 - 23 to be dedicated to the observance of Constitution Week.<br>2023 is the two hundred and thirty-sixth (236th) anniversary of the drafting of the Constitution.<br><br>Ms. Rinker and a few other members of the Maitland Mary Virginia Cabell Daughters Chapter of DAR will be in attendance to receive the proclamation. |                                                                                   |                        |
| <b>Fiscal Impact:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                   |                        |
| <b>Exhibits:</b><br>1. Proclamation - Constitution Week 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                   |                        |
| <b>Commission/Board:</b> City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                   |                        |
| <b>Contact Person:</b> Lori Hollingsworth 407-539-6219                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                   |                        |
| Reviewed by City Attorney<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                   |                        |

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| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | AGENDA                  |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| September 11, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                   | Section: Public Hearing |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| Department/Office :<br>Administration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | AGENDA REPORT                                                                     | Item #: 1.              |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
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| <b>Subject:</b><br>Resolution 11-2023 Adopting the Tentative Millage Rate for Fiscal Year 2024 (Tax Year 2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| <b>Requested Action or Motion:</b><br>(1) Move to adopt the tentative operating millage for the 2023 tax year as 4.9464, which is 21% above the rolled-back rate of 4.0861;<br><br>(2) Move to adopt the tentative voted debt millage rate for the 2023 tax year as 0.2020 for a combined total of 5.1484 mills;<br><br>(3) Move to adopt the tentative budget for the General Fund in the amount of \$39,377,000.<br><br>(4) Announce the Final Resolution to adopt will be on September 25, 2023.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                   |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| <b>Summary Explanation &amp; Background:</b><br>On July 17, 2023, the City Council held the General Fund budget workshop. The rolled back rate and proposed operating and voted debt service millage rates for the 2023 tax year were set on July 24th. The proposed operating and voted debt millage and the date and time of the tentative budget public hearing were included in the proposed tax bills sent out by the Orange County Property Appraiser in August.<br><br>The Fiscal Year 2024 budget draft was prepared based on the operating millage rate of 4.9464 or \$4.9464 per thousand dollars of taxable value, which is 0.6011 mills higher than the rate adopted for Fiscal Year 2023. The proposed tax rate set at the July 25th Council meeting was 6.9464. The FY 2024 tentative budget is \$39,377,000. Attached is the official Resolution to adopt the millage rates and General Fund Budget.<br><br>Below are the maximum millage rate options. The tentative millage requires only a simple majority vote as proposed.<br><br>Note: The tentative millage rate cannot exceed the proposed millage rate from July 24, 2023 of 4.9464 unless the Property Appraiser mails each taxpayer a revised TRIM notice at the City’s expense. |                                                                                   |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| <table><tr><td><b>Maximum Millage Rate Options</b></td><td><b>Millage Rate</b></td></tr><tr><td>Majority Vote (Adjusted rolled back millage rate per State formula)</td><td>Up to 5.0703</td></tr><tr><td>2/3 Vote of the Governing Board (110% of Majority vote millage rate)</td><td>Up to 5.5773</td></tr><tr><td>Unanimous vote of the Governing Board <u>or</u> referendum - Any rate up to the statutory limit.</td><td>Up to statutory limits</td></tr></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         | <b>Maximum Millage Rate Options</b> | <b>Millage Rate</b> | Majority Vote (Adjusted rolled back millage rate per State formula) | Up to 5.0703 | 2/3 Vote of the Governing Board (110% of Majority vote millage rate) | Up to 5.5773 | Unanimous vote of the Governing Board <u>or</u> referendum - Any rate up to the statutory limit. | Up to statutory limits |
| <b>Maximum Millage Rate Options</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Millage Rate</b>                                                               |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| Majority Vote (Adjusted rolled back millage rate per State formula)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Up to 5.0703                                                                      |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| 2/3 Vote of the Governing Board (110% of Majority vote millage rate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Up to 5.5773                                                                      |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |
| Unanimous vote of the Governing Board <u>or</u> referendum - Any rate up to the statutory limit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Up to statutory limits                                                            |                         |                                     |                     |                                                                     |              |                                                                      |              |                                                                                                  |                        |

The above motions are required to be read separately and completely to comply with the Truth in Millage (TRIM) process. The TRIM notice will be placed in the newspaper and the tentative budget placed on the City's website prior to the final public hearing on September 25, 2023.

After setting tonight's tentative millage rate, the Council may adopt that rate or any lower rate at the final public hearing.

**Fiscal Impact:**

General fund budget amount of \$39,377,000.

**Exhibits:**

1. Budget Summary FY 2024 9-6-23
2. Resolution - Tentative Millage Rate FY 24 TY 23 (1)

**Commission/Board:** City Council

**Contact Person:** Mark Reggentin 407-539-6220

Reviewed by City Attorney  
N/A

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| MEETING DATE                                                                                                             |  | AGENDA                  |
| September 11, 2023                                                                                                       |                                                                                   | Section: Consent Agenda |
| Department/Office : City Clerk                                                                                           | AGENDA REPORT                                                                     | Item #: 1.              |
|                                                                                                                          |                                                                                   |                         |
| <b>Subject:</b><br>City Council Meeting Minutes of August 28, 2023                                                       |                                                                                   |                         |
| <b>Requested Action or Motion:</b><br>Move to approve the City Council meeting minutes of August 28, 2023, as presented. |                                                                                   |                         |
| <b>Summary Explanation &amp; Background:</b>                                                                             |                                                                                   |                         |
| <b>Fiscal Impact:</b><br>N/A                                                                                             |                                                                                   |                         |
| <b>Exhibits:</b><br>1. CC Draft Minutes 8-28-2023                                                                        |                                                                                   |                         |
| <b>Commission/Board:</b> City Council                                                                                    |                                                                                   |                         |
| <b>Contact Person:</b> Lori Hollingsworth 407-539-6219                                                                   |                                                                                   |                         |
| Reviewed by City Attorney<br>N/A                                                                                         |                                                                                   |                         |

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| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | AGENDA                  |
| September 11, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                   | Section: Consent Agenda |
| Department/Office :<br>Administration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | AGENDA REPORT                                                                     | Item #: 2.              |
| <b>Subject:</b><br>East Central Florida Regional Resilience Collaborative                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                   |                         |
| <b>Requested Action or Motion:</b><br>Move to approve the attached Memorandum of Understanding and authorize the City Manager to execute the agreement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                   |                         |
| <b>Summary Explanation &amp; Background:</b><br><p>Over the last several months, staff has been in contact with Jennifer Rupert, Regional Resilience Officer for the East Central Florida Regional Planning Council to discuss ways in which our two organizations can coordinate and collaborate on addressing issues under the umbrella of resilience, reductions in greenhouse gas production and overall issues of sustainability.</p> <p>In May of 2019, the East Central Florida Regional Resilience Collaborative (ECFR2C) was formally established by unanimous vote of the East Central Florida Regional Planning Council. Since then, the Regional Planning Council has been gathering data with the cooperation of it's member governments to establish a plan to meet long-term resilience objectives.</p> <p>Ms. Rupert presented to the Sustainability Advisory Board during their August 22, 2023 meeting on the current status of the Regional Planning Council's efforts as well as information they have gathered specific to Maitland that will assist in establishing our baseline data. The Sustainability Advisory Board voted with unanimous approval to recommend that the City Council formalize the city's partnership with the ECFR2C.</p> <p>The Regional Planning Council is requesting that the city adopt a Resolution and Memorandum of Understanding endorsing and joining the East Central Florida Regional Resilience Collaborative (attached). There is no cost to the city by entering into this partnership.</p> <p>Information on the Regional Planning Council's efforts can be found at <a href="https://www.ecfrpc.org/r2c">https://www.ecfrpc.org/r2c</a></p> |                                                                                   |                         |
| <b>Fiscal Impact:</b><br>TBD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   |                         |
| <b>Exhibits:</b><br>1. ECFRPC Regional Resilience Collaborative - Memorandum of Understanding and ECFR2C Resolution #03-2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   |                         |
| <b>Commission/Board:</b> City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                   |                         |
| <b>Contact Person:</b> Mark Reggentin 407-539-6220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                   |                         |
| Reviewed by City Attorney<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                   |                         |



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| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | AGENDA                  |
| September 11, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                   | Section: Consent Agenda |
| Department/Office : City Clerk                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | AGENDA REPORT                                                                     | Item #: 3.              |
| <b>Subject:</b><br>Cancel November 27 and December 25, 2023 City Council Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                   |                         |
| <b>Requested Action or Motion:</b><br>Move to cancel the regular scheduled City Council meetings of Monday November 27 and December 25, 2023.                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                   |                         |
| <b>Summary Explanation &amp; Background:</b><br>The City Council's second scheduled meetings for November and December are on the Monday after Thanksgiving, November 27, and Christmas day, Monday, December 25. In previous years, these meetings have been canceled. The City Charter requires the Council to meet regularly at least once a month. If there is a need, the Mayor has the authority to call a special meeting.<br><br>Staff is recommending the City Council cancel the second scheduled meetings for November and December 2023. |                                                                                   |                         |
| <b>Fiscal Impact:</b><br>None at this time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                   |                         |
| <b>Exhibits:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         |
| <b>Commission/Board:</b> City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                   |                         |
| <b>Contact Person:</b> Lori Hollingsworth 407-539-6219                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                   |                         |
| Reviewed by City Attorney<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         |

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| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | AGENDA                  |
| September 11, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                   | Section: Consent Agenda |
| Department/Office : Finance<br>Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | AGENDA REPORT                                                                     | Item #: 4.              |
| <b>Subject:</b><br>Utility Revenue Enhancement Services Agreement - ISI Water Company                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         |
| <b>Requested Action or Motion:</b><br>Motion to approve the recovery contingency rate to 60% for a 36 month period, per the terms of Exhibit B of the Polk County, FL and ISI Water Company of America agreement, RFP 16-431.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   |                         |
| <b>Summary Explanation &amp; Background:</b><br><p>The city has been using ISI Water Company to monitor, review and assist the city in revenue recovery for water use. Due to recent staffing issues, the city has been unable to allocate resources to review and monitor track and recover costs associated with the city's utility service. ISI assists the city with identification of lost revenue and recovery of those costs. Typically, loss of revenue is due to meter inaccuracies or malfunction in meter hardware, service theft, and unmetered firelines. When these situations are identified by ISI and corrected by the city, ISI's compensation is recovery of 60% of the recovered revenue stream for 3 years.</p> <p>This agreement was originally approved by City Council on May 10, 2021. However, following the year end review of agreements, it has been discovered that there was a discrepancy between the Polk County piggyback agreement, which provides for a 60% recovery rate for ISI, and the information included on the May 10, 2021 staff report, which was a 50% rate. This item is being returned to Council for approval of the 60% rate of the Polk agreement for any additional revenue brought into the Utility Fund for a 36-month period.</p> |                                                                                   |                         |
| <b>Fiscal Impact:</b><br>Currently, \$2000 for February and March billings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                   |                         |
| <b>Exhibits:</b><br>1. Agreement between The City of Maitland & ISI Water Company for Utility Revenue Enhancement Services RFP 16-431 5_2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                   |                         |
| <b>Commission/Board:</b> City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         |
| <b>Contact Person:</b> Jerry Gray 407-539-6201                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                   |                         |
| Reviewed by City Attorney<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                   |                         |

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| MEETING DATE                     |  | AGENDA                  |
| September 11, 2023               |                                                                                   | Section: Consent Agenda |
| Department/Office : City Manager | AGENDA REPORT                                                                     | Item #: 5.              |

**Subject:**

Right-of-Way Purchase Independence Lane - Maitland Presbyterian Church Inc.

**Requested Action or Motion:**

Move to authorize the City Manager to execute the purchase agreement and proceed to closing for the acquisition of property from Maitland Presbyterian Church Inc.

**Summary Explanation & Background:**

This memorandum requests authorization by the Maitland City Council for execution by the City Manager of a purchase agreement for the acquisition from Maitland Presbyterian Church of a real property interest required for construction of the Independence Lane Improvement Project. The proposed fee simple acquisition of 4,495 square feet of this subject property is required for construction of the Independence Lane project. The purchase price is \$877,100.00.

**I THE PROPERTY**

**A. Location Data**

The northern portion of the parent tract property is located along the west side of North Orlando Avenue (US Highway 17-92), the north side of East George Avenue, and the east side of the Sun Rail railroad corridor right-of-way. The southern portion of the parent tract property is located along the south side of East George Avenue approximately 300 feet west of North Orange Avenue and the east side of the Sun Rail railroad corridor right-of-way.

**B. Address**

301 East George Avenue (North Property)  
Maitland, FL 32751  
290 East George Avenue (South Property)  
Maitland, FL 32751

**C. Description**

The parent tract consists of two irregularly shaped, non-contiguous properties separated by East George Avenue which are owned by the Maitland Presbyterian Church and contain a total of 4.91-acres. The northern 3.67-acre tax parcel is improved with the Church's building improvements and asphalt paved surface parking lots, and the southern 1.24-acre tax parcel is improved with a paved surface parking lot. Both parcels also contain landscaping and miscellaneous site improvements.

**II AUTHORITY TO ACQUIRE**

Acquisition of the fee simple interest from the referenced property is necessary for construction of the Independence Lane project improvements, serves a City and public purpose, and is in the best interest of the citizens of the City of Maitland.

**III ACQUISITION/REMAINDER**

The proposed fee simple interest acquisition area is located along the east 26 feet of the south tax parcel's frontage on the existing but unimproved Independence Lane Right-of-Way, is rectangular in shape, contains 4,495 square feet, and is necessary for construction of Independence Lane between Horatio Avenue and East George Avenue. This acquisition area will be utilized for Independence Lane roadway and appurtenant improvements. The south parcel's remaining fee ownership land area

contains 1.137 acres. Implementation by the property owner of the cost to cure plan will restore functional operation to the parking lot so that it can continue to provide parking for Maitland Presbyterian Church, but the number of parking spaces will be reduced from 114 to 103. The cured remainder parking lot will be asphalt paved, with decorative streetlights, landscaping/irrigation, and a green space/stormwater attenuation basin located in the center of the property. Access will be by a driveway connection on the George Avenue frontage and by a cross-access connection to the City's parking lot that will be located south of the subject property.

#### **IV APPRAISED VALUE**

The City's \$733,000 estimate of value in April 2022 is allocated as \$337,700 for the 4,495 square feet of land area to be acquired, \$25,300 for the site improvements located in the area of acquisition, and \$370,000 for the cost to cure to reestablish functional operation to the parking lot on the remainder property. The basis for the City's initial Statement of Offer was an Appraisal Report that was approved by the City as representative of full compensation for the proposed partial acquisition.

#### **V OFFER TO PURCHASE/NEGOTIATIONS**

The City's initial written Statement of Offer to Purchase was in the amount of \$733,000, which reflects the approved estimate of value. The owner's first counteroffer was \$926,300, which was based upon a cost to cure estimate obtained from a site contractor by the property owner. For several reasons, the City did not consider the owner's cost to cure estimate to be reliable, so additional estimates were solicited by the City from qualified general contractors. Due to the increases in the costs for labor and materials subsequent to the April 2022 bid that was obtained for the City's appraisal report, the bid to implement the cure plan in April 2023 was increased to \$464,100.

This updated cost to cure bid resulted in the City presenting the property owner with a counteroffer of \$877,100, which amount also reflects the very likely potential that there will be an increase in the cost to implement the cure plan between the closing date and when the cure plan will be able to be implemented. The Church has agreed to accept the \$877,100 in compensation. It is noteworthy that no attorney or expert fees have been incurred by the property owner, so the proposed \$877,100 represents the total amount of compensation that will be paid to the property owner for this property acquisition. The Church has indicated a willingness to proceed to closing without further delay, with the closing to occur by October 16, 2023.

#### **VI SETTLEMENT ANALYSIS/COST AVOIDANCE**

This proposed settlement amount represents a \$144,100 increase over the amount of the City's initial offer of compensation to the property owner one year prior and is \$49,200 less than the property owner's counteroffer. The potential costs for both the City's and the property owner's expert fees (appraiser, land planner, general contractor) that the City would be responsible for, in addition to the City's and property owner's attorney fees and costs to acquire 4,495 square feet of the Church's property by eminent domain, have not been incurred by the City. To date, the only expert cost to the City has been for the City obtaining the appraisal report which served as the basis for the City's initial offer. Therefore, the \$877,100 compensation amount is reasonable and appropriate when consideration is given to the City's potential exposure to those costs that could be incurred if a negotiated settlement had not been obtained and condemnation were to be necessary. If this property were to be acquired by eminent domain and litigated, the City would be responsible for substantial costs for the City's attorney and experts, the property owner's experts and attorney fees, and those other costs associated with litigating this matter.

The cooperative purchase of the Independence Lane right-of-way from the Maitland Presbyterian Church property through this proposed settlement is in the best interests of the citizens of the City of Maitland.

#### **VII RECOMMENDATION**

The estimation of value and claim of severance damages are often debatable, and if this matter were to be litigated it would be left up to a jury to determine the amount of compensation to be awarded to the property owner. It would also be reasonable to expect that the property owner would

assert a claim for severance damages to the remainder of the property parking lot resulting from the City's partial acquisition.

It is important to note that the potential for additional attorney and expert fees/costs that would be incurred at the City's expense are eliminated with approval of the proposed settlement for this partial acquisition of the subject property. In addition, this acquisition will allow for the City to proceed with the design and construction of the section of Independence Lane between Horatio Avenue and George Avenue. As such, the proposed settlement presents an opportunity for a cost-effective resolution of this parcel acquisition. For these reasons, the staff recommends that the City Council authorize the purchase of 4,495 square feet from the Maitland Presbyterian Church for \$877,100.

The purchase of the land is funded from the Road Impact Fund.

**Fiscal Impact:**

\$877,100 from Road Impact funds.

**Exhibits:**

**Commission/Board:** City Council

**Contact Person:** Mark Reggentin 407-539-6220

Reviewed by City Attorney  
Cliff Shepard

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| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | AGENDA                  |
| September 11, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                   | Section: Consent Agenda |
| Department/Office : City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | AGENDA REPORT                                                                     | Item #: 6.              |
| <b>Subject:</b><br>Right-of-Way Purchase Independence Lane North - RLP Maitland Holdings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                   |                         |
| <b>Requested Action or Motion:</b><br>Move to authorize the City Manager to execute the purchase agreement and Memorandum of Understanding regarding parking credit and proceed to closing for the acquisition of property from RLP Maitland Holdings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                   |                         |
| <b>Summary Explanation &amp; Background:</b><br><p>This is the same item that was presented on the CRA agenda. Due to the dual funding of this property purchase (CRA and Road Impact fee), this purchase requires approval from both the CRA and City Council. Other than the Fiscal Impact summary, the staff analysis is identical.</p> <p>This memorandum requests authorization by the Maitland City Council for execution by the City Manager of a purchase agreement for the acquisition of a real property interest required for construction of the Independence Lane Improvement Project. The proposed fee simple acquisition of 16,720 square feet from this subject property is required for construction of the project. The purchase price is \$923,900, which does not include the property owner's \$7,500 in attorney fees and costs.</p> <p><b>I THE PROPERTY</b></p> <p><b>A. Location Data</b></p> <p>In April 2022 when the appraisal for this proposed acquisition was prepared for the City, there were four tax parcels considered to be consolidated under the same ownership since the officers were the same for the property's owned by Rueljo, LLC and CMMS, Inc. In September 2022, these four tax parcels were sold to Maitland Business District, LLC (MBD) and RLP Maitland Holdings, LLC (RLPMH), whose entities have a development partner type of affiliation. RLPMH owns the property located at the northwest corner of North Orlando Avenue (US Highway 17-92) and Horatio Avenue containing 12,045 square feet and the 16,720 square foot property located at the northwest corner of unimproved Independence Lane and Horatio Avenue. This 16,720 square foot parcel is the area that is proposed to be acquired by the City. The three tax parcels owned by MBD are located along the east side of the unimproved Independence Lane right-of-way and along the north side of Horatio Avenue, which contain a combined land area of 29,622 square feet. Thus, the total land area for all four tax parcels which was utilized for preparation of the appraisal is 1.342 acres.</p> <p><b>B. Address</b></p> <p>201 East Horatio Avenue (RLPMH West Property)<br/> Maitland, FL 32751<br/> 111 North Orlando Avenue (RLPMH East Property)<br/> Maitland, FL 32751</p> <p><b>C. Description</b></p> <p>The parent tract consists of the four tax parcels located on the east side of the unimproved Independence Lane right-of-way and the north side of Horatio Avenue, which contain 41,667 square feet, and the 16,720 square foot parcel located at the northwest corner of Horatio Avenue and the</p> |                                                                                   |                         |

unimproved Independence Lane right-of-way. The eastern portion of the parent tract is irregularly shaped, and is not contiguous with the western portion of the parent tract, which is rectangular in shape, since they are separated by the unimproved Independence Lane right-of-way. All five tax parcels contain a total of 1.342 acres. The tax parcel located at the northwest corner of the North Orlando Avenue and Horatio Avenue intersection is improved with a former gas station/used car lot, and the adjacent tax parcel to the west contains an older three-unit building. The other tax parcels, including the property proposed to be acquired by the City, are unimproved.

## **II AUTHORITY TO ACQUIRE**

Acquisition of the fee simple interest from the referenced property is necessary for construction of the Independence Lane project improvements, serves a City and public purpose, and is in the best interest of the citizens of the City of Maitland.

## **III ACQUISITION/REMAINDER**

The proposed fee simple interest acquisition area is located along the west side of the unimproved Independence Lane right-of-way and the north side of Horatio Avenue. This acquisition area is rectangular in shape and contains 16,720 square feet with 63.5 feet of frontage along the north side of Horatio Avenue and 263.3 feet of frontage on the west side of Independence Lane. The acquisition of only the eastern portion of this tax parcel is necessary for construction of Independence Lane between Horatio Avenue and East George Avenue. Since the remainder of this tax parcel would be uneconomic as a stand-alone property, this whole tax parcel is proposed to be acquired by the City. A portion of this acquisition area will be utilized for Independence Lane roadway and appurtenant improvements, and the balance of the land area will be utilized as part of the reconstruction of the City's parking lot on the adjacent City-owned property.

## **IV APPRAISED VALUE**

The City's estimate of value in April 2022 for the 16,720 square feet of land area to be acquired was \$756,600. The basis for the City's initial written Statement of Offer was an Appraisal Report that was approved by the City as representative of full compensation for the proposed partial acquisition.

## **V OFFER TO PURCHASE/NEGOTIATIONS**

The City's initial written Statement of Offer to Purchase was in the amount of \$756,600, which reflects the approved estimate of value. The owner's first counteroffer was \$1,176,840, and to receive development credit for 14 parking spaces that theoretically could be located on the acquisition parcel. The owner's counteroffer also requested approval for all existing driveway connections on the remainder of the property's Horatio Avenue frontage to remain, and for the City to approve two driveway connections on the Independence Lane frontage.

The City did not agree that the subject property had a market value of \$70 per square foot or that 14 parking spaces could be located on the acquisition parcel. The City cannot agree to approve driveway connections without an application as part of the development review process and the requested driveway connections would not be in compliance with City Access Management criteria, so this was not a feasible request. The City's counteroffer in January 2023 was \$907,900, and development credit for 14 parking spaces.

In late February 2023 the owner indicated preliminary acceptance of the City's counteroffer. The owner's terms and conditions included a request for a Memorandum of Agreement to be executed by the parties addressing development credit for 14 parking spaces, approval by the City Council within 15 days of receipt of the owner's executed Agreement, for the closing to occur within 60 days of approval of the Purchase Agreement by the City Council, and reimbursement of attorney fees not to exceed \$7,500.

Since acquisitions are needed from this property and from the Maitland Presbyterian Church property, and with the necessity for both Purchase Agreements to be submitted to the City Council at the same Council Meeting, the City could not agree to this expedited approval and closing terms unless an Agreement for the acquisition of the Church's Property had also been obtained. Due to the difficulties encountered in obtaining current cost to cure estimates for implementation of the Church's parking lot

cure plan, and the necessity of following the Church's requirements for approval of the sale of a portion of their property to the City, final approval from the Church was not received until August 27, 2023. Due to the passage of time, in July 2023 the owner requested a \$19,000 increase in the purchase price, attorney fees of \$13,500, a 30-day inspection period with the City not being able to extend the inspection period, and for the closing to occur within ten days after the end of the inspection period or 10 days after closing of the Maitland Presbyterian Church acquisition or by October 16, 2023, whichever occurs first.

The parties agreed in August 2023 to the terms and conditions in the Agreement that is being presented to the City Council for approval. These terms include owner compensation of \$923,900, reimbursement of owner attorney fees not to exceed \$7,500, development credit for 14 parking spaces as specified in the Memorandum of Agreement, a 45-day inspection period with no extension of the inspection period by the City, and for the closing to be ten days after the end of the inspection period or 10 days after closing of the Maitland Presbyterian Church acquisition or by October 16, 2023, whichever occurs first.

The property owner has agreed to accept the \$923,900 in compensation and with no increase in the \$7,500 reimbursement of attorney's fees incurred by the property owner. The owner wants to proceed with closing without further delay.

#### **VI SETTLEMENT ANALYSIS/COST AVOIDANCE**

This proposed settlement amount represents a \$167,300 increase over the amount of the City's initial offer of compensation to the previous property owner in June 2022 and is \$252,940 less than the current property owner's initial counteroffer. The potential costs for both the City's and the property owner's expert fees (appraiser, land planner, general contractor) that the City would be responsible for, in addition to the City's and property owner's attorney fees and costs to acquire only that portion of the 16,720 square foot property required for construction of the Independence Lane Project by eminent domain, have not been incurred by the City. To date, the only property owner expense is for the \$7,500 reimbursement of the attorney fees incurred by the owner, and the only expert cost to the City has been for the City obtaining the appraisal report which served as the basis for the City's initial offer. Therefore, the \$923,900 in property owner compensation, and \$7,500 in owner attorney fees, are reasonable and appropriate when consideration is given to the City's potential exposure to those costs that could be incurred if a negotiated settlement had not been obtained and condemnation were to be necessary. If this property were to be acquired by eminent domain and litigated, the City would be responsible for substantial costs for the City's attorney and experts, the property owner's experts and attorney fees, and those other costs associated with litigating this matter.

#### **VII RECOMMENDATION**

The estimation of value and claim of severance damages are often debatable, and if this matter were to be litigated it would be left up to a jury to determine the amount of compensation to be awarded the property owner. Since necessity could only be established for acquisition of the area required for construction of the Independence Lane project, the remainder of the 16,720 square foot property would be uneconomic. It would also be reasonable to expect that the property owners would assert a claim for severance damages to the remainder of property located east of Independence Lane. It is important to note that the potential for additional attorney and expert fees/costs that would be incurred at the City's expense are eliminated with approval of the proposed settlement for the whole acquisition of this tax parcel. In addition, this acquisition will allow for the City to proceed with the design and construction of the section of Independence Lane between Horatio Avenue and George Avenue. As such, the proposed settlement presents an opportunity for a cost-effective resolution of this parcel acquisition. For these reasons, staff recommends that the City Council authorize the purchase of the 16,720 square foot property from RMLPH for \$923,900 and for reimbursement of the \$7,500 in attorney fees that have been incurred by the property owner.

**Fiscal Impact:**

\$232,271 to be paid from Road Impact Fund; (balance of the total purchase price \$931,400; \$699,129 from CRA funds)

**Exhibits:**

1. Agreement for Sale and Purchase - RLP Maitland Holdings (Signed)
2. Memorandum of Understanding - RLP Maitland Holdings

**Commission/Board:** City Council

**Contact Person:** Mark Reggentin 407-539-6220

Reviewed by City Attorney  
Cliff Shepard