



**City Council
January 22, 2024
Council Chambers
6:30 PM**



**WELCOME to our City Council meeting. All speakers must complete and submit a Speaker Card, preferably prior to the start of the meeting. A member of the public wishing to address the Council must be a Maitland resident or the owner of property or business in Maitland or their representative. The time limit for each speaker shall be three (3) minutes per agenda item. No speakers will be interrupted. Please silence all electronic devices during the meeting.
THANK YOU for participating in your City Government.**

- I. Call to Order
- II. Moment of Silence
- III. Pledge of Allegiance
- IV. Old Business
- V. Consent Agenda
 - 1. City Council Meeting Minutes of January 8, 2024
 - 2. Resolution No. 1-2024: General Municipal Election March 19, 2024
 - 3. Resolution No. 2-2024: FY24 Budget Amendment Road Impact Fund
 - 4. Preconstruction Services Agreement Keller Road: A² Group, Inc.
- VI. Public Period
- VII. Decisions
 - 1. Sustainability Advisory Board (SAB) Appointments
- VIII. Discussion
 - 1. Waterfront Structure (Boat Dock) Appeals
 - 2. Filing Form 6 Discussion
- IX. City Manager's Report/City Attorney/Council Reports
- X. Adjournment

Notice: Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office (407-539-6219) 48 hours in advance of the meeting.

MEETING DATE		AGENDA
January 22, 2024		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.
Subject: Resolution No. 1-2024: General Municipal Election March 19, 2024		
Requested Action or Motion: Move to adopt Resolution No.1-2024 designating places of polling, opening and closing times of polls and form of ballot for the General Municipal Election scheduled to be held on Tuesday, March 19, 2024.		
Summary Explanation & Background: Pursuant to Section 5.5-2, Maitland Code of Ordinances, this resolution designates the places of polling, the time of opening and closing of polls, and the form of the ballot for the General Municipal Election held concurrently with the Florida Presidential Preference Primary on Tuesday, March 19, 2024 In accordance with Section 101.657 Florida Statutes, the Orange County Supervisor of Elections (OCSOE) has scheduled early voting beginning March 4 and continuing through March 17, 2024, from 10:00 am to 6:00 pm each day. Early Voting will be offered at the OCSOE located at 119 West Kaley Street, Orlando, and several other locations to be determined.		
Fiscal Impact: TBD		
Exhibits: 1. Resolution 1-2024 General Election 2024		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney Pending		

MEETING DATE		AGENDA
January 22, 2024		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 3.
Subject: Resolution No. 2-2024: FY24 Budget Amendment Road Impact Fund		
Requested Action or Motion: Move to approve Resolution Amending 2024 Road Impact Fund budget and final purchase cost of Independence Lane North right-of-way from Road Impact funds of \$1,120,544.		
Summary Explanation & Background: On September 11, 2023 Council approved the \$1,109,371 purchase of property for Right-of-Way for Independence Lane North from Road Impact funds. The city was not able to proceed to final closing on the property prior to the close of the 2023 fiscal year, requiring the funds for the purchase to be included in the carry forwards in the 2024 fiscal year budget. On October 10, 2023, the City closed on the sale of the property and wired the funds to the closing attorney in accordance with the approved contract. The \$1,109,371 cost approved by city council did not include applicable closing costs, which amounted to \$11,173, for a total purchase price of \$1,120,544. Included in the Road Impact fund carry forward was the balance of the account, which was \$1,112,747. The \$7,797 shortfall required the appropriation of October 2023 interest income to the Road Impact fund to have funding to complete the approved contract. Note: On November 13, 2023, the CRA Board approved a budget amendment for the closing costs applicable to the purchase of property for Right-of-Way for Independence Lane North from CRA funds. This is the final transaction for the Road Impact Fund. There is no more fund balance and the fund will be closed at the end of the fiscal year.		
Fiscal Impact: \$7,797 additional appropriation from 2024 interest income		
Exhibits: 1. Resolution No. 2-2024 Budget Amendment Road Impact North Independence		
Commission/Board: City Council		
Contact Person: Jerry Gray 407-539-6201		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
January 22, 2024		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 4.
Subject: Preconstruction Services Agreement Keller Road: A ² Group, Inc.		
Requested Action or Motion: Move to approve City Manager to execute an agreement with A ² Group, Inc. for pre-construction services for the Keller Road Improvement Project in the amount of \$91,400.00.		
Summary Explanation & Background: In August 2022, City Council approved a design services contract with DRMP, Inc. for the evaluation and design of Keller Road between Fennell Road and the City limits to the south near Kennedy Boulevard. The scope of the project includes an evaluation of the existing roadway for areas in need of full-depth replacement, curbing repair/replacement, and drainage improvements. DRMP has completed the preliminary engineering study and is ready to proceed with development of construction plans. Staff is proposing to use A2 Group, Inc. to construct the project under their continuing Construction Manager at Risk (CMAR) contract. A2has provided a scope of services for pre-construction services which include the following: • Participation in regularly-scheduled project coordination meetings during the design process. • Recommendation on construction feasibility, labor and materials, market conditions, construction phasing, construction performance duration and temporary facilities. • Consultation of site use, selection of materials, identification and procurement analysis of long lead items. • Constructability reviews and recommendations. • Preparation of a preliminary project schedule with a maximum of two updates. • Preparation of preliminary cost estimate and a maximum of two updates. • Development of best value alternatives, subcontractor and supplier's interest. • Submission of a Guaranteed Maximum Price (GMP) and contract time. Staff recommends City Council authorize the City Manager to execute a pre-construction services agreement with A2 Group, Inc. for the Keller Road Improvement Project in the amount of \$91,400.00.		
Fiscal Impact: Funds available in 01412541-566300-TR024		
Exhibits: 1. A² CMAR Pre-Con Proposal-City of Maitland - South Keller Road 2. - Keller Schedule 2023-2024		
Commission/Board: City Council		

Contact Person: Kimberley Tracy 407-539-6216
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
January 22, 2024		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Sustainability Advisory Board (SAB) Appointments		
Requested Action or Motion: Move to appoint two (2) residents to serve on the Sustainability Advisory Board for a 3-year term beginning February 2024.		
Summary Explanation & Background: The Sustainability Advisory Board (SAB) has two (2) vacancies. Marc Walch was appointed by Council to serve a 3-year term beginning February 2021 and expiring January 2024. Carl Wilhelm was recently appointed by Council to fill a vacancy created by a board member's resignation. Mr. Wilhelm served the remaining unexpired term from October 2023 to January 2024. In accordance with the SAB's Constitution Section B. Terms of Members, members may be appointed by Council for one successive 3-year term. Members appointed to fill an unexpired term that does not exceed 2-years shall not be considered a full term and eligible to be appointed for an initial 3-year term and one successive term. Mr. Walch and Mr. Wilhelm both desire to be re-appointed and are eligible. Members of the Sustainability Advisory Board shall consist of five (5) residents of the City, preferably with demonstrated expertise, training, education, interest, or experience in fields related to sustainability and the practical application thereof, such as: physical, biological, or health sciences, engineering, environmental law, environmental education, corporate responsibility, environmental science, energy management, environmental health and safety, sustainability communications, green building, land use planning, water conservation, resiliency planning, or other related fields. The following applicants as their: <u>First (1st) Choice</u> Marc Walch Carl Wilhelm Their completed Volunteer to Serve on a Board/Commission forms are attached for your review and consideration. The City Council is requested to make two (2) appointments to each serve a 3-year term beginning February 2024 and ending January 2027.		
Fiscal Impact: TBD		
Exhibits: 1st Choice SAB- Walch, Marc 01.03.2024 (1) 1st Choice SAB - Wilhelm, Carl 9.28.2023 (2)		

Commission/Board: City Council
Contact Person: Lori Hollingsworth 407-539-6219
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
January 22, 2024		Section: Discussion
Department/Office : Community Development	AGENDA REPORT	Item #: 1.
Subject: Waterfront Structure (Boat Dock) Appeals		
Requested Action or Motion: Provide direction to staff on future waterfront structure (boat dock) appeals.		
Summary Explanation & Background: Over the past several years, the City staff has denied several Waterfront Structure permits, which have resulted in applicant appeals to City Council. Land Development Code (LDC) Section 2.5.3(d)(3)(K) - Post-Decision Limitations and Actions, states: Any person, including the applicant, may file a written objection with the city manager, within fifteen (15) calendar days of the date on which the city mailed the notices. If no such notice of appeal is received within the fifteen-day period, then the ruling of reviewing staff shall be final. If an appeal is filed, such appeal shall be heard by the city council at their next available regular meeting. On September 12, 2022, Council adopted Ordinance 1407, which refined the language of the 2022 Land Development Code update by removing waterfront structure permits from Section 2.4.11 - Post-Decision Limitations and Actions, adding to Section 2.5.3(d)(3) - Waterfront Structure Permit Procedure, subsection (K)(1), and removing Waterfront structure permits from Section 2.5.4(d)(2) -Types of Appeal. These amendments re-established the 15-day appeal process specific to waterfront structures from the previous LDC, and removed the codified review standards from waterfront structure appeals to city council. This was part of a glitch ordinance that corrected some minor errors in the code and, in this case, returned the waterfront structure permit process the the state in which it had been in place for the last 20 years. Appeals of other staff decisions to Council utilize specific review standard codified in Section 2.5.4(d)(4), which states that Council's decision must be based on the finding that there is evidence in the record that a clear and demonstrable error was made in the decision of staff. Ordinance 1407 reinstated the pre-2022 LDC language giving Council full discretion with language stating: ... At an advertised public hearing, the city council may affirm, reverse or modify the decision of the reviewing staff. A copy of the decision of the city council will be sent via certified mail to the applicant and those who filed written objections to the permit. During a previous appeal, city council discussed criteria in the code regarding grounds for an appeal. This includes a substantial change in the application relevant to the facts of the permit; new or additional information was provided that was not previously available; a new application was submitted; or the final decision was based upon a material mistake of fact. This was amended by ordinance 1407, which removed the standard exceptions for waterfront structure permits and returned it to the criteria used for the last 20 years. That criterion is that city council has the sole discretion in granting appeals to waterfront structure permit appeals. Since this ordinance had not been codified, it		

does not show up on the Municode website unless you look in the ordinance section where uncoded ordinances reside.

During a recent waterfront structure appeal, Council discussed the option of having standards for Council to take into consideration for appeals, and directed staff to present options for modifications to standards for future appeals of Waterfront Structures.

Options for Council consideration:

1. Continue with current practice. This option would allow Council to keep full discretion on appeals without specific standards.
2. Direct staff to develop specific standards. This option would have staff come back with specific standards (similar to a variance - variance criteria attached) for Council to follow when making decisions on appeals on waterfront structure permits. This could potentially eliminate inconsistent decisions; however, given lot formation irregularities and other potential barriers or obstacles, the establishment of specific standards would constrain Council's ability to thoroughly examine applicant properties on a case-by-case basis and potentially eliminate opportunities for compromise.

Staff is seeking Council direction for the preparation of an Ordinance amending the Land Development Code, if necessary, regarding standards to consider for future waterfront structure appeals. Should Council choose option 2, then staff will take the directions received and bring back an ordinance for Council to consider.

Fiscal Impact:

N/A

Exhibits:

1. Variance Criteria

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney

MEETING DATE		AGENDA
January 22, 2024		Section: Discussion
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.
Subject: Filing Form 6 Discussion		
Requested Action or Motion:		
Summary Explanation & Background: At the January 8th City Council meeting, the Council discussed the newly adopted legislation requiring local elected officials to file Form 6 with the Florida Ethics Commission. Concerns were raised regarding additional cost to the individual City Council members to prepare the form; whether this was an allowable expense based upon the current charter provisions; the type of information required to be provided; disclosure requirements; the possibility of the city soliciting a qualified individual to assist in preparation of the form; and purchasing procedures if this option were chosen. The council requested that the city attorney look into the charter provisions to determine whether the cost associated with the compilation and reporting of this information was an allowable expense. Section 2.02 of the Charter states: <u>Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.</u> Based upon the attached opinion, the city attorney has concluded that any expenses associated with the preparation of Form 6 are reimbursable under this provision of the charter. With this understanding, if council members were to incur any expenses in the preparation of Form 6, the cost could be reimbursable. This is similar to reimbursement for travel expenses associated with performance of city council duties, such as attending conferences or training sessions related to work on city council. If the city council were to allow the expenditure based upon the charter provision, the simplest manner in which to address the issue would be through a reimbursement under the city's purchasing policy. Under this scenario, city council members could contract directly with an attorney or CPA to assist in the preparation of the document. The city would be presented with the paid invoice for the services, clearly indicating that the invoice is for the preparation of Form 6. The city would then process the reimbursement to the individual council member. The city council also discussed having staff vet financial professionals who could assist individual council members in the preparation of the form. Regarding the solicitation, I have contacted the city's lobbyist to ascertain whether they could provide guidance by providing contacts for individuals with experience in the preparation of Form 6. We did not receive a reply at the time of agenda publication. Under either circumstance, since each councilperson would contract directly with a preparer of their choice, the city attorney is of the opinion that the only public record would be Form 6 itself, not the back-up information provided to prepare the form. If the city council concurs that this is an allowable expense, a policy should be developed and adopted to provide guidance to future city councils and staff for reimbursement process and budgeting purposes. As part of this policy, the council may want to consider a monetary expenditure cap.		

The city attorney's opinion and a sample Form 6 and instructions are attached.

Fiscal Impact:

TBD

Exhibits:

1. Form 6 - City Attorney Opinion
2. SampleForm62023
3. Form 6 Instructions

Commission/Board: City Council

Contact Person:

Reviewed by City Attorney
Cliff Shepard