



**City Council
February 26, 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. Council Meeting Recess - Convene CRA Meeting
- V. Old Business
- VI. Consent Agenda
 - 1. City Council Meeting Minutes of February 12, 2024.
 - 2. Resolution 3-2024 Classifying City Owned Property Land Designation
 - 3. Fiscal Year 2023 Annual Comprehensive Financial Report (ACFR) and Auditor Communications
 - 4. Agreement Regarding Replacement and Maintenance of Lift Station & Ancillary Equipment: 300 Westwind Court
 - 5. Generator Installation Lift Station 17C: Tradewinds Power Corp.
- VII. Public Period
- VIII. Decisions
 - 1. Waterfront Structure Appeal: 201 Shell Point West
- IX. Discussion
 - 1. Waterfront Structure: 70 Minnehaha Circle
- 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.

MEETING DATE		AGENDA
February 26, 2024		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: City Council Meeting Minutes of February 12, 2024.		
Requested Action or Motion: Move to approve the City Council meeting minutes of February 12, 2024, as presented.		
Summary Explanation & Background: City Council meeting minutes from February 12, 2024.		
Fiscal Impact: N/A		
Exhibits: 1. Draft CC Minutes 2122024		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
February 26, 2024		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 2.
Subject: Resolution 3-2024 Classifying City Owned Property Land Designation		
Requested Action or Motion: Move to approve Resolution 3-2024 Classifying city-owned property on Lake Minnehaha as Government Facility/Other.		
Summary Explanation & Background: At the February 12th City Council meeting, staff presented an issue regarding ownership of a property on the southern shore of Lake Minnehaha. On July 4, 2023, the City received an application to remove an existing dock and construct a new dock at 70 Minnehaha Circle. The subject property is owned by the Minnehaha Shores Homeowners' Association (HOA) per the Orange County Property Appraiser website. The permit review brought to light two items. The first was that the HOA no longer existed. Since the applicant could not get approval from the owner (a defunct HOA), the permit application could not be processed. The second issue was that the dock is attached to and constructed on city-owned property. Even with the residents of the development initiating the process to re-instate the HOA, the issue of the dock being attached to city-owned property remained. During the review of the Minnehaha HOA waterfront structure permit application, staff noted that the adjacent properties to the east and west of 70 Minnehaha Circle have waterfront structures that appear to cross property lines onto City of Maitland property. These property owners have made improvements to and are maintaining property that the property appraiser is showing as city-owned. These two properties will be in the same situation in the future when those boat docks need to be repaired/replaced. To date, the HOA has been reinstated, and adjacent property owners have been contacted regarding the status of the property. The request has been made for the City to relinquish ownership of the property and transfer it to the adjacent property owners via quit claim deed. During discussion of this issue, it was determined that the Council was willing to discuss the option of relinquishing ownership of the property in question. Based upon Section 7.05 of the City Charter and Resolution 24-90, every city-owned property must be designated based upon its existing or proposed use. These categories include park/recreation, cultural/historical, environmental, botanical, and government facility/other. The property in question is currently undesignated. Based upon this, the first step, regardless of its final disposition, is to designate the use of the property. This resolution designates this parcel as <i>government facility/other</i>. Under the Heritage Lands provision of the City Charter, if another designation is chosen, the property can only be transferred by referendum of the voters of Maitland. This restriction does not apply to the government facility/other designation. One question that arose during discussion of this item was whether the City accepted the property from		

the Estate of Ms. Betty Buckley. On August 13, 2000, the City Council voted to accept the property (see attached staff report and minutes). Based upon this, staff recommends designating the property in question government facility/ other.

Fiscal Impact:

TBD

Exhibits:

1. Resolution 3-2024 to Re-Classify Lake Minnehaha Buckley Property
2. 70 minnehaha cir - property owners (2)
3. 50-90 Minnehaha property graphic (3)
4. 8-13-2000 Staff report
5. Minutes Aug 13 2001

Commission/Board: City Council

Contact Person: Mark Reggentin 407-539-6220

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
February 26, 2024		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 3.
Subject: Fiscal Year 2023 Annual Comprehensive Financial Report (ACFR) and Auditor Communications		
Requested Action or Motion: Move to receive the FY 2023 Annual Comprehensive Financial Report (ACFR) and Auditor's Communication Letter.		
Summary Explanation & Background: The City Council engaged the independent certified public accounting firm of Carr, Riggs & Ingram (CRI), to perform the annual audit of the City of Maitland and its component unit (the CRA). CRI issued an unmodified opinion, which can be found on pages 16 - 19 of the Annual Comprehensive Financial Report (ACFR). The results of the audit performed are formally published in the ACFR (formerly referred to as the Comprehensive Annual Financial Report). The ACFR has been submitted to the Government Finance Officers' Association (GFOA) for an annual national achievement award. In order to qualify for this award, the City must publish an easily readable and effectively organized ACFR; the contents of the ACFR must conform to the rigorous standards established by the award program; and the report must satisfy both Generally Accepted Accounting Principles (GAAP) and applicable legal requirements. The City has received this national achievement award for 35 consecutive years, and staff believes that the report submitted to the City Council will continue to conform to the standards established by this award program. The ACFR is divided into four sections: introductory, financial, statistical, and compliance. The introductory section contains the table of contents, principal city officials, organizational chart and transmittal memorandum. The report from the independent auditors starts with the Financial Section. Immediately following is Management's Discussion and Analysis (MD&A), which serves as an executive summary. GAAP requires that management provide this narrative introduction, overview and analysis to accompany the basic financial statements. The government-wide statements present the overall financial picture of the City in accordance to the Governmental Accounting Standards Board (GASB) pronouncements. This is designed to provide readers with a broad overview of the City's finances similar to a private-sector business. These statements show the September 30, 2023 fiscal year balances and overall results of operations for the period then ended, for all City funds and the CRA. The statements are as follows: The Statement of Net Position presents information on all City assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. The Statement of Activities presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal		

periods (e.g., earned but unused vacation and sick leave). Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities). The governmental activities of the City include general government, public safety, physical environment, transportation, culture and recreation, and interest in long-term debt. The business-type activities of the City include operations of the water, wastewater and solid waste utilities. Both the City's governmental and business-type activities reported positive changes; \$6.9 million increased net position in governmental activities and \$2.4 million in the business-type activities.

Following the government-wide statements in the ACFR, the Balance Sheet and the Statement of Revenues, Expenditures and Changes in Fund Balances are presented for all major and non-major governmental funds. A major fund is one of material significance and is determined through prescribed calculations. The General Fund is always considered a major fund by definition. The CRA met the requirements to be presented as a major fund. Non-major funds are combined for presentation in aggregate. Reconciliations between these governmental statements and the government-wide statements are also presented. Budget to Actual comparison schedules for the General Fund, CRA and Environmental Stormwater Fund are also included as supplementary information. Proprietary fund statements follow the governmental funds. Included here are the Statement of Net Position, the Statement of Revenues, Expenses and Changes in Fund Net Position, and the Statement of Cash Flows. Following these statements are the Statement of Fiduciary Net Assets and Statement of Changes in Fiduciary Net Assets for the Police Officers' and Firefighters' Pension Fund.

All of these statements are followed by the Notes to the Basic Financial Statements. The final part of the Financial Section provides statements for each individual non-major governmental fund. The governmental funds are presented in their various categories: special revenue funds, debt service fund, and capital project fund. The Statistical Section of the ACFR is not audited. All tables and schedules present numerous facts about the City for the last 10 years. The statistical facts include population figures, principal taxpayers, and assessed valuations of taxable property.

The final section of the ACFR contains compliance related audit reports and the management letter. For the current year, the City received one comment related to internal controls and has provided a response to address the finding made by the external auditors. There is a repeated comment from prior years, and the City has provided responses to the auditor's recommendations.

In addition to the ACFR, the Independent Auditors have provided standard required communications with governance, which covers 10 key areas of communication, all with no issues, 1) Auditors Responsibility, 2) Planned Scope and Timing of Audit, 3) Compliance with Ethics Requirements Regarding Independence, 4) Qualitative Aspects of the Entity's Significant Accounting Practices, 5) Significant Difficulties Encountered During the Audit, 6) Uncorrected and Corrected Misstatements, 7) Disagreements with Management, 8) Representations Requested from Management, 9) Management Consultations with Other Accountants, 10) Other Significant Matters, Findings, or Issues.

Attached to this agenda report is an electronic copy of the ACFR and the Governance Required Communications Letter. Once the ACFR has been received by the State of Florida Auditor General, the City will provide a link on its website to the electronic version of the ACFR. A copy of the ACFR is also kept in the lobby of City Hall.

Fiscal Impact:

N/A

Exhibits:

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| 1. ACFR 2023 |
| 2. FS 2023 Required Communication Letter - City of Maitland, Florid |
| Commission/Board: City Council |
| Contact Person: Jerry Gray 407-539-6201 |
| Reviewed by City Attorney
N/A |

MEETING DATE		AGENDA
February 26, 2024		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 4.
Subject: Agreement Regarding Replacement and Maintenance of Lift Station & Ancillary Equipment: 300 Westwind Court		
Requested Action or Motion: Move to approve and authorize the City Manager to execute the sewer agreement with the property owners of 300 Westwind Court for the amount of \$2,549.00.		
Summary Explanation & Background: In 1992, the City permitted the construction of a low-pressure sanitary sewer system in the Northwind Road, Westwind Court and Cypress Lane area. The system was designed for each home to have an individual lift station that pumped into a force main that flowed to a larger lift station. Most of the electrical panels, conduits, and lift station basins were constructed on the lots that the lift stations served. The original project had nineteen individual lift stations, which the City intended to own and maintain by securing an easement at the end of construction. Recently, a new home was constructed to replace the previous residence at 300 Westwind Court. The lift station was not operational during the house construction and is currently in need of a new pump. Although the City has been providing maintenance for the individual lift stations in this neighborhood, in reviewing the sanitary sewer connection for the new home, staff discovered that the original property owner never granted the City the easement requested for maintenance of the pump station and related infrastructure. Since the pump station only serves one residence and the City's current requirement is for any new residence to own and operate individual pump stations, staff recommends an official transfer of the pump station and related infrastructure to the property owner. As outlined in the proposed agreement, the current property owners are willing to assume installation of a new pump and all future maintenance responsibility for the lift station and its related infrastructure in exchange for a replacement pump valued at \$2,549. The City Attorney's Office has prepared an agreement for the City to release all interest and claim to the following equipment ancillary to the lift station that exists/existed at 300 Westwind Court: fiberglass pump basin; lift station pump; piping; underground electrical cabling; and control panel for the pump. The property owners have signed the agreement. Staff recommends City Council approve the execution of the "Agreement Regarding Replacement and Maintenance of Lift Station and Ancillary Equipment" with the owners of 300 Westwind Court.		
Fiscal Impact: \$2,549.00 for new pump in lieu of all future on-site replacement and maintenance costs.		
Exhibits: 1. Maitland Lift Station Agreement - Roy - 2023-02		

Commission/Board: City Council
Contact Person: Kimberley Tracy 407-539-6216
Reviewed by City Attorney Drew Smith

MEETING DATE		AGENDA
February 26, 2024		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 5.
Subject: Generator Installation Lift Station 17C: Tradewinds Power Corp.		
Requested Action or Motion: Move to authorize the installation of a permanent generator and appurtenances for Lift Station 17C in the amount of \$25,760.00 from Tradewinds Power Corp. utilizing the Florida Sheriff's Association Cooperative Purchasing Agreement No. FSA23-EQU21.0		
Summary Explanation & Background: Located off Charming Street within the Montacino development, Lift Station 17C has a permanent generator that is approximately 20 years old and is in need of replacement. On January 8, 2024, City Council authorized the purchase of a 56KW permanent generator and appurtenances utilizing the Florida Sheriff's Association Cooperative Purchasing Agreement No. FSA23-EQU21.0. The generator has been delivered and is available to be installed. Tradewinds Power Corp. has provided a quote to install the generator and appurtenances utilizing Specification No. 496 from the same FSA contract in the amount of \$25,760.00. The combined cost for the generator and installation exceeds the City Manager's spending authority and therefore requires the City Council's approval. Funds are available within the Wastewater Capital Budget line item 41351535-566400. Staff recommends City Council authorize the installation of the permanent generator and appurtenances at Lift Station 17C in the amount of \$25,760.00 by Tradewinds Power Corp. utilizing the Florida Sheriff's Association Cooperative Purchasing Agreement No. FSA23-EQU21.0.		
Fiscal Impact: Funds are available: 41351535-566400.		
Exhibits: 1. Quotation # AV26304Q-rev Gen & ATS Installation		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
February 26, 2024		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 1.
Subject: Waterfront Structure Appeal: 201 Shell Point West		
Requested Action or Motion: Move to affirm, reverse, or modify the decision of the reviewing staff. Staff has found that the seawall permit meets all code requirements and recommends that the decision to issue the permit is affirmed.		
Summary Explanation & Background: On August 24, 2023, Jonathan Geiger, contractor with Docks and Dwellings, submitted a Waterfront Structure Permit application (WSP-08-23-48045) on behalf of 201 Shell Point West property owners Dr. and Mrs. Collette for the construction of a new residential seawall. Staff determined the permit application met the review criteria of the Land Development Code (LDC) and approved and issued the permit on December 13, 2023. When reviewing the waterfront structure permit (in this case a seawall), staff applied the criteria contained in section 2.5.3(d) of the Land Development Code (attached for reference). Staff found that the application met all criteria contained in the code. On January 10, 2024, letters were sent to adjacent residents, in accordance with Section 2.5.3, LDC, informing residents that an application to install a seawall at 201 Shell Point West was submitted and approved. The letter informed residents that any party aggrieved or adversely affected by a final staff decision may appeal the decision in accordance with the procedures and standards described in LDC, Section 2.5.3(d)(3)(K). Subsequently, staff received a letter from Michael Kerns, P.E., engineer of record for the seawall design. The letter indicates that the rip rap section of the approved permit did not depict the end treatment of the rip rap away from the wall face as it should be tapered at the end to match the natural lake bottom, not excavated and built into the lake bottom. The letter also indicated that a revision would be submitted to staff for ultimate clarity of the intent of the rip rap section detail. On January 25th, staff received an appeal from Mr. Mark Cwikla, property owner of 211 Shell Point West, regarding the approved permit. In his email, Mr. Cwikla expressed concerns about the seawall, specifically the rip rap that extend beyond the seawall. Mr. Cwikla claims this is causing weeds and lake debris to collect under his boathouse. On January 31, 2024 (as indicated in the letter by the engineer of record), a revision to the seawall was submitted to clarify that the rip rap installed along the wall face is to match the natural lake bottom instead of cutting into the lake bottom as originally depicted. Staff reviewed the revision and determined the permit revision met the review criteria of the Code and the revised placement of rip rap is the preferred method by city staff as it refrains from disturbing the natural lake bottom. This change also did not affect the approved permit issued by the Florida Department of Environmental Protection (FDEP). For these reasons, staff approved the revision on January 31, 2024.		

On February 1, 2024, letters were sent to adjacent residents, in accordance with Section 2.5.3, LDC, informing them that a revision to the approved Waterfront Structure permit at 201 Shell Point West was submitted and approved. The letter also informed residents that any party aggrieved or adversely affected by a final staff decision may appeal the decision in accordance with the procedures and standards described in LDC, Section 2.5.3(d)(3)(K).

On February 8, 2024, Mr. Cwikla filed an appeal to the revision restating his concern about the rocks causing the weeds and lake debris to collect under his boathouse. Per Section 2.5.3(d)(3)(K) of the Land Development Code, 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 review staff shall be final. If an appeal is filed, such appeal shall be heard by the city council at their next available regular meeting. At an advertised public hearing, the city council may affirm, reverse, or modify the decision of the review staff.

City staff have reviewed and confirmed that the seawall has been constructed as designed in the approved permit issued by the City and in compliance with the approved permit by FDEP and all city code requirements.

Council Options

Council may move to affirm, reverse, or modify the decision of the review staff. However, based upon staff's review, and Mr. Cwikla's appeal, staff issued the seawall permit in conformance with all applicable code requirements and the structure was constructed in conformance with those requirements.

Fiscal Impact:

N/A

Exhibits:

1. Waterfront Structure Criteria
2. Waterfront Structure permit - 201 Shell Point West - original approval
3. 201 Shell Point W Final Notification Letter 1.10.14
4. Letter from EOR dated 1-15-24
5. Cwikla appeal
6. Approved Revision 1.31.24
7. 201 Shell Point W Final Notification Letter Revision
8. Appeal Request Cwikla 2.8.24
9. FDEP Permit 201 Shell Pt W

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney

N/A

MEETING DATE		AGENDA
February 26, 2024		Section: Discussion
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Waterfront Structure: 70 Minnehaha Circle		
Requested Action or Motion: Staff requests direction regarding transfer of ownership of property on the south side of Lake Minnehaha.		
Summary Explanation & Background: The Minnehaha Shores neighborhood was platted in 1955 and the Minnehaha Shores Association was incorporated in July 1958 under Florida Statutes, Chapter 617. In 1992, the registration process changed and entities that did not file with the State were effectively dissolved, as was the case with the Minnehaha Shores HOA. On July 4, 2023, the City received an application to remove the existing dock and construct a new dock on the subject property located at 70 Minnehaha Circle, which is owned by the Minnehaha Shores Homeowners' Association (HOA) per the Orange County Property Appraiser website. The boat dock in question was originally constructed in 1959 and replaced in 1990, with the boat ramp being replaced in 2001. Two problems were noted during the permit review following the receipt of the July 4, 2023, application. The first was that the HOA no longer existed. Since the applicant could not get approval from the owner (a defunct HOA), the permit application would not be reviewed. To resolve this, the homeowners re-incorporated the Minnehaha Shores HOA on January 31, 2024. The second issue was that the dock and a portion of the ramp extends into Lake Minnehaha on property owned by the City of Maitland (see attachments). Following the review of the Minnehaha HOA waterfront structure permit application, staff noted that the adjacent properties to the east and west of 70 Minnehaha Circle have waterfront structures that appear to cross over property lines onto City of Maitland property. These property owners have made improvements to and are maintaining property that the property appraiser is showing as city-owned. These two properties will be in the same situation in the future when those boat docks need to be repaired/replaced. For that reason, staff recommends council consider these two properties concurrent with the HOA property. The adjacent property to the east of the HOA property (50 Minnehaha Circle) is owned by Phillip and Lovelle Augustine and the adjacent property to the west of the HOA property (90 Minnehaha Circle) is owned by Andrew and Carolina Bagg. Both adjacent property owners have been notified via email and telephone calls. Staff spoke with both property owners (east and west of the HOA property) and both concurred that they would like Council to take their property into consideration when discussing the resolution for the HOA.		
Discussion At the February 12, 2024, City Council meeting, the Council discussed issues surrounding the city-owned property. The general consensus was that Council was willing to transfer ownership of the		

property. The questions that remained outstanding were:

1. Would the city charge for the property?
2. Would the city require shoreline plantings to meet minimum code requirements?

If the City were to charge for the property, the challenge would be to determine a value of the land. Typically, this would be done through an appraisal process. This would take time and funding for the appraiser. Once a value is determined, the City would need to apportion that to the three parties involved in the transaction. The owners have indicated that they have no desire to purchase the property. If circumstances do not change, the City has liability if an incident were to occur on the property.

The City has standards for shoreline plantings that are applied as waterfront structure or vegetation removal permits are issued. If the property transfer were to occur, these standards would be applied to the HOA as part of the issuance of the dock permit. The planting standards have not been applied to properties that have not requested a permit, which would include this city-owned property. If this condition were applied to the two remaining properties, staff must assess the property to determine whether deficiencies exist, develop a planting plan, provide it to the homeowner, inspect after the planting is complete, and reinspect a year later to ensure that the plants have survived.

Staff is requesting direction regarding disposition of the property. If Council determines that the ownership should be transferred to the adjacent owners, staff will work with the representatives of the properties to prepare sketch and descriptions of the properties and quit claim deeds. Staff will then prepare ordinances as required by Charter to transfer the properties and schedule the required public hearings.

Fiscal Impact:

N/A

Exhibits:

1. 70 minnehaha cir - property owners (2)
2. 50-90 Minnehaha property graphic (3)

Commission/Board: City Council

Contact Person: Mark Reggentin 407-539-6220

Reviewed by City Attorney

N/A