City Council
February 22, 2021
Council Chambers
6:30 PM

WELCOME to our City Council meeting. In the interest of time efficiency, the following will prevail for comments by the public. Each speaker will be permitted up to 3 minutes to state his/her case. Group presentations will be permitted 3 speakers including the spokesperson - each being limited to up to 3 minutes. 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. Invocation

III. Pledge of Allegiance

IV. Presentations

1. Volunteer of the Year - Keith Holloway
2. Volunteer of the Year - Bryan Stewart

V. Public Hearing - None

VI. Adjourn Council Meeting Convene CRA Meeting

VII. Old Business

VIII. Consent Agenda

1. Approve Minutes of City Council Meeting Minutes of February 8, 2021
2. 2020 CAFR and Auditor Communications
3. Easement - St. Anthony's Coptic Church (Sidewalk & Utilities)
4. Sunset Fiscal Advisory Board

IX. Public Period

X. Decisions

1. Appointments - Board of Adjustments & Appeals
2. Proposed Second Amendment to Uptown Maitland Lot 2 Declaration of Restrictions and Agreement
3. Resolution - Creation of Sustainability Advisory Board
4. Resolution - Maitland Area Transportation Study/Downtown Maitland Master Plan
5. City Clerk Evaluation & Compensation
6. City Manager Evaluation & Compensation

XI. Discussion

XII. City Manager's Report/City Attorney/Council Reports

XIII. 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.

Disclaimer: Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Presentations
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Volunteer of the Year - Keith Holloway

Requested Action or Motion:

Summary Explanation & Background:

Fiscal Impact:

Exhibits:
None

Commission/Board: City Council

Contact Person: Maria Waldrop, City Clerk 407-539-6219

Reviewed by City Attorney

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Presentations
Department/Office : Administration	AGENDA REPORT	Item #: 2.

Subject: Volunteer of the Year - Bryan Stewart
Requested Action or Motion:
Summary Explanation & Background:
Fiscal Impact:
Exhibits: None
Commission/Board: City Council
Contact Person: Maria Waldrop, City Clerk 407-539-6219
Reviewed by City Attorney

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject: Approve Minutes of City Council Meeting Minutes of February 8, 2021
Requested Action or Motion:
Summary Explanation & Background:
Fiscal Impact:
Exhibits: 1. CC Meeting 020821
Commission/Board: City Council
Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307
Reviewed by City Attorney

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 2.

Subject:
2020 CAFR and Auditor Communications

Requested Action or Motion:
Move to receive the 2020 Comprehensive Annual Financial Report and Auditors 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), who issued an unmodified opinion (their report is contained on pages 1 - 3 of the Comprehensive Annual Financial Report). The results of the audit performed are formally published in the Comprehensive Annual Financial Report ("CAFR"). The CAFR 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 CAFR. Furthermore, the contents of the CAFR have to conform to the rigorous standards established by the award program. This report must satisfy both Generally Accepted Accounting Principles (GAAP) and applicable legal requirements. The City has received this national achievement award for 33 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 CAFR 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 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, 2020 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 of the City's 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 on 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, $3 million increase fund balance in the general fund and $2.4 million in the enterprise funds.

Following the government-wide statements in the CAFR, 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 together 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 CAFR is not audited. All of the 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 CAFR contains compliance related audit reports and management letter. For the current year, the City received three comments related to internal control, and has provided a response to address each recommendation made by the external auditors. There was one comment in the management letter, and the City has provided a response to the auditor's recommendation.

In addition to the CAFR, 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 CAFR and the Governance Required Communications Letter. Once the CAFR 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 CAFR. A copy of the CAFR is also kept in the lobby of City Hall.

Fiscal Impact: N/A
Exhibits: 1. FS 2020 Required Communications Letter - City of Maitland 2. Maitland 20 CAFR
Commission/Board: City Council
Contact Person: Jerry Gray, Finance Director 407-539-6201
Reviewed by City Attorney N/A

MEETING DATE	MAITLAND FLORIDA	AGENDA
February 22, 2021		Section: Consent Agenda
Department/Office : Community Development	AGENDA REPORT	Item #: 3.

Subject:
Easement - St. Anthony's Coptic Church (Sidewalk & Utilities)

Requested Action or Motion:
Move to approve and authorize the Mayor to execute an easement for the maintenance, repair, replacement and perpetual access to the sidewalk located at 1185 N. Wymore Road.

Summary Explanation & Background:
In June of 2017, Ordinance 1321 was adopted which rezoned property owned by St. Anthony Coptic Orthodox Church, Inc., (Coptic Church) to PD, Planned Development. This project included the expansion of the church campus, including a sanctuary, chapel, multi-purpose hall, and administration offices. The expansion of the campus included the construction of a sidewalk and utilities along Wymore Road. Portions of the public sidewalk occur on the Coptic Church property and not within the right-of-way therefore, requiring a sidewalk easement to allow access to the public.

The proposed sidewalk easement obligates the Coptic Church to maintain, repair and replace the sidewalk along 1185 N. Wymore Road. It establishes for the benefit, use, and enjoyment of the City, and its successors and assigns, a perpetual, non-exclusive easement for bicycle and pedestrian ingress and egress over and across the sidewalk easement. In addition, the City may traverse the sidewalk area for the purposes of access to and maintenance of the utility improvements within the sidewalk area, including but not limited to the sewer valve, water meter and backflow.

Staff and the City Attorney have reviewed the proposed sidewalk easement and recommend Council approve and authorize the Mayor to execute said easement.

Fiscal Impact:
N/A

Exhibits:
1. Easement - St. Anthony Church (Sidewalk & Utilities) FINAL
2. Sketch
3. Legal Description

Commission/Board: City Council

Contact Person: Harris Berns-Cadle , Planner III 407-875-2898

Reviewed by City Attorney
YES

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 4.

Subject:
Sunset Fiscal Advisory Board

Requested Action or Motion:
Move to terminate the Fiscal Advisory Board ("FAB") as outlined in the FAB's Constitution, *Article VI Termination, A. Formal Termination*.

Summary Explanation & Background:
The Finance Committee was created by the City Council in July 2001. The Mayor served as chairperson of the Committee until it was amended to serve as the Fiscal Advisory Board in April 2002. The FAB assisted in the drafting and recommendation of a number of key city policies, including a comprehensive purchasing policy, investment policy, debt management policy, general financial policies, and a travel policy. These policies have been adopted by the Council and are administered by staff.

The FAB also served as the audit committee for the procurement of auditing services in 2008 and in 2017. Florida Statutes now require that an audit committee (to select new auditors) must include an elected official who will serve as chair and must have at least three total members. As such, the FAB would not be able to serve as the City's audit committee going forward. In the future, an ad hoc audit committee would need to be created when procurement of audit services is required.

The FAB currently only has one member and has not met, due to lack of quorum, since August 2018. Staff recommends that the Fiscal Advisory Board be terminated as outlined in the FAB's constitution, Article VI (A) "The City Council may, by majority vote, cause the Board to cease operations at any time as it may deem appropriate."

Fiscal Impact:
None.

Exhibits:
None

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Appointments - Board of Adjustments & Appeals

Requested Action or Motion:
Council Decision.

Summary Explanation & Background:
There are currently five (5) vacancies (including the Alternate member) on the Board of Adjustments and Appeals (BAA). The terms of Rusty Graf, Steve Schoene, Matthew Sloan and Robert Smith expired on February 2, 2020. Ryan Scordato (Alternate member) term expired on March 12, 2020.
Mr. Graf, Mr. Schoene, Mr. Sloan, Mr. Smith and, Mr. Scordato were all eligible for reappointment. Mr. Sloan and Mr. Smith wish to be considered for reappointment. (The BAA last met in 2009).

The following applicants reflect the Board of Adjustments and Appeals as their:

First (1st) Choice
Robert Smith

Second (2nd) Choice
Manuel Nunez
Matthew Sloan
Larry Schnaper

Copies of their respective appointment information forms are attached for your review and information.

The City Council is requested to make four (4) appointments effective February 3, 2020 each for a three-year term; and, one (1) appointment (Alternate member) effective March 13, 2020 for a three-year term.

Fiscal Impact:
N/A

Exhibits:
1. Smith - BAA
2. Nunez - BAA
3. Sloan - BAA
4. Schnaper - BAA

Commission/Board: City Council

Contact Person: Maria Waldrop, City Clerk 407-539-6219

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 2.

Subject:
Proposed Second Amendment to Uptown Maitland Lot 2 Declaration of Restrictions and Agreement

Requested Action or Motion:
Move to approve of the amendment to the Declaration of Restrictions and Agreement for Uptown Maitland Lot 2

Summary Explanation & Background:
In accordance with the "Uptown Maitland East Developer's Agreement" (Agreement), recorded September 2003, the City approved the development of 93 multi-family residential units and nearly 7,000 square feet (sq. ft.) of retail/office space on Lot 1 of Uptown Maitland. The Agreement was set to expire in 2013, without the construction of a project on Lot 2, an integral part of the agreement. Prior to the expiration, the property owner entered into a **Declaration of Restrictions and Agreemen**t applicable to Lot 2, which held in place many of the requirements of the Agreement. The Declaration of Restrictions and Agreement, recorded December 2012, established the following restrictions on Uptown Maitland East Lot 2:

- A maximum of three (3) multi-family dwelling units;
- A minimum of 11,018 sq. ft. of office/retail space and a maximum of 58,018 sq. ft. of office/retail space;
- The developer is responsible for the installation and maintenance of the streetscape;
- Buildings are to have a height of 3-5 stories, with a maximum height of 55 ft., plus 25 additional feet for architectural treatments.
- No ground floor setbacks are required;
- Parking is 2 spaces per residential unit and 3 per 1,000 sq. ft. for retail/office use; and
- Architectural form and elevations are set in an Exhibit E (showing an elevation consistent with the adopted Downtown Master Plan);

The Declaration of Restrictions and Agreement document was amended in February 2015, as the owner of Lot 1 added 1,286 sq. ft of retail/ office space to Lot 1, which reduced the obligation to construct a minimum amount of retail/office square footage on Lot 2. This First Amendment adjusted the minimum and maximum sq. footage of retail/office on Lot 2, to a minimum of 9,732 sq. ft. of office/retail space and a maximum of 56,732 sq. feet of office/retail space.

In September of 2018, Mickey Grindstaff, attorney with Shutts & Bowen, representing KW Partners, LLC, requested approval of a second amendment to the Declaration of Restrictions and Agreement between the City and Uptown Maitland, LLC to allow for a day care center and delete the required 3-5 story building height. Under the DMZD, day care centers were only permissible through the Conditional Use process, which required a fully engineered site plan to accompany the Conditional Use request. After conducting a public hearing, Council unanimously tabled the request for no more than one (1) year and requested that the applicant bring its proposal through the Permitted Conditional Use (PCU) process and ask for P&Z and DRC opinion on whether it should be granted; and how if at all, the Declaration should be amended by the Council to accommodate. The applicant elected to not move forward with the Conditional Use process and thus never brought the Declaration amendment request back to Council.

Last month, a prospective purchaser of Lot 2 approached Staff proposing a Second Amendment to the Declaration of Restrictions and Agreement for Lot 2, that would supersede the First Amendment and amend the agreement in the following ways:

- Allow a fitness center, gym (medical as ancillary use, i.e. physical therapy) and restaurant dine-in or take out (instead of only office/retail);
- Allow 1-5 stories to be constructed (instead of 3-5 stories);
- Allow for parking for personal services, gym, or restaurant uses at a maximum of 4.5 spaces per 1,000 G.S.F;
- Acknowledge that the streetscape is already installed; and
- Replace the existing architectural form and elevations in Exhibit E with the elevation provided in a Exhibit A attached to the proposed Second Amendment document.

Amending the Declaration of Restrictions and Agreement requires an affirmative vote of the City Council. Should Council approve the amendment, the applicant would proceed with site plan approval through the Development Review Committee for Planning and Zoning Commission action.

Based upon these factors, staff is not opposed to the proposed amendment.

Fiscal Impact:
N/A

Exhibits:
1. Proposed Amendment to Declaration (final council)
2. Uptown Maitland Declaration of Restrictions and Agreement

Commission/Board: City Council

Contact Person: Barrett Chaix, Senior Planner 407-539-6213

Reviewed by City Attorney
Yes

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 3.

Subject:
Resolution - Creation of Sustainability Advisory Board

Requested Action or Motion:
Move to adopt a resolution to create a Sustainability Advisory Board.

Summary Explanation & Background:
On September 23, 2019, City Council adopted Resolution No. 21-2019 to create an Ad Hoc Sustainability Committee to assist in the development and implementation of a city-wide sustainability action plan and make recommendations to the City Council that advance the intent of Resolution 14-2019, the Climate Change Resolution. The Ad Hoc Committee was created with a 24 month sunset provision (September of 2021). At the January 13, 2021 Ad Hoc Sustainability Committee meeting, the Committee members discussed the possibility of converting the ad hoc committee to a permanent advisory board, similar to the Lake's and Park's Advisory Boards. Because the Committee believes sustainability initiatives to be long term in nature and the implementation of the plan will take longer than 2 years. At their meeting on February 10, 2021, the Committee reviewed the attached Resolution and exhibits and is recommending that the Ad Hoc Sustainability Committee be sunset and a Sustainability Advisory Board be created in its place. As drafted, the resolution would appoint the committee members to be the initial advisory board. Staff is recommending tiered terms:

Courtney Christyl -	One Year Term	2/22/2021 - 2/21/2022
John Hazelroth -	Two Year Term	2/22/2021 - 2/21/2023
Lisa Roberts -	Two Year Term	2/22/2021 - 2/21/2023
Karen Simasek -	Three Year Term	2/22/2021 - 2/21/2024
Marc Walch -	Three Year Term	2/22/2021 - 2/21/2024

As stated in the Constitution attached to the resolution, the initial terms of one and two years will be counted as if the members were filling a vacancy, and as such the reduced initial terms will not count as a term (they do not exceed 2 years as per Charter provision 5.06).

Fiscal Impact:
None.

Exhibits:
1. Resolution Sustainability Advisory Board
2. Constitution Draft SAB 02102021 (3)
3. Sustainability Advisory Board By Laws Draft 021021 (1)

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221

Reviewed by City Attorney
N/A.

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 4.

Subject:
Resolution - Maitland Area Transportation Study/Downtown Maitland Master Plan

Requested Action or Motion:
Council Decision.

Summary Explanation & Background:
This item has been placed on the agenda at the request of Mayor McDonald.

Fiscal Impact:
TBD

Exhibits:
1. Maitland Area Transportation Study Downtown Master Plan

Commission/Board: City Council

Contact Person: Maria Waldrop, City Clerk 407-539-6219

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 5.

Subject:
City Clerk Evaluation & Compensation

Requested Action or Motion:
Based on the City Clerk's evaluation move to approve a _____% increase effective January 1, 2021.

Summary Explanation & Background:
On an annual basis, employees are evaluated by their supervisors, and merit increases are awarded at that time. The evaluation and compensation of the City Clerk rests with the Council. The City Clerk's evaluations date is January 1st.

In January, each member of Council was provided with an evaluation form for the City Clerk.

Fiscal Impact:
The FY21 Budget assumes the salary for this position would be increased by 2% on January 1, 2021.

Exhibits:
None

Commission/Board: City Council

Contact Person: Maria Waldrop, City Clerk 407-539-6219

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
February 22, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 6.

Subject:
City Manager Evaluation & Compensation

Requested Action or Motion:
Based on the City Manager's evaluation move to approve a 0% increase effective January 1, 2021.

Summary Explanation & Background:
On an annual basis, employees are evaluated by their supervisors, and merit increases are awarded at that time. The evaluation and compensation of the City Manager rests with the Council. The City Manager's evaluation date is January 1st.

In January, each member of Council was provided with an evaluation form for the City Manager.

Fiscal Impact:
None.

Exhibits:
None

Commission/Board: City Council

Contact Person: Maria Waldrop, City Clerk 407-539-6219

Reviewed by City Attorney
N/A