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

I. CALL TO ORDER

Vice Mayor Wilde called the meeting to order at 6:40 PM. Also present were City Manager Anselmo, City Attorney Shepard, and City Clerk Waldrop. Mayor McDonald arrived at 6:43 PM.

Present:	5 -	Vice-Mayor Michael Wilde, Councilmember Michael Thomas, Councilmember Vance Guthrie, Councilmember Lindsay Hall Harrison, Mayor Dale McDonald
Absent:	0 -	

II. INVOCATION

Vice Mayor Wilde requested a moment of silence.

III. PLEDGE OF ALLEGIANCE

Vice Mayor Wilde led the Pledge of Allegiance.

IV. PRESENTATIONS

1. VOLUNTEER OF THE YEAR - KEITH HOLLOWAY

Mayor McDonald presented the 2020 Volunteer of the Year Award on behalf of the Council and citizens of Maitland to Mr. Keith Holloway thanking him for his years of service and dedication as a volunteer for the City of Maitland.

2. VOLUNTEER OF THE YEAR - BRYAN STEWART

Mayor McDonald presented the 2020 Volunteer of the Year Award on behalf of the Council and citizens of Maitland to Mr. Bryan Stewart thanking him for his years of dedication and service as a volunteer for the City of Maitland.

V. PUBLIC HEARING - NONE

There were no Public Hearings scheduled.

VI. ADJOURN COUNCIL MEETING CONVENE CRA MEETING

Mayor McDonald recessed the Council meeting at 6:49 PM to convene the Community Redevelopment Agency meeting.

Mayor McDonald adjourned the CRA Meeting at 6:53 PM to re-convene the City Council meeting.

VII. OLD BUSINESS

There was no Old Business to report.

VIII. CONSENT AGENDA

Mayor McDonald requested public comment on Consent Items 2-4 on the Consent Agenda. There being no one who wished to be heard, Mayor McDonald closed the public comment period.

A motion was made to approve the Consent Agenda as presented.

RESULT:	**Approve**
MOVER:	**Councilmember Vance Guthrie**
SECONDER:	**Councilmember Lindsay Hall Harrison**
AYES:	**Dale McDonald, Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison**
NAYS:	**None**

1. **APPROVE MINUTES OF CITY COUNCIL MEETING MINUTES OF FEBRUARY 8, 2021**
   Approve the City Council meeting minutes of February 8, 2021.
2. **2020 CAFR AND AUDITOR COMMUNICATIONS**
   Receive the 2020 Comprehensive Annual Financial Report and Auditors Communication Letter.
3. **EASEMENT - ST. ANTHONY'S COPTIC CHURCH (SIDEWALK & UTILITIES)**
   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.
4. **SUNSET FISCAL ADVISORY BOARD**
   Terminate the Fiscal Advisory Board ("FAB") as outlined in the FAB's Constitution, *Article VI Termination, A. Formal Termination.*

IX. PUBLIC PERIOD

Mayor McDonald opened the Public Period. Mrs. Joanne Benti, 1771 Chinook Trail, expressed her gratitude to the Mayor and Council for the work on Independence Lane as well as Independence Square Park. She went on to thank the Fire-Rescue Department for a recent emergency she had which assisted her in getting medical attention and, also thanked Officer Blackwell from the Maitland Police Department for his assistance with an emergency at her home. There being no one else who wished to be heard, Mayor McDonald closed the Public Period.

X. DECISIONS

1. **APPOINTMENTS - BOARD OF ADJUSTMENTS & APPEALS**
   The City Clerk stated that 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's (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 City Council is requested to make four (4) appointments effective February 3, 2020, each for a three-year term.

Mayor McDonald requested nominations. Councilmember Guthrie nominated Robert Smith. The nomination received a second from Councilmember Thomas and a third from Councilmember Wilde. Councilmember Thomas nominated Matthew Sloan. The nomination received a second from Councilmember Guthrie and a third from Councilman Wilde. There being no further nominations, Mayor McDonald declared Robert Smith and Matthew Sloan reappointed to the Board of Adjustment and Appeals effective February 3, 2020, each for a three-year term.

After discussion, a motion was made to table the additional appointments to allow Council to review the current applicants.

RESULT:	**Table**
MOVER:	**Vice-Mayor Michael Wilde**
SECONDER:	**Councilmember Lindsay Hall Harrison**
AYES:	**Dale McDonald, Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison**
NAYS:	**None**

2. PROPOSED SECOND AMENDMENT TO UPTOWN MAITLAND LOT 2 DECLARATION OF RESTRICTIONS AND AGREEMENT

Mr. Dan Matthys, Community Development Director, stated that 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 Agreement 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 restrictions on Uptown Maitland East Lot 2. 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, to a minimum of 9,732 sq. ft. of office/retail space and a maximum of 56,732 sq. ft 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 daycare center and delete the required 3-5 story building height. Under the DMZD, daycare 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 not to 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. 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. Mr. Matthys stated that the applicant, Mr. Gary Jenson, and his son Mark were there to provide a brief overview of the lot and a video of the building and the vision of the site. The applicant also answered questions posed by the Council.

Mayor McDonald requested public comment. Mrs. Carolyn Shaffer, 341 W. Sybelia Avenue, asked for clarification on the gym and the location. There being no one else who wished to be heard, Mayor McDonald closed the public comment period.

After discussion, a motion was made to approve the amendment to the Declaration of Restrictions and Agreement for Uptown Maitland Lot 2 and to change the maximum retail space to 16000 square feet.

RESULT:	**Approve**
MOVER:	**Vice-Mayor Michael Wilde**
SECONDER:	**Councilmember Michael Thomas**
AYES:	**Dale McDonald, Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison**
NAYS:	**None**

3. RESOLUTION - CREATION OF SUSTAINABILITY ADVISORY BOARD

The City Clerk read, by title, a Resolution of the City of Maitland, Florida, establishing a Sustainability Advisory Board; establishing By-Laws and Constitution for the Sustainability Advisory Board; and providing for conflicts, severability, and an effective date.

The City Manager stated that 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. 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). A discussion ensued.

Mr. Marc Walsh, 430 N. Lake Sybelia Drive, Chair of the Ad Hoc Sustainability Committee, addressed the resolution and was available to answer questions.

Mayor McDonald requested public comment. There being no one who wished to be heard, Mayor McDonald closed the public comment period.

A motion was made by Councilmember Thomas to adopt a resolution to create a Sustainability Advisory Board. The motion dies for lack of a second.

After discussion, a motion was made to adopt Resolution #3-2021 to create a Sustainability Advisory Board.

RESULT:	**Adopt**
MOVER:	**Councilmember Michael Thomas**
SECONDER:	**Vice-Mayor Michael Wilde**
AYES:	**Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison**
NAYS:	**Dale McDonald**

4. RESOLUTION - MAITLAND AREA TRANSPORTATION STUDY/DOWNTOWN MAITLAND MASTER PLAN

The City Clerk read, by title, a resolution of the City of Maitland Florida, implementing the Maitland Area Transportation Study and the Downtown Maitland Master Plan as a blueprint for the transportation improvements in Downtown Maitland; and providing for an effective date.

Mayor McDonald provided a history of Maitland Avenue and the surrounding area and the history of the traffic and traffic calming in that area. A discussion ensued.

Mayor McDonald requested public comment. Mr. Cliff Tate, 150 Nottaway Trail, stated that he is a member of the Transportation Advisory Board and would be happy to answer any questions anyone might have related to the study. The following residents spoke against the resolution: Mr. Gus Bobas, 621 Dommerich Drive; Mrs. JoAnne Benti, 1771 Chinook Trail; Mrs. Carolyn Shaffer, 341 W. Lake Sybelia; Mr. Paul Brennan, 1180 Covewood Trail; and, Mr. Frank Stansberry, 80 Oakleigh Drive.

After discussion, a motion was made to deny the resolution of the Maitland Area Transportation Study/Downtown Maitland Master Plan.

RESULT:	**Deny**
MOVER:	**Councilmember Lindsay Hall Harrison**
SECONDER:	**Councilmember Michael Thomas**
AYES:	**Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison**
NAYS:	**Dale McDonald**

5. CITY CLERK EVALUATION & COMPENSATION

Mayor McDonald stated that 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 rest with the Council. The City Clerk's evaluation date was January 1st.

Mayor McDonald requested public comment. There being no one who wished to be heard, Mayor McDonald closed the public comment period.

After discussion, a motion was made to approve a 2% increase effective January 1, 2021.

RESULT:	**Approve**
MOVER:	**Councilmember Vance Guthrie**
SECONDER:	**Vice-Mayor Michael Wilde**
AYES:	**Dale McDonald, Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison**
NAYS:	**None**

6. CITY MANAGER EVALUATION & COMPENSATION

Mayor McDonald stated that 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 rest with the Council. The City Manager's evaluation date was January 1st.

Mayor McDonald requested public comments. There being no one who wished to be heard, Mayor McDonald closed the public comment period.

After discussion, a motion was made by Councilmember Wilde to approve a 2% increase effective January 1, 2021. The City Manager thanked the Council and declined the increase. Upon consensus, the motion was withdrawn.

XI. DISCUSSION

XII. CITY MANAGER'S REPORT/CITY ATTORNEY/COUNCIL REPORTS

Councilmember Guthrie stated that he spoke with State Representative Goff-Marcils legislative aid regarding the upcoming House Bill 219 along with some other upcoming House Bills.

XIII. ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:35 PM.

CITY OF MAITLAND

Signature

MAYOR

Title

ATTEST:

Signature

City Clerk

Title