



**City Council Minutes
October 12, 2020
Council Chambers
6:30 PM**



I. CALL TO ORDER

Mayor McDonald called the meeting to order at 6:34 PM. Also present were City Manager Anselmo, City Attorney Shepard, and City Clerk Waldrop.

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

II. INVOCATION

Pastor Mike Luzinski, Asbury United Methodist Church delivered the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor McDonald led the Pledge of Allegiance.

IV. PRESENTATION

1. ICMA Certificate of Distinction

Mayor McDonald presented the City Manager with a Certificate of Distinction from the International City/County Management Association (ICMA) for exemplifying the standards established by the International City/County Management Association in the application of performance data to local government management, including training, verification, public reporting, planning, decision making, networking, and accountability.

Upon Council consensus, Decision Item #6 was moved to Decision Item #2.

V. PUBLIC HEARING

1. Ordinance - Extending Solid Waste/Recycling Franchise Agreement

The City Clerk read, by title, an ordinance of the City of Maitland, Florida granting a three-year extension to the exclusive franchise with Waste Pro of Florida Inc. for the collection of residential solid waste, yard waste, and recyclables; multifamily solid waste and recyclables; and commercial solid waste in the City of Maitland; amending the solid waste and recyclable materials collections franchise agreement adopted by Ordinance 1239, providing for acceptance by franchisee; and providing for conflicts,

severability and an effective date.

The City Manager stated that in July 2013, the City entered into an exclusive franchise with Waste Pro of Florida, Inc., for solid waste and recyclable materials collection. The initial term of the contract will expire in October, and there is one (1) three (3) year extension period, subject to amendments made to the original contract. The City Manager stated that on September 28, 2020, City Council introduced the ordinance. The City Manager answered questions posed by Council.

Mayor McDonald opened the Public Hearing. There being no one who wished to be heard, Mayor McDonald closed the Public Hearing.

A motion was made to adopt Ordinance #1382 to extend and amend the franchise for solid waste and recyclable materials collection franchise agreement for one (1) three (3) year renewal as outlined in Section 1. C of the agreement.

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

VI. OLD BUSINESS

There was no Old Business to report.

VII. CONSENT AGENDA

Mayor McDonald asked the Council if anyone wanted to remove anything from the Consent Agenda. Vice Mayor Wilde asked that item #2 be removed from the Consent Agenda.

1. Approve the City Council meeting Minutes of September 28, 2020

A motion was made to approve the Consent Agenda as presented with the exception of Item #2 Purchase Motor Fuel - Lynch Oil Company.

RESULT:	Approve
MOVER:	Vice-Mayor Michael Wilde
SECONDER:	Councilmember Vance Guthrie

AYES: Dale McDonald, Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison

NAYS: None

VIII. PUBLIC PERIOD

Mayor McDonald opened the Public Period. There being no one who wished to be heard, Mayor McDonald closed the Public Period.

IX. DECISIONS

1. Waiver Request - St. Anthony Coptic Church (1185 N. Wymore Road)

Mr. Dan Matthys stated that the St. Anthony Coptic Church, requests a waiver of the one (1) year time limit to consider a petition for rezoning of any part or all of the same property per Section 7.5-53(X). This subsection may be waived by the affirmative vote of four (4) members of the City Council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City. This waiver, if granted by Council, would allow the applicant to request to amend the Petition 2016-02 (AZ-PD) to modify the conditions of approval, to remove the requirement that they underground the utility lines and remove the wooden power poles along the north side of the property. Mr. Matthys answered questions posed by the Council.

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 deny the St. Anthony Coptic Church request for a waiver of the one (1) year time limit to consider a rezoning petition for a property.

RESULT: Deny

MOVER: Councilmember Vance Guthrie

SECONDER: Councilmember Michael Thomas

AYES: Dale McDonald, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison

NAYS: Michael Wilde

6. Resolution to Acquire Property

Mayor McDonald provided a presentation of the history of the Civic Center property. The Mayor also provided a timeline on the events leading up to the decision to propose the resolution. A discussion ensued.

Mayor McDonald requested public comment. The following residents spoke in opposition of the resolution: Mrs. Joann Benti, 1771 Chinook Trail; Mr. Ed Hampden, 604 S. Lake Sybelia Drive representing Mr. Dan Wallace, 113 W. Lake Faith Circle; Mrs. Jonnie Mae Warner, 160 W. Lake Trotters Drive representing Dr. Gloria Picar, 719 Terra Place; Ms. Carolyn Shaffer, 341 W. Sybelia; Mr. Jim Panico, 725 N. Lake Sybelia Drive; Mrs. Renee Charlan, 201 W. Horatio Avenue, President, Civic Center Board, read a prepared statement (attached hereto and made a part hereof) ; Mr. Howard Schieferdecker, 600 Minnehaha Lane; Mr. Matt Charlan, 1241 North Lake Sybelia Drive; and Mr. John Lowndes, 1648 Choctaw Trail.

The following residents spoke in favor of the resolution: Mrs. Beverly Reponen, 976 Thunderbird Trail; and, Mrs. Elizabeth Bernbaum, 2315 Mohawk Trail. There being no one else who wished to be heard, Mayor McDonald closed the public comment period.

After discussion, a motion was made to deny the resolution to acquire specific real property for community benefit and public purposes.

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

Councilmember Thomas left the meeting at 8:55 PM.

2. Ordinance - Amendment to Chapter 14, Special Event Procedure

The City Clerk read, by title, an ordinance of the City Council of the City of Maitland, Florida amending the procedure and requirements for securing a permit to hold a special event; providing for legislative findings; providing for severability; providing for codification; providing for conflicts; and providing for an effective date.

Mr. Jay Conn, Parks and Recreation Director, stated that upon review of Chapter 14 of the City Code (Special Events), it was noted that currently only not-for-profit organizations are permitted to host a special event in the City of Maitland. The City Attorney recommended that this restriction is not permissible and that any group should be evaluated equally regardless of their membership, purpose, or message. The updated ordinance revises this language appropriately. Also included are updated regulations pertaining to fireworks and other minor verbiage modifications. Mr. Conn

answered questions posed by Council.

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 to introduce the proposed ordinance amending Chapter 14, Special Event Procedure; and, set the Public Hearing date for October 26, 2020.

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

3. Ordinance - Amending Chapter 6 "Fire Protection and Prevention"

The City Clerk read, by title, an ordinance of the City of Maitland, Florida relating to fire prevention and amending the Maitland City Code; implementing the Florida Fire Prevention Code; adopting the Florida Fire Prevention Code by reference and referenced provisions of nationally recognized codes; providing for the general regulation of fire prevention activities within the City of Maitland; readopting local technical amendments as prescribed by Florida Statute; reorganizing sections to coordinate with the Florida Fire Prevention Code; providing for clarifications of requirements regarding standpipes; readopting fire sprinkler systems requirements; readopting electronic monitoring requirements for fire sprinkler systems; providing for conflicts; providing for severability; providing for codification and providing an effective date.

Fire Marshal Lawrence stated that the City of Maitland has submitted local amendments to the statewide Florida Fire Prevention Code (FFPC) to the State Fire Marshal's Office (SFMO). This submittal process fulfilled the established statutory obligations and the City has been authorized by the SFMO to adopt and readopt these local amendments into its City code according to Florida Statute 633.202. This ordinance update maintains and clarifies these local amendments, and aligns the City Code with the FFPC. This ordinance must be re-adopted every three years. Updates and changes to the Maitland City Code include; 1. The recognition of the new Florida Fire Prevention Code (FFPC), 7th edition, 2018 editions of NFPA 1 Fire Prevention Code, and NFPA 101 Life Safety Code. 2. Removing the necessity of gaining a permit for residential backyard fire pit use. Guidance on residential burning, in relation to combustible materials, size of the fire, and

setbacks from adjacent buildings, are provided in greater clarity. Commercial burning of yard waste or construction materials remains prohibited. Any fire that creates a nuisance atmosphere may be extinguished at the discretion of the authority having jurisdiction or the Division of Forestry. Fire Marshal Lawrence answered questions posed by Council.

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 to introduce an ordinance amending and re-adopting City Code Chapter 6 "Fire Protection and Prevention"; and, set the Public Hearing date for October 26, 2020.

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

4. Ordinance - Amending Chapter 2 - Police Officers' & Firefighters' Pension Plan

The City Clerk read, by title, an ordinance of the City of Maitland, Florida, amending Chapter 2, "Administration," Article IV, "Pensions and Retirement," Division 4, "Police Officers and Firefighters," to amend the City of Maitland Police Officers and Firefighters Pension Plan membership; provide for conflicting ordinances; provide for severability, and providing an effective date.

The City Manager stated that on August 13, 2012, the City Council adopted Ordinance No. 1230 removing the Mayor as a trustee of the Police Officers and Firefighters Pension Plan ("Pension Plan") and adding a member of Senior Management to be appointed by the City Council to serve as a trustee for the Police Officers and Firefighters Pension Plan ("Pension Plan"). Subsequently, Charter Section 5.06 was amended by Ordinance No. 1232 on November 26, 2012, to apply term limits for any member of a permanent board, commission, or agency appointed by the City Council to two consecutive terms. Although this was intended to impact the resident members of the Pension Board, as drafted it also impacted the appointed senior management representative. The City's current Finance Director, Jerry Gray, was appointed by City Council in 2014 to fill the unexpired term of the now City Manager. He was then reappointed by City Council again in

August of 2016. As of August 2020, the Finance Director is not eligible for re-appointment. The City code specifies that the two Chiefs, Police and Fire, are named by position and therefore avoid the term limits applied to appointed members. Staff is recommending that Council amend the City code to specify the Finance Director is named by position, rather than appointed by Council. This would allow Jerry Gray to continue to serve as a trustee while he serves in the position of Finance Director. This is consistent with the intention of Ordinance 1230, to have the member of senior management with the most financial experience and appropriate background continue to serve as a trustee for the Pension Plan. The City Manager answered questions posed by the Council.

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 to introduce an ordinance amending Chapter 2, Article IV, Division 4, to amend the membership of the Police Officers' and Firefighters' Pension Plan; and, set the Public Hearing date for October 26, 2020.

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

5. Ordinance – Non Exclusive C&D Franchise Agreement - Disposall Inc.

The City Clerk read, by title, an ordinance of the City of Maitland, Florida, granting Disposall Inc. a non-exclusive franchise to provide roll-off container collection and disposal of waste within the City of Maitland, Florida; outlining the franchisee's duties and providing for terms and conditions under which such franchise will operate; provide for severability and provide for an effective date.

The City Manager stated that in July 2013, the City Council approved an exclusive franchise with Waste Pro of Florida, Inc., for the collection of single and multi-family residential solid waste, yard waste and recycling, and commercial solid waste. The franchise excludes the disposal of solid waste and construction and demolition ("C&D") debris removal and the

City established non-exclusive franchises through the adoption of City Code Sections 7-32 through 7-37 in August 2013. The non-exclusive franchise program enables residents and businesses to obtain competitive pricing for C&D debris removal services while still maintaining a level of oversight to ensure haulers are properly licensed, insured and qualified to provide services within the City limits. Self hauling by residents or contractors of C&D debris is not regulated. Haulers who wish to provide C&D removal services within the City must submit an application and the required documentation outlined by the City Code. Per the City Charter, all franchises must be adopted via ordinance, and the attached non-exclusive franchise agreement was drafted by the City Attorney's office. Disposall Inc. has completed the application required under Section 7.24 and is qualified to provide C&D debris removal services. This hauler is located in Orlando, Florida, and has been in business since 1979. They currently provide 600 roll-off containers utilizing the hauling services for clients and desire to provide services to Maitland residents and businesses. The City Manager answered questions posed by Council.

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 to introduce an ordinance granting a non-exclusive franchise agreement to Disposall Inc.; and, set the Public Hearing date for October 26, 2020.

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

2. Purchase Motor Fuel - Lynch Oil Company

Michael Wilde stated that he would abstain from voting as his law firm represents Lynch Oil Company on environmental matters.

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 to authorize the Public Works Department to piggyback off of the City of Orlando Contract for motor fuel purchases

(Contract 1FB19-0021) from available funds for fuel.

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

X. DISCUSSION

There were no Discussion items.

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

The City Attorney stated that he had emailed the Council on the Peacock Ford Project and requested Council provide him a response by noon on Friday, October 16, 2020.

XII. ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:21 PM.

CITY OF MAITLAND

Signature

Title

ATTEST:

Signature

Title

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Wilde Michael C</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Marlboro City Council</i>	
MAILING ADDRESS <i>1610 Church St</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Marlboro</i>	COUNTY <i>Orange</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION <i>Marlboro</i>	
DATE ON WHICH VOTE OCCURRED <i>10/12/20</i>		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael Wilde, hereby disclose that on Oct 12, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The law firm, which I am partner, of Baker Hostetler represents Lynch oil in environmental matters.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

10/12/20

Signature

[Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Good Evening Council,

My name is Renee Charlan, 201 West Horatio Avenue. I am here tonight as the President of the Maitland Civic Center aka Venue on the Lake. I am also here as a very concerned Resident of the City of Maitland.

Five years ago, part of celebrating The Venue's 50th anniversary of serving the Maitland community, a general plan for serving the community over the next 50 years was established.

A first phase of this plan was modernizing and upgrading the Venue's physical plant. About 80% of this first phase has recently been completed. We still need to complete the exterior.

Since 2013, we have raised over \$200,000 — not to mention in-kind and material donations, to make these improvements.

We feel that these improvements will only enhance the services we offer the community.

These donations came from members and friends. The City taxpayers were spared these expenses.

Also we took an annual budget of roughly \$165,000 to the 20-21 budget we adopted in January for over \$440,000. Then Covid-19 hit. We have tightened our belt. We have a plan. And, again the City taxpayers are spared.

The Venue from its beginning in the early 60's was all about our Community. It all started with pancake breakfasts, spaghetti dinners and community fairs. The stage was the sight of many plays and musical presentations. Many citizens have enjoyed dances & galas, weddings, anniversaries, bar & bat mitzvahs. We have celebrated the National Day of Prayer and Veterans Day events. And for over 44 years we have worked with the Rotary to present the Maitland Rotary Art Festival, one of the most successful community events in our area. We are also the home to several non-profit organizations, i.e., The Maitland Woman's Club, and several others.

Now with our improvements, we have even bigger plans. A quarterly dinner/entertainment series. After the first of the year, a special event is being planned to reintroduce the restaurants of our community.

We also feel that there is a special need due to Covid-19 to provide space to businesses in the community to be able to meet. Due to social distancing many cannot use their own conference rooms. We can be their conference room. And think about weddings and other celebrations. What if one could live stream their event to family and guests in other parts of the country?

We are currently working with some of the most talented consultants in Central Florida to help us bring all this about.

Another important subject we are tackling is our Succession Plan for Continuing Leadership. We are pleased that we are attracting a younger set to join the Venue and be part of our future.

Yes, We have some big plans! Again, we are not asking the city for money to make it happen.

The Venue's Board of Directors - all volunteers by the way - would like to again reach out to the members of Council to sit down with us and be part of planning and implementing ways that we can work together for the betterment of Maitland.

We believe that working with the City, we together can provide even more enhanced services and activities that will be part of defining Maitland as an exceptional place to live, work and enjoy life.

Please VOTE NO to the Resolution to acquire our property.

On behalf of the Board of Directors
Renee Stein Charlan, President