



**City Council
August 23, 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. Presentation
 1. Employee of the Quarter
- V. Public Hearing - None
- VI. Old Business
- VII. Consent Agenda
 1. Approve the City Council meeting minutes of August 9, 2021
 2. Approve the City Council Budget Workshop meeting minutes of August 2, 2021
 3. 3rd Quarter 2021 Financial Summary
- VIII. Public Period
- IX. Decisions
 1. Ordinance - Thurston House Lease
 2. Request for Reduction in Zoning Citation
 3. Resolution - Stormwater Rate
- X. Discussion
- XI. City Manager's Report/City Attorney/Council Reports
- XII. 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
August 23, 2021		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Approve the City Council meeting minutes of August 9, 2021		
Requested Action or Motion: Move to approve the City Council meeting minutes of August 9, 2021.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Minutes 08092021		
Commission/Board: City Council		
Contact Person: Maria Waldrop 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 23, 2021		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 2.
Subject: Approve the City Council Budget Workshop meeting minutes of August 2, 2021		
Requested Action or Motion: Move to approve the City Council Budget Workshop meeting minutes of August 2, 2021.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. Minutes 08022021		
Commission/Board: City Council		
Contact Person: Maria Waldrop 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
August 23, 2021		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 3.
Subject: 3rd Quarter 2021 Financial Summary		
Requested Action or Motion: Move to receive the 3rd Quarter 2021 Financial Summary and Investment Schedule.		
Summary Explanation & Background: 3rd Quarter 2021 Financial Summary and Investment Schedule.		
Fiscal Impact: n/a		
Exhibits: 1. CommonLook Compliance Report 2. Q3 2021 Financial Summary		
Commission/Board: City Council		
Contact Person: Jerry Gray 407-539-6201		
Reviewed by City Attorney n/a		

MEETING DATE		AGENDA
August 23, 2021		Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:

Ordinance - Thurston House Lease

Requested Action or Motion:

After receiving public input, move to introduce an Ordinance authorizing the City Council to lease certain properties owned by the City of Maitland to Coffee Bricks and Dreams, LLC, Catalina Bohorquez and Bas Nijmeijer for the Thurston House, and set the Public Hearing date for September 13, 2021.

Summary Explanation & Background:

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In 1989, the City purchased the property under consideration (located at 851 Lake Avenue), Thurston House, and on October 16, 1991, the City entered into a lease agreement with Joe Ballard Enterprises, Inc. (Joseph A. Ballard, Jr. and Carole M. Ballard) for a period of ten years. The original lease envisioned significant improvements being made to the home by the Ballards, with them ultimately purchasing the home. The Ballards did make substantial improvements to the home and have created a reputable bed & breakfast. As a requirement to purchase the home, voter approval was required. In March 2000, the electorate of Maitland voted against the sale of the home to the Ballards. In September 2001, the City entered into a new twelve year lease with the Ballards which provided for recognition of the expense and effort they incurred converting the old home into a viable B&B. The lease amortized these expenses over the life of the lease such that the City owns the home with no encumbrances. Although the City owns the home and the land, the B&B business and all the contents of the home are owned by the Ballards. In January 2014, the lease was renewed for two additional five-year terms. Recently, the Ballards approached the City regarding their desire to retire and find a buyer for the B&B business and the contents. They advised the City that they had found a suitable buyer for the B&B who would like to take over the lease, but would desire more time that remains on the second lease renewal from 2014. City staff met with the buyers, Catalina Bohorquez and Bas Nijmeijer and reviewed the terms of the lease, what changes the City would contemplate, and, to collect information necessary to perform a tenant background check. Staff completed the tenant background check and have no concerns with the credit worthiness of the prospective tenants.

Attached is the 2014 lease with some additional provisions, including:

1. No pets clause.
2. Security and advance lease deposits.
3. Requirement that the tenants remain on site when guests are present.
4. Updated rent amounts and dates.

Staff is recommending that Council introduce the Ordinance on first reading and set the Public Hearing date for September 13, 2021. This is the first of two required meetings.

Fiscal Impact:

Approximately \$19K annually in lease payments.

Exhibits:

1. Thurston House Ordinance 2021
2. Thurston House Final Lease 2021

Commission/Board: City Council

Contact Person: Sharon Anselmo 407-539-6221

Reviewed by City Attorney
Yes.

MEETING DATE		AGENDA
August 23, 2021		Section: Decisions
Department/Office : Community Development	AGENDA REPORT	Item #: 2.

Subject:

Request for Reduction in Zoning Citation

Requested Action or Motion:

Approve the pending property owner's request to reduce the fine ordered by the Special Magistrate on July 8, 2021 (Case Number CODE-11-20-2164) for the property located at 1012 Kewannee Trail to 20% of the current accrued fine amount to cover the administrative cost.

Summary Explanation & Background:

On November 23, 2020, the City received a call from a neighbor regarding concerns about overgrown vegetation and an unkept pool located at 1012 Kewannee Trail. The property is currently owned by Ms. Brenna Wiggins, but is currently under contract with a tentative closing date of August 23, 2021. Maitland's Code Enforcement Officer, Andy Arcaya, opened an investigation and found the property to be overgrown and the pool was green in color. During a visit to the site, it was discovered that the property was also in violation of Section 105.1 (Florida Building Code) for doing work without a required building permit (Adding a balcony without a permit). A letter was sent to the property owner citing concerns that the condition of the property may cause health and safety issues for the neighbors and community. The letter informed the property owner that the property was found in violation of Section 303.1.4 (International Property Maintenance Code) regarding the condition of the pool and and Section 7-6 (Maitland Code of Ordinances) regarding the excessive growth of grass, weeds and brush on a property. The letter requested the property owner contact the City to assist them in resolving the concerns to avoid any potential Notice of Violation or citation.

Upon failing to hear back from the property owner, a Notice of Violation (CODE-11-20-2164) was sent to the property owner by certified mail on January 11, 2021 stating the violations and providing for a compliance date of January 25, 2021. The city received no correspondence from the property owner. Following the compliance date deadline, Code Enforcement Officer Arcaya conducted another site visit and determined that the property remained in violation. Therefore, a Notice of Hearing before the Special Magistrate was sent to the property owner (March 5, 2021) and a notice of the hearing was posted at the property (March 25, 2021).

At the April 7, 2021 regularly scheduled Code Enforcement meeting, the Special Magistrate found the property owner in violation of International Property Maintenance Code 303.1.4 (Stagnant Water), Code of Ordinances Section 7-6 (Excessive growth of grass, weeds and brush on property) and FBC Section 105.1 (Work without a permit) and ordered the property to be brought into compliance by May 7, 2021 to avoid any citations.

The case was brought back to a Code Enforcement hearing on July 7, 2021. Hearing testimony that the property remained in violation, the Special Magistrate issued an order imposing a fine of \$250.00 for each day since May 8, 2021 for a total of \$3,000.00. The order further stated that the fine shall continue to accrue at a rate of \$250.00 per day for each day the violations continue until compliance is

met as documented by the Code Enforcement Officer. The Order Imposing Fine (CEB 11-20-2164) and lein request (doc # 20210455796) were recorded with the Orange County Comptroller's office on July 28, 2021.

Mr. Ori Saban, representing the Safety Net Group, is under contract to purchase the property and appeared before the August 4, 2021 Special Magistrate hearing to request the Magistrate order a stay on the daily fine accumulation. Mr. Saban agreed to accept the code violations and requested 90 days to remedy the violations. The Special Magistrate granted the requested stay of fine accumulation for a period of 90 days and held the current fine amount, which was calculated at \$30,000. The Magistrate also stated in his granting of the stay, that if the property sale does not go through and the violations are not corrected, then the fines will continue to accumulate.

To assist with the purchase of the property and bring the property into compliance, Mr. Saban is requesting Council reduce the fine to 20% (reduction from \$30,000 to \$6,000), which Staff feels is sufficient to cover the administrative costs incurred to investigate and process this case. Staff supports Mr. Saban's request as the first goal is to get the property into compliance, followed by recovering the costs incurred.

Fiscal Impact:

Exhibits:

1. CODE-11-20-2164 Filed OIF

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney

MEETING DATE		AGENDA
August 23, 2021		Section: Decisions
Department/Office : Finance Department	AGENDA REPORT	Item #: 3.

Subject:

Resolution - Stormwater Rate

Requested Action or Motion:

Move to adopt a resolution establishing a rate of \$9.80 per equivalent residential unit per month for environmental stormwater utility fees and provide an effective date of October 1, 2021.

Summary Explanation & Background:

On August 25, 2008, the City Council adopted Ordinance No. 1168 which established an Environmental Stormwater Utility Fee Fund ("Stormwater Fund"). Below is the rate and revenue history:

Fiscal Year	\$ Amount	% Change From Prev. Year	Rate \$
2011	971,594	-0.1%	7.25
2012	977,070	0.6%	7.25
2013	966,525	-1.1%	7.25
2014	1,151,033	19.1%	8.60
2015	1,261,157	9.6%	9.25
2016	1,331,111	5.5%	9.80
2017	1,414,856	6.3%	10.39
2018	1,307,042	-8.3%	9.60
2019	1,342,923	3.6%	9.60
2020	1,364,551	1.2%	9.60
2021	1,380,000	1.5%	9.80

On August 2, 2021, the City held the FY 2022 Stormwater Fund budget workshop. As presented in the workshop, the FY 2022 Stormwater Fund budget draft assumed a rate of \$9.80 per equivalent residential unit, unchanged from the rate established on October 1, 2020 (FY 2021). It is anticipated that this rate will generate \$1.393M in stormwater fee revenue in FY 2022.

Currently the administrative costs are capped at \$90,000. The City Council requested that an analysis be completed to determine the impact to the fund if all administrative support were allocated to the Stormwater Fund. Attached you will find 2 tables, the first showing the current impact on the fund maintaining the cap on administrative expenses and the second showing the impact if the full cost of administrative expenses were charged to the fund.

Note: Every \$0.10 of ERU generates approximately \$14,000 per year in revenue.

Fiscal Impact:

Generates \$1,393,000 in Environmental Stormwater Utility Fees for FY 2022

Exhibits:

1. RESOLUTION STORMWATER RATE 2022 (1)
2. 2022 - 2026 Proposed Stormwater Projects
3. Income_Expenses 2022
4. Income_Expenses 2022 full admin

Commission/Board: City Council

Contact Person: Jerry Gray 407-539-6201

Reviewed by City Attorney

N/A