



**City Council Minutes
August 23, 2021
Council Chambers
6:30 PM**



I. CALL TO ORDER

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

Mayor Lowndes called the meeting to order at 6:30 pm. Also present were Assistant City Manager Reggentin, City Clerk Waldrop and City Counsel Hand.

II. INVOCATION

Mayor Lowndes requested a moment of silence.

III. PLEDGE OF ALLEGIANCE

Mayor Lowndes led the Pledge of Allegiance.

IV. PRESENTATION

1. EMPLOYEE OF THE QUARTER

Mayor Lowndes presented Bryan Conley, Facilities Maintenance Technician, with the Employee of the Quarter Award, thanking and congratulating him for his on-going efforts as an outstanding representative of the City of Maitland.

V. PUBLIC HEARING - NONE

There were no Public Hearings scheduled.

VI. OLD BUSINESS

There was no Old Business to report.

VII. CONSENT AGENDA

Mayor Lowndes requested public comment on Consent Item #3. There being no one who wished to be heard, Mayor Lowndes closed the public comment period.

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

RESULT:	Approve
MOVER:	Vice-Mayor Michael Wilde
SECONDER:	Councilmember Vance Guthrie
AYES:	Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison, John Lowndes

NAYS: None

1. **APPROVE THE CITY COUNCIL MEETING MINUTES OF AUGUST 9, 2021**
Approve the City Council meeting minutes of August 9, 2021.
2. **APPROVE THE CITY COUNCIL BUDGET WORKSHOP MEETING MINUTES OF AUGUST 2, 2021**
Approve the City Council Budget Workshop meeting minutes of August 2, 2021.
3. **3RD QUARTER 2021 FINANCIAL SUMMARY**
Receive the 3rd Quarter 2021 Financial Summary and Investment Schedule.

VIII. PUBLIC PERIOD

Mayor Lowndes opened the Public Period. Mr. Barry Kalmanson, 500 N. Maitland Avenue, stated he wanted to compliment the Maitland Police Department for the managing of Fort Maitland Park. There being no one else who wished to be heard, Mayor Lowndes closed the Public Period.

IX. DECISIONS

1. ORDINANCE - THURSTON HOUSE LEASE

The City Clerk read, by title, an ordinance of the City of Maitland, Florida, authorizing the City Council to lease certain properties owned by the City of Maitland to Coffee Bricks and Dreams LLC., a Limited Liability Corporation organized under the laws of the State of Florida, and Catalina Bohorquez and Bas Nijmeijer; and, providing for an effective date.

Assistant City Manager Reggentin, stated that back 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 least 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 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. At the Council meeting on July 26, 2021, this item was brought to Council as a discussion item, and at that time, staff were directed to meet with the Ballard's and the interested parties and bring back a lease for Council's review and approval. 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. The new lease is provided and staff is recommending that Council introduce the Ordinance on first reading and set the Public Hearing date for September 13, 2021. Assistant City Manager Reggentin answered questions posed by Council.

Mayor Lowndes requested public comment. Mr. Dale McDonald, 108 Tangelo Court, stated that he was not in favor of subsidizing businesses in Maitland and felt like the property could be used for some other use in Maitland. Mr. Barry Kalmanson, 500 N. Maitland Avenue, stated that there are many options for the property and the City should review those options and provide a counter offer for the property. Mrs. Carole Ballard, 851 Lake Avenue, stated that she was honored to be able to take care of the Thurston House for 30 years. She also clarified that the property was 1.25 acres and provided a summary of what the Ballards have accomplished over the past 30 years. There being no one else who wished to be heard, Mayor Lowndes closed the public period.

Council requested that staff be prepared for a discussion at the September 13, 2021 Council meeting to go over the long term use including the terms of the lease as well as the maintenance of the property.

After discussion, a motion was made to introduce an ordinance to authorize the City Council to lease certain properties owned by the City of Maitland to Coffee Bricks and Dreams, LLC, Catalina Bohorquez and Bas Jijmeijer for the Thurston House;and, set the Public Hearing date for September 13, 2021.

RESULT:	Introduce
MOVER:	Councilmember Vance Guthrie
SECONDER:	Councilmember Michael Thomas
AYES:	Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison, John Lowndes
NAYS:	None

2. REQUEST FOR REDUCTION IN ZONING CITATION

Mr. Dan Matthys, Community Development Director, stated that on November 23, 2021, the City received a call from a neighbor regarding concerns about overgrown vegetation and an unkept pool located at 1012 Kewanee Trail. The property is currently owned by Ms. Breena 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. At the April 7, 2021 regularly scheduled Code Enforcement meeting, the Special Magistrate found the property owner in violation 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. 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 violation. 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 and, 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.

Mayor Lowndes requested public comment. Mr. Dale McDonald, 108 Tangelo Court, stated that it is not unusual to have residents request to have the fines reduced on a code enforcement violation. He stated that he feels that this is a fair resolution. There being no one else who wished to be heard, Mayor Lowndes closed the public comment period.

After discussion, a motion was made to 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 Kewanee Trail to 20% of the current accrued fine amount to cover the administrative cost.

RESULT:	Approve
MOVER:	Councilmember Lindsay Hall Harrison
SECONDER:	Councilmember Michael Thomas
AYES:	Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison, John Lowndes
NAYS:	None

3. RESOLUTION - STORMWATER RATE

The City Clerk read, by title, a resolution of the City Council of the City of Maitland, Florida, establishing an equivalent residential unit rate to be charged for environmental stormwater utility fees and providing for an effective date.

Assistant City Manager Reggentin stated that on August 2, 2021, the City held the FY 2022 Stormwater Fund Budget workshop and presented the FY 2022 Stormwater fund budget draft assuming a rate of \$9.80 per equivalent residential unit (ERU), unchanged from the rate established on October 1, 2020 (FY 2021). It is anticipated that this rate will generate \$1.39 M 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. Assistant City Manager Reggentin went over the tables 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. The FY 2022 budget is based upon \$9.8 per ERU and based upon that current rate, the city would be running a deficit in 2026. If the city would like to alleviate that deficit while still maintaining administrative expenses, that would require an increase in the rate to \$10.99 per ERU. Assistant City Manager Reggentin stated that looking at the full administrative table, if the city is going to eliminate that deficit in 2025, that would require a rate of \$12.14 per ERU. He went on to say that staff are looking for direction from the Council. A discussion ensued.

Mayor Lowndes requested public comment. Mrs. Colleen Lilling, 250 Seneca Trail, stated that she agrees with both council members and that the Council should find a percentage that works. Mr. Dale McDonald, 108 Tangelo Court, agrees with the cost of the implementation of the program allocated over the period, and that he would like to see incremental increases over time.

There being no one else who wished to be heard, Mayor Lowndes closed the publiccomment period.

A motion was made to set a stormwater fee of \$10.45 per ERU and set an administrative cap at \$163,000.

RESULT:	Failed
MOVER:	Councilman Guthrie
SECONDER:	Councilmember Lindsay Hall Harrision
AYES:	Vance Guthrie
NAYS:	Michael Thomas, Lindsay Hall Harrison, John Lowndes, Michael Wilde

After discussion, a motion was made to adopt Resolution #9-2021 establishing a rate of \$10.10 ERU per month for environmental stormwater utility fees and provide an effective date of October 1, 2021.

RESULT:	Adopt
MOVER:	Vice Mayor Wilde
SECONDER:	Councilmember Michael Thomas
AYES:	Michael Wilde, Michael Thomas, Lindsay Hall Harrison, John Lowndes, Vance Guthrie
NAYS:	

X. DISCUSSION

There were no Discussion items.

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

Assistant City Manager Reggentin stated that Shell Point West Road will be closed all day on Wednesday to allow for emergency sewer repairs, (weather permitting) property owners have been notified; the Sandspur - Maitland Avenue new mast arm traffic signals became operational on Friday, and, sidewalks are also being rebuilt around the same area; Lake Sybelia Watershed Cleanup is scheduled for October 9th, staging will be at Sybelia Beach; the first "Get Down Downtown" will be held October 1st, 6:00-9:00 pm. on Independence Lane; Movie in the Park, "Indiana Jones and Raiders of the Lost Ark" is scheduled for Saturday October 9th, at 7:30 pm. at Independence Square; and, "Falloween" will be held October 30th, 5:30 - 9:00 pm. at Independence Square and Independence Lane.

Councilman Thomas asked for more traffic for downtown retail shops and restaurants and that the events would be helpful.

XII. ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:47 pm.

CITY OF MAITLAND

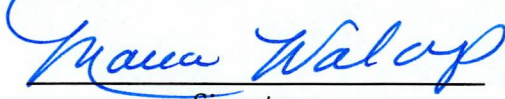


Signature



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ATTEST:



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