City Council
September 27, 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. <u>Please silence all electronic devices during the meeting</u>. THANK YOU for participating in your City Government.

I. Call to Order

II. Invocation

III. Pledge of Allegiance

IV. Presentation

1. Proclamation - Fire Prevention Week

V. Public Hearings

1. Resolution - Ad Valorem Tax Rate Fiscal Year 2022
2. Resolution - Fiscal Year 2022 Annual Budget
3. Ordinance - Capital Improvements Program 2022-2026

VI. Adjourn Council Meeting Convene CRA Meeting

VII. Old Business

VIII. Consent Agenda

1. Approve the City Council Budget Workshop meeting minutes of August 8, 2021
2. Approve the City Council meeting minutes of September 13, 2021
3. Approval of Application for the Florida Recreation Development Assistance Program
4. Interlocal Agreement between Apopka and Maitland for the use of Gilliam Fire Training Facility
5. Tactical Response Trust Fund Budget Appropriation
6. Change Order - Keller Park Roofs Replacement
7. Radio System Generator Replacement

IX. Public Period

X. Decisions

1. Amendment to the Current Thurston House Lease
2. Ordinance - New Thurston House Lease

3. Charter Review Commission Report

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
September 27, 2021	MAITLAND FLORIDA	Section: Presentation
Department/Office : Fire/Rescue	AGENDA REPORT	Item #: 1.

Subject: Proclamation - Fire Prevention Week
Requested Action or Motion:
Summary Explanation & Background:
Fiscal Impact:
Exhibits: 1. Proclamation - 2021 Fire Prevention Week
Commission/Board: City Council
Contact Person: Brandon Lawrence 407-539-6228
Reviewed by City Attorney

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Public Hearings
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Resolution - Ad Valorem Tax Rate Fiscal Year 2022

Requested Action or Motion:
After receiving public input, move to adopt a resolution:

(1) Setting the operating millage for the 2021 tax year as 4.4937, which is 7.78% above the rolled-back rate of 4.1693 and

(2) Setting the voted debt millage rate for the 2021 tax year as 0.2370 for a combined total millage rate of 4.7307 mills.

Summary Explanation & Background:
On July 26th, the City Council set the proposed millage rate at 5.0000 and the voted debt millage rate at 0.2430. The rolled back millage rate was set at 4.1693. The proposed operating and voted debt millage and the date and time of the tentative budget public hearing were included in the proposed tax bills sent out by the Orange County Property Appraiser in August.On September 13, 2021, the City Council held the first public hearing required by TRIM requirements and set the tentative millage rate at 4.4937 and the voted debt millage rate of 0.2370 for a total millage rate of 4.7307. This millage rate only requires a majority vote under the maximum millage rate requirements.

The tentative millage rate of 4.4937 is 7.78% above the rolled back rate of 4.1693.

After taking public input, the Council may adopt the final operating millage rate at or below the tentative millage rate of 4.4937.

Fiscal Impact:
An operating millage rate generates $13.6 for the General Fund and $1.5 for the CRA Trust Fund. A voted debt millage rate of 0.2370 will generate $799K exclusively for the payment of debt service on the Limited Tax General Obligation Note.

Exhibits:
1. Resolution Millage FY 2022 TY 2021 4.4937

Commission/Board: City Council

Contact Person: Sharon Anselmo 407-539-6221

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Public Hearings
Department/Office : Administration	AGENDA REPORT	Item #: 2.

Subject:
Resolution - Fiscal Year 2022 Annual Budget

Requested Action or Motion:
After receiving public input, move to approve a resolution adopting the General Fund Budget of $30,466,000; Utilities Fund Budget of $11,761,000; Solid Waste Budget of $2,833,000, and Stormwater Environmental Utility Budget of $1,915,970; Voted Debt Service Budget of $820,900; and Position Authorization Table for FY 2022.

Summary Explanation & Background:
The General Fund budget workshop was held on July 19th and the Enterprise and Miscellaneous Funds workshop was held August 2nd. On Monday, September 13, 2021, City Council tentatively adopted a General Fund budget of $30,516,600, an operating millage of 4.4937 and voted debt millage of 0.2370.

General Fund

The tentative General Fund budget for FY 2022 (tax year 2021) is balanced with the use of $1.1 million of the funds being repaid by the CRA for advances made by the General fund and with a tax rate of 4.4937 established by Council on September 13th. See attached General Fund budget summary which outlines the revenue and expenditures, as well as the impact on fund balance. The General Fund budget of $30,466,000 is $50 thousand less that the tentative budget set by Council as a result of some additional refinement to original estimates. The budget funds two additional Police Patrol Officers. As discussed during the first budget hearing, the additional recommendations not included in the tentative budget can be added at tonight's meeting or by budget amendment at any time after budget adoption by the City Council.

Other Budgeted Funds

The **Utilities Fund** budget of $11,761,000 includes capital outlay of $2.2 million, including water line replacement, generator replacement at Water Treatment Plant #6, design of the upgrade to the Keller Road gravity sewer main, and upgrading Lift Station No. 8 to a submersible station. The balance of the budget are operating expenses of $9.5 million (personnel costs, wastewater treatment costs at Iron Bridge and Altamonte Springs treatment plants, repair and maintenance, depreciation, and supplies) and $1.3 million for estimated debt service obligations.

The **Solid Waste Fund** budget of $2,833,000 includes $2 million in contractual services for solid waste and recycling, hauling and disposal. Contractual services account for 72% of the fund's budget, with the balance consisting of administrative costs, materials and supplies and a payment in lieu of franchise fees to the General Fund.

The **Stormwater Environmental Fee Fund** budget of $1,915,970 includes $423 thousand in capital outlay (22% of the budget), $365 thousand in personnel costs (19% of the budget) and $1.5 million in operating expenditures (59% of the budget). Operating expenditures include: chemicals, drainage repair and maintenance, contracted street sweeping, solid waste disposal, lab and professional fees for water quality monitoring, aquatic weed control, fuel and power costs, administrative fees, and equipment repair and maintenance.

The **Voted Debt Millage Fund** budget of $820,900 consists entirely of debt service costs related to the Limited General Obligation Note. Fiscal 2022 debt service consists of $271 thousand of interest expense and $550 thousand in principal payments.

Position Authorization Table

There were 236 authorized positions (218 full time and 18 part time) for FY 2021 which Included in the budgets are the following new positions:

General Fund – 2 Police Patrol Officers
Stormwater Fund - 2 Environmental Specialists
Utilities Fund - 1 Project Manager and 1 Electrician/Instrumentation Operator

Three positions remain unfunded:
General Fund - 1 Budget Analyst, 1 Accountant and 1 Building Inspector

The following positions were submitted as recommendations, but are not funded:

General Fund - 3 Firefighter/Paramedic/EMTs
1 Facilities Foremen
1 Urban Forrester and 1 Urban Forestry Crew Leader
1 Integrated Pest Mgmt Specialist and 1 Integrated Pest Mgmt Technician

After receiving public input, staff is recommending Council adopt the budget resolution for FY 2022.

Fiscal Impact:
General Fund Budget of $30,466,000; Utilities Fund Budget of $11,761,000; Solid Waste Budget of $2,833,000, and Stormwater Environmental Utility Budget of $1,915,970; and Voted Debt Service Budget of $820,900.

Exhibits:
1. Resolution Budget 2022
2. Budget_Worksheet_22 4.4937

Commission/Board: City Council

Contact Person: Sharon Anselmo 407-539-6221

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Public Hearings
Department/Office : Administration	AGENDA REPORT	Item #: 3.

Subject:
Ordinance - Capital Improvements Program 2022-2026

Requested Action or Motion:
After receiving public input, move to adopt an ordinance to approve the FY 2022-2026 Capital Improvements Program (including revised Table 1), to replace Table 1 within Chapter 7, Governance and Implementation Element, Capital Improvements Sub-Element of the 2035 CDP, to recognize the annual update of the 5 year CIP; and recognize the annual update of the Orange County Public Schools 10-Year Capital Outlay Plan.

Summary Explanation & Background:
The ordinance adopts a revised table 1 to amend the CIP element of the Comprehensive Development Plan. Table 1 summarizes the major capital expenditure projects contemplated by the City of Maitland over the next five years. The projects included are consistent with the City's approved Comprehensive Development Plan ("CDP"). Capital improvement projects, by definition, are physical assets constructed or purchased to provide, improve or replace a public facility and are large scale and high in cost. The cost of a capital improvement is generally non-recurring and may require multi-year financing. For the purposes of the State requirements, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. Table 2, the summary of projects, has been included in the legislative report for informational purposes only.

This five-year Capital Improvements Program ("CIP") represents the implementation of key master plans within the City; the Stormwater/Lakes Management Plan, the Trails Master Plan, Downtown Maitland Plan, Parks Master Plan, and the Sewer Master Plan. In addition, this CIP also considers major projects that have achieved the objectives identified in the CDP, but must continue to be maintained to sustain those objectives. An example of this type of project would be the Pavement Treatment Program, which has an achieved result of exceeding the condition rating score above 7. The rating is based on pothole presence, cracking, rutting and other pavement conditions criteria. Funding for resurfacing over the five-year period is $2.5M.

The Stormwater Lakes Management Program represents a long-term commitment to improve lake quality and environmental concerns in the City, as emphasized with the adoption of the Stormwater/Lakes Management Master Plan in Fiscal Year 1996. The Lakes Advisory Board reviews technologies annually and the Master Plan was updated in 2016. The five-year program includes improvements to several area lakes designed to remove pollution from stormwater inflow, including watershed improvements at Park Lake, Gem Lake, and Lake Minnehaha and eliminating structural flooding at Gamewell Avenue and Robinhood Drive. The five-year total for this project is currently estimated at $2.5M.

Improvements to the Water Transmission & Distribution System include upgrades to the water distribution system to increase pressure to provide for adequate fire protection in residential areas. The project also includes construction of 12-inch water main on Orlando Avenue from Ventris Avenue to Monroe Avenue and the addition of a new ground storage tank. Improvements in the Sanitary Sewer System element will be focused on implementing the Sewer System Master Plan which includes an increased need for capacity to serve the Downtown area by upgrading the Eastern service area and extension of service to unserved areas. Efforts continue to improve the system by upgrading lift stations to submersible stations. Combined, the capital improvements for utilities total $24M over the five-year period.

The implementation of the Parks Master Plan is a five-year program totaling $2M. Much of this program is funded from the Parks Trust Fund and projects are completed as funding is available. Construction of improvements to Hill Rec Park, Lake Sybelia Beach and several smaller parks are planned for the five-year period, as well as a Community Park building expansion. The City plans to continue installing pedestrian friendly paths through the Bicycle/Sidewalk Network Program which is funded at $4.7M over the five-year period. The Bicycle/Pedestrian Master Plan was adopted in FY 2020, and the study will guide the selection of sidewalks and bike paths to be designed and constructed by this program.

With the completion of the Space Needs Master Plan in 2012, the City Facilities Program is mostly focused on maintenance of current facilities and parking needs in the downtown area. One parking deck in the downtown core area has been included at $1.8M and is anticipated to be funded by development or grants. Additionally, undergrounding of related utilities is planned and the Utility Relocation Program totals $2M, with the Dommerich Estates undergrounding planned to be phased in beginning with design of the first phase in Fiscal Year 2023. The projects listed above and detailed in this five-year Capital Improvements Program promote the goals established in the Comprehensive Development Plan, which are to enable Maitland to continue to develop in a positive way, reflecting the City's character as a “community for life.”

In addition, the City has included the Orange County Public Schools (“OCPS”) facilities work program as required supplemental information (Section X). The City does not have responsibility for the financial feasibility of this program, but it is included as required to reflect the coordination efforts between the City and OCPS to address the Public Schools required CIE in the City’s CDP.

Staff is recommending adopting the ordinance amending table 1.

Fiscal Impact:
Total 5 Year CIP - $44M.

Exhibits:
1. CIP 2022-2026 Final
2. Table 1 2022 - 2026
3. Table 2 2022 - 2026

Commission/Board: City Council

Contact Person: Sharon Anselmo 407-539-6221

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Approve the City Council Budget Workshop meeting minutes of August 8, 2021

Requested Action or Motion:

Summary Explanation & Background:

Fiscal Impact:

Exhibits:
1. Budget Workshop 08092021

Commission/Board: City Council

Contact Person:

Reviewed by City Attorney

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 2.

Subject:
Approve the City Council meeting minutes of September 13, 2021

Requested Action or Motion:

Summary Explanation & Background:

Fiscal Impact:

Exhibits:
1. CC Minutes 09132021

Commission/Board: City Council

Contact Person:

Reviewed by City Attorney

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Parks & Recreation	AGENDA REPORT	Item #: 3.

Subject:
Approval of Application for the Florida Recreation Development Assistance Program

Requested Action or Motion:
Move to authorize the City Manager to submit a 2021 grant application with the Florida Recreation Development Assistance Program for the renovation of Sybelia Beach Park

Summary Explanation & Background:
The Florida Recreation Development Assistance Program (FRDAP) is a grant program offered by the State of Florida to cities and counties for funding improvements to outdoor park facilities. The 2021 FRDAP application period is between October 1 and October 15. It is a matching grant program that offers up to $200,000 for construction or renovation of recreation or support elements in public parks.

Similar to other grant programs, the FRDAP program includes the following agreement clauses (page 21 of attachment under "Site Dedication"):

1. Land owned by the grantee, which is developed or acquired with FRDAP funds, shall be dedicated in perpetuity as an outdoor recreational site for the use and benefit of the general public.
2. Grantees shall ensure by site inspections that facilities on project sites developed with FRDAP funds are being operated and maintained for outdoor recreational purposes for a minimum period of twenty-five (25) years.

Sybelia Beach Park has been identified for improvements over the next several years and the project is a good candidate for this particular program. Staff is amenable to submit the Sybelia Beach construction project for the FRDAP program as it is not envisioned that this site would be suitable for an alternative type of use in the future. It should be noted that the site is classified as Heritage Land and that change of use or sale of the property would require a positive referendum vote by the residents of Maitland.

Fiscal Impact:
Potential $200,000 award to reimburse the general fund for park construction expenditures

Exhibits:
1. frdap_administrative_rule

Commission/Board: City Council

Contact Person: Jay Conn 407-539-6264

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Fire/Rescue	AGENDA REPORT	Item #: 4.

Subject:
Interlocal Agreement between Apopka and Maitland for the use of Gilliam Fire Training Facility

Requested Action or Motion:
Move to approve an Interlocal Agreement between the City of Maitland and the City of Apopka for the use of the Gilliam Fire Training Facility.

Summary Explanation & Background:
All members of the Fire-Rescue Department must conduct hands-on training to maintain fire and EMS proficiency. For the past several decades, the department has used the Central Florida Fire Academy in South Orlando for training. That facility has reached the end of its useful life and is scheduled to be shuttered in the coming years.

Although some training can be conducted within the City, it is not feasible for the Department to have its own, fully functioning training facility. Therefore, the Department is requesting the use of the Gilliam Fire Training Facility by the City of Apopka to conduct fire training.

Fiscal Impact:
$3,900 annually

Exhibits:
1. INTERLOCAL - Maitland Fire use of Gilliam Facility

Commission/Board: City Council

Contact Person: Will Watts 407-644-6345

Reviewed by City Attorney
Yes

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Police Department	AGENDA REPORT	Item #: 5.

Subject:
Tactical Response Trust Fund Budget Appropriation

Requested Action or Motion:
Move to approve a budget appropriation of $2,100 from the Tactical Response Team Trust Fund for FY2021 Budget.

Summary Explanation & Background:
The City Council formed a Tactical Response Trust Fund to fund SWAT and other police department needs. Contributions to the fund come from private contributions to the Maitland Police Department. The Police Chief recommends appropriating $2,100; for the purchase of fitness equipment and an American flag. The purchase will be made following the City of Maitland purchasing guidelines.

Staff is recommending approval of the appropriation of $2,100 from the TRT Trust Fund.

Fiscal Impact:
$2100 from Police Tactical Trust special revenue fund 166

Exhibits:
None

Commission/Board: City Council

Contact Person: David Manuel 407-539-6243

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 6.

Subject:
Change Order - Keller Park Roofs Replacement

Requested Action or Motion:
Move to approve the change order with Johnson-Laux Construction, LLC in the amount of $22,966.18 for roof repair damage found during renovation.

Summary Explanation & Background:
On July 26, 2021, City Council approved the use of Johnson-Laux Construction, LLC for the replacement of the roof on the 2-story building and the six (6) dugouts at the Keller Ball Field facility.

During the replacement, when the trusses were exposed, the contractor discovered additional pre-existing damage to the framing and wood of the 2-story building's roof. Johnson-Laux has evaluated the additional repairs needed and provided a proposal for replacement based off the current contract's pricing. The proposal to make the additional repairs as a change order to the original agreement in the amount of $22,966.18.

Staff recommends City Council approve a change order for the contract with Johnson-Laux Construction, LLC in the amount of $22,966.18 for roof repair damage found during renovation.

Fiscal Impact:
Funds are available in General Fund 01414519-566200 Project # CF001.

Exhibits:
1. Maitland Keller Ballfields Fascia Supplemental

Commission/Board: City Council

Contact Person: Christopher Kennedy (407) 539-6217

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 7.

Subject:
Radio System Generator Replacement

Requested Action or Motion:
Move to authorize the City Manager to execute the contract with Johnson-Laux Construction, LLC for the purchase and installation of a replacement generator for the radio system located on the cell tower in the amount of $77,675.23.

Summary Explanation & Background:
At the June 28, 2021 City Council meeting, Council authorized the City Manager to "piggyback" the Sourcewell contract FL-ECA-GC03-121918-JLC with Johnson-Laux Construction, LLC for Job Order Contracting (JOC) on multiple City projects.

Johnson-Laux Construction, LLC has provided a proposal based on this Sourcewell contract for the purchase and installation of a replacement generator for the City's radio system located on the cell tower at the Public Works facility. The existing generator has failed and a portable generator has been temporarily connected for back-up power. Johnson-Laux proposes to remove the old generator, facilitate the purchase of a new generator that meets the updated specifications of the City, and install that generator for the amount of $77,675.23. The cost of this project exceeds the City Manager's approval authority.

Staff recommends City Council to move to authorize the City Manager to execute the contract with Johnson-Laux Construction, LLC for the purchase and installation of a replacement generator for the radio system in the amount of $77,675.23.

Fiscal Impact:
Funds are available within the Facilities Capital Budget

Exhibits:
1. Maitland City Cell Tower Generator Replacement Revised

Commission/Board: City Council

Contact Person: Christopher Kennedy (407) 539-6217

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Amendment to the Current Thurston House Lease

Requested Action or Motion:
Move to approve the amended Thurston House Lease.

Summary Explanation & Background:
As discussed at the City Council meeting of September 13, 2021, the Council was open to the idea of continuing the use of the Thurston House as a Bed and Breakfast. The City Council discussed approaching this in a two-step process to allow the current tenants to continue marketing the business while not creating a hardship to them while they phase out of the operation of the Bed and Breakfast. The second is to approve a new lease with modified language acceptable to the City Council. This requires an amendment to the existing lease and approval of a new lease.

Based upon the discussion by the City Council the intent of the amendment to the current lease with the Ballards is to accomplish two things:

1. Provide for a rent abatement of up to 6 months while the continue to market the business and
2. Allow a termination of the existing lease upon execution of a new lease with new tenants

The second step in the process is to adopt a format for new lease for a future tenant. Since there is currently no tenant to sign a new lease, the Council discussed having the City Attorney draft a new lease that could be executed if the Ballards found a new tenant to purchase the business. Amendments to the new lease are as follows:

1. No pets clause,
2. Security and advance lease deposits,
3. Requirement that the tenants remain on site when guests are present,
4. Reference to City Arborist is amended to Public Works Director or designee due to the fact that the City Arborist position is transitional and may not exist or be filled at any given time.

The amended ordinance authorizes the City Manager to execute a lease with a new tenant, eliminating the need to come before the City Council. Although not included in the ordinance, the City Manager shall conduct appropriate background checks to verify suitability of potential tenants and reserves the right to disqualify any tenant based upon those background checks.

A final point that was discussed at the Council meeting was to provide for a modified first term of the

lease based upon the timing of the approval of a new tenant. That is, reduce the first term of the lease a time equal to the amount of time it takes to find and approve a new tenant. So if it were to take 3 months to find and approve a tenant, the first term of the lease would be 4 years and 9 months. The term of the lease is discussed on line 20 of the lease with the dates left blank. The City Attorney has requested clarification of the intent of the Council. This can be provided at the meeting and any changes be made at that time. This agenda Item is to address the addendum to the existing lease. Adoption of a new lease is discussed as a separate agenda item adopted by ordinance.
Fiscal Impact: $1722.42 per month in abated rent.
Exhibits: 1. Thurston House - Addendum to Lease (Clean v2)
Commission/Board: City Council
Contact Person: Mark Reggentin 407-539-6220
Reviewed by City Attorney Yes

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 2.

Subject:
Ordinance - New Thurston House Lease

Requested Action or Motion:
Move to introduce the attached ordinance revising the lease agreement for the Thurston House and set the Public Hearing date for October 11, 2021.

Summary Explanation & Background:
As discussed at the City Council meeting of September 13, 2021, the Council was open to the idea of continuing the use of the Thurston House as a Bed and Breakfast. The City Council discussed approaching this in a two-step process to allow the current tenants to continue marketing the business while not creating a hardship to them while they phase out of the operation of the Bed and Breakfast. The second is to approve a new lease with modified language acceptable to the City Council. This requires an amendment to the existing lease and approval of a new lease.

Based upon the discussion by the City Council, the intent of the amendment to the current lease with the Ballards is to accomplish two things:

1. Provide for a rent abatement of up to 6 months while they continue to market the business; and
2. Allow a termination of the existing lease upon execution of a new lease with new tenants.

The second step in the process is to adopt a format for the new lease for a future tenant. Since there is currently no tenant to sign a new lease, the Council discussed having the City Attorney draft a new lease that could be executed if the Ballards found a new tenant to purchase the business. Amendments to the new lease are as follows:

1. No pets clause,
2. Security and advance lease deposits,
3. Requirement that the tenants remain on site when guests are present,
4. The reference to City Arborist is amended to Public Works Director or designee due to the fact that the City Arborist position is transitional and may not exist or be filled at any given time.

The amended ordinance authorizes the City Manager to execute a lease with a new tenant, eliminating the need to come before the City Council. Although not included in the ordinance, the City Manager shall conduct appropriate background checks to verify the suitability of potential tenants; and reserves the right to disqualify any tenant based upon those background checks.

A final point that was discussed at the Council meeting was to provide for a modified first term of the lease based upon the timing of the approval of a new tenant. That is, reduce the first term of the lease to a time equal to the amount of time it takes to find and approve a new tenant. So if it were to take 3 months to find and approve a tenant, the first term of the lease would be 4 years and 9 months. The term of the lease is discussed on line 20 of the lease with the dates left blank. The City Attorney has requested clarification of the intent of the Council. This can be provided at the meeting and any changes at that time.

This agenda item is to address the adoption of a new lease by ordinance. A separate agenda item addresses the addendum to the current lease.

Fiscal Impact:
N/A

Exhibits:
1. Thurston House Ordinance 2021 (generalized)
2. Thurston House Final Lease 2021 Version 2(002)

Commission/Board: City Council

Contact Person: Mark Reggentin 407-539-6220

Reviewed by City Attorney
Yes

MEETING DATE		AGENDA
September 27, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 3.

Subject:
Charter Review Commission Report

Requested Action or Motion:
After receiving public input, move to accept the 2021 Charter Review Commission Report.

Summary Explanation & Background:
On June 8, 2020, the Maitland City Council adopted Ordinance No. 1371 to establish a Charter Review Commission to study Maitland's Charter and make recommendations for amendments to the Council by December 31, 2020. As a result of COVID, the Commission did not meet in person until September of 2020 and the deadline was amended by Ordinance No. 1388 to revise the date to December 31, 2021.

At its first organizational meeting in September, the Commission began a review of the entire Charter and considered issues that were submitted by staff. The issues that were reviewed and resolved are located in Appendix F. A page on the City's website outlines the Charter Review process and provides guidance for residents wishing to participate in the process. A public input meeting was held on March 29, 2021 and residents were notified by a posting on the City's website and via social media.

The final public meeting was held on August 30, 2021 to approve this final report and recommendations.

After 10 public meetings, public input, extensive research, and deliberation, the Commission makes five specific recommendations for amendments to the Charter (presented in the order of appearance in which the relevant provisions currently appear in the Charter):

Replace gendered references with gender neutral language;
Clarify that upon vacancy of the mayor's office, the vice mayor shall serve as mayor only until the next regularly scheduled election;
Clarify the waiting period for a mayor or councilmember who has served two terms will be one year;
Eliminate the provision for decreases to future elected officials' salaries for decreases in the Consumer Price Index; and
Clarify that councilmembers are not prohibited from discussing the appointment or removal of a city administrative officer and employees with persons other than the city manager.

The Recommendations section outlines the above questions and the charger language changes can be found in Appendices A through E. Appendix F provides an outline of all issues that were considered by the Commission. Appendix G contains a minority opinion report from Commission member Simasek regarding the waiting period for termed out mayors.

Staff is recommending the City Council accept the 2021 Charter Review Commission Report. City Council may then want to consider directing the City Attorney to draft an ordinance including all or some of the recommended charter changes for the March 2022 regular municipal election.

Fiscal Impact:
None of the amendments will have a fiscal impact. If the ballot language is included at a regular election there is no additional cost to the City.

Exhibits:
1. Final Report V2

Commission/Board: City Council

Contact Person: Sharon Anselmo 407-539-6221

Reviewed by City Attorney
The ballot language in the report was prepared by the City Attorney's office for the Charter Review Commission.