



**City Council
October 11, 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. Public Hearing
 1. Ordinance - New Thurston House Lease
- V. Old Business
- VI. Consent Agenda
 1. Approve the City Council meeting minutes of September 27, 2021
 2. Piggyback Agreement for Building Code Services
- VII. Public Period
- VIII. Decisions - None
- IX. Discussion
 1. Charter Amendments
- X. City Manager's Report/City Attorney/Council Reports
- XI. 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
October 11, 2021		Section: Public Hearing
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:

Ordinance - New Thurston House Lease

Requested Action or Motion:

After receiving public input, move to adopt an ordinance authorizing the City Manager to lease the Thurston House property and approve the format for a new lease.

Summary Explanation & Background:

As discussed at the City Council meeting of September 13 and September 27, 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 amended lease was approved at the City Council meeting on September 27, 2021.

The second step in the process is to adopt a format for the new lease for a future tenant and allow the City Manager to execute the lease. 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.
5. The terms "premisiss" and "lease premises" have been clarified to be synonymous and consistent..

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 an ordinance authorizing the City Manager to lease the Thurston House property and approve the format for a new lease.

Fiscal Impact:

N/A

Exhibits:

1. Thurston House Ordinance 2021 (generalized)
2. Thurston House Final Lease 2021 (JJS Redline Consistency) 10-9-21 CC approval

Commission/Board: City Council

Contact Person: Mark Reggentin 407-539-6220

Reviewed by City Attorney

Yes

MEETING DATE		AGENDA
October 11, 2021		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Approve the City Council meeting minutes of September 27, 2021		
Requested Action or Motion: Move to approve the consent agenda.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Minutes 09272021		
Commission/Board: City Council		
Contact Person: Maria Waldrop 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
October 11, 2021		Section: Consent Agenda
Department/Office : Community Development	AGENDA REPORT	Item #: 2.
Subject: Piggyback Agreement for Building Code Services		
Requested Action or Motion: Authorize the City Manager to execute a piggyback contract with M.T. Causley, LLC - a Safebuilt Company for building code plans review and inspection services consistent with the Town of Astatula and M.R. Causley, LLC - a Safebuilt Company agreement.		
Summary Explanation & Background: In light of the continued increase in building services workload and the difficulty in securing adequate third party assistance needed from a single provider, the Community Development Department is requesting Council approve and authorize the City Manager to execute a contract with M.T. Causley, LLC - a Safebuilt Company for Building Code plans review and inspection services. The City of Maitland currently utilizes Universal Engineering for continuing building plans review and inspection services in conjunction with a piggyback contract with Lake County. However, the demand for services in Maitland has been difficult for Universal Engineering to support on their own, thus resulting in a reduction in the level of service to our residents and customers. The proposed piggyback agreement between the Town of Astatula and M.T. Causley, LLC - a Safebuilt Company will supplement the needed building plans review and inspection services and allows the City not to be dependent on a single provider. The existing agreement is on an annual basis and automatically renews unless prior notice is provided by either the City of Maitland or M.T. Causley, LLC - a Safebuilt Company. Fees for plan review and inspection services will be billed on an hourly basis. Staff anticipates utilizing the building plans review and inspection services as needed based on our workload. It is anticipated the total annual fees will exceed \$50,000 thereby requiring Council approval of said agreement.		
Fiscal Impact: Contracted services are billed at an hourly rate per attached agreement.		
Exhibits: 1. Piggyback Contract Form - Safebuilt		
Commission/Board: City Council		
Contact Person: Dan Matthys 407-539-6211		
Reviewed by City Attorney Yes		

MEETING DATE		AGENDA
October 11, 2021		Section: Discussion
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Charter Amendments		
Requested Action or Motion: Provide Direction to Staff - Charter Review Amendments		
Summary Explanation & Background: On August 30, 2021, the Charter Review Commission (CRC) approved their final report with five recommendations for charter amendments. On September 27, 2021, the City Council accepted the report. The next step is for the City Council to decide which, if any, of the recommendations to place on the next City-wide election for voter consideration and whether there are any additional amendments the Council wishes to consider. The next regularly scheduled election is March of 2022. Below is a re-cap of the five recommendations from the CRC: 1. <u>Gender Neutral Language</u> - The 1998 Charter Review Commission, through Ordinance 957, added a sentence to Section 1.02 of the Charter stating “Whenever words used in this charter refer to the masculine gender, they shall include the feminine and neuter gender and vice versa.” The Model City Charter (developed by the National Civic League) eliminates all references to gender, as do most modern city charters. Modern charter language uses they, their, them, themselves, themselves, or, refers to the title of the position being referenced. Terms such as councilman or councilwoman are replaced with councilmember. The following question would be posed to the voters: Question __: General Neutral Language in City Charter <i>Shall the City of Maitland’s Charter be amended to replace gendered references with gender-neutral language?</i> 2. <u>Mayoral Succession Amendment</u> - The CRC determined that the final language of Section 2.03 of the Charter was not consistent with the intent of the Charter Amendment No. 9 in 2012. The 2012 ballot question was: <i>FILLING MAYOR’S VACATED SEAT.</i> <i>Shall the Maitland Charter be amended to require that in the event that a Mayor’s seat is vacated, election of a new Mayor shall take place at the next scheduled municipal election?</i> The amendment in 2012, via Ordinance 1232, added a sentence at the end of the section stating “If the Mayor’s seat is vacated during his/her term of office, then a new Mayor shall be elected at the next scheduled municipal election.” This conflicted with the previous sentence stating that the Vice Mayor “shall become mayor for the remainder of the unexpired term.” After extended discussions, the CRC agreed with the 2012 CRC, that the Vice Mayor should only serve until the next election and not the		

remainder of the term. This would mean that rather than assuming the Mayor's seat, the Vice Mayor would simply perform the functions of the Mayor (much as they would for any absence of the Mayor) until a new Mayor is elected and then would return to their council seat. This would mean that there would only be four Council members until such time as the next regular election. The following question would be posed to voters:

Question _: Mayoral Succession Amendment

Shall the City of Maitland's Charter be amended to provide that in the event of a vacancy in office of the Mayor, the Vice Mayor shall assume the Mayor's duties until a replacement Mayor is elected and that the voters shall elect a replacement Mayor at the next scheduled municipal election where there is sufficient time for candidates to qualify?

3. **Clarification of Term Limits** - Four ballot questions in 2012 passed related to Section 2.01 of the Charter. The result created confusion between "one full election cycle" and "next election" when referring to the waiting period once a councilperson or mayor is termed out. The CRC recommends clarifying how long a mayor or council member must sit out and also recommends making these consistent, with the exception of a termed out councilmember who may run for the office of mayor without a waiting period. The following question would be posed to voters:

Question __: Clarification of Term Limits

Shall Section 2.01 of the Maitland Charter be amended to clarify that a mayor or councilmember who has served two consecutive terms may not again hold office of mayor or councilmember until one year after the end of that person's last term?

It should be noted that the CRC report contained a minority report from Member Simasek, who recommends leaving the difference between how mayors and councilmembers are treated when termed out. The current interpretation of the charter allows a termed out councilmember to run after one year and a termed out mayor after two years.

4. **Elected Officials Salaries** - The Charter Review Commission recommends eliminating the provision for decreasing mayor and councilmember's salaries when the consumer price index declines. The CRC felt this is consistent with how salaries are typically treated and in the year that the consumer price index declines, the mayor and councilmembers would receive no increase. The CRC also discussed updating the actual salaries (to reflect the changes over the years), but ultimately decided not to include an update to the amounts. The amount of \$350 for the mayor's salary is currently \$538.45 per month and the amount of \$250 for a councilmember's salary is \$358.98 per month. The following question would be posed to voters:

Question __: Eliminate Provision to Decrease Elected Officials Salaries Based on Decreases in the Consumer Price Index

Shall the City of Maitland's Charter be amended to eliminate the provision to decrease the salaries of the mayor and councilmembers for future decreases in the consumer price index?

5. **Appointment or Removal of City Officers and Employees** - The Charter Review Commission recommends clarifying that members of council are not prohibited from discussing appointments and removals of officers and employees with persons other than the City Manager. The CRC was concerned that as currently written in the Charter, a member of Council who discusses an officer or employees with a resident or anyone other than the city manager, could face a potential charter violation if they mention appointment or removal. The following question would be posed to voters:

Question __: Council Allowed to Discuss Appointment and Removal of City Officers and Employees

Shall the City of Maitland's Charter be amended to clarify that councilmembers are not prohibited from discussing the appointment or removal of city administrative officers and employees with persons other than the City Manager?

The CRC's final report is attached for reference. Tonight, staff is looking for direction as to which, if any, of the amendments City Council wishes to place on the ballot for voter consideration. Should the Council wish to place any of the questions on the ballot, the next step would be for the City Attorney to draft an ordinance for Council's consideration (requires two meetings).

Fiscal Impact:

None.

Exhibits:

1. Final Report V2

Commission/Board: City Council

Contact Person: Sharon Anselmo 407-539-6221

Reviewed by City Attorney

The City Attorney's office provided ballot language.