MINUTES OF THE CITY COUNCIL MEETING HELD ON JULY 23, 2012, CITY HALL, COUNCIL CHAMBERS

Mayor Schieferdecker called the meeting to order at 6:35PM. Councilwoman Frosch delivered the Invocation. Mayor Schieferdecker led the Pledge of Allegiance. Present were Council members Bonus, Frosch, Reponen, and Valdes; City Manager Williams; Legal Counsel Smith; and, City Clerk Waldrop.

OLD BUSINESS

Atlantic Housing Project

Mr. Dick Wells, Community Development Director, provided an update on the status of the Atlantic Housing Project (attached hereto and made part hereof) and answered questions posed by the Council. After discussion, upon Council consensus, Council members will contact Legal Counsel Cassady to discuss this project.

PUBLIC HEARING

Ordinance – Petition No. 2012-01(AZ) Lakes of Maitland Condominium Association Inc. – Zoning Text Amendment

Mr. Dick Wells, Community Development Director stated that in November of 2011, an amendment to the City's CDP was adopted that added Future Land Use Element Policy 3.9.A and accompanying Standards 3.9.A.1 - 3.9.A.4, to allow a mix of residential scale retail and personal service uses within the high density residential land use district where the district is contiguous to a rail line and adjacent to Downtown Maitland. Standards were adopted that required a permitted conditional use or planned development review process, stipulated a maximum square footage of residential scale retail and/or personal service uses, and provided performance standards to ensure conformity and compatibility with surrounding uses. This application for Zoning Text Amendment has been filed by Lakes of Maitland Condominium Association Inc., with Daniel Bellows as agent for the application**.** The application has been filed to implement the adopted policy and standards through the adoption of zoning code text within the RG-3 zoning district. This will establish the residential scale retail and personal service uses as permitted conditional uses within the RG-3 zoning district or through the Planned Development District. The proposed amendment aligns with the Policy and Standards set forth in the adopted CDP Amendment. On June 21st, the Development Review Committee (DRC) met and provided a recommendation for approval of the Zoning Text Amendment, with modifications to the proposed text of the zoning amendment.

The City Clerk read, by title, an Ordinance of the City Of Maitland, Florida, amending Chapter 21 Zoning of the Maitland Code Of Ordinances to add Residential Scale Retail and Personal Service Uses as Permitted Conditional Uses in the RG-3 Multi-Family Residential District where properties zoned RG-3 meet the requirements of Policy 3.9.A of the Future Land Use Element of the 2030 City of Maitland Comprehensive Development Plan; establishing conditions, signage, and other regulations for such permitted conditional uses in the RG-3 District; providing for severability, conflicts, and an effective date.

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

A motion was made by Councilwoman Frosch to amend Chapter 21 Zoning Section 21-13. V. Permitted Conditional Uses to add (j.) Residential scale retail and/or personal service use establishing conditions, sign regulations, performance standards for lighting, noise, odor, buffering and so forth for the uses; and, set the second Public Hearing date as August 13, 2012. The motion was seconded by Councilman Valdes and carried by roll call vote: Bonus – aye; Frosch – aye; Reponen – aye; Valdes – aye; and, Schieferdecker – aye.

PUBLIC PERIOD

Mayor Schieferdecker opened the Public Period.

Mr. Gus Bobes, Jr., 621 Dommerich Drive, stated he along with many residents have numerous concerns and are opposed to the Atlantic Housing Project.

Mr. Dale McDonald, 108 Tangelo Court, member of the Planning and Zoning Commission, stated he supports a joint workshop (Council/PZ) to addressed the concerns including the “not for profit” status.

Mr. Bob Graham, 2216 Chippewa Trail, addressed the accountability of the partners who receive City funding.

Mrs. Pushpa Seth, 1641 Indian Dance Court, addressed the accountability of the partners who receive City funding.

Mrs. Andrea Bailey Cox, Executive Director & CEO, Art & History, answered questions raised by prior speakers.

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

CONSENT AGENDA

A motion was made by Councilwoman Frosch to approve the Consent Agenda as presented. The motion was seconded by Councilman Bonus and carried by roll call vote: Bonus – aye; Frosch – aye; Reponen – aye; Valdes – aye; and, Schieferdecker – aye.

Consent agenda as follows:

Receive Planning and Zoning Commission Minutes of May 3, 2012 and June 7, 2012.

Change Order #CH2012-7-New City Hall: authorize the City Manager to approve Change Order Summary CH2012-7 to the City Hall contract with Wharton-Smith, adjusting the contract from $3,305,853.55 to $3,306,171.70.

Alan Jay Automotive Network – Vehicle Purchase: authorize the purchase of a 2012 Chevrolet 2500 HD pick-up truck from Alan Jay Automotive Network for Maitland Waste Water Division for $32,870.70.

Contract – Industrial Network Solutions & Verizon Wireless – SCADA System: authorize the City Manager to sign a contract with Industrial Network Solutions and Verizon Wireless for the amount of $31,780 for the purchase and installation of cellular modems and 25MB data allowance.

Set Proposed Millage Rate (TRIM), Date, Time & Place for Public Hearing

Ms. Sharon Anselmo, Management Services Director, stated that in accordance with the Truth in Millage (TRIM) Compliance, as set forth in Chapter 200 of the State Statutes, the City must identify a rolled-back millage rate for the 2012 tax year; and set the date, time and place for the public hearing on the tentative budget and proposed millage rate. The Statutes require three separate motions. The proposed operating millage rate of 3.8800 is 2.64% less than the roll back rate. The rules associated with TRIM Compliance have not been altered as a result of tax reform. The majority vote millage rate is the City's rolled back millage multiplied by the change in per capita income. The voting requirements are applicable only to the City Council's vote on setting the final millage rate on September 24, 2012. The Certificate of Taxable Value (form DR-420) must be returned to the Property Appraiser's Office indicating the millage rate the City intends to impose. The final millage rate will be set at the final public hearing in September, which can be any amount equal to or lower than the tentative millage rate. The millage rate can be increased after the tentative rate is set; however, this involves a time consuming and expensive notification process.

Mayor Schieferdecker requested public comments. The following speakers spoke against a proposed millage increase: Mr. Brij Seth, 1641 Indian Dance

Court; Mr. John Peele, 1101 Willowbrook Trail; Mr. Bob Graham, 2216 Chippewa Trail; Mr. Tim Hagan, 230 West George Avenue; and, Mrs. Renee Charlan, 201 West Horatio. There being no one else who wished to be heard, Mayor Schieferdecker closed the public comment period.

A motion was made by Councilman Bonus to move to set the rolled back millage for the 2012 tax year as 3.9851. The motion was seconded by Mayor Schieferdecker and carried by roll call vote: Bonus – aye; Frosch – aye; Reponen – aye; Valdes – aye; and, Schieferdecker – aye.

A motion was made by Councilman Bonus to move to set the proposed operating millage rate for the 2012 tax year as 3.8800. The motion was seconded by Councilwoman Frosch and roll was called: Bonus – aye, Frosch – aye; Reponen – nay; Valdes – nay; and, Schieferdecker – nay. Motion Failed.

A motion was made by Councilman Valdes to set the proposed operating millage rate for the 2012 tax year as 3.9300. The motion was seconded by Mayor Schieferdecker and carried by roll call vote: Bonus – nay, Frosch – nay; Reponen – aye; Valdes – aye; and, Schieferdecker – aye.

A motion was made by Councilwoman Reponen to move to set the proposed voted debt millage rate for the 2012 tax year as 0.5000, for a combined total of 4.4300 mills; and, set the date, time and place for the Public Hearing on the tentative budget for the fiscal year 2012-2013 as Monday, September 10, 2012, 6:30 P.M. in the City Hall Council Chambers. The motion was seconded by Councilwoman Frosch and carried by roll call vote: Bonus – nay; Frosch – nay; Reponen – aye; Valdes - aye; and, Schieferdecker – aye

Appointments – Parks and Recreation Advisory Board (2)

The City Clerk stated that the terms of Susan Greco and Cindi Price on the Parks and Recreation Advisory Board expired on June 30, 2012. Ms. Greco is not eligible for reappointment due to the consecutive term limitations. Mrs. Price is eligible and wishes to be considered for reappointment. The City Council is requested to make two (2) appointments to the Parks and Recreation Advisory Board effective June 30, 2012, each for a three term.

Mayor Schieferdecker requested nominations. Councilwoman Reponen nominated Cindi Price. The nomination received a second from Councilwoman Frosch and a third from Councilman Valdes. Councilwoman Reponen nominated John Yanchunis. The nomination received a second from Councilman Valdes. There being no further nominations, Mayor Schieferdecker declared Cindi Price reappointed to the Parks and Recreation Advisory Board effective June 30, 2012 for a three year term. Upon Council consensus, the second appointment will be deferred to a future meeting.

Ordinance – Police & Fire Pension Trust Fund Board

Fire Chief Ken Neuhard stated that during recent City Council meetings the issue of re-appointing the Mayor to the Police & Fire Pension Board of Trustees was discussed and concerns about the potentially conflicting roles of an elected official and a pension board member were raised. As a result, an ordinance has been drafted amending the current ordinance establishing the Board of Trustees to eliminate the possibility that the Mayor or any other member of City Council will serve on the Board of Trustees. Rather, a non-elected member of the City's senior management staff (appointed by City Council) will fill the position on the Board of Trustees that the Mayor or member of City Council would have filled in the past. This ordinance has been reviewed and approved by the pension board's attorney, Stuart Kaufman.

The City Clerk read, by title, an Ordinance of the City Of Maitland, Florida, amending Chapter 2, Division 4, Section 2-124(3) of the Code of Ordinances to revise the membership of the Board of Trustees of the Municipal Police Officers & Firefighters Pension Trust Fund; providing for conflicts, severability, codification, and an effective date.

Mayor Schieferdecker requested public comments. There being no one who wished to be heard, Mayor Schieferdecker closed the public comment period.

A motion was made by Councilwoman Frosch to move for introduction on first reading an Ordinance to amend the make-up of the Police & Fire Pension Board of Trustees to eliminate the possibility that the Mayor or any other member of City Council may serve on the Board; and set the Public Hearing date as August 13, 2012. The motion was seconded by Councilman Bonus and carried by roll call vote: Bonus – aye; Frosch – aye; Reponen – aye; Valdes – aye; and, Schieferdecker – aye.

Funding Agreement – Cultural Partners/Requested by Councilwoman Frosch

Ms. Sharon Anselmo, Management Services Director, provided an explanation of a funding agreement and the mutual benefit to both the City and A&H.

Mayor Schieferdecker requested public comments. The following speakers spoke in support of a funding agreement: Mr. Brij Seth, 1641 Indian Dance Court; Mr. John Peele, 1101 Willowbrook Trail; Ms. Andrea Bailey Cox, A&H Director; and, Ellen Schellhause, Director Maitland Public Library. There being no one else who wished to be heard, Mayor Schieferdecker closed the public comment period.

After discussion, a motion was made by Councilman Bonus to direct the City Manager/staff to work with the Cultural Partners and bring forward a funding

agreement. The motion was seconded by Councilman Valdes and carried by roll call vote: Bonus – aye; Frosch – aye; Reponen – aye; Valdes – aye; and, Schieferdecker – aye.

DISCUSSION

Flex Bus

Mr. Dick Wells, Community Development Director advised Council that there is a disconnect between how Lynx and the Partner Cities envision the FlexBus program. Mr. Wells also stated that the Partner Cities will compose a letter to John Lewis, Executive Director of Lynx requesting clarification of the program by Lynx and to rectify it with that of the Partner Cities. Mr. Wells also answered questions posed by the Council.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 10:24 P.M.

CITY OF MAITLAND

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MAYOR

ATTEST:

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CITY CLERK