

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on September 13, 2021 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (646) 749-3122 – Access Code: 629-214-821.

President Knight called the meeting to order. Roll call was taken. Present were members Kenneth Burgess, Jodi Wilkeson, Alan Knight, Charles Proctor, Lance Smith and Mayor Whitfield. City Manager William Poe and City Attorney Matthew Maggard were also present.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Director of Planning Todd Vande Berg, Finance Director Ted Beason, CRA Director Gail Hamilton, IT Director Mike Panak, Airport Manager Nathan Coleman, Historic Preservation Specialist Audrey McGuire, Finance Supervisor Jessica Carter and City Clerk Lori Hillman. Library Director Lori Brightwell attended virtually.

Alan Knight gave the Invocation. The Pledge of Allegiance followed.

1. MAYOR

1.1 Daughters of the American Revolution Proclamation

City Clerk Lori Hillman read aloud a proclamation honoring the Daughters of the American Revolution. Regents of the Echibucassa Chapter NSSDA; Regent Ann Swinford, Vice Regent Marie Wunderlich, and Chapter Members Karen Patterson and Jodi Wilkeson were present to accept the proclamation from Mayor Whitfield.

2. CONSENT ITEMS

2.1 July 26, 2021 Regular Meeting Minutes

2.2 August 09, 2021 Regular Meeting Minutes

2.3 August 23, 2021 Regular Meeting Minutes

2.4 August 26, 2021 Special Meeting Minutes

2.5 August 26, 2021 Workshop Minutes

2.6 Approval of FAA AIP Grant No. ZPH-SOG-3-12-0089-023-2021 for the Reconstruction of Taxiway A – No. 24-21-06

2.7 Approval of State of Florida, Department of Economic Opportunity – HL135 – SVB Phase II – No. 24-21-07

2.8 Approval of Revision to Employee Policy and Procedures Manual, Section 14 (Hours of Work and Overtime)

Jodi Wilkeson moved to approve the Consent Items. Seconded by Charles Proctor. Motion passed unanimously.

BUSINESS ITEMS

3. PUBLIC HEARING

3.1 First Reading **ORDINANCE NO. 1422-21 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, LEVYING THE MILLAGE RATE FOR FISCAL YEAR 2021-2022 FOR THE CITY OF ZEPHYRHILLS.”**

City Attorney Matthew Maggard read Ordinance No. 1422-21 by title. Finance Director Ted Beason stated the millage rate was set at 6.35 mills, the same rate since 2016, which is 5.34% more than the rolled back rate of 6.0279 mills as computed pursuant to Florida Statute 200.065(1). A public hearing was held and there were no comments from the audience.

Lance Smith moved to approve Business Item 3.1 setting the millage rate at 6.35 mills on the First Reading. Seconded by Charles Proctor. Motion passed unanimously.

3.2 First Reading **ORDINANCE NO. 1423-21 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, ADOPTING A BUDGET FOR THE 2021-2022 FISCAL YEAR.”**

City Attorney Matthew Maggard read Ordinance No. 1423-21 by title. A public hearing was held and there were no comments from the audience.

Jodi Wilkeson moved to approve Business Item 3.2 Ordinance No. 1423-21 on the First Reading. Seconded by Kenneth Burgess. Motion passed unanimously.

3.3 First Reading ORDINANCE NO. 1424-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS PARCEL 04-26-21-0000-00200-0000, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED.”

City Attorney Matthew Maggard read Ordinance No. 1424-21 by title.

Councilman Smith stated a Conflict of Interest, recused himself from voting and left Council Chambers.

Planning Director Todd Vande Berg said a petition was submitted by Marianne M. Simons Trust for the annexation of 12.53 acres on the west side of Simons Road. He said a companion item, Business Item 3.8, will address the future land use and zoning. Staff and the Planning Commission recommended Council’s approval. The applicant’s representative was present to answer questions. A public hearing was held and there were no comments from the audience.

Kenneth Burgess moved to approve Ordinance No. 1424-21 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

Councilman Smith returned to the dias.

3.4 First Reading ORDINANCE NO. 1425-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF THE CITY OF ZEPHYRHILLS DESCRIBED AS PARCEL 35-25-26-21-0010-06800-0010, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED.”

City Attorney Matthew Maggard read Ordinance No. 1425-21 by title. Historic Preservation Specialist and Community Planner Audrey McGuire said this is an annexation of an enclave within the City of approximately 1.75 acres completely surrounded by other properties within the boundaries of the City and is consistent with Florida Statutes for annexation. The applicant’s representative, Tom Woodruff, was present to answer questions. A public hearing was held and there were no comments from the audience.

Charles Proctor moved to approve Ordinance No. 1425-21 on the First Reading. Seconded by Lance Smith. Motion passed unanimously.

3.5 First Reading ORDINANCE NO. 1421-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN, SPECIFICALLY ADDING A PROPERTY RIGHTS ELEMENT (CHAPTER 11) FOR TRANSMITTAL AND AN EFFECTIVE DATE.”

City Attorney Matthew Maggard read Ordinance No. 1421-21 by title. Planning Director Todd Vande Berg said House Bill 59, which requires all local governments to prepare a Property Rights Element for inclusion in their Comprehensive Plan, became law on June 29, 2021. This is the transmittal public hearing and, if approved, this ordinance will be transmitted to the State of Florida Department of Economic Opportunity for review. A transmittal public hearing was held and there were no comments from the audience.

Lance Smith moved to approve Ordinance No. 1421-21 on the First Reading for the transmittal. Seconded by Charles Proctor. Motion passed unanimously.

3.6 First Reading ORDINANCE NO. 1426-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, PROPOSING AN AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP CHANGING FROM COUNTY RES-6 TO CITY RU (RESIDENTIAL URBAN) AND THE ZONING DESIGNATION FROM COUNTY AR TO CITY R4 (MULTI-FAMILY RESIDENTIAL) FOR APPROXIMATELY 1.75 ACRES OF REAL PROPERTY HAVING THE PARCEL IDENTIFICATION NUMBER 35-25-21-0010-06800-0010; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEO, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.”

City Attorney Matthew Maggard read Ordinance No.1426-21 by title. Historic Preservation Specialist and Community Planner Audrey McGuire said following the annexation of property, a future land use and zoning designation is assigned. This project is proposing 12.8 townhomes per acre with a future land use designation of RU (Residential Urban), a zoning designation of E4 (Multi-Family Residential), and is consistent with the surrounding properties in the area. A transmittal public hearing was held and there were no comments from the audience.

Kenneth Burgess moved to approve Ordinance No. 1426-21 on the First Reading of the transmittal with the Planning Commission's recommendation for staff to work with the applicant and surrounding property owners to address existing off-site storm water concerns and keep the Planning Commission updated as the project moves through the development phase. Seconded by Jodi Wilkeson. Motion passed unanimously.

3.7 First Reading ORDINANCE NO. 1427-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, PROPOSING AN AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP CHANGING FROM CITY RE TO CITY RU (RESIDENTIAL URBAN) AND THE ZONING DESIGNATION FROM CITY ER TO CITY R4 (MULTI-FAMILY RESIDENTIAL) FOR APPROXIMATELY 2.06 ACRES OF REAL PROPERTY HAVING THE PARCEL IDENTIFICATION NUMBER 35-25-21-0010-06800-0000; AND AMENDING THE PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEO, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Matthew Maggard read Ordinance No. 1427-21 by title. Historic Preservation Specialist and Community Planner Audrey McGuire said this parcel is currently located within the City of Zephyrhills with a future land use designation of RE (Residential Estate), limited to two dwelling units per acre, and a zoning designation of ER (Estate Residential), limited to two dwelling units per acre. Petitioner is requesting to amend the future land use designation to City RU (Residential Urban) and zoning designation to City R4 (Multi-Family Residential). A transmittal public hearing was held and there were no comments from the audience.

Charles Proctor moved to approve Ordinance No. 1427-21 on the First Reading of the transmittal. Seconded by Kenneth Burgess. Motion passed unanimously.

3.8 First Reading ORDINANCE NO. 1428-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COUNTY RES-6 TO CITY RU (RESIDENTIAL URBAN), AND AMENDING THE ZONING FROM COUNTY AC TO CITY PUD (PLANNED UNIT DEVELOPMENT), FOR PARCEL 04-26-21-0000-00200-0000 PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE.”

City Attorney Matthew Maggard read Ordinance No. 1428-21 by title.

Councilman Smith stated a Conflict of Interest, recused himself from voting and left Council Chambers.

Planning Director Todd Vande Berg said this is the companion item to the Marianne M. Simons property annexation appearing on the agenda earlier as Business Item 3.3 and addresses the future land use and zoning. This item was brought before the Planning Commission with traffic and drainage concerns that will be addressed locally and regionally. The subject property is located within the basin of special concern and will be assessed carefully for adherence to compliance for additional drainage. He said 16 conditions were included in this ordinance. This is the transmittal public hearing and, if approved, this ordinance will be transmitted to the State of Florida Department of Economic Opportunity for review. A transmittal public hearing was held and there were no comments from the audience.

Jodi Wilkeson moved to approve Ordinance No. 1428-21 on the First Reading for transmittal. Seconded by Kenneth Burgess. Motion passed unanimously, 4-0.

Councilman Smith returned to the dias.

4. **CITY MANAGER'S REPORT**

4.1 Jeffries House and Carriage House RFP Bid Award

CRA Director Gail Hamilton said RFP Bid No. 35-21-02 was released on May 16, 2021 with a response deadline of August 16, 2021. The evaluation committee consisting of CRA Director Gail Hamilton, Building Official Bill Burgess, Senior Planner Rodney Corriveau, and Mike Bishop with the Pasco County Economic Agency met on August 23, 2021 to review and rank the responses. Additional points were given for the use of both structures since there is no parking designated to the Carriage House. Due to a 100 point difference between the first and second place rankings, the evaluation committee voted against presentations. The final ranking of the three responses were: 1). Tina and Joe's Café; 2). Flowers by Annie; and 3). Shell's Killer Bakery. Staff will begin lease negotiations with the number 1 ranked company and, if negotiations fail, will proceed to negotiations with the number 2 ranked company and number 3 ranked company, respectively. The lease agreement will be brought before Council for approval.

A conversation began around creating a lease with an improvement allowance that is amortized over the life of the lease, a lease that is creative for the City and the prospective lessee, and a sublease for the second floor apartment in the Carriage House.

Jodi Wilkeson moved to approve the final ranking of RFP No. 35-21-02 - Lease of the Historic Jeffries House and Carriage House. Seconded by Lance Smith. Motion passed unanimously.

4.2 Change Order 023 – Sarah Vande Berg Tennis Center – J.O. DeLotto & Sons, Inc.

City Manager William Poe said during Phase I Construction of the Sarah Vande Berg Tennis Center multiple additions were made to the project which incurred an increase of \$105,709 to the overall contract and included: Water Connection Fee - \$46,650, Duke Energy Aid to Construct - \$23,819, French Drain South of Courts - \$3,800, Upgrade to Lift Station - \$5,350, Rough in for Fire Alarm - \$1,386, Monument Sign - \$6,849, Pickleball Perimeter Fence to 6' - \$7,131, Patio Ceiling Fans - \$4,640, Gym Electrical extras - \$4,634, and Gym Door Awning - \$1,450. Mr. Poe gave a brief description and explanation of each items overage and requested Council's approval of Change Order 023 in the amount of \$105,709 to be funded from the general fund contingency.

Public Works Director Shane LeBlanc said he and Mr. Poe reviewed the changes and made certain expenses incurred by the City were permanent building fixtures that benefited the City in the long run. He said the original contract amount was \$4,994,339.00 and through owner direct purchasing with a sales tax savings, the contract amount was reduced by \$1,550,056.24. He said the contract will close out under the original amount.

A lengthy conversation ensued relating to water connection fees and underground utilities not anticipated by the contractor and omitted from the Guarantee Maximum Price, the change from five feet to six feet fence around Pickleball courts, a rough in for a fire alarm system in the kitchen, dipping into the City's contingency fund and the operator and contractor bypassing City staff and making changes.

City Manager William Poe said change orders did not flow in like they should have with higher overages than anticipated. The cost of the overages were shared by the operator Tennis Pro Florida, the Contractor Delotto and Sons and the City. Staff justified \$105,709 as City costs.

Jodi Wilkeson said it is council's obligation to support staff and moved to approve Change Order 023 – Sarah Vande Berg Tennis Center with J.O. DeLotto & Sons, Inc. Seconded by Lance Smith. Motion passed unanimously.

4.3 Sale of 5031 Airport Road

City Manager William Poe stated on February 11, 2019, Council approved a 30-year lease agreement for 5031 Airport Road with Kerns Family Construction. The parcels total 1.73 acres and include a 2,628 sq. ft. building. The southern parcel is owned by the City and the other parcel is owned by the Airport. The parcel that includes the building with the asphalt parking is partially owned by the Airport and partially owned by the City. The City portion of the property is 10' to the north of the building and the northern 2/3's of the property is airport owned. As part

of the agreement, the Kerns were required to provide capital improvements to the real property totaling at least \$180,000 to be complete by the start of the third year of the lease. The City also agreed to sell the City owned property at the end of the fourth year, based on the value at the time the lease was executed, plus 20%. The City also agreed to coordinate with the FAA for the sale of the airport parcel if so desired by Kerns Family Construction. Staff has not approached the FAA.

Airport Manager Nathan Coleman interjected and stated the FAA has been clear in advising staff not to approach their agency requesting airport land to be released.

Spoke from the floor: Tony and Linda Kerns – Kerns Family Construction

Mrs. Linda Kerns said they have always been interested in purchasing the airport property. She said as soon as the lease was signed, she requested the property be carved out from the FAA overlay and was told by Airport Manager Nathan Coleman that the FAA would not release airport property and it was not an option. She said they wanted everything and would have bought it originally. Had they known the purchase of FAA property was not an option initially, they would have done something completely different.

Mr. Tony Kerns said their plan was to purchase the airport parcel but waited because they anticipated the approval process through the FAA would take a while. He said they were not told FAA property was not an option during conversations with City Manager Steve Spina. Now that we are aware the airport property is not an option, we would like to purchase the City property to be able to invest back into the City.

A conversation began with a brief synopsis of the City selling property along Airport Road for the purpose of improving the area to people who wanted to develop around the airport to support airport activity and improve the gateway to the airport venue where 10,000 people were passing annually to attend the Chamber's BBQ and Blues event. It was explained that Kerns Family Construction had seen this sort of activity taking place historically and thought they had an opportunity to purchase and restore a derelict building that was partially on airport property and entered into a lease agreement with the City.

City Manager William Poe stated the conversation tonight is for the sale of City property (.6 acres and .38 acres) that includes the building. The airport controlled property is not up for discussion since it has to be cleared through the FAA. Mr. Poe referred to 2018 tax cards since the lease was signed in April 2018 and stated the .6 acres was valued at \$26,424, plus 20% (\$5,284.80) for a total of \$31,708.80. The 1.13 acres was valued at \$41,534 divided by 3 (1/3 or .38 acres City owned, 2/3 Airport owned) for \$13,845, plus 20% (\$2,769) for a total of \$16,614. The building was valued at \$19,868, plus 20% (\$3,973.60) for a total of \$23,841.60 plus extra features valued at \$9,261 divided by 3 (1/3 City owned, 2/3 Airport owned) for a total of \$3,087, plus 20% (\$617.40) for a total of \$3,704.40; for a grand total plus 20% of \$75,868.80.

Councilwoman Wilkeson requested City Clerk Lori Hillman play the MP3 audio from the original meeting to refresh everyone's memory.

City Manager William Poe clarified the MP3 audio played was from the February 11, 2019 Council Meeting (Consent Item 1) that states the sale of the property will be the value at the time of the lease plus 20%. He clarified the .6 acres is City owned and the 1.13 acres is Airport owned property which was misstated in the audio and the Kerns Family Construction Lease. The City owns the .6 acres on the southern portion and .38 acres to the north of the building.

A discussion ensued questioning the value of the property wherein Dr. Spina referred to an amount of \$30,000 (current value plus 20%) for a building with water intrusion issues that the City used for pipe storage. Council concurred the City's intent was based on the current value of the building in 2018 of \$30,000 plus 20%, leasee to invest \$180,000 in building improvements with the option to purchase within four years. A conversation continued around the current value of the building that the City will be collecting taxes on for the next 30 years versus the value of the derelict building in 2018 with little or no value. The original lease included improvements to the building and the City should honor the agreement and not increase the price due to the increased improvement value. A suggestion was made to take the value of the building out of the equation and include land only as a compromise.

Councilman Smith said there should have been a definite number in the agreement or an appraisal performed at the time. He said there is a saying for the commercial purchaser, caveat impatar, it means buyer beware.

City Manager William Poe clarified the assigned value by the property appraiser on the 2018 tax card for the .6 acres was \$26,424 plus 20% is \$31,708. The 1.3 acres was \$41,534 divided by 3 (1/3 or .38 acres City owned, 2/3 Airport owned) for \$13,845, plus 20% is \$16,614 for a total of \$48,322.80, based on assigning a zero value to the building and extra features. He said he believes this was the intent of the contract and is a fair offer from the City.

City Attorney Matthew Maggard said his interpretation of the contract is that Kerns Family Construction would still be leasing the airport property and but his understanding is that they may not be interested in continuing their lease. He recommended Council agree on a purchase price.

Ms. Linda Kerns said they were on the fence and didn't really know what they wanted to do with the airport portion but they definitely wanted to move forward with the City portion. She said everything planned with their bank was based on the purchase price of \$30,000 plus 20%. She said she requested the monetary amount specifically be written into the agreement because she was not comfortable and was assured by Dr. Spina not to worry that the information is clear and would be in the meeting minutes. She requested Council honor what was originally discussed and correct the lease and the rest of items that pertain to the FAA parcel.

Lance Smith moved to approve the sale of the City owned property to the Kerns for the price of \$48,322.00. Seconded by Jodi Wilkeson. Motion passed unanimously.

5. CITY ATTORNEY'S REPORT

5.1 First Reading RESOLUTION NO. 781-21 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING RESOLUTION 743-17, PROVIDING FOR A SCHEDULE OF FEES FOR THE RENTAL OF HANGARS AND OTHER FEES CONNECTED TO AVIATION AND NON AVIATION SERVICES AT THE ZEPHYRHILLS MUNICIPAL AIRPORT.”

City Manager William Poe read Resolution 781-21 by title. Resolution No. 781-21 proposed hangar rental fees for the Zephyrhills Municipal Airport. Airport Manager Nathan Coleman said the Airport Authority Board unanimously recommended approval of the amended fees.

Kenneth Burgess moved to approve Resolution No 781-21 on the first reading. Seconded by Charles Proctor. Motion passed unanimously.

5.2 First Reading RESOLUTION NO. 782-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING RESOLUTION NO. 745-17 TO PROVIDE FOR A CHANGE IN RENTAL PRICES FOR THE “Z” EVENT CENTER.”

City Attorney Matthew Maggard read Resolution No. 782-21 by title. City Manager William Poe said in 2017, Resolution 745-17 was created to establish fees relating to “Z” Event Center. The proposed changes include the removal of fire personnel fees as the City no longer provides FIRE/EMS Services; and removal of police personnel fees as fees were established to cover the cost of off-duty officers for Special events. Per the officer's contract, officers are covered for off duty costs and the rates are specified hourly with a minimum number of hours. Removal of employee labor/cleanup fees and simplify event costs by combining fees for events with 1,000 attendees or less and/or 5,000 or more attendees. The revenue generated by “Z” Event Center will be allocated to the Zephyrhills Municipal Airport.

Jodi Wilkeson moved to approve Resolution No. 782-21 on the first reading. Seconded by Lance Smith. Motion passed unanimously.

5.3 First Reading **ORDINANCE NO. 1429-21 – “AN ACT TO BE ENTITLED AN ORDINANCE BY THE CITY OF ZEPHYRHILLS ESTABLISHING STANDARDS RELATING TO THE MANAGEMENT OF STORM SEWER SYSTEM DISCHARGES AND ENHANCING THE QUALITY OF SURFACE AND GROUND WATER RESOURCES; PROVIDING FOR A SHORT TITLE; PROVIDING FOR FINDING OF FACTS; ESTABLISHING APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CONTROL OF STORMWATER DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AND WATERS OF THE UNITED STATES; PROVIDING FOR THE CONTROL OF DISCHARGE OF STORMWATER FROM INDUSTRIAL ACTIVITIES AND CONSTRUCTION SITES; PROVIDING FOR THE CONTROL OF POLLUTANT CONTRIBUTION FROM INTERCONNECTED MUNICIPAL SEPARATE STORM SEWER SYSTEMS; PROVIDING FOR THE CONTROL OF NON-STORMWATER DISCHARGES; PROHIBITING ILLICIT DISCHARGES AND ILLICIT CONNECTIONS; PROVIDING FOR REPORTING AND CONTROL OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS TO THE CITY’S MUNICIPAL SEPARATE STORM SEWER SYSTEM AND U.S. WATERS; PROVIDING AUTHORITY TO PERFORM INSPECTIONS AND MONITORING FOR COMPLIANCE; PROVIDING FOR MAINTENANCE OF CONTROL STRUCTURES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT, PENALTIES AND PROCEEDINGS FOR INJUNCTION; PROVIDING FOR REPEALER OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1429-21 by title.

Lance Smith moved to approve Ordinance No. 1429-21 on the first reading. Seconded by Charles Proctor. Motion passed unanimously.

6. CITIZEN COMMENTS

6.1 Eileen Westermann - Jeffries House and Carriage House RFP Bid Award

Eileen Westermann – 12015 Formosa Street – Brooksville, Florida

Ms. Westermann said she has had the honor of owning and restoring two historic buildings; Annies at Alley’s Market and Deli in Lake Mount, Georgia and the Captain Jeffries House, the historic crown jewel of Zephyrhills. She said she was the founding president of Main Street and past president of the Pioneer Florida Museum. She believes a restaurant is too harsh of a business for the Captain Jeffries House with the weight load of commercial equipment. She added there is no sprinkler system should there be a grease fire, vents would have to be added for a grease trap, and the railing on the front porch would have to adhere to the National Trust Historical Preservation Guidelines which are very specific. She said she came in second place on the Jeffries House and Carriage House RFP Bid Award ranking responses and brought in product to give a spill to the committee. She said it was discouraging to be told there was going to be an interview and then have the interview cancelled the very next day.

CRA Director Gail Hamilton said staff is confident there will be no problem with the restaurant moving into the Jeffries House as staff will assure all equipment will meet the structural load. She said any work done to the building that would change the exterior will go through the Historical Preservation to maintain the Jeffries House as a historic structure. Building Official Bill Burgess was present to answer questions.

Spoke from the floor: Barbara Anderson – 38339 Ironwood Place – Zephyrhills, FL

Ms. Anderson said she is part of a new group in Zephyrhills called Zephyrhills Aquatic Center Supporters, a grass roots group that began six weeks ago in response to over 400 comments on the Zephyrhills Community Facebook Page from residents wanting a community pool for the children of Zephyrhills. She said the group has been doing their due diligence on this subject and spoke to several City officials in Zephyrhills.

MAYOR ANNOUNCEMENTS – Mayor Whitfield thanked the Daughters of the American Revolution and those who participated in the 911 ceremonies in remembrance of events that took place on this day 20 years ago; it was a somber day.

CITY MANAGER ANNOUNCEMENTS – N/A

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Council Vice President Wilkeson acknowledged Main Street board members in attendance. She said Music and Motorcycles was held this past weekend. The weather wasn't particularly cooperative but the people who were there had a great time.

Councilman Proctor – N/A

Councilman Smith said a lot of items were covered on the agenda tonight and he commended the Planning Department for their efforts. He said he attended the 911 event at the airport on Saturday where skydivers jumped out of a plane with American flags to patriotic music and said it was very moving. He reminded everyone to remember the sense of unity the nation had when 911 occurred.

Councilman Burgess thanked everyone who stuck around and listened to all the items on the agenda. He said Council is trying to find solutions and kept everyone longer than they should have.

Council President Knight commended Mayor Whitfield for his 911 presentation in Zephyr Park along with former Mayor Cliff McDuffie, and the Zephyrhills High School JROTC. He said the gun salute was very moving. He announced he would not be present at the September 27th meeting.

Meeting adjourned: 8:25 p.m.
Submitted by Lori L. Hillman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Smith Lance Alan		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council, City of Zephyrhills	
MAILING ADDRESS 6426 Huntington Dr.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Zephyrhills	COUNTY Pasco	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 9/13/21		NAME OF POLITICAL SUBDIVISION: City of Zephyrhills	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lance Alan Smith, hereby disclose that on 9/13/, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am the real estate agent for the Marianne Simons Trust and have a pending sale on the property being annexed and re-zoned.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10/5/21

Date Filed

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.