

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on November 29, 2021 at 6:00 p.m. in the Council Chambers of City Hall.

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 Lieutenant Matt Hillen, Public Works Director Shane LeBlanc, Director of Planning Todd Vande Berg, HR Director Sandra Amerson, CRA Director Gail Hamilton, IT Director Mike Panak, Historic Preservation Specialist and Community Planner Audrey McGuire, and City Clerk Lori Hillman.

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

1. MAYOR

1.1 Greg First Proclamation

1.2 Kerry Ryman Proclamation

City Clerk Lori Hillman read aloud proclamations presented to Greg First and Kerry Ryman by Mayor Whitfield.

Jodi Wilkeson moved to add Emergency Item 1.3 per Mayor Whitfield's request. Seconded by Lance Smith. Motion passed unanimously.

1.3 Emergency Item

Councilman Smith introduced Steve Spina, President of the American Society for Public Administration, Suncoast Chapter.

Dr. Spina said each year the Suncoast Chapter of the American Society for Public Administration hosts a public service celebration to present awards to local elected and appointed officials for their service to the community. He presented a synopsis of his nomination of Community Redevelopment Agency Director Gail Hamilton for the Joan Ellen Pynes Excellence in Nonprofit Leadership & Management Award and a synopsis of his nomination of Councilman Charles Proctor for the Bill Horne Public Service Exemplar Award.

2. CONSENT ITEMS

2.1 November 8, 2021 Regular Meeting Minutes

2.2 Request Council Approval on Florida Design Contractors – Change Order No. 3 – WWTP AWT Project

2.3 Approval of Airport Rescue Grant No. 24-21-09

2.4 Approval to Purchase a Chevy Silverado 2,500 HD for the Wastewater Division from Alan Jay Chevrolet

2.5 Approval to Purchase a Generator at the Tank Site for the Water Division by RCM Utilities

2.6 Approval to Purchase a Tractor/Loader/Backhoe for the Water Division from Caterpillar

2.7 Approval of First Amendment to the Zephyrhills Golf Course Lease No. 29-21-01 – Under Par, Inc.

Kenneth Burgess moved to approve the Consent Items. Seconded by Lance Smith. Motion passed unanimously.

BUSINESS ITEMS

3. CITY MANAGER'S REPORT

3.2 Schedule a Date for the 2022 Municipal Election Mayor's Caucus

City Manager William Poe said the qualifying period for the upcoming Municipal Election of April 12, 2022 begins Tuesday, February 8th at noon and ends Tuesday, February 15th at noon. He requested Council schedule a date and time to host a Mayor's Caucus following the qualifying period to accept candidate petitions for Council Seats 1 and 4.

Council concurred to schedule a Mayor's Caucus Tuesday, February 15th at 6:00 p.m. in Council Chambers.

4. CITY ATTORNEY'S REPORT

4.1 First Reading **ORDINANCE NO. 1430-21 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, AN ORDINANCE ESTABLISHING THE ABBOTT SQUARE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; PROVIDING FOR POWERS AND DUTIES OF THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR THE DISTRICT BUDGET; PROVIDING FOR FUNCTIONS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; AND AN EFFECTIVE DATE."**

City Attorney Matthew Maggard read Ordinance No. 1430-21 by title. Planning Director Todd Vande Berg referred to Apfel Road on the southern boundary of the map provided as Exhibit A and stated the correct name is Althea Lane.

Charles Proctor moved to approve Ordinance No. 1430-21 on the First Reading. Seconded by Lance Smith. Motion passed unanimously.

4.2 First Reading **ORDINANCE NO. 1431-21 – “AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA AMENDING TABLE 2.02.01 (ALLOWABLE USES IN ZONING DISTRICTS) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1431-21 by title. Historic Preservation Specialist and Community Planner Audrey McGuire said this is an amendment to Table 2.02.01, Allowable Uses, in the Land Development Code. The majority of changes are clarifying the overall intent of the definitions with code referenced changes and the correction of inconsistencies and typos.

Jodi Wilkeson moved to approve Ordinance No. 1431-21 on the First Reading. Seconded by Kenneth Burgess. Motion passed unanimously.

4.3 First Reading **ORDINANCE NO. 1432-21 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA MODIFYING THE MASTER PLAN FOR SILVER OAKS PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1432-21 by title.

Councilman Smith stated a Conflict of Interest, as the Applicant, and recused himself from voting. Council President Knight dismissed Councilman Smith at 6:21 p.m. to attend an Athletic Event.

Planning Director Todd Vande Berg said a petition was submitted by Smith Cattle and Grove for a text amendment to the Silver Oaks PUD Master Plan located on Eiland Blvd. between Massey Road on the east and Simons Road on the west. He said over the years, there have been multiple revisions to the Silver Oaks PUD Master Plan within the threshold of the originally approved intent and density. The current PUD Master Plan is two-storey multi-family apartments and the applicant is proposing to remove the two-storey limitation. Applicant is requesting a minor change to remove the verbiage for RV storage at the triangular parcel at the corner of Fountain and Founder's Roads for development potential and stricken the Fountain Road right-of-way dedication on the original plan since Fountain Road has been improved and constructed by the City of Zephyrhills.

Mr. Vande Berg said property owners adjoining areas of the proposed multi-family homes were present at the Planning Commission meeting to voice their concerns with traffic, the height of buildings and sinkhole probability. Mr. Vande Berg responded to the concerns by explaining improving Eiland Blvd. to four lanes is a priority to address with the Metropolitan Planning Organization (MPO) and County Commissioners. He said traffic improvements have

occurred in the area with a traffic light installed at Geiger Road and Eiland Blvd. and the main road within Silver Oaks will connect to Geiger Road to improve traffic circulation. Sinkhole probability is an engineering issue but staff does not anticipate any problems. He addressed increasing building heights from two- storey to three-storey by explaining the orientation of buildings and their proximity to the property boundary lines, how and where the perimeter landscape buffer would be located, and the size of the retention pond and parking.

A conversation began with Council members voicing their concerns with preserving the initial concept and intent of the original PUD's uniqueness of walkability with porches next to the sidewalk along with an opportunity to compromise for best use with three-storey townhomes verses massive three-story apartment buildings. A discussion ensued relating to the negative aesthetic impact of placing a three-storey building next to a one-storey building due to the elevation and view from Eiland Blvd. and leaving the buildings along Eiland Blvd. two-storey and placing multi-story apartments abutting the retention pond. Current and proposed density was discussed which will be less than originally approved. A possible solution was reached to remove apartment verbiage/language and add a condition that if apartment buildings were desired in the future, they would require Council's approval.

Spoke from the floor: BGE, Inc. Project Manager Alex Hulbert – 2203 N. Lois Avenue – Tampa, FL 33607

Mr. Hulbert said he represents the applicant and the potential developer who have pivoted from apartments to townhomes to match the aesthetics of the community. He said he will have to confirm apartment buildings are completely out of the question but stated townhomes are currently being viewed. A garage would be added to the rear of the townhomes on the first floor with living space on the second and third floors. The front of the building will face the main street with an alley in the back for rear loading. An alleyway would be placed between two rows of townhomes with one section of townhomes facing Eiland Blvd. and one section of townhomes facing the interior. He said the applicant and developer are concerned with being good neighbors and will adhere to the remainder of the PUD to include buffers and trails.

Planning Director Todd Vande Berg said staff is not opposed to creating design standards for the multi-family development to address the public/private realm and pedestrian element. He said staff's intent was to continue the Traditional Neighborhood Development (TND) Type Design for consistency and if the applicant's representative is committed to units facing the street, rear loaded, staff will go on record to have the language added as a condition to the PUD Master Plan and the applicant will submit plans reflecting same.

City Manager William Poe said staff and the applicant's representative understand Council's concerns and requested conversations take place to address the design and verbiage of apartments/townhomes and bring this time back for the second reading to approve, deny or continue.

Kenneth Burgess moved to approve Ordinance No. 1432-21 with changes as discussed on the First Reading. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

CITIZEN COMMENTS

Spoke from the Floor: Kimberly Barker – 14232 17th Street – Dade City, FL 33523

Ms. Barker said she is a life-long resident of east Pasco and lives in Dade City. She voiced strong concerns with the Hercules Park property being considered for a BMX park. She said there was a lengthy discussion tonight on high density residential on Eiland Blvd. and stated having an amenity at Hercules Park that draws bicyclists and young pedestrian traffic to cross one of the largest intersections in the City of Zephyrhills is of great concern. She asked Council to pump the brakes and reevaluate what is being done with the property and look at what will add the greatest value to the community. The second issue she addressed was transient and homeless people on the Hercules property. She would like Council to eliminate the homeless on property located next to the Elementary School.

Spoke from the Floor: Ashley Pollard – 35982 Saddle Palm Way – Zephyrhills, FL 33542

Mr. Pollard urged Council to send a letter to FDOT to finish the intersection at Eiland Blvd. and SR-54. He asked Council to read the City’s Mission Statement that references a small town. He said Council’s decision to build, build, build, does not match the City’s Mission Statement. He referred to No. 10 of Ordinance 1247-15, an amendment to Ordinance 906-04, relating to the Silverado Community and read aloud, “Developer shall provide a connection point for an inter- neighborhood street connection between Village Five and the proposed future phase of the Cottages at Silver Oaks to the east, as well as, an inter-neighborhood connection to the proposed Chapel Creek residential development to the west.” He said has a problem with people using a road that the residents of the community pay for. He said the ordinance was approved by Council and requested they take a look at it. He ended is stating he was waiting for a response from City Attorney Matthew Maggard and a copy of the Master Plan for Silverado from Planning Director Todd Vande Berg.

MAYOR ANNOUNCEMENTS – Mayor Whitfield thanked Greg First and Kerry Ryman for all they do for our community and congratulated Gail Hamilton and Charles Proctor for their awards. He encouraged everyone to lobby our state representative and state senator for the completion of SR-54 and Eiland Blvd.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe said D.A.B. Constructors closed their doors leaving the intersection of CR-54 and Eiland Blvd. abandoned. The state of Florida are out to bid and are diligently working on a solution.

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Burgess congratulated Gail Hamilton and Charles Proctor for their awards. He said there is a lot that goes on behind the scenes with hosting a Friday night football game and to have volunteers available to announce and run the clock for 40 years is a great relief.

Councilman Proctor thanked Dr. Spina and everyone involved with his nomination and said it is a great honor to receive the Bill Horne Public Service Exemplar Award. He congratulated Gail Hamilton on her award.

Council Vice President Wilkeson said she can’t think of anyone more deserving than Councilman Proctor and Gail Hamilton. She said the increase in property values in the CRA District, particularly in the Historic District, have exponentially risen and has to do with the CRA Director’s efforts and the Main Street Committee’s Board that have engaged and attracted people who embrace the character of the historic homes and the fabric of the community. She said the City cannot prevent people from developing their properties to their highest and best use.

Council President Knight said he is proud of what Council and the City Manager have down for the growth of the City of Zephyrhills. He reminded everyone of the Festival of Lights Parade at 7:00 p.m. on December 4th.

5. NOTED ITEMS:

- 5.1 Sale of 5031 Airport Road and Parcel 12-26-21-0000-04900-0030 – Tony and Linda Kerns
- 5.2 Zephyr Lakes Phases 1A, 2A, 2B, and 4A Performance Bond Release
- 5.3 Zephyr Lakes Phase 2D Performance Bond Release

ADJOURN

Meeting adjourned: 7:11 p.m.
Submitted by Lori 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 Zephyrhills City Council, Seat 1
MAILING ADDRESS 6426 Huntington Dr	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY Zephyrhills	NAME OF POLITICAL SUBDIVISION: Zephyrhills
DATE ON WHICH VOTE OCCURRED 11/29/21	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 Smith, hereby disclose that on 11/29, 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.

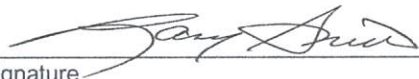
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a shareholder and President of Smith Cattle & Groves, Inc. the applicant for the Silver Oaks PUD
modification

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.

12/22/21

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.