

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on December 13, 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 was also present. City Attorney Matthew Maggard was absent.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Utilities Director John Bostic, Building Official Bill Burgess, Director of Planning Todd Vande Berg, CRA Director Gail Hamilton, IT Director Mike Panak, Airport Manager Nathan Coleman, Senior Planner Rodney Corriveau, Historic Preservation Specialist and Community Planner Audrey McGuire, GIS Technician and City Planner Kevin Kelly, Water Superintendent C.J. Funnell, Water Distribution Foreman Bruce Sellars, Water Treatment Plant Operator Eric Martin, Utility Service Worker III Dennis Farr, Utility Service Worker III Jeremy Farr and Finance Supervisor Jessica Carter.

Pastor Nick Deford gave the Invocation. Alan Knight asked everyone to bow their heads in silence for the citizens of Kentucky. The Pledge of Allegiance followed.

1. MAYOR

1.1 Swearing-in of New Officers

Police Chief Derek Brewer introduced and swore in four (4) new patrol officers (Jailene Colon, Kirk Jadotte, Celeste Tojyat, and Nickolas Cherubino).

1.2 Presentation to Utilities Department – Water Division

Mayor Whitfield congratulated and recognized employees of the City's Water Department for receiving a First Place Award for Outstanding Water Distribution System, Division 3, at the Florida Section of American Water Works Association's 2021 Fall Conference.

1.3 Employees of the Year

City Manager William Poe announced the 2021 Employees of the Year; Jessica Carter and Dennis Farr who received an award with a certificate for a free day off.

2. CONSENT ITEMS

2.1 Zephyrhills Police Department In-Car Camera Purchase

2.2 Command Post Refurbishment

2.3 Skydive City Sublet Agreement with General Services Administration SOCOM

2.4 Request Council Approval for the Jones Edmunds – Ft. King Water Main, Amendment No. 1

2.5 Fuel Farm Bid No. 11-21-04 Change Order No. 1

2.6 Approval of Grapple Truck for Streets/Sanitation through the Florida Sheriff's Association Contract

Charles Proctor moved to approve the Consent Items. Seconded by Lance Smith. Motion passed unanimously.

BUSINESS ITEMS

3. PUBLIC HEARING

3.1 Second 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 Manager William Poe requested Ordinance No. 1432-21 be postponed to January 10, 2022.

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

Jodi Wilkeson moved to postpone Ordinance No. 1432-21 Silver Oaks PUD Amendment to January 10, 2022. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

Councilman Smith returned to the dias.

3.2 Second 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 Manager William Poe read Ordinance No. 1430-21 by title. A public hearing was held and there were no comments from the floor.

Kenneth Burgess moved to approve Ordinance No.1430-21 on the Second Reading. Seconded by Lance Smith. Motion passed unanimously, 5-0.

3.3 Second 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 Manager William Poe read Ordinance No. 1431-21 by title. A public hearing was held and there were no comments from the floor.

Lance Smith moved to approve Ordinance No.1431-21 on the Second Reading. Seconded by Kenneth Burgess. Motion passed unanimously, 5-0.

3.4 First Reading **RESOLUTION NO. 787-21 – “A RESOLUTION RELATED TO PET CARE SERVICES (INDOOR/OUTDOOR); APPROVING A CONDITIONAL USE TO ALLOW FOR THE UPDATE OF THE DEFINITION IN TABLE 2.02.01 OF THE CITY OF ZEPHYRHILLS LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.”**

City Manager William Poe read Resolution No. 787-21 by title. GIS Technician and City Planner Kevin Kelly stated Hound’s Town Pet Care Services is located at 6440 Fort King Road, holds a conditional use permit to open a dog daycare, and is in compliance with C2 zoning. The Site Plan Review Committee and Planning Commission recommended approval with three (3) conditions; include a site perimeter fence, fence in outdoor play area, and upgrade existing landscaping to Type A landscaping. A public hearing was held and Michael Gould – 12 Garrity Avenue – Ronkonkoma, NY spoke from the floor stating he is the Founder of Hounds Town Pet Care Services and provided fencing sketches for Council’s review.

Jodi Wilkeson moved to approve Resolution No.787-21 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously, 5-0.

4. CITIZEN COMMENTS

4.1 Eddy Knapp – 5621 Frontier Drive – Zephyrhills, FL 33540 addressed Low Flying Aircraft

Mr. Knapp spoke on behalf of Frontier Drive residents regarding low flying aircraft. He said an ordinance was enacted last year preventing low altitude flying which is happening with tow planes. He said he called the operator of the tow planes in an attempt to resolve the problem and was told by the owner that he received permission to fly the right-hand pattern from the Airport Manager. He said this is a safety concern not to mention the noise being created. He said FAA operational standards state you cannot fly over houses at 200 feet and requested

Council take action. He said an FAA inspector has been assigned to his complaint and is currently awaiting Council's decision.

City Manager William Poe assured Mr. Knapp through conversations that permission was not given by Airport Manager Nathan Coleman to fly a right-hand pattern relative to the tow planes and their altitude. Airport Manager Nathan Coleman met with the tow plane pilots informing them of the issue. He said the FAA will conduct an investigation and if they find a violation, they will issue a citation. He said as a pilot, they are in control and should take routes to avoid conflict. He said staff has informed the business owner and the FAA is investigating; the proper processes are being followed.

John Watson – 5339 Frontier Drive – Zephyrhills, FL 33540

Mr. Watson said he has flown for many years and the FAA can track a plane beginning when the pilot starts their engine, to the altitude the plane is operating, and where the plane has been. He said the tow planes are flying 200 feet over the houses on Frontier Drive which is in violation of FAA rules and there will be a visit from an FAA Inspector to observe the flight pattern.

MAYOR ANNOUNCEMENTS – Mayor Whitfield thanked Councilman Lance Smith and Planning Director Todd Vande Berg for their work with the Metropolitan Planning Organization (MPO) on Wire Road improvements. He recognized Police Chief Brewer for filling vacancies in his department.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe said the Festival of Lights Parade was a success. He reminded everyone that the December 27th meeting was canceled and wished everyone a Merry Christmas and a Happy New Year.

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Vice President Wilkeson congratulated the board, staff, Army of volunteers and participants of Main Street who made the Festival of Lights Parade a huge success. She thanked the organizers of the City's Christmas Party and congratulated Jessica Carter and Dennis Farr.

Councilman Proctor thanked Police Chief Brewer for his leadership as well as City staff involved in planning the Christmas Party.

Councilman Smith thanked Councilwoman Wilkeson for sharing her car for the Festival of Lights Parade. He referred to the Abbott Square CDD (Community Development District) on the agenda where the City authorized the CDD to create a governmental entity. He said a CDD is a government entity that issues bonds for the construction of infrastructure within their community. A CDD allows developers to construct amenities that could not otherwise be provided.

Councilman Burgess recognized and thanked the people involved with the Festival of Lights Parade and the City's Christmas Party. He congratulated Jessica Carter and Dennis Farr for employee of the year and acknowledged Police Chief Brewer on the new officers. He said on the heels of the disaster in Kentucky, he stressed the importance for staff to review the City's procedures for a natural disaster.

Council President Knight echoed the Festival of Lights Parade comments and congratulated Police Chief Brewer on the new officers. He asked everyone to remember the people in Kentucky.

4. **NOTED ITEMS:**

4.1 Sale of 5031 Airport Road (Parcel No. 12-26-21-0000-4900-0030) to Kerns Family Construction

4.2 United Way of Pasco 2022 Tax Season Agreement

Meeting adjourned: 6:50 p.m.

Submitted by Lori Hillman (not present at December 13, 2021 meeting).

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 Zephyrhills	COUNTY Pasco	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 12/13/21		NAME OF POLITICAL SUBDIVISION: 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 Smith, hereby disclose that on 12/13, 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.

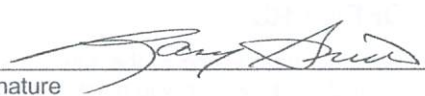
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am 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.