

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on January 10, 2022 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 Chief Derek Brewer, Public Works Director Shane LeBlanc, 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 and City Clerk Lori Hillman.

Pastor Nick Deford gave the Invocation. The Pledge of Allegiance followed.

1. UNFINISHED BUSINESS/PUBLIC HEARING

1.1 Silver Oaks PUD Amendment

Second Reading **ORDINANCE NO. 1432-22 – “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 stated the applicant withdrew their application for modification.

2. MAYOR

2.1 Judy Williams Proclamation

City Clerk Lori Hillman read aloud a proclamation presented to Judy Williams by Mayor Whitfield. Judy Williams said, “The real heroes are the kids in our community who make her a better person every day.”

2.2 Arbor Day Proclamation

City Clerk Lori Hillman read aloud a proclamation presented to Public Works Director Shane LeBlanc by Mayor Whitfield. Public Works Director Shane LeBlanc said the Arbor Day Proclamation and observance of Arbor Day are prerequisites of the City’s annual submittal for a “Tree City USA” designation.

3. CONSENT ITEMS

3.1 Approval of December 13, 2021 Regular Meeting Minutes

3.2 Approval of November 29, 2021 Regular Meeting Minutes

3.3 Approval of September 13, 2021 Regular Meeting Minutes

3.4 Approval of Florida Department of Environmental Protection State Revolving Fund Agreement WW510531 Amendment #1 (Resolution 771-20)

3.5 Approval of Piggyback Agreement 41-22-05 with A.C. Schultes of Florida Inc. for As Needed Well Drilling Construction, Rehabilitation, and Repair Services

3.6 Approval of Sole Source Agreement 41-22-06 with Nieman Electric Motor Co. for Tsurimi Lift Station Pump Purchasing and Repair

3.7 Approval of Proposal from APT for Gravity Sewer Pipe Lining

3.8 Approval of Killebrew Agreement 41-22-04 Construction of Fort King Water Line

3.9 Approval of Cost Share Funding with SWFWMD for City/County Reclaim Water Project

Jodi Wilkeson moved to pull Consent Items 3.1 and 3.3 and approve Consent Items 3.2, 3.4, 3.5, 3.6, 3.7, 3.8 and 3.9. Seconded by Charles Proctor. Motion passed unanimously.

CONSENT ITEMS 3.1 AND 3.3

Councilman Smith said the minutes of December 13, 2021, Business Item 3.1 and September 13, 2021, Business Items 3.3 and 3.8, reflect he recused himself from voting and requested the record reflect he left Council Chambers.

Kenneth Burgess moved to approve Consent Items 3.1 and 3.3 with the noted revisions. Seconded by Charles Proctor. Motion passed unanimously.

NEW BUSINESS

4. PUBLIC HEARING

4.1 Approval of Sarah Vande Berg (SVB) Housing Developers Agreement 41-22-01
City Manager William Poe requested the Sarah Vande Berg Housing Developers Agreement be removed from the agenda.

Kenneth Burgess moved to remove Business Item 4.1 from the agenda. Seconded by Jodi Wilkeson. Motion passed unanimously.

5. CITY MANAGER'S REPORT

5.1 Approval of Task Order 21-62 with Furr, Wegman & Banks for Sidewalks and Trails Construction Documents

City Manager William Poe said Furr, Wegman & Banks will administer the sidewalks and trails construction work of consultant, BGE, Inc., for a total fixed fee of \$205,443.00. BGE will provide professional consulting services for the proposed construction of sidewalks within a quarter mile of Stewart Middle School, West Elementary, Woodland Elementary and Zephyrhills High School as well as the proposed construction of trails along one side of 20th Street from 5th Avenue to 12th Avenue and along one side of 16th Street from C Avenue to 5th Avenue. The project scope is based on the CRA's Sidewalk Master Plan, the City's Trail Plan and guidance from City staff. The focus of the project is to provide 52,500 linear feet of sidewalks and trails within residential neighborhoods. Staff recommended approval of Task Order 21-62 with authorization for the City Manager to execute.

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

Mr. Hulbert said the scope of services is to produce construction documents to go out for bid. He said a separate set of constructions documents will be produced for each school to be bid separately.

Public Works Director Shane LeBlanc said bid packages will be managed in-house for project management and will include unit pricing with a schedule of values. If the amount of work exceeds the schedule of values, the project will be broken into phases with the completion of Phase II in the next fiscal year.

City Manager William Poe said the surveying and construction plans will assist with conflicts of large trees that will need to be removed, telephone poles, underground utilities and ADA ramps for cross walks that will need to be addressed in the plans. He said a sidewalk and trails information sheet will be created for publication to residents with a proposed timeline such as Spring and/or Summer of 2023, etc. He said the proposed trail will run from Silver Oaks Village to Geiger Road and end at the entrance to Silver Oaks at Eiland Blvd. In an effort to connect these trails, which are in Pasco County's right-of-way, the City will create the design and reach out to Pasco County to provide assistance with the project through joint funding.

Lance Smith moved to approve Business Item 5.1. Seconded by Kenneth Burgess. Motion passed unanimously.

5.2 Approval of Contract with D.C. Johnson and Associates for Surveying Services for Sidewalks and Trails Project

City Manager William Poe said D.C. Johnson will provide surveying services for the sidewalks and trails project previously discussed, Business Item 5.1, for a total fixed fee of \$113,400. Staff recommended approval.

Kenneth Burgess moved to approve Business Item 5.2. Seconded by Charles Proctor. Motion passed unanimously.

6. CITY ATTORNEY'S REPORT

6.1 Resolution 788-22 – Vacation of Public Right-of-Way

First Reading **RESOLUTION NO. 788-22 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA VACATION OF RIGHT-OF-WAY FOR GATEWAY DOWNTOWN PROP, LLC AND PALMETTO CAPITAL GROUP, LLC.”**

City Manager Matthew Maggard read Resolution No. 788-22 by title. Historic Preservation Specialist and Community Planner Audrey McGuire stated property owners, Gateway Downtown Prop and Palmetto Capital Group, applied for a vacation of right-of-way for a 16' platted unimproved alleyway. A cross access easement agreement will be provided to the City by the owners for sanitation and emergency service vehicle access. The vacation is consistent with the Land Development Code requirements for vacation of right-of-way and staff recommended approval.

City Manager William Poe clarified the alleyway will be paved between C and B Avenues. He said traffic generated from the development will not impact the residents on 8th Street and A Avenue as there will be entrances on B and C Avenues with paved access from the alleyway to US-301. The remainder to the east will be unimproved right-of-way.

Jodi Wilkeson moved to approve Business Item 6.1 on the first reading. Seconded by Charles Proctor. Motion passed unanimously.

CITIZEN COMMENTS

Spoke from the floor: Jerry L. Kuhn – 39216 6th Avenue – Zephyrhills, FL 33540

Mr. Kuhn addressed Council with a complaint of a business 50 yards from his business playing their music excessively loud. He said the quarter inch glass in his office vibrates to their music, he is unable to hear the phone ring in his shop, he has to repeat himself constantly while explaining to customers the repairs to their vehicle, and customers have stated they do not want to come back due to the noise and ruckus. He said he can tolerate the music but will not tolerate losing business. He said Chief Brewer has been very helpful and asked for time to handle the situation diplomatically but the situation has been going on for six months. He said it's like a cat and mouse game, ZPD shows up, the business turns down the music for 20 minutes and then it's right back up again. He requested Council's attention to find a solution for the business to play their music at a reputable level.

City Manager William Poe said he has received calls related to the situation and is aware of ZPD and code enforcement's involvement. He said this is a code enforcement issue.

Code Enforcement / Building Official Bill Burgess said the City's Decibel Meter is currently being calibrated. He said once the Decibel Meter has been calibrated, Code Enforcement will use the machine to measure the music's decibel noise levels and issue a citation if they are in violation of the City's Noise Ordinance.

Spoke from the floor: Frank Harry Hunt, Jr. – 4939 8th Street – Zephyrhills, FL 33542

Mr. Hunt said he has been cooperating with code enforcement, the police, and fire department to get drugs out of his house. He said he cooperates with the police and has tried to remove the people living in his house but they have no place to go. He explained he lives upstairs in his home because all his rooms are rented. He states he has no money and his water has been turned off due to an unpaid water bill in the amount of \$600.00. He said he is being honest and upfront and requested assistance.

Councilwoman Wilkeson said Mr. Hunt is clearly struggling with the responsibility of his home and the people that live there. She said Mr. Hunt is renting rooms and his house is zoned as a single-family home and there is a limit as to how many people can live in the house. She asked Mr. Hunt if he had anyone helping him such as the United Way Agency and he responded with a no head shake. She said Council has a responsibility to Mr. Hunt's surrounding neighbors and businesses to insure the law is not being broken in and around the home.

Police Chief Derek Brewer said he will share resources available to assist Mr. Hunt. He said he has received a ridiculous amount of calls related to Mr. Hunt's residence, some from members here tonight. He said he has spoken with Mr. Hunt and explained ZPD is not forcing him out of his residence but rather assuring that he is living in a safe environment. Police Chief Brewer will make sure resources are available to Mr. Frank and stressed there are other issues to consider which involve the police.

MAYOR ANNOUNCEMENTS – N/A

CITY MANAGER ANNOUNCEMENTS – N/A

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Burgess said today is January 10, 2022 and on December 31, 2022, he and Todd Vande Berg will ride down Kossik Road onto Wire Road. He advised staff not to take their foot off the gas pedal because December 31, 2022 will be here quick.

City Manager William Poe said the City will not approve any plats while waiting a resolution from Lennar Homes relative to the pole in the middle of Kossik Road.

Councilman Smith asked someone to buy Councilman Burgess some hiking boots this coming Christmas because he will need them. He said it was wonderful to acknowledge Judy Williams who has been a fixture at Zephyrhills High School for 22 years and never missed a day.

Councilman Proctor congratulated Judy Williams for her work. He appreciates Mr. Kuhn addressing Council and would like to get his situation resolved quickly.

Council Vice President Wilkeson – N/A

Council President Knight wished everyone a Happy New Year. He thanked staff for the wonderful City Christmas Party and is excited with the opening of Tina and Joe's Café downtown.

7. NOTED ITEMS:

- 7.1 Piggyback (Sourcewell) Agreement for Servicing of the Utilities Department Emergency
- 7.2 Generators by Cummins.

Meeting adjourned: 6:50 p.m.

Submitted by Lori Hillman