

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on November 28, 2022 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (646) 749-3122 - Access Code: 839-170-845.

Council President Wilkeson called the meeting to order at 6:03 p.m. Roll call was taken. Present were members Alan Knight, Charles Proctor, Jodi Wilkeson, Lance Smith, Kenneth Burgess and Mayor Whitfield. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Building Official Bill Burgess, Planning Director Todd Vande Berg, Public Information Officer Kevin Weiss, IT Director Mike Panak, Main Street Director Erin Beasley, Main Street Intern Jayleen Herrera and City Clerk Lori Hillman

Councilman Knight asked for a moment of silence for the families of John Geiger and J. T. Cunningham who passed away.

Michael Jayne with Faith Baptist read a quote from Benjamin Franklin and delivered the innovation. The Pledge of Allegiance followed.

1. MAYOR

1.1 General Aviation Appreciation Proclamation

City Clerk Lori Hillman said in the absence of an Airport representation to accept the General Aviation proclamation, the proclamation will be signed and forwarded to the Alliance for Aviation Across America.

2. PUBLIC COMMENTS

2.1 Council President Wilkeson said City Manager William Poe asked Public Comments be added to this place on the agenda to allow public comments specific to the items on the agenda with the exception of the public hearing. There was no one signed up to speak nor were there any comments from the floor.

3. CONSENT ITEMS

3.1 Approval of Piggyback Agreement Extension 41-22-41 with APT for Cured in Place Pipe

3.2 Approval to Piggyback upon Agreement between Polk County and General Construction Services, Inc. for SCADA Construction Services – No. 41-22-43

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

4. BUSINESS/PUBLIC HEARING

4.1 Eiland Blvd. Mixed Use PUD FLUMA – Ordinance No. 1448-22

Second Reading **ORDINANCE NO. 1448-22 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COUNTY RES-6, COUNTY RES-9 AND CITY RU (RESIDENTIAL URBAN) TO CITY MU (MIXED USE), FOR PARCELS 03-26-21-0010-02000-0000, 03-26-21-0010-03600-0000, 03-26-21-0010-05100-0000, 03-26-21-0010-06100-0000; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. “**

City Attorney Matthew Maggard read Ordinance No. 1448-22 by title. A public hearing was held and there were no comments from the floor.

Lance Smith moved to approve Ordinance No. 1448-22 on the Second Reading. Seconded by Alan Knight. Motion passed unanimously.

4.2 Second Reading **ORDINANCE NO. 1449-22 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, REZONING THE SUBJECT PROPERTY HEREINAFTER DESCRIBED TO CITY ZONING CATEGORY PUD (PLANNED UNIT DEVELOPMENT) IN ACCORDANCE WITH THE PROVISIONS OF**

CHAPTER 166, FLORIDA STATUTES; APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN; PROVIDING FOR CODIFICATION, CONFLICT SEVERABILITY, AND AN EFFECTIVE DATE. (EILAND MIXED USE PUD)."

City Attorney Matthew Maggard read Ordinance No. 1449-22 by title. A public hearing was held and there were no comments from the floor.

Alan Knight moved to approve Ordinance No. 1449-22 on the Second Reading. Seconded by Lance Smith. Motion passed unanimously.

4.3 Charter Amendments

First Reading **ORDINANCE NO. 1452-22 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD ON APRIL 11, 2023, PROPOSING TO THE ELECTORATE OF THE CITY THAT SECTIONS 11.01, 21.031, 21.11, 32.03, 51.01, 51.041, 51.07 AND TITLE XI OF THE CITY CHARTER BE AMENDED; PROVIDING THAT THESE AMENDMENTS SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY IN THE FORM OF EIGHT PROPOSITIONS ON THE REFERENDUM BALLOT; FIRST PROPOSITION BEING, SHALL THE CHARTER BE AMENDED TO PROVIDE THE DATE OF CREATION AND ESTABLISHMENT OF THE CITY OF ZEPHYRHILLS AS SET FORTH IN SECTION 1 OF THIS ORDINANCE BE ADOPTED; SECOND PROPOSITION BEING, SHALL COUNCIL MEMBERS BE ELECTED TO A TERM OF FOUR YEARS AS SET FORTH IN SECTION 2 OF THIS ORDINANCE BE ADOPTED; THIRD PROPOSITION BEING, SHALL THE CHARTER BE AMENDED TO PROVIDE FOR THE FINANCE DIRECTOR TO REPORT MONEY DEPOSITS AT QUARTERLY COUNCIL MEETINGS AS SET FORTH IN SECTION 3 OF THIS ORDINANCE BE ADOPTED; FOURTH PROPOSITION BEING, SHALL THE MAYOR BE ELECTED TO A TERM OF FOUR YEARS AS SET FORTH IN SECTION 4 OF THIS ORDINANCE BE ADOPTED; FIFTH PROPOSITION BEING, SHALL THE CHARTER BE AMENDED FOR ELECTED OFFICIALS TO TAKE OFFICE AT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING AFTER THE CANVAS OF VOTE AS SET FORTH IN SECTION 5 OF THIS ORDINANCE BE ADOPTED; SIXTH PROPOSITION BEING, SHALL THE CHARTER BE AMENDED TO REMOVE TIME CONSTRAINTS TO OBTAIN SIGNATURES TO QUALIFY FOR ELECTION AS SET FORTH IN SECTION 6 OF THIS ORDINANCE BE ADOPTED; SEVENTH PROPOSITION BEING, SHALL THE CHARTER BE AMENDED TO PROVIDE THAT CITY COUNCIL ACCEPT AND DECLARE THE RESULTS OF THE ELECTION AT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING AS SET FORTH IN SECTION 7 OF THIS ORDINANCE BE ADOPTED; EIGHTH PROPOSITION BEING, SHALL THE CHARTER BE AMENDED TO PROVIDE FORMAL REVIEW OF THE CHARTER EVERY TEN (10) YEARS AS SET FORTH IN SECTION 8 OF THIS ORDINANCE BE ADOPTED; SETTING FORTH THE FORM OF THE QUESTIONS TO BE VOTED UPON AT SUCH ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; AND PROVIDING FOR AN EFFECTIVE DATE."**

City Attorney Matthew Maggard read Ordinance No. 1452-22 by title. A public hearing was held and there were no comments from the floor. City Manager William Poe said should Council approve this ordinance on the First Reading, the ordinance will be brought back at the next meeting for the Second Reading and if approved, will be brought before the electorate in the form of a referendum at the April 11, 2023 municipal election. Staff recommended Council's approval.

Lance Smith moved to approve Ordinance No. 1452-22 on the First Reading. Seconded by Kenneth Burgess. Motion passed unanimously.

5. PLANNING DIRECTOR'S REPORT

5.1 Trump Place Boat & RV Conditional Use Petition

City Manager William Poe requested Business Item 5.1 be pulled from the agenda to allow staff time to address issues that have arisen.

Alan Knight moved to pull Business Item 5.1 from the agenda. Seconded by Charles Proctor. Motion passed unanimously.

6. CITY MANAGER'S REPORT

6.1 Request to Cancel December 26, 2022 Council Meeting

City Manager William Poe requested to cancel the December 26, 2022 Council Meeting.

Kenneth Burgess moved to approve Business Item 6.1. Seconded by Lance Smith. Motion passed unanimously.

7. PUBLIC COMMENTS

7.1 City Council President Wilkeson said this place on the agenda is to allow public comments to address items that are not on the agenda.

Spoke from the floor: Erin Setser - RC Investment Group – 29619 Morningmist Drive – Wesley Chapel, FL

Ms. Setser spoke on Business Item 5.1 Trump Place Boat & RV Conditional Use Petition that was pulled from the agenda. As a business owner, she requested clarification to understand why a structure would be important on this site. She said she feels there is internal corruption within the staff and wants to make sure she and her husband are being treated fairly. She said they are boat and RV enthusiasts and are trying to create a business that is appealing and affordable to everyone. She said covered boat and RV facilities are not the norm and they want to differentiate themselves from their competitors. In closing, she requested Council consider the City's rapid growth, the high demand for a boat and RV storage facility, and a market for competitors to thrive through healthy competition.

Spoke from the floor: Kim Earle – 37741 Phelps Road – Zephyrhills, FL

Mr. Earle said she hired a man with a drone to film footage of Trotter's Crossing that she presented pointing out the retention pond, rip rap and culvert behind her house. She said she and her attorney met with Compliance Staff Engineer John Powanda with SWFWMD, Director of Land Development Joe Guttuso with American Homes Development, Land Development Project Manager Gregory Johnson with American Homes Development, the construction company representative, and Civil Engineer Craig Cornelison on Friday, November 18th at the Trotter's Crossing site. She asked Mr. Powanda from SWFWMD if she was correct in stating the pond behind her house should be dry within 72 hours after a rain and he answered, well only when it comes to the final permit inspection. She asked Mr. Powanda why one pond was dry and one pond had several feet of water in it. Mr. Powanda told her all the silt was washing into the pond with water. Joe Guttuso spoke up and told Mr. Powanda that the bottom of the pond is scraped for silt after every rain storm so it would percolate. Ms. Earle said nobody is scraping the pond. She asked Mr. Powanda about the conduit and Mr. Powanda implied one of the guys run up to Lowes and get a piece of plywood to cover the conduit to keep the water out. She asked why sod was placed on the west side of her property and not behind her house. Gregory Johnson said if they put down sod it would all have to be ripped up and that would cost a lot of money. She said next year when the rainy seasons comes, this project is not going to be complete.

City Manager William Poe said he met at Trotter's Crossing on Friday, November 18th and walked the entire site as they are focused on getting the three tier wall constructed on the backside. He said there is a swale across the northern boundary, down the western boundary and a portion on the eastern boundary that discharges into the pond. He said the main focus of the meeting was to address questions about setbacks and fencing with Leon Wilson who lives to the north of the property.

He said he also had a conversation about the replacement of rip-rap in the southern swale and the replacement of the overflow pipe.

Council Vice President Smith said Ms. Earle needs to get very aggressive with her attorney because this is a civil matter.

Spoke from the Floor: Robert Setser – RC Investment Group – 29619 Morningmist Drive – Wesley Chapel, FL

Mr. Setser addressed Business Item 5.1 Trump Place Boat & RV Conditional Use Petition that was pulled from the agenda. He said he received an email from Planning Director Todd Vande Berg on behalf of the owners of Park Place relating to HOA and POA Violations and said he wasn't aware that City employees got involved in HOA and POA issues. He read a section from the POA; Outside Facilities, "Boats, trailers and RVs unlicensed, inoperable or unsightly vehicles, etc. have to be stored or permitted to remain on any site outside the buildings." He said he was asked in Mr. Vande Berg's email to approach the owners, his competition, to ask their permission to build a storage building to complete against them across the road and then Council would hear his petition. He read from the email, "The owners are of the opinion that the improvements require a type of physical structure to be consistent with Section 5.6." Mr. Setser said Park Place has awnings and Section 5.6 states buildings. He said Park Place is breaking their own codes by having awnings instead of enclosed buildings. He read, "The owners indicated they will be contacting you to further discuss." He said this is a conflict of interest to call the owners of a POA who are financially invested in a property and ask their permission to build the same facility across the road. He said that would be like Burger King calling McDonalds and saying hey do you mind if I build across the road, of course, McDonalds is going to say no, but that's healthy competition. In closing, he said he plans to invest \$1M plus to establish a healthy business and is hoping to get fair consideration to bring the taxable revenue to the City.

City Manager William Poe interjected and said when this item comes back before Council, Council will review the item based on City ordinances. The DCRs are a civil matter between Mr. Setser, the property owners and the HOA.

Council President Wilkeson encouraged Mr. Setser to come back when the details are worked out.

Spoke from the floor: Warren Earle – 3822 Florida Ranch Blvd. – Zephyrhills, FL

Mr. Earle said Kim Earle is his youngest daughter and his oldest daughter, Janis Gilbert, passed away the Tuesday before Thanksgiving. He said Janis was injured in an automobile accident on February 28, 2020 and as a result of the accident they took x-rays and found a spot on her brain stem which turned out to be cancer. His daughter, Janis, was his daughter that brought him to Council meetings.

Council President Wilkeson conveyed Council's sincerest condolences.

MAYOR ANNOUNCEMENTS – Mayor Whitfield hoped everyone had a great Thanksgiving and wished everyone a Merry Christmas.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe reminded everyone of the Christmas Tree lighting at City Hall following the Council Meeting, Festival of Lights Parade Saturday at 7:00 p.m. (event from 4:00 p.m. – 9:00 p.m.), and Pasco Economic Development Council Holiday Social Thursday, December 1, 2022, at 4G Ranch. He said the Opening Ceremony for the Senior Games at RADD Sports (Wesley Chapel Sports Complex) is 11:00 a.m. on Friday, December 2, 2022 with Pickleball, Padel and Tennis tournaments to be held at the Sarah Vande Berg Tennis Center.

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Knight complimented and praised the Zephyrhills football team for making it to the regionals.

Councilman Proctor thanked Main Street for coordinating the Festival of Lights event and thanked Public Works Director Shane LeBlanc and his department for the work they do in taking care of our citizens.

Council Vice President Smith said a few items came before Council tonight; one was Ms. Earle and there is a limit to what the City can do. He spoke theoretically on Business Item 5.1 Trump Place Boat & RV Conditional Use Petition that was pulled from the agenda. He said the City has a set of rules and Council abides by the rules that were created. He said Council treats everyone fairly and said Mr. Stetser will receive fair treatment from Council and staff.

Councilman Burgess added to the City Manager's comments about the Florida Senior Games and said Pasco County has a three year commitment. He congratulated the Zephyrhills football team for making it to the final 8.

Council President Wilkeson encouraged everyone to attend the Festival of Lights event on Saturday, December 3rd from 4:00 p.m. to 9:00 p.m. with a parade at 7:00 p.m.

NOTED ITEMS

8.1 Depository Deposit Listing

Meeting adjourned: 6:51 p.m.
Submitted by Lori L. Hillman