

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on September 26, 2022 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (872) 240-3412 - Access Code: 591-143-285.

Council President Wilkeson called the meeting to order. 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, Finance Director Ted Beason, Utility Director John Bostic, Airport Manager Nathan Coleman, Public Information Officer Kevin Weiss, IT Director Mike Panak, Historic Preservation Specialist and Community Planner Audrey McGuire, K9 Officer Emile Limoges, Finance Supervisor Jessica Carter, Water Treatment Plant Operator Eric Martin and City Clerk Lori Hillman.

Pastor Bob Hope with the Pasadena Baptist Church delivered the invocation. The pledge of Allegiance followed.

1. MAYOR

1.1 Mental Health Proclamation

City Clerk Lori Hillman read aloud the Mental Health Proclamation which was presented to Kimberly Miller, Deanna Baltimore, Brandon Bristow and Vicki Wiggins by Mayor Gene Whitfield.

2. CONSENT ITEMS

2.1 Collective Bargaining Agreement No. 41-22-29 for Sergeants (2021-2024)

2.2 Collective Bargaining Agreement No. 41-22-30 for Police Officers, Detectives, and SROs (2021-2024)

2.3 Approval of Amendment 1 to DEO Grant Agreement HL135 (24-21-07), SVB Tennis Center

2.4 Award Bid for Outdoor Tennis Courts to GPWG Constructors

2.5 Reassignment of Angela Land Lease to Elite Enterprises 29-22-01

Alan Knight moved to approve the Consent Items. Seconded by Lance Smith. Motion passed unanimously.

3. BUSINESS ITEMS/PUBLIC HEARING

3.1 Second Reading **ORDINANCE NO.: 1441-22 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, LEVYING THE MILLAGE RATE FOR FISCAL YEAR 2022-2023 FOR THE CITY OF ZEPHYRHILLS.”**

City Attorney Matthew Maggard read Ordinance No. 1441-22 by title. A public hearing was held and there were no comments from the floor. Finance Director Ted Beason said the rolled back rate for the City of Zephyrhills is 5.8763 mills. The millage rate is being set at 6.25 which is lower than last year's rate of 6.35 mills. The 6.25 millage rate is considered a 6.36% increase according to Florida Statute 200.065.

Lance Smith moved to approve Business Item 3.1 on the Second Reading. Seconded by Charles Proctor. Motion passed unanimously on the Second Reading.

3.2 Second Reading **ORDINANCE NO.: 1442-22 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, ADOPTING A BUDGET FOR THE 2022-2023 FISCAL YEAR.”**

City Attorney Matthew Maggard read Ordinance No. 1442-22 by title. A public hearing was held and there were no comments from the floor. City Manager William Poe stated the additional appropriations received by the state for the Sarah Vande Berg Indoor Tennis Facility were \$659,743.00 which increased the budget amount that was presented on September 13, 2022.

Alan Knight moved to approve Business Item 3.2 on the Second Reading. Seconded by Lance Smith. Motion passed unanimously.

4. PLANNING DIRECTOR'S REPORT

4.1 Conditional Use – Park Place Boat & RV Storage

Historic Preservation Specialist and Community Planner Audrey McGuire presented a request for Conditional Use submitted by Park Place Boat & RV Storage for 80,700 square feet of recreational vehicle storage located on 7.42 acres in the Light Industrial (LI) district of Park Place Industrial Park. Recreational vehicle storage is required to be considered as a Conditional Use. There are eight (8) standards staff reviews to determine a conditional use. Staff assessed little to no impact to existing quality of life or property values in the area as the property is located in the industrial area, adjacent to the airport, consistent with existing land use patterns, use is minimal to traffic impact and parking onsite will be recreational vehicle parking only. The site will be secured with fencing, gates and lighting to ensure a safe environment. The site has suitable drainage access and off street parking and loading areas. The proposed Conditional Use is required to go through the site development plan review process for adherence to the City's Land Development Code, SWFWMD and DEP requirements. The site will have to meet screening and buffering standards and will be required to have a Type B landscape buffer which is one tree per 50', a shrub row, and an opaque fence or screen. Applicant is proposing a 6' fence to match the existing fence. The lot is not considered a non-conforming lot meaning it meets all five areas of criteria for the zoning district in which it is located and can be developed in accordance with the City's standards and there are no special variances. Proposed signs and/or lighting will not affect surrounding areas or traffic and staff will review the lighting plans at the Site Plan Review stage to ensure lighting is not spilling onto adjacent properties or otherwise impacting air traffic at the airport. This project will not adversely affect public health, safety or welfare. Recreational vehicle storage is not a large user of City services or infrastructure and is not anticipated to produce a lot of noise, light or odors. Staff, the Site Plan Review Committee, and the Planning Commission recommended Council's approval.

Council President Wilkeson directed staff to make sure there is a plan in place for a reminder to pop up in one year to assess the shrubbery to ensure compliance.

Councilman Smith moved to approve Business Item 4.1. Seconded by Kenneth Burgess. Motion passed unanimously.

5. CITY MANAGER'S REPORT

Council President Wilkeson requested an Emergency Item be added to the agenda in preparation for Hurricane Ian as Business Item 5.4

Alan Knight moved to add Emergency Item 5.4 to the agenda. Seconded by Charles Proctor. Motion passed unanimously.

5.1 Water Use Permit Update

City Manager William Poe narrated a PowerPoint presentation highlighting the City's current water use permit capacity of 3.308 million gallons a day based on a population of 37,318. He said the City's wells, per FDEP, can pump 4.58 gallons a day. He said in his opinion, there is a conflict between what the City's wells have the capacity to pump and what SWFWMD will allow the City to pump and the City is working to correct the conflict. The City's gallons per capita daily is between 82 and 87 which equates to 181 gallons per day per dwelling unit with each unit projected at 2.1 people per household. A list of approved developments was provide with the number of units, people per household and number of years to build out. A list of pending developments was presented with the number of people per household, and number of years to build out. The build out population for approved developments is 2,165 which equates to 8,570 additional people with a five (5) to ten (10) year build out.

Council President Wilkeson said the City spent money to have a report prepared by Jones Edmunds with ground water modeling taking about three months. She asked, with the ground water modeling and the newly modified statistics, does the City need to go to SWFWMD to say this is where the City is headed to get their blessing?

Utilities Director John Bostic responded to Council President Wilkeson's question and said no because the City doesn't have the commitments. The City has projects ready to go but developers have not signed an agreement guaranteeing they will build within a certain amount of time. A big portion is prepayment of impact fees to show their commitment is solid. If developers are going to start building within five (5) years, the City needs water within two (2) to five (5) years. SWFWMD has a water supply work plan for the entire area and the City has to justify their need. He said supplying water within the City's jurisdiction for the next five (5) years is not a concern. The projects located in Pasco County that are requesting to be annexed into the City is unaccounted for water. He has requested Pasco County supply water but has not received a response to date.

City Manager William Poe said the City is working to create a story, show a demand, and initiate a utility service agreement, signed by developers ensuring their financial commitment to pay 50% of their fees upfront, as justification for SWFWMD for additional capacity. There are a couple projects outside the City in Pasco County's jurisdiction requesting services and the City will provide services when Pasco County transfers sufficient WUP capacity to the City. He presented a slide outlining the projected water demand: 1). Retire the existing WUP near development, 2). Use existing interconnect with Dade City, and 3) Absorb other providers in the area i.e., Pasco County. A timeline was presented for groundwater modeling (3 months), permitting (12 months), well construction (18 months) and well testing completion (24 months).

5.2 Sarah Vande Berg Tennis and Well Center Proposed Rates

SVB Owner/Manager Gabriella Collard presented proposed rates with simplified membership offerings. Monthly membership fees were lowered with few increases for Council's approval per the Sarah Vande Berg Tennis Center Management Agreement.

Lance Smith moved to approve the SVB rates as presented. Seconded by Charles Proctor. Motion passed unanimously.

5.3 Zephyrhills Police Department Agreement 25-22-05 with Axon for new Records Management System (RMS)

City Manager William Poe said the Zephyrhills Police Department is requesting a new Records Management System (RMS) for the accurate collection and efficient reporting of law enforcement information. The department has been operating with the existing system for twenty (20) years. The software is antiquated and does not meet the National Crime Reporting Standards. As the department continues to move forward toward consolidated dispatch, it is vital that law enforcement partners share information for situational awareness and interoperability. While RMS is only one facet of the consolidation, Axon RMS is the operating system adopted by the Pasco Sheriff's office and operating with the same software is essential in eliminating information gaps between agencies to provide seamless data sharing. The agreement includes data migration, implementation and renewal of body cameras and tasers. Staff recommended Council's approval of the five year agreement with Axon RMS.

5.4 EMERGENCY ITEM. First Reading **RESOLUTION NO. 802-22 – “AN EMERGENCY RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS DECLARING A STATE OF EMERGENCY – HURRICANE IAN.”**

City Attorney Matthew Maggard read Resolution No. 802-22 by title. This resolution allows the City to go outside the City's typical procurement policies to seek compensation and reimbursement from FEMA. The resolution takes effect at 12:01 a.m. September 27, 2022 for seven (7) days which is the maximum permitted by law. A Special Meeting can be held to extend the time period, if needed.

Alan Knight moved to approve Resolution No. 802-22 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously.

6. CITIZEN COMMENTS

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

Ms. Earle said swales were dug to the west of her property running north to south. She said to satisfy her request, a 4' deep spot in the back of her property was supposed to be filled with beach sand before digging the swale and that was not done and the Riprap contains rebar. In closing, she said the permit states the contractor was supposed to put in the drainage first and there are no pipes on the hill.

Building Official Bill Burgess – City of Zephyrhills - 5335 8th Street – Zephyrhills, FL
Mr. Burgess said the City has not been contacted and said he would check into the matter first thing in the morning.

Spoke from the floor: Eileen Ann Westermann – 5522 17th Street – Zephyrhills, FL
Ms. Westermann said she attended a southeastern guide dogs class last week and discussed Kim's situation with the area director, Loretta Wholecamp. Unbeknownst to Eileen, Loretta and her husband Mike are retired from SWFWMD. She said Mike Wholecamp was an engineer with SWFWMD's wastewater team and volunteered to download the permits, review the plans, and perform a site review of Trotter's Crossing. Mr. Wholecamp said the developer did not adhere to the wastewater permit that required culvert pipes and pipes in the retention pond for releases and contacted SWFWMD. She said if the berm breaks over the next couple of days, the water will wash out Phelps Road and threaten the safety of residents. She said last night the NHC was predicting landfall of Ian near Fort Myers and at 11:00 a.m. this morning, the land fall was revised to Hernando County. She said Zephyrhills will be on the east side of the storm and will experience storm winds and rain.

Building Official Bill Burgess said typically the contractor works with their engineer to approve the various stages of site development. The project is under the control of the contractor and engineer that designed the site which is why they carry liability insurance. At the end of the project, the engineer submits a letter to the City stating the project was built in conformance with the design.

MAYOR ANNOUNCEMENTS – Mayor Whitfield said in the interest of brevity, he did not have anything to report.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe announced the ribbon cutting for the Sarah Vande Berg Housing has been cancelled and will be rescheduled. The City will be open Tuesday, September 27th and make a decision to close pending the hurricane track. Shelters will be open Tuesday, September 27th at 10:00 a.m. Centennial and Pasco Middle schools are the closest shelters for Zephyrhills' residents with a sand bag location at Station 29 on Dairy Road. There is a mandatory evacuation of Zone A for all residents living in an RV and/or manufactured home.

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Burgess voiced his intention of driving on Kossik Road December 31, 2022 with Planning Director Todd Vande Berg. He said the road is currently a nice, long grassy dog run with no activity. He said Council needs to hold developers to their agreements moving forward.

Council Vice President Smith said Council needs to put teeth in developer's agreements for enforcement and make it severe. He said staff needs to visit ways to fine developers who are habitually causing issues to neighboring properties.

Councilman Proctor thanked Police Chief Brewer for all his hard work and expressed his unhappiness with Ms. Earle's situation.

Council President Wikeson said if Mr. Cornelison's agreement with the development doesn't include the level of inspection and tracking that Mr. Burgess implied, then the only person that is responsible is the developer. She said standing water on a development site is the responsibility of the contractor and it's a basic tenant of responsible development. She commended Mr. Beason and Jessica Carter on the publication of the final FY 2022-2023 budget.

Councilman Knight congratulated Police Chief Brewer. He said the City cannot take the hurricane lightly and said the national news are reporting the worst storm to hit Florida in 100 years. He encouraged everyone to take care of themselves and help their neighbors.

7. NOTED ITEMS

7.1 Participate in the 2022/2023 SNAP Program (Street Narcotics Apprehensive Program) – 41-22-32

7.2 Depository Deposit Listing

Meeting adjourned: 7:29 p.m.
Submitted by Lori L. Hillman