

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on August 14, 2023 at 5:00 p.m. in the Council Chambers of City Hall and via GoToMeeting (872) 240-3412 - Access Code: 718971637.

Council President Lance Smith called the meeting to order at 5:00 p.m. Roll call was taken. Present were members Lance A. Smith, Jodi Wilkeson, Charles Proctor, Kenneth Burgess, and Mayor Melonie Bahr Monson. Steven F. Spina, Ph.D. attended virtually. City Manager William Poe was present. City Attorney Matthew Maggard arrived at 5:15 p.m.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Utility Director John Bostic, Planning Director Todd Vande Berg, Building Official Bill Burgess, Airport Manager Nathan Coleman, Finance Director Ted Beason, HR Director Sandra Amerson, CRA Director Gail Hamilton, Public Information Officer Kevin Weiss, Senior Planner Rodney Corriveau, Water Superintendent C.J. Funnell, IT Systems Administration Chris Udele, Water Treatment Plant Operator Eric Martin, Finance Supervisor Jessica Carter and City Clerk Lori Hillman.

Senior Planner Rodney Corriveau delivered the innovation. The Pledge of Allegiance followed.

1. MAYOR

1.1 Tennis Pro Florida, LLC Liquor License

CEO/Owner Pascal Collard said partner Vesh held a catering license for Sunday mimosas and walked away with the license that helped the tennis center with events. He requested to apply for a liquor license available to facilities with 11 tennis courts or more and work with the City on restrictions.

There was a consensus among Councilmembers to move forward to allow SVB to apply for a liquor license and operate as they see fit.

City Manager William Poe said the current contract language states beer and wine and will be modified and brought back before Council for approval.

2. CONSENT ITEMS

2.1 Approval of July 24, 2023 Regular Meeting Minutes

2.2 C.W. Roberts Change Order No. 1 for Airport Itinerant Apron

2.3 Request Approval of the Sole Source Exemption by the Utilities Department

Kenneth Burgess moved to approve the Consent Items. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

3. BUSINESS ITEMS/PLANNING REPORT

3.1 RZ 15-23 Rezoning of 5028 Airport Road Planning Report

Senior Planner Rodney Corriveau said the rezoning application for 5028 Airport Road was submitted for a gym in a commercial building located at the corner of Airport Road and South Avenue and was not compliant with AP-2 (Airport Related) zoning. The Airport Manager has no objections with a rezoning for Gymboree, a gym facility for children. Staff proposed a rezoning to LI (Light Industrial) with no future land use amendment since the property is currently industrial. The LI (Light Industrial) zoning compatibility is consistent with a future land use classification of I (industrial) and will not result in premature development. There are potential conflicts with the adjacent residential uses but there are also potential conflicts with the AP-2 zoning. Most of the conflicts can be resolved through the conditional use process and staff feels confident that problems will not be created if the site were to be redeveloped. The Site Plan Review Committee, Planning Commission and Staff recommended rezoning from AP-2 (Airport Related) to LI (Light Industrial).

Charles Proctor moved to approve Business Item 3.1. Seconded by Kenneth Burgess. Motion passed unanimously, 4-0.

3.2 SPR-68-23 Re-Plat of the Final Plat for the Market at Zephyrhills

Senior Planner Rodney Corriveau said the original plat for the Market at Zephyrhills was

presented last fall when the market was experiencing disruption. This re-plat is a result of changing market conditions and is located south of Wal-Mart at the corner of Pretty Pond Road and Gall Blvd. The re-plat has no changes to the 3-Story Self Storage Facility on Lot 1 and Radiant Car Wash on Lot 2. Lots 3 and 4 were originally one lot and have been re-platted as two lots; Oil Change Facility on Lot 3 and Fast Food Restaurant on Lot 4. Lot five was originally two lots and has been re-platted as one lot; Full Service Restaurant on Lot 5. The plat has been reviewed for conformance with the City's Land Development Code. The City's engineer of record has reviewed the continuation and sub-divider's agreement which will remain active with no changes. The City's surveyor of record has reviewed for conformance with state statute, Chapter 177 and the City's Attorney has performed a legal sufficiency review of the revised documents. If Council moves forward, there will be changes to the declarations, easements, covenants, restrictions and plat requiring Mylar execution. The Site Plan Review Committee and staff recommended Council's approval.

Jodi Wilkeson moved to approve Business Item 3.2. Seconded by Kenneth Burgess. Motion passed unanimously, 4-0.

4. CITIZEN COMMENTS

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

Mr. Earle asked a question about a zoning change scheduled on Wednesday, August 16 at the Dade City Courthouse at 1:30 p.m. for a piece of property abutting Trotter's Crossing. He said the Committee making a judgement on the zoning change is the Villages of Pasadena Hills. He asked why Pasco County was passing it off to the Villages of Pasadena Hills.

Council President Lance Smith said the Villages of Pasadena Hills is a special district within Pasco County.

Spoke from the floor: Craig Cornelison – Cornelison Engineering Design - 2810 Gall Blvd., Apt. 409 – Zephyrhills, FL

Mr. Cornelison distributed maps to Councilmembers and the Mayor for Trotter's Crossing. He said there have been some issues and discussions relating to levying fines against the contractor, owner and engineer. He said when he began the design for the Trotter's Crossing project he reviewed two sets of criteria; Southwest Florida Water Management District (SWFWMD) closed basin of 124 predevelopment, post development volume match with a 100 year 24 hour rate, and the City's criteria under the adopted Public Works Manual that states 25 year 24 hour predevelopment, post development rate. The peak runoff rate to Ms. Earle's property pre-development was 47.7 CFS and dropped to 18.55 CFS post development. He said there were 33.86 acres draining pre-development toward Ms. Earle's property that was reduced to 17.35 acres post-development. He said he has tried to be clear in meetings that water from the north will continue to drain where it drained naturally which is toward Ms. Earle's property. He said the volume of 100 year 24 hour was 106 CFS predevelopment and dropped to 44.87 post development. The 100 year 10 day predevelopment was 34 CFS and dropped to 18 CFS post development. The mean annual of 5 CFS was dropped to .64. He said the volume for the 100 year 10 day was 28.7 acre feet (15 feet of water discharging to the low point) and was reduced to 5 and ½ feet. He said the contractor has admitted fault for the second flood event and they are working with Ms. Earle. He referred to the video of the first flood event submitted by Ms. Earle and said there is no turbidity, it's clear water which is what natural water flow looks like (pre-development). He said the grass is green at the top of the hill and the water is clear. He said he doesn't actually know if the first flood event was the contractor's fault. The contractor had disc three or four months prior, which was not uncommon over the years, installed a silt fence but had not mobilized.

Mr. Cornelison addressed the wall that was being backfilled when it rained and a small section of the wall was washed out. He said the contractor had three Best Management Practices (BMP) in place; a silt fence, a swale and a second silt fence. When the portion of wall washed out, sand came up against the first silt fence and a little bit of sand went into the swale. By Department of Environmental Protection (DEP) rules, the contractor had 24 hours to inspect the wall from rainfall and the wall was inspected the following morning. The wall was supposed to

be fixed within 48 hours, the contractor fixed the wall the same afternoon after it was inspected. The contractor had 72 hours and they fixed the wall within 24 hours. He said there is no rule that states the contractor has to complete a project within a certain amount of time. He explained rip rap is used as an energy dissipation measure to reduce the erosive force of concentrated stormwater. Rip rap slows down the water flow to allow sediment to filter. He said the rip rap meets his rules.

Spoke from the floor: Joe Guttuso Director of Land Development for American Homes Development – 2927 Pointeview Drive – Tampa, Florida

Mr. Guttuso said the lift station start-up is scheduled for the end of August 2023, CFC certification completion is scheduled for November 2023, and they plan to go vertical in January 2024 with project completion the end of 2025.

Mr. Cornelison said he keeps hearing that water has never drained off this site and played a recording from the 12-15-2020 Planning Commission Meeting:

“Anyway as far as the project is concerned, there was a concern about the water coming off the back end of that down onto my daughter’s property but she says well, I’ve had it for 13 years, but I would like it to stop if there was some way of stopping it. It had come into her house but she’s not complaining about it, she loves living there, it’s the country and when I first came to this property with Todd, when I walked into his office, that property...”

Mr. Cornelison said there is a history of water flowing to Ms. Earle’s property that has flooded her house predevelopment from testimony put before the Planning Commission Board.

City Manager William Poe asked Mr. Cornelison if placing a silt fence at the low point of the property to accumulate water, prior to the silt fence failing sending water rushing through a concentrated area as opposed to being spread over 100 feet, was an issue.

Mr. Cornelison Craig said there is a low spot on that property that goes to a V. He said the second event was the contractor’s fault that was caused by the first event which was not the contractor’s fault. The contractor was trying to hold back 30 plus acres of water on a 13 acre site, partially because Ms. Earle said the water had never drained that way, and it didn’t work. The contractor should have drained the water around, which was Mr. Cornelison’s recommendation, and unfortunately that did not happen. SWFWMD issued a violation for the incident and the contractor had to clean three properties; they have cleaned two of the three. He said in the end, there will be less water coming down.

MAYOR ANNOUNCEMENTS – N/A

CITY MANAGER ANNOUNCEMENTS - N/A

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Council Vice President Burgess - N/A

Councilman Proctor – N/A

Councilwoman Wilkeson – N/A

Council President Smith – N/A

5. NOTED ITEMS

7.1 BGE Task Order 104-23, Pretty Pond Road Traffic Analysis Review

Meeting adjourned: 6:00 p.m.

Submitted by Lori L. Hillman