

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on June 26, 2023 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting (571) 317-3122 - Access Code: 597-869-845.

Council Vice President Kenneth Burgess called the meeting to order at 6:03 p.m. Roll call was taken. Present were members Jodi Wilkeson, Charles Proctor, Kenneth Burgess, Steven F. Spina, Ph.D., and Mayor Melonie Bahr Monson. Lance Smith was absent. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Chief Derek Brewer, Public Information Officer Kevin Weiss, IT Director Mike Panak, Planning Director Todd Vande Berg, Airport Manager Nathan Coleman, CRA Director Gail Hamilton, Finance Director Ted Beason, Building Official Bill Burgess, Senior Planner Rodney Corriveau, Code Enforcement Officer Joel Bacon and City Clerk Lori Hillman.

Executive Director Beth Aker with Meals on Wheels East Pasco delivered the innovation. The Pledge of Allegiance followed.

1. MAYOR

1.1 Swearing-In of Police Officers

Police Chief Derek Brewer introduced six new police officers: Juanita Gonzalez, Karly Crews, Colton Nelson, Mariah Hamilton, Philip Martin, and Paul Gonzalez and administered the oath of office following their pinning.

2. CONSENT ITEMS

2.1 Approval of May 8, 2023 Regular Meeting Minutes

2.2 Jacobs Engineering Scope and Fee for Runway 1-19 Rehab

2.3 Notification of Purchase of New Water Division Vehicle

2.4 Budget Adjustment – Transfer Appropriation from General Fund Contingency to pay for the Lift Station at the Police Department

2.5 Emergency Staging Area Site Agreement 41-23-20 – Duke Energy Florida, LLC

Steve Spina moved to approve all Consent Items. Seconded by Jodi Wilkeson. Motion passed unanimously, 4-0.

3. BUSINESS ITEMS/PUBLIC HEARING

3.1 Residential Moratorium

Second Reading **ORDINANCE NO. 1461-23 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA ESTABLISHING A 12 MONTH MORATORIUM ON THE CONSIDERATION OF NEW RESIDENTIAL APPLICATIONS FOR ANNEXATIONS, LAND USE MODIFICATIONS, REZONINGS, MAJOR PLANNED UNIT DEVELOPMENT AMENDMENTS, CONDITIONAL USES, OR VARIANCES FOR PROPERTY OVER ONE ACRE; PROVIDING FOR CONFLICTS, EXEMPTIONS, SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1461-23 by title. He said a minor change was made from the First Reading to Section 4. Exemptions, “Additionally, this moratorium shall not apply to utility service agreements or other utility-related agreements, which may be sought from the City (the mere submittal of which shall not obligate the City to approve the same).” He explained the City intends to enter into a Utility Service Agreement to service a project located in Pasco County, with additional capacity for the City, through an existing water use permit. In an abundance of caution, the City does not want to limit themselves from entering into an agreement with Pasco County to provide water to parcels located within Pasco County if Pasco County agrees to transfer a portion of their water capacity to the City to service the area.

A public hearing was held and there were no comments from the floor.

Charles Proctor moved to approve Ordinance No. 1462-23 on the Second Reading. Seconded by Steve Spina. Motion passed unanimously, 4-0.

4. CITY ATTORNEY'S REPORT

4.1 Backyard Chicken Ordinance

First Reading **ORDINANCE 1462-23 – “AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA CREATING A NEW SECTION TO CHAPTER 93 OF THE CITY OF ZEPHYRHILLS CODE OF ORDINANCES, SECTION 93.03 ESTABLISHING REGULATIONS FOR THE KEEPING, HARBORING AND MAINTENANCE OF BACKYARD CHICKENS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1462-23 by title.

City Manager William Poe said the ordinance sets a maximum of four chickens, no roosters, in ER, R1, R2 and R3 zoning areas with all chickens kept in a coop. The coop has to be at least four square feet per chicken and shall not exceed 150 square feet in size. Chickens are to be kept in the rear yard at all times. He read a paragraph from the ordinance, “All chickens shall be protected from the elements and kept in a secure enclosure at all times; except that chickens may be allowed outside the enclosure periodically between sunrise and sunset only, provided they are confined to the property by a secured fence a minimum of six feet in height. No person shall release or set any chicken free from such fence or enclosure.”

Discussions centered around allowing a couple of chickens in a resident's backyard for fresh eggs, neighbors who don't want chickens next door, the ability of chickens being able to fly over a fence, unintended consequences associated with allowing resident's to house chickens in coops, and the counter productivity with improving the residential neighborhoods in the CRA. A permit will be required for a chicken coop exceeding 100 square feet and code enforcement will monitor chicken-related complaints subject to a violation.

Code Enforcement Officer Joel Bacon – City of Zephyrhills

Mr. Bacon said the City of Zephyrhills' chicken ordinance is the most strenuous compared to surrounding communities and staff would like to bring the City's ordinance in line with other municipalities. He believes citizens will appreciate the opportunity to have fresh eggs.

Council Vice President Burgess stated this ordinance will not affect HOA's or CDD's within the City's jurisdiction.

Spoke from the floor: Eileen Westermann – 5522 17th Street – Zephyrhills, FL

Ms. Westermann said when a person buys chickens at Tractor Supply or orders chickens online, they cannot sex them. She said when you order four chickens, you may receive four roosters. She said she did some research and Key West allowed their residents to have chickens which led to them hiring a chicken catcher due to roaming roosters. She said the City of Zephyrhills is a dark sky city and the Roosters crow all night long because they don't know what time it is. She said chickens are not native to the area and the City will be setting themselves up for more roosters. She said in her opinion, this is a fad and suggested residents visit Shannon's Market for fresh eggs.

Charles Proctor moved to approve Business Item 4.1 on the First Reading. Seconded by Steve Spina. Motion failed, 1-3, Steve Spina, Jodi Wilkeson and Lance Smith were opposed.

5. CITY MANAGER'S REPORT

5.1 Hercules Park Presentation by Wharton-Smith and Kimley Horn

Mr. James Panakin with Kimley Horn highlighted the key issues of the Hercules Park Master Plan to include a .75 mile perimeter walking trail with several loop options, enhancing the existing storm water pond north of the site with viewing areas and vegetation, a playground nestled in the existing southern tree area with canopy walks, open play field with picnic shelters, a five acre trail for walking and bike riding to the furthest south, and 54 parking spaces. He said in March 2022, a restroom and splash pad were incorporated into the design and referred to the initial splash pad that was envisioned as a concrete deck with spray jets. Based on the feedback

received on the splash pad design, he began looking at inspiration for an enhanced fountain with custom features. During design, CRA Director Gail Hamilton challenged James to utilize the splash pad to tell the story of the Hercules Powder Company and honor the workers. He referred to an image of the turpentine harvesting from the pine trees where they slashed the trees to collect turpentine in barrels that were shipped to various sites for use in making charcoal and explosives, etc. An enhanced feature was created to tell the story of turpentine harvesting with a tree as the center point with water coming out to represent turpentine emptying into buckets and spilling into the ground throughout the site. An area was created that contains barrels with water jets jumping from barrel-to-barrel with concrete stumps and geyser jets for interactive play. He said the inspiration for the restroom came from images of historical shotgun houses within the working camp with board and batten style siding, a metal gable roof and a porch. He showed an architectural design created by Furr, Wegman and Banks of the restroom facility with an enclosed storage area for the pump equipment for protection from the elements with secure storage. The architect is proposing a durable metal door to be used for the building that will require periodic maintenance with locks to control access after hours.

Pricing and Value Engineering Review

Juan McGill - Wharton-Smith Construction – 4912 W. LaSalle Street – Tampa, FL 33607

Mr. McGill narrated a PowerPoint presentation to include a Guaranteed Maximum Price (GMP) proposal that came in at \$8.1M due in part to the custom splash pad elements. With the budget overrun, and in collaboration with the design team and representatives of the City, a series of value engineering items were designed to reign the budget within an acceptable level listed below.

1. Splash Pad – GFRC (Glass Fiber Reinforced Concrete) Improvements

This is a custom, signature feature and the bidder was able to find \$388,917 in savings during the value engineering process that will go immediately back into the project with no change in scope or program.

2. Splash Pad – Laminar Flow Nozzle Sump Replacement at Ground Effects

There are two options for the nozzles and a laminar flow nozzle was proposed by the bidder in the base bid. The laminar flow nozzles provide a nice steady stream with no break in water continuity. During the value engineering process, the laminar flow nozzle was substituted with a standard nozzle for a savings of \$57,420.

3. Splash Pad – Laminar Flow Nozzle Replacements at Barrels

There are two options for the nozzles and a laminar flow nozzle was proposed by the bidder in the base bid. During the value engineering process, the laminar flow nozzle was substituted with a standard nozzle for a savings of \$69,745. The laminar flow nozzles provide a nice steady stream with no break in water continuity with a condensed stream to jump from barrel-to-barrel. This affect can also be accomplished using the standard nozzle. The jets would be accessible for routine maintenance and an access hatch could be designed to allow for easier maintenance.

4. Entrance Sign / Monument Sign

A concept drawing of the proposed entrance/monument sign was shown. A net credit was given for the cost of the sign and replaced with an allowance to work with the design team and stakeholders during the City's rebranding process for a significant savings of \$101,649.

5. Precast Modular Restroom Building

In an effort to explore all options, a precast, prefabricated restroom was presented for a net proposed savings of \$81,431; although, this option was not recommended.

6. Omit SD Type Tree Lighting

Omit the proposed tree lighting in the nature trail area for a savings of \$57,000. There will be other normal park lighting remaining with pedestrian lights scattered in the area.

7. Nature Trail Building Concept

A concept drawing was shown of the proposed nature trails with two bike playground areas, a perimeter sidewalk and trail activities for a proposed savings of \$123,571. Concrete bench features and sitting nodes will be placed around the outer perimeter of the trail.

In closing, Mr. McGill said the Guaranteed Maximum Price (GMP) is at 90%. During the transition to 100%, a security camera design will be included.

City Manager William Poe said the City received \$8.2M in American Rescue Plan Act (ARPA) funds in two installments of \$4.1M which will be allocated to the Hercules Park Project. The project is scheduled to break ground before December 2023.

In closing, Mr. Panakin said a fountain is not being proposed in the existing retention pond. The pond was designed to be a dry pond and there is an obvious amount of water in the pond currently. The pond is unreliable in terms of water levels.

Spoke from the floor: Erica Freeman – 37519 8th Avenue – Zephyrhills, FL

Ms. Freeman said she attended the meeting to make sure the splash pad remained since it was a compromise for not including a pool. She said the splash area at Zephyr Park is crowded and a second area is needed not just for small children but for the whole family. She said the Historical Association has the original historic marker from Hercules.

CRA Director Gail Hamilton said if Council agrees to move forward with the plan as presented, a contract will be brought before council for approval at the next meeting. She said staff is poised and ready to get this project moving to break ground.

Council concurred to approve the items below as presented.

1. Splash Pad – GFRC Improvements (\$388,917.00) - Approve
2. Splash Pad – Laminar Flow Nozzle Sump Replacement at Ground Effects (\$57,424.00) - Approve
3. Splash Pad – Laminar Flow Nozzle Replacements at Barrels (\$69,745.00) - Approve
4. Entrance Sign / Monument Sign (\$101,649) - Approve
5. Precast Modular Restroom Building (\$81,431) - Deny
6. Omit SD Type Tree Lighting (\$57,516) - Approve
7. Nature Trail Building Concept (\$123,571) - Approve

5.2 Utility Capacity Agreement 45-23-11 – Wire Ranch Investors, LLC.

City Manager William Poe said Wire Ranch Investors, LLC owns approximately 24.16 acres located on north US-301. In order to obtain a guaranteed reservation for water and sewer services from the City, it is necessary for the developer to execute a Utility Capacity Agreement. The agreement reserves both water and sewer for 329 residential apartment units on the proposed Wire Ranch property. Paragraph 4 of the agreement requires payment of 50% of the total capacity fees within 30 days of the effective date of the agreement which is \$582,330. The monies paid will be immediately available to the City for expenses related to utility related/permitted items. The reservation guaranteed by this agreement runs with the land and can subsequently be assigned by the developer to any subsequent purchaser of the property who will be bound by the terms of this agreement. The duration of the agreement is for five (5) years from the effective date. The current water capacity fee per apartment is \$3,540. Staff recommended approval of Utility Capacity Agreement 45-23-11 with Wire Ranch Investors, LLC.

Charles Proctor moved to approve Business Item 5.2. Seconded by Steve Spina. Motion passed unanimously, 4-0.

6. CITIZEN COMMENTS

Spoke from the floor: Michael Rickey – 6775 Basswood Circle – Zephyrhills, FL

Mr. Rickey said the City's homeless situation needs to be addressed. He has noticed in the last year a larger number of homeless targeting our area. He sees them sleeping under trees with trash scattered about begging for food at intersections, leaving shopping carts around the City and also trespassing on private property. Recently, he saw a man sleeping at the front door of a lawyer's office on 5th Avenue. He asked Council three questions; are we becoming a magnet, what is the long-term approach and do you feel safe. He thanked Council for allowing him to speak and voice his concern.

Council Vice President Burgess said homelessness is a complex problem and acknowledged Mr. Rickey's concerns which were all valid.

City Manager William Poe said the Zephyrhills Police Chief is working with area agencies to provide hand-ups and support for these individuals so they are not sleeping on the streets.

Councilman Spina said he attended a meeting last month with the City of Treasure Island who initiated a program in their community to see what they are doing to mitigate issues. He met with County Commissioner Ron Oakley and discussed the homeless issue and lack of resources on the east side of Pasco County. He said this is a difficult problem and he is looking for alternatives to sleeping on the streets, in the park, and on private property.

MAYOR ANNOUNCEMENTS – Mayor Bahr Monson asked everyone to put their flags out in celebration of the Fourth of July to show patriotism. She said she met with the Driftwood Homeowners who are concerned about their safety and will be installing gates to help with the issues they are experiencing. She said homelessness is a community issue and we all need to work together.

Police Chief Derek Brewer – City of Zephyrhills

Police Chief Brewer said statistically speaking, the homeless are more vulnerable than people in those neighborhoods. Not to say that they are not subject to petty crimes but the homeless are more likely to be victims of dangerous crimes rather than the people that live in the neighborhoods. He said he understands the concerns but there is no one approach to address homelessness. The comment about Zephyrhills being a magnet has some validity because we're not providing wraparound services. He said he has worked with the Driftwood community on numerous issues and would be happy to work with them again if they have concerns about safety in their neighborhood. Homelessness is a conversation we have every week and I can't express enough that this is going to take some time.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe said Summer Fest will be held at Zephyr Park on Saturday, July 1st from 12:00 p.m. – 9:30 p.m. ending with a fireworks display. The City is a sponsor of this event. He said the City offers online submittals through the Building Department for Business Tax Receipts and over the counter permits (roof, HVAC, etc.). The City received state appropriations funding for the Downtown Home Theater and Zephyr Park. Staff will begin working with the appropriate state agencies to sign contracts and get projects moving forward. He said the July 10, 2023 Council Meeting will begin at 5:00 p.m. followed by a Budget Meeting.

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Spina said he rode with Sergeant Billy Adams last week down Hwy. 39 to see a homeless camp that is visible from the road in Crystal Springs with tents and awnings. He said the City needs Pasco County's help.

Councilman Proctor said he is excited to move forward with Hercules Park.

Councilwoman Wilkeson – N/A

Council Vice President Burgess said he and Council President Smith have been very vocal on pushing projects forward toward completion and asked for a status update on Kossik Road.

City Manager William Poe said he emailed Metro Development today stating the project was supposed to be completed by December 2022 and if the road is not completed, the City will pull their bond.

Council Vice President Burgess said we are at the point now that the City needs to consider their options and take action.

Meeting adjourned: 8:13 p.m.
Submitted by Lori L. Hillman