

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on June 12, 2023 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting (872) 240-3412 - Access Code: 249-876-477.

Council President Lance Smith called the meeting to order at 6:08 p.m. Roll call was taken. Present were members Jodi Wilkeson, Lance Smith, Charles Proctor, Kenneth Burgess, Steven F. Spina, Ph.D., and Mayor Melonie Bahr Monson. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Public Information Officer Kevin Weiss, IT Director Mike Panak, Planning Director Todd Vande Berg, Senior Planner Rodney Corriveau and City Clerk Lori Hillman.

Associate Pastor Kendall Deford with the First Church of the Nazarene Zephyrhills delivered the invocation. The Pledge of Allegiance followed.

1. MAYOR

1.1 Padel Presentation – CEO Pascal Collard / Sarah Vande Berg Tennis & Wellness Center

Clips of news coverage from Bay News 9 and Channel 13 were shown highlighting the Pro Padel League's first debut in the country at the Sarah Vande Berg Tennis and Wellness Center in Zephyrhills over the weekend putting Zephyrhills on the world's stage. Over the next five weeks, the world's best padel players will compete in the Pro Leagues First Season. The PPL consists of seven different teams that compete in matches described as a cross between tennis, squash and racquetball. The event brought hundreds of people to Pasco County including Daddy Yankee and former professional tennis players Tommy Haas and Juan Martin del Potro. All matches are free to attend. With the fastest growing sport now in the US, officials expect the Tampa Bay Area to see both recreational and economic growth.

Mr. Collard introduced his partner, Andrew Sorrentino, and Marcos Del Pilar - Pro Padel League Commissioner for the United States, Mexico and Canada and President of the United States, Mexico and Canada Padel Association. He said to host padel events, you need a special court and viewing area similar to tennis. For this event, a padel court was shipped from Denmark, built at SVB, and shipped to Hawaii after the event for a cost of approximately, \$300,000. A permanent padel court is needed at SVB and he and his partner are ready to invest in a court that will be owned by the City when installed. He read aloud a text he received during the meeting from PIO Officer, Kevin Weiss, who was unable to attend, "The Padel event provided more media exposure to Zephyrhills and the SVB Tennis Center than at any time since I remember and since I started working for the City. The amount of local television and regional, national and international news coverage of the event was outstanding."

Mr. Marcos Del Pilar said he secured the right for over 120M households in the United States plus 90M households that CBS Sports will showcase beginning June 22nd. If Council would like to embrace more opportunities for international tournaments coming at the end of this year, a padel court is needed to provide the ground roots. Everybody is now talking about SVB, Pasco County, Zephyrhills. The economic impact will be awesome and encouraged Council to support SVB to bring more tournaments to Zephyrhills.

Councilmembers were in agreement to move forward with a padel court with sponsorship donation opportunities to offset the cost.

1.2 National Small Cities and Towns Proclamation

Mayor Melonie Bahr Monson read aloud a National Small Cities and Towns Proclamation prior to presentation to CRA Director Gail Hamilton.

1.3 Juneteenth Proclamation

Mayor Melonie Bahr Monson read aloud a Juneteenth Proclamation prior to presentation to Kimberly Miller, Recreation Coordinator for Pasco County Parks and Recreation. Sabrina Noel, Recreation Manager for Pasco County Parks and Recreation, shared a host of activities scheduled for the week of Juneteenth.

2. CONSENT ITEMS

2.1 Approval of May 22, 2023 Regular Meeting Minutes

2.2 Approval of May 15, 2023 Joint Planning/Council Workshop

2.3 Appointment of Board Members

2.4 Mutual Aid Agreement No. 41-23-18 with Pasco County for Hurricane Disaster Debris Removal with Phillips and Jordan, Inc.

2.5 ESRI Three Year Agreement 41-23-18 GIS License Software Renewal (10-4-2023 through 10-4-2026)

2.6 Approval of Force Main Upsizing Charge to Trotters Crossing

Jodi Wilkeson moved to pull Item 2.3 for further discussion. Seconded by Kenneth Burgess. Motion passed unanimously.

Charles Proctor moved to approve Consent Items 2.1, 2.2, 2.4, 2.5 and 2.6. Seconded by Steve Spina. Motion passed unanimously.

2.3 APPOINTMENT OF BOARD MEMBERS

Councilman Spina asked for clarification on the process of the three year terms that are expiring June 30, 2023.

City Clerk Lori Hillman said all board members with board memberships expiring on June 30, 2023 were contacted and have chosen to extend their board membership an additional three years.

Steve Spina moved City Council reappoint board members with terms expiring June 30, 2023. Seconded by Jodi Wilkeson. Motion passed unanimously.

3. BUSINESS ITEMS/PUBLIC HEARING

3.1 Water Supply Facilities Work Plan

Second Reading **ORDINANCE NO. 1454-23 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT BY REFERENCE AN UPDATED 10-YEAR WATER SUPPLY FACILITIES WORK PLAN AS REQUIRED BY 163.3177, FLORIDA STATUTES; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER SUPPLY FACILITIES WORK PLAN; PROVIDING FOR ADOPTION OF UPDATED POLICIES WITHIN THE COMPREHENSIVE PLAN PUBLIC FACILITIES, CONSERVATION, FUTURE LAND USE, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1454-23 by title. A public hearing was held and there were no comments from the floor.

Charles Proctor moved to approve Ordinance No. 1454-23 on the Second Reading. Seconded by Kenneth Burgess. Motion passed unanimously.

MAYOR'S EMERGENCY ITEM

Jodi Wilkeson moved to add the Mayor's Emergency Item to the agenda. Seconded by Charles Proctor. Motion passed unanimously.

City Manager William Poe presented a construction quote from RCM Utilities in the amount of \$114,849.30 to construct a lift station at the police department. In November 2022, the sewer system at the police department backed up causing tens of thousands of dollars worth of damage. The backup was contributed to the large amount of rainfall experienced in a short duration which flooded a manhole and the lowest point was the police department. The plan was to wait until October 1, 2023 to budget the project for completion. This past Friday, a back up occurred again with zero rainfall. There is a lot of flow coming from the west, as a result of development, through the line in front of the police department to the North Avenue lift station. There was a plug in the line and the police department's system backed up again. Staff requested Council's approval of the agreement with RCM Utilities to construct a lift station and install a force main to connect to the manhole on 8th Street in the amount of \$114,849.30.

Councilwoman Wilkeson said she would like to look at the screening of the lift station since this is a very visible area along 8th Street.

City Manager William Poe said this will not be a typical lift station, it will be a much smaller unit for use strictly by the police department. The current system is a gravity line that feeds from the police station to the west and ties into the manhole along 8th Street. The gravity line will be capped for the installation of a force main and lift station to push the waste to the manhole.

Charles Proctor moved to approve the Mayor's Emergency Item. Seconded by Jodi Wilkeson. Motion passed unanimously.

3.2 Blue Triton Brands Annexation

Second Reading **ORDINANCE NO. 1458-23 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS PARCEL NUMBER 13-26-21-0110-00000-0010 LOCATED AT 4211 AND 4210 BREEZEWOOD DRIVE; 4210 AND 4211 CAMPHORWOOD LANE; 39101 AND 39119 WOODLAND DRIVE, ZEPHYRHILLS FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED.”**

City Attorney Matthew Maggard read Ordinance No. 1458-23 by title. Senior Planner Rodney Corriveau said staff refined the conditions which were reviewed by the City Attorney, the applicant, and staff who were all in agreement. He said the conditions cover the sound attenuation device, material specifics, type of landscaping and the increase in buffering between the subject property and the abutting neighborhood. A public hearing was held and there were no comments from the floor.

Jodi Wilkeson moved to approve Ordinance No. 1458-23 on the Second Reading. Seconded by Kenneth Burgess. Motion passed unanimously.

3.3 Blue Triton Brands Future Land Use Map Amendment (FLUMA) and Rezoning

Second Reading **ORDINANCE NO. 1459-23 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP CHANGING FROM COUNTY RES-3 (THREE RESIDENTIAL DWELLING UNITS PER ACRE) TO CITY I (INDUSTRIAL) AND THE ZONING DESIGNATION FROM COUNTY R-1 TO CITY LI (LIGHT INDUSTRIAL) FOR APPROXIMATELY 7.640 ACRES OF REAL PROPERTY HAVING PARCEL NUMBER 13-26-21-0110-00000-0010; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1459-23 by title. A public hearing was held and there were no comments from the floor.

Kenneth Burgess moved to approve Ordinance No. 1459-23 on the Second Reading. Seconded by Steve Spina. Motion passed unanimously.

3.4 Residential Moratorium

First 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, REZONING'S, MAJOR PLANNED UNIT DEVELOPMENT AMENDMENTS, CONDITIONAL USES, OR VARIANCES; PROVIDING FOR CONFLICTS, EXEMPTIONS, SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1461-23 by title. He said a definitive list of projects in progress was discussed at the staff level and was not created due to the potential liability of inadvertently not listing a project that was incorporated into the ordinance. He said staff has an internal list. Applications received prior to the effective date are exempt.

City Manager William Poe said the City is being proactive and responsible in modifying the water use permit to provide water. As part of the process, staff will create a Utility Service Agreement with the ability for developers to reserve water capacity by prepaying 50% of the water connection charges and impact fees.

City Attorney Matthew Maggard expanded briefly on City Manager William Poe's comment, stating anyone seeking to secure water would continue at their own risk. Anyone who enters into a Utility Service Agreement will prepay 50% of the water connection charges and impact fees with a guarantee for water.

A public hearing was held and Kendall Deford of 5714 18th Street clarified the moratorium is for major developments not an average citizen who is looking to buy a lot and build a house.

Steve Spina moved to approve Ordinance No. 1461-23 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously.

4. CITY MANAGER'S REPORT

4.1 Request to Rename Lincoln Heights Park to Ellis Harrold Neighborhood Park

City Manager William Poe said City staff received a request to rename Lincoln Heights Park to Ellis Harrold Neighborhood Park. Mr. Harrold has resided in Zephyrhills since 1957, was a resident of the Lincoln Heights Neighborhood, was the first African American hired by the City in 1962 and worked for the City for 34 years. He referred Council to Resolution No. 698-15 for the criteria and process for renaming a park. He said if Council chooses to move forward, staff will solicit suggestions for names and convene a Special Advisory Board to include seven members; two Planning Commission Board Members, two Historic Preservation Board Members, two Parks and Recreation Board Members and the Mayor. Following the review, public comments and recommendations from the naming board, City Council shall determine the name of the park for approval with appropriate signage to be erected.

Steve Spina directed staff to convene a Special Advisory Board to review the renaming of Lincoln Heights Park to Ellis Harrold Neighborhood Park. Seconded by Kenneth Burgess. Motion passed unanimously.

5. CITIZEN COMMENTS

Kim Earle – 37741 Phelps Road – Zephyrhills, FL

Ms. Earle narrated a PowerPoint presentation of events from July and August of 2022 where water intruded into her house. She said the contractor paid to repair the flood damage to her home but her property is unsafe. She said a citizen has no recourse to sue for mental stress when this happens. She showed a picture of a fence that was initially four feet and stated the fence is now less than three feet due to sand washing onto her property. She said her property needed to be scraped and felt like she should have been able to hire a company to scrape her property correctly and be reimbursed by the contractor. She showed a picture taken May 25, 2023 of a block wall behind her house that collapsed. She said she was advised by her lawyer to put her house up for sale and listed her home for five months. She said people and investors looked at the house but nobody was interested once she disclosed previous flooding issues.

City Manager William Poe said he requested the developer be present this evening to answer questions that may arise. He said his understanding is that the contractor intended to scrape the sand and dirt sentiment from Ms. Earle's property but she told them no. He said there was a break in the retaining wall but reminded Council that no water left the site. He said the flooding video presented tonight was from one year ago. City Manager William Poe said Engineer Craig Cornelison states the swale functions as it was designed to function.

Building Official Bill Burgess – City of Zephyrhills

Mr. Burgess addressed the retaining wall which is similar to the retaining wall at Walmart in smaller increments. He said the retaining wall has no concrete and is held together with geotechnical fabric with gravel for drainage. He said crushed concrete is considered

clean fill and is used for rip rap. There should not be any rebar mixed with clean fill. He said typically, the contractor submits soil densities to the engineer for review and moves to the next phase upon approval. At the end of the project, the engineer of record will signoff that the project substantially meets the engineer's design intent for the project. The City will begin inspections when the developer begins going vertical. For the record, he said this site will continue the historic flow when completed.

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

Mr. Guttuso said when the flooding occurred in July, August and September of 2022, he approached Ms. Earle and her neighbors to fix their yards. The neighbors have had their yards regraded and re-mulched with fences and cable lines repaired. He said sod is currently being laid and the entire site will be stabilized after this week. He explained crews were finishing over a mile of retaining wall, with a small portion remaining, at the end of a work day. It rained and damaged the remaining section. He said the rip rap will be replaced, crews are finishing curbing for the entire site and preparing to pave and said he will apply for permits when they go vertical. He suggested addressing this situation directly with Ms. Earle rather than at a Council meeting moving forward.

Council President Smith said he is at a point to begin fining both the engineer and the contractor a minimum of \$50,000 per occurrence to get their attention and would be inclined to now allow any building permits until the site is stabilized.

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

Ms. Westermann said she's been with Ms. Earle through her trauma and highlighted events that have transpired. She said Ms. Earle has \$25,000 worth of damage to her property with new fencing, gates, seeding, a berm, a culvert down the side of her property with rip rap and a culvert pipe at the end. She said there are no laws on the books that say she can recover attorney's fees for mental distress.

MAYOR ANNOUNCEMENTS - Mayor Melonie Bahr Monson acknowledged the Police Department's awards and recognition; Officer Rose received the Chief's Award, Volunteer of the Year was Ms. Beasley, Employee of the Year was Juanita Gonzalez who is now our newest patrol officer, and Officer of the Year was Officer Chimeri. She said the memorial service held at Oakside Cemetery was scarcely attended. She said if anyone wants to bowl she has tickets for Juneteenth next week.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe said he has a meeting with Macedona Baptist Church on Thursday evening to speak about the National Guard. He said he and Airport Manager Nathan Coleman are working with Skydive City on a lease and RV Park. He said the National Guard are moving forward and are currently looking at some environmental concerns. Construction should begin the end of 2024 for a roughly 60,000 sf building.

CITY ATTORNEY ANNOUNCEMENTS - N/A

CITY COUNCIL COMMENTS – Councilman Spina – N/A

Councilman Proctor – N/A

Councilwoman Wilkeson – N/A

Council Vice President Burgess – N/A

Council President Smith – N/A

Meeting adjourned: 7:55 p.m.
Submitted by Lori L. Hillman