

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on October 9, 2023 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting (224)-501-3412 - Access Code: 897-147-157.

Council President Lance Smith called the meeting to order at 6:01 p.m. Roll call was taken. Present were members Lance A. Smith, Jodi Wilkeson, Charles Proctor, Steven F. Spina, Ph.D., and Mayor Melonie Bahr Monson. Kenneth Burgess was absent. 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, CRA Director Gail Hamilton, Airport Manager Nathan Coleman, Planning Director Todd Vande Berg, IT Director Mike Panak, Senior Planner Rodney Corriveau, Public Information Officer Kevin Weiss, Library Director Peggy Panak, and Finance Supervisor Jessica Carter.

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

1. MAYOR

1.1 Cyber Security Awareness Proclamation

Mayor Melonie Bahr Monson read aloud a Cyber Security Awareness Proclamation prior to presentation to IT Director Mike Panak.

ZEPHYRHILLS POLICE DEPARTMENT ACCREDITATION WAS ADDED TO THIS PLACE ON THE AGENDA

Police Chief Derek Brewer said the police department set out three years ago to become accredited and it has been a long journey. On Friday, October 5, 2023, the department was one of three agencies awarded accreditation from the Commission on Accreditation for Law Enforcement Agencies. He said the process was an authentic team effort from top to bottom with support from Council, City Manager, City Attorney, Mayor and City staff. He said this achievement is one that you have to work for, it's a lot of work and says a lot about our department and their commitment to the community. There are 197 standards that have to be met and the department met all 197 without any restrictions or failures which is unusual to have a perfect score. He thanked everyone for their support in achieving the prestigious honor.

Council, staff and attendees commended Police Chief Brewer and his department with a standing ovulation and round of applause.

2. CONSENT ITEMS

2.1 Annual Street Resurfacing Piggyback Agreement No. 41-23-21 with Polk County

2.2 Public Works Department CAT Skid Steer Loader

2.3 Reappoint Anjali Bedi to the Pasco Library Cooperative Advisory Board

2.4 Ferguson Enterprises, Inc. Piggyback Agreement 41-23-27 with Sarasota County for Pipe and Fittings for Potable, Reclaimed Water and Wastewater Utilities

2.5 City Attorney Professional Services Agreement No. 37-23-08

City Manager William Poe requested Consent Item 2.4 be removed from the Consent Agenda.

Jodi Wilkeson moved to strike Consent Item 2.4. Seconded by Steve Spina. Motion passed unanimously, 4-0.

Steve Spina moved to pull Consent Items 2.1 and 2.5 for further discussion.

Jodi Wilkeson moved to approve Consent Items 2.2 and 2.3. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

JROTC WAS ADDED TO THIS PLACE ON THE AGENDA

Spoke from the floor: Cadet Lieutenant Colonel McAuley, Battalion Commander of Zephyrhills High School Bulldog Battalion

Colonel McAuley thanked Council for allowing the Bulldog Battalion to address Council on behalf of Wreaths Across America. JROTC is a student led program consisting of over 100 cadets with a goal to motivate young people to become better citizens. Over the past ten years, the JROTC battalion has participated in the annual Wreaths Across America, placing wreaths

on the headstones of Veterans' graves as a way of remembering those who sacrificed their lives for our freedom and to teach future generations the value of freedom. This year's goal is to assist in distributing 500 wreaths at Bushnell National Cemetery on December 16, 2023.

Spoke from the floor: Cadet Sergeant Major Risner, Command Star Battalion

Major Risner said everyone who makes a donation or sponsors a wreath will be given the opportunity to submit the grid coordinates of their loved one for the ceremonial honor guard to lay a wreath to honor the veteran who sacrificed their life to honor our Country.

City Manager William Poe said the City sponsors 10 wreaths annually through the local Boy Scouts for Veterans in Oakside Cemetery and suggested sponsoring 10 wreaths through the JROTC for Veterans in the National Bushnell Cemetery.

Steve Spina moved to support JROTC's Wreath Across America. Seconded by Jodi Wilkeson. Motion passed unanimously, 4-0.

**CONSENT ITEM 2.1 ANNUAL STREET RESURFACING PIGGYBACK
RESURFACING PIGGYBACK AGREEMENT NO. 41-23-21 WITH POLK COUNTY
PULLED FOR DISCUSSION**

Councilman Spina said he received an email last week from a former resident who provided a news article relating to charges filed by the EEOC against Asphalt Paving based on racial complaints by former employees. He wanted to make sure Council was aware of the situation before moving forward with a vote and felt the situation needed to be discussed and aired at a public meeting.

Spoke from the floor: Thomas Donald - Asphalt Paving Systems (APS)

Mr. Donald said Asphalt Paving System is a local contractor on Wire Road and are proud of the work they have done for the City of Zephyrhills over the years. He said previous employees registered a complaint against Asphalt Paving Systems that is currently being investigated by the EEOC and will be ongoing. Asphalt Paving Systems is confident that their company will be vindicated in the end and invited Councilmembers to visit their Zephyrhills office to speak with employees.

Spoke from the floor: Marketing and Technical Manager Randy Shane - Asphalt Paving Systems (APS)

Mr. Shane said APS was established up north in 1985 and has been in Zephyrhills the last 15 years. The company has strict EEOC policies with a zero tolerance. He said the individuals who filed the lawsuit with the EEOC did not file a complaint with their company's HR department as outlined in APS policies.

Charles Proctor moved to approve Consent Item 2.1. Seconded by Steve Spina. Motion passed unanimously.

**CONSENT ITEM 2.5 CITY ATTORNEY PROFESSIONAL SERVICES
AGREEMENT NO. 37-23-08 PULLED FOR DISCUSSION**

Councilman Spina requested City Attorney Matthew Maggard introduce this item.

City Attorney Matthew Maggard said the contract defines the fee structure and the duties of the City Attorney's role with a cancellation provision for termination by either party for a term of three years. He proposed an hourly increase to his current rate for past six years of \$250/hour for City Attorney Standard Services with litigation capped at \$300/hour which is a significant discounted rate from his private practice rate of \$400/hour. He made a change to the way the City will be billed with the addition of a paralegal and legal assistant who will be assisting the City Attorney. As a partner with Shumaker, the City will be able to utilize resources from other individuals that provide local government support with trade mark, employment, immigration, etc. through a negotiated 10% discount on a case-by-case basis.

Councilwoman Wilkeson said she spoke to Mr. Maggard at length regarding her continuity and succession planning concerns and was assured there are two principals with municipal government experience that could be designated with knowledge of what is happening in the City on a regular basis.

Steve Spina moved to approve City Attorney Professional Services Agreement No. 37-23-08. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

3. BUSINESS ITEMS/PUBLIC HEARING

3.1 5L Properties, LLC Annexation

Second Reading **ORDINANCE NO. 1466-23 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING APPROXIMATELY 72.866 ACRES (MOL) INTO THE CORPORATE LIMITS OF THE CITY OF SAID CITY DESCRIBED AS PARCEL 07-26-22-0000-00100-0012 ZEPHYRHILLS, FLORIDA, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1466-23 by title. A public hearing was held and there were no comments from the floor.

Charles Proctor moved to approve Ordinance No. 1466-23 on the Second Reading. Seconded by Jodi Wilkeson. Motion passed unanimously, 4-0.

3.2 5L Properties, LLC Comp Plan Amendment to FLU and Rezoning

Second Reading **ORDINANCE NO. 1467-23 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN, PROVIDING FOR A LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP CHANGING FROM COUNTY IL TO IN (INDUSTRIAL) AND THE ZONING DESIGNATION FROM COUNTY AC TO LI (LIGHT INDUSTRIAL) FOR APPROXIMATELY 72.52 ACRES OF REAL PROPERTY LOCATED SOUTH OF 6TH AVENUE, WEST OF CHANCEY ROAD AND EAST OF THE CITY OF ZEPHYRHILLS AIRPORT AND HAVING RE# 07-26-22-0000-00100-0012; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1467-23 by title. Senior Planner Rodney Corriveau said this is the final reading for the annexation, large scale Comprehensive Plan Amendment to the Future Land Use map and rezoning of 72 acres of light industrial land in the Airport Industrial Corridor. A public hearing was held and there were no comments from the floor.

Jodi Wilkeson moved to approve Ordinance No. 1467-23 on the Second Reading. Seconded by Steve Spina. Motion passed unanimously, 4-0.

3.3 Sleeping and Camping Prohibited

Second Reading **ORDINANCE NO. 1471-23 – “AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA CREATING SECTION 130.23 SLEEPING AND CAMPING IN PUBLIC AND CERTAIN PRIVATE PLACES PROHIBITED; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1471-23 by title. City Manager William Poe said this ordinance was introduced at the last meeting and gives police officers an additional tool in their toolbox to make contact with individuals within the community, if needed. This ordinance makes it unlawful for any person to sleep or camp at any time or under any circumstances that warrant a justifiable and reasonable concern for the health, safety, or welfare of the public; in or on any public right-of-way, including any street, alley, roadway access, median, or embankment; in or on any public park, trail, or upon the grounds of any

public facility or property whether improved or unimproved; upon any unimproved private lot unless such use is with the permission of the owner and permissible under the City's zoning ordinance; upon the premises of any private, commercial, or industrial property unless such use is with the permission of the owner and is permissible under the City's zoning ordinance.

Spoke from the floor: Police Chief Derek Brewer – City of Zephyrhills

Police Chief Brewer said this ordinance gives officers another reason to make contact and provide resources to those in need and is not meant to write City ordinance violations to those without addresses. He said there is a fine line between an enforcement effort and helping those in need of resources because not everyone wants help. He said the creation of the CHIPS Program and the designation of a Police Department Homeless Liaison will aid in addressing homeless issues.

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

Charles Proctor moved to approve Ordinance No. 1471-23 on the Second Reading. Seconded by Jodi Wilkeson. Motion passed unanimously, 4-0.

4. CITIZEN COMMENTS

4.1 Woman's Club of Zephyrhills Update – Winifred Turgeon

Spoke from the floor: Winifred Turgeon – 5344 9th Street – Zephyrhills, FL

Ms. Turgeon provided a brief synopsis of the ongoing flooring project at the Women's Club totaling \$28,007 to date for labor and materials with an additional \$3,040 anticipated for labor to finish the back hallway and two bathrooms. The kitchen floor was not included pending future remodeling. A Building Safety Assessment was received from Sergeant Olsen with three recommendations: 1). Increase the lighting of the property during night time hours; 2). Install quality surveillance cameras to help identify persons in the event criminal activity is committed on or near the property; and 3). Install fencing or another type of barrier to better control foot traffic and random unwanted people from accessing and cutting through the property. Members have noticed a couple of times, people checking the doors to see if they were unlocked to gain access and a homeless person sleeping on the front stoep. A quote has been received from a licensed, insured electrician in the amount of \$2,000 to install three (3) additional dusk to dawn lights; two (2) on the east side of the building and one (1) on the west side of the building. A dusk to dawn light would be installed at the back of the building and the existing dusk to dawn light at the front would be replaced. She said if it is deemed that surveillance cameras need to be installed moving forward they will continue to work with the Police Department. She said she would be happy to coordinate with the church to explore the possibility of fencing but does not feel that it is necessary at this point. She requested financial assistance from Council to move forward with Option 1 Increased Lighting.

Councilwoman Wilkeson said the proposed light fixtures are modern and commercial and would like to see an historic alternative. She said the Women's Club Building is an historic building and the Women's Club is the steward of the building and mentioned the possibility of grant funding.

Police Chief Derek Brewer said he has not seen the results for the Building Safety Assessment but said the assessment included the entirety of 5th Avenue. He said two separate community meetings were held with no attendance and a future community meeting is planned for a full assessment of 5th Avenue before he begins discussing recommendations. He intends to make this a community effort.

CRA Director Gail Hamilton will secure a quote for historic lights with a total cost for Council's approval.

4.2 Pastor Kendall Deford – Pay Raises

Spoke from the floor: Kendall Deford – 5714 18th Street – Zephyrhills, FL

Mr. Deford said he attends City Council meetings on a fairly regular basis and spoke on the issue of pay raises for City employees. Everyone is in agreement that pay raises are deserved and appropriate. At the last meeting it was affirmed that raises were in the budget and would be

established in the near future. As a pastor, he has worked with budgets for many years and can appreciate what the City Manager and City Council struggle with in order to maintain this great City and compensate it's employees while working within the income at their disposal. Many times in Council meetings our City employees and department have been recognized and praised. I had the opportunity to ride along with a police officer recently. Since I have 15 years as a law enforcement officer, I could relate to many of the opinions, emotions, and situations of a police officer. It was a very enjoyable and fulfilling experience. Everyone on this Council agrees that raises are appropriate and will be awarded. He said maybe his comments tonight are too late, maybe it's a moot point, and maybe the pay increases have already been established. The thought he proposed was for Council to not just look at this year but project out three to five years and establish a percentage increase annually so that an officer or City employee knows that they don't have to wonder each year if they can afford to remain here. He thanked Council for allowing him to speak.

MAYOR ANNOUNCEMENTS – Mayor Melonie Bahr Monson announced the Economic Summit on Wednesday, October 11, 2023, 9:00 a.m. – 12:00 p.m. in Council Chambers.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe reminded Council and the Mayor of the Ridge League of Cities meeting Thursday, October 12, 2023 at 6:00 p.m. in Winter Haven. He said the Density Workshop initially scheduled for October 23, 2023 will be held November 27, 2023 with a Salary Study Workshop scheduled for November 13, 2023.

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilwoman Wilkeson thanked Planning Director Todd VandeBerg and CRA Director Gail Hamilton for filling in during the absence of a Historic Preservation Specialist.

Councilman Proctor congratulated Chief Brewer and police department staff for their accreditation accomplishment and acknowledged Pastor Deford for supporting the City's great employees.

Councilman Spina congratulated Police Chief Brewer and staff for a great job and thanked Pastor Deford for his comments. He said Council recognizes the need for employee raises. He acknowledged the Civil Air Patrolman and asked the young man for an update on their meeting space.

Spoke from the floor: Captain Sergeant Major Allen - Zephyrhills Bulldog Battalion
Major Allen said the Civil Air Patrol has not received any information for a meeting space at the Scout Hut and came tonight to ask for an update.

Councilman Spina said he will follow-up on the meeting space and try to find another solution.

Spoke from the floor: Warren Earle – 3822 Florida Ranch Blvd. – Zephyrhills, FL
Mr. Earle said he was glad the young man with the Civil Air Patrol stayed because he wanted to get his contact information. Mr. Earle said he will gladly write a check to the JROTC for Wreaths Across America in honor of his brother who is buried in the national cemetery.

Council President Smith said Mr. Earle doesn't live in Zephyrhills but he has been here since 4:00 p.m. waiting on the meeting. He said anytime anybody needs funds, Mr. Earle is the first guy to jump up and write a check. He thanked Mr. Earle for his generosity.

5. NOTED ITEMS

- 5.1 41-23-25 Pasco County Law Enforcement Mutual Aid Agreement
- 5.2 BGE, Inc. Task Order 102-23 6th Avenue Drainage

Meeting adjourned: 7:22 p.m.
Submitted by Lori L. Hillman
(Not Present at Meeting)