

## **REGULAR COUNCIL MEETING**

A Regular Council Meeting was held on April 9, 2018 at 6:00 p.m. in the meeting room of the Zephyrhills Library.

President Knight called the meeting to order. Roll call was taken. Present were members Ken Burgess, Kenneth Compton, Alan Knight, Charlie Proctor, Lance Smith, and Mayor Whitfield. City Manager Steve Spina and City Attorney Matthew Maggard were also present.

Staff present: Police Chief Derek Brewer, Fire Chief Brian Swartout, Utilities Director John Bostic, Public Works Director Shane LeBlanc, Building Official Bill Burgess, Finance Director Brian Williams, Director of Planning Todd Vande Berg, IT Director Mike Panak, Airport Manager Nathan Coleman, CRA Director Gail Hamilton, Assistant Planner Rodney Corriveau, Historic Preservation Officer Audrey McGuire, Assistant City Clerk Jessica Carter and City Clerk Lori Hillman.

Reverend Russell Guynn gave the Invocation. The Pledge of Allegiance followed. Ken Burgess moved the minutes of the March 26, 2018 Regular Meeting be approved. Seconded by Kenneth Compton. Motion passed unanimously.

### **MAYOR**

Aviation Proclamation

City Clerk Lori Hillman read aloud the Aviation Proclamation which was presented to Airport Manager Nathan Coleman by Mayor Whitfield.

### **CONSENT ITEMS**

1. FDOT Grant Project Final Funding of Runway 01/19
  2. Ferguson Enterprises, Inc. Piggyback with Volusia County for Plumbing Supplies
- Charlie Proctor moved to approve the Consent Items. Seconded by Ken Burgess. Motion passed unanimously.

### **BUSINESS ITEMS**

#### **CITY MANAGER'S REPORT**

1. Zephyrhills Police Department Air Conditioning Replacement Plan

Dr. Spina requested Council reject bids for the Police Department's Air Conditioning System. He said staff will review emerging trends in the air conditioning field in an effort to consider other options and bring a proposal before Council.

Ken Burgess moved to approve the rejection of bids for Business Item 1. Seconded by Charlie Proctor. Motion passed unanimously.

2. Budget Analysis for SAFER Grant

Dr. Spina stated at the March 26<sup>th</sup> Council meeting Fire Chief Swartout presented information to apply for a federal SAFER grant which assists local governments in staffing fire departments. The grant pays 75% of new employee salaries for year one (1) and two (2), and 35% in year three (3). He said Chief Swartout recommended applying for six firefighter/paramedic positions at a cost of \$65,000 each for a total cost of \$390,000 in year one (1).

Dr. Spina stated the City is currently in the process of analyzing a Fire Assessment Fee which is not complete but said he reached out to Stantec Consulting to provide an analysis of six (6) new firefighter/paramedic positions. He said depending on the cost recovery percentage Council approves for the Fire Assessment Fee, the last five years of a ten year analysis of the General Fund leaves the City in a deficit position. Stantec's analysis includes figures based on the homestead exemption being raised from \$50,000 to \$75,000 which is on the General Election ballot in November.

Dr. Spina recommended Council authorize Chief Swartout to apply for three (3) firefighter/paramedic positions now and phase in additional staffing in the future. He said if six (6) firefighter/paramedic positions are reduced to three (3), the cost of \$1/2M will be reduced to \$250,000.

Spoke from the floor: Fire Chief Brian Swartout – City of Zephyrhills

Chief Swartout stated the deadline to apply for the SAFER grant is April 27, 2018 at 5:00 p.m. He said three (3) new firefighter/paramedic positions offers a good base for the department to begin moving forward. He said if the City is not awarded the grant, he will address Council again in the future to request three (3) new firefighter/paramedic positions without the grant.

Councilman Smith asked what the staffing numbers are currently and requested Chief Swartout explain how these positions will reduce the continual overtime. He said for a department of 25, it shouldn't be difficult to reduce overtime.

Chief Swartout said the department is staffed with 21 firefighter paramedics including three Battalion Chiefs and the Fire Chief totals 22. He said the department is in a rebuilding phase due to five tenured employees leaving. He said once the new hires are trained, they will help reduce overtime. He said overtime is directly related to the need for people. In order to cut back on overtime, he needs to hire people.

Councilman Proctor said the City is growing in leaps and bounds and is in favor of moving forward with the grant.

Councilman Compton said in year one (1) the City will pay approximately \$50,000 and receive a \$200,000 benefit. He said he would prefer the Fire Assessment Fee analysis be completed prior to voting but doesn't see a huge risk since the SAFER grant is heavily subsidized.

Charlie Proctor moved to authorize the Fire Department to apply for three firefighter/paramedic positions through the SAFER grant. Seconded by Kenneth Compton. Motion passed unanimously.

### **CITY ATTORNEY'S REPORT**

3. J.O. DeLotto & Sons, Inc. Design and Build Contract for Sarah Vande Berg Tennis Center

Dr. Spina presented a Design Build Contract between J.O. DeLotto & Sons, Inc. and the City of Zephyrhills for the Sarah Vande Berg Tennis Center. He said Mr. David Waronker, developer of the District at Abbott's Square, is in the process of donating 10 acres and the City has entered into a contract with Florida Tennis, LLC to manage and operate the center. The City budgeted \$3.4M to this project and during the 2018 Florida Legislative Session, \$1M in state funding was appropriated to the design/construction of the project largely through the efforts of State Representative Danny Burgess and State Senator Wilton Simpson. Dr. Spina highlighted the major points within the agreement and recommended Council approval. Dr. Spina added a Sarah Vande Berg Foundation has been established to assist with funding tennis lessons for lower income families.

Councilman Smith said the City will be using Park Impact Fees for construction, \$1M received from the state legislature and Penny for Pasco. Ongoing operating and maintenance costs are the responsibility of Florida Tennis, LLC similar to the operation of the YMCA.

Lance Smith moved to approve Business Item 3. Seconded by Kenneth Compton. Motion passed unanimously.

4. **First Reading ORDINANCE NO. 1358-18 – “AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, TO BE KNOWN AS THE “ZEPHYRHILLS MUNICIPAL AIRPORT ZONING ORDINANCE;” SETTING FORTH DEFINITIONS; ESTABLISHING AN APPLICATION PROCESS; CONSTRUCTION; NOTICE REQUIREMENTS; AIRPORT HAZARD ZONES AND AIRSPACE HEIGHT LIMITATIONS; LAND USE RESTRICTIONS; NOISE IMPACT AREA; NONCONFORMING USES; ENFORCEMENT PROCEDURE; APPEAL PROCEDURES; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard stated legislation changed the airport zoning requirements under Florida Statute 333 in the last legislative session that requires all municipalities and local government entities with an airport to pass specific zoning restrictions for the approach and air zones for the runways. He said the City is in alignment with Pasco County through an Interlocal Agreement that will be brought before Council. He said some of the air approach zones extend outside the City limits into Pasco County and stated Pasco County will adopt the same ordinance as the City of Zephyrhills to implement the restrictions on zoning in Pasco County.

Spoke from the floor: Planning Director Todd Vande Berg – City of Zephyrhills

Mr. Vande Berg said Airport consultant, Timeka Carter, made the necessary updates to the existing Airport Zoning Ordinance to ensure compliance. Staff and the Planning Commission recommend approval.

Lance Smith moved to approve Business Item 4. Seconded by Charlie Proctor. Motion passed unanimously on the first reading.

### **CITIZEN COMMENTS**

#### **Michael Prilliman to speak on property located at 5317 Gall Blvd. (former Clock Restaurant)**

Mr. Prilliman said there is a lease on property located at 5317 Gall Blvd. for golf cart sales and discussions between the tenant and the City began prior to Valentine's Day. He said he is not addressing Council to argue the point nobody wants a car lot in Zephyrhills but said car sales is different from golf cart sales and the character of the City supports golf carts. He said the form based code, table 12, states specific functions and uses should be customized for local character and said he is basing his discussion on the character of golf carts. He said his interpretation is to encourage commerce and stated the City has an opportunity to place a tenant in a building that has been vacant for the past three years.

Spoke from the floor: Mark Ayers – 268 Sunny Acres Drive – Cincinnati, Ohio

Mr. Ayers explained his association with Zephyrhills as a businessman and stated he bought the Clock Restaurant three years ago and began marketing to viable tenants. He said he understands the zoning ordinance as far as automotive use but said no matter how upscale the neighborhood is, people need services. He said there would not be any golf carts that would be serviced from this location, only new golf cart sales. He said Hilton Head, South Carolina is a nice, upscale area with three golf cart dealers.

Mr. Ayers said he approached Planning Director Todd Vande Berg and met with City Manager Steve Spina and told them he thought golf carts was a great use for the property that has been sitting vacant for three years. Mr. Ayers said he offered an open slate i.e., asked how the City wanted the golf carts displayed, what the City was looking for in landscape and landscape buffering to include trees, and what colors the City wanted for aesthetics. He said as the landlord, he will work with the City to make the business viable. He said a golf cart is not an automobile and requested Council allow Mr. Crandall to lease the property for golf cart sales.

Councilman Smith said he has always felt that the City was tremendous in working with businesses on these types of issues and was disappointed to hear that it was totally disallowed.

Councilman Proctor said the building has been vacant for three years and City staff should work with this business to move forward.

Councilman Burgess said he understands the design concept of the Formed Based Code corridor but stated if the City has a viable business, he would like Planning Director Todd Vande Berg and CRA Director Gail Hamilton to work with them.

Dr. Spina said the City has been working on the creation of the CRA, the form based code, and elements of code enforcement to improve the look of the City by changing design standards, sign sizes and lighting and said it is difficult to spot zone. He said based on staff's interpretation of the code, and consulting with the City attorney, staff collectively agree that golf

cart sales is not a good fit. He said if Council members believe golf cart sales is a good fit, staff will move forward.

Spoke from the floor: Planning Director Todd Vande Berg – City of Zephyrhills

Mr. Vande Berg said he received a request for golf cart sales on property located at 5317 Gall Blvd. He said he opened the form based code to review the T5 district which is where staff envisions higher density uses that are compatible to the downtown core. He said he then opened use table 12 where automobiles and service are prohibited. Mr. Vande Berg met with CRA Director Gail Hamilton, Building Official Bill Burgess, City Manager Steve Spina and involved the City Attorney for an opinion. He said he also communicated with two consultants the City hired to craft the form based code, Tammy Vrana and Smita Mheta.

Mr. Vande Berg said the Planning Department has taken a stance that they will abide by the approved form based code. He said it is a precedent issue in the T5 District that is of concern. He said it is not that the City couldn't make it look good, it's what happens down the road with other businesses that want vehicles sales.

City Attorney Matthew Maggard said he was brought in for a legal analysis perspective concerning the use. He said the downtown core, T5 district, is crucial to the form based code and said the intent was to prohibit golf cart sales, boat sales, RV sales and car sales. He said the intent behind the code is improvement.

Spoke from the floor: CRA Director Gail Hamilton – City of Zephyrhills

Ms. Hamilton said the issue for the CRA is once the City opens the door, the City won't be able to close it. She said the City has to follow the form based code to change the image of downtown and attract business investors. Ms. Hamilton said there are businesses on Gall Blvd. that followed the regulations and it is not fair to these businesses. She said the City is at the beginning of the stream and needs to continue forward.

Councilman Compton directed staff to bring back a compromise, being as restrictive as they see fit, that honors the form based code.

### **Zephyrhills Economic Development Coalition Update FY 2017/2018.**

Chamber of Commerce President Dr. Randy Stovall presented a yearly update on behalf of the Zephyrhills Economic Development Coalition (ZEDC). Dr. Stovall touched upon the Medical Industry Study prepared by Dr. Stephen Neely of USF, the Economic Development Summit, and a field trip to the Legislative Action Days in Tallahassee.

Dr. Stovall directed Council to "Clearly Zephyrhills" flyers which were distributed and said the Chamber's goal is to create similar flyers for local schools to incorporate the Aviation Academy at Zephyrhills High where one of the instructors is a faculty member of Emory Riddle Aeronautical University in Daytona Beach. He said Woodland Elementary offers an aviation class where the kids are flying drones and Pasco Hernando State College has launched an Aviation Program with Aviation Maintenance Program opening in the fall. He said the Chamber will also create flyers for the airport by working with airport employers to gather information on products sold and services provided.

Spoke from the floor: Chamber of Commerce Executive Director Melonie Monson

Ms. Monson thanked Councilman Compton for being a great supporter for her personally and said it was good working with him.

Dr. Spina said the City has an agreement with the Chamber of Commerce that entails a \$50,000 annual payment. He said an Economic Summit is planned for October 2018 to be hosted in the new City Hall which will focus on the educational aspects in the community. He

said he has discussed with the Chamber the need to improve and grow the Steering Committee and Stakeholder groups and the airport directory.

Councilman Smith said he is concerned about education in the community and has reached out to Allen Altman and Kurt Browning with a meeting planned this week. He asked what the community can do to improve Woodland Elementary, West Zephyrhills Elementary, and Zephyrhills High School. He said people who come to Zephyrhills to buy a home are looking at the school system.

**Stephanie Ebling of 5453 10<sup>th</sup> Street (miniature potbellied pig).**

Ms. Ebling said her daughters bought her a miniature pig from the Rural King Farm Store in Zephyrhills and stated he is an awesome pet. She said her pig's name is Lucky because she is lucky to have him. He is five months old and his breed will grow into the size of a medium beagle. Ms. Ebling said the pig is up-to-date with his shots, has recently been neutered, and requested Council consider the pig as a domestic pet.

Dr. Spina said the City needs to notify Rural King of their responsibility to advise City residents that potbellied pigs are in violation of the City's ordinance. Staff will meet with Ms. Ebling and bring a report back on the April 23<sup>rd</sup> agenda.

Building Official Bill Burgess said he hasn't had any issues with the potbellied pig until it was brought to his attention.

**MAYOR ANNOUNCEMENTS** - Mayor Whitfield thanked Councilman Compton for his tremendous service to the City. He said Councilman Compton has been professional, calm, encouraging, courteous, and a good friend. He said he looks forward not having to see him in his next career as Judge.

**CITY MANAGER ANNOUNCEMENTS** – Dr. Spina thanked Councilman Compton for his service to the City and said his leadership and balance has been a great asset. Employees have commented that they will miss Councilman Compton and his input. Dr. Spina wished Councilman Compton good luck in his new endeavor.

**CITY ATTORNEY ANNOUNCEMENTS** – Matthew Maggard said he hopes to see Councilman Compton a lot in his next endeavor as Judge.

**CITY COUNCIL COMMENTS** – Councilman Proctor said he has never met a more professional, honest, hardworking person and it has been his greatest pleasure to have worked with Councilman Compton.

Councilman Burgess said everybody on the board brings something different to the table and Councilman Compton is a voice of reason. He said Councilman Compton is the contract expert who has run the most professional meetings, he is an intelligent, skillful, modest, public servant. He said you will not find a more ethical individual. He said he will miss Council Compton and what he brought to the Council.

Council Vice President Smith said he and Councilman Compton have become good friends. He said Councilman Compton is the voice of reason and it has been a pleasure serving with him on Council and getting to know him as a good friend. He said it would be great for the community for Councilman Compton to become a judge in Pasco County.

Council President Knight reminded Council of Ethics Training on May 20<sup>th</sup> in Plant City, Canvassing of Votes on April 13<sup>th</sup> at 5:30 p.m., and voting April 10<sup>th</sup> at Alice Hall. He asked everyone to bestow the greatest compliment one can receive - Councilman Compton received a standing ovation.

Spoke from the floor: Councilman Kenneth Compton

Councilman Compton said it has been special to him to serve on City Council. He said there are 175 employees in the City and they have all been good to him. He said he served on City Council for 12 years and although every year was different, his goal was the same which was to make the best decisions for the City of Zephyrhills. He said the last couple of years have been his best years on Council due to the current members and he has really enjoyed them. He said everyone on Council has been the Council President before and some multiple times which is a reflection of how this Council takes care of the citizens of Zephyrhills. He said Council's presentation is professional and courteous and that is how they carry themselves. He said anyone of us would charge the hill if the other one needed him. He said there have been numerous votes where we were on opposite sides but we went out of our way to carry ourselves with professionalism.

Councilman Compton told a story of the Doolittle Raiders and acknowledged Mayor Whitfield, Council President Knight, Council Vice President Smith, Councilman Ken Burgess, Councilman Charlie Proctor, City Manager Steve Spina, City Attorney Matthew Maggard, Retired City Clerk Linda Boan, City Clerk Lori Hillman, Citizen of the Year Warren Earle and his wife, Cathi, with a brief synopsis and a goblet personally engraved for each person.

Meeting adjourned 8:54 p.m.