

## **REGULAR COUNCIL MEETING**

A Regular Council Meeting was held on June 11, 2018 at 6:00 p.m. in the meeting room of the Zephyrhills Library.

President Lance Smith called the meeting to order. Roll call was taken. Present were members Ken Burgess, Jodi Wilkeson, Alan Knight, and Mayor Whitfield. Charlie Proctor was absent. 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, HR Director Sandra Amerson, Director of Planning Todd Vande Berg, IT Director Mike Panak, Airport Manager Nathan Coleman, CRA Director Gail Hamilton, Assistant Planner Rodney Corriveau, GIS Technician Kevie Defranc, and Assistant City Clerk Jessica Carter.

Denise Lay from the First Presbyterian Church gave the Invocation. The Pledge of Allegiance followed. Alan Knight moved the minutes of the May 14, 2018 Regular Meeting and the May 21, 2018 Special meeting be approved. Seconded by Ken Burgess. Motion passed unanimously.

This item was added to this place on the agenda.

### **Home Depot Partnership**

CRA Director Gail Hamilton introduced Karen Peck from Home Depot, Kyle Sharon from Behr Paint, and Tony and Linda Kerns with Kern's Family Construction. Ms. Hamilton informed Council of the partnership with Home Depot and Behr, they will offer 20% off their premium paints and the CRA will provide up to \$500 in matching funds for all homeowners within the CRA district. The CRA has partnered with Kerns Family Construction to create the curb appeal project. The CRA will showcase a home in the downtown area to show what new paint, a new door, and shutters can do for curb appeal. Kerns Family Construction will partner with Home Depot to create a budget friendly curb appeal package for homeowners which will include a front door, lights, and shutter choices.

## **CONSENT ITEM**

1. Joint Participation Agreement with the Florida Department of Transportation for Seal Airfield Pavement-Aprons
2. Award Contract for Bid 11-18-01 Airport Lift Station & Force Main
3. Continuing Services Contract Engineer/Consultant

Ken Burgess asked for Consent Item 4 be pulled for further discussion. Ken Burgess moved to approve the Consent Items 1, 2, and 3. Seconded by Jodi Wilkeson. Motion passed unanimously.

4. Body Worn Camera Cooperative Purchasing Agreement

Ken Burgess asked Chief Brewer to come up and speak on this item.

Police Chief Derek Brewer stated the Zephyrhills Police Department narrowed their choices down to Axon and Panasonic. Axon best suited the needs of the agency with better camera quality, available accessories, evidence storage capabilities, and strength of the company. The company also has triggers, which allow the camera to automatically start recording when the gun is removed from the holster. For routine stops, the cameras will need to be turned on manually.

Ken Burgess moved to approve the Consent Item 4. Seconded by Alan Knight. Motion passed unanimously.

## **BUSINESS ITEMS**

### **PUBLIC HEARING**

1. Second Reading **ORDINANCE NO. 1367-18 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDED THE LAND DEVELOPMENT CODE TO ACCOUNT FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AMENDING THE ALLOWABLE USES IN ZONING DISTRICTS TABLE AND CREATING SECTION 2.02.08 OF THE LAND DEVELOPMENT CODE ; PROVIDING FOR, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.”**

Ordinance No. 1367-18 was read by title. City Attorney Matthew Maggard stated that there will be a minor modification between the first and second reading.

Planning Director Todd Vande Berg asked Council to turn to page two, Section 4 of the ordinance. Section 4 references an allowable use Table 2.02.01 that the planning department has been working the last several months on updating. Tuesday, June 12<sup>th</sup> the planning department will be bringing the amended allowable use table to the Planning Commission for approval. Mr. Vande Berg suggested to the City Attorney that the table be deleted since it will be amended and just reference Table 2.02.01 and add in language, "As amended from time to time."

A public hearing was held and there were no comments from the audience. Jodi Wilkeson moved to approve Ordinance no. 1367-18 with the modifications to Section 4, deleting the table and including language "As amended from time to time." Seconded by Ken Burgess. Motion passed unanimously.

2. First Reading **RESOLUTION NO. 750-18 - "A RESOLUTION OF CITY OF ZEPHYRHILLS, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE."**

Resolution No. 750-18 was read by title.

Terri Lowery, Vice President of Jones Edmunds and Associates, presented a PowerPoint presentation regarding the water and wastewater system improvements with SRF funding. To accomplish these projects within the scheduled time, a plan to fund them has been discussed. The recent Water/Sewer Rate and Impact fee Study revealed that current revenue sources are unable to fund many of these projects alone and the SRF was identified as an additional funding source. These projects range from hundreds of thousands of dollars to millions of dollars and include water line extensions, reclaimed water lines, a new well, wastewater plant upgrade, a new Water Division building, among others. All of the projects have already been approved within the Capital Improvement Plan. The funding will be drawn from the loan as needed for each project along the way.

A public hearing was held and there were no comments from the audience. Ken Burgess moved to approve Resolution No. 750-18. Seconded by Alan Knight. Motion passed unanimously.

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

3. Review of Miniature/Pot-Bellied Pigs

City Manager Steve Spina said the City code bans miniature and/or pot-bellied pigs as domestic pets living within the City limits. Over the past several months the City has learned that at least two pet miniature pigs are kept in the City, and there could be as many as twenty. Due to city code, two city residents received citations, requiring removal of their pet miniature pigs. These code enforcement citations have been appealed to the City Council. Council asked staff to review other City/County codes and report back. Staff has looked at numerous City/County codes within the area, and several out of state. Dr. Spina briefly read over eight City/County code examples regarding miniature and/or pot-bellied pigs. Dr. Spina is unaware of any complaints regarding miniature and/or pot-bellied pigs and does not oppose consideration of adding miniature and/or pot-bellied pigs to the list of domestic animals for pets. The City does not have any method or procedures to regulate licensing, size limitations, etc.

Councilman Burgess stated that he would like to proceed with caution. With the varying trends in pets, the City might be back looking at this ordinance again to allow other animals.

Councilwoman Wilkeson stated that we should look at implementing a variance agreement to the animal ordinance and put the responsibility on the homeowner to provide the proper documentation regarding their miniature and/or pot-bellied pig. In turn, creating a record of who has a pet pig and who has not applied for a variance agreement.

Dr. Spina stated if you implement a variance process, you would need to amend the ordinance to allow for the variance.

City Attorney Maggard said the City would need to determine first if the City will be allowing a variance on only the currently existing miniature pigs at this time or are you going to allow a variance application for anybody in the future as well.

Dr. Spina suggested a new ordinance would allow all residents to have pigs as pets.

Rebecca Cohen and Craig Smithson spoke in favor of allowing pigs as pets.

Dr. Spina advised Council that the City would draft a mini pig ordinance and bring it back before Council.

President Smith said that the consensus of the Council is to have the City draft a new animal ordinance.

#### 4. Fountain at City Hall Complex

City Manager Steve Spina said that the City is currently at the phase of the City Hall construction to discuss the construction of the fountain. In the approval budgeting process for the project, \$40,000 was allocated for the fountain. The City removed \$35,000 from the funding and left \$5,000 in the original budget for the underground piping and conduit. In reviewing Public Works projects, there were two projects that came in under budget for a cost savings of \$11,300. Utilities had budgeted \$180,000 for a water pipe installation that they have not been able to get to this fiscal year and will roll over to the 2018/2019 fiscal year. Utilities Director John Bostic offered to take \$20,000 from that fund to put towards the fountain. Frank Rebeckey, A.D. Morgan's Project Manager, has secured a contribution of left over bricks and is asking the mason subcontractor to contribute labor, which will contribute to cost reductions. The City estimates the cost of the fountain will be less than \$40,000 and can be completed in house. Dr. Spina recommends that City Council approve the City to move forward with the fountain construction as a cornerstone project to the City Hall plaza with costs not to exceed \$35,000.

Public Works Director Shane LeBlanc said the original budget amount for the fountain was \$40,000. During evaluation of engineering in the preconstruction the City removed the project knowing it would come back later in the construction plan. A.D. Morgan will get three bids on a miniature design build project for the fountain. Whoever the contractor is will design it and build it to Harvard Jolly's conceptual design. A.D. Morgan is also being resourceful in saving left over materials to be used on the fountain.

Jodi Wilkeson moved to approve Business Item 4. Seconded by Ken Burgess. Motion passed unanimously.

#### 5. Request for Workshop

City Manager Steve Spina said the City is reviewing/considering the feasibility of implementing a fire assessment fee to help support the Zephyrhills Fire Rescue and strengthen the General Fund. Last year the City hired Stantec, Inc. to analyze General Fund revenues and expenses and to provide information on a fire assessment fee. Staff met with Stantec representatives last month and they would like to present this information and findings at a Council Workshop on Monday, June 18 at 6 p.m. at the City Library meeting room.

Alan Knight moved to approve Business Item 5. Seconded by Ken Burgess. Motion passed unanimously.

#### 6. Medical Director's Contract

City Manager Steve Spina said the current Medical Director is not always available to the Fire Rescue Division since he resides outside the area. Fire Rescue Division is seeking medical direction from a local physician, Dr. Andrew Paliga, who will be able to oversee the medical program and can provide a more hands on approach. The rate is \$600 a month, which will increase to \$800 a month in the 2018/2019 fiscal year. Dr. Spina recommends the contract go through September 30, 2018 at the rate of \$600 a month and language added for the \$800 a month October 1, 2018 through September 30, 2019.

Fire Chief Brian Swartout said that since he started the current Medical Director Dr. Jason Johnson office is out of the St. Petersburg area and is often not available when needed. Dr. Andrew Paliga works here locally at the Florida Hospital Zephyrhills location.

Alan Knight moved to approve Business Item 6 with the recommendation of Medical Director Contract going through September 30, 2019. Seconded by Ken Burgess. Motion passed unanimously.

7. Review of Insurance Group policy for Property & Casualty Insurance and Workers' Compensation

City Manager Steve Spina said the City has been a member of Public Risk management Property & Casualty Insurance and Worker's Compensation providers since October 1990. The City joined their health trust in 2004. The last few years the City has been approached by other insurance providers interested in obtaining the City's business. Last year the City signed a two-year agreement with PRM that keeps rates relatively stable, but contains an exit clause if the City desires. Last month, HR Director Sandra Amerson and Steve Spina met with representatives from the Florida League of Cities, who provide similar services to more than 400 local governments in Florida. Florida League of Cities would like the City to prepare a Request for Proposals to allow others to offer their services. This was discussed with department heads as well, and the consensus was that the system works well and employees are generally pleased with their health care provider Florida Blue. Dr. Spina recommends that the City remain with PRM for the second year of the current contract.

Ken Burgess moved to approve City Managers recommendation on Business Item 7. Seconded by Alan Knight. Motion passed unanimously.

Mayor Whitfield requested an emergency item be added to the agenda.

Jodi Wilkeson moved to add the Mayor's emergency item to the agenda. Seconded by Ken Burgess. Motion passed unanimously.

City Manager Steve Spina stated that the City plans to seek a Community Development Block Grant to upgrade and improve the "Lake Necessity" retention pond. The next CDBG cycle application period is August 13, 2018. The next cycle after that is April 2019. In order to meet the August 13<sup>th</sup> deadline the City will need to complete the following:

- Establish a Community Advisory Task Force that shall have five members: all city residents, three low-income residents, one City employee and a fifth member appointed by City Council.
- A Fair Housing Public Hearing/Workshop will have to be scheduled and held.
- Use local engineer to help establish design features and costs.
- Grant is for \$750,000, minus \$60,000 consulting fee.
- City will have to provide \$50,000 match.

Ideas for Upgrade/Improvement:

- Provide parking along west side (301) in conformance to the Form Based Code.
- Consider pedestrian walkway from 301/parking to 7<sup>th</sup> Street, City Hall complex.
- Look at lining the bottom of the retention pond and use as water feature (fountain).
- Figure in Pasco County bus stop on south side of pond, along north side of 6<sup>th</sup> Avenue.

Options/Needs:

- "Ybor" style fencing with brick columns and black aluminum siding.
- Bridge for pedestrian crossing.
- Parking.
- Landscaping and lighting.
- Submersible pumps, generator and electric panel (removal of existing above surface pump station).

Dr. Spina recommends moving forward with a public meeting and prioritizing the improvements based on funding received.

Jodie Wilkeson moved to approve emergency item. Seconded by Ken Burgess. Motion passed unanimously.

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

8. First Reading **ORDINANCE NO. 1359-18 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA AMENDING THE PREAMBLE TO PART 7.09.00 OF THE CITY OF ZEPHYRHILLS LAND DEVELOPMENT CODE, SUPPLEMENTAL STANDARDS FOR SPECIAL USES; AND AMENDING §7.09.01 OF THE CITY OF ZEPHYRHILLS LAND DEVELOPMENT CODE, ACCESSORY USES AND STRUCTURES; AND PROVIDING FOR AN EFFECTIVE DATE.”**

Ordinance No. 1359-18 was read by title. City Attorney Matthew Maggard stated that this Ordinance has come before Council before but with a different number. Due to public comment there has been some modifications.

Assistant City Planner Rodney Corriveau said this is the final version of the updates to Section 7.09.01.01 Accessory Uses and Structures of the City of Zephyrhills Code of Ordinances. The Planning Commission has been working on the code revisions over the past several years. The Commission instructed Staff to make changes over that time, the last of which was in July of 2017. Those changes are incorporated herein, as well as other concerns from the business community as a result of a second reading by the City Council in January of 2018. Commercial businesses in a C2 Zoning District can use the conex containers up to ninety days per calendar year, for a three year term. Another objective within the ordinance is to reduce the setbacks to five feet so that items do not appear to be in the middle of the resident's back yard. Also added was a clause to streamline the review process, if you are adding a principle structure up to 300 square feet you shall go directly to the Building Department. Structures between 301 and 625 square feet shall be reviewed and approved by the Planning Department prior to the issuance of a building permit by the Building Department.

President Smith wanted to thank the Planning Department for working with the business owners and creating an ordinance that works with everyone.

Ken Burgess moved to approve Ordinance no. 1359-18. Seconded by Alan Knight. Motion passed unanimously on the first reading.

### **CITIZEN COMMENTS**

#### **Sky Dive City President Susan Stark – Runway 119 Extension**

Ms. Stark expressed her concerns on the extension of runway 119. The runway extension will have considerable impact on the tenants at the airport, landowners surrounding the area of extension, and the future of the City of Zephyrhills. There has been little to no input from the surrounding stakeholders. Ms. Stark would like public hearings to be held on this matter even if not required by law so you may hear and learn of all the concerns that stakeholders may have. Runway extension 119 will go directly through Sky Dive City's landing zone, which Sky Dive City pays a monetary fee per jump by contract to have access to. Sky Dive City has four City landing areas segregated by experience, level of jumper, and kind of skydive discipline they engage. Jumpers using the highly visible swoop pond will now be landing perpendicular to a runway approach where aircrafts are landing. Inexperienced jumpers land farther away from the facility to avoid obstacles. Now they will be crossing over the runway extension, risking landing on pavement or interfering with approaching aircrafts. The air above paved areas is significantly different from air above grass creating thermals that can interfere with aerodynamics. This runway extension could have an economic impact on Sky Dive City, limiting the number of jumpers and requiring additional liability that is not contemplated in their lease.

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

Mr. Earle informed Council that Thursday, June 14, 2018 is Flag Day. In 1998 Mr. Earle made a presentation to the Lions Club for Flag Day. Mr. Earle read a brief portion of his presentation to Council.

**MAYOR ANNOUNCEMENTS** – Mayor Whitfield said Thursday, June 14<sup>th</sup> is Flag Day and he has been asked to speak at the American House at 11:30 a.m.

**CITY MANAGER ANNOUNCEMENTS** – City Manager Dr. Spina wanted to inform Councilwoman Wilkeson that there has been discussion with Rural King about all of their large displays and items blocking sidewalks. He has reached out to the General Manager of Rural King who will look into this issue.

Dr. Spina reminded Council of the workshop June 26 with the Pasco Board of County Commissioners, county staff, and all City of Zephyrhills department heads were invited as well.

Dr. Spina said he has been asked to be a celebrity waiter on Thursday, June 14 for CARES, the lunch is in New Port Richey and there is still space at his table. Lunch is free but tips are expected and all tips go towards the agency.

Dr. Spina wanted to address Ms. Stark's comments. Friday, June 8<sup>th</sup> Airport Manager Nathan Coleman and Dr. Spina had a meeting with the FAA in Orlando. They provided requirements for the runway extension that includes a public notice period but not a public hearing, updating the airport layout plan, and having an environmental assessment done. Dr. Spina provided Ms. Stark with Senator Wilton Simpson's contact information since he is the person who has initiated the project. Runway 119 is currently 5,000 square feet long and the extension will add another 1,500 square feet, which will require the City to purchase a small piece of property on the southeast corner of the safe zone. The money is coming from a State appropriation and will be effective July 1 and is being administered through FDOT. The runway extension does extend past Sky Dive City and for them to operate as they do now, there will need to be a change to the drop zone leasing area.

**CITY ATTORNEY ANNOUNCEMENTS** – N/A.

**CITY COUNCIL COMMENTS** – Councilman Knight tipped his hat to Chief Brewer and Chief Swartout for their service. He recognized Mayor Whitfield for his 50<sup>th</sup> wedding anniversary and congratulated City Attorney Matthew Maggard for opening his own practice. August 31 is Councils' turn to volunteer at the Zephyrhills High School concession stand; the Bulldogs are playing Lake Gibson.

Councilman Burgess said on Thursday, June 7 his daughter had their first grandchild.

Councilwoman Jodi Wilkeson mentioned that today, June 11 is former Mayor Cliff McDuffie's birthday, so if you see him out and about to wish him a Happy Birthday.

Councilman Smith wanted to say thank you to the Planning Department for the great landscaping at the Wawa and Culver's site.

Meeting adjourned 8:14 p.m.