



**MINUTES OF THE CITY COUNCIL REGULAR MEETING**  
**CITY OF NEW PORT RICHEY**

**NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS**

**5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**

**January 3, 2017**

**7:00 PM**

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**ORDER OF**  
**BUSINESS**

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 pm. Those in attendance were, Deputy Mayor Bill Phillips, Councilwoman Judy DeBella Thomas, Councilman Jeff Starkey and Councilman Chopper Davis.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Chief of Police Kim Bogart, Finance Director Crystal Feast, Senior Planner Chris Mettler, Fire Chief Chris Fitch, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Library Director Susan Dillinger, Assistant Parks and Recreation Director Chris Bornfleth, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Assistant to the City Manager Martin Murphy.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of December 13, 2016 Work Session and December 20, 2016 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

5. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. Lois Robinson came forward to speak and stated that she would be in contact with the members of Council regarding the Recreation & Aquatic Center. She stated that there is a group that believes the funds are not being disbursed correctly. She stated her main concern was to fill the vacancies along US19 and to tighten the city's belt and get roads improved. She believed the city should be spending money elsewhere. With no one coming forward for public comment, Mayor Marlowe closed Vox Pop.

6. Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- a Parks and Recreation Advisory Board Minutes - November 2016
- b New Port Richey Main Street, Inc. Quarterly Report
- c Purchases/Payments for City Council Approval
- d Amendment to FY17 Operating Budget

7 Public Reading of Ordinances

- a Second Reading, Ordinance No. 2017-2105: Authorizing Issuance of W&S Revenue Bond, Series 2017A

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated that this was the second reading of the ordinance relating to the water and sewer bond regarding the recent utility purchases. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips wanted to make sure it was read into the record the objection and concerns received from Mr. Shah regarding the utility purchase. He also stated he wanted to reiterate his concerns about financing the purchase instead of using reserves. Mr. Rivera stated he would reply to concerns Mr. Shah raised in his letter. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- b First Reading - Ordinance #2016-2098; Amended Land Use Plan Amendment - Hyundai of New Port Richey

City Manager Manns introduced the item to Council. She stated that this item was back before Council because the applicant decided to incorporate the wetland as a conservation category as part of the overall development. She then introduced Chris Mettler, Senior Planner with the Development Department, who then made a presentation to Council. He stated that the applicant did conduct a jurisdictional wetland survey. The proposal will be subject to approval by the DRC as the powerpoint presentation was a conceptual illustration and not an approved site plan. He stated that the application meets concurrency requirements and consistent with the Comprehensive Plan. City Attorney Driscoll then read the proposed ordinance by title only noting the amendment to the acreage total designated as highway commercial.

Upon opening the floor to public comment, Bob and Darlene Desforges came forward to speak. Mrs. Desforges asked if there will be any kind of restriction on lighting or height. She expressed her concerns at how something that is zoned for one use can be changed to another. Mr. Desforges stated that currently the noise that comes from the dealership is rather loud. Mr. Mettler stated that in order for the site to be developed the DRC must approve the request. Mr. Mettler stated that City Council will not receive the site plan as it will be approved by the DRC. Councilman Starkey stated he wanted to know what the lighting will be. He stated that there are legitimate concerns that need to be addressed before this is approved. Mr. Mettler stated that this agenda item is for a change of land use and not for an approval of the site plan. Deputy Mayor Phillips stated that the State would have to approve this item as it would be an amendment to the Comp Plan. He stated we need to know the overall impact of this item. Councilwoman DeBella Thomas asked for clarification that this was for the property behind the current dealership. She also expressed her concern about the lighting. Councilman Davis asked about the buffer zone. City Attorney Driscoll stated that the current zoning is not compatible with the current land use. He stated that the residents need to understand that not all of

the area is designated as conservation but rather just the edges. He stated to Council that this will be the only opportunity to make this change of land use. Councilman Starkey asked City Manager Manns to clarify the role of the City's Development Review Committee. Councilwoman DeBella Thomas asked if standards are in place regarding buffers and Ms. Manns stated yes. Councilman Starkey stated he wanted to see a concept drawing of the buffer before second reading. City Manager Manns stated that she would contact the applicant to get the information requested.

Darlene Colen came forward to inquire about the dimensions of the buffer. She thought that wetlands were protected and land use could not be changed. She felt encouraged after listening to Council's concerns over the item. Mr. Mettler stated that the survey showed approximately fifty feet of wetlands. In addition the state requires an additional twenty-five feet buffer. Raleigh Dove from Spring Engineering came forward to speak regarding the buffer. He stated that there is an additional forty-three foot retention pond in addition to the wetland and other buffer proposed. There would be over a hundred feet of buffer. Councilwoman DeBella Thomas asked for clarification that this was not a land use change from wetland to commercial and Mr. Dove stated that yes it was already designated high density residential and not wetland.

Edward Brereton came forward to speak and asked if this is rezoned then what is to prevent the owner from building an expansion of the service department which would increase noise. He asked that the proposed vegetation buffer be evergreen that can grow tall and fill in the space. Mayor Marlowe asked Mr. Mettler to address the development concern and he stated that the dealership would have to get approval through the DRC to construct any future building.

With no one else coming forward, Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips asked for a concise list of all the concerns addressed by the residents. Mayor Marlowe stated he would vote for this at this time but his vote was not guaranteed at second reading. He would like to see the parking lot extended south and to the west instead. Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Bill Phillips. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

c First Reading, Ordinance #2017-2102: Dog-Friendly Dining

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated that back in 2006 the Florida Legislature allowed for certain exemptions of Federal regulations for dog dining. She stated the purpose of this item was to allow for dog friendly dining in outdoor areas of restaurants located in the city. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council.

Councilman Davis stated that this issue was brought to his attention after some of the restaurant owners told him that they were informed by the Health Department that with no ordinance in place which allowed for the dining they would be subject to fines.

Councilwoman DeBella Thomas stated that she is a dog lover but she just cannot see dogs in restaurants even if it is outside. She stated that she understands that the market will balance itself out and if people are not happy with dogs being in a restaurant they will dine elsewhere.

Deputy Mayor Phillips stated this was once again an opportunity for the city to fail miserably without having enough information provided on the front end. There has been no cost analysis done. He stated the fee is ridiculous at \$50 that staff time would be well over that amount. Deputy Mayor Phillips noted the many implementation items such as the need for a site plan and hours of when dogs can be there. There is also a cleanliness issue and signage issues. He stated that the ordinance brought up a lot of questions reading it.

Mayor Marlowe stated he viewed the ordinance as recognizing the fact that there is already dog dining at restaurants. He stated by passing this ordinance people are trying to get minimal control over the issue.

Councilman Starkey stated this puts all the liability on the business owner. He stated if a dog bites a patron the business owner will be held responsible.

Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 3-2. Ayes: Davis, Marlowe, Starkey Nays: DeBella Thomas, Phillips

8 Business Items

- a Request to Allow Public Comment on Rate Increase and Consider for Approval Resolution No. 2017-09 – Authorizing Extension of the City’s Water Utility System in Connection with the Purchase of the Lakewood Villas, Barbara Ann Acres, and Silver Oaks utility systems

City Attorney Driscoll read the resolution by title only. Councilwoman DeBella Thomas asked for clarification regarding the rate increase. City Manager Manns stated that the rate increase was sent in notices to the affected citizens. Mr. Rivera stated that he spoke to Ms Nate regarding the letter received that listed several items including an objection to the purchase. Mr. Rivera stated that the time for objection had closed. He stated that in fairness the other items listed in the letter would be addressed by staff. He stated it is difficult to calculate the exact rate increase as each user's consumption is different. Mr. Rivera stated that staff would contact the author of the letter and address the additional concerns. Mayor Marlowe opened public comment. Dale Webb came forward to speak and stated he had no idea that this was going on until the last Council meeting. Mr. Rivera stated that three to four months ago the utility themselves sent out the notices. Mr. Webb stated he purposely bought his home in Silver Oaks because it was not in the city limits. He asked Deputy Mayor Phillips to clarify the annexation process. Deputy Mayor Phillips stated that there is a very thorough process to go through for annexation. He stated that it would take years to go through the process. Ms. Feast stated the notices were mailed to the mailing addresses provided by the utility companies. With no one else coming forward, Mayor Marlowe closed public comment and returned the floor back to Council. Motion was made to approve the item as presented.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- b Alcoholic Beverage Special Event Permit - RAP River Run

City Manager Manns introduced the item to Council. She stated the event organizers were applying early so that way they may advertise alcohol when they advertise the event. Andy Coble with Youth and Family Alternatives came forward to speak and stated that alcohol would be served from 6:00-10:00 a.m. Deputy Mayor Phillips asked for the expected revenue. Mr. Coble stated that there would be no revenue as the main idea was to give out alcohol to draw more people to the event.

Upon opening the floor to public comment, Joan Nelson Hook came forward and asked for clarification that alcohol would be given away and then sold. Deputy Mayor Phillips replied no. Mr. Coble stated that there are other races who have had success with this concept. Amanda Murphy came forward and stated that this was her tenth year on the race committee and that runners have brought this issue up in the past. She stated that they are trying to attract a larger crowd since it is the race's tenth anniversary. With no one else coming forward Mayor Marlowe closed public comment and returned the floor to Council. Councilwoman DeBella Thomas stated the times are established and this would allow for other groups to request the same. Councilman Starkey stated he cannot support the item. Motion was made to deny the item as presented.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- c Board Re-Appointment: William Bennett, Police Pension Board

City Manager Manns introduced the item to Council. She stated the purpose of this agenda item was

to re-appoint William Bennett as a trustee to the Police Pension Board. Mr. Bennett was originally appointed in 2013 and expired as of December 31, 2016. The re-appointment will be for four years.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated he once again would like to see a report from both the pension boards on what their roles and responsibilities are and how they interact with Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 5-0.  
Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

d Board Re-Appointments: Kelly Hackman and Elizabeth Harth, Library Advisory Board

City Manager Manns introduced the item to Council. She stated the purpose of this agenda item was to re-appoint Kelly Hackman and Elizabeth Harth to the Library Advisory Board. Both terms are due to expire in early 2017 and the renewal of terms would be for three years.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

e Three Minute Report: Finance Department

9 Communications

Councilman Davis stated he would like to get information on the members of the Paving Management Committee and whether they are residential or property owners along with their contact information.

Deputy Mayor Phillips stated that with the upcoming conversations on capital improvement projects he felt we are doing a huge disservice by not having a strategic plan in place. He stated that some of the issues were addressed during budget season. He would like to agree on the end game by having the plan in place. He stated as we approached the end of the calendar year just understanding our source revenue points which will be brought back in February especially as it relates to Local Option Gas Tax, Penny 4 Pasco 1 and 2, reported revenue and cash basis stand point.

Councilwoman DeBella Thomas was absent for the last meeting in December and wanted to wish everyone a happy holiday. She wanted to thank her fellow Council members for working together on issues. She stated she was disappointed on how the last meeting ended. She stated she is looking forward to working together with enthusiasm in 2017. She also wanted to thank Chief Bogart and his staff for his presentation on gangs at her Rotary meeting. She stated she would like to see the presentation done for the community.

Councilman Starkey stated that he was also disappointed in how the last meeting ended and the flyer that was placed on cars at his Rotary meeting. He stated that it makes it difficult to connect with residents when they are purposely misinformed.

Mayor Marlowe stated that he received an e-mail from the owner of the bike store at Main and Congress wanting to know how he would go about making New Port Richey a more bike friendly city. He believed that his points were well taken and suggested forming an ad hoc committee on the issue. He stated that he has also talked to several people regarding the misrepresentation of information regarding the Recreation & Aquatic Center.

10 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:49 pm.

(signed) \_\_\_\_\_  
Judy Meyers, City Clerk

Approved: \_\_\_\_\_ (date)

Initialed: \_\_\_\_\_

FROM ROHIT SHAH

7630, CYPRESS DR  
NPR, FL 34653

Dec. 22, 2016

To: Office of City Clerk  
5919, Main Street  
Newport Richey  
FL 34652



SIR/MADAM

1. I am in receipt of Notice of Utility Rates of the city of NPR, Florida. dated 11/11.
2. It appears that per acquisition of 3 utilities providing water to us city will be providing water to us in future.
3. New rate notice does not indicate how much my individual bill will increase except for it says "this is a increase over amount you are currently paying".
4. It appears that without any commitment on either improvement in services, quality and infra structure why should me as customer support such a move.
5. I object the decision until city fully discloses a) how much (in percent) increase is expected. b) what improvement in services are planned.
6. Pl acknowledge my appeal to the council and let us know alternate course of action  
Rohit Shah.



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

January 5, 2017

Mr. Shah  
7630 Cypress Drive  
New Port Richey, Fl. 34653

RE: Utility Rate and Purchase Objection Response

Dear Mr. Shah:

In response to your letter dated December 22, 2016, the City of New Port Richey's City Clerk submitted your letter of appeal to City Council and entered it into the record.

On November 5, 2016 a public hearing was duly advertised in the Tampa Bay Times and held on November 15, 2016. The purpose of this notification was to give all interested persons an opportunity to attend and participate and to file written comments on the City's consideration to acquire by way of purchase, the potable water supply and distribution utility systems owned by LWV Utilities, Inc. and Advisor Enterprises, Inc. which comprise the systems commonly known as Lakewood Villas Utility, Barbara Ann Acres Utility, and Silver Oaks Utility located in Pasco County Florida. Subsequent to public comment, Resolution No. 2017-03 was approved by City Council. At the same meeting Resolution No. 2017-04 was read and approved by City Council. This resolution called out the proposed extension of the City's water utility system and included an objections section that stated; any objections to any of the provisions of the resolution shall be made in writing and filed with the City Council by delivery to 5919 Main Street, New Port Richey, Fl. 34652, no later than 12:00pm EST on November 22, 2016. No late objections will be accepted or scheduled for hearing. It shall be solely the responsibility of the objector to ensure that any objections are timely received in accordance with this section.

Subsequent to the review of you letter submitted, it has been determined items four, five, and six are objections to the acquisition of the utilities and have been submitted passed the November 22, 2016 deadline. Items one and two are correct general comments and item three is considered a rate increase public comment.

The existing rate you have is a flat rate of \$14.63 for up to 3,000 gallons of water. Anything over 3,000 gallons is an additional \$2.19 per thousand gallons. The City's rate is \$23.93 for 3,000 gallons of water use; this includes a \$1.47 pass thru charge from Tampa Bay Water. Gallons used above the 3,000 gallon amount are based on incremental amounts called out in the notice you received. Should you have billing questions on how these rates will affect you directly please contact Mr. Jeff Olds, the City's Billing and Collections



Supervisor at 853-1063. If you can supply him with one of your previous water bills he can apply the usage to the City rates and you will be able have a comparison to the two.

Your existing water source is a well and small pump house that treats raw water using a simple chlorine process. Once the purchase is completed the existing water plant will be demolished and the water systems will be connected into the City's plant which uses a chloramine process to treat raw water. Water quality will improve as well as water pressure consistency. Finally, City Water Distribution crews will be in the area in February installing new state of the art smart meters, replacing meter boxes and shut-off valves where applicable.

Every effort will be made to insure a smooth transition. Approximately 18 months ago, the existing owners approached the City to see if the City would be interested in acquiring the utilities because the two gentlemen were going to retire. The two main reasons they approached the City was because they knew in all probability if a private company bought the systems, rates for their customers would be higher than the City's and reinvestment into system maintenance and capital infrastructure would be lower. The City has always maintained its utility system at a high level and has strived to keep operational cost at minimal levels in an effort to maintain a rate that is fair and equitable to its customers.

Please feel free to contact my office should you have any additional questions or concerns.

Sincerely,

Robert M Rivera  
Public Works Director

cc: Debbie Manns, NPR CM

rr161208UT.Rate.Obj.Response