

IV. Code Amendment COD2017-01

Case: Code Amendment COD2017-01 – Residential Exterior Maintenance
Applicant: City of New Port Richey, Debbie L. Manns, City Manager, 5919 Main Street, New Port Richey, FL 34652
Request: Review and recommendation on an amendment to the Land Development Code addressing residential exterior maintenance (Ordinance #2017-2106)
Staff Contact: Chris Mettler, Senior Planner, 727-853-1044, mettlerc@cityofnewportricher.org

Ms. Fierce introduced Ms. Nichols and Mr. Debus and said they would be able to answer any questions the Board might have about code enforcement issues or residential rental inspection issues.

Mr. Mettler provided a power point presentation. He described how the Code Enforcement Officers and Residential Rental Inspector routinely observe substandard roof, gutter, driveway, walkway and exterior surface conditions on residential properties. The proposed amendments to the Housing Code will provide the staff the standards they need to cite residential property owners.

Mr. Maysilles asked about objects stored outside. Ms. Nichols said that was addressed in the Code per the Property Maintenance Ordinance adopted a year or so ago. Mr. Maysilles indicated he would like to revisit outside storage issues.

Mr. Grey asked how the City addresses furniture left on the side of the road. Ms. Nichols said if the items were left in the public right-of-way then Public Works removes them. She noted a recent case where the property owner left the tenant's items all over the property. The City fined the property owner.

Mr. Parrillo commented that the amendments appear to make the specific language more general and feared it would be less helpful for the Code Enforcement Officers. Ms. Fierce said the amendment was created with Code Enforcement staff and addresses their concerns. Ms. MacDonald opined that the proposed amendments are broader and would be more useful to the staff. Mr. Parrillo asked about residents' selection of paint color. Ms. Fierce said the City does not have residential design guidelines, but unexpired deed restrictions would apply.

Mr. Grey asked about plywood applied to exterior surfaces. Ms. Nichols indicated that subject is already addressed in the Housing Code.

Ms. Moran asked if it typically takes three months for a residential property owner to address an issue. Ms. Nichols indicated it might take that long in a situation involving a foreclosure. Ms. Fierce indicated the timeframe depends on multiple variables, including the property owner's willingness to be compliant.

Dr. Cadle made the motion to recommend approval of the code amendment which was seconded by Mr. Maysilles. Roll call vote: Mr. Maysilles, yes; Mr. Grey, yes; Mr. Smallwood, yes; Mr. Parrillo, no; Ms. Michel, yes; Ms. Moran, yes; and Dr. Cadle, yes. The motion carried (6-1).

V. Moratorium

Case: Cannabis Moratorium
Applicant: City of New Port Richey, Debbie L. Manns, City Manager, 5919 Main Street, New Port Richey, FL 34652
Request: Review and recommendation on a 12-month cannabis moratorium (Ordinance #2017-2104)
Staff Contact: Chris Mettler, Senior Planner, 727-853-1044, mettlerc@cityofnewportricher.org

Mr. Mettler said that the City proposes a one-year moratorium on the cultivation, processing and dispensing of cannabis. He noted that in November 2016, the State constitution was amended legalizing medical marijuana. The State Legislature and Department of Health have six months to establish the applicable regulations. The City already regulates cannabis uses, due to State Acts passed in 2014 and 2016, although no such uses have been licensed to date by the State in New Port Richey's jurisdiction. The moratorium would

give the City time to analyze the State regulations to be established in six months and to amend the City regulations to be in compliance with them.

Mr. Smallwood asked if the moratorium would be City-wide and if an existing pharmacy could not offer medical marijuana. Ms. Fierce said this would be City-wide and precludes an existing pharmacy from offering cannabis.

Mr. Maysilles asked why the City proposes this moratorium if it already regulated cannabis uses. Mr. Mettler said the City does not know yet what the State regulations will look like. Ms. Fierce said the City will want to be in compliance with the State regulations. Ms. MacDonald agreed it is wise to wait until the State prepares its regulations before the City acts.

Mr. Maysilles asked why the moratorium has to be as long as 12 months if the State establishes its regulations sooner than that. Mr. Driscoll noted the City can still regulate the subject during the moratorium period. Mr. Mettler said the City can choose to repeal or extend the moratorium.

Mr. Grey asked if the City is required to allow cannabis uses. Mr. Driscoll said this an issue to be addressed in the future. He anticipates the cannabis regulations will have multiple issues and challenges.

Mr. Parrillo asked why the moratorium was for as long as 12 months. Ms. Fierce said it would take the State six months to establish the regulations and the City estimated it would take six months to review them and establish its own regulations. Mr. Driscoll noted it may take the City more than six months.

Mr. Smallwood made the motion to recommend approval of the moratorium which was seconded by Dr. Cadle. Roll call vote: Dr. Cadle, yes; Mr. Parrillo, yes; Ms. Moran, yes; Mr. Maysilles, yes; Mr. Grey, yes; Ms. Michel, yes; and Mr. Smallwood, yes. The motion carried (7-0).

VI. Discussion of Ex Parte Communication

Mr. Driscoll asked the Board members if they were talking with applicants or neighbors about cases. The Board members indicated this happened rarely. Mr. Driscoll recommended that if they are approached, the Board members tell them to attend the meeting and present their comments at that time. He said the Board members should inform the party that they cannot discuss the matter. If a Board member does have a conversation, they should disclose it to the clerk or disclose the communication at the meeting, so it is on the record to avoid the appearance of prejudice.

VII. Adjourn:

Ms. Fierce thanked the Board Members for attending the meeting. She said the next meeting of the Board will be February 16, 2017.

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



Chris Mettler, Senior Planner