



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

August 1, 2017

7:00 PM

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 Jeff Starkey, Councilwoman Judy DeBella Thomas and Councilman Chopper Davis. Councilman Bill Phillips was absent.

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, Development Director Lisa Fierce, Fire Chief Chris Fitch, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Library Director Andi Figart, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran, Assistant to the City Manager Martin Murphy and Assistant Parks and Recreation Director Chris Bornfleth.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of July 18, 2017 Work Session and Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Judy DeBella Thomas and seconded by Chopper Davis. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

5. Swearing-In of New Firefighters: Robert McCarthy, Corbin Mitchell and John Webber

6. Introduction of New Police Officers: Jessica Hauck, Tyler Sabo and Patrick Volpe

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

Mayor Marlowe opened the floor for public comment. Bob Langford came forward and stated he placed tickets for the Hacienda event on the dais for each of the Council members. It will be the first event inside in 30 years. He stated that additional tickets are available at the White Heron Tea and Gifts. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

8 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

a Purchases/Payments for City Council Approval

9 Public Reading of Ordinances

a Second Reading, Ordinance No. 2017-2117: Flood Damage Prevention

City Attorney Driscoll read the proposed ordinance by title only. 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 ordinance upon its second and final reading

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

b First Reading, Ordinance No. 2017-2116: Medical Cannabis Dispensaries

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that back in February Council approved a moratorium for six months regarding medical cannabis. Since that time staff has been working on language which would establish acceptable zoning districts. She then introduced Development Director Lisa Fierce who made a presentation to Council. Ms. Fierce began her presentation with a brief overview of the previous meetings and the law passed by the legislature. She stated the legislation allows permitted use in the same districts as pharmacies. This ordinance would remove pharmacies and drug stores from permitted use downtown. The LDRB reviewed on July 20th and votes were tied. Revision to definition to mirror the language the state has given by second reading. There would also be a companion ordinance on how to treat dispensaries that are near schools.

Upon opening the floor to public comment, Mary Young came forward and stated that she is a medical cannabis patient. The oil from the cannabis plant helps her to function properly. She has tried other pharmaceuticals and experienced side effects. She appreciates the compassion she has seen. She would like to see a dispensary in the downtown area.

Denise Houston came forward and stated she attended the LDRB meeting and was surprised at the request of not having pharmacies in downtown which means Walgreens would not be in compliance. The people who are asking for the dispensaries are patients and there is an additional cost for delivery.

With no one else coming forward Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey asked for clarification on the state ruling on prohibiting the number of dispensaries. Ms. Fierce stated state law said that a dispensary has to be treated the same as pharmacies. Downtowns are meant to be treated special on purpose. The downtown would be the only place that a dispensary would not be allowed. Deputy Mayor Starkey stated he would like to see development standards. Councilman Davis asked if Walgreens would be considered downtown or US19. Ms. Fierce stated that it is zoned downtown. He stated he heard Walgreens may be moving. Ms. Fierce stated if another pharmacy wanted to use that property they could petition for land use change. Councilwoman DeBella Thomas stated she was disappointed with the state's decision. Mayor Marlowe stated he has a bigger problem

with pharmacies downtown than a dispensary. The recommendation of staff that a medical cannabis dispensary can be located anywhere except in the immediate downtown leaves it wide open for placement in the marine district or along US19 and even in light industrial. The ordinance covers his concerns and provides a wide opportunity for the placement of the dispensaries. Decriminalization is a discussion for another evening. Motion was made to approve the ordinance upon its first reading.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

c First Reading, Ordinance No. 2017-2118: Brewpubs and Microbreweries

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to brewpubs and microbreweries have become a popular industry. Our current LDC does not speak to the existence of these. This item will allow them in certain districts. Ms. Fierce stated this will allow brewpubs in C2, Highway District, Downtown and Light Industrial. Microbreweries would be allowed in Highway District and Light Industrial. LDRB reviewed and approved ordinance at July 20th meeting.

Upon opening the floor to public comment, Brian Hackman came forward and stated he was concerned with the classifications. Leaving out the category of nanobreweries. They are about the same size of a brewpub and if limiting option we will be limiting interest of future breweries. He would prefer Council consider a nanobrewery in the downtown. Ms. Manns stated at this point staff is not familiar with a nanobrewery but can look into that before second reading. Ms. Fierce stated that land use in the downtown prohibits manufacturing. Deputy Mayor Starkey stated that as small breweries expand they tend to move out of downtown to larger areas. He asked what the square footage would be for a three barrel system. Mr. Hackman stated it would be the same as one barrel. Nanobreweries do light distribution. Deputy Mayor Starkey stated he has visited several microbreweries and is excited to see this ordinance.

Bob Carroll came forward and stated he would like to not see a limit on people who want to use be in this new and unique business. Distributing will be important to the beginning people keg wise which will help pay the bills. His plea is to not overthink the ordinance and be open to letting someone work a little harder so he can distribute will be a plus for everyone concerned.

Denise Houston came forward and asked if there is a limit on the number of bars we are allowed downtown and is this a new one or replacing one. Ms. Fierce said no.

Bob Langford stated that this kind of business is not a bar. Anyone who has visited one of these places knows that it is not a bar.

With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Davis stated that if there is consumption on premise he does not have a problem. Deputy Mayor Starkey stated he agreed with Mr. Langford's comments and it brings a unique and cool culture downtown. Councilwoman DeBella Thomas stated that she would support moving forward with more education. Mayor Marlowe would like suggestions on nanobreweries before second reading. Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

d First Reading, Ordinance No. 2017-2119: Rezoning - 5425 Grand Boulevard

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Development Director Lisa Fierce who then presented the item to Council. Ms. Fierce began her presentation by stating that this was a quasi-judicial proceeding. The site is surrounded by a mix of uses. The site is an acre in size and has always been undeveloped. Stores are not permitted under current zoning and applicant wishes to rezone to allow for the Family Dollar store. The new store would allow for entry off of Gulf and Grand. Staff worked with the applicant for several months on the look of the building. The LDRB reviewed and approved at the July 20th meeting. Rezoning is consistent with concurrency. Each Council member stated they had no ex-parte communications in this matter.

Upon opening the floor to public comment, Chris Stevens came forward and stated he is the applicant and is excited about this project. Lisa Tinker came forward and asked if this store will put the little convenience store out of business. With no one else coming forward Mayor Marlowe returned the floor to Council.

Deputy Mayor Starkey stated he is against the rezoning as we are trying to bring the VA down the street. If he was a developer he would have tried to purchase the whole property. He does not feel this is the direction the city is trying to go.

Councilwoman DeBella Thomas stated she does not think the traffic there would work as it is a narrow road. She does not think that this is the type of business that needs to be there.

Councilman Davis stated he is not ready to put that kind of commercial frontage on Gulf as it is now.

Mayor Marlowe stated that something has to happen to Gulf before that can happen.

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

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

10 Business Items

a Resolution No. 2017-24, Establish Tentative Millage Rate for TRIM

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to set the tentative millage rate. The estimated ad valorem tax revenue for FY17 is based on 8.9950 recommending that 9.0500 that way it accomplishes the goal of lower millage rate and allows for reduction. The current millage rate is 9.15. If approve the 9.0500 tentative millage rate public hearings will be held on September 5th and 25th. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilwoman DeBella Thomas stated as we move through budget process certainly we are looking to lower it. Deputy Mayor Starkey hopefully we can get it lower. Mayor Marlowe stated he would like to see it under nine. Motion was made to approve the item as presented.

Motion made by Judy DeBella Thomas and seconded by Jeff Starkey. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

b Resolution No. 2017-23, Initial Assessment Resolution - Pavement Management Plan

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a mechanism by which we can implement the Pavement Management Plan (PMP). The PMP is a fair and equitable sharing cost program. This resolutions is the first step in the process. If approved, a public hearing will be held on

August 24th at 6PM where the final resolution will be presented. City Attorney Driscoll stated there was a correction to Section 3.03-H to address mixed use properties and the updated section was placed at each Council's place on the dais.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey asked what would the next steps be. He also stated that he thought this was going to be by ordinance. City Attorney Driscoll stated that there is already an ordinance in place which allows for this to be done by resolution.

Councilwoman DeBella Thomas asked about non-profits. Ms. Manns stated there was some discussion was but no action was taken. It would be determined by the tax collector.

Councilman Davis asked about service costs. Ms. Manns stated that all funds will go to paving and not administrative fees. Mr. Rivera stated anything collected under this program will go to paving. City Attorney Driscoll read the definition of paving assessment cost that appeared in the resolution. These are the funds that will be used to fund paving. The program will use a combination of funds to pave.

Motion was made to approve the item with the amendment presented and with the condition that 100% of the proceeds received from the Tax Collector will be used for paving projects only.

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

c 2017 Broadway Ave. & Washington St. Potable Water Interconnect Project Phase I

City Manager Manns introduced Public Works Director Robert Rivera who presented the item to Council. He stated that the purpose of this agenda item was to approve a not to exceed proposal of \$43,730.63 for interconnect upgrades. The scope of work includes demolition and replacement of interconnect assembly. Funding is available in water and sewer. 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 Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

d Orange Lake Dredging Project Bid Award

City Manager Manns introduced Public Works Director Robert Rivera who presented the item to Council. He stated that the purpose of this agenda item was to award the Orange Lake Dredging Project in the amount of \$333,200 by Energy Resources. The Engineer of record has verified references and scope of work. Funds are available in water and sewer and RESTORE Act funds. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilwoman DeBella Thomas asked when the project will start and how long for it to be completed. Mr. Rivera stated that work will begin in October and completed in January. He also stated that Phase II would go out for bid in November. Mr. Rivera stated that we will accommodate for events that are coming up later this year around Orange Lake. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

e 2017 City Hall Interior Carpet Removal and Replacement

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the final pay request of \$79,831.12 to Prodigy Flooring and approve a deductive

change order in the amount of \$1,221 for the carpet replacement in City Hall. 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 Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

f George Street Transfer of Ownership - Interlocal Agreement

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to transfer jurisdiction of a portion of George Street. It is prompted by assemblage required to support the proposed VA hospital. She stated that Mr. Rivera worked with the County so they could transfer over the maintenance of George Street. Mr. Rivera then stated that currently the City owns George from School Road north to Gulf and County owns south to Cecelia. As part of the VA proposal, City has to show ownership of all right-of-ways and easements that are adjacent to the project site. 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 Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

g Alcoholic Beverage Special Event - Freedom Fest

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve an ABSEP for Freedom Fest. The event would sell beer and wine on Friday, November 10th and Saturday, November 11th from 4:00-10:30p.m. The event organizers are also asking for city support of in-kind services for a total of \$6,022.50. Upon opening the floor to public comment, Brian Anderson came forward and stated he appreciated the concern and attention to bring the VA to town. He stated the event will include a catered dinner by the Columbia Restaurant on Friday night and a parade on Saturday. This event will be an amazing way to honor the veterans in our community. Veteran's Day is a celebration. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Judy DeBella Thomas and seconded by Chopper Davis. The Motion Passed. 4-0.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Absent: Phillips

h Three Minute Report: Finance Department

11 Communications

Deputy Mayor Starkey stated he is excited about direction city is going but have a long way to go.

Councilwoman DeBella Thomas stated that it is an exciting time to be in the city. Pleased with direction taken regarding veterans and the hard work to get the VA here. So delighted to learn that we have many police and firefighters who are veterans. Proud that we are taking the opportunity to honor them.

Mayor Marlowe commented again what a great job that Public Works had done to clean up debris at River Road and Green Key.

12 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:38 pm.

(signed) _____
Judy Meyers, City Clerk

Approved: _____ (date)

Initialed: _____

Item 10-B Revised Page

(G) The Assessment Report recommends a credit against the Paving Assessment for those Tax Parcels which have been previously subject to the imposition of special assessments by the City to fund road and/or street improvement projects. The Assessment Coordinator shall apply such credit, and the rates set forth above, in preparing the Assessment Roll.

(H) The determination of whether a Tax Parcel is a Residential Parcel or Non-Residential Parcel shall be made using best available data prior to adoption of the Final Assessment Resolution or Annual Assessment Resolution (e.g. Property Appraiser information, aerial images or data deemed reliable by the City or its consultants), and shall require apportionment of any mixed use Tax Parcel so as to provide for assessment of the Residential portion at the Residential rates set forth herein and for assessment of the Non-Residential portion at the Non-Residential rates set forth herein.

(I) Certain Tax Parcels identified in the Assessment Report, including Government Property, property used for right-of-way, lift stations, rivers/lakes and common areas, are exempt from the Paving Assessments.

(J) It is hereby ascertained, determined, and declared that the method of determining the Paving Assessments as set forth in this Initial Assessment Resolution is a fair and reasonable method of apportioning the Paving Assessed Cost among Assessed Property.