



**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 15, 2019
7:00 PM**

**ORDER OF
BUSINESS**

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:20 pm. Those in attendance were, Deputy Mayor Jeff Starkey, Councilman Chopper Davis, Councilman Peter Altman and Councilman Matt Murphy.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Library Director Andi Figart, Parks and Recreation Director Elaine Smith, Development Director George Romagnoli and Technology Solutions Director Bryan Weed.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of January 2, 2019 Work Session and Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Jeff Starkey and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

5. Presentation of Certified Municipal Clerk Designation to City Clerk Judy Meyers

Lori Hillman, CMC, City Clerk for the City of Zephyrhills presented City Clerk Judy Meyers with her plaque and pin for her Certified Municipal Clerk designation.

6. Proclamation - Cervical Health Awareness Month

Joey Resnick accepted the parchment from Mayor Marlowe.

7. Proclamation - Arbor Day

Jon Tietz accepted the parchment from Mayor Marlowe.

8 Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. Timothy Fussell came forward to voice his opinion about the fences around the dumpsters. He received notice late last year that he had to fence in his dumpsters. He was charged \$82 for a permit and does not agree he should have to pay the amount since it was a city mandated ordinance. Deputy Mayor Starkey stated he agreed with the comments. He does not believe they should be charged a fee and if paid they should be refunded. Councilman Davis stated it would be included in any new business fee. Mayor Marlowe asked the City Attorney to look at it. Councilman Altman stated there may be a fund in the CRA to pay them back from.

John Kane came forward and stated that he took his grandson to the park over Christmas and there was a couple who was looking for a toddler swing. There are only disabled and adult swings currently at the park. The toddler used the disabled swing and fell out. After witnessing that it has motivated him to come and encourage Council to put in toddler swings. City Manager Manns stated there has not been an order placed at this time and space may be an issue. Staff can look for other locations if that is Council's direction. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

9 Consent Agenda

Councilman Davis asked about the Arete pay amount of 7%. City Manager Manns stated that amount of work has been completed and accepted by the City. Motion was made to accept the Consent Agenda.

Motion made by Jeff Starkey and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

a Cultural Affairs Committee Minutes - November 2018

b Purchases/Payments for City Council Approval

10 Public Reading of Ordinances

a Second Reading - Ordinance No. 2019-2149: Amendments to Chapter 13 to Prohibit Bathhouses

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 conduct a second and final reading an ordinance to prohibit bathhouses in the city. Bathhouses are establishments where baths are administered from one person to another in a non-medical establishment.

Upon opening the floor to public comment, John Kane came forward and stated that the language sounds simple but it really is not. It brings into question hair salons, massage therapists, etc. The way he reads the definition as it stands you could be getting your hair washed and someone is touching you. He stated that Council should revisit the ordinance.

Deputy Mayor Starkey asked City Attorney Driscoll if it was clear the difference between a massage and table-top bath and he stated yes. Deputy Mayor Starkey asked if verbiage needed to be added and City Attorney Driscoll stated no that the issues are covered.

Nicholas Ierna came forward and stated at the in the most likely scenario sex trafficking victims will have to turn to the jobs that will hire felons. He then highlighted different aspects of trafficking. He stated this ordinance charges per day and per violation and this will increase the debt to victims. He urged Council to halt the ordinance. He stated it was not thought out with members of the community. He stated victims need immunity.

Anthony Avila came forward to state his opposition for the ordinance. It will further the poverty of our

community. He stated Council is elected to represent every resident. We can and must make policies to increase socio-economic growth. Let our city be an example of what is possible.

Marco McCray came forward and stated this ordinance will fail in its endeavor. Bathhouses provide tax revenue to the city. This ordinance confuses consensual with coercion of the vulnerable. The illegalization does nothing to address the circumstances of sex traffickers.

Zulema Ramos came forward and stated that saunas and bathhouses are popular in the United States. Victims of human trafficking have various backgrounds. Sex work is not sex trafficking. Sex working is voluntary. The majority of trafficking is labor trafficking and not sex trafficking.

Victor McCluskey came forward and stated if it is against the Commandments it will cause a problem in society. He is wondering when pedophiles will be in to demand their rights.

Margie Radall came forward and asked why does the ordinance limit the rights of victims. We should be dealing with poverty first. If they turn to something like this by choice they become a criminal. Arrest will make it worse. It is not going away it is just going where you cannot see it.

Jim Griffith came forward and read a statement from Tampa Bay Redneck Revolt. He stated his opposition to the ordinance.

Sarah Tokash came forward and asked why the ordinance does not make allowances to help human trafficking victims. There are no provisions to help victims from the industry. There is no amnesty code. The ordinance only further marginalizes victims.

Diane Shanks came forward and stated there are harsh penalties for violations. Every day that someone is in violation is a different offense. The common thread is always poverty. Punitive policing does not help the community. Prostitutes are people who need money badly. She stated this ordinance will not work the way you want it to. Amend the ordinance to strike out the criminal punishment.

Bonita Buria came forward to thank Council for the ordinance. There was a time when she lived in her car. These women do not have to break the law.

Jacob Fears came forward to applaud Council for the ordinance. If a bathhouse is allowed who is going to make sure minors do not go in there. We are a nation of laws. He stated there could be incentives to local businesses to hire trafficking victims.

With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Altman stated that the research provided was well done. The purpose of the ordinance is to prohibit the permitting and licensing of these businesses. In reading the ordinance it bounces back to the operator of the business. If someone is found to be doing it should be the business owner that will be liable. He asked for clarification on Section 13-603 and City Attorney Driscoll stated that with enforcement of these cases we would go after the owner. There are criminal penalties in every city ordinance and it is provided by Statute. He stated you do have to have the other mechanisms because people will try to get around enforcement. The idea is that you have a number of ways to enforce the ordinance. Councilman Altman asked if we have arrested and prosecuted any human trafficking cases. Chief Bogart stated no. Councilman Altman stated we could strike the reference to that. We could be more clear in the way we are presenting this. Chief Bogart stated that both bathhouses that were shut down had employees who were sleeping on pallets. Without victim cooperation it is impossible to make a trafficking case. It is going on but it is hard to prove it. They had to separate the victims from the owners. Councilman Altman stated there is no doubt the people who spoke are passionate about this. He stated it seems we have gotten further into the sex trade business than what we intended. Mayor Marlowe stated that when someone decides to live together it is not his job to judge them however condoning the operation a commercial front for prostitution is a bridge too far and he is not willing to allow that in the City. 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. 4-1. Ayes: Davis, Marlowe, Murphy, Starkey Nays: Altman

b First Reading - Ordinance No. 2019-2148: Permitted Uses in Highway Commercial Zoning District

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 conduct a first reading on an ordinance revising permitted uses in the highway commercial district. The ordinance does three things, it establishes hotels as a conditional use, it removes motels as a permitted use and establishes guidelines for transient housing. She then introduced Development Director George Romagnoli who then presented the item to Council. Mr. Romagnoli began his presentation by stating that the motels we have in the city are beginning to decay. Every year when they are inspected there are issues that are not being taken care of. Rooms are being used for transient housing. Hotels must be approved as a conditional use. If there are people living there more than 20% of the time it will be considered transient lodging. Transient lodging will only be allowed until December 31, 2021. The Land Development Review Board unanimously approved this ordinance.

Upon opening the floor to public comment, Judy Sutton came forward and stated that since she took over the Quality Inn years ago they have put in \$3.5million into the property to renovate the property. There are portions of the ordinance they agree with.

Jerry A. came forward and stated that he is the general manager of Quality Inn. Some of their guests are construction workers and they will pass the 28 and 60 day period. New business owners will need more than 28 days to get their business up and running. New residents may need more time to find their forever home and may surpass the 28 days. They worked with victims of the hurricane and FEMA approved them 90 days. This ordinance would affect the employees of the hotels. Councilman Davis stated that this ordinance does not cover major disasters. City Attorney Driscoll stated that during a natural disaster ordinances can be suspended.

Jeff Bailey came forward and stated that some may have gotten rid of their prior place to take a job in a new city. In regards to the natural disaster 51% clause, most businesses may choose to rebuild something new. Should not be their only option. People want to see their cars. They would welcome the opportunity to host a roundtable discussion on this issue. He stated they want their hotels to thrive economically.

Councilman Davis made a motion to table the item. Deputy Mayor Starkey stated he was not convinced it needs to be tabled. We can put off second reading. The purpose of this ordinance is to make hotels and motels act like hotels and motels and not apartments.

Amish Patel came forward and asked if motels will be grandfathered in or will they be shut down. City Manager Manns stated the ordinance would make the hotels a non-conforming use and no new hotels could be built. He stated that all seven hotels are immigrant run. The language needs to be rewritten. If they cannot rebuild what happens to mortgages and franchise agreements. He asked if the city has done anything to take people out and put them in transitional housing. Hotels are the first focal point tourists see when they come into the city.

Mayor Marlowe asked how many hotels are in the coastal high hazard area and Mr. Romagnoli stated all seven are.

D. Patel came forward and stated they only rent a week at a time. It is discrimination to phase out motels and only allow hotels.

B. Patel came forward and stated that not everyone is happy with the way things are. Tourism is a primary factor in our economy. He suggested a sit down meeting or charrette. It is not just the law but the application. There is a fine line that needs to be addressed.

Shawn Patel came forward and stated he agrees that changes need to be made. If the City enforces these rules will anyone ever be attracted to invest in the city. Hotels owners are tax payers at the end of

the day.

Justin Rosetti stated that if it were for the hotels being extended stays he would be homeless. He asked what the City will do to help families if the ordinance is passed.

With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Davis stated he would like to see ordinance tabled and have staff meet with hotel owners. He is having trouble with the 28 days if he starts a new job he may not have enough money in 28 days to move. He is not sure where the 20% rule fits.

Deputy Mayor Starkey asked what the preliminary steps are being taken and who are we going to work with. City Manager Manns stated that Mr. Romagnoli is networked with a good number of agencies that can help. Extended stay hotels along U.S. 19 corridor currently define us. He stated the owners are not trying to attract tourists. He stated he wants better for these families. Some of the extended stay motels are very run down. Get on board and operate your hotel the way it should be run. Take pride in your ownership. We are not trying to put anyone out of business but to improve the quality of life of our residents.

Councilman Murphy stated that we need to sit down and talk to everyone involved.

Councilman Altman suggested having a publicly noticed meeting to discuss. Our side of the county has not gotten any tourist dollars. To give someone a room for 90 days without a kitchen is not a standard of living.

Mayor Marlowe stated he does not have a problem with the three year phase out. He does have concerns regarding construction workers and natural disasters. He has visited some of the hotels and they are not meant for extended stays.

City Attorney Driscoll suggested scheduling a work session with the hotel owners on this issue so it would comply with the Sunshine Law requirements.

Motion was made to table the item.

11 Business Items

a Creation of and Appointment to Community Development Block Grant (CDBG) Citizen's Advisory Task Force (CATF)

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the creation of a creation of the CDBG CATF and appoint members to that committee. The CATF will serve as an oversight committee for the City's CDBG program. It is anticipated the committee will start meeting in the Spring, and continue through the end of the grant. The committee will then recommend to the City Council whether to apply for another housing grant, and infrastructure grant, or take another course of action. 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 Pete Altman and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

b 2019 Gloria Swanson Parking Lot Improvements - Project Task Order No. 41 - Engineering Services

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to approve a Task Order from the Genesis Group for engineering services in an amount not to exceed \$45,100 for the 2019 Gloria Swanson Parking Lot Improvements Project design, bid, and construction. Mr. Rivera stated that this item came up during the parking study. Upon opening the floor to public comment, no one came forward

therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey stated that designated golf cart spots would help with the space issue. Mayor Marlowe stated to look at the parallel spots on Bank Street to stripe for golf cart parking. Councilman Altman stated that although golf carts are prohibited in Sims Park we need to have limited access to get them in the park to watch movies. Mayor Marlowe suggested looking at the parallel spaces on Sims Lane for golf cart parking. Councilman Davis also suggested looking at the parking lot to the west and giving people information on parking when they register their cart. Motion was made to approve the item as presented.

Motion made by Matt Murphy and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

c Fleet/Utility Purchasing Warehouse – Design Development Task Order No. 19

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a Task Order for McKim and Creed Inc. for the Public Works Fleet and Utility Purchasing Warehouse Design Development in an amount not to exceed \$43,900. Mr. Rivera stated this building was built in 1973. It housed all Public Works operations until 2008. It is the second oldest building the city has. This study will allow for a complete assessment to be done. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Davis stated that he would like to see the structural engineer report before work is done. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

d Bid Award - Yard Debris Grinding Services

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to award the bid for yard debris grinding services to Grow Incorporated in the amount not to exceed \$550.00 per hour. They were the sole bidder for this item. She stated the grinding process occurs about every six months depending on collection frequency, amount collected, and storage site capacity. Once the grinding of the material is completed it is made available back to the residents to be used for compost in gardens and flower beds at no charge. 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 Pete Altman and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

e Bid Award - 2017 Seawall Repair Project Phase I & II

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to award the bid for the 2017 Seawall Repair Project- Phase I & II to Cal-Tech Testing, Inc. d/b/a Foundation Professionals of Florida in the amount not to exceed \$289,930. Mr. Rivera stated that staff presented a Seawall Condition Assessment to City Council in June of 2016. The Assessment reviewed the existing conditions of all seawalls owned and maintained by the City. Included in the assessment were project rankings, cost repairs, current conditions, and seawall remediation. Sims Park and Cotee River Park seawalls were ranked number one and two in need of repair. The repairs include wall joint separation, wall cracking horizontal and vertical, wall cap damage, sidewalk settlement, drainage pipe deterioration, soil voids, wall leaning, and damaged or no tie-back systems. 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 Matt Murphy and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

f Three Minute Report: Development Department

12 Communications

Deputy Mayor Starkey suggested placing an additional pledge of civility plaque outside the Chambers. Councilman Davis thanked Sarah Hanson for her art display in City Hall. Councilman Altman stated he went to the TBRPC strategic planning session that he will share more details at a later time.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 10:12 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____