



**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**

**October 1, 2019
7:00 PM**

**ORDER OF
BUSINESS**

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were, Deputy Mayor Jeff Starkey, Councilman Peter Altman and Councilman Matt Murphy. Councilman Chopper Davis arrived at 7:52 p.m.

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 Charles Rudd, Public Works Director Robert Rivera, Library Director Andi Figart, Parks and Recreation Director Elaine Smith, Development Director George Romagnoli, Technology Solutions Director Bryan Weed and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of September 17, 2019 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. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

5. Recognition of 2019 Sworn Officers

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

Mayor Marlowe opened the floor for public comment. With no one coming forward, Mayor Marlowe closed Vox Pop.

7 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Jeff Starkey and seconded by Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

- a Parks and Recreation Advisory Board Minutes - August 2019
- b Cultural Affairs Committee Minutes - August 2019
- c Purchases/Payments for City Council Approval

8 Public Reading of Ordinances

- a Second Reading, Ordinance No. 2019-2157 Amendments to Police Pension Ordinance RE: Request for 13th Check

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 reading on an ordinance which effectuates a benefit change in the form of a one-time supplemental benefit payment under the New Port Richey Police Officers' Retirement System for each person receiving a benefit from the plan on October 1, 2018 including DROP participants. There would be no increase in the City's contribution as there is an overage in the current account. 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 Matt Murphy and seconded by Pete Altman. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

- b First Reading, Ordinance No. 2019-2166: Standards for New and Used Auto Dealerships

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 to establish standards for new and used auto dealerships. On April 23, 2019, the City Council approved an ordinance creating a 180 day moratorium on car dealerships in the City of New Port Richey. The moratorium allowed the staff to research and propose amendments to the City's Land Development Codes to address the substandard appearance and lack of regard for the customer experience at some of the automobile and truck sales locations, and to ensure that new businesses are an enhancement to the city's primary commercial corridor. The moratorium also provided an opportunity for presentation and discussion with the owners of new and used car dealerships in respect to the proposed standards. She then introduced Development Director George Romagnoli who then made a presentation to Council. He stated the ordinance provides the following provisions:

- All new locations must have a minimum of one acre in order to operate the business.
- All new businesses must have a minimum of a 100 foot lot width (frontage).
- Outdoor inventory must be parked on a paved surface.
- Outdoor inventory areas must be landscaped and have trees in at least 15% of all parking and inventory areas.
- Sales and rental office buildings shall be at least 1,000 gross square feet in size.
- The use of balloons, decorative flags, banners, streamers, search and beacon lights, and wind-blown or inflatable attention devices are prohibited.
- Inoperable vehicles, disassembled or partially disassembled vehicles shall not be parked,

stored, or displayed in the vehicle display area nor in any buffer areas or landscaped areas. These vehicles must be parked or stored, and screened from the view from outside of the property, or stored or parked within a building.

- Service areas shall be oriented away from residential areas.
- Minimum display areas are set for vehicles
- Parking standards are established for customer and employee parking.
- There shall be a separation requirement of 1,000 feet between used car dealerships.

Existing businesses will not have to comply with all of the new regulations.

Upon opening the floor to public comment, John Gilliss came forward and stated that some of the items listed are already in the ordinance so there is some duplication. He asked if there is a code to prohibit broken down vehicles in other parts of the community. Robert Kalo with Sunray Motors came forward and stated the way it is written inventory will be outside. He would not have cars displayed but could have them in a garage. He does not have cars displayed on his premises. City Manager Manns stated this ordinance pertains to the highway commercial zoning district. City Manager Manns stated she would visit the property and if changes needed to be made before the second reading they would be made. City Attorney Driscoll stated that we can look and see if an exemption needs to be made. With no one else coming forward, Mayor Marlowe returned the floor to Council. City Manager Manns stated that some of the standards as it relates to what would be signage does exist and we are putting it in to make it easier to find. She stated Code Enforcement would address the other vehicles that are not attached to a car dealership. Motion was made to approve the ordinance upon its first reading.

Motion made by Pete Altman and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

c First Reading, Ordinance No. 2019-2168: Rezoning of 7908 Rutillio Court

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated that the area has both Commercial 2 and Light Industrial Zoning, and has a Future Land Use designation of Light Industrial. She then introduced Development Director George Romagnoli who then made a presentation to Council. He stated that the purpose of this agenda item was to conduct a first reading on an ordinance to rezone 7908 Rutillio Court. The applicant would like to place a metal fabrication business on the site, which is a light industrial use. The request was reviewed and approved by the DRC. The total area to be rezoned is .93 acres. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. City Attorney Driscoll stated that the entire area where this property is surrounded by C2 in zoning. This would be spot zoning this particular parcel. He stated Council was not bound to underlying uses. He stated there is a possibility to a challenge since this is a spot zoning. He stated this is a quasi judicial proceeding. City Council stated there were no ex-parte communications. City Manager Manns stated a zoning to light industrial opens this up to an adult use in this district. Councilman Altman stated that other properties are running against the way we do things. The commercial establishments are not lacking for places to go. In response to the City Attorney's comments, he stated that it is our industrial park and it will trend that way in the future. Deputy Mayor Starkey stated there is industrial use mixed in there now. Mayor Marlowe stated there is industrial use there even if it is not zoned that way. He stated the future land use map shows industrial. Motion was made to approve the ordinance upon its first reading.

Motion made by Pete Altman and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

d First Reading, Ordinance No. 2019-2155: Conditional Use for 5780 Main Street

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated it is

important to note that the conditional use applies exclusively to the sale of scooters and one wheel and the ordinance specifically precludes rentals, test drives and tours. She then introduced Development Director George Romagnoli who stated when an item is not specified in the LDC it must come before Council. Due to high traffic on Main Street and Grand Boulevard rentals, test drives and rentals should not be allowed. The DRC reviewed the application and has recommended against the rental of electric scooters and one-wheels, test drives, and the organized tours, but recommended the approval of sales as proposed by the applicant.

Upon opening the floor to public comment, Scott Carbone came forward and stated the DRC did not want the rental side to move forward. Where he disagrees is that other scooter companies are going to come in. The scooter goes 12mph and is available for two hours. They will provide helmets and safety gear with each rental. There is not much to do during the day. If approved, there will be an influx in tourism. Scooters should be treated as bicycles. He is a proponent for anything eco-tourism. It is time to have this type of thing in the downtown. With no one else coming forward Mayor Marlowe returned the floor to Council. Mayor Marlowe asked exactly how different it would be from what Get Outside is doing now. Mr. Romagnoli stated the concern is traffic and the interaction with scooters. Mayor Marlowe asked why is this a conditional use. Mr. Romagnoli stated the LDC is silent on this subject and that is why it is a conditional use. Councilman Altman stated the speed is of interest to him. Mr. Carbone stated speed can be controlled through apps. Councilman Altman asked if they would be able to be ridden on the sidewalk and age limit. Mr. Carbone stated ages 12 and up. Deputy Mayor Starkey stated it was not a valid comparison to riding a bicycle. He stated he would not want them on the sidewalk at night. Deputy Mayor Starkey asked how big the inventory would be and Mr. Carbone stated ten scooters. City Attorney Driscoll stated the law that was referenced included a change in July that changed some of the requirements for scooters. Each municipality can dictate when and where they can be ridden. He then read the definition of a motorized scooter. There is a 20mph cap. Mayor Marlowe asked if the DRC discussed test drives in other places besides Main Street. Mr. Romagnoli stated that an inexperienced driver on a scooter would not be safe in any place. Councilman Murphy stated he likes the idea of a designated area to test drive them. His concern is the scooters being used recklessly and going into traffic. Councilman Altman asked about the possibility of accompanied minors. Mr. Carbone stated he anticipates families coming in. He stated minors could not rent without an adult. Mr. Carbone stated the City of Ft. Lauderdale was the first city to approve and they have seen tourism skyrocket. Deputy Mayor Starkey asked if the customer is waiving personal and property liability and Mr. Carbone stated yes. Mr. Carbone stated the customer signs the liability but his company is covered. Deputy Mayor Starkey requested a copy of the policy showing that they will assume liability before the second reading. City Attorney Driscoll stated Council has the authority to determine where and when they can be ridden and the applicant must abide by it. Councilman Murphy asked to be provided a copy of their safety plan. Councilman Davis stated he has seen too much abuse and will not support it. Motion was made to approve the ordinance upon its first reading for sales and rentals, to not be allowed to operate a half hour after sunset, for anyone under the age of 18 to be accompanied by an adult and to not allow for the test drives to take place along Main Street.

Motion made by Jeff Starkey and seconded by Pete Altman. The Motion Passed. 4-1. Ayes: Altman, Marlowe, Murphy, Starkey Nays: Davis

e First Reading, Ordinance No. 2019-2158: Amendments to Police Pension Ordinance RE: IRC Changes

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 which relates to certain pension benefits in regard to the Police Officers' Retirement System. She stated the ordinance is to effectuate changes to reflect certain changes to the Internal Revenue Code and its associated regulations as well as recent litigation.

The ordinance prescribes the following amendments to the pension plan:

1. Section 17-65, Maximum Pension, this section is being amended to correct a typographical error in subsection (h).
2. Section 17-65.2, Miscellaneous Provisions, is being amended to provide a provision for an approved method for locating terminated employees who are due benefits from the plan.

3. Section 17-65.13, Deferred Retirement Option Plan, corrects a typographical error concerning the crediting of interest or earnings to member DROP accounts. This section also removes language relating to the prevention of escheat since language is probably unenforceable under the state escheat statutes.

An evaluation was done completed by the City's actuary and the result was that there is no cost associated with the adoption of this ordinance. 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 first reading.

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

9 Business Items

a Appeal of Order to Demolish: 5242 Bougenville Drive

City Manager Manns stated this is a quasi judicial hearing. She then introduced Development Director George Romagnoli who then made a presentation to Council. He stated that the purpose of this agenda item was to appeal an order to demolish for 5242 Bougenville Drive. The property was condemned by the Building Official on July 9, 2019. Mr. Romagnoli then showed pictures of the property. An appeal was filed on August 23, 2019 by Laura Gordillo. She has submitted plans to rebuild the structure. The Building Official has reviewed and ruled that once complete it would take the building out of condemnation status. Upon opening the floor to public comment, Brent Venderley came forward and stated he will be purchasing the property. Deputy Mayor Starkey asked what flood zone the property is in. If it is in an "A" zone it looks like it was more than 50% destroyed so therefore it will need to be elevated. Mr. Venderley stated there was no fire that the damage was caused by water. He is proposing to take off the back room that was damaged as that was an addition. Deputy Mayor Starkey stated that if it is in an "A" zone we need to need to know the replacement cost and if it meets the 50% that we have obligations to the National Flood Insurance Program. Mr. Romagnoli stated Mr. Dryden is a certified floodplain manager and is part of the permitting process. If a permit could not be obtained because of the 50% rule then the conditions of the appeal would not be met. Mr. Venderley stated he was told that the cost under the the 50% rule was \$26k. Councilman Davis asked when was the proposed purchase. Mr. Venderley stated within three weeks of the waiving of the demolition order. Mr. Romagnoli stated the number that was given was an approximation because not everything in the construction cost is included in the construction amount to determine the 50% amount for repairs. It is more complicated than just a straight number. Councilman Altman asked if there were other pictures of the house besides the back damage. Mr. Romagnoli stated that the house was condemned because of the back damage. Councilman Altman stated when you are trying to remove a part of the property that is being valued and saying your are not going to rebuild that then what was a \$50k house is now a \$40k house and if you are trying to put in \$25k in a \$40k house then you are over the 50%. Deputy Mayor Starkey stated we are part of there are national guidelines we have to adhere by. We need to know what the replacement cost is of the building and get the estimates for the renovations and if that is less than 50% then we are good. City Attorney Driscoll stated the requirement is that there would be a building permit applied for within 30 days and obtained within 45 days and the permit will not be granted if requirements are not met. If permit cannot be issued then the structure will be condemned. City Attorney Driscoll stated it is up to the Building Official to follow those guidelines as the floodplain manager. Motion was made to approve the item with the conditions that a Building permit must be applied for within 30 days and approved within 45 days of City Council approval and that construction be completed with 9 months of an approved permit.

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

b Request for Funding for Cultural Affairs Committee RE: Sculpture Walk

City Manager Manns introduced Parks and Recreation Director Elaine Smith who then presented the item to Council. She stated that the purpose of this agenda item was to approve the recommendation from the Cultural Affairs Committee to create a Sculpture Walk in Sims Park and around Orange Lake. There will be 8 locations and they will be flush to the ground so there would be no tripping hazard. The sculptures will be on display for a year. The CAC will review all applications and once selected the artist will be required to secure the sculpture to the base. The total recommended cost for the project is \$15,000 to be paid over two fiscal years. The expenditures from the Cultural Affairs Committee Budget would be in the amount of \$8,600 in FY19/20 and \$2,400 in FY20/21. An expenditure of \$4,000 for the concrete platforms for the art displays would be funded out of the Public Art Fund Budget in FY19/20 only. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Murphy asked about liability if the sculpture is damaged. Ms. Smith stated that the artist assumes all of it. Councilman Davis asked about the pads and Ms. Smith stated we received three quotes and have gone with the lowest one. City Attorney Driscoll stated that since this spans over two years it will need to be budgeted for the following year. 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 Request for Funding for Cultural Affairs Committee RE: Magical Musical Holiday Event

City Manager Manns introduced Parks and Recreation Director Elaine Smith who then presented the item to Council. She stated that the purpose of this agenda item was to approve the recommendation from the Cultural Affairs Committee to fund the Magical Musical Holiday Event to be held in Sims Park, around Orange Lake and on Railroad Square on December 21, 2019. The event will include the Florida Orchestra, The Florida Big Band, Santa with toys for the children, Make & Take It Crafts, local musicians playing on a stage on Railroad Square, Children's Artwork on display around Orange Lake and a children's activity with the New Port Richey Library. The day will end with a musical act on the stage in Sims Park, Gary West, a Johnny Cash Tribute Band, playing from 7:00 p.m. - 8:30 p.m. The event was created to bring families into the downtown. The total recommendation for funding from the Cultural Affairs Committee for this full day event totals \$10,070. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey asked why the stage could not be used in Sims Park and Mr. Melton stated the Florida Orchestra will not play outside. Deputy Mayor Starkey also suggested naming the event the Magical Musical Christmas Event since Santa will be there. Mayor Marlowe stated asked if any consideration was given to feed the music over to the Sims Park circle and Ms. Smith stated she is working on that with IT. He stated this would be a good opportunity to use the video boards. Motion was made to approve the item with the amended name of the Magical Musical Christmas Event.

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

d Continuance of Street Cafes in Downtown Areas

City Manager Manns stated that dining decks were established back in 2018. There is one currently at Sip. There is currently an interest from The Social to establish a similar space. The program was adopted for 18 months as a pilot program. It is up to City Council to continue the program. Letters were sent to downtown establishments and two responses received were not in favor of it. Upon opening the floor to public comment, John Kane came forward and stated that he was a critic of this when the program first began but since then he has used it and it has brought an ambience to the area. It is a success and he would like to see it continue. Frank Starkey came forward and stated that he is very much in support of the program. There have been no safety issues. There is outdoor seating in most places throughout the downtown and that is a sign of vibrancy. Outdoor seating is always something you can use more of. Grand Boulevard has wide traffic lanes and smaller sidewalks which is the opposite of Main Street. He wanted to encourage Council to narrowing the travel lane on Grand. Gene Sullivan came forward and stated that parklets are a great idea but they shouldn't be on the street. He

stated that businesses who have them should be open at least six days a week. Lisa Bolster came forward and stated that the hours she is open are the hours she can do business. There are at least twenty plus spaces in the lot behind her and she pays rent and does not have signs to tow cars. In the city we are encouraging it to be a walkable city. She gives twenty spaces in her lot to the one space the parklet takes up. She stated that she has an extension of premises and a lease with the city and she can serve alcohol. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Murphy stated there has not been any issues. He stated there are two spots on the end for golf cart parking. Deputy Mayor Starkey stated he really likes it and hopes that The Social looks into putting one in. Councilman Altman stated Mr. Starkey commented months ago about the design plans on Grand and Mr. Casson came and addressed the concerns regarding senior citizens and one of the things we haven't included in the strategy is the potential when there are large events and people have to park far away that we will have to have a drop off point. This is still a temporary solution and something should be incorporated into the design plan and create a permanent space. The busier the city gets the harder it is going to parallel park on Grand. Councilman Altman spoke with the owner of Jimmy's about his opposition. We have been evolving on opening the city up more. We have to see what is happening and accommodate to it. Mayor Marlowe stated he talked with Joe at Boulevard Beef and we really do need to narrow that stretch of Grand. He would suggest we could start by looking at that area. There could be decent sidewalk opportunities for the restaurants and not take up parking spaces. Motion was made to approve the item as presented.

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

e Three Minute Report: Police Department

10 Communications

Mayor Marlowe stated he had a lunch meeting on Thursday with the Mayor of Port Richey and he expressed an interested in working closely on the underpass project and extending the multi-use path. He would like to see reciprocity with golf carts between the cities. Mayor Marlowe stated he contacted both state legislators offices and told them their idea to dissolve was a very bad idea.

Deputy Mayor Starkey stated he was asked to do an interview by Fox 13 on the underpass project. We are going through a dry season and he hopes we can get the water truck out to take care of the median landscaping. He wished Pasco Pride a successful event. He stated there should be nothing sexual in the park or downtown and the event should be about pride and love. He asked about the ways that municipalities can be dissolved. Councilman Davis stated it could be done by the voters or the state. City Attorney Driscoll stated he has never heard of that in over thirty years.

Councilman Davis stated he brought in ten shareholders from the Tourism Board and they did a walk about town. Most of them were from central or eastern Pasco.

Councilman Altman stated Tuesday, October 8th is the Gulf High School Homecoming Parade. We had the joint meeting at CARES and there were a couple of things that were asked including the CRA boundaries and analysis on tax basis. He did notice as well that Commissioner Oakley that the cities should have straight boundaries and Councilman Altman stated that it could square off at Trouble Creek. There was a comment made about the Sheriff asking to do combine dispatch. The most important thing is that we all work together. Dispatch has been an issue and may warrant to be looked at again.

Councilman Murphy stated he will make it to the homecoming parade. As far as the Port Richey thing it seems like a huge overstep in their authority. It is setting a really bad precedent. We need to address the issues downtown after hours. He would like to hear from some of the business owners.

City Attorney Driscoll stated that we are addressing the issue downtown and hopefully we will see an improvement with that situation. City Manager Manns stated she concurs.

11 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:14 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____