



**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 15, 2019  
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 p.m. Those in attendance were, Deputy Mayor Jeff Starkey, Councilman Peter Altman and Councilman Matt Murphy. Councilman Chopper Davis arrived at 7:43 p.m.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, Deputy City Clerk Joyce Haasnoot, 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, Technology Solutions Director Bryan Weed and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of September 24, 2019 Work Session and Special Meeting Minutes

Motion was made to approve the minutes as presented.

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

5. Approval of October 1, 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

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

Mayor Marlowe opened the floor for public comment. Kevin Vance Ray came forward and briefly

explained an issue he had with red light tickets regarding how tickets are issued and stated that he feels not allowing a jury trial to contest a ticket is a violation of his constitutional rights. Regan Weiss came forward and discussed a video he sent to City Manager Manns regarding city marketing services. He stated that rather than hire an individual person to market the city, the City should video marketing instead. The City can hire a marketing professional in house and work with a video production company. With no one else coming forward for public comment, 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 Library Advisory Board Minutes - August 2019
- b Purchases/Payments for City Council Approval
- c Consideration of Amendments to the FY19 Adopted Budget

8 Public Reading of Ordinances

- a Second 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 second reading on an ordinance to establish standards for new and used auto dealerships and defining the development elements of the dealerships. City Manager Manns discussed the previous 180 day moratorium and discussions the City has had with property owners since the moratorium. Upon opening the floor to public comment, Steve Booth came forward and stated he is an attorney for a dealership located on U.S. 19 & Luna Vista. His concern is that car lots are being singled out when many other businesses along U.S. 19 have the same standards and look. He also noted, if you put in landscape buffers as required in the ordinance, you would also need irrigation. This ordinance does not specifically mention irrigation, but it will be necessary. Mr. Booth explained that the expense a business would incur to put in irrigation and landscaping for this requirement will cause an undue hardship as well as take up a large portion of the property. City Manager Manns stated that irrigation is required and irrigation requirements are already included in the City's landscape ordinance. In regards to Mr. Booth's comments that dealerships are being targeted, it is untrue. Standards for dealerships are being put into place because the dealers are prominently located along the commercial corridor and need to have appropriate stewardship. The auto dealers along U.S. 19 must provide customer parking and their cars are regularly on display, they draw attention and as such must follow specific standards.

Robert Kalo came forward and stated his dealership is not located directly on U.S. 19 and wanted to confirm if his dealership or any dealership not located on U.S. 19 must conform to the ordinance. City Manager Manns informed Mr. Kalo that he is not exempt. The ordinance covers any dealership located within the highway zoning district. City Attorney Driscoll explained that there was one change made to this second reading based on comments at first reading to include online auto sales. If there are no vehicles on site it is not deemed a vehicle dealership and if a dealer is strictly online auto sales then it is exempt. Councilman Davis stated that auto dealers are not being singled out. The City has dealt with motels along U.S. 19 and a landscaping business. With no one else coming forward Mayor Marlowe returned the floor to Council. Mayor Marlowe asked if there will be grant funds available to assist dealers. City Manager Manns stated that there will be funding available, it may come the tree fund rather than CRA. Motion was made to approve the revised ordinance upon its second and final reading to include online sales.

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

b Second Reading, Ordinance No. 2019-2168: Rezoning of 7908 Rutillio Court

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 to rezone the .93 acres at 7908 Rutillio Court from C2 to Light Industrial. Rezoning is to accommodate a metal fabrication business. LDRB voted in favor of the rezoning at their meeting September 19th. First reading was approved October 1st. 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 Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

c Second 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 second 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. 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

d First Reading, Ordinance No. 2019-2170: Rezoning of 5406 Cotee Rive Drive from R-1 Residential District to R-2 Residential District

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the applicant would like to divide the property into two parcels. The existing structure would remain, and a new structure would be built on the new parcel. The R-1 Zoning District requires a minimum lot size of 7,500 square feet. The existing lot size is 13,068, so that is not allowed under the existing zoning. However, the R-2 Zoning District requires only 5,000 square feet, so that is why a rezoning is requested. This matter was not recommended for approval by the LDRB at their September 19th meeting. City Attorney Driscoll said in looking at the zoning map the location is not adjacent to any other R2 zoned properties or higher intensity areas and could be considered spot zoning. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Starkey stated it is completely surrounded by R1 and does not see how another dwelling could go on property. Councilman Murphy agreed and stated he does not want to clutter the area. Councilman Altman stated he would vote against the rezoning, however he believes if based on the size of the lot since it's just under the size of two lots it would not cramp the lot and it could be a valid use, but it doesn't fit the existing code so he will vote against the re-zoning. Motion was made to deny the ordinance upon its first reading. City Attorney Driscoll stated by denying the ordinance at first reading there would not be a second reading on this matter.

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

e First Reading, Ordinance No. 2019-2165: Amendments to Firefighters' 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 Firefighters' Retirement System. Changes are due to IRS Codes in addition to advancing a benefit relating to firefighters cancer presumption which is a law that recognizes 21 forms of cancer impacting a firefighters. This was not included when the ordinance originally passed. There is no financial impact to the city for any of the changes. 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 Pete Altman and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Starkey Absent: Davis

f First Reading, Ordinance 2019-2173: Amendments to Placement of Yard Debris Ordinance

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 amends the placement of yard debris. The City provides a yard debris collection service for all residential properties in the City. As City Council is aware this service is abused in several different ways. Illegal dumping, unlicensed contractors, and lot clearing are a few of the issues that City staff has to deal with on a continuing basis. A review of the existing ordinance has identified deficiencies and the need to amend the ordinance to assist staff in reducing the abuse of this service. Public Works Director Robert Rivera stated that the draft of the ordinance will have additions made before second reading. The City Attorney added vegetative yard debris to the verbiage and the 34 inch diameter measurement that is stated in the ordinance will be changed to an 8 inch diameter. Public Works Director Robert Rivera then presented the items in the ordinance that had been changed. Changes included amendments to illegal dumping, removal of added requirements for all private contractors removing debris be licensed, addition of yard debris maximum pick up size, any pick up of cut down trees must have circumference sizes of an 8 inch diameter or less. The designated community pile location guidelines were discussed. Placement of vegetative yard debris can only occur from sunrise to sunset, deletion of the monetary reward for anyone providing information that results in a violation. Public Works Director Rivera listed areas that piles may be placed; in front of your house, adjacent to house, have contractor haul away or place in an alley if you have. Upon opening the floor to public comment, John Kane came forward and asked for clarification on the location of yard debris. Public Works Director Rivera stated locations to place debris would need to be in the right-of-way against your property line. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Starkey asked if anything prohibits dumping in public right-of-way in front of city parks. As an example, Councilman Starkey discussed the dumping done by residents in front of Jasmin Park. Councilman Starkey asked that verbiage in regards to dumping in front of city parks be added to the ordinance before second reading. Councilman Altman would also like to see restrictions on dumping at city parks. 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

9 Business Items

a Approval of Agreements with Southern Road and Bridge RE: Stormwater Erosion Control and Culvert Replacements

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 agreements from Southern Road and Bridge for stormwater erosion control measures and for stormwater culvert replacements. The agreements include the same conditions and unit pricing as the current Pasco County agreements and are in amounts not to exceed \$4,567,261.25 and \$6,952,464.00. 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

b Consideration of Disposal of Surplus Property for Auction

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 declare seven vehicles as surplus property so they may be sent for donation and auction. Six vehicles would be sent to auction and the remaining vehicle, a 2009 Ford Crown Victoria, would be donated to Pasco Hernando State College to be used in the Law Enforcement Academy's driver training program. 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 Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

c Three Minute Report: Parks and Recreation

10 Communications

Deputy Mayor Starkey discussed large events and the damage they do to Sims Park. He showed several photos of weeds and dead grass and broken sidewalk concrete. He stated he would like a work session regarding special events. The City needs to take into account how the park will recover from large events and the damage it causes when allowing large events. Deputy Mayor Starkey showed a video of a performer during the recent Cotee River Bikefest. The performer used offensive language onstage and Deputy Mayor Starkey stated that he believes performers need to be more conscious of what is appropriate while on stage in front of the public. He confirmed that his issues are not specifically with Bikefest or any of the events and that his main concern is the preservation of Sims Park. Deputy Mayor Starkey stated he wanted to make sure that any business hanging signs or advertisements, even temporary, get permits that allow them to do so.

Mayor Marlowe discussed home rule and the legislation attempting to ban home rule. He sent an article regarding power outages in California to City Manager Manns and asked it be sent to each of the Council members. Mayor Marlowe discussed street closures for large events, during Bikefest the local businesses did not get proper notice. The City needs to clarify the procedure for getting notices out and this should be a discussion topic for the work session.

Councilman Altman agreed with Deputy Mayor Starkey's comments and would like to have a work session in regards to large events. He stated he worked with the Florida Redevelopment Association staff and they created a 3D model of the corner at U.S. 19 & Main Street free of charge for the City and he would like to bring in a representative from FRA to make a presentation at a future meeting. Councilman Altman would also like to discuss political activity during events at the work session.

Councilman Murphy agreed that a work session should be scheduled regarding special events. He agreed with Deputy Mayor Starkey that for any banners or advertisements a temporary permit must be applied for and issued.

Councilman Davis stated he is proud of how well we host different varieties of events.

City Manager Manns agreed that event organizers need to apply for and receive all required permits and entertainers need to be cleared. City Manager Manns stated we need to be more liberal in blackout dates so the park has time to recover and we need to consider increasing security deposit requirements.

11 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:43 p.m.

(signed) \_\_\_\_\_  
Joyce Haasnoot, Deputy City Clerk

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

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