



**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**

**November 5, 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 7:05 p.m. 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, 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, Human Resources Manager Bernie Wharran and Lt. Lauren Letona.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of October 15, 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. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

5. Proclamation - Home Care Month

Mayor Marlowe presented the parchment to Melissa Fahy.

6. Proclamation - World Pancreatic Cancer Day

Mayor Marlowe read the proclamation by title only.

7 Proclamation - Alpha-1 Awareness Month (By Title Only)

Mayor Marlowe read the proclamation by title only.

8 Proclamation - Cosimo "Gus" DePietto 100th Birthday (By Title Only)

Mayor Marlowe read the proclamation by title only.

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

Mayor Marlowe opened the floor for public comment. Victor McCleskey came forward and read a Bible passage. Wally Blain from Tindall Oliver and Tania Gorman from Pasco County MPO came forward to speak about a December 11th meeting for the MPO Pasco 2045 Long Range Transportation Plan. Rick Summer came forward and stated that his new business will include a lot of outdoor seating. He was told by the DRC that seating would be done in two phases. City Manager Manns stated that it can be done at the same time if the plans are submitted together. Justin Beamon from Get Outside stated he was told by Code Enforcement that they could not have an outdoor display. He asked what could be done to let people know what they are doing. City Manager Manns stated she would follow up. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

10 Consent Agenda

Motion was made to accept the Consent Agenda.

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

a Parks and Recreation Advisory Board Minutes - September 2019

b Cultural Affairs Committee Minutes - September 2019

c Police Pension Board Minutes - August 2019

d Purchases/Payments for City Council Approval

11 Public Reading of Ordinances

a Second Reading, Ordinance No. 2019-2155 Conditional Use 5780 Main Street for eCarve, LLC

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 grant a conditional use for eCarve LLC to sell and rent scooters at 5780 Main Street. The conditions stated in the ordinance are as follows: operation of the apparatus shall not occur a half hour after sunset, riders under the age of 18 must be accompanied by an adult at all times and test drives and or training shall be precluded from occurring on Main Street. The ordinance also provides for the requirement for a Use Agreement as the applicant plans to use the Verizon parking lot for testing/training on the operation of the scooters and one-wheel electric skateboards and an additional liability insurance policy be in place for a sum of one million dollars.

Upon opening the floor to public comment, Andy Bryant came forward and stated the electric scooters would be a good solution to parking problems. He would like to see the time limit extended. Doug Addison came forward and stated he has been coming downtown on scooters and has had no issues. It is a great way to get families downtown. Bob Smallwood came forward and stated he likes the ideas of scooters. He stated there should be some flexibility on the time they can be used. He asked if this ordinance only covers rentals or anyone that brings their scooter downtown. Scott Carbone came forward and asked for the time limit to be extended. Justin Beamon stated that it is not going to be a

scooter dump. They all leave and come back to the same place.

With no one else coming forward Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey stated he was just in downtown Tampa and there were scooters everywhere. City Attorney Driscoll stated this ordinance would apply to just this business. He stated the sunset provision only applies to the rental and tours. Mr. Carbone stated it would not be financially feasible to move forward with the current time constraints. Deputy Mayor Starkey stated the ordinance can always be amended in the future. Councilman Murphy asked if there will be reflectors on the helmets and Mr. Carbone stated yes. City Attorney Driscoll stated once the conditional use is granted it cannot be taken away. Councilman Altman stated that downtown gets a bit crazy as it gets later into the night. Councilman Davis stated that the scooters are being operated on the streets as well as sidewalks. He has a problem with them being operated on sidewalks with the cafes. He has an issue with pulling in and out of parallel parking. He stated he does not want the training to be in a parking lot with cars. City Attorney Driscoll stated that Council does have the right to restrict where scooters can be operated in the city and where they can be ridden. City Manager Manns stated if the conditional use permit is approved the Police Chief will be coming up with guidelines. Councilman Davis suggested tabling the item until the guidelines are complete. Deputy Mayor Starkey stated he would not support tabling this item. You ride at your own risk. Motion was made to approve the ordinance upon its second and final reading with use allowed until 8:30 p.m.

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

b Second 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 second reading on an ordinance which relates to certain pension benefits in regard to the Firefighters' Retirement System. The ordinance prescribes the following amendments to the pension plan:

1. Section 17-38, Board of Trustees, this section is being amended to change the term of office to four-years for the two resident trustees appointed by City Council, unless sooner replaced by the City Council (the current term for resident trustees is two years). The two firefighter trustees elected by plan members and the fifth trustee, who is selected by the other four trustees, currently serve four year terms. The proposed change would make the terms of resident trustees the same as the firefighter and fifth member trustees.
2. Section 17-43, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension in the event that they have resigned or their employment is terminated. The ordinance provides that a member who is terminated for medical reasons may apply for disability benefits within 30 days following termination, but adds a more comprehensive provision on eligibility for disability benefits.
3. Section 17-43(b)(3) Firefighter Cancer Presumption, is being amended to provide for a cancer presumption for firefighters diagnosed after July 1, 2019.
4. Section 17-50, Maximum Pension, this section is being amended to correct a typographical error.
5. Section 17-50.2, Miscellaneous Provisions, this section adds a new subsection concerning missing benefit recipients.
6. Section 17-50.17, Deferred Retirement Option Plan, this change amends the deferred retirement option plan (DROP) to remove a subsection concerning the prevention of escheat. Under state law, unclaimed retirement benefits are subject to recovery by the State Treasury pursuant to Chapter 716, Florida Statutes. This change is based on the fact that the language proposed for removal is unenforceable under the state escheat statutes.

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

c Second Reading, Ordinance No. 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 second reading on an ordinance amending the placement of yard debris. Language was inserted into the ordinance stating that no vegetation or vegetative yard debris pile shall be located on the City's right of way adjacent to a City Park and that trees must be less than six feet for collection. Upon opening the floor to public comment, John Kane came forward and asked if there will be a change in the location where to place the debris. He currently puts it on the other side of alley. City Manager Manns stated that there are no changes to location. Bob Smallwood came forward and stated that he does not like the yard debris piles. He stated that bigger cities have designated yard pickup days. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Altman stated that it is a service that is expected. There can be discussion on how to improve it. The primary purpose of the ordinance is to stop people coming in from outside areas and dumping in city limits. Deputy Mayor Starkey stated there are unsightly piles in the city. This ordinance is a start. Councilman Davis stated he would like to see the fine increased to help deter it. Motion was made to approve the ordinance upon its second and final reading.

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

12 Business Items

a Variance Application: 5913 Louisiana Avenue, Mark Wicks

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to consider a variance application in respect to a 7-foot reduction in the rear yard setback requirement for a 0.17 acre parcel of property located at 5913 Louisiana Avenue. The applicant wishes to relocate the existing shed and above ground pool. More specifically, the applicant is requesting a 7-foot variance to reduce the rear (north) setback, along Georgia Avenue from 25 feet to 18 feet. The DRC upon review of the request and appropriate variance criteria, did not feel that a hardship had been demonstrated by the applicant. However, the LDRB determined that the front setback based on double frontage was a hardship therefore it is up to Council to make a final determination. She stated that this was a quasi-judicial matter. Council disclosed that there were no ex-parte communications. Upon opening the floor to public comment, Harold McCallus came forward and stated with the setback they cannot use their backyards. He has a shop in his backyard and he was restricted on the size due to the setback. Maureen Welch came forward and stated she has no issues with the request. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Davis asked if the LDRB came up with a set amount and City Manager Manns stated they directed staff to make a recommendation. Motion was made to approve the variance as requested.

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

b Main Street Landing Agreement Addendum No. 3

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve Main Street Landing Agreement Addendum No. 3. The addendum would extend the Agreement for another 60 days to January 9, 2020. Councilman Altman disclosed he had a conflict of interest with this matter and would abstain from voting. 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 Jeff Starkey. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Murphy, Starkey Abstain: Altman

c Annual Membership Drive - Recreation & Aquatic Center

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 annual membership sale for the Recreation and Aquatic Center. The Membership Drive would take place from December 15, 2019 until January 18, 2020 to encourage new membership purchases and for membership renewals. Staff is further recommending a one day early bird sale event where Annual Memberships would be offered at 30% off the regular cost only during the event on December 6, 2019 from 5PM-8PM. Upon opening the floor to public comment, Bob Smallwood came forward and suggested that it should be 50% instead of 30%. City Manager Manns stated that she took Mr. Smallwood's previous comments seriously and a recommendation will be advanced from the Parks and Recreation Advisory Board. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Altman stated we cover a large area with our recreation center. He would like to see if calculations can be done of what city residents have paid to the County. Councilman Murphy stated the promotional memberships are only for a year and after that they would be assessed the regular city resident rate. Councilman Davis asked if the current members have been notified and Ms. Smith stated no advertising has been done until the item is approved. 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 Automatic Aid Agreement with the City of Port Richey

City Manager Manns introduced Fire Chief Chris Fitch who then presented the item to Council. He stated that the purpose of this agenda item was to authorize the City of New Port Richey Fire Department to enter into an Automatic Aid Agreement with the City of Port Richey Fire Department for structure fire response. By entering into this agreement, it will help to increase the City's ISO rating. 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

e Rejection of Bid and Project Award – ITB20-002 2019 Fuel Pump Canopy Replacement Project

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to consider for rejection the bid received from Sarlo South LLC in the amount not to exceed \$197,000 for the 2019 Fuel Pump Canopy Replacement Project. The sole bid was well over the budget for this project. Staff will now incorporate this project into the overall 2019 Fleet and Utility Purchasing Warehouse-Building Construction, Material and Equipment Storage Improvements Project. 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 Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

f 2017/2018 Street Improvement Project – Change Order No. 1

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 change order submitted by Ajax Paving Industries of Florida, LLC. in the amount not to exceed \$1,623,513.61 for the

2017/2018 Street Improvement Project. In an effort to expedite the 2018/2019 Street Improvement Project, City Council recommended that staff add the project as a change order to the 2017/2018 Street Improvement Project. As a result of the change order, the project time frame would be expedited by eliminating the bid phase and contract phase. This would result in a reduction of consultant fees. Finally, the change order would avoid a possible increase in construction cost due to inflation and the economics of an energy based project if the bidding phase commenced in January of 2020. Streets included in this change order include: Main Street from US Hwy 19 to Old Main Street, Main Street from Southtowne Loop to Sea Forest Drive, Lincoln Street from Missouri Avenue to Montana Avenue, Kentucky Avenue from River Road to Cul-de-sac, Vermont Avenue from River Road to Cul-de-sac, Gulf Drive from US Hwy 19 to City Limits west, Palmetto Road from US Hwy 19 to Mandy Lane, Meadowlane Street from Aspen Street to George Street, Oak Ridge Avenue from Grand Boulevard to Louisiana Avenue, Rio Drive from Tennessee Avenue to Illinois Avenue, Riverview Drive from Oakridge Avenue to Grand Boulevard, and Queens Lane. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Mayor Marlowe was advised by the City Attorney that he had no conflict with this matter since his home is on one of the streets listed. Councilman Murphy stated his street is also included. 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

g Request to Purchase Mid-Sized Rider Sweeper for Stormwater Utility

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the purchase of purchase of one Tennant Mini Sweeper from WW Grainer, Inc. in an amount not to exceed \$45,298.00. Mr. Rivera stated this equipment will mainly be utilized by the Stormwater Utility to perform several different types of maintenance tasks where conditions do not allow the existing street sweeper to be operated. This includes the sidewalks around and in Sims Park, sidewalks around Orange Lake, multi-use paths, City owned parking lots, and during special events where road closures conditions are not conducive for the operation of the City's street sweeper. 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 Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

h Request to Purchase Mid-Sized Excavator for Sewer Collections Division

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the purchase of purchase of one 55Z-1 Midi Excavator. Mackinnon/JCB Incorporated in an amount not to exceed \$59,128.80. Mr. Rivera stated this equipment will mainly be utilized by the Sewer Collections Division to perform several different types of maintenance tasks where conditions do not allow existing larger pieces of equipment to be operated. This includes dig ups for gravity line repairs in easements located between and at the rear of building structures. In addition, this piece of equipment will be available to all other divisions in the Public Work Department. Maintenance activities such as stormwater culvert repairs, water and reclaimed distribution pipe repairs, and irrigation line repairs. 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

i Request to Purchase Public Works Maintenance Trucks

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the purchase of purchase of one one 2020 F550 diesel utility service truck for the Water Distribution Division in an amount not to exceed \$63,681 and one 2020 F550 diesel utility service truck with crane for the Sewer Collections Division in an amount not to exceed \$84,279 from Palmetto Ford Truck Sales. Staff is also requesting that City Council approve the purchase of one

2020 F250 pickup truck with service body for the Stormwater Utility Division in an amount not to exceed \$41,699, two 2020 F250 pickup trucks with service bodies for the Ground Maintenance Division in an amount not to exceed \$83,398, and one 2020 F250 pickup truck with a regular body for the Construction Services Division in an amount not to exceed \$34,893 from Bozard Ford. All of the pickup truck purchases are new additions to the City's existing fleet. 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

j Three Minute Report: Economic Development

13 Communications

Mayor Marlowe stated the Family Fun Day was a great event. He was disappointed to see a food truck on the new sod. The Fall Cleanup Day was a great event. He stated he wanted to point out that we have a very diverse community. He celebrates the diversity we have. He set up a table for the Trick-or-Treat (TOT) event in the courtyard of the Hacienda. Mr. Gunderson stopped by and was amazed with the downtown activity. He stated he has pre-filed for re-election.

Deputy Mayor Starkey thanked Rock the Boat for the TOT event downtown. It was well attended. He thanked staff for the new sod in Sims Park. He asked for police staff to look into participating in the upcoming holiday golf cart ride as there were over 90 carts that participated in the event last year.

Councilman Davis stated the Wine Stroll is just about sold out. He had a great time downtown at the TOT event.

Councilman Altman stated the discussion earlier about pervious sidewalks reminds him of the resiliency efforts and there is a forum in January in Pinellas County. He stated it is worth looking at. Hopefully we can embrace resiliency and drainage with the argument of paving and maintaining the assets of our city and alleys are an important feature. He got his inspection done for his golf cart. He would like to see inspections done in advance of the deadline. The MPO discussion that was brought up for December 11th he would like to get some feedback on projects and advocacy. Deputy Mayor Starkey stated that is for long-range planning. Deputy Mayor Starkey suggested that after the December meeting we should invite the head of MPO to give an overview of what is happening.

Councilman Murphy also wanted to give kudos to Rock the Boat for the TOT event. He looks forward to seeing what they will do in the future.

14 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:29 p.m.

(signed) \_\_\_\_\_  
Judy Meyers, CMC, City Clerk

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

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



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, PETER A. ALTMAN, hereby disclose that on NOVEMBER 5, 20 19 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of Main Street Landing, LLC, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.


(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*Item 12 b - Main Street Landing Addendum #3*

*I provide services to the company, that owns the project and am anticipating employment in the future.*

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11/5/19  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Office of the Mayor  
City Of New Port Richey  
**Proclamation**

**TO BE  
DISTRIBUTED  
ITEM #8  
BY TITLE ONLY**

***WHEREAS,** Cosimo "Gus" DePietto was born on November 13, 1919 to Dominick and Louise DePietto; and*

***WHEREAS,** Cosimo enlisted in the U.S. Army where he became a Captain in the Army Air Corps and faithfully served his country during World War II; and*

***WHEREAS,** while he was stationed at Fort Dix Air Base he met his wife, Catherine, when they both were chaperones at a dance; and*

***WHEREAS,** the couple raised three beautiful daughters; and*

***WHEREAS,** after his Army days, Cosimo owned and operated five record stores on Long Island before moving to Florida in 1975 and becoming a stock broker; and*

***WHEREAS,** Cosimo will celebrate his 100<sup>th</sup> birthday on November 13, 2019 with family and friends at a party at Brookdale New Port Richey where he resides.*

***NOW, THEREFORE,** I, Rob Marlowe, Mayor of the City of New Port Richey, do hereby wish*

*Cosimo "Gus" DePietto*

*best wishes on his 100<sup>th</sup> birthday and congratulates him on reaching this momentous milestone.*



*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_