



**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 7, 2020  
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 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 Charles Rudd, Public Works Director Robert Rivera, Library Director Andi Figart, Parks and Recreation Director Elaine Smith, Development Director Earl Hahn, Technology Solutions Director Bryan Weed and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of December 10, 2019 Work Session 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. Approval of December 17, 2019 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

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

6 Proclamation - Arbor Day

Dell deChant accepted the parchment from Mayor Marlowe.

7 Presentation on the 2020 Census

This item was withdrawn.

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

Mayor Marlowe opened the floor for public comment. Marilyn deChant came forward to announce that she has been appointed as the Chair for the MPO CAC. She stated she has been on the CAC for over twenty years. She highlighted some of the duties and projects of the CAC. Chris Lineman came forward to speak about parking on the grass within city limits, speeding along Indiana Avenue and the watering done by the hospital. John Kane came forward and stated that the Environmental Committee is making recommendations on accessory parking. He stated the other thing to look at is an additional stop sign on Madison somewhere between Main and the hospital to slow the traffic down. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

9 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 - November 2019

b Purchases/Payments for City Council Approval

10 Public Reading of Ordinances

a First Reading, Ordinance No. 2020-2177: Conditional Use Application for 5707 Main Street (eCarve LLC)

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Development Director Earl Hahn who then presented the item to Council. He stated that the purpose of this agenda item was to conduct a first reading of Ordinance No. 2020-2177 for a conditional use permit for 5707 Main Street for eCarve LLC. City Council previously granted a conditional use for eCarve LLC on November 5, 2019 however the applicant has since expressed interest in moving to a different location. On December 5, 2019 the DRC recommended denial of the application as it is inconsistent with current LDC provisions. City Manager Manns stated that if Council approved this request the conditions in the previous conditional use permit would apply to the new location. Upon opening the floor to public comment, Scott Carbone came forward and stated he would be in the original location for the remainder of this month before moving to the new location. He stated he opened on December 6th at the current location and there has been much interest. He stated he has not have any problems or incidents reported to date. He stated he sold over 12 scooters in the first month. With no one else coming forward Mayor Marlowe returned the floor to Council. City Attorney Driscoll stated this will not include tours and that scooters can still be regulated by City Council. He stated if there are any concerns about the conditions that are being recommended that now is the time to address them. Mr. Carbone stated he would like to have the time extended to 9:30 p.m. and also the have the age reduced from 18 to 16 to rent and from 15 to 13 to use if chaperoned by an adult. Councilman Altman stated that he understands the concerns but the new location does provide an opportunity to Sims Park. Councilman Davis stated his concerns are over safety. City Attorney Driscoll stated there is no basis for liability against the City. Councilman Davis stated he would like to have time restricted to half hour after sunset. Councilman Davis then gave several examples he has witnessed with the misuse of the scooters. He stated he would like to prohibit the scooters from Main

Street and Grand Boulevard. Councilman Murphy stated he has not heard any negative comments from anyone. Motion was made to approve the ordinance upon its first reading with the time changed to one hour before sunrise and one hour after sunset.

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

b First Reading, Ordinance No. 2020-2176: Future Land Use Map Amendment for 5432 Acorn Street

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Development Director Earl Hahn who then presented the item to Council. He stated that the purpose of this agenda item was to conduct a first reading of an Ordinance for a Small-Scale Future Land Use Map (FLUM) amendment to change the land use designation of an 0.277 acre parcel located at 5432 Acorn Street from Low Density Residential (LDR-5) to Downtown. Mr. Hahn stated that the DRC recommended denial as the request was inconsistent with Downtown future land use classification and that it introduced too intensive uses into an established low-density residential area along River Road. Both the DRC and LDRB recommended denial of the application Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. This was a quasi-judicial matter. Council stated they had no ex-parte communications. City Manager Manns stated the applicant was interested in establishing the property for retail use. Deputy Mayor Starkey stated he had hoped the applicant had a specific business in mind. Councilman Altman suggested having the Economic Development Director go and talk to the owner about business opportunities. Councilman Murphy stated if you want to change the zoning there should be a plan. Motion was made to deny the ordinance upon its first reading.

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

c First Reading, Ordinance No. 2020-2175: Rezoning for 5432 Acorn Street

City Attorney Driscoll read the proposed ordinance by title only. Motion was made to deny the ordinance upon its first reading.

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

d Second Reading, Ordinance No. 2020-2178: Amendments to Uniform Fine Schedule

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 of Ordinance No. 2020-2178 which amends Ordinance No. 2000-1546 regarding the Uniform Fine Schedule for City Code violations. 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

11 Business Items

a Interlocal Agreement with Pasco County Property Appraiser for Collection of Non-Ad Valorem Assessments

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to authorize entering into an Interlocal Agreement with Gary Joiner in his capacity as the Property

Appraiser of Pasco County in regard to the placement of code enforcement liens on the tax bills through the uniform method of tax collection. City Council approved using the uniform method of collection relating to code enforcement fines at its December 17, 2019 regular meeting. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Davis asked how long the letter process was. City Manager Manns stated that it was around a four month period of time. By placing them on the tax bill provides security as collection has been difficult in the past. Councilman Altman asked if there were other fines that the city may want to collect on or are they only for code enforcement fines. City Attorney Driscoll stated this is only for code enforcement fines and demolition liens. Councilman Altman asked that we review the outstanding fines to see if this is a viable option for other fines. 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

b Interlocal Agreement with Pasco County Tax Collector for Collection of Non-Ad Valorem Assessments

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to authorize entering into an Interlocal Agreement with Mike Fasano in his capacity as Pasco County Tax Collector in regard to the placement of code enforcement liens on the tax bills through the uniform method of tax collection. City Council approved using the uniform method of collection relating to code enforcement fines at its December 17, 2019 regular meeting. City Manager Manns stated that the Tax Collector will charge a 2% surcharge for the collection of the fines. 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 2017 Wayfinding Project Phase 2 – 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 Poblocki Sign Company, Inc. in an amount not to exceed \$50,991. Items covered include additional posts and bases added to the City stock inventory to be used as replacements when posts are damaged out in the field, a Sims Park kiosk sign, letter modifications, a gateway monument sign located at Main St. and US Hwy 19, and an LED board added to the monument sign located at Main St. and River Rd. The change order also includes a contingency of \$10k. 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

d Resolution No. 2020-04: Supporting SB182 Re: Regulation of Auxiliary Containers, Wrappings or Plastic Bags or Use or Sale of Polystyrene

City Attorney Driscoll read the proposed resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a resolution supporting SB182 regarding the regulation of auxiliary containers, wrappings or plastic bags or use or sale of polystyrene. Upon opening the floor to public comment, John Kane came forward to encourage Council to support this resolution. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

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

e Resolution No. 2020-06: Authorizing Interfund Loan Between the Water & Sewer Fund and the CRA

City Attorney Driscoll read the proposed resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to authorize an interfund loan between the Water & Sewer Fund and the Community Redevelopment Agency. The interfund loan would be used to fund the purchase of the former Walgreens property located at 6300 US Highway 19. She stated that on September 24, 2019 the CRA Board authorized the purchase of the property and a purchase agreement was entered into on October 29, 2019 for \$1,750,000. Staff is requesting that the purchase be funded through a 3-year interfund loan from the City's Water & Sewer Fund, in the amount of \$1,700,000. \$50,000 will be paid with available CRA funds. The interest rate paid on this loan will be 1.8%, based on the analysis and repayment plan done by Ford & Associates, the City's Financial Advisors. The term will be three years, but the loan can be repaid any time during that period. Upon opening the floor to public comment, no one came forward 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. 4-1. Ayes: Altman, Davis, Marlowe, Murphy Nays: Starkey

f Three Minute Report: Finance

This item was deferred until the January 21, 2020 City Council meeting.

12 Communications

Mayor Marlowe stated that he attended the resiliency conference today with Councilman Altman. It was featured on WUSF. The resiliency is discussing what local governments are doing regarding climate change. He stated that he agreed with comments during Vox Pop that parking regulations need to be enforced. He stated the only place he can think of a four-way stop sign is at Madison and Central as it is a blind corner.

Deputy Mayor Starkey stated The Social has brought quality to our downtown. In regards to comments at Vox Pop, he would like to see a level of service. He stated he has seen many bikes chained to sign posts and it does not look nice. He asked if there was anything we can do to limit how long that bikes can be left. City Manager Manns stated we will be more proactive.

Councilman Davis wished everyone a Happy New Year. He was over in Mt. Dora and will bring pictures to share with everyone at an upcoming meeting.

Councilman Altman stated he was on the rooftop deck of The Social and it gave a great perspective of the city. He stated there are grant opportunities to expand our boat ramp. He would like to refer the boat ramp area to the CRA. The properties near the boat ramp may be available. It may be time to discuss a public-private partnership for the boat ramp area to increase revenue.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:24 p.m.

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

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

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

**ORDINANCE #2020-2177C**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR APPROVAL OF A CONDITIONAL USE FOR A SCOOTER AND ONE-WHEEL VEHICLE SALES RETAIL AND RENTAL STORE IN THE DOWNTOWN ZONING DISTRICT FOR THE PROPERTY LOCATED AT 5707 MAIN STREET, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR ANY NECESSARY CONDITIONS ON SAID USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of New Port Richey adopted Ordinance #2019-2155 on November 5, 2019 granting approval of a conditional use for a scooter and one-wheel vehicle sales retail and rental store, known as “eCarve LLC”, located at 5780 Main Street;

WHEREAS, the owner of eCarve LLC does not intend to operate the business from 5780 Main Street;

WHEREAS, Scott Carbone, owner of eCarve, LLC, desires to operate a scooter and one-wheel sales retail and rental store at a different location;

WHEREAS, the City of New Port Richey has received an application for a conditional use by Scott Carbone, owner of a business known as “eCarve”, a scooter and one-wheel sales retail store to be located at the property at 5707 Main Street, New Port Richey, Florida, as shown on Exhibit A, and more particularly described as follows:

**CITY OF NEW PORT RICHEY LOTS 6, REPLAT OF BLOCK 1 AVERY-SIMS SUBDIVISION, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 5, PAGE 10, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA**

(Parcel ID: 05-26-16-0010-00100-0060)

WHEREAS, the applicant has submitted a written application for a conditional use in the City’s Downtown Zoning District, identified as CU2019-02;

WHEREAS, a public hearing was held in accordance with the Land Development Code and the Florida Statutes;

WHEREAS, notice of this ordinance has been provided as required by law;

WHEREAS, the City's Development Review Committee has reviewed this conditional use and recommended denial;

WHEREAS, the City Council having heard and considered all written comments, objections and affidavits in favor of and in opposition to the proposed conditional use;

WHEREAS, the City Council hereby finds that approving this conditional use will not adversely affect the public interest, that it is consistent with the purpose and intent of the Land Development Code and the Comprehensive Plan of the City of New Port Richey;

WHEREAS, the City Council hereby finds that the subject use would contribute to the revitalization of the Downtown Zoning District, that the use would be compatible with the district's character and that the proposed use is compatible with other uses allowable by right in the district; and

WHEREAS, the City Council has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the City;

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:**

SECTION I. The above applicant is hereby approved for a conditional use development order in the Downtown Zoning District for the following use at the above-described property:

Retail sales and rentals of electric scooters and single-wheeled personal transportation devices (hereinafter "vehicles"), subject to the following conditions:

1. No vehicles shall be rented or let to minors unaccompanied by an adult;
2. No test drives or training on vehicles shall be conducted or allowed on Main Street or the public right-of-way or sidewalk on Main Street;
3. No test drives or training on vehicles shall be conducted in any City property, unless and until approved by the City Manager and the applicant has fully executed an indemnity agreement approved by the City manager and provided proof of general liability insurance in the amount of no less than one million dollars (\$1,000,000), naming the City as an additional insured, which insurance shall be maintained at all times as a condition of said approval;
4. Property liability insurance shall be maintained on rental vehicles;
5. All vehicles shall be returned to the business no later 8:30 p.m. each day; and
6. No rentals shall be made of vehicles later than 8:30 p.m. each day.

SECTION II. This Ordinance shall become effective as provided by law.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 7<sup>th</sup> day of January, 2020.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 21<sup>st</sup> day of January, 2020.

ATTEST:  
(SEAL)

CITY OF NEW PORT RICHEY,  
FLORIDA

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Judy Meyers, City Clerk

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Rob Marlowe, Mayor – Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

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Timothy P. Driscoll, City Attorney

# EXHIBIT A

