



**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**

**August 4, 2020
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 Chopper Davis, Councilman Peter Altman and Councilman Matt Murphy.

Also in attendance were City Manager Debbie L. 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, Development Director Earl Hahn, 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 July 21, 2020 Work Session and Regular Meeting Minutes

Motion was made to approve the minutes as presented.

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

5. Introduction of New Deputy Police Chief

Police Chief Kim Bogart introduced new Deputy Police Chief Lauren Letona.

6. Introduction of New Port Richey Main Street's New Executive Director - Amy Marin

NPRMS President Patrick Bene introduced their new Executive Director Amy Finotti-Marin.

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

Mayor Marlowe opened the floor for public comment. John Kane came forward to talk about a recent

pit bull attack he witnessed on a recent walk and stated we needed an animal control program back in the city. Jane Melton came forward and stated she was the person who had her dog attacked. She stated the dog who attacked has had numerous complaints against it.

Dan Callahan, Nina Borders, Kateland Erickson, Ashley Stewart, Nina Boneta and Marlow Jones all spoke about an incident regarding Marlow Jones, BLM, the peaceful protests and the New Port Richey Police. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

8 Consent Agenda

Motion was made to accept the Consent Agenda.

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

a Police Pension Board Minutes - May and July 2020

b Purchases/Payments for City Council Approval

9 Public Reading of Ordinances

a First Reading, Ordinance No. 2020-2202: Moratorium on Front Yard Fences

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 would establish a moratorium on front yard fences. She stated a discussion took place at the June 16, 2020 meeting on the placement of front yard fences. It was the consensus of Council to enact a 180-day moratorium so that staff could create consistent standards. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey stated this agenda item was at the request of Councilman Davis. Councilman Davis stated that the two ordinances are competing. Councilman Altman stated he noticed a white fence at Lincoln and Missouri. Mayor Marlowe stated his property has fences at three different heights. 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

b First Reading, Ordinance No. 2020-2200: FLUM Amendment for Properties Located at the NE Corner of US Highway 19 and Main Street

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 effectuates a change in the Future Land Use Map from Downtown District designation to Highway Commercial Zoning District for property situated on the northeast corner of US Highway 19 and Main Street. City Manager Manns then highlighted the four properties. She then highlighted the different permitted uses in each of the categories. The LDRB reviewed this matter on July 16, 2020 and voted in favor of the change. Upon opening the floor to public comment, John Grey came forward and stated the property has been in the family since 1949. He stated the property needs to be zoned Highway Commercial as it is on US 19. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Davis asked if the property on the SE corner is the same as the NE corner. City Manager Manns stated we amended the permitted uses in the downtown district to allow a university. She stated the other property is still split with a portion zoned as downtown district. Councilman Davis stated he would like to see part of the property retained as part of the entry feature. Councilman Altman also reiterated those comments. Motion was made to approve the ordinance upon its first reading.

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

- c First Reading, Ordinance No. 2020-2201: Rezoning of Properties Located at the NE Corner of US Highway 19 and Main Street

City Attorney Driscoll read the proposed ordinance by title only. 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

- d First Reading, Ordinance No. 2020-2206: Recreational Watercraft Rental Services in City Parks

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Economic Development Director Charles Rudd who then presented the item to Council. He stated that the purpose of this agenda item was to conduct a first reading on an ordinance that will provide franchise opportunities for watercraft rentals within city parks. The provisions of the ordinance includes provisions for a franchise agreement, application, insurance requirement and operation.

Upon opening the floor to public comment, Joan Nelson Hook came forward and stated that she hopes one of the vendors is the one with the pedals on it. She stated she is in favor of watercraft going up and down the river.

Michelle Sorenson submitted the following email:

I would like to give my support for this ordinance and commend those responsible for coming up with ways for the private sector and city to partner by utilizing municipal assets to drive activity to downtown NPR. This is the kind of spirit I find so attractive when choosing to invest in a growing community.

With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Davis asked to reach out to Miss Daisy and City Manager Manns stated we already have. 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

10 Business Items

- a 2019 Grand Blvd. Drainage Improvements Project Award

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 proposal from Southern Road and Bridge, Inc. in an amount not to exceed \$328,565 for the 2020 Grand Blvd. Drainage Improvements Project. Mr. Rivera began his presentation by giving an overview of the drainage basin. Mr. Rivera then highlighted the site map and scope of work for the project. Mr. Rivera stated there is also a \$10k contingency included in the pricing. Funding is available in the Stormwater Utility Assessment Dollars. Upon opening the floor to public comment no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Altman asked if some of the water coming through the pipe was from outside of the city and Mr. Rivera stated yes. Mayor Marlowe stated there is no direct connection and the City of Port Richey has to go in a roundabout way to get there. He stated historically no one has wanted to take responsibility to fix the drainage issues. He stated he was happy to see us taking a step forward to address the issue. Councilman Altman stated he brought up the issue of municipal service units two years ago. He stated the City has the statutory right to ask for it. 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 Approval of Firms for RFP 20-018 Recreational Watercraft Rental Services

City Manager Manns met with Mr. LaChance in June to operate the pedal boat. After the meeting it was determined to let an RFP. She then introduced Economic Development Director Charles Rudd who then presented the item to Council. He stated that the purpose of this agenda item was to approve two firms, Lucky Booty Cycleboats and Island Girl Cruises, LLC, who submitted responses for a request for proposals regarding recreational and watercraft rentals in city parks. Mr. Rudd then highlighted each firm. Lucky Booty is people powered and patrons will bring their own food and beverage. Island Girl's watercraft is due to be constructed by the end of September. City Manager Manns stated that each will pay 3% of their earned revenue to the City. 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. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

c Resolution No. 2020-40: Authorizing the Financing of the Purchase of an Aerial Ladder Truck

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 the financing of a purchase of an Aerial Ladder Truck, in an amount not to exceed \$890,000, through a lease agreement with Truist Bank (formerly known as SunTrust Bank and BB&T Bank). On May 21, 2019, the City Council authorized the purchase of a 2020 75' Aerial Ladder Truck from E-One, which would replace the City's existing 1194 75' Aerial Ladder Truck. The original intended funding source for this purchase was a loan through the United State Department of Agriculture (USDA). Staff began working with USDA to complete the application and funding process. The terms of the lease agreement are as follows:

- 15 year repayment plan
- Interest rate of 2.40%
- Semi-annual payments of approximately \$35,500 (payment amount will be adjusted based on final amount financed)
- 1% prepayment for first half of term

Funding for this project if needed is in Penny for Pasco and possibly the General Fund. 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

d Resolution No. 2020-39: Establish Tentative Millage Rate

City Attorney Driscoll read the proposed resolution by title only. City Manager Manns introduced Finance Director Crystal Feast who then presented the item to Council. She stated that the purpose of this agenda item was to establish a tentative millage rate and the date, time, and place of the first public hearing on the levy of the proposed FY 2020-2021 Operating Budget. The tentative millage rate will appear on the TRIM notices sent by the Property Appraiser. Staff recommends setting the tentative millage at 8.7500, which matches the City's current millage rate. Although it is staff's intention to include a lower millage rate as part of the Preliminary FY20-21 Operating Budget, setting the tentative millage at 8.7500 is a conservative approach and will allow for more flexibility as staff works through final budget reviews and expected reductions in State Revenues. The first public hearing on the tentative budget and millage rate has been tentatively scheduled for Thursday, September 10, 2020 at 6 p.m. This rate is higher than the rollback rate so it will appear as a tax increase. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Altman stated the CRA is obligated to start paying back the loan at about \$800k. He stated we are not being obligated to lower it. The tax base all goes to the CRA. He stated the financial model helps us to be insulated. Mayor Marlowe stated his concern when he saw the revenues was if we are going to live with the same millage as last year and City Manager Manns stated we will make it work.

Motion was made to approve the item as presented.

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

11 Communications

Deputy Mayor Starkey thanked Mr. Kane for stepping in on the dog attack. He stated that he was part of an attack a few years ago. He apologized that he meant no disrespect during comments at Vox Pop. Anyone can protest peacefully. It was difficult to hear because he knows the integrity of the Chief and his staff. He thanked Chief Bogart for all of their hard work. He stated he will continue to support our officers. Councilman Murphy stated he has known Chief Bogart for many years and has a hard time believing he allows this behavior. He trusts that Chief will do the right thing. He stated we are all passionate over things. Deputy Mayor Starkey stated for your safety do not place your hand on an officer when they are handling a situation. Councilman Davis stated he was at the incident after it happened and he thought they were doing their jobs. He stated he is 100% behind the police. He stated we have a new state mandated food truck ordinance and he wanted to make sure our ordinance is not in conflict. He stated Dale Webb has offered the police to use his property for boaters on the river. Mayor Marlowe commended the police for all they have done. He stated that body cams are in the upcoming budget and may catch incidents that are problematic and will serve as protection for the officers. He supports the right to peacefully protest. He is concerned when he hears reports that they are showing up with firearms and handcuff keys. He stated the State Attorney will look over everything including the video evidence and come to a conclusion. He agrees that it is the afternoon boaters coming back in and those trying to beat the storms that are flying back up the river. Councilman Davis stated we are a legislative body and not a judicial body.

12 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:33 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____

CITY COUNCIL: QUESTIONS ON POLICE
TREATMENT OF MARLOWE JONES

Dan Callaghan, 7108 Daggett Terrace, New Port Richey FL 34655—I want to suggest a series of questions that the New Port Richey City Council members need to ask Chief of Police Kim Bogart, if they already haven't:

- Why would a police lieutenant who met days earlier with Marlowe Jones to discuss implementing changes to police use-of-force allow a police mob to attack Marlowe a week after an incident giving rise to bogus charges?
- Did Council Person Davis witness any behavior on Marlowe Jones' part that would warrant charges of BATTERY ON A LAW ENFORCEMENT OFFICER, OBSTRUCTION OR RESISTING ARREST WITHOUT VIOLENCE as Marlowe stopped a drunken white man who punched two Black Lives Matter protesters?
- Was the forceful attack on Marlowe Jones as he approached the police station to report a possible kidnapping of a Black Lives Matter protester in an unmarked vehicle (sound familiar? Like the Federal Storm-Trumpers in Portland)—was that done with the approval of the Chief of Police or he is not informed?
- Are these bogus charges, and focused aggression toward Marlowe Jones a concerted attempt to destroy the Black Lives Matter's constitutional rights to peaceful assembly and dissent?
- Does the Chief of Police defend the actions of his cowardly officers who appear to have not just a bias but a fear of Black Men like Marlowe Jones?
- Is the Chief of Police not aware that nation-wide over 600 law enforcement agencies including New Port Richey Police are being studied by Campaign Zero on policies to de-escalate, not escalate violence between citizens and cops?
- Why would a New Port Richey policeman focus on the person—Marlowe Jones—stopping a drunken attacker who just committed felony assault on two peaceful protesters—rather than the person actually committing crimes, who happened to be white?

- Does the Chief of Police employ every means of screening new officers to ensure they are not bigoted, not cowardly, not involved with groups espousing not just white supremacy but white privilege, and not fearful of Black Men?
- Do you still have confidence that the Chief of Police is in control of his police officers, or is he complicit in the efforts to destroy not only Black Lives Matter in New Port Richey but the life of a community leader, Marlowe Jones?
- Finally, have you read the cowardly, frightened initial report of the policeman who in his own words, considers a tap on his shoulder to be BATTERY ON A LAW ENFORCEMENT OFFICER and Marlowe's efforts to stop a felony attack and reaction to having his wrist grabbed to be OBSTRUCTION OR RESISTING ARREST WITHOUT VIOLENCE. Isn't this a better description of the so-called crime: BEING BLACK AND A LEADER PROTECTING OTHERS WITHOUT VIOLENCE, INCLUDING THE FRIGHTENED POLICEMEN ATTACKING HIM ON TWO CONSECUTIVE FRIDAYS?