



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 17, 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 Councilman Chopper Davis, Councilman Peter Altman and Councilman Matt Murphy. Councilman Mike Peters took his seat at the dais after his oath of office at 7:03 p.m.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Assistant City Manager Rodd Hale, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Library Director Andi Figart, Technology Solutions Director Bryan Weed and Human Resources Manager Bernie Wharran.

2 Pledge of Allegiance

3 Moment of Silence

4 Approval of November 4, 2020 Work Session and 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. 4-0. Ayes: Altman, Davis, Marlowe, Murphy

5 Oath of Office - Mike Peters

City Clerk Meyers administered the Oath of Office to newly appointed Councilman Mike Peters.

6 Appointment of Deputy Mayor

Councilman Altman made a motion to appoint Councilman Davis as Deputy Mayor. Motion seconded by Councilman Murphy.

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

7 Proclamation - Small Business Saturday (By Title Only)

Mayor Marlowe read the proclamation by title only.

8 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 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 Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

a Library Advisory Board Minutes - September 2020

b Purchases/Payments for City Council Approval

10 Public Reading of Ordinances

a Second Reading, Ordinance No. 2020-2210: Amendments to Chapter 7 of the LDC Re: Permitted Uses in R-3 Residential Zoning District

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 an ordinance which amends Chapter 7 of the LDC to allow for attached single-family townhomes as a special exception within permitted uses for R-3 Residential Zoning Districts. A minimum property size of at least 5,000 square feet shall be required for each project, and each individual single-family townhome shall be located on an area of at least 2,500 square feet. An attached single-family townhome is defined as a group of two or more attached single-family dwelling units constructed with property lines separating each unit. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Davis asked what came about from the LDRB meeting and Mr. Cornelius stated the most significant comment was the lot size. Councilman Peters asked if there was a minimum square footage of living area applied to townhomes and Mr. Cornelius stated that this ordinance does not but those development standards would be part of a special exception that would be approved by 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, Peters

b First Reading, Ordinance No. 2020-2204: Sale of Surplus Property RE: 6605 Madison 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 of an ordinance to approve the sale of the vacant parcel located at 6605 Madison Street to James V. Stelnicki, DPM, PA for use as a parking lot for the adjacent medical facility. The City acquired this parcel through foreclosure. City Council approved the sale of the property on September 5, 2019. The bid for the property was \$18,000. Mayor Marlowe asked City Attorney Driscoll is he needed to abstain as they are a client and City Attorney Driscoll stated no as there is no benefit to him from the approval of this item. Deputy Mayor Davis asked if they will come back with a development plan and City Manager Manns stated a site plan will be reviewed through the DRC process. 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 Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

11 Business Items

a Board Appointment: Marilyn deChant, Land Development Review Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the appointment of Marilyn deChant as second alternate to the Land Development Review Board. If approved, Mrs. deChant's term will be for three years and will be up for renewal on November 17, 2023. Upon opening the floor to public comment, Marilyn deChant, 6119 Illinois Ave., NPR, came forward and stated she has been involved with the city since 1985. She noticed an opening and wanted to get involved. 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 Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

b Board Appointment: Patricia Jackson, Environmental Committee

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the appointment of Patricia Jackson to the Environmental Committee. If approved, Ms. Jackson's term will be for two years and will be up for renewal on November 17, 2022. 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, Peters

c Appeal of Application Denial - Romanika, Inc., d/b/a Coastal Wine and Liquor RE: On-Premises Consumption of Alcoholic Beverages

City Attorney Driscoll stated this item is specific to Section 562.45(2)(a), Florida Statutes. He stated that the issue is whether or not the location of an alcohol sale business for consumption on-premises within 500 feet of a school is appropriate because it would promote the public health, safety and general welfare of the community. Mayor Marlowe stated that this was a quasi-judicial matter. All Council stated there were no ex-parte communications. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to review the appeal of the application denial for Romanika, Inc., d/b/a Coastal Wine and Liquor (Coastal) for on-premises consumption of alcoholic beverages. Coastal currently has a 3PS license and wanted to change it to a 4COP. Staff denied Coastal's application based on the statute requirement that states that on-premises consumption of alcoholic beverages shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school without approval by the City Council. The subject property of the Appellant (6706 US HWY 19) is adjacent to real property owned by the Genesis School, Inc. at 6609 River Road. Mayor Marlowe called for Mr. Jonathon Baker, 27251 Wesley Chapel Blvd. Wesley Chapel, to come forward. Mr. Baker stated the staff report outlines the basis of appeal. He stated his clients want to add a tasting room to their business. He stated that the Genesis location is not a school. Mr. Baker then read from different statutes of what comprises a school under Florida law. He stated based on their belief the Genesis School has not been in operation for over a year. Mr. Baker then displayed pictures of the current conditions of the school. Mr. Baker urged Council to concur that the beverage law statute does not apply and allow for the increase in the license in order for Coastal to open the proposed tasting room.

Upon opening the floor to public comment, Marilyn deChant came forward to ask for clarification. She stated that we have a lot of bars in New Port Richey. She asked if the City had a limit on the number of bars allowed to operate. With no one else coming forward Mayor Marlowe returned the floor to Council. Deputy Mayor Davis explained the differences in the licenses. Councilman Altman stated it was asserted that the intention of the owners of Genesis to keep it as a school however the owners were not in attendance. City Manager Manns stated she did speak with the owner of the property and it is their intent to continue to have the property used as a school. She stated we did call ABT to get specifics on the 500 ft. rule and was told that it is completely Council's discretion. Mayor

Marlowe stated the American Legion serves every night of the week. Councilman Murphy asked if there is any time limit for non-use and City Attorney Driscoll stated no there is not and this decision comes down to whether or not Council believes it does promote the public health, safety and welfare of the community to allow this particular use. He stated they have the right to maintain the use of the school until it is sold. If it ceases to be a school in the future they can come back to increase the license. Mayor Marlowe asked about the zoning and Mr. Cornelius stated it is R/O. Councilman Peters stated he would be more inclined to go along with the appeal if it was not a school.

Deputy Mayor Davis made a motion to grant the appeal as it does promote the public health, safety and welfare of the community.

Motion made by Chopper Davis and seconded by Pete Altman. The Motion Passed. 3-2. Ayes: Altman, Davis, Marlowe Nays: Murphy, Peters

d Consideration of Appointments to Intergovernmental Committees

Mayor Marlowe stated former-Deputy Mayor Starkey was on the MPO. Deputy Mayor Davis stated he would like to nominate Councilman Altman to be on the MPO but Councilman Altman declined stating he goes to the TBRPC meetings. Councilman Murphy stated he was interested in being the representative for the MPO. Deputy Mayor Davis made the motion to appoint Councilman Murphy as the City's representative on the MPO. Motion seconded by Councilman Altman. Councilman Altman asked Councilman Murphy if he was o.k. with Councilman Peters taking over his seat with the SLC and he responded yes. Mayor Marlowe told Councilman Peters this would be a good opportunity to get his feet wet. Councilman Altman made a motion to swap Councilman Peters for Councilman Murphy's position on the SLC. Motion seconded by Deputy Mayor Davis. The rest of the current appointments remained the same with Deputy Mayor Davis on the TDC, Mayor Marlowe on TBW and Councilman Altman on the TBRPC.

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

e Fire Station No. 2 – Duke Energy Utility Underground Conversion

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve electrical upgrades by Duke Energy in an amount not to exceed \$110,451.23 for the Fire Station No. 2 Project. Duke Energy and the City's consultant Spring Engineering reviewed the existing electrical grid to determine if the existing electrical conditions were sufficient enough to supply building power for the proposed structure, power redundancy, and overhead conflicts. In addition, all upgrades will be installed underground eliminating all overhead conditions associated with the site including streetlighting along School Road. 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 Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

f 2020 Police Department HVAC Control System Upgrades

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 Automated Building Control Systems, Inc. in an amount not to exceed \$33,505 for the upgrades to the Police Department's HVAC control system. This system upgrade will convert the HVAC system into a total automated system where one central computer would control system operations of components, collect data for trend implementation, monitor system for failures, and submit automated notifications of the failures for the appropriate remediation to the system as well as the ability for staff to make adjustments remotely. Additional features include sensors, actuators on each air handler and variable air volume boxes and exhaust fans. 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, Peters

g WWTP 6-Inch Portable Pump Purchase

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the purchase of one six inch (6") Portable Pump and accessories from Xylem Dewatering Solutions, Inc., in an amount not to exceed \$51,889.00. This equipment will be used for emergency repairs to reduce downtime and the possibilities of sewage spills during these types of events. She stated 40% of the expenditure will be paid by the County. 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, Peters

h Request to Purchase Sensus Customer Portal

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the purchase of the Sensus Customer Portal in an amount not to exceed \$27,250. She then introduced Finance Director Crystal Feast who then made a presentation to Council. She stated that the City currently uses Sensus Analytics software to collect data from our meters and utilize it in a way to improve customer information access, detect leaks, provide historic consumption information, provide daily meter reads, and generate useful reports. She introduced Stephen Hemingway, Municipal Account Manager with Core & Main LP who then addressed Council. Mr. Hemingway stated because the meters are connected they can report problems in real time. It will allow the consumer to set alerts for usage. Mr. Hemingway stated it will integrate with the City's website. City Manager Manns stated there is a hosting fee for the first five years. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Altman stated this was something he was aware of back when he was Finance Director and going to the Sensus meters. He stated there was a large discussion on the irrigation meters and the cost of water and we were informed that we had to make sure we did everything we could to control our use of water. He was also drawn into numerous discussions with people who had large water bills and there were many times where compromises were made for payment. Councilman Peters asked what percentage of the users actually log on and maintain active accounts and Mr. Hemingway stated it is mostly 15%. 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, Peters

i Quarterly Investment Performance Report

City Manager Manns introduced Finance Director Crystal Feast who then presented the item to Council. Finance Director Feast began her presentation by stating that the earned income was \$35,944 and was influenced by the pandemic. The change of \$2,832,797 in checking was due to fiscal year end payables.

j Three Minute Report - Police Department

12 Communications

Deputy Mayor Davis thanked Elaine Smith for her service to the city. He stated he was at the FLC Legislative Conference last week and there were only about 125 attendees. He stated they talked about connecting with your state representatives and their aides. Other issues that were discussed were short term rentals, affordable housing, transportation, environmental discharge and cybersecurity. Mayor Marlowe stated it was a good conference. There was a discussion on treated water. Mayor Marlowe advised Councilman Peters that at some point he will be on the wrong end of a 4-1 vote. He stated that one good thing about our group is that we are passionate. We do not hold grudges and we come back

two weeks later and do it again. He stated it will be a learning experience especially during budget season. Councilman Murphy also welcomed Councilman Peters. Councilman Altman stated he spoke with Councilman Peters before he was appointed and he has had previous experience with our representatives. He passed along the advice that if it is not a motion, a directive or goes to the City Manager from them as a collective body then it is not an order. It all comes down to an action and a motion. We have accomplished some great things. Councilman Altman then talked about the previous Chasco Fiesta and the fencing and security in the park. Councilman Altman then discussed the carnival. He would like to see the non-profits take over the games of chance. If there was an admission fee it could help offset some of the costs. Councilman Peters thanked each of the other members of Council for selecting him to fill the vacancy. He highlighted each of the other candidates qualifications. Councilman Peters also thanked former Deputy Mayor Starkey for his service. He also thanked City Manager Manns for his orientation. City Attorney Driscoll and City Manager Manns both welcomed Councilman Peters.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:47 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____





