



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
December 1, 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 Chopper Davis, Councilman Peter Altman, Councilman Matt Murphy and Councilman Mike Peters.

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, Economic Development Director Charles Rudd, 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 17, 2020 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, Peters

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

Mayor Marlowe opened the floor for public comment. John Kane, 6041 Florida Avenue, NPR, came forward to discuss having the Environmental Committee be more involved with projects in the city as there are environmental impacts. He stated Council is empowered through the voters and that investigation is necessary in order to make proper decisions. Amy Finotti-Marin, 6216 River Road, NPR, came forward to talk about the recent shop local event last Saturday that involved cross-promotion among the businesses in the downtown. She also stated there is a window decorating contest which begins on December 6th. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

6 Consent Agenda

Motion was made to accept the Consent Agenda.

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

- a Parks and Recreation Advisory Board Minutes - October 2020
- b Police Pension Board Minutes - October 2020
- c Purchases/Payments for City Council Approval

7 Public Reading of Ordinances

- a First Reading, Ordinance No. 2020-2215: Moratorium on Multi-Family Residential Buildings

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 which imposes a 180-day moratorium on permits for multi-family housing developments. The moratorium does not include projects in process. The moratorium will allow staff an opportunity to study and make recommendations regarding design and construction standards relating to multi-family residential housing in the city. Mayor Marlowe stated he received comments from Jimmy Chestnut who is the president of the Bay Area Apartment Association and replied that we will try to get this done sooner than the requested 180-days. Upon opening the floor to public comment, John Kane, 6041 Florida Avenue, NPR, came forward and asked if this will include the new townhome project at Madison and Central. He stated if they qualify for what we are doing in the city he does not want to see the project set back 180 days. City Manager Manns stated this will not impact the schedule for that project. George Romagnoli, P.O. Box 1415, NPR, came forward to speak regarding Arbour Valley Communities. He stated he applauds looking at the LDC and that residential and commercial should also be looked at. He stated he currently has contracts for projects pending within the city. He stated he is concerned about is unit count, density, ratios and setbacks. There needs to be design standards. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Altman asked if it was possible to reflect in the document up to 180-days or no more than 180-days. He stated as the representative for the TBRPC it is important that new development meets resiliency standards that are outlined by the State. Councilman Altman stated that some of the development that may be contemplated is also waiting or looking for the results of our planning exercise. There have been many discussions on increased densities. He hopes that at the end of the time period we have contemplated many of the other issues that may hold back development. He hopes this moratorium will help to resolve a number of issues that we have been waiting a couple of years to attack. Councilman Altman stated he would like to know what happens if it gets done quicker and whether or not we should incorporate that into the document. Mayor Marlowe stated it was in there already in section 4. City Attorney Driscoll stated any new ordinance that is brought before Council to adopt the new changes will have a repealer provision in it. The effective date of the new ordinance will automatically repeal the moratorium simultaneously. Councilman Peters stated that there are a number of examples along US19 and other parts of the city where it was developed but not in the way we necessarily wanted to see it developed and it is always most costly to go back in and redevelop and change things. He stated it makes sense to take pause to make sure we do things the best way possible moving forward. Mayor Marlowe stated the thing that occurs to him is that there are a few parcels that are ripe for redevelopment that could host an apartment community. There are also parcels along US19 that are not being used to their best potential. Mayor Marlowe suggested keeping Mr. Rudd's office in mind for financial incentives that the CRA could provide. 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, Peters

- b First Reading, Ordinance No. 2020-2193: Outdoor Display Ordinance (C1, C2 and Highway

Commercial)

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 that establishes regulations relating to outdoor display in the C-1 Light General Commercial, C-2 General Commercial and HC Highway Commercial zoning districts of the city. The Land Development Review Board reviewed this matter at their meeting on November 19, 2020 and voted unanimously in favor of recommending to the City Council in favor of approval of the ordinance. The intent of the ordinance is to provide for the appropriate location and design of outdoor sales, display and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties, public rights-of-way and the community as a whole. City Manager Manns then highlighted the reasons displays need to be regulated. She stated that unregulated outdoor display can play a role in the deterioration and decay of a business district and can serve as a deterrent to positive economic development investment. Regulations are an effective means to achieve appropriate standards for the location and design of outdoor display areas. Ordinances are the only tool that a city has to reverse unfavorable conditions and abate blight.

The ordinance sets forth the purpose, definitions and exemption for outdoor displays. It also creates standards. The proposed standards are as follows:

- An Outdoor Display Area shall be allowable only as an accessory use to the primary use of the business;
- All merchandise on display shall be wholly located on the parcel on which the principal use and building are located and shall only be displayed along a single facade wall;
- All merchandise within an Outdoor Display Area shall be merchandise sold or rented by the business which is the principal use of the parcel or building;
- No Outdoor Display Area shall be rented or allowed to be utilized by a business, person or entity other than the business which is the principal use of the parcel or building where the display is located;
- All merchandise within an Outdoor Display Area shall only be allowed to remain in said area during the hours the business of the principal use is open for business;
- The Outdoor Display Area shall be limited to an area that is no greater than fifteen percent (15%) of the total floor area of the business that comprises the principal use of the building or parcel;
- The Outdoor Display Area shall extend no more than one-third (1/3) of the length of the facade of the building along which the display is located and no more than five (5) feet in depth as measured horizontally from the front door of the building;
- The Outdoor Display Area shall not block sidewalks or parking areas and shall not impede pedestrian or vehicle circulation;
- No Outdoor Display Area merchandise shall be placed in designated fire lanes, emergency exits, loading/unloading zones or public rights-of-way;
- No Outdoor Display Area shall utilize any required open space, parking spaces, public sidewalks, landscape areas or buffers;
- No Outdoor Display Area shall be located within five (5) feet of any building entrance;
- No merchandise with an Outdoor Display Area shall be located within five (5) feet of any fire department connection;
- No merchandise within an Outdoor Display Area shall be stacked or placed in a manner that any portion of the display exceeds four (4) feet in height above the surface upon which the items are located; provided however, items that exceed four (4) feet in height may be displayed without being stacked if the same are properly secured so as not to topple over or be displaced by wind;
- Outdoor Display Areas shall be kept free of garbage and other debris;
- No business shall have more than two (2) Outdoor Display Areas;
- The short-term sale of agricultural products that are seasonal in nature, including Christmas trees, pumpkins, produce and similar items are subject to approval from the City Planning and Development Department on a temporary use permit;

- Acceptance of payment for goods or services within an Outdoor Display Area shall not be permitted, except for activities through a temporary use permit hereunder or for vending machines (e.g., ice, water, soda, snacks, digital video discs) and propane gas sales;
- No Outdoor Display Area shall be located upon a rooftop or balcony;
- No appliances including, but not limited to, ice boxes, refrigerators, deep freeze lockers, clothes washers, clothes dryers, microwaves and televisions shall be located within an Outdoor Display Area;
- All Outdoor Display Areas shall be located upon a hard and durable surface; and
- No storage racks shall be allowed in an Outdoor Display Area unless the same are displaying merchandise on at least eighty percent (80%) of the merchandise display area thereof.

The ordinance also provides for an exemption and permits the outdoor display of motor vehicles, golf carts, vessels and large construction equipment by a business principally engaged in the sales or rental thereof and the outdoor display of plants and trees by a business principally engaged in and operating as a plant nursery.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. City Clerk Meyers read the following comments into the record from Lisa Shippy-Gonzalez, a student in the Public Policy & Administration Program at St. Petersburg College:

I commend your consideration of Ordinance No. 2020-2193: Outdoor Display Ordinance (C1, C2 and Highway Commercial) recommended by the Land Development Review Board. The aesthetics of the city are especially important to tourists and residents. I would like to recommend the council to consider the formation of a separate committee to address outdoor display regulations. The commercial outdoor display can be particularly important to the success of small businesses. A committee would provide inclusion of business owners, residents, and various stakeholders, allowing for not only universal buy in but avid support. The collaborative efforts could help to provide marketing and uniformity in decoration and cross promotion. The adoption of themes, acceptance of arts and promotion of beautification can benefit property owners and constituents alike. The city of New Port Richey has worked extremely hard to attract proud business owners and residents, the most successful way to keep them is to include them in planning. The success of many downtown areas is supported by committees such as these to adopt and enhance the beauty of the properties. These committees serve not as regulation boards but provide the community with recommended regulations for the Council to consider, support and approve or decline. These also serve as sounding boards for people to address new ideas and become informed of things happening in other small towns. This can be a voluntary committee and cost the city minimum administrative time to record. I appreciate your time and thank you for your consideration.

Mayor Marlowe asked what was the logic in having the equipment in a down and locked position and City Attorney Driscoll stated it was an aesthetic issue. Councilman Altman asked if this saying outdoor displays are allowed and in those places then what are we going to do with the energy we are trying to attract downtown. City Manager Manns stated that as we worked with the LDRB there was a draft that included the downtown however as the process moved along it was determined that the downtown is a different animal and a separate ordinance will be prepared for that. The LDRB should review the proposed ordinance at its December meeting. City Attorney Driscoll stated this does not prohibit displays in other areas but states what types of displays are allowed. Deputy Mayor Davis thanked the members of the LDRB for their work on this ordinance. He stated some of the displays are more comical rather than an advertising tool. Councilman Peters stated that displays in pedestrian areas are different than in the commercial district. He asked if it makes sense or does the ordinance provides for if a business wants to have a certain promotion during a weekend can they display their wares during that event. City Manager Manns stated it would be something similar to a special exception. City Attorney Driscoll stated he would make the changes for second reading. Councilman Altman stated that Old Time Pottery has bins that can be rolled out and then rolled back in. He stated according to this ordinance no merchandise can be sold that is not related to the business. He stated it was his understanding no pop up sales would be allowed in the city and City Attorney stated yes those would be banned. Mayor Marlowe asked how this would affect Cracker Barrel and City Attorney Driscoll stated this may affect them. Councilman Murphy stated some businesses do make good

displays while others do not. Motion was made to approve the ordinance upon its first reading.

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

c Second 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 second and final 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 reiterated his comments from last meeting that Dr. Stelnicki is a client of his but City Attorney Driscoll stated that there was no voting conflict. City Attorney Driscoll agreed. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Davis reiterated his comments from last meeting that he wants landscaping so it does not look like a parking lot. Councilman Murphy agreed. Councilman Peters asked if during negotiations can we implement a timeframe so we can make sure what we want to have happen does happen and City Manager Manns stated yes and there is a reverter clause in the contract. City Attorney Driscoll stated that there is a development agreement and if not developed in three years will revert back to the city. 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

8 Business Items

a Variance Application: G&H Partnership for Impervious Surface Ratio

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a quasi-judicial hearing to consider a request for a variance from the maximum impervious surface ratio (ISR) for a development which is proposed to be located on the northeast corner of U.S. Highway 19 and Main Street. The parcel is .82 acres. The current ISR is 100% and after development will be 81%. The Land Development Code requires that the ISR for commercially zoned property shall be 70%. Therefore, the applicant has requested a variance from the requirement. The Land Development Review Board considered this matter at their meeting on November 19, 2020 and voted in favor of approving the request for the variance. Each Council member disclosed no ex-parte communications. Upon opening the floor to public comment, John Kane, 6041 Florida Avenue, NPR, came forward and stated this project is an example of why the Environmental Committee should be involved. There is no hindsight after it is built. He stated he knows many businesses do not meet the 70% as regulations change. Jacob Mossholder, 2240 1st St, Ft. Myers, came forward and stated working with the staff was great. He was able to achieve a look and aesthetic that provides character. He stated when you redevelop a site you cannot discharge more water than what was being discharged. This project will reduce discharge. There are multiple curb cuts that will be removed and grass and landscape will be brought in. Marilynn deChant, 6119 Illinois Avenue, NPR, came forward and stated she voted against this primarily because she also recognizes the oncoming global warming. She stated all cities will have to take into consideration how they will be treating their future development and the surfaces upon which the developments are built on. She stated it was a great vision to improve the area from US19 through the Palm District into the downtown. She had a greater hope of what would be at the corner of US19 and was not a convenience store and gas pumps. She stated we should take into consideration of surfaces. She just always wants the best for New Port Richey. With no one else coming forward Mayor Marlowe returned the floor to Council. Councilman Altman stated his goal for redevelopment is for us to be the infrastructure guide. He will continue to promote environmental issues. He stated the elimination of traffic is a huge benefit for the new turn arrow from Main onto US19. Deputy Mayor Davis stated convenience stores are much nicer these days. It is a great step forward going down to 81%. Councilman Peters stated that 70% seems tough and should be looked at in the future. He stated that there was a suggestion for a

gateway or monument sign and he was disappointed in not seeing that on the plans and City Manager Manns stated there has been discussions with the property owners regarding a gateway feature. Councilman Murphy stated he would like to see something solid in there. He stated this is the entrance to our city. Mayor Marlowe stated there were many comments on Facebook when this was revealed that were against it. He stated City Council does not have the authority to say what kind of business can go in a certain zoning district. He stated this may be the last gas station built within the city. Councilman Altman stated this property may be too close to US19 and the cement pillars may be the closest thing we could do as a structure. 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

b Variance Application: G&H Partnership for Setback of Monument Signs

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a quasi-judicial review of a request for a sign variance related to the setback of monument signs at 6328 U.S. Highway 19 which is located at the northeast corner of U.S. Highway 19 and Main Street. The monument signs will be six feet high. The current Code allows for up to twenty-five feet. The requested setback for the proposed sign to be located at U.S. Highway 19 and Bridge Street is zero (0) ft. The requested setback for the proposed sign to be located on Main Street is six (6) ft. The principle reasons that the applicant is unable to comply with the required setbacks relates to the required landscaping that would obscure the view of the signs. The Land Development Review Board considered this matter at their meeting on November 19, 2020 and voted in favor of approving the request for the variance. Each Council member disclosed there were no ex-parte communications. Upon opening the floor to public comment, John Kane, 6041 Florida Avenue, NPR, came forward and asked for clarification of a monument sign. Mr. Cornelius came forward and showed a picture of what it looks like. Mr. Kane asked if it will obstruct any vision on US19. Mayor Marlowe stated it will not. Mr. Mossholder stated they are working with FDOT as well on the sight triangles. Jacob Mossholder, 2240 1st St., Ft. Myers, came forward and stated a monument sign is on the ground rather than a pole. He stated these monument signs came about from discussions with staff. These signs would be eye level with traffic. He stated there may be a non-exclusive easement for design purposes. Steve Booth, 7510 Ridge Road, Port Richey, stated the County is doing away with the pylon signs and moving towards monument signs. 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 Matt Murphy and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

c 2020 Jasmin Park Seawall Improvements Project Bid 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 the bid submitted by SC Signature Construction Corporation in an amount not to exceed \$347,400 for the 2020 Jasmin Park Seawall Improvements Project. This project is in the CIP. Mr. Rivera stated the Jasmin Park seawall was beyond repair and is in need or replacement. SC Signature Construction Corp. has worked with the City on various projects all of which have been on budget or under budget. 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 Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

d Request to Purchase Aerial Lift Truck for Street & Right of Way Maintenance

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. She stated that the purpose of this agenda item was to approve a proposal from Altec Industries, Inc. in an amount not to exceed \$157,707 for the purchase of an Aerial Lift Truck. The current truck is 21 years old and will be designated as surplus. The truck will be used by the Street and Right of Way Maintenance Division. Penny for Pasco funds will be used for this 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 Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

e Request to Purchase Front End/Pay Loader for Streets and Right of Ways Division

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a proposal from from Dobbs Equipment, LLC in an amount not to exceed \$93,882.40 for the purchase of a 2020 John Deere 224L Front End Loader. The truck will be used by the Street and Right of Way Maintenance Division. Penny for Pasco funds will be used for this project. The current 1997 front loader will be declared surplus property. 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

f Three Minute Report: Public Works Department

9 Communications

Mayor Marlowe stated that Regan Weiss and his colleagues put together a program to set up a bunch of Christmas trees in Sims Park. In a year when we cannot have large gatherings it is nice to have something to walk through. City Manager Manns stated the City added a 19 ft. tree to the event. Mayor Marlowe stated a citizen was cited for having bees. He asked Mr. deChant to call him. He stated it is something the Environmental Committee should weigh in on. We are a Tree City USA and have urban garden ordinances. It was odd to be cited as a nuisance. There are state rules where we can have hives. He stated we should be encouraging them within the state guidelines. Deputy Mayor Davis stated he needed to find some books for his family and Library Director Figart helped him and if you buy it through the Library some of the proceeds will go to the Friends of the Library. Councilman Murphy stated he is enjoying the cool weather. It is a nice change of pace. He is looking forward to seeing the trees in the park. Councilman Altman stated that on his recent trip to the mountains there was a large billboard that had a picture of a historic town and he stated it would be cool to have one for the city. He stated he would try to get a picture of it. Councilman Altman stated there is a lot of opinions about yard debris and there was discussion a few weeks back about composting and getting it back into the earth and we are doing an environmental favor by not having our trash haulers take it all the way to Shady Hills. He would like to see how we can examine our land on Pine Hill and Congress. He stated residents have told him they would be happy to pay for debris removal. He would like to have Council involved in a discussion. He stated he is an advocate for having a city engineer. Deputy Mayor Davis stated December 13th is the Christmas golf cart parade.

10 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:59 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____