



**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**

**February 2, 2021**  
**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 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, Parks and Recreation Director Kevin Adams, Technology Solutions Director Bryan Weed and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of January 12, 2021 Work Session Minutes

Motion was made to approve the minutes as presented.

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

5. Approval of January 19, 2021 Work Session and Regular Meeting Minutes

Motion was made to approve the minutes as presented.

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

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

Mayor Marlowe opened the floor for public comment. Chinikki Whiting, 5755 Indiana Ave., NPR came forward and extended an apology to Fire Chief Fitch. She also spoke regarding Mayor

Marlowe's comments on Facebook. Christina Boneta, 9154 Barrington Ln., PR came forward to speak about the BLM protests. Arron Jackson, 7515 Fox Hollow Drive, PR came forward to speak about a police case regarding his son. Rachel Hagenbaugh, 6026 Tennessee Ave., NPR came forward to speak about equality issues. Ashley Spring, 19551 Crescent Rd., Odessa came forward to speak about BLM. Marlowe Jones, Pine Hill Rd., NPR came forward to speak about Black History Month, the Mayor's comments on Facebook and BLM. Candace Smith, 10120 Oleander Drive, PR came forward to speak about diversity. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop. Councilman Altman stated back in the 1990's there were MLK celebrations in the park. He stated he appreciated everyone's comments. Mayor Marlowe stated he attended an early BLM march. He also spoke about his relatives and grandchildren. He told the BLM group that the unfounded comments posted online regarding Chief Bogart were offensive.

7 Consent Agenda

Motion was made to accept the Consent Agenda.

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

- a Parks and Recreation Advisory Board Minutes - December 2020
- b Police Pension Board Minutes - November 2020
- c Environmental Committee Minutes - October through December 2020
- d Purchases/Payments for City Council Approval

8 Public Reading of Ordinances

- a First Reading, Ordinance No. 2021-2224: Amendments to Chpt. 12 LDC RE: Front Yard Fences

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Brad Cornelius who then presented the item to Council. He stated the purpose of this agenda item was to conduct a first reading of an ordinance to establish standards for front yard fences for residentially zoned properties, modify standards for all other districts, and eliminate conflicts and duplication. A moratorium was put in place in August of 2020 in order to allow staff to research and develop new standards related to fencing in the city. There will be standards for front, yard and side fences. There are no changes to standards for the downtown. Permitted and prohibited materials will be listed. Front yard fences are limited to three feet in height and between 50%-70% openness. Fence posts are limited to one foot above rail. Permitted materials include wood, metal, PVC panels or pickets and masonry. Rear fences can be six feet or limited to four feet if adjacent to street or river. Commercial fences are limited to three feet and six feet on the side or rear. Mayor Marlowe asked why chain link is not allowed in the front and Mr. Cornelius stated they are looking for an aesthetically pleasing in the front.

Upon opening the floor to public comment, John Kane, 6041 Florida Ave., NPR came forward and stated the side and rear yard were grouped together. He asked if there will be a grandfather clause because there are some residences with chain link. He stated we should not be putting our aesthetics on others. With no one else coming forward Mayor Marlowe returned the floor to Council. Mayor Marlowe spoke regarding the various fences he has currently in his yard. Mr. Cornelius stated this ordinance is for new fences not for existing ones. Existing fences may stay as they are. Councilman Altman stated the big emphasis back in the day was the safety regarding swimming pools. Councilman Altman asked about the side fence and dogs and Mr. Cornelius stated it would be limited to four feet. Councilman Murphy stated this is a good start to get things standardized. Councilman Peters asked for clarification on side yard fences and Mr. Cornelius stated if it does not face the street it would be six feet. Councilman Peters suggested looking at a certain number of feet back from the river. Councilman Peters asked about non-conforming fences and what happens if a section is damaged and Mr. Cornelius stated that it can be replaced as long as you do not add to it. 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. 2021-2216: Outdoor Display Ordinance (Downtown Zoning District)

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Brad Cornelius who then presented the item to Council. He stated the purpose of this agenda item was to conduct a first reading of an ordinance to establish standards for the outdoor display of merchandise in the Downtown zoning district. City Council adopted an ordinance in December 2020 which established guidelines for outdoor displays in commercial zoning districts. The unregulated display of products outside an enclosed building creates a safety hazard, visual blight, and opportunities for criminal activity. The principal purpose of outdoor displays should not be to provide additional retail space but to allow retailers the opportunity to attract the public by displaying a sample of the products available within the building. A permit will be required by the DRC and will be limited to a maximum of two displays. The size of display will be limited to 40% or no more than twenty feet. The display area must be a minimum distance of three feet from doorways. The height is limited to 3-5 feet in front of a window and five feet in front of a wall. No additional signage will be permitted. All merchandise and display units must be removed at the close of business each day. There are provisions in the ordinance for the permit to be revoked. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Mayor Marlowe asked what are we envisioning and Mr. Cornelius stated a small table or perhaps clothing rack. Councilman Peters stated there was a business that used to display kayaks outside which are taller than five feet. Mr. Cornelius stated that if a new kayak vendor came into town they would have to lay them down. Deputy Mayor Davis noted that Astro Cycles will be moving downtown. Mr. Rudd stated the bicycles are taller than three feet. Mr. Rudd stated he will not have the ability to have the same display. Deputy Mayor Davis stated he could see him using a parking spot. Mr. Cornelius stated that could be a separate agreement for use. Mr. Jurgens came forward and stated his new space is part of a plaza and not a free standing store. He stated he is in the planning stages right now. Councilman Peters stated the plaza's sidewalk is not as wide as the sidewalks downtown. Councilman Altman stated things may be able to work out as long as it does not impede on parking. Councilman Altman asked about businesses holding their own events and whether or not sales could take place. Mr. Cornelius stated the intent is to create an area to display what they have and not to create an additional retail space. Mr. Cornelius stated nuisance concerns can be addressed in the permit process. Councilman Altman asked if this is for business or building and Mr. Cornelius said it was per building. It will be up to the landlord to determine. Motion was made to approve the ordinance upon its first reading with the following amendments:

Section (1)(4)(c)(2) - eliminating 3 ft. requirement to end of building keep entrance

Section (1)(4)(c)(3) - change per business not building

Section (1)(4)(c)(10) - eliminate animals insects

Section (1)(4)(c)(14) - allow sales outside not to create public nuisance

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

c First Reading, Ordinance No. 2021-2224 Amendments to Chpt. 2 LDC RE: Cosmetic Tattooing

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Brad Cornelius who then presented the item to Council. He stated the purpose of this agenda item was to conduct a first reading of an ordinance which amends Chpt. 2 of the Land Development Code pertaining to definitions of "Personal Service," "Beauty Shop," and "Cosmetic Tattooing." Cosmetic tattooing has grown in popularity and is not currently listed in the LDC. The practice of cosmetic tattooing is performed in a beauty shop and not a tattoo parlor and it is a beauty treatment. In large part, the services provided constitute permanent makeup or other enhancements to the natural features of the human face. Deputy Mayor Davis asked what their primary business would be and Mr. Cornelius stated cosmetology. Upon opening the floor to public comment, Jessica Long 7329 Heather St., NPR asked why tattoo parlors were not allowed in the downtown and why is cosmetic tattooing different. With no one else coming forward Mayor Marlowe returned the floor to Council. City Manager Manns

stated there are many restricted personal service businesses. They are just not allowed in the downtown. Motion was made to approve the ordinance upon its first reading.

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

- d Second Reading, Ordinance No. 2021-2222: Small Scale Future Land Use Amendment for 6120 Congress Street

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Brad Cornelius who then presented the item to Council. He stated the purpose of this agenda item was to conduct a second and final reading of a Small Scale Future Land Use Amendment to amend the Future Land Use Map category from Low Medium Density Residential-10 (LMDR-10) to High Density Residential-30 (HDR-30) for property located at 6120 Congress Street. 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 Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

- e Second Reading, Ordinance No. 2021-2219: Amendments to Chpt. 3 RE: Alcohol Sales Hours on Sundays

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated the purpose of this agenda item was to conduct a second and final reading an ordinance to amend the hours for the sale of alcohol on Sundays. At their regularly scheduled meeting in December, the Pasco County Board of County Commissioners adopted an ordinance to amend the hours for the sale of alcohol on Sundays. As you are aware, the current law was that sales were not allowed before 11:00 a.m. on Sundays. The newly adopted ordinance by the BOCC allows for alcohol sales to begin at 8:00 a.m. The City Attorney has drafted the attached ordinance when amends the City's Code of Ordinances to reflect the change from 11:00 a.m. to 8:00 a.m. in order to be consistent with the County's ordinance. 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 Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

- f Second Reading, Ordinance No. 2021-2220: Amendments to Chpt. 2 LDC RE: Restricted Personal Service Uses

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 second and final reading.

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

9 Business Items

- a Board Re-Appointments: Dell deChant and Rose Mohr, Environmental Committee

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the re-appointments of Dell deChant and Rose Mohr to the Environmental Committee. Mr. deChant's term expired on January 8, 2021 and Ms. Mohr's term expired on March 6, 2020. If approved, both terms will be for two years and will be up for renewal on February 2, 2023. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. 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

b Board Appointment: Alfred Renedo, Police Pension Board

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, Peters

c Agreement w/People Places, LLC RE: Land Development Code Review & Advisory Services

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to authorize the City Manager to enter into a professional services agreement with People Places, LLC for an amount not to exceed \$13,500 in respect to a project involving a redraft of the City's Land Development Code. The LDC is not as updated to address land use issues as it should be. The last redraft was in 1990. She stated Mr. Starkey has great insight that will promote smart growth and will be able to help create a vibrant walkable community. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Mayor Marlowe asked Mr. Starkey how this will help move us to a form based code. Mr. Starkey stated the first phase will be to reorganize without making substantial changes. The second phase of the process will include substantive changes and will incorporate the Comp Plan goals. Phase two can lay the groundwork for form based code. Councilman Altman stated earlier in the work session where we were discussing the parking lot it is causing him to think that it was many years prior that it was discussed we have too many requirements for parking in order to follow our strategy. He noticed there are a lot of cars parked along the circle. Councilman Altman stated parking has been a big issue. He would like to see the parking numbers addressed. Mr. Starkey stated the LDC regulates two things regarding parking. Number one is how much parking is required and number two is design standards for off-street parking. There are many uses that exist now that did not in 1990. Mr. Starkey stated if we think of zoning regarding neighborhoods there is a disconnect with the Comp Plan. Things need to get synchronized. Deputy Mayor Davis stated he is a renter from Mr. Starkey and would abstain from voting. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Altman, Marlowe, Murphy, Peters Abstain: Davis

d Request to Purchase a Fire Hydrant Sculpture Bicycle Rack

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to authorize an appropriation in the amount of \$2,500 from the Public Art Fund to purchase a Fire Hydrant Sculpture Bicycle Rack to be positioned in the downtown area. 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

10 Communications

Councilman Peters spoke regarding the upcoming legislative session. The FLC is looking at legislation on sales tax fairness, short term rentals, surface water and affordable housing. Deputy Mayor Davis stated there is some interest in the scooter rental place extending their hours and he is concerned that people will get seriously hurt as he sees them out after dark and not obeying laws. Mayor Marlowe welcomed Chief Bogart back. He stated he attended a webinar from the Environmental Law Institute regarding gas stations. He stated one of the comments is they expect to see half of the gas stations close in the country by 2030. Councilman Altman stated he attended the NPRMS field trip to Safety Harbor. He stated it was a great conversation. There was a lot of

discussion on murals. There was an artist that talked about her experience and the restrictions that exist. Councilman Altman stated our murals are historical or nature based. He stated there is a desire to open the city up to other types. He asked that we look at our mural process. He would like to see a presentation made to see what they are thinking. Councilman Altman stated that Safety Harbor also had an artist musician building. He stated the pastor's house on River Road could possibly be used. Councilman Murphy stated he would be in support of loosening restrictions on murals. He stated he has instances in his neighborhood where people use public park trash cans.

11 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:03 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, CHOPPER DAVIS, hereby disclose that on FEBRUARY 2,, 20 21 :

(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, Frank Starkey - Landlord ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, 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:

Agreement w/People Places, LLC for Land Development Code review and advisory services - Item 9C

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.

FEBRUARY 2, 2021  
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.