



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

September 7, 2021

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, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Library Director Andi Figart, Parks and Recreation Director Kevin Adams, and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of August 11, 2021 Special Meeting and August 17, 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

5. Swearing In of New Firefighter - Victoria Pitarresi

6. Proclamation - National Recovery Month

7. Proclamation - Constitution Week

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

Mayor Marlowe opened the floor for public comment. No one came forward for public comment,

therefore 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 Cultural Affairs Committee Meeting Minutes - July 2021

b Purchases/Payments for City Council Approval

10 Public Reading of Ordinances

a First Reading, Ordinance No. 2021-2236: Conditional Use Application for 5761 Nebraska Avenue (Ricky Williams)

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 to approve a conditional use for an indoor recreational axe throwing business at 5761 Nebraska Avenue within the City's Downtown Zoning District. Mr. Cornelius began his presentation by giving a highlight of where the location will be and the conditional use requirements. Mr. Cornelius then highlighted the proposed use which will be an indoor axe throwing establishment. They are also requesting to serve alcohol. All workers will be certified through the World Throwing League. Intoxicated persons will not be allowed to participate. There will be a limitation on the number of alcoholic drinks. City Attorney Driscoll then highlighted the sixth condition which is that the applicant will provide an indoor floor plan to be reviewed by DRC. This is a safety oversight. The DRC did review this request and recommended approval subject to the conditions stated in Exhibit A of the proposed ordinance. Upon opening the floor to public comment, the applicant Ricky Williams came forward and stated they are trying to bring something new and exciting to the downtown. With no one else coming forward, 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, Peters

b First Reading, Ordinance No. 2021-2234: Amendments to the Library Ordinance

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated the purpose of this agenda item was to conduct a first reading to amend Chapter 2, Article VII, Sections 2-211 through 2-223, of the Code of Ordinances, pertaining to the City's public library. The Library Advisory Board reviewed and suggested edits to the current ordinance which include reordering the sections for greater clarity and ease of understanding; updating the terminology to include current formats; and allowing for volunteer hours with prevailing minimum wage to be substituted for fees owed. The Library Advisory Board's recommendations also include replacing the two alternate positions with regular positions that include full voting privileges and responsibilities, adjusting the quorum from four to five board members in attendance. Upon opening the floor to public comment, Joan Nelson Hook, 7210 Jasmin Drive, NPR came forward and stated some terms were updated to reflect more modern terms. All nine members will all now be available to vote. With no one else coming forward, Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

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

c First Reading, Ordinance No. 2021-2235: Rezoning for 6009 Main Street

This item was withdrawn by the applicant.

d First Reading, Ordinance No. 2021-2030: Amendments to Section 7.22.04 of the LDC RE: Murals

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 which amends Section 7.22.04 of the Land Development Code related to murals. Mr. Cornelius stated murals are noncommercial messages. The amendments include a revised definition to exclude those applied to windows, provides provisions for paint materials, and allows for 60 days to approve or not approve the proposed mural. The LDRB reviewed the ordinance and recommended approval. City Manager Manns stated this was an ordinance that was deliberated over a two month period of time. The changes were at the request of the Cultural Affairs Committee and were not only to the process but locations of where murals could be placed. The LDRB made changes to the application process. The CAC also requested that should City Council not vote in favor they should state reason why however the LDRB removed that provision. The CAC proposed murals could be placed on mixed commercial and residential purposes however the LDRB members did not feel comfortable with those provisions. She stated specific zoning districts should be listed in the ordinance instead of the wording of "used for." Deputy Mayor Davis stated he has reservations if you move the murals out of the downtown. He cited several locations including Leaning Tower and Grandma Sally's. Upon opening the floor to public comment, Rich Melton, 5848 Central Ave, NPR came forward to add some recommendations to the ordinance. He suggested an actual application that includes a notary. He also spoke regarding a contract so funds are not lost at the end of the fiscal year. He stated murals should be reviewed by the CAC. With no one else coming forward, Mayor Marlowe returned the floor to Council. Councilman Altman stated he went to Safety Harbor to visit their mural program. He stated some restrictions were put in there to limit signage. He stated there are some elements in the ordinance that are policy issues. Motion was made to defer this item to a work session where the proposed amendments could be discussed in more detail.

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

e First Reading, Ordinance No. 2021-2241: Property Lease Agreement w/CJB Ventures LLC

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated the purpose of this agenda item was to conduct a first reading for a proposed lease agreement between the City of New Port Richey and CJB Ventures, LLC (The Social) for a dumpster. She stated that part of the Nebraska Ave. Parking Lot Improvements Project included the addition of a twenty eight (28') foot by ten (10') foot concrete pad, fencing around the pad, and an apron leading up to the pad for the purposes of housing trash dumpsters for adjacent restaurants and businesses. The total cost of the dumpster would be \$31.20 per month. 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 Mike Peters and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

f First Reading, Ordinance No. 2021-2240: Property Lease Agreement w/Kazu's Sushi LLC

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated the purpose of this agenda item was to conduct a first reading for a proposed lease agreement between the City of New Port Richey and Kazu's Sushi, LLC for a dumpster. This agenda item is for the other 1/3 of the pad from the previous agenda item. The total cost of the dumpster would be \$31.20 per month. 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 Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

11 Business Items

a Re-Appointment of Timothy P. Driscoll, Esq. as City Attorney

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to enter into an agreement with Timothy P. Driscoll, Esq. to provide the services of City Attorney with an effective date of September 6, 2021. Mr. Driscoll has been the City Attorney since 2016. 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

b 2021 Wastewater Treatment Interlocal Agreement – NPR and Pasco County

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the the 2021 Wastewater Treatment Interlocal Agreement between New Port Richey and Pasco County. She then introduced Public Works Director Robert Rivera who then presented the item to Council. Mr. Rivera stated the agreement has been redrafted instead of adding another amendment. Mr. Rivera then highlighted the proposed changes which are as follows:

- Agreement are contingent upon and will not take effect until the County closes on the acquisition of the Lindrick System from the Florida Governmental Utility
- Assigned capacity to the County is 3.0 million gallons per day, the assigned capacity to the CITY is 4.5 million gallons per day
- Remaining impact fee balance owed paid to the City within 45 days
- Estimated rate determined for subsequent fiscal years
- The County will pay 50% of the existing Lindrick wastewater treatment rate
- If existing indirect cost factor included in the O & M rate is insufficient or inflated to account for indirect operating costs, the City and County may complete a study to determine the new rate
- 90 days changed to 240 days following the fiscal year end, when the Citys auditors certify the actual expenses of the O & M directly attributable to the New Port Richey WWT facility
- 150,000 gpd was changed to 5%
- Method to acquire additional capacity
- Increase to \$5k
- The County will develop a plan within the first 36 months to reduce chlorides
- The County will abandon the five FGUA wells and the City will sell bulkwater
- Provisions for septic to sewer
- The methodology for rate charges were antiquated and need to be updated
- Discussions on 1994 Reclaim Agreement
- This agreement will only go into effect after the acquisition

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

12 Communications

Mayor Marlowe stated that TBW is still having difficulty securing liquid oxygen. He stated he has significant concerns over COVID right now. He stated the Sturgis event quadrupled cases. We are in a major expansion of cases, hospitalizations and death. He has major concerns about the upcoming Bikefest. Deputy Mayor Davis stated there will be protocols that will be implemented. He stated that Pasco is not within the top 50 counties in regards to COVID cases. Councilman Peters stated that residents know there are risks associated with events. It will be their choice to attend or not. He stated there was an article in the Suncoast News where Commissioner Mariano made comments and he stated that it may not be accurate. Councilman Murphy stated there are drainage issues on the west side of 19 and it is constant however it may not be in the city. He suggested working with the County on the issues. Councilman Altman stated anything we can do to inoculate our residents we should. The race to

herd immunity is nearing. He stated it has become a political issue instead of a health issue and we need to think carefully about it. Councilman Altman suggested to keep monitoring and to discuss further at the next meeting. Mayor Marlowe stated he watched the Gator game and the stadiums were packed and lacked social distancing and masks. He stated he does not want NPR to be known as a super spreader location. Councilman Altman stated Green Key is a delta. He stated there are grants coming up and he will share more in a couple of weeks. He stated the County currently does not have anyone in charge of the RESTORE Act Funds. City Attorney Driscoll stated he is honored to continue being our City Attorney and appreciates the professionalism of Council, the City Manager and staff. City Manager Manns introduced new Marketing Specialist Tom Diaz. She stated the County will make an appropriation of \$200k to our boat ramp project. She stated we have a good working relationship with the County.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:31 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____

ORDINANCE NO. 2021-2236

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR APPROVAL OF A CONDITIONAL USE FOR AN INDOOR RECREATIONAL AXE THROWING BUSINESS IN THE DOWNTOWN ZONING DISTRICT FOR THE PROPERTY LOCATED AT 5761 NEBRASKA AVENUE, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR ANY NECESSARY CONDITONS ON SAID USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey received an application from Ricky Williams for a conditional use, known as CU-21-07-0002 in the Downtown Zoning District for an indoor recreational axe throwing business, located at 5761 Nebraska Avenue;

WHEREAS, Section 7.11.02.1 of the City's Land Development Code provides that uses that are not listed as permitted nor listed as prohibited may be approved with the approval of a conditional use by the City Council;

WHEREAS, as required by Section 7.11.02.1 of the City's Land Development Code, the City's Development Review Committee reviewed the proposed conditional use and recommended approval;

WHEREAS, the location of the property for the conditional use is 5761 Nebraska Avenue, New Port Richey, Florida, and more particularly described as follows:

LOTS 2, 3 AND 4, BLOCK 77, CITY OF NEW PORT RICHEY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE(S) 49, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 23.67 FEET OF LOT 2, BLOCK 77.

TOGETHER WITH THE NON-EXCLUSIVE EASEMENT RIGHTS AS CREATED BY THAT CERTAIN EASEMENT DEED RECORDED IN OFFICIAL RECORDS BOOK 1484, PAGE 1721, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, OVER THE FOLLOWING DESCRIBED REAL PROPERTY:

THE WEST 6.67 FEET OF THE EAST 23.67 FEET OF LOT 2, BLOCK 77, CITY OF NEW PORT RICHEY, ACCORDING TO THE MAP OR PLAT

THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE(S) 49, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.

(Parcel ID: 05-26-16-0030-07700-0020)

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 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:

Indoor recreational axe throwing subject to the operational conditions provided in Exhibit A to this ordinance.

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 ____ day of _____, 2021.

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 ____ day of _____, 2021.

ATTEST:

CITY OF NEW PORT RICHEY,
FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney

CA Approved 9-7-21

EXHIBIT A

Indoor Recreational Axe Throwing Operational Conditions

:

- (1) Owners and all employees shall be trained and certified by the World Axe Throwing League to ensure best knowledge of all safety practices for throwing axes. (worldaxethrowingleague.com)
- (2) Owners and all employees shall take ServSafe training for alcohol awareness to participate in the Responsible Vendor Program and ensure all alcohol servers are trained for safely serving alcohol. The training will improve knowledge for identifying when a person is intoxicated. Intoxicated persons shall be refused permission to be a participant in axe throwing activities. Credits may be granted to customers who have pre-paid for participation in axe throwing who have been deemed unfit to participate. (servsafe.com)
- (3) Any person participating in axe throwing shall be served no more than two (2) alcoholic beverages. Wristbands shall be worn by all axe-throwing participants, which shall be used to identify the number of alcoholic beverages consumed by the participant. Each alcoholic beverage served to said participant shall be recorded on the wrist band. A different color wristband shall be worn by participants under 21 years.
- (4) Security cameras, with recording capability with a minimum thirty (30) day storage capacity, shall be provided on the premises to record all axe-throwing and alcoholic beverage consumption activities of the customers.
- (5) Liability insurance in the amount of one million dollars (\$1,000,000.00) person and two million dollars (\$2,000,000.00) per occurrence shall be maintained by the business at all times, with a deductible of no more than \$25,000.00. A certificate of insurance shall be provided to the City prior to the opening of the business, upon each renewal of the Business Tax Receipt for the business, and upon request of the City from time to time as deemed necessary by the City.
- (6) Prior to commencing operations, the Owner shall submit to the City a scaled interior floor plan showing the interior layout of the facility and an operational plan for review by the Development Review Committee (DRC). The DRC shall review the plans to determine whether sufficient safety structures, mechanisms and procedures are provided to protect patrons and employees from the activities taking place at the business. The Owner shall not commence operations until the DRC approves the aforesaid plans and all operations at the business shall at all times conform to the plans approved by the DRC.