



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 6, 2022

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 Mike Peters, Councilman Peter Altman, Councilman Matt Murphy and Councilwoman Kelly Mothershead.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Police Chief Kim Bogart, Interim Finance Director Crystal Dunn, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Community and Development Director Dale Hall, Economic Development Director Barbara Carr, Library Director Andi Figart, Technology and Innovations Director Robert Greene, Parks and Recreation Director Terri Moore and Human Resources & Organizational Development Director Karl Fuchs.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of August 16, 2022 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

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

5. Introduction and Badge Pinning for Fire Captain Robert LaChance

6. Proclamation - Recovery Month

Jennifer Webb accepted the parchment from Mayor Marlowe.

7. Proclamation - Gulf High School 100th Anniversary

GHS Principal Jeff Morgenstein accepted the parchment from Mayor Marlowe.

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

Mayor Marlowe opened the floor for public comment. Don House, 2104 Beach Trail, Indian Rocks Beach came forward to speak regarding the current building official and information received from the building department. Kimberly Cox, 7336 Ashmore Drive, NPR to speak about the police department. George Romagnoli, 6235 Florida Ave., NPR came forward to speak regarding subsidies from local government and the proposed Walden Pond Project. He also spoke regarding affordable housing. Michelle Wojciechowski, 5445 Gulf Drive, NPR came forward to speak about owned and leased city owned vehicles and a public records request. Marlowe Jones, 6141 Pine Hill Rd., PR came forward to speak about the police department. Ronald Howarth, 6953 Edgewater Drive, NPR came forward to speak about the drug epidemic and the importance of education. Shinikki Whiting, 5755 Indiana Ave., NPR came forward to speak about text messages. Judith Allen, 5940 Grand Blvd., NPR came to speak regarding inspection warrants and grants. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

9 Consent Agenda

Motion was made to accept the Consent Agenda.

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

- a Purchases/Payments for City Council Approval
- b Cultural Affairs Committee Minutes - April 2022
- c Consideration of Amendment to the FY22 Adopted Budget

10 Business Items

- a Board Appointment: Leonard Gravitz, 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 Leonard Gravitz to the Environmental Committee. If approved, Mr. Gravitz's term will be for two years and will be up for renewal on September 6, 2024. Upon opening the floor to public comment, Mr. Gravitz came forward and stated he was looking forward to serving on the committee. 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 Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

- b Board Re-Appointments: Dana Suiters and Rob Oman, Parks and Recreation Advisory Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the re-appointment of Dana Suiters and Rob Oman to the Parks and Recreation Advisory Board. If approved, Ms. Suiters and Mr. Oman's terms will be for three years and will be up for renewal on September 6, 2025. 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, Marlowe, Mothershead, Murphy, Peters

- c CAC Mural Art Design Approval and Funding Request RE: Mural for Main Street Food Mart

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the art design of a mural to be installed as the Main Street Food Mart Mural. If the design is approved, it is the further request for staff for Council to approve funding in the amount of

\$3,000 for the mural. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Altman made a motion to approve for discussion. Motion seconded by Councilman Murphy. Deputy Mayor Peters stated that the verbiage should be removed as there are no other murals with wording included. Councilman Altman offered to amend his motion so that the verbiage of the mural would be consistent with the City's sign ordinance and then he withdrew the motion to allow for CAC Chairman, Rich Melton, to come forward and speak. Mr. Melton came forward and stated Council's role should be limited. He offered to resign if Council decides to postpone this item. Councilman Altman stated he would make a motion to limit the verbiage to 20% or less of the surface of the building area. Mr. Melton stated he would then have to have another rendering prepared and approved. Marlowe Jones, 6141 Pine Hill Rd., PR came forward to state his support for the mural. Councilman Murphy made a motion to approve the item as presented. Motion was seconded by Councilwoman Mothershead.

Motion made by Matt Murphy and seconded by Kelly Mothershead. The Motion Passed. 3-2. Ayes: Marlowe, Mothershead, Murphy Nays: Altman, Peters

d Resolution No. 2022-12: Annual Approval of the Comprehensive Fee Schedule

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to review and approve the amended Comprehensive Fee Schedule for FY2022-2023. The proposed changes are as follows:

- Administrative Fees – changes to handbill license fees and political campaign signs
- Fire - certain fees were increased, based on current conditions and comparability to other municipalities in the surrounding area

Upon opening the floor to public comment, Bob Smallwood, 7124 Meighan Ct., NPR came forward to speak regarding the Parks & Recreation fees and a larger discount for city residents. 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 Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

e 2022 WWTP 24" Effluent Pipe Replacement – Project Close Out

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a deductive change order in the amount of \$32,766.88 and the final pay request in the amount not to exceed \$312,896.87 from Kamminga & Roodvoets, Incorporated for the 2022 WWTP 24" Effluent Pipe Replacement Project. Mr. Rivera stated this was directly related to east side of the plant pipe that broke. He stated that the County is responsible for 49% of the costs. 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 Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

f 2022 Sanitary Sewer Lining Project Close Out

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a change order in the amount not to exceed \$119,515.00 and a final pay request in the amount not to exceed \$256,783.48 from Granite Inliner, LLC for sanitary sewer gravity main rehabilitation. Mr. Rivera stated the areas that were included were the West Grand neighborhood, the Cypress Knolls neighborhood, several areas north of the City's downtown area, and along Louisiana Avenue west of Frances Avenue Park. 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 and budget amendment as presented.

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

Altman, Marlowe, Mothershead, Murphy, Peters

g 2021-22 LMS Report and RLF Management Plan - Consideration for Approval

City Manager Manns introduced Development Director Dale Hall who then presented the item to Council. He stated that the purpose of this agenda item was to review and approve the 2021-22 Report on Local Mitigation Strategy Report and Repetitive Loss Floodplain Management Plan. For the City to participate the City needs to enact and enforce a Floodplain Ordinance. He stated that there is a potential for reduction in insurance rates. He stated there are currently 10 classifications in the system. The City is Class 7 and receives a 15% reduction in premiums. The Local Mitigation Strategy Plan was adopted in 2019. The Local Mitigation Strategy Report and Repetitive Loss Floodplain Management Plan summarizes staff responsibilities, highlights the City's Comp Plan and acknowledges repetitive loss properties. 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 Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

h 2022 N. River Neighborhood Improvements Project - Engineering Services Task Order No.16

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve Task Order No. 16 from Stroud Engineering Consultants, Inc. for engineering services in the amount not to exceed \$167,580 for the proposed 2022 N. River Neighborhood Improvements project. City Manager Manns stated that there have been several meetings with residents along N. River Rd. She stated this project would include sidewalk replacement on the north side, hardscape/landscape and traffic lane narrowing in addition to the installation of LED crosswalks and some intersection realignments. She stated that Wannemacher Jensen's proposal was cost prohibitive therefore staff entered into discussions with Stroud Engineering. This task order is for the design, bid, and construction phases. Funding for this project is through LOGT. 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 with City Council reviewing the preliminary design drawings. Mr. Rivera stated that the preliminary drawings will be based on the conceptual drawings which were included in the agenda packet.

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

i 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, 2022. Mr. Driscoll has served as City Attorney since 20016. The term of the amendment will be for one year. All of the original provisions will remain unchanged. She stated that there was discussion at the previous meeting however there was some confusion about the role of City Attorney. She stated she thought it would be helpful to enumerate Mr. Driscoll's responsibilities. Mr. Driscoll's specific responsibilities include the chief counsel to the City Council, City Manager and Department Heads, prepares ordinances and resolutions, prepares legal documents, prepares and revises policies, prosecutes County Court code enforcement cases and advising all code enforcement personnel on proper application of the law, represents the Police Department in Risk Protection Order matters, represents the City in all litigation matters not handled by outside counsel, handles foreclosure matters involving City liens and claims and legal opinions on legal issues as necessary. City Manager Manns stated there have been no challenges to any ordinances, policies or procedures that Mr. Driscoll has drafted. Upon opening the floor to public comment, Kimberly Cox, 7336 Ashmore Dr., NPR, came forward to state her opposition for this item. Michelle Wojciechowski, 5445 Gulf Drive, NPR, came forward to speak about a risk management issue. Marlowe Jones, 6141 Pine Hill Rd., PR came forward to state his opposition for this item. Chopper Davis, 6110 Florida Ave., NPR came forward to speak about Mr. Driscoll's professionalism and guidance and voiced his support of this item. Mario Iezzoni, 5511 West Shore Dr., NPR came

forward to speak about his previous working relationship with Mr. Driscoll and his in-depth knowledge. He stated the City was able to move forward with projects due to his guidance. He urged Council to approve Mr. Driscoll's re-appointment. Judith Allen, 5940 Grand Blvd., NPR came forward to speak about an inspection warrant. With no one else coming forward Mayor Marlowe returned the floor to Council. Mr. Driscoll stated there were several misstatements made tonight. He stated the warrants are legal. He stated he extended an offer to Ms. Wojciechowski's attorney but has not heard back yet. Mr. Driscoll stated that he has never represented the City of Tampa. He stated he went on the warrant search and did not observe any illegal activity. He stated there are multiple disciplines involved. Mr. Driscoll stated we do not have any pending litigation that is not being handled by the insurance carriers. He stated there have not been any litigation in the last six years. He stated we have never lost a code enforcement case. Motion was made to approve the item as presented.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 4-1. Ayes: Marlowe, Mothershead, Murphy, Peters Nays: Altman

11 Communications

Councilman Murphy stated we can always do better as a city. He stated if someone makes allegations they should have the information to back it up. He stated he has a hard time when people throw unfounded accusations and things that are not true out there. He stated he wants to see the city flourish and do well. Councilman Altman told Mr. Driscoll that he respected him and his no vote was because he thought the City Attorney should go through a process. He thanked Mr. Driscoll for his professionalism. Councilman Altman stated Mr. Driscoll has served well as the CRA attorney and in real estate matters. Deputy Mayor Peters thanked Mayor Marlowe for his comments and stated they were well overdue. Deputy Mayor Peters stated although Mr. Driscoll does not live in the city he cares deeply for it. He also stated that the City Manager cares deeply about the city. He stated he heard she did an outstanding job at the recent NPRMS Lunch & Learn. He stated we need to find the common points that have made things happen. He stated he feels privileged to serve and looks forward to serving the next few years. Councilwoman Mothershead stated our goal is to improve the city and we should focus on resolutions. She stated that if we are transparent we can work on resolutions better. Mayor Marlowe stated that we need to concentrate on the things that are improving the city. He stated that the numerous public records requests are slowing down the work of the city. He stated they have no interest in making the city better only to interrupt the work of the city. Mr. Driscoll stated it is a privilege to work with this City Council. He stated his interest is always what is in the best interest of the city. He stated one of his responsibilities is to treat everyone with the dignity and respect they deserve. He stated he has nothing but the greatest respect for the city. City Manager Manns thanked Council for the kind words this evening. She stated that it is tempting to address some of the disparaging comments expressed by Ms. Cox however she stated she does not want to give credence by addressing them. She stated if any employee or resident has any questions about what happened over 23 years ago they can ask and they do not have to guess as Ms. Cox did. City Manager Manns stated it was a misstatement that 30% of the police department is corrupt. She stated there is an investigation process. She stated there is no basis to any of that allegation.

12 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:50 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____

LETTER OF INTENT TO SUE

5445 Gulf Dr
New Port Richey,
Fl 34652

Effective Date: May 18th 2022

RE: Notice of Intent to File Lawsuit

Dear Robert Mardowe,

This letter of intent to sue shall serve as a formal notice that Michelle Wojciechowski intends to commence a lawsuit against you due to the following:

Civil Rights Violation

I. The Plaintiff. Michelle Wojciechowski (the "Plaintiff").

II. The Defendant. The City of New Port Richey (the "Defendant").


III. Settlement Demand. As a result of your actions, the Plaintiff seeks relief in the form of:

- Payment in the amount of two hundred thousand Dollars (\$ 200,000.00)

- Other: _____

This offer to cure and/or settle this matter outside of court and avoid a lawsuit is valid for 30 days from the Effective Date.

IV. Governing Law. This Letter of Intent shall be governed under the laws of the State of Florida.

Sincerely,
Michelle Wojciechowski




Rec'd 5/18/22
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B19x

IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

IN RE:

Property Owner: (, New Port Richey, Florida 34652)

Parcel Identification Number: 00-26-16-0000-00000-0000

Property Address: New Port Richey, Florida 34652

← NO SUIT
PAKED

INSPECTION WARRANT

STATE OF FLORIDA)
COUNTY OF PASCO)

WHEREAS, the attached Affidavit in Support of Inspection Warrant coming to be heard and the Court having examined the Affiant and having been satisfied that the facts as alleged do exist and there is reason to believe that a condition of nonconformity exists with respect to the above-described premises (and the dwellings and other structures located thereon) which condition would constitute a violation of local law or rule relating to municipal building, fire, safety, environmental, animal control, land use, plumbing, electrical, health, minimum housing, or zoning standards. Further, the Court has been satisfied that facts are shown (which are sufficient to create a reasonable suspicion of a violation of a state or local law or rule relating to municipal or county building, safety, land use, plumbing, electrical, or minimum housing, standards which, if such violations existed, would be an immediate threat to health or safety.

WHEREAS, the Court has interviewed the Affiant and it appears that affiant is a responsible and reputable person of New Port Richey, Florida as set forth in the Affidavit. The Court has considered the Affidavit, interviewed the Affiant, and is satisfied to existence of the facts set forth therein, and finds that the facts do establish and constitute cause for the issuance of an inspection warrant for the above-described premises (including all dwelling units located thereon).

Exhibit 3

NOW THEREFORE, the Affiant, with such lawful assistance as may necessary, is hereby commanded, between the hours of 8:00am of any day and 6:00pm of the same day, excluding Saturday, Sunday, or legal holiday and, with the presence of the owner or occupant over eighteen (18) years of age of the particular premises described herein, is authorized to enter upon or in any dwelling, structure or premises located on the property described herein because a sufficient showing has been made that entrance upon said property is reasonable and necessary to effectuate the purposes of determining whether violations of the City's codes and ordinances exist. The Affiant may forcibly enter the property or any dwelling, structure or premises thereon because a sufficient showing has been made that such violations, if they existed, would be an immediate threat to health or safety. Affiant shall execute on this Inspection Warrant within the next fourteen (14) days.

DONE AND ORDERED in Chambers on this 15 day of March, 2022.


County Court Judge