



**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 7, 2017**

**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 pm. Those in attendance were, Deputy Mayor Bill Phillips, Councilwoman Judy DeBella Thomas, Councilman Jeff Starkey and Councilman Chopper Davis.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Chief of Police Kim Bogart, Finance Director Crystal Feast, Development Director Lisa Fierce, Fire Chief Chris Fitch, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Library Director Susan Dillinger, Parks and Recreation Director Elaine Smith, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Assistant to the City Manager Martin Murphy.

**2 Pledge of Allegiance**

**3 Moment of Silence**

**4 Approval of January 17, 2017 Regular Meeting Minutes**

Motion was made to approve the minutes as presented.

Motion made by Judy DeBella Thomas and seconded by Bill Phillips. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

**5 Swearing-In of Police Officer Donald Jacobs**

**6 Swearing-In of Police Officer William Burbridge**

**7 Presentation of Healthy Weight Community Champion Award by the Pasco County Health Department**

Presentation of this award was rescheduled for the February 21, 2017 City Council meeting due to a scheduling conflict on behalf of the Pasco County Health Department.

8 Presentation by the River Ridge High School Robotics Team

The First Robotics Team 5842 members, Dwight Howard and Thomas Rimos, from River Ridge High School made a presentation to Council regarding their robotics program and the team's accomplishments over the past year.

9 Status Report on Noise Ordinance Implementation

Chief Bogart provided a status report on the implementation of Ordinance 2016-2091 relating to Noise Standards. He stated that the ordinance has been in effect for about three months now. What they have discovered is that low level sounds are not being picked up by the noise meters. Staff has been working on a solution to the problem of "human hearing" and will bring it back to Council.

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

Mayor Marlowe opened the floor for public comment. Don House came forward and stated that Marine Parkway is looking pretty good. He asked Council to entertain the idea of having all the residents to replace their mailboxes along Marine Parkway and offer an incentive of half the price to aid the homeowners. He stated that he will be getting reclaimed water at the house he owns on the north side however due to the multi-use path parking at his homes on the south side has decreased. He suggested having the carports extended to a two car carport.

With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

11 Consent Agenda

Deputy Mayor Phillips requested the quarterly report submitted by New Port Richey Main Street be pulled from the Consent Agenda for discussion. He stated he read through the report and the financial statements. He asked that sometime between now and March there would be a joint work session with New Port Richey Main Street to discuss the operation and overall programs.

Motion was made to accept the Consent Agenda.

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- a New Port Richey Main Street, Inc. Quarterly Report
- b Parks and Recreation Advisory Board Minutes - December 2016
- c Purchases/Payments for City Council Approval

12 Public Reading of Ordinances

- a Second Reading, Ordinance #2016-2095: Comprehensive Plan Amendment - Downtown and Downtown Core Categories

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns the purpose of the ordinance is to encourage and incentivize redevelopment through the downtown core. She then introduced Ms. Fierce who made a presentation to Council. She stated that this agenda item was to increase density in the downtown core. The ordinance has been reviewed and approved by both the Land Development Review Board and the State.

Upon opening the floor to public comment, Heather Fiorentino came forward and asked for clarification that this ordinance would not change anything in Ordinance 1. She stated that the density change cannot effect that piece of the property where the Chamber building is and that land cannot be used for anything else besides city use. Ms. Fierce stated this ordinance only effects density and not land use. Deputy Mayor stated that everyone is conscious of the provisions in Ordinance 1. Mayor

Marlowe stated that there was particular discussion on that parcel and where the boat ramp is being rolled in with the Main Street Landing Project ten to fifteen years ago. Lisa stated all land has to have a use attached to it. City Attorney Driscoll stated that this was just a text amendment and has nothing to do with that particular piece of property and that if something happens with that piece of property is should be done as a separate item and sent to the LDRB. Ms. Fierce suggested the City Attorney craft some deed restriction language that could be attached to the parcel that would be able to be found if someone was doing a title search.

With no one else coming forward, Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

b Second Reading, Ordinance 2017-2105 & Amendments to the Utility Asset Acquisition Agreements

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. Deputy Mayor stated he would not be supporting the motion. Councilman Davis also stated he would not support the motion.

Motion made by Judy DeBella Thomas and seconded by Jeff Starkey. The Motion Passed. 3-2. Ayes: DeBella Thomas, Marlowe, Starkey Nays: Davis, Phillips

c First Reading, Ordinance #2017-2106: Residential Exterior Maintenance

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 prevent slum and blight and to preserve and enhance our neighborhoods. She introduced Ms. Fierce who then made a presentation to Council. Ms. Fierce stated that staff initiated this item to further advance the maintenance standards in the city. She stated this item only pertains to roofs, gutters, driveways walkways and other exterior surfaces. These areas have been found to not be clear of debris, mold and mildew. She stated that the proposed ordinance has been approved by the LDRB.

Upon opening the floor to public comment, Rob Oman came forward to speak and has how far along the process for improvement to the rentals in the community. He stated that once the compliance for rentals reaches fifty to sixty percent then the city can address the residents. Ms. Fierce clarified that this ordinance was for both residential rental and home owner occupied properties. She stated that compliance has been good over the year that this has been in effect.

Jim Luper came forward to speak and asked how will the city help the homeowners pay for these improvements. City Manager Manns stated the city has a housing rehabilitation grant program. Mr. Luper replied he was aware of the program and that he has suggested it to his neighbors but the funds are not always available. Deputy Mayor stated that there were income thresholds for the program and Councilman Starkey also stated assessed values as well.

Sharon Provance came forward and stated that although she is a single woman she does not qualify for the grant program because of her income. She also stated that permit fees should be more affordable. City Manager Manns stated the funding source for the grant program is a Federal program and therefore the city must follow their guidelines relating to income eligibility. She did state however that the city is looking at a possible second source that would help bridge the requirements and was hopeful to have a formal recommendation in the near future.

With no one else coming forward, Mayor Marlowe returned the floor to Council. Deputy Mayor stated that we have federal funds but we could also look at taking funds from the CRA or Penny for Pasco to use as a middle ground. He said there were other avenues that can be investigated. Councilwoman DeBella Thomas stated she was uncomfortable with this item that this was an over reach by the city.

Councilman Starkey asked for clarification that this only addresses maintenance issues. City Attorney Driscoll then read the proposed ordinance by title only. Deputy Mayor stated that he felt several sections were way over reaching and that we were rolling something out without give a way for people to work through it and at this point in time he cannot support it the way that it is written. Mayor Marlowe also stated he would be more comfortable if the bridge funding was already in place. He stated as a homeowner, sometimes expensive unexpected repairs can happen. City Manager Manns stated she would be happy to defer this item until a bridge program was in place however the pictures shown were from actual properties in the city and this problem is a frequent occurrence enough that staff has requested these tools to work with. Mayor Marlowe stated he was uncomfortable with it but would vote for it on first reading but not on second reading as it is written. Councilman Starkey asked if the hesitation was due to the bridge funding not being in place as he was raised to take care of your property. Councilman Davis stated that some of the mildew on the side of the houses may be discretionary.

Motion was made to approve the ordinance upon its first reading. The motion failed to pass.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Failed. 2-3. Ayes: Marlowe, Starkey Nays: Davis, DeBella Thomas, Phillips

d First Reading, Ordinance #2017-2104: One-Year Cannabis Moratorium

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that last year Council approved a moratorium and there are certain regulations already in place. The purpose of the item is to institute a moratorium until such time that the State can advance certain standards to make sure our ordinance conforms to them.

Upon opening the floor to public comment, Denise Houston came forward and stated that voters approved the amendment in November. She stated that local governments are in charge of the time and place. Of twenty-eight states that passed these amendments, Florida had highest ballot approval. She stated dispensaries should be left up to the voters.

Michelle Flood came forward and stated that 170,000 in Pasco voted for this. She does a show on Facebook live that has over 4,000 viewers and she could get people to come speak if Council does not listen.

Rachel Hagenbaugh came forward to state her opposition and said this would be denying funding for schools, parks and streets. She stated cannabis is a plant with great medical benefits.

Anthony Livio came forward to ask why this was needed since the County already has an ordinance in place and Port Richey has already decriminalized it. He also wanted to know what Council was scared of. He stated that work shops should be done.

Greg Smithwick came forward to state that generally officials and law makers are uneducated on cannabis. He stated he had offered commissioners to tour a current dispensary in Pinellas. He stated he hoped that during the Council's discussion he would like to hear them recognize how many patients there are in need in the city.

John Kane came forward to state that this issue will take longer to be ironed out in Tallahassee than a year. He suggested that Council decriminalize small amounts of marijuana like Port Richey.

Kerry Shattles came forward to provide some education on the matter. She stated there are over 500,000 patients currently waiting on the implementation of Amendment 2. Projected revenue from sales in 2017 would be significant. For each dollar earned and spent 3 dollars comes back into the community. She left the information she downloaded with the City Clerk so that it may be distributed to staff.

Rob Oman came forward to state that he voted yes for amendment 2 and that moratorium not be put into place. Revenue from this can be used to improve the roads. He referenced several online newspaper articles that stated legalizing medical marijuana has led to a decrease in opiate use.

With no one else coming forward, Mayor Marlowe returned the floor to Council.

Deputy Mayor stated he appreciated all the comments that have been brought forth but did not appreciate the threats of not re-election. He stated we should wait until after the legislative session. The people have spoken and we should find a way and just as adult use businesses that a specific location should be explored. You cannot deny the use in the city but you can put restraints on it. He stated he believed there should be a smaller time frame for the moratorium so that it can be implemented with sound reason and good judgment.

Councilwoman DeBella Thomas that the Florida League of Cities has taken a proactive approach. She attended a webinar that had excellent information and the modules will be available as a good education approach. The moratorium is to enable everyone to become educated and do not want to repeat issues in the past. She stated it would be wise to do due diligence and continue to be more educated.

Councilman Starkey appreciated the comments but also did not appreciate the threats. He agreed that there is the need to be educated and should have work sessions. Opiates have had a detrimental effect on our society and should not be compared to cannabis. Majority of voters voted for it. Need more information from the legislature. He suggested having a work session and have some medical personnel come into speak. He stated he would support a six month moratorium.

Councilman Davis stated he has been continuing to educate himself on the matter and he sees where it is needed and where it fits into the community. He proposed once the State is ready to pass the regulations and then hold a work session within thirty days as an aggressive approach.

Councilwoman DeBella Thomas stated if we just follow through with the FLC program it discusses lengths of moratoriums. She suggested postponing this item until after the modules are listened to.

City Attorney Driscoll stated the State has until July 1st to implement regulations. After the regulations are in place then this becomes a land use and zoning issue. By giving additional time you can gather all the information. He stated it would be a mistake to not extend the moratorium. He urged Council to adopt as is. The process can always be expedited.

Mayor Marlowe stated this is an issue that ultimately the federal government will have to deal with. He stated that he has had a close family experience with opiates within the last month. There are some issues but it is bigger than all that. He would like to talk about decriminalizing like Port Richey did. His initial reaction to this ordinance is that we need for lack of a better term a time out so that way people cannot slip in before regulations are in place. Definitely need some work sessions. Do not want to sit and do nothing. Have no idea what will come out of the legislative session. Motion was made to approve the ordinance upon its first reading for a six month moratorium and that two work sessions be conducted.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

e First Reading, Ordinance No. 2017-2107: Firefighters Pensions & Retirement

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated the purpose of the item was a bookkeeping matter and the changes brought forward are to reflect State law and changes to the IRS code so that the City's ordinance is in compliance. 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 Judy DeBella Thomas and seconded by Bill Phillips. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

13 Business Items

a Recreation & Aquatic Center Improvement Project Bid Award - Hennessy Construction Services

City Manager Manns introduced the item to Council. She stated that Council has collectively and consistently advancing the city a priority. Council has stated that they want to protect assets and provide a better product when one does not exist. In the case of roads the conditions were advanced as deficient as indicated by Genesis in 2016. The City needed to come up with a system that has an on-going source of revenue and thus the pavement management committee has been formed. There are twelve road projects over the last thirty years which is proof the current model is not working. The only source currently is LOGT and only about \$700,000/year. The City is looking for grant opportunities for future road improvements. Things learned are to build on strengths and decrease weaknesses. We can boast about amenities but have weakness to acknowledge that current model is unsustainable in terms of financing. The City needs to expand ways that it serves the community. In that respect, we hired Kimley-Horn who is here to give an overview of the project. The City also hired Hennessy Construction and the Sports Facility Advisory Group (SFA) who specialized in forecasting and feasibility. SFA's recommendations need to be taken seriously. Currently subsidizing million dollars a year and a formula that cannot be sustained. SFA suggested to relocate and expand the fitness center, add child care room and add activity room. New tracking software has been installed and is currently being implemented. Working on a dedicated website. The project was originally bid in October 2015 and contained components that are not in the current proposal. It was re-bid in November 2016 and came in over \$330,000 higher than the 2015 bid due to construction costs.

Keith Greminger from Kimley-Horn and Mark Stalker came forward to make a presentation to Council. Mr. Greminger stated that designs were based on the recommendations from SFA and included expanding the current fitness center as well as relocating the space to the front of building. Mr. Greminger discussed the other cost cutting factors such as eliminating the drop off, updating pool amenities and deletion of additional activity room. Mr. Stalker stated when the bid came back in November at the escalated cost, the design was formulated as to what could be easy and quick to complete.

Upon opening the floor to public comment, John Kane came forward and stated that he remembered when the rec center project was first brought forward and that there is a lot of money in it. He would like to see that if there is a cost to run it then invest in a comprehensive energy study done to aid costs. There are a lot of options to cut costs.

Paul Black came forward and stated he was in favor of the parking ordinance but stated that some of the alleys were in dire need of repair. Highways, roads and streets are more important.

Greg Smith came forward and stated he spends a lot of time at the rec center. Need to get more people into the facility before expansion.

Mitch Jackson came forward and stated that more people are needed to come to the rec center before expansion. Funds should go to grants for home improvements or road repairs. He also brought two photos of flooding during Tropical Storm Debby which he left with the City Clerk for Council.

Karen King came forward and stated her opposition against spending any more money on the rec center. She doesn't like to exercise. She suggested giving out a week membership to try the rec center. Families can't afford to join.

Dale Webb came forward and stated he was against spending any more money on the rec center.

Lois Robinson came forward and stated that read that the rec center is a fourteen million state of the art facility. She said the study conducted showed that over three years memberships will increase. She suggested that a committee formed to make recommendations.

Julia DeLong came forward and stated the money should go to roads instead of the rec.

Sharon Proviance came forward and stated to boost membership instead of putting money into the center.

With no one else coming forward, Mayor Marlowe closed public comment and returned the floor to Council.

Councilwoman DeBella Thomas stated that the City owns the building and when the money was put into it and we started talking about the improvements that could increase the return the improvements that are being suggested are ones that were talked about. The fitness center needs to be moved to the front because right now it is in the back and there are many people who don't even know it exists. The addition of the childcare area and activity room is also ideas that were talked through. She stated the Rec Center is the only building owned by the city that has the potential to make money. We need to invest and protect the investment. We need to move forward on it. We need to do the enhancements that we can.

Mayor Marlowe stated it is the first significant investment in the facility in over ten years. He compared the investment versus the amount of funding put towards road projects. The longer we wait the more expensive it will be.

Councilman Starkey stated he was glad that it was clarified that money for this project would not take away from money for road projects. The two things he wanted for this project was the new tracking software which is currently being installed and the childcare area. He wants to attract young families who take pride in their community. He commented on recent events he has seen with some of the homeless in our community. He stated that another issue was to have an activity room for parties. He said Council has been discussing this for eighteen months and the costs have gone up over \$330,000. He wished we would have voted for it over a year ago. It was nice to clear up all of the misinformation.

Deputy Mayor began his comments by distributing a drawing and additional information. Over the last few years by strapping with all the debt occurred it has been placed in a no win situation. He began to look at the aspects of the project. He began to ask for options in early January. He asked for an option to show pulling the fitness center to the front so it can operate independently. He was looking at the option to expand the square footage. He stated good space was being torn up inside to create the new spaces. The concept drawing he received came in with a total cost of \$978,728. He state that the City's priority on projects has changed. Funding for this concept would be available totally in Penny for Pasco 1 funds leaving Penny for Pasco 2 funds to go to other projects. There would be economic gains for with millennial housing projects, hospital improvements and the City's bid for the VA project.

Councilman Davis stated the numbers he used came from staff. He was reporting what was given to him. We have about \$1.1 million in LOGT that are available to spend on roads. The \$1.1 million is supposed to be for environmental improvements. We have used up the transportation portion of Penny 1. There are other city projects on the books that total the \$1.1 million available. He stated he took offense at his fellow Council members for the numbers he used. We can use Penny 2 funds for road projects. He's not opposed to the project and he likes the drawing presented by Deputy Mayor. He would support giving \$300,000 but not the \$1.8 million. He does not think there will be an increase in memberships with the improvements. He thought there should be more diversity in the members on the pavement management committee.

Councilman Starkey asked for clarification with Deputy Mayor's proposal of why if it was a viable option was it not looked at before and also if the proposal included the childcare area and Mr. Stalker replied no it did not include the childcare area. The estimate only included the construction and not any of the other renovations. Deputy Mayor stated he was looking for numbers for common ground relating to goals and objectives. He stated at the end of the day he wanted an option that was meeting the objectives of the conversations that have been had. Councilwoman DeBella Thomas stated she appreciated the comments but did not want to piece meal it. She said it is pared down as far as it can

go. Where it is right now it will have the effect that we need. Councilman Starkey stated that this has been a difficult vote and looks forward to putting the friction behind us and moving forward. Mayor Marlowe also appreciated Deputy Mayor's attempt to cut costs but he feels that we need to do this and move on.

Motion was made to approve the item as presented.

Motion made by Judy DeBella Thomas and seconded by Jeff Starkey. The Motion Passed. 3-2. Ayes: DeBella Thomas, Marlowe, Starkey Nays: Davis, Phillips

b 2015 Stormwater System Improvements Project - ITB No. 16-020 Bid Award

City Manager Manns introduced Mr. Rivera who then presented the item to Council. He stated that the purpose of the agenda item was to award the bid to Augustine Construction in an amount not to exceed \$288,623.05 for stormwater improvements.

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 Bill Phillips and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

c FDOT FY17 Highway Landscape Reimbursement and Maintenance Memorandum of Agreement, Resolution No. 2017-10 - Consideration for Approval

City Manager Manns introduced Mr. Rivera who then presented the item to Council. He stated that the purpose of the agenda item was to grant permission to proceed with the State grant for the US Highway 19 median improvements and to approve to enter into an agreement with FDOT. This will complete the plantings in the center islands along US Highway 19.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Starkey asked about the current conditions of the plantings in the median and Mr. Rivera stated that some of the areas will be replaced and others will come back during the spring. Deputy Mayor stated it was all about planting at the right season. He stated as long as the warranty is in place and recognized then he is happy and can wait for the spring. Mr. Rivera stated that the City has a good relationship with the landscaper and that he did not anticipate any problems with the plantings being replaced. City Attorney Driscoll then read the resolution by title only. Motion was made to approve the item as presented.

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

d 2014/2015 US Hwy 19 Landscape Project Phase 1 Change Order - Consideration for Approval

City Manager Manns introduced Mr. Rivera who then presented the item to Council. He stated that the purpose of the agenda item was to approve a change order for Morelli Landscaping for the 2014-2015 US Highway 29 Landscape Project in the amount of \$546,543.

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 Judy DeBella Thomas and seconded by Bill Phillips. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

e Re-Appointment of Dr. Donald Cadle, Jr., Land Development Review Board

City Manager Manns introduced the item to Council. She stated the purpose of this item was to re-appoint Dr. Donald Cadle, Jr. to the Land Development Review Board. She stated that Dr. Cadle has been a member on the Board for many years. If approved, Dr. Cadle's term will be for three years and



will expire on February 21, 2020.

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 Judy DeBella Thomas and seconded by Chopper Davis. The Motion Passed. 5-0.

Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

f Three Minute Report: Technology Solutions

14 Communications

Councilman Davis thanked all of those who wrote letters and made phone calls regarding the Rec Center.

Deputy Mayor Phillips stated he appreciated the working environment and the dedicate each of the Council members has to move New Port Richey one step forward instead of two steps back. He stated that although they agree to disagree he is happy that overall they are not disagreeable and that makes serving on Council so nice.

Councilwoman DeBella Thomas stated she appreciates all those who come out to the meetings as well as it is a great exchange of information. Although sometimes the votes do not go the way you expect it we still appreciate that this is a work in progress.

Councilman Starkey stated that he agreed with Deputy Mayor's comments and that he enjoys serving on Council. He stated he values everyone's input. He stated that what it boils down to when we vote on the important issues is to vote for what we think is best for the city. He stated he respected Councilman Davis' position on the Rec Center. He stated none of the members have a personal agenda and are just trying to do the best job for the city.

Mayor Marlowe stated that each of the five Council members come from different perspectives and that when they come up here we try to come to the best solution under the circumstances. Not all the decisions are right but there are more right ones than wrong ones. He stated it is his pleasure to serve on Council.

15 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 10:40 pm.

(signed) \_\_\_\_\_  
Judy Meyers, City Clerk

Approved: \_\_\_\_\_ (date)

Initialed: \_\_\_\_\_