



**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**

**March 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 and Councilman Chopper Davis. Councilman Jeff Starkey was excused.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Chief of Police Kim Bogart, Development Director Lisa Fierce, Fire Chief Chris Fitch, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Parks and Recreation Director Elaine Smith, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Community Education Librarian Kayla Kuni.

**2 Pledge of Allegiance**

**3 Moment of Silence**

**4 Approval of February 21, 2017 Work Session and Regular Meeting Minutes**

Motion was made to approve the minutes as presented.

Motion made by Bill Phillips and seconded by Judy DeBella Thomas. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

**5 Swearing-In of Firefighters James Mastrocolo and Justin Murphy**

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

Mayor Marlowe opened the floor for public comment. John Kane brought forward two documents, the residential parking manual that shows all the requirements to be in compliance with the parking ordinance and the city's ordinance. Mr. Kane then referenced the actual ordinance that states a building permit is required for driveway or accessory parking space construction. He stated that the parking ordinance language was simple and direct. Homeowners are now required to buy a permit

however renters are not allowed to get a permit. He asked Council to enforce the ordinance and nothing more and to not add any kind of addendums and to issue a cease and desist order for the handout and the policy demanding people get a permit. Mayor Marlowe stated Mr. Kane's comments came from an incident with a neighbor who rents and received a citation however the citation was issued in the landlord's name as property owner and when the tenant tried to fix it was told they were not allowed to have mulch, they needed a permit and survey of the site. City Manager Manns stated that staff would review the process. Councilman Davis stated he knew of a similar situation and that he thought the direction was to help and not hinder. Deputy Mayor Phillips stated that as the process is reviewed if there is a way to look at permits issued so far and percentage so far. Councilwoman DeBella Thomas stated that she remembered when they were discussing this that and as a landlord herself she addressed that question with the Development Department and it seemed clear to her that it would be the landlord who would be addressing this as the property owner. So as responsible landlords they would address that with the property they own. Ms. Fierce stated that she would be happy to discuss with City Manager Manns the process and also with Mr. Kane privately.

Andrew Bochetti came forward to speak. He stated here was here this evening due to a notice that he did not receive but was stuck on doors. He stated the notice discusses the his development that the City is trying to take over the water of. According to the property appraiser the development is not listed in the notice. He showed Council the legal description and plot map and said he would not go into all the details. He stated his landlord was not notified and he was not happy about it. There was no notice received by mail. His neighbor brought to his attention the chart that was sent out and that he pays \$900 in rent which is pricey for this area and he shouldn't be stuck with another \$175 since it took two checks to get his \$120 when he left his house and the title was not correct and it wasn't until he brought in documentation that he would get one check and that did not happen and he had to fight for an additional change to get the \$120. He asked who will refund the \$175 and when will it get refunded. He stated the city wants him to sign up for a year to pay his water bill and that should be worked out with the landlords. He should have been notified of what utilities were purchased as he may want to get his water somewhere else because he does not think that city water leads all the way from Lakewood Villas and he doesn't know where Barbara Ann Estates is and he is in Richey Lakes. He does not think any further research or documentation was done. He thinks everything should be revisited and as a rentee doesn't feel that paying \$175 for a water tab just for a year's worth of water that he'll pay monthly. He has already seen utility workers out there changing to wireless meters. He stated he's upset, his landlord is upset and his neighbors don't understand what is going on and already have corrections on their bill.

Don House came forward to speak regarding the parking ordinance. He asked as the ordinance is being revisited to look at setback and what changes are occurring in neighborhoods.

Rob Oman came forward to speak about the parking ordinance. His concern is the lack of option to comply. He asked how many have complained versus staff initiated citations. He stated the property adjacent to his carport cannot be parked on. He asked for an exemption for corner lot owners. Homeowners cannot comply without paying the fee and cannot use city mulch. He suggested that until the issues can be addressed a moratorium should be in place for the ordinance and just look at citizen's complaints

Mayor Marlowe asked Mr. Rivera about the corner parking setback. Mr. Rivera stated that he would get with staff. Deputy Mayor Phillips stated he held three town hall meetings before the ordinance went into effect. His concern all along was the financial impact. He stated the end goal was to get people to park more expeditiously however we need to go back and cover other ground. Ms. Fierce stated a survey is not required however a drawing is required. She stated that city mulch is allowed however a permit is needed for the accessory spaces. Perhaps a no fee for accessory spaces. Councilman Davis pointed out communication issues.

Denise Houston came forward to speak about the February 7th meeting and the decriminalization of cannabis. She stated that West Palm Beach, Orlando, Tampa and Port Richey have addressed the issue. Young people are held by different standards in New Port Richey. She also asked about the cannabis work sessions. City Manager Manns stated to direct inquiries to her.

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

7     Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

a     Parks and Recreation Advisory Board Minutes - January 2017

b     Purchases/Payments for City Council Approval

8     Public Reading of Ordinances

a     Second Reading, Ordinance 2017-2108: Amending Section 14-23 of the City Noise Ordinance

City Attorney Driscoll read the proposed ordinance by title only. Upon opening the floor to public comment, Don House came forward to speak stating there was a noise problem in Indian Rocks Beach and what they did there was get people from the community who helped write the ordinance. He stated his concerns over the human hearing provision. He stated he felt it was an indefensible provision. There are meters that measure sub sonic sounds. Councilman Davis stated the problem was the bass that travels along town.

Rob Oman came forward to speak and stated he lives a few blocks from Dulcet. His house was built in the 1920's and the windows shake. He offered his house for readings.

John Kane came forward to speak and stated he has called a few times because of the noise from outside at Dulcet. He stated he is not opposed to the discretionary duty of the police. He said everyone accepts the fact that there are events in the park and the noise but what is not acceptable is the bass from the music. He stated they are looking for a decent cut off time. With no one came forward therefore Mayor Marlowe returned the floor to Council.

Mayor Marlowe stated the plainly audible is troubling and might be worth deferring action on until information can be received from Mr. House regarding the other meters.

Councilwoman DeBella Thomas stated she was downtown at the art studio across from Dulcet and said the ordinance seems to be working. There were people that were sitting on the patio that could hear and talk with no problem. She stated that we were on the right path.

Councilman Davis stated he has nine years experience with bands. If there are right tools the business owners can purchase and control their bands then the problem will go away.

Chief Bogart stated he has tried to get volunteer cooperation but there are certain businesses who just will not comply. He stated all officers have to hear within a certain range. He believes that an officer can make a case. He stated that officers respond to complaints and they do not just go around looking for noise. He stated officers can clearly hear the noise from a block away. He stated the meters referenced by Mr. House are expensive and every officer on the night shift would need one.

City Attorney Driscoll stated that the current ordinance shows two different time frames for residential or non-residential areas. He suggested if Council did move forward to approve the ordinance they should approve the 11:00 pm time cutoff. He stated the Supreme Court has approved the term plainly audible. This ordinance provides an alternative means for enforcement.

Councilwoman DeBella Thomas asked if the chronic nuisance ordinance would partner with this ordinance. Chief Bogart responded yes. He stated the first time is a warning, the second offense is a Class III and the fine amounts go up from there. He stated that three or more criminal violations or three or more city ordinance violations can cause the owner to appear before the Special Magistrate. Councilwoman DeBella Thomas clarified that this ordinance is only for downtown businesses and not for special events.

Deputy Mayor asked how many habitual offenders there are. Chief Bogart stated there were about five. Deputy Mayor also asked if by passing this is there a way to put in a revisitation clause. He stated that the original ordinance dealt with the high end range and now addressing bass issues. He would like to have the ability to see how the implementation is going.

Motion was made to approve the ordinance upon its second and final reading with the modification of the time cutoff time to reflect 11:00 pm and have the City Manager report back in six months on the implementation.

Motion made by Judy DeBella Thomas and seconded by Bill Phillips. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

9 Business Items

a Alcoholic Beverage Special Event - Chasco Fiesta

City Manager Manns introduced the item to Council. She stated that the specific request is alcohol to be sold on Friday, March 24th from 5-11pm, Saturday, March 25th from 1-11pm and Sunday, March 26th from 1-9pm. The following weekend alcohol is requesting to be served on Thursday, March 30th from 5-11pm, Friday, March 31st from 5-11pm and Saturday, April 1st from 1-11pm. City Manager Manns stated that the permit application has been reviewed and approved by the city's special events team.

Upon opening the floor to public comment, Dan Sullivan came forward to speak on behalf of Chasco and stated he appreciated last year's permit extension and is looking for a successful event this year. Deputy Mayor asked that it be considered that on Friday night during the Christian concert that alcohol not be sold from the location near the stage. 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 Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

b WWTP Biosolids Hauling and Disposal Contract Extension

City Manager Manns introduced Mr. Rivera who then presented the item to Council. He stated that the contract extension is for one year and has the same terms as the original agreement. The reason is that contactor has agreed to keep same rate for disposal. Staff believes if this went out to bid the amount would be higher than what the county is paying now. The county should have a facility up and running within a year. Mr. Rivera noted that the potential savings amount referenced in the agenda memo was incorrect and should be about \$82,000.

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 Judy DeBella Thomas. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

c Sims Park Shelter Installations - Consideration for Approval Amendment No. 1 Agreement Hennessy Construction Services

City Manager Manns introduced the item to Council. She stated that as part of Phase II improvements for Sims Park it has been suggested that two additional shade structures be established. Discussions ensued so that the two new structures will be the same as the ones already installed and the company has agreed to honor the original price of the structures. The powder coating will be taken care of for all the structures. The structures are custom made structures. There would be six to eight week manufacturing time so installation would not interfere with Chasco.

Upon opening the floor to public comment, Alfred Renedo came forward to speak and stated that before the structures are placed Council should get feedback from people who host events in the park. Mayor Marlowe stated the structures would go next to where the current structures are. With no one else coming forward therefore Mayor Marlowe returned the floor to Council.

Deputy Mayor asked Mr. Rivera if he was confident with the powder coating. There have been issues in the past. He asked how will it be policed and held accountable. He stated he wanted to make sure the right warranties are in place. Mr. Rivera stated that in his discussions with Hennessy the manufacturer came highly recommended. He stated that this was an isolated incident.

Councilwoman DeBella Thomas stated she would have liked to have seen a picture of what they will look like as she felt that it may encroach the stage.

Councilman Davis passed out coins and paper and asked Council to put the paper over the coin and lean each way to see how far you have to lean to see the coin. He stated that looking at the paper was as the view of the sun. He stated we're building shelters to be in the shade and that the sun is only overhead a few hours a day. He then demonstrated a retractable shade structure similar to an umbrella.

Councilwoman DeBella Thomas stated she remembered when the discussions first occurred there was talk about a sail shape shade structure like at the Rec Center. She stated that she thought the issues that arose were about interference with the sound.

Mayor Marlowe stated he likes the current structures. The two are incredibly popular and two more would go a long way for day events in the park.

Deputy Mayor stated that putting a pole up in the middle of the park could have multiple purposes. The major thing he would like to see in the park long term is the availability to put up a large Christmas tree at some point. He stated they knew the park was going to be a progressive process.

Mayor Marlowe then stated there was a motion on the floor to approve the two shade structures. Votes were taken with Deputy Mayor Phillips and Mayor Marlowe voting aye and Councilwoman DeBella Thomas and Councilman Davis voting nay. Motion failed to pass at a 2-2 vote.

Councilwoman DeBella Thomas then stated that there is a business on US19 that has a similar sail shape cover like the ones used at the Rec Center. She stated she had brought up those structures in the previous discussion. She stated that she felt the current shade structures are adequate for the purpose however the true solution to the shade problem is not being addressed. She stated she felt there may be another solution.

Mayor Marlowe stated his concern is now we have delayed this process until next spring at the earliest.

Deputy Mayor stated that Council has gotten good at getting to a certain point and then completely stopping it and moving to something else. He stated if Councilwoman DeBella Thomas wanted to look at someone on US19 then he wanted to talk to the company down in Tarpon Springs because if look he

is looking at anything then he's looking at everything. He stated he is tired of spending good engineering and architectural dollars and then stopping in mid-stream and asking for something else.

Councilwoman DeBella Thomas clarified that she was not asking to look at another company only to look at the shade structure on US19. She would like to continue to work with Kimley-Horn to see other options.

Mayor Marlowe stated he agreed with Deputy Mayor's comments and that will cost much more than what was recommended to them this evening.

Mr. Rivera stated that the architect looked at the angles of the four shelters during Phase I with the idea that Council reviewed the project and agreed that in the end there would be four shade structures and they would all be the same type so they would fit into the circle symmetrically. He agreed that if Council wanted to look at an additional shade structure it would be appropriate to then look at the middle. What the architect was trying to accomplish was the perimeter. With the screens that were approved the shelters were taken into consideration so it would balance everything out. His opinion was that perhaps Council tied themselves into finishing the additional two because we have installed first two. He stated that if Council kept the vote the same it would be the same as what happened with the Rec Center and costs would be escalated. He stated there is warranty work that the contractor needs to do. He then addressed Councilman Davis' comments by saying that \$150,000 is not alot once you look at going above and beyond a commercial grade for something that will last thirty years. By the time wind loads and all the additional criteria that go in with those kind of structures are taken into effect \$150,000 will not get you very far.

Councilwoman DeBella Thomas then asked if Council could come back to the discussion and make another motion. City Attorney Driscoll stated that Council could certainly entertain another motion tonight or bring the item back at the next meeting when there is a full Council. Councilwoman DeBella Thomas asked if she could make a motion to approve the shade structures as presented where Council could see them in real time and revisit the center part with Kimley-Horn for additional shading in the center part. Mayor Marlowe then asked City Attorney Driscoll if Council needed a motion to reconsider the previous motion and City Attorney Driscoll replied that strictly following Roberts Rules yes Council would need a motion to reconsider. Mayor Marlowe replied that he believed that motion would have to come from one of the previous members who voted against it and City Attorney Driscoll replied yes. Councilwoman DeBella Thomas then made a motion to reconsider the previous motion and Deputy Mayor Phillips seconded it. Votes were taken with Mayor Marlowe, Deputy Mayor Phillips and Councilwoman DeBella Thomas voting aye and Councilman Davis voting nay. Motion to reconsider passed at a 3-1 vote.

Mayor Marlowe stated he would entertain a motion to table this item until the next Council meeting. Councilwoman DeBella Thomas stated that she would like to bring the item back right now and made a motion to approve the structures as presented contingent upon Council seeing a picture of the structures in real time and revisiting the center part with Kimley-Horn for additional shading. Motion was seconded by Deputy Mayor Phillips. Councilman Davis stated that he wanted to reiterate that he would like to see the project move forward in the idea that was originally brought forth a couple of years ago to shade the inner circle and he did not believe this completely does that. Mayor Marlowe stated he was comfortable with the proposal to approve two additional structures. He stated the first plan was to come up with a tent over the whole thing the next was six shade structures and Council dropped it down to two with the idea of adding two more down the road. He stated he felt the additional two would be adequate and if additional shade was needed in the center that would be a whole other issue. He stated he agreed with Councilman Davis that at certain times of the year the ability to put up a sail would be nice.

Votes were then taken with Mayor Marlowe, Deputy Mayor Phillips and Councilwoman DeBella Thomas voting aye and Councilman Davis voting nay. Motion passed at a 3-1 vote.

Motion made by Judy DeBella Thomas and seconded by Bill Phillips. The Motion Passed. 3-1. Ayes: DeBella Thomas, Marlowe, Phillips Nays: Davis Absent: Starkey

d Request to Auction Surplus Vehicles

City Manager Manns introduced the item to Council. She stated that two pickups, twenty vehicles and one motorcycle were seized by the police department. All of the vehicles have clear titles and staff is requesting permission to send vehicles to auction. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips requested to see the amount from the auctions as a line item in the next financial report. Councilwoman DeBella Thomas asked if this clears out the area. Chief Bogart replied no but has made substantial progress. Motion was made to approve the item as presented.

Motion made by Bill Phillips and seconded by Judy DeBella Thomas. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

e Alcoholic Beverage Special Event - Fitzgerald's St. Patrick's Day

City Manager Manns introduced the item to Council. She stated that this special event is for the annual St. Patrick's Day celebration by Fitzgerald's. The event organizers are requesting alcohol to be sold in Railroad Square on Wednesday, March 15th from 3-11pm, Thursday, March 16th from 5-11pm and Friday, March 17th from noon until 11pm. City Manager Manns stated the application was reviewed and approved by the City's special events team. 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 Bill Phillips. The Motion Passed. 4-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips Absent: Starkey

f Three Minute Report: Fire Department

10 Communications

Mayor Marlowe stated he was pleased to see construction crews at work at Main Street Landing. He also commented that the new LED crosswalk at Lincoln and Main Street is up and running. This Saturday is the Hacienda open house and tours. He also stated that this weekend's family movie night in the park should be highly attended.

Deputy Mayor Phillips, Councilwoman DeBella Thomas and Councilman Davis all had no communications to report.

11 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:52 pm.

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

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

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