



**MINUTES OF THE CITY COUNCIL SPECIAL MEETING**  
**CITY OF NEW PORT RICHEY**

**NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS**

**5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**

**August 24, 2017**

**6:00 PM**

---

**ORDER OF**  
**BUSINESS**

**1 Call to Order – Roll Call**

The meeting was called to order by Mayor Rob Marlowe at 6:00 pm. Those in attendance were, Deputy Mayor Jeff Starkey, Councilman Bill Phillips and Councilman Chopper Davis. Councilwoman Judy DeBella Thomas was not present for roll call but did arrive soon after. She extended her apologies for arriving late.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Finance Director Crystal Feast, Public Works Director Robert Rivera, Technology Solutions Director Bryan Weed and Assistant Public Works Director Barret Doe.

**2 Pledge of Allegiance**

**3 Moment of Silence**

**4 Business Items**

**a. Public Hearing - Paving Assessment - Page 3**

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated the purpose of this meeting was to hold a public hearing on the proposed paving assessments. She stated that everyone would be in agreement that the city's roadways are in need of repair. A study was done in 2015 to address road needs. In the previous roadway paving program the property owners were assessed \$700 which resulted in very few roads being addressed. City Manager Manns then thanked the citizen's advisory group and recognized each member who participated. She then introduced David Fleeman with the Genesis Group who made a presentation to Council.

Mr. Fleeman began by highlighting the previous paving projects and method for calculation. Mr. Fleeman stated that Genesis met with the citizen's advisory group five times over the past year. The proposed Pavement Management Plan has been categorized into residential or non-residential. Mixed-use properties will be based on component uses. Roads were categorized as arterial/collector or local roads. Arterial/collector assessments were based on a twenty year life span of the road. A \$200,000 LOGT credit was applied. Residents on local road would be assessed \$15 and those on

public roads would be assessed \$15 plus \$70 for a total of \$85. Credit would be given for those residents who participated in prior paving projects. The proposed credit would be computed by taking the assessment amount and dividing it by the twenty year life span to compute the annual value. That value would be subtracted from the remaining years left in the road design. Funding sources for the proposed Pavement Management Plan would come from the General Fund, Solid Waste franchise fees, Penny for Pasco and LOGT.

Mayor Marlowe reiterated that if the City does not adopt this plan it will lessen the LOGT dollars the City receives from the County. Mr. Rivera reiterated that 100% of the funds collected will be put to paving and not administrative services or fees. Mr. Rivera stated that applications for the citizen's advisory committee were looked at carefully in order to come up with a diverse group. Councilman Phillips stated that all the funds collected will go to city streets as FDOT is responsible for maintaining the road on US19.

Mayor Marlowe then opened the floor for public comment. Donald Boeing came forward and stated that he lives in Briar Patch and the notice he received showed his square footage incorrectly. His villa is smaller than what was listed. Councilman Phillips stated he thought Briar Patch was a private community. Mr. Rivera stated that Briar Patch is not private and the city owns and maintains the roads. Councilwoman DeBella Thomas asked if the city will let the residents know that they are eligible for the credit and Mr. Rivera stated yes that there is nothing the residents need to do. Both Mr. Rivera and City Manager Manns stated that Pasco County has a program that will help low-income families pay their assessments. Councilman Phillips asked City Manager Manns to designate a staff person who can help with the program.

Mark Sipes came forward and stated that he lives on Hemlock and it floods every time it rains and they have to park in a church parking lot. Councilman Phillips stated that area is in the CIP program and referred him to speak to Mr. Rivera. Mr. Rivera stated that a lot of the beautification that has been done has been provided by grant funding. He stated grant funding is also going to be used for the Hemlock repairs and that project should be done next year.

Barbara Parlett came forward and stated that she lives in Southgate Apartments. She asked if Gulf Drive was city. Councilman Phillips stated that we are working on an annexation plan. She stated that the west end of Gulf has a lot of pot holes. Mr. Rivera stated that Gulf will be in the design phase this year and in construction next year. Councilman Phillips asked if there were maintenance monies set aside to use in between and Mr. Rivera stated yes.

Diana Thorpe came forward and stated she has been here a year. She asked how to get the city newsletter. City Manager Manns stated that it is mailed to every resident address. She asked about Waters Edge Drive and how it is dropping. Mr. Rivera stated he would look into it.

With no one else coming forward for public comment, Marlowe returned the floor to Council. Deputy Mayor Starkey thanked the citizen's advisory group for all of their hard work. He stated that this is as fair and equitable as we are going to get. He extended his thanks to the Genesis Group for all of their hard work.

Councilwoman DeBella Thomas stated that she has lived here for many years and have had two paving assessments. She believes that sharing the risk is an excellent way. She thanked those residents who were in attendance.

Councilman Phillips stated that we have been working on this program for over two years. When it was presented last year there were many parts that were not comfortable and a lot of unknowns. He was appreciative to the citizen's group as they are not shy in sharing their opinions and brought a lot to the table. He wanted targeted dollars to fix our streets. He stated he wanted to task his colleagues to try and bring millage down. Not everyone is aware of all the services and benefits that are associated with millage. He was appreciative that there is a hardship element to this. This particular assessment does go through the Tax Collector's Office so it can be part of the tax bill. He stated that we did try to give a lot of oversight to the mixed-use category. Everyone is responsible for creating traffic. He is happy

that we are going to have a set dollar amount for the foreseeable future.

Mayor Marlowe stated one of the things during his re-election campaign was the condition of the roads. Some roads are in pretty rough shape. He stated that putting a plan together which sets the standards that all roads be replaced is a wonderful step in the right direction. Alleys are not included and will be a separate item addressed with property owners. Owners are not united on what they want to have done. He stated that every year road work will be done and will make the appearance of city better and easier to drive around on.

Motion was made to approve the item as presented.

\*\*\*It should be noted that there were three objections received by the City Clerk for this agenda item. The objections are attached to these minutes and hereby made an official part of this proceeding.\*\*\*

5 Communications

Mayor Marlowe stated that the only time he can communicate with the other members of Council is during a meeting due to Sunshine Law requirement and he just wanted to pass along that his wife had lunch with the new interim New Port Richey Main Street director and that, to quote her, "Nancy gets it."

Councilman Phillips stated he hopes that people make it to event in Sims Park and the Hacienda event this weekend.

6 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 6:57pm.

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

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

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



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Crystal S. Feast  
**DATE:** 8/24/2017  
**RE:** Public Hearing - Paving Assessment - Page 3

**REQUEST:**

This item is before the City Council to solicit public comment on the paving assessment fee proposed to be levied against real property in the City and to adopt Resolution No. 2017-25, which approves the assessment and allows for certification to Pasco County.

**DISCUSSION:**

On January 16, 2016, the City Council approved Resolution No. 2016-03, which authorized the use of a uniform method of collection and enforcement of non-ad valorem annual assessments for paving improvements, as provided under Chapter 22, Article V of the City's Code of Ordinances and Section 197.3631 of the Florida Statutes.

On July 18, 2017, the City Council approved a pavement management plan that detailed the management of the plan and established a methodology for assessment.

On August 1, 2017, the City Council approved Resolution No. 2017-23, which was the initial resolution that authorized the paving assessment and allowed city staff to move forward with conducting the public hearing taking place tonight.

The City has found that the use of a non-ad valorem assessment is the most equitable method of providing the necessary funding for improvements of the City's streets.

Property owners were noticed by mail on August 3, 2017. Those property owners have been advised of the Public Hearing being held this evening, August 24, 2017.

The billing of the paving assessment fee is administered by Pasco County and can be seen as a line item in the non-ad valorem portion of the County tax bill. All property owners receive notice of their non-ad valorem assessments on their Notice of Proposed Property Taxes (TRIM Notice).

**RECOMMENDATION:**

This item is before the City Council to solicit public comment on the paving assessment fee levied against real property in the City and to adopt Resolution No. 2017-25, which approves the assessment and allows for certification to Pasco County.

**BUDGET/FISCAL IMPACT:**

The City's Budget for 2017-2018 contains revenue from the collection of the paving assessment fee.

**ATTACHMENTS:**

	Description	Type
□	<a href="#">Final Resolution No. 2017-25, Paving Assessment</a>	Resolution Letter

**CITY OF NEW PORT RICHEY, FLORIDA**

---

**FINAL ASSESSMENT RESOLUTION  
FOR  
PAVING ASSESSMENT**

---

**Adopted August 24, 2017**

## **TABLE OF CONTENTS**

### **FINAL ASSESSMENT RESOLUTION**

	Page
SECTION 1.	AUTHORITY .....1
SECTION 2.	DEFINITIONS .....1
SECTION 3.	FINDINGS.....1
SECTION 4.	RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION .....4
SECTION 5.	APPROVAL OF ASSESSMENT ROLL .....4
SECTION 6.	PAVING ASSESSMENTS .....4
SECTION 7.	COLLECTION OF ASSESSMENTS.....6
SECTION 8.	EFFECT OF FINAL ASSESSMENT RESOLUTION .....6
SECTION 9.	EFFECTIVE DATE .....7
APPENDIX A	PROOF OF PUBLICATION
APPENDIX B	AFFIDAVIT OF MAILING
APPENDIX C	FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

**RESOLUTION NO. 2017-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY NEW PORT RICHEY, FLORIDA, RELATING TO THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND A PORTION OF THE ANNUAL COSTS ASSOCIATED WITH ADMINISTRATION OF THE CITY'S PAVEMENT MANAGEMENT PLAN; PROVIDING AUTHORITY AND DEFINITIONS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to City Ordinance No. 2012-1985 (the "Assessment Ordinance"), Sections 166.021, 166.041 and 197.3632, Florida Statutes, and other applicable provisions of law and City Resolution No. 2017-23 (the "Initial Assessment Resolution").

**SECTION 2. DEFINITIONS.** This Resolution is the Final Assessment Resolution for Paving Assessments. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance and the Initial Assessment Resolution.

**SECTION 3. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) The findings provided in Section 1.04 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) On August 1, 2017 the Council adopted the Initial Assessment Resolution which described the Paving Assessment and the method of assessing the Paving Assessed Cost against the real property benefited by paving management services, established a public hearing to consider imposition of the Paving Assessments, and directed preparation of the preliminary Assessment Roll.

(C) Pursuant to 2.07 of the Assessment Ordinance, the Council is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the Board deems appropriate, after hearing concerns and receiving comments or objections of interested parties.

(D) Notice of such public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the Paving Assessments and method of collection and providing them with the opportunity to be heard concerning the Assessments.

(E) The Assessment Roll has been prepared and has been made available for inspection by the public in the office of the City Manager, as required by the Assessment Ordinance.

(F) Assessed Property is specially benefitted by the provision of paving services and improvements. As described in the Initial Assessment Resolution, the



benefits conveyed thereby include, but are not limited to, access to a publicly owned and maintained roadway system providing improved conditions for ingress and egress to all Tax Parcels, an increase in market valuation, enhanced development/re-development potential, enhanced overall aesthetics of Tax Parcels, and enhance value, use, enjoyment attractiveness, viability and marketability of Assessed Property.

(G) Such benefits are reasonably anticipated to exceed the amount of the Assessments contemplated herein.

(H) It is in the best interests of the City and the real property specially benefitted by the paving services and improvements to fund a portion of the costs associated therewith through the levy of Assessments.

(I) The Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the provision of paving services and improvements by fairly and reasonably allocating a portion of the costs associated therewith to specially benefitted property based upon the relative degree of benefit attributable to each parcel.

(J) The Assessments contemplated hereunder will be imposed by the Council not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

**SECTION 4. RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.**

(A) The Initial Assessment Resolution is hereby ratified and confirmed.

(B) Any and all prior actions of the Council associated with the imposition and collection of the Paving Assessments are hereby ratified and confirmed.

**SECTION 5. APPROVAL OF ASSESSMENT ROLL.** The Assessment Roll, a copy of which is currently on file in the office of the City Manager and incorporated herein by reference, is hereby approved.

**SECTION 6. PAVING ASSESSMENTS.**

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by provision of the paving services and improvements comprising the Paving Management Plan in the amount of the annual Assessment set forth in the Assessment Roll. The methodology for computing the annual Assessments set forth in the Initial Assessment Resolution is hereby approved and found to be a fair and reasonable method of apportioning the Paving Assessed Cost among Tax Parcels specially benefitted by the paving services and improvements.

(B) The Assessment rates for the Fiscal Year commencing October 1, 2017 are as follows:

(1) The portion of the Paving Assessed Cost attributed to Arterial/Collector Roads is \$258,400 annually. Such amount shall be apportioned among Assessed

Property (i) on a per Dwelling Unit basis for Residential Parcels, and (ii) on the basis of the square footage of Buildings for Non-Residential Parcels, according to the following rates:

Residential Property:	\$15.00 per Dwelling Unit
Non-Residential Property:	\$104.05 for 0-4,999 building square feet
	\$208.10 for 5,000-9,999 building square feet
	\$312.14 for 10,000-24,999 building square feet
	\$416.19 for 25,000+ building square feet

(2) The portion of the Paving Assessed Cost attributed to Local Roads is \$541,600 annually. Such amount shall be apportioned among Assessed Property (i) on a per Dwelling Unit basis for Residential Parcels, and (ii) on the basis of the square footage of Buildings for Non-Residential Parcels, according to the following rates:

Residential Property:	\$70.00 per Dwelling Unit
Non-Residential Property:	\$115.45 for 0-4,999 building square feet
	\$230.91 for 5,000-9,999 building square feet
	\$346.36 for 10,000-24,999 building square feet
	\$461.81 for 25,000+ building square feet

(3) The balance of costs necessary to fund the Pavement Management Plan each year shall be paid for by other legally available revenues of the City.

(C) The annual Assessments computed in the manner approved herein are hereby levied and imposed on all Tax Parcels described in the Assessment Roll.

(D) Upon adoption of this Final Assessment Resolution, the Assessments shall constitute a lien against the assessed property equal in rank and dignity with the

liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the Council of this Final Assessment Resolution.

**SECTION 7. COLLECTION OF ASSESSMENTS.** The Paving Assessments imposed hereunder shall be collected pursuant to the provisions of the Assessment Ordinance and Uniform Assessment Collection Act. Upon adoption hereof and of the Annual Assessment Resolution for subsequent Fiscal Years, the City Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Assessment Roll as delivered to the Tax Collector shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

**SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION.** As provided in Section 2.09 of the Assessment Ordinance, the adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method by which the Assessments are computed, the Assessment Roll, the annual Assessment amount, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the

date of the Council's adoption of this Final Assessment Resolution.

**SECTION 9. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**PASSED, ADOPTED AND APPROVED 24<sup>th</sup> DAY OF AUGUST, 2017.**

**CITY COUNCIL OF  
NEW PORT RICHEY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Rob Marlowe, Mayor

Attest:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

**APPENDIX A**  
**PROOF OF PUBLICATION**

**APPENDIX B**

**AFFIDAVIT OF MAILING**

**BEFORE ME**, personally appeared the undersigned affiant, who after being duly sworn depose and say:

(1) Crystal S. Feast is the Finance Director of the City of New Port Richey, Florida (the "City").

(2) On or before August 4, 2017, the City provided mailed notices, in accordance with Section 2.06 of City Ordinance No. 2012-1985 and Section 2.05 of City Resolution No. 2017-23 (the "Initial Assessment Resolution"), by first class mail to each owner of real property located within the City subject to the Paving Assessments contemplated by the Initial Assessment Resolution, as reflected on, and at the addresses shown on, the real property ad valorem tax roll database maintained by the Pasco County Property Appraiser.

**FURTHER AFFIANT SAYETH NAUGHT.**

\_\_\_\_\_  
Crystal S. Feast, **affiant**

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing Affidavit of Mailing was sworn to and subscribed before me this \_\_\_\_\_ day of August, 2017, by \_\_\_\_\_. [He/She] is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

(SEAL)

\_\_\_\_\_  
Printed/Typed Name: \_\_\_\_\_  
Notary Public-State of Florida at Large  
Commission Expires: \_\_\_\_\_

## **APPENDIX C**

### **FORM OF CERTIFICATE OF NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the City Manager and authorized agent of City of New Port Richey, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for road paving services (the "Non-Ad Valorem Assessment Roll") is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act set forth in Section 197.3632, Florida Statutes, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Pasco County Tax Collector by September 15, 2017.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Pasco County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_ day of \_\_\_\_\_, 2017

**CITY OF NEW PORT RICHEY, FLORIDA**

By: \_\_\_\_\_  
City Manager