



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Special Meeting

### *CITY COMMISSIONERS*

*Christopher B. Hanks, Mayor*  
*Debbie McDowell, Vice-Mayor*  
*Vanessa Carusone, Commissioner*  
*Peter Emrich, Commissioner*  
*Jill Luke, Commissioner*

### *APPOINTED OFFICIALS*

*Peter Lear, City Manager*  
*Amber L. Slayton, City Attorney*  
*Kathryn Wong, City Clerk*  
*Heather Taylor, Deputy City Clerk*

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Thursday, June 6, 2019

1:00 PM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 07-09-2019 MEETING.**

#### **CALL TO ORDER**

Vice-Mayor McDowell called the meeting to order at 1:03 p.m.

#### **ROLL CALL**

**Present:** 4 - Vice-Mayor Debbie McDowell, Commissioner Jill Luke, Commissioner Pete Emrich and Commissioner Vanessa Carusone  
**Absent:** 1 - Mayor Christopher Hanks

#### **Also Present:**

City Manager Peter Lear, Assistant City Manager Yarborough, City Attorney Amber Slayton, City Clerk Katy Wong, Recording Secretary Susan Hale, Fire Chief Scott Titus, Deputy Human Resource Director Christine McDade, Parks and Recreation Director Sandy Pfundheller, Assistant Director of Parks & Recreation Tricia Wisner, Community & Outreach Coordinator Laura Ansel, Police Chief Todd Garrison, Public Works Director Monica Bramble, Solid Waste Manager Frank Lama, Fleet Manager Kenneth Rappuhn, Public Works Project Manager Derek Applegate, and Planning & Zoning Planner Christopher Whittaker.

**A moment of silence was observed commemorating D-Day, followed by the Pledge of Allegiance led by the Commission.**

#### **1. APPROVAL OF AGENDA – COMMISSION**

*A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve the Agenda as presented. The motion carried by the following vote:*

**Yes:** 3 - Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

**Not Present:** 2 - Mayor Hanks and Commissioner Carusone

**3. PUBLIC COMMENT:**

Public comment was held from 1:06 p.m. - 1:09 p.m.

Brenda Farley: concerns regarding the new aquatic center and the YMCA pool.

**4. WELCOME OF NEW EMPLOYEES:****A. [19-0558](#) New Employee Acknowledgement**

Ms. Dade introduced the new employee in the Police Department as a Public Safety Telecommunicator.

**2. ANNOUNCEMENTS**

Ms. Wong read the Current Vacancies and Upcoming Expiration Dates for Boards and Committees into the record.

Commissioner Carusone arrived at 1:11 p.m.

**5. CONSENT AGENDA:**

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Consent Agenda Item 19-0504 and pull 19-0535 for discussion. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

**A. [19-0504](#) Interlocal Agreement for Community Development Block Grant Program with Sarasota County for Fiscal Years 2020, 2021 and 2022**

***This Agreement was approved on Consent.***

**B. [19-0535](#) Approval of Amendment #1 to Agreement No. 2018-35 with Recreational Design & Construction, Inc. in the amount of \$498,146.45 for the construction of an additional parking lot in support of the North Port Aquatic Center.**

Mr. Lear addressed the public comment related to sufficient parking at the new aquatic center.

Ms. Pfundheller provided a review to the item.

Mr. Lear explained that the additional parking is needed to meet the City Code requirements and does affect the Interlocal Agreement with the School Board to use Heron Creek Middle School property for overflow parking,

Mr. Applegate spoke to the decision not to use shell parking near the Myakkahatchee Creek and provided an update to the Commission.

Ms. Pfundheller spoke to calculations obtaining the required number of parking spaces, waiving parking space requirements to allow for grass parking, and the time-sensitive

nature of the amendment.

Mr. Whittaker clarified that alternative materials for parking were not seen during staff's review of the construction plans.

It was requested to table this agenda item, direct staff to research the answer to these parking concerns, and reschedule the discussion to the Commission Regular Meeting on June 11, 2019.

Ms. Pfundheller spoke to the original Commission-approved design and the minor Change Orders 1 through 8 in the project.

Ms. Wisner spoke to Change Order #4, using combination locks vs. personal locks, translucent striping added to the enclosed body slide, changing the theme of the lazy river walk-over path from wood logs to a sea life aquatic theme, and electrical outlets available for dive-in movie nights.

Mr. Lear added additional clarification regarding developer responsibilities vs. City responsibilities in change orders, each change order was forwarded to Commission as it was received, exempting aspects of the development from the City's Unified Land Development Code (ULDC), the number of parking places required to be ADA compliant, differing parking calculations between the architect and staff led to the request for 60+ additional spots, and where left-over funding will be placed.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to table this discussion until Tuesday, June 11, 2019 at the Regular Commission Meeting. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

Mr. Lear clarified that Item 19-0535 will be amended to the Commission Regular Meeting at a time certain.

## **7. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

**A. [19-0429](#)** Presentation of the annual report of the Music Suite Use Agreement for the North Port Performing Arts Center

Richard Kratljan and Lynn Cleary distributed a concert series program booklet, the 2019 Concert Season Schedule, and provided the annual report of events for the Concert Band, the Symphony and the Choral Group within the North Port Performing Arts Association (NPPAA) as outlined in the Music Suite Use Agreement.

Appreciation was expressed concerning the work involved in the collaboration of the NPPAA and the beauty of the facility.

**B. [19-0584](#)** North Port Skate and Paint Party Presentation

Commissioner Luke provided an overview of the item.

Jessica Howard and Shae Regan presented an overview of the proposed North Port Skate and Paint Party.

Ms. Howard clarified information regarding the event organizers and the concept details, the start and end timing of the event, paint donations from organizations, and involving the North Port Art Center.

Discussion ensued regarding a City-wide theme for art, involving the Art Advisory Board, and Commission's final approval of the event and design.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to direct staff to work with Jessica Howard and Shae Regan as they go forward to the Art Advisory Board, making a presentation of a mural at the Skate Park with the teens and young adults to solicit help, and then brought back to the Commission with a final design for approval. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

Mr. Lear requested to start the June 11, 2019 Meeting at 9:00 a.m.

***There was a consensus to amend the Commission Regular Meeting on Tuesday, June 11, 2019 to start at 9:00 a.m., with the parking to be time certain at 9:00 a.m.***

## **8. PUBLIC HEARINGS:**

- A. [19-0563](#) First Reading of Ordinance # 2019-23 to grant authority to the City Manager or designee to declare a state of local emergency in accordance with Florida Statutes.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to read Ordinance No. 2019-23 into the record by title only. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

Ms. Wong read Ordinance No. 2019-23 into the record by title only.

Mr. Lear provided a review of the item.

Chief Titus provided additional details regarding the requested legislation.

Ms. Slayton clarified that the City Charter is written broadly enough to infer that the Commission may grant the power to the City Manager to declare a state of emergency by an Ordinance, a Charter Change requires a referendum vs. an Ordinance requires two public readings, and the point at which a City Manager is granted powers to declare an emergency.

Chief Titus spoke to past emergencies and exposures to new risks in today's world.

Ms. Slayton clarified that additional parameters could be added to provide the line of authority to declare an emergency.

Concern was expressed regarding latitude given to a city manager without accountability.

Mr. Lear spoke to the intent of how to handle the unknown scenario.

Chief Titus explained the aspect of timeliness of the action needed.

Ms. Slayton clarified the stipulations under which the Commission must convene under a unusual circumstances falls under the Sunshine Law requirements, quoted memo from her to the Commission dated April 8, 2019 quoting an Attorney General Opinion (AGO) regarding the standard for voting and attending in absentia.

Mr. Lear spoke to the authority granted by the proposed Ordinance to declare a state of emergency only, the subsequent process to inform the Commission is not outlined in the legislation, and including certain notification checks and balances within the legislation.

Ms. Slayton explained the difference between the process to procure services relating to a state of emergency vs. a signed contract that requires Commission approval.

Discussion ensued regarding unique situational time frames, an order of command if the Commission cannot convene, extensions of a state of emergency, and determining a "reasonable time" to assemble.

Ms. Slayton spoke to the ability of the Commission to amend or revoke this Ordinance.

It was suggested to direct the Charter Review Advisory Board to deliberate the Charter requirements of how emergency declarations are addressed and to place this issue on the next Charter referendum.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to continue Ordinance No. 2019-23, having the City Attorney craft an amended language to reflect the following intentions: that the City Manager can declare a state of emergency or an extension only if the Commission quorum cannot be met within a reasonable time, dependent on the type of emergency and that a requirement for the City Manager to use the best possible efforts to convene the Commission; that once a declaration is signed without the Commission, the Commission and community would be notified immediately.***

Mr. Lear spoke to standard operating procedures clarifying a succession of authority between the City Manager and Assistant City Managers in an emergency situation.

Chief Titus clarified that the County is obligated by statute to provide emergency management services regarding resources to help the community.

Ms. Slayton spoke to making a general reference to a hierarchy so the Ordinance does not need to be updated.

Mr. Lear spoke to each department having a Continuity of Operations Plan (COOP) Kit that will be updated to reference the hierarchy of authority.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to amend the motion, to have the City Manager create a hierarchy for emergency purposes to be developed and be referenced in this Ordinance. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

***A vote was taken on the main motion as amended, carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and  
Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

Discussion ensued regarding the definition of an emergency ordinance and an emergency declaration, and a consensus was requested to direct the Charter Review Advisory Board to discuss the items.

***There was a consensus to task the Charter Review Advisory Board to weigh in on the requirement for emergency ordinances vs. a declaration of a state of local emergency and should the Charter be amended.***

Recess 3:20 p.m. -- 3:31 p.m.

- B.** [RES. NO. 2019-R-10](#) Continuation of Resolution of the City of North Port, Florida, Adopting the 2019 Revisions to the City of North Port, Florida Comprehensive Emergency Management Plan as the Formal Guide of the City of North Port's Emergency Management Activities; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date

Ms. Hale read Resolution No. 2019-R-10 into the record by title only.

Chief Titus provided an overview of the proposed legislation, and spoke to a Standard Operating Procedures document for a hierarchy being unnecessary in the Resolution but it could be included in each applicable Department COOP kit, the reference on page 45 to the "mayor" referring to the person running the meeting, and the timeframe needed for approval.

It was suggested to remove "the mayor of the" and any "city manager" references within the document.

Mr. Lear spoke to reviewing the intent of the language and its consistency with Ordinance No. 2019-23, and the updated Resolution will be brought back with a date effective after the adopted date of the Ordinance.

Concern was expressed on page 10, paragraph 1 under Methodology, regarding the City Manager giving proper notification to the Commission when changes are made.

Chief Titus spoke to the language describing the level of significance wherein it is required to come back to the Commission, and the five-year cycle to update the document.

Discussion ensued regarding page 36, paragraph d, subparagraphs ii and iv should be simplified to state the Commission and to revise throughout the document and the mayor should not be individualized, page 39, paragraph 2b and 3e, the correct language should state the Commission or the City Manager regarding the line of succession, page 44 subparagraph ii should also state the Commission only, page 51, #12 paragraph c to remove declaration "for the city manager", page 63, paragraph V(A)(1)(c) should be rephrased.

Chief Titus clarified that after Commission approval, the revised document will be

forwarded to Sarasota County for review.

Mr. Lear clarified that Exhibit A is not attached to the Resolution or labeled as Exhibit A in the backup material and will be added to the document.

*A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to continue Resolution No. 2019-R-10 with the following amendments: to page 45 in reference to "mayor" to clarify it is the Commission throughout the document and that "mayor" should not be individualized, to be certain that the duty of declaration must be reflected as mentioned in the changes requested in Ordinance No. 2019-23 throughout the document, specifically that the Commission or the City Manager declaration of emergency, and that page 39, line of succession is amended as discussed previously, and page 10 the paragraph 1 under C, that "The City Manager shall determine whether changes to the plan are substantive to a level that would require Commission approval." is deleted. The motion carried by the following vote:*

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

## **6. PROCLAMATIONS AND RECOGNITIONS: TIME CERTAIN AT 4:00 P.M.**

- A.** [19-0488](#) Proclaim July 2019 as Parks and Recreation Month, Presented to City of North Port Parks and Recreation Staff

Commissioner Luke read the Proclamation into the record recognizing Parks & Recreation Month and representatives from the Parks & Recreation Department, youth summer campers from the Mullen and Morgan Centers, and Recreation Attendants were present to receive the document.

- B.** [19-0507](#) Proclaim June 17, 2019 through June 21, 2019 as National Garbage Man Week, Presented to Frank Lama, Solid Waste Manager

Commissioner Emrich read the Proclamation into the record and Ms. Bramble, Mr. Lama, and employees from the Solid Waste Division received the recognition of National Garbage Man Week.

- C.** [19-0501](#) Proclaim June 10, 2019 through June 16, 2019 as Automotive Service Professionals Week, Presented to Kenneth Rappuhn, Fleet Manager

Commissioner Carusone read the Proclamation into the record and Ms. Bramble, Mr. Rappuhn and other employees from Fleet Management received the recognition and a Certification Plaque.

- D.** [19-0503](#) Award of Blue Seal of Excellence from the National Institute for Automotive Service Excellence (ASE) to the City of North Port Department of Public Works, Fleet Management Division, to be accepted by Kenneth Rappuhn, Fleet Manager

Item 19-0501 was presented during the presentation of item 19-0503.

- E.** [19-0530](#) Certificates of Appreciation - Advisory Board Members

Vice-Mayor McDowell read the recognitions into the record for Cody Parsotan from the Parks & Recreation Advisory Board and Valerie LaBoy from the Citizens' Tax Oversight Committee.

## 9. GENERAL BUSINESS:

### A. [19-0221](#) Discussion and Approval of North Port Aquatic Center Tribute Wall and Associated Revisions to Tribute Program

Mr. Lear provided an overview of the item.

Ms. Ansell presented a PowerPoint for the Tribute Wall Program and spoke to the program initially recouping costs expected to total \$4,712 with potential annual renewals, and the suggestion of pavers as discussed at the July 9, 2018 Special Meeting.

Ms. Pfundheller spoke to pursuing paver bricks as a separate memorial program, sponsorships and naming rights within the facility, the expiration time frame for memorial items and renewal options, the cost and space available on the aquatic center tribute wall, the business donor program portion, sponsor cost-benefits for one-time events, and annual sponsorships.

Ms. Wisner clarified the recreational amenities seasonal schedule vs. year-round operational schedule for the aquatic center.

Ms. Ansell spoke to how sponsors are recognized on the City's advertisement venues, and Tree and Bench Memorial options.

Vice-Mayor McDowell voiced concerns that memorials have an expiration date, that she had envisioned something like the Mullen Center memorial, the cost is too expensive for citizens and businesses, and favored a theme unique to North Port.

Discussion ensued regarding allowing some memorial tributes in perpetuity, more options from which to choose, modifying to a sponsorship wall and add a charter or tribute wall later, receiving recommendations from the Historical and Cultural Advisory Board and the Parks & Recreation Advisory Board, an original design for the infinity wall and other available areas, other options such as using high school mascots and sidewalk pavers, and requesting input from the Art Advisory Board.

Ms. Pfundheller spoke to the decision needed today, and staff's efforts to advertise the proposal to the community for unique design submittals and receiving no response, a local vendor was approached to do the samples.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve the North Port Aquatic Center Tribute Wall and Associated Revisions to the Tribute Program. The motion and second were subsequently removed.***

Discussion ensued regarding the lack of input for the design of the tribute wall, input from the Art Advisory Board and the Parks & Recreation Advisory Board, and expanding the parameters and locations for sponsorships.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve a North Port Aquatic Center Sponsorship Wall and Associated Revisions to Sponsorship Program.***

Vice-Mayor McDowell opposed the motion due to lack of revision examples to the Sponsorship Program, sponsorships could be in the locker rooms or restrooms, leaving



the central location wall for tributes to people.

Ms. Pfundheller explained that if the Tribute Wall changes to a Sponsorship Wall, it would fall under the City's Sponsorship Policy not the Tribute Program Guidelines, and the Tribute Program could be amended to accommodate Commission direction.

***A vote was taken and the motion carried by the following vote with Vice-Mayor McDowell dissenting for reasons stated:***

**Yes:** 3 - Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**No:** 1 - Vice-Mayor McDowell

**Not Present:** 1 - Mayor Hanks

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to direct staff to ask Parks & Recreation Advisory Board, Art Advisory Board and Historic & Cultural Board to look at a Tribute/Infinity Wall or Bricks or Artwork, to meet the goals of the Commission to have something in place at the Aquatic Center for a lifetime and to be brought back to the Commission for a decision within the next two months.***

Discussion ensued regarding a date for the information to be brought back to the Commission.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to amend the motion to bring back the information on the first Thursday in September. The amendment carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

Ms. Pfundheller spoke to providing photos of different areas, landscape, and surfaces to the Advisory Boards for consideration.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to amend the motion to include an overall map of the Aquatic Center, the inside and outside amenities to be presented to all three Boards to determine the best location for whatever they choose to be placed. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

***A vote was taken and the motion as amended carried by the following vote with Mayor Hanks absent and Vice-Mayor McDowell dissenting for reasons stated:***

**Yes:** 3 - Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**No:** 1 - Vice-Mayor McDowell

**Not Present:** 1 - Mayor Hanks

Discussion ensued regarding a funding source.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke,***

*to approve use of the Arts in Public Places funding for the Sponsorship Wall. The motion carried by the following vote:*

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

**B. [19-0536](#)** Discussion and Possible Action to Establish a Complete Count Committee (CCC) to Promote the 2020 Census

Mr. Lear provided an overview of the item and spoke to the advantage of approving the creation of a Complete Count Committee vs. an after-the-fact challenging the Census numbers, and getting an accurate census count.

Mr. Yarborough spoke to building permits and electronic meter counting performed for the Bureau of Economic & Business Research (BEBR Report) by the University of Florida.

Mr. Lear confirmed there is no cost associated with the proposed Committee, which would use volunteers.

Mr. Yarborough spoke to the communications budget being used to defray unanticipated costs, no additional staff is needed, and using the City's volunteer resources as needed to defray costs.

Mr. Lear spoke to the coordinator duties, the committee's composition, and the value of having a volunteer from each department attending one or two meetings with ideas of how to reach out to people.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve establishing a Complete Count Committee to promote the 2020 Census. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

**C. [19-0587](#)** Designation of Voting Delegate from the City of North Port for the Florida League of Cities Conference.

Discussion ensued regarding designating a voting delegate for the Florida League of Cities.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve Commissioner Carusone to be the Voting Delegate for the Florida League of Cities Conference. The motion carried by the following vote:***

**Yes:** 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**Not Present:** 1 - Mayor Hanks

**10. PUBLIC COMMENT:**

There was no public comment.

**11. COMMISSION COMMUNICATIONS:**

Commissioner Emrich: nothing to report.

Commissioner Carusone: nothing to report.

Commissioner Luke: requested Commission approval to invite Petar Maric, a Serbian professional accordion player to perform at the NPPAA on July 13 or 14, 2019 to be sponsored by the St. Sava Church.

Discussion ensued regarding details of scheduling Mr. Maric at the Performing Arts Center.

***There was a consensus to direct the City Manager to perform due diligence regarding the invitation to Mr. Maric, without the City expanding any funds.***

Commissioner Luke continued: due to City Budget Workshops, she will not attend the June Economic Development Corporation Meeting and arrangements have been made for Economic Development Manager Mel Thomas to attend in her place; requested an update on the grant to purchase lots on Springhaven Drive, watched a D-Day Recognition Event, requested Commission direction concerning a letter to be sent to the Sarasota County Commission addressing Single-Member Districting.

***There was a consensus for Commissioner Luke to schedule an agenda discussion item regarding redistricting, to include other Sarasota County municipalities' views in the backup material.***

Vice-Mayor McDowell: attended the Water Quality Summit and the Boys and Girls Club Luncheon.

**12. ADMINISTRATIVE AND LEGAL REPORTS:**

There were no Administrative or Legal Reports.

**13. ADJOURNMENT:**

Vice-Mayor McDowell adjourned the North Port City Commission Special Meeting at 5:59 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Christopher B. Hanks, Mayor

Attest: \_\_\_\_\_  
Heather Taylor, Deputy City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of

\_\_\_\_\_, 2019.