



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Special Meeting

CITY COMMISSIONERS
Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS
Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Peto, Interim City Clerk

Thursday, September 6, 2018

1:00 PM

CITY COMMISSION CHAMBERS

AMENDED TO REFLECT PROCLAMATIONS ARE TIME CERTAIN AT 4:00 P.M.

NOTE: This is a draft copy of the minutes of the 09-06-2018 City Commission Special Meeting, has not been approved by the Commission and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 1:03 p.m. in City Commission Chambers by Mayor Carusone.

Present: Mayor Carusone; Vice-Mayor Yates; Commissioners, Hanks, Luke and McDowell, City Manager Lear; City Attorney Slayton; Interim City Clerk Peto and Police Chief Garrison.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

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

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

2. PUBLIC COMMENT:

There was no public comment.

3. WELCOME OF NEW EMPLOYEES:

A. [18-563](#) Acknowledgement of New Employees

Human Resources Director McDade introduced the City's newest employees in the City Attorney's Office, City Clerk, General Services, Fire Department, Neighborhood Development Services, Police Department, Public Utilities and Public Works.

5. PRESENTATIONS**A. [18-534](#) Leadership North Port Class of 2018 certificate of completion presentation to Ms. Katrina Romano, Administrative Manager, Neighborhood Development Services and Mr. Frank Lama, Solid Waste Manager, Department Public Works by Mr. William J. Gunnin, Executive Director, North Port Area Chamber of Commerce.**

Chamber of Commerce Executive Director Bill Gunnin and Public Works Director Bellia spoke about the Leadership North Port program. Mayor Carusone and the Commission presented Certificates of Completion to Neighborhood Development Services Administrative Manager Romano and Solid Waste Manager Lama. It was announced that the program is available online at www.NorthPortAreaChamber.com and that the next class starts October 13, 2018.

B. [18-533](#) American Public Works Association Re-Accreditation Award Presentation

American Public Works Association (APWA) Region IV Director Douglas Layton, Mayor Carusone and the Commission presented the APWA Re-Accreditation Award to Public Works Director Bellia, Public Works Administrative Services Specialist Fuste and Public Works Staff.

6. GENERAL BUSINESS:**A. [18-586](#) State Lobbyist Contract Extension Approval**

City Manager Lear gave an overview of the item.

Discussion ensued: (1) Commissioner McDowell expressed concern and stated she could not support the motion because the current lobbyist knows the City of North Port, and that it could be detrimental to bring in someone new because of the learning curve, and that she agrees to continue with a one-year contract but does not agree with services going out for bid; (2) it was suggested that to solicit for someone new is an opportunity to have a lobbyist for both state and federal matters; (3) it was explained that the Commission can set the scope and evaluation criteria for selecting a lobbyist, or direct Staff to do it, and that a Request for Proposal (RFP) would be used for professional services; (4) interviews or a presentation can be conducted with the Commission as part of the RFP and the requirement can be outlined in the criteria; (5) it was suggested to require a presentation with the RFP because it is important to know their individual drive and work ethics. There was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to authorize approval of contracting with Greenburg Traurig for lobbying services for one year through September 30, 2019 under same terms and conditions of the current agreement and for the City Manager to move forward with solicitation for the following multi-year agreement. The motion carried by the following vote:

Yes: 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks and Commissioner Luke

No: 1 - Commissioner McDowell

B. [18-585](#) Community Development Block Grant Funds Reallocation

City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was explained that the remaining \$350,000 block grant funds can be reallocated and used in its entirety for the Boundless Playground or for other qualifying projects such as a lift station; (2) there would be an additional \$106,000 in costs for the playground project, reallocating the \$350,000 may lead to a \$244,000 adjustment back to surtax; (3) additional amenities may be considered if they are compliant with the Americans with Disabilities Act (ADA), such as another glider swing, and more research is needed to see if the funds can be used toward the entrance; (4) the facade and rehabilitation program will continue, and it will not be funded; (5) Staff will review to see if it is still a requirement in the Code that businesses and their signage be in the Mediterranean style; (6) a suggestion was made that notice should be provided regarding the facade rehabilitation requirements and the due date; (7) it was noted that the facade requirement in the Code was removed during the recession to lessen the burden on businesses in the community, and that the Code does provide that buildings, signs and fixtures are to be maintained and remain in like-new condition; (8) it was suggested that the letter requesting repurposing of the funds should be tweaked to explain that the Boundless Playground project is for those with disabilities, as that is a fundamental requirement of the grant; (9) it was noted that the Al Goll Center at Dallas White Park could have benefited from the use of these funds, but they do not meet the criteria for lowest income level nor is it ADA compliant; (10) the City is under agreement for one more year with Sarasota County regarding Community Development Block Grants (CDBG), and Staff is researching the City obtaining their own CDBG. There was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to authorize the submittal of a letter on behalf of the City Commission to the Office of Housing and Community Development to request the reallocation of the Community Block Development Grant for the Boundless Playground with the extension of ADA improvements. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

C. [18-576](#) Approval of application for FCT Parks and Open Space grant application

City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was explained that this is a reimbursable grant, after the City has purchased property they can submit for reimbursement up to 50%. There was no public comment.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to approve the application and award for the FCT Parks and Open Space grant program for the acquisition of 30 parcels for the Spring Haven wildlife corridor. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

D. [18-568](#) Naming of the Boundless Playground

City Manager Lear and Parks and Recreation Manager Wisner gave an overview of the item.

Discussion ensued: (1) the Parks and Recreation Advisory Board thought that "Free to Be Me" embodied what the playground is all about; (2) it was noted that "Harmony Place" is the name of a rehabilitation group; (3) the grand opening is being developed and the suggestion for agency booths being available to pass out literature for special needs resources will be considered; (4) there wasn't a ground-breaking ceremony, the grand opening and ribbon cutting ceremony will be combined and the park will be available for immediate use; (5) after discussion the Commission expressed preference for naming the park either Boundless Adventures or Harmony Place.

PUBLIC COMMENT

Joan Morgan: prefers "Adventures".

Discussion continued: (1) the playground equipment is expected to be delivered in late October and it will take approximately two-weeks to build the playground; (2) the park may be ready for opening around Thanksgiving; (3) the playground can be open while under construction, the flexi-pave and American with Disabilities Act (ADA) restroom upgrades will not be completed for the grand opening; (4) there may be a need for the extra parking lot and entrance to the park.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct City Manager to name the Boundless Playground, the official name now being Boundless Adventures. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

Recess 2:10 p.m. - 2:25 p.m.

E. [18-570](#) Warm Mineral Springs Park Master Plan update

City Manager Lear and General Services Director Pfundheller gave an overview of the item.

Kimley-Horn and Associates Inc. Landscape Architect James Pankonin, Sweet Sparkman Architect John Bryant, Creative Preservation LLC Architectural Historian Lori Muldowney and Janus Research Archaeologist Ken Hardin provided a PowerPoint presentation of the item.

Discussion ensued: (1) Warm Mineral Springs is listed on the National Registry under Archaeology; (2) it was explained that this property will have one nomination with two criteria which are historic and architecture; (3) it isn't known if a water management permit will be needed, and further discussion may be necessary; (4) the two creek beds are outside of the survey boundary and haven't been tested; (5) the areas notated as A.0.1, A.0.2 and A.0.3 on the presentation map are isolated areas where flake was found and will not require a work around; (6) contractors are trained and will be shown what flakes look like so they are aware; (7) based on the presentation map the red boundary is a Federal designation and is off limits for changes, the yellow boundary is the State designation, the green boundary is suggested as a sensitive area, the area between the green and purple lines can be developed but may require additional testing; (8) the tree site analysis has not been completed due to Staff constraints and the department may request to outsource this service; (9) it was noted there is a scrivener's error on the letter

signed by the Mayor and should be corrected; (10) Staff will attend the meetings or will call-in to the meeting in Tallahassee; (11) the National Register wants to know what exists on the site, and the site plan shown is included in the packet after the legal description; (12) the subject of the nomination with the National Historical Registry is the two-part spa building and the cyclorama, and does not include the surrounding land; (13) section eight, page one of the application states that Warm Mineral Springs was closed for a period of years and that is incorrect; (14) the section titled Owner Awareness Statement on the first page requires a signature before submitting and Commission will need to give the Mayor authorization to sign; (15) the Determination of Eligibility will be sent in support of the application; (16) community input will be sought for the conceptual design as already provided in the Commission's scope, and the residents may generate additional ideas; (17) the conceptual design created by the Commission is to be shared with the public for their feedback, and then brought back to the Commission for any changes, and that would be the basis for the Master Plan; (18) prior Commission communications from previous meetings are not included in the backup today, and that the Commission was expecting a conceptual plan being presented prior to public input; (19) Florida Master Site File (FMSF) Manuscript No. 23066 and FMSF Manuscript No. 8864 are manuscripts that have been filed with the survey reports to the State; (20) there is a record with the State for the survey completed by ACI as noted in blue on the presentation map; (21) the excavation unit as noted on the map indicates where something suspicious was located that may need to be looked at, and ACI had noted lithic scatter in that area but it doesn't meet the level to be on the National Registry, this was based on previous reports and no field work has been completed; (22) remains found in the Spring were preserved due to that environment, and only flakes have been found in the surrounding area because that is all that is preserved in Florida sand; (23) in 2013 systematic testing was done for the entire acreage, it was noted that remote sensing doesn't work to find things that aren't systematic; (24) the research that has been completed has been compiled into this report, no further systematic testing has been done; (25) Commission direction was given for documentation outside of the green area on the presentation map to determine if anything of archaeological significance exists; (26) it was explained that the entire 84 acres had been surveyed in 2013 as noted in the ACI report.

PUBLIC COMMENT

Joan San Lwin, Juliette Jones and Robert Zabler: Warm Mineral Springs.

Discussion continued: (1) information and materials from Commission meetings regarding Warm Mineral Springs are available online; (2) the framework as provided by the Commission will be presented for public input, concept plans will then be developed and submitted to the Commission for further review; (3) the framework had been previously approved by the Commissions as the scope of services, and it is not attached to the material presented today.

PUBLIC COMMENT

Chuck English: Warm Mineral Springs.

Discussion continued: (1) once the proposed Master Plan is in place and elements and their location is determined, there will be environmental and geological impact studies, and this will be done before construction permitting; (2) when the property was annexed into the City in 2000 the ordinance provided for 97 +/- acres, Staff will research the discrepancy from the current 84-acres; (3) it was suggested that the blue rectangle area on the presentation map should be designated as the historical site for the National Registry because this aligns with the survey; (4) tentatively community meetings will be held at Warm Mineral Springs on Tuesday, September 18, 2:00 p.m. - 4 p.m., the

Morgan Center on Wednesday, September 19, 6:30 p.m. - 8:00 p.m., and at the Technical College North Port campus Thursday, September 20, 6:00 p.m. - 7:30 p.m.; (5) just prior to the community meetings there will be stakeholder's meetings with cultural, historical and environmental groups and advisory board members; (6) concern was expressed that there is also a Commission meeting scheduled September 20 at 6:00 p.m.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to authorize the Mayor to sign the application and necessary documents for the National Registry registration, along with the updates and clarifications of information that was brought up today. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

There was a unanimous consensus there will be one-on-one stakeholder meetings with each of the Commissioners and then the organizations.

There was a consensus by majority to change the community meeting date tentatively scheduled for September 20.

4. PROCLAMATIONS AND RECOGNITIONS: TIME CERTAIN 4:00 P.M.

A. [18-542](#) Proclamation for Suicide Prevention Awareness Month, September 2018.

Mayor Carusone read the Suicide Prevention Awareness Proclamation into the record and presented it to Joan Morgan and members of Holly's Hope. It was announced that the public is invited to attend Holly's Hope meetings the second Monday of every month at the Morgan Center at 6:00 p.m., and that on September 16, 2018 there will be a walk for suicide awareness at Laishley Park in Punta Gorda, and every fourth Monday of the month Amy's Group meets at New Hope Church. Information can be found online at www.HollysHope.info.

B. [18-359](#) Proclamation for National Forensic Science Week in the month of September 2018.

Vice-Mayor Yates read the National Forensic Science Proclamation into the record and presented it to Civilian Commander Fitzgerald and the City of North Port Forensic Unit.

C. [18-406](#) Proclamation: "National Night Out" October 2, 2018.

Commissioner Luke read the National Night Out Proclamation into the record and presented it to City Police Commander King and members of the Police Department. It was announced that the public is invited to attend National Night Out at City Center Green on October 2, 2018, 6:00 p.m. - 8:30 p.m.

D. [18-541](#) Certificate of Appreciation for Glen Chizmadia in recognition of his personal commitment and dedication while serving on the Beautification & Tree/Scenic Highway Committee.

Commissioner McDowell read the Certificate of Appreciation acknowledging Glen Chizmadia for serving on the Beautification and Tree/Scenic Highway Committee into the record. The certificate will be mailed to him.

E. [18-536](#) Recognition of Distinguished Budget Award Presentation to the Finance Department from the Government Finance Officers Association of the

United States and Canada for Fiscal Year 2018.

Commissioner Hanks read the Certificate of Recognition for Budget Preparation into the record and presented it to Finance Director Lowrie and Finance Department Staff.

Recess 4:23 p.m. - 4:41 p.m.

6. GENERAL BUSINESS:

F. [18-588](#) Land Acquisition of Properties along Spring Haven Drive

City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was explained that discussing the terms of the property purchase cannot be done in a Shade Meeting, that this discussion regarding a real estate transaction is not exempt from the Sunshine Law; (2) the Commission can give the City Manager authority to negotiate a best price and bring it back to the Commission, the Commission can also authorize a starting point; (3) concern was expressed that for the Commission to direct any point could take away the ability to negotiate; (4) an appraisal of the properties has not been done, the prior purchase amount is known and that the assessed values, which are not market values, are provided by the Property Appraiser's Office; (5) there will be a caveat in the agreement providing that it must be approved by the Commission; (6) it was noted that the properties are worth a lot less than the sellers asking price; (7) the City would have to pay for appraisals, though the City does not have Staff that can do a true market analysis, they can research comparable sales; (8) suggestions were made to not hire out for an appraisal as the properties do not meet the \$50,000 threshold requiring an appraisal, that Staff can prepare a market analysis; (9) lien searches haven't been completed yet, Staff will be researching for liens and will conduct title searches with no outside cost; (10) it was suggested to research that there are no liens against the property owner that could attach to the property; (11) the Chamber of Commerce members may also be able to assist with the research; (12) it should be taken into consideration that the properties are zoned residential, land locked and there isn't a road; (13) with due diligence Staff will be utilized and without cost. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to give the City Manager the authority to negotiate the best price possible after doing all due diligence and lien searches, market analysis, title searches, etc. and bring back to Commission the offer for final approval. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

G. [18-560](#) City Attorney Performance Evaluation

Discussion ensued: (1) the City Attorney's contract requires an annual performance review on the anniversary of her hire date which is September 7; (2) each Commissioner and the City Attorney have completed an evaluation, the evaluations have been summarized and are attached to the backup material; (3) the City Attorney is doing a fabulous job exceeding expectations, and it was noted that it was difficult to rate her interaction with Staff within the department; (4) the City Attorney is solid and confident and that gives relief to the Commission, when she doesn't have an immediate answer, she provides the information quickly; (5) the City is in a better position because of the City Attorney; (6) the City Attorney had been in the state for a short time and there was concern about being familiar with Florida laws, since then she has exceeded

expectations, has done an outstanding job, and has done better than any previous City legal counsel, the Commission now has good, solid legal counsel; (7) the contract provides that by 2023 the City Attorney will complete the Florida Bar City/County Government Law Certification, it was noted she will not be eligible to apply until 2019, and the first eligibility to take the test won't be until Fall of 2020; (8) it was suggested to give the City Attorney a 3.5% wage increase, it was noted that the City Manager also received a 3.5% increase; (9) it was noted that when she completes the required certification she will be awarded no less than 5%; (10) the Charter Officers deserve 6%, the City Attorney has gone above and beyond. There was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, in evaluation of the City Attorney's performance over the past year the Commission authorizes an increase in compensation of 3.5%. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

Discussion continued: (1) the City Attorney thanked the Commission for their comments and the increase, she appreciates working as the City Attorney, she has an outstanding Staff, their morale is high, and they work very hard to put out quality work.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner Luke: (1) in three-weeks the City Clerk's Office has gone from over 1,000 outstanding personal records requests down to nine, the turn-around is amazing; (2) reported attending the Suncoast Continuum of Care and shared information from the meeting in today's backup material.

Discussion ensued: (1) it was noted that the Suncoast Continuum of Care is a Sarasota County required board; (2) a Commissioner is required to attend one meeting annually, the rest of the meetings are attended by Staff.

Vice-Mayor Yates: (1) kudos to the City Clerk department and Interim City Clerk Peto, City Clerk Adkins initiated part of the initiatives; (2) suggested that the City Manager provide an update on the community and commercial gardens; (3) reported attending the Florida League of Cities conference.

Commissioner McDowell: (1) the grant letter with the typo is regarding Spring Haven Drive and not Warm Mineral Springs, it was opined that directions at the bottom of the letter are not necessary.

Commissioner Hanks: nothing to report.

Mayor Carusone: (1) Drug Free Youth (DFY) started in the City in 2009, Teen Court will support them until they get their 501c3, it was suggested that Staff send a memo with the balance of the forfeiture fund and what it is currently being used for, and that the City consider using forfeiture funds toward DFY.

Discussion ensued: (1) a foundation was unable to support DFY because it is a community partnership and not a 501c3; (2) a donor to a 501c3 can designate that funds be used for a specific purpose, monies given to Teen Court can be requested to be

allocated to DFY; (3) forfeiture funds have to be spent for community purposes, and historically has been used for National Night Out, Neighborhood Watch and Police equipment; (4) it was suggested that Staff research the required percentage for donating to Neighborhood Watch, what their budget is, how are the funds being currently spent, what is coming up next year and when can funds be distributed; (5) it was noted that Neighborhood Watch is now a 5013c organization; (6) with the law change, 25% of forfeiture funds collected are required to be contributed to specific causes; (7) total funds collected will be known in October, early next year the amount will be presented to the Commission for direction of expending funds to specific causes and options will be provided.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: (1) community gardens will be going to the Planning and Zoning Advisory Board (PZAB) September 20 for discussion, then the ordinance will go to legal for review, PZAB will have a recommendation hearing in November or December, then it will be brought to the Commission.

Discussion ensued: (1) Neighborhood Development Services (NDS) Director Miles explained what steps are being taken pursuant to Commission direction; (2) PZAB can have a discussion item without the ordinance, an ordinance amending the Unified Land Development Code (ULDC) would be required to formally go to PZAB; (3) the Commission has already given specific direction and the intent was for it to formally go to PZAB, sending it to PZAB twice creates a redundant and unnecessary additional layer; (4) PZAB can review this formally and any recommended changes can be submitted in a summary sheet; (5) a time-certain had not previously been relayed to NDS, and they will expedite the request.

There was a unanimous consensus to get rid of the double-layer down the road.

ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Slayton: nothing to report.

Interim City Clerk Peto: nothing to report.

10. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Special Meeting at 5:34 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Kathryn Peto, Interim City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.