



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Regular Meeting

CITY COMMISSIONERS

Debbie McDowell, Mayor

Jill Luke, Vice Mayor

Christopher Hanks, Commissioner

Pete Emrich, Commissioner

Vanessa Carusone, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Acting City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, July 14, 2020

6:00 PM

City Commission Chambers

CALL TO ORDER

Mayor McDowell called the meeting to order at 6:00 p.m.

ROLL CALL

Commissioner Carusone attended via remote connection.

Present: 5 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Christopher Hanks, Commissioner Vanessa Carusone and Commissioner Pete Emrich

Also Present:

Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, Assistant City Attorney Michael Golen, City Clerk Heather Taylor, Recording Secretary Ida Goodman, and Police Chief Todd Garrison.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Barbara Lockhart.

1. APPROVAL OF AGENDA

It was requested to move Item 20-2373 after Item 20-2414.

A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to approve the agenda, moving Item 20-2373 after Item 20-2414. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

Ms. Taylor noted there was no online public comment submitted.

David Fernstrum: West Villages contraction petition.

John Meisel: West Villages contraction petition.
Victor Dobrin: West Villages contraction petition.
Donald Richardson: COVID-19 and West Villages contraction petition.

3. ANNOUNCEMENTS

- A. [20-2415](#) Current Vacancies and Upcoming Expirations for Boards and Committees

Ms. Taylor read the announcement into the record.

4. CONSENT AGENDA:

Discussion took place regarding Warm Mineral Springs building renovation and grant opportunities.

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

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

- A. [20-1875](#) Approve First Amendment to City of North Port, Florida and Anvil Land and Properties, Inc. (Now Platinum Investments North Port, LLC) Water and Wastewater System Standard Developer's Agreement

This item was approved on consent.

- B. [20-2277](#) Approve Grant Application to the Florida Division of Historic Resources in the Amount of \$500,000 for the Rehabilitation of the Warm Mineral Springs Entry Building, Spa Building and Trellis

This item was approved on consent.

- C. [20-2345](#) Approve Application and Acceptance of the 2020 Bulletproof Vest Grant for Replacement Body Armor for Police Officers in the Amount of \$10,218 if Awarded

This item was approved on consent.

- D. [20-2372](#) Approve the Medicaid Managed Care (MCO) Supplemental Program Letters of Agreement with Florida Community Care, LLC, Best Care Assurance, LLC d/b/a Vivida Health, and WellCare of Florida, Inc. d/b/a Staywell and Authorize the City Manager to Execute Future Medicaid Managed Care Supplemental Program Letters of Agreement Provided there are no Substantive Changes

This item was approved on consent.

- E. [20-2374](#) Approve the Memorandum of Understanding Between the City of North Port and the Southwest Florida Police Benevolent Associations Regarding Wage Adjustments

This item was approved on consent.

- F. [20-2378](#) Approve the Utilization of Pasco County Contract IFB-JV-17-222 for Additional Integration and Programming Services from Benro Enterprises, Inc. DBA Rocha Controls for the Water Treatment Plant SCADA Server Upgrade Project, for a Project Total of \$34,595.00

This item was approved on consent.

- G. [20-2344](#) Approve Application and Acceptance of the Community Grant from the Walmart Foundation in the Amount of \$2,500 to be Used for Shop with a Cop

This item was approved on consent.

- H. [20-2346](#) Cash Receipts Summary Report for May 2020

This item was approved on consent.

- I. [20-2387](#) Ratification of Emergency Order No. 2020-11 Order Terminating Emergency Order No. 2020-08 Relating to Temporary Procurement Processes and the Conduct of Public Procurement Meetings by Communications Media Technology, and Emergency Order No. 2020-12 Order Terminating Emergency Order No. 2020-03 Regarding the Suspension of In-Person Attendance and In-person Public Comment at Public Meetings

This item was approved on consent.

- J. [20-2288](#) Rescind the March 3, 2020 Motion to Approve the January 14, 2020 Commission Meeting Minutes as Presented and Approve the January 14, 2020 City Commission Meeting Minutes as Attached

This item was approved on consent.

- K. [20-2416](#) Approval of Minutes for the June 16, 2020 Commission Budget Workshop, June 17, 2020 Commission Budget Workshop, and June 18, 2020 Commission Budget Workshop

This item was approved on consent.

5. RECOGNITIONS:

- A. [20-2186](#) 2020 Greenest Citizen Award Presented by City Arborists George Murphy & David Jayroe

Mr. Lear introduced the item.

Mr. Murphy and Mr. Jayroe provided background on the award and presented the award to Barbara Lockhart.

6. PUBLIC HEARINGS:**ORDINANCE - First Reading:**

- A. [ORD. NO. 2020-23](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida to Establish a Buy American Preference, by Amending Section 2-402 – Definitions and Creating Section 2-421 – Buy American Preference; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to read Ordinance No. 20-2023 by title only. The motion carried by the following vote:

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

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

Discussion took place regarding solidarity across Sarasota County to support American-made products, preservation of work in America, process for regulating, the type of solicitation issued determines how local preference is applied, staff to provide recommendations of how to apply local preference in the bidding process at second reading, reviewing Sarasota County ordinance, including local preference ordinance for second reading, review of legalities of local preference ordinance, and criteria to determine made in the USA products.

Mr. Lear noted the three definitions in the proposed ordinance.

Discussion continued regarding preservation of employment, not hindering companies from making a profit, productions of raw materials, and point process.

Mr. Golen responded to questions regarding reason for creating a new section within the Code.

Discussion continued regarding point system, setting requirements, process for tie breaker decision, and equal criteria system.

There was no public comment.

A motion was made by Commissioner Hanks, seconded by Commissioner Carusone, to continue Ordinance No. 20-2023 to second reading on a date determined by staff, with requested items discussed including a point system, setting requirements, process for tie breaker decision, and equal criteria system.

Discussion ensued regarding the timeline.

The motion carried by the following vote:

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

7. GENERAL BUSINESS:**B. [20-2300](#) Discussion and Possible Action Regarding Florida League of Cities Legislative Policy Committee Appointments**

Mr. Lear introduced the item.

Vice Mayor Luke requested to remain on the Utilities, Natural Resources and Public Works Committees.

Commissioner Carusone requested to remain on the Resolution Committee, and to create a future agenda item concerning Commission priorities.

Commissioner Emrich requested to remain on the Transportation and Inter-governmental Relations Committee.

Commissioner Hanks suggested not being on a committee due to his upcoming resignation.

Mayor McDowell stated she would like to remain on Land Use and Economic Development Committee.

Mr. Lear stated he will stay on Finance, Taxation Personnel Committee.

There was a consensus that Ms. Taylor inform the Florida League of Cities that the North Port City Commission requested to remain on the same committees on which they served last year.

C. [20-2414](#) Discussion and Possible Action Regarding Updating the Commission and Charter Officer Photo Outside of Commission Chambers

Mayor McDowell introduced the item noting that the Commission photo outside of Chambers is outdated and suggested the photo be updated in early September or get a professional photo by the Communications team.

Discussion took place regarding a new photo being taken after upcoming election, Communications Department updating photo, picture of employees in their costumes with pumpkin trophy, and planning 2020 Halloween festivities.

There was consensus to have City Manager arrange for in-house photography of current Commission and the Charter Officers in September.

A. [20-2373](#) Review City Manager Performance Evaluation

Mr. Lear introduced the item and read his comments into the record, requesting no salary increase, requesting a week of leave, returning for budget, evaluating need for additional leave, and appointing Assistant City Manager Yarborough to be Acting City Manager during absence.

Discussion took place regarding continuing the item, and putting Mr. Lear on paid administrative leave until investigation is completed.

Ms. Slayton noted the topic does fall under the general purview of the current agenda item.

Discussion followed regarding email from the City Manager to Commission removing himself as the direct report for City departments during the investigation, importance of the City Manager in budget finalizations, responsibility to protect City, and process for Charter Officer complaints.

Ms. Slayton responded to Commission questions regarding protocol for investigation, noted the Commission may place Charter Officers on administrative leave, and last time an employee was placed on administrative leave due to an investigation.

Discussion continued regarding position of city manager and expected Code of Conduct.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to approve a 0% salary increase based on performance evaluation at the request of the City Manager.

Ms. Slayton responded to questions regarding contract verbiage regarding annual review.

Discussion took place regarding the pay increase being separate from the request for time off, and continuing performance evaluation after investigation is complete.

Ms. Slayton responded to questions regarding the option to conduct another evaluation after the investigation is complete.

Further discussion took place regarding complying with the contract.

The motion carried by the following vote:

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

Mayor McDowell passed the gavel to Vice Mayor Luke.

A motion was made by Mayor McDowell, seconded by Commissioner Hanks, to place the City Manager on paid administrative leave, pending the results of the investigation, effectively immediately.

Discussion took place regarding responsibility to staff and City, allowing vacation, return for budget and then place on administrative leave effective a time certain, recommendation for best practice for administrative leave to turn in badge, devices and login access temporary suspended, confidence in staff to cover during budget, using caution moving forward in City's best interest, concern with City Manager not being able to communicate with staff regarding budget items, and situation impeding progress of the City.

The motion carried by the following vote:

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

No: 1 - Commissioner Carusone

Discussion took place regarding appointing Assistant City Manager Yarborough as Acting City Manager.

Ms. Slayton spoke to acting vs. interim city manager.

A motion was made by Mayor McDowell, seconded by Commissioner Hanks, to appoint Assistant City Manager Yarborough Acting City Manager pending outcome of the Administrative Leave.

Discussion continued pertaining to designating an acting city manager

Ms. Slayton spoke to a possible adjustment in compensation.

Discussion took place regarding acting position vs. interim position, time frame for investigation, and similarity with recent City Clerk appointment.

Mr. Yarborough stated he would accept the position of Acting City Manager.

Discussion ensued regarding documentation regarding salary of Deputy City Clerk filling in as Acting City Clerk.

The motion carried by the following vote:

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

Vice Mayor Luke passed the gavel back to Mayor McDowell.

Discussion ensued regarding the new Emergency Order regarding COVID-19, and process of extending a state of local emergency.

Ms. Slayton stated Mr. Yarborough is authorized to extend the emergency order vs. Commission compelled to meet publicly every seven days, and contemplating changing the process midstream effect on receiving Federal or State funds, emergency powers broad but must relate to emergency, Commission action possibly needing super-majority vote, and taking action in unprecedented times.

Acting City Manager Yarborough replaced Mr. Lear at the dais.

Discussion continued concerning a determination to continue with the current process in place for emergency orders.

There was a consensus to continue with the process in place for emergency orders.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Carusone: requested to create a bullet point memo in a timeline format listing the steps regarding the contraction de-annexation of West Villages.

Ms. Slayton stated the City retained special counsel on the matter, provided a general overview of statute requirements, due process concerns, summary of steps in the process, feasibility study process, and cost for consultant for feasibility study.

There was consensus for the City Attorney to prepare a bullet point memo with timeline for the contraction process of West Villages.

Commissioner Carusone continued: attended Florida League of Cities (FLC) ZOOM meetings.

Commissioner Emrich: nothing to report.

Commissioner Hanks: nothing to report.

Vice Mayor Luke: requested additional information from Commissioner Carusone regarding FLC Hometown Hero winners.

Mayor McDowell: attended Council of Governments meeting regarding Legacy Trail in South County.

Discussion followed concerning Sarasota County's inaction to use referendum dollars for what was stated and marketed county-wide.

There was a consensus to obtain a legal opinion regarding using referendum dollars in the marketing of Legacy Trail North Port Extension.

There was consensus to direct Acting City Manager Yarborough to contact Sarasota County requesting memo stating what is going on with Legacy Trail South County,

Mayor McDowell: noted forwarding an email thread to Mr. Yarborough pertaining to an update of Deadman's Curve near Winchester Boulevard on River Road South, and requesting Sarasota County's answer to the Commission.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There were no administrative or legal reports.

Commissioner Carusone reported she will send the list of Hometown Heroes to City Clerk for Commission distribution.

11. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 8:28 p.m.

City of North Port, Florida

By: _____
Debbie McDowell, Mayor

Attest: _____
Heather Taylor, City Clerk

Minutes approved at the Commission Regular Meeting this ____ day of _____, 2020.