City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft

City Commission Regular Meeting

CITY COMMISSIONERS
Debbie McDowell, Mayor
Jill Luke, Vice Mayor
Christopher Hanks, Commissioner
Pete Emrich, Commissioner
Vanessa Carusone, Commissioner

APPOINTED OFFICIALS
Peter Lear, City Manager
Amber L. Slayton, City Attorney
Heather Taylor, City Clerk

Tuesday, September 22, 2020 **6:00 PM** **City Commission Chambers**

CALL TO ORDER

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

ROLL CALL

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

Also Present:

City Manager Peter Lear, Attorney Amber Slayton, City Clerk Heather Taylor, Recording Secretary Susan Hale, Police Chief Garrison, Planning Division Manager Nicole Galehouse, Public Works Director Julie Bellia, Public Works Operator and Maintenance Manager Chuck Speake.

The Pledge of Allegiance was led by Ms. Hale.

1. APPROVAL OF AGENDA

It was requested that agenda items 20-2413 and CC GEN-19-044 be moved after the Sandhill Crane presentation.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the agenda, moving agenda item 20-2413 after 5. Presentations and agenda item CC GEN-19-044 after 20-2413. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

2. PUBLIC COMMENT:

There was no public comment.

3. ANNOUNCEMENTS

A. 20-2687 Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

4. CONSENT AGENDA:

Mr. Lear noted items to be pulled for discussion.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the consent agenda, pulling agenda item 20-2549 and 20-2591 for discussion. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

A. 20-2458 Approve the City Attorney's Office Procurement of Legal and Professional Services from Multiple Firms for Fiscal Year 2020-2021 in the Estimated Budgeted Amount of $201,000

This item was approved on consent.

B. 20-2515 Approve Contract 2020-57 with Garney Companies, Inc. in the Amount of $577,653.00, with a Contingency of $57,524.00, for a Total Project Cost of $635,177.00 for the Myakkahatchee Creek WTP Transfer Pumps Upgrade Project

This item was approved on consent.

C. 20-2544 Approve Utilization of GSA Contract GS-07F-0031W with Millennium Products, Inc. for Traffic Safety Equipment for an Estimated Total of $149,750

This item was approved on consent.

D. 20-2549 Approval of Donation from the Allamanda Garden Club of Florida Native Grasses around the Roseate Spoonbill Sculpture

Mr. Speake responded to concerns regarding rust on the Spoonbill sculpture, including discussion with the artist of the sculpture, the recommendation of the artist not to paint the sculpture, the art was supposed to be maintenance free, direction needed regarding maintenance, requesting artist powder coat the structure, contacting City of Sarasota, restoration and sealing the structure.

Commissioner Carusone arrived at 6:12 p.m.

Discussion ensued regarding treatment before powder coating including costs incurred, postponing landscaping, restoration being paid by the artist, updating Commission regarding discussion with the artist, and sending a letter to the Allamanda Garden Club.

Mr. Lear spoke to first steps to resolve the situation.

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to direct staff to reach out to the artist regarding restoring the Spoonbill and reach out to Allamanda Garden Club making them aware of the situation and after the situation is resolved, they can provide landscaping. The motion carried by the following vote:

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

E. 20-2558 Approve the Enterprise Physical Damage Waiver

This item was approved on consent.

F. 20-2562 Approve Acceptance of Grant, if Awarded, from the Florida Department of Environmental Protection Water Quality Grant Program in an Amount of $300,000 and Authorize the City Manager to Sign Grant Documents upon Satisfactory Legal Review

This item was approved on consent.

G. 20-2566 Approve Memorandum of Understanding Between the Center for Law Enforcement Technology, Training & Research, Inc. and the City of North Port in the Amount of $2,500, and a No Cost Memorandum of Understanding Between the Windermere Police Department and the City of North Port for Participation in the National Data Exchange and Florida Integrated Network for Data Exchange and Retrieval

This item was approved on consent.

H. 20-2580 Approve Renewal of Request for Bid 2018-03 Groundskeeping and Mowing Services of Select City Properties to Natural Designs Landscaping, LLC and Walkers Service, Inc. for an Additional One (1) Year Term, through September 30, 2021, at the Same Terms and Conditions and Authorize the City Manager to Approve the Future Remaining Renewal Term

This item was approved on consent.

I. 20-2584 Approve Project Application Submission for the Southwest Florida Water Management District FY 2022 Cooperative Funding Initiative

This item was approved on consent.

J. 20-2589 Approve the Memorandum of Understanding Between The City of Tallahassee on Behalf of the Tallahassee Police Department and the City of North Port for the Utilization of the Electronic License and Vehicle Information System (ELVIS)

This item was approved on consent.

K. 20-2591

Approve Construction of Additional Sidewalks for a Cost of $9,902.54 and Install 37 Additional Parking Stops for a Cost of $1,511.45, for a Total Cost of $11,413.99 at the Community Education Center Located at 4940 Pan American Boulevard

Mayor McDowell introduced the item to consider not installing the parking stops in the parking lot.

Discussion ensued regarding keeping them, and possible tripping hazard.

Mr. Speake responded to questions regarding current parking stops and location of additional stops, safety hazards, cost, painting, and providing protection to the building.

PUBLIC COMMENT
Rochelle Munrow: support of parking stops.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve consent agenda item 20-2591. The motion carried by the following vote:

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

L. 20-2592

Approve Renewal of Property and Casualty and Risk Management Services, and Accidental Death and Dismemberment (AD&D) Insurance with Public Risk Insurance Advisors (PRIA) for Fiscal Year 2020/2021 in the Budgeted Amount $933,947

This item was approved on consent.

M. 20-2610

Approve the Public Emergency Medical Transport (PEMT) Letter of Agreement with The Agency for Health Care Administration (ACHA)

This item was approved on consent.

N. 20-2685

Ratification of Emergency Order No. 2020-17 Relating to Temporary Business Signs in the Commercial General, Light Industrial and Warehousing, and Neighborhood Commercial Districts, Emergency Order No. 2020-18 Relating to the Temporary Suspension of Water and Wastewater Late Payment Fees and Shutoffs, Emergency Order No. 2020-19 Relating to the Conduct of Public Meeting by Communications Media Technology, Emergency Order No. 2020-20 Relating to the Temporary Suspension of Time Limitations for Living or Camping in Vehicles Parked on Residential Lots, Emergency Order No.2020-21 Relating to Temporary Outdoor Dining Regulations and Suspension of Certain Fees for Restaurants, and Emergency Order No. 2020-22 Authorizing Additional Methods of Providing Public Comment in Public Meetings

This item was approved on consent.

O. 20-2587

Appoint William English as a Regular Member to the Environmental Advisory Board to Serve a Two-year Term from September 22, 2020 to

September 22, 2022

This item was approved on consent.

P. 20-2561 Appoint Kelly Finn as a Regular Member to the Environmental Advisory Board to Serve a Two-year Term from September 22, 2020 to September 22, 2022

This item was approved on consent.

Q. 20-2633 Appoint Michelle Calhoun as a Regular Member to the Historic and Cultural Advisory Board to Serve a Two-year Term from September 22, 2020 to September 22, 2022

This item was approved on consent.

R. 20-2643 Appoint Samantha Parkinson and Zoey Schorzmann as Regular Members to the Art Advisory Board, to Serve a Two-Year Term from September 22, 2020 to September 22, 2022

This item was approved on consent.

S. 20-2688 Approval of Minutes for the August 17, 2020 Commission Special Meeting.

This item was approved on consent.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

A. 20-1845 Barbara Lockhart: Sandhill Crane Area Mapping

Vice Mayor Luke introduced the item.

Ms. Lockhart provided a report concerning Sandhill Crane sightings including citizens reporting of sightings, number of reports received, photographs of high risk areas, suggested sign locations, periodic surveying confirmed same results, alternate suggestions to permanent signage, recap of high traffic areas, safety of Sandhill Crane, and incorporating the bird into the City's logo.

Discussion followed on recommended number of signs, cost of signage including labor, construction requirements, extra sign on Panacea Boulevard, temporary signs during nesting time in low-traffic areas, permanent vs. temporary signs, and installing signs in high traffic areas.

Mr. Speake spoke to traffic control devices regarding excessive use of signs, and existing signage on Panacea Boulevard.

Ms. Bellia spoke to an app to report wildlife locations, grant funding opportunities, and the City's data collection system.

Mr. Speake confirmed double signage on existing pole not allowed.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to continue the Sandhill Crane mapping program and to market stronger in the mapping system to the public.

Discussion followed regarding staff identifying needs for signage and installation, and creating a policy.

Mr. Lear spoke to staff placing signs where warranted.

Ms. Bellia suggested staff prepare an ordinance amending the Unified Land Development Code (ULDC) regarding specific criteria for wildlife signage and relocating signage when needed.

The motion carried by the following vote:

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

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to direct staff to bring back an ordinance amending the Unified Land Development Code (ULDC) with trigger points with sign placement and removal of signs as applied to protected wildlife species. 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. 20-2413 Discussion and Possible Action Regarding Adding Conservation to the Approved Reasons for Property Acquisition

Mr. Lear introduced the item.

Vice Mayor Luke spoke to adding conservation to the list regarding swapping property.

Discussion ensued regarding creating a policy that lists criteria for swapping land.

Ms. Slayton spoke the process to obtain property, and map designations for Commission use.

PUBLIC COMMENT
Debbie Blanco: active Scrub Jay areas and land swapping.

Discussion continued regarding intended use of each City-owned property, and Commission-directed purchases vs. staff initiated.

PUBLIC COMMENT
Ms. Taylor read the following public comments into the record:
Barbara Lockhart: proposal from the North Port Conservancy and need to obtain conservation lands.
Edie Driest: in support of the agenda item and scrub jay area land swap.

No action was taken.

A. CC GEN-19-044 Discussion and Possible Action Regarding the Draft Impact Fee Study

Mr. Lear introduced the item.

Ms. Galehouse introduced Mr. Carlos Villarreal via zoom/virtually, representing Willdan

Group, Inc., who provided the study including definition of impact fees, Florida Impact Fee Act summary, implementation of impact fees, basic methodology, North Port growth projections, allocating cost of new facilities, impact fee categories, facilities demand through service population weighting, solid waste demand, facility standards, demand by land use, major planned City facilities, impact fee revenue projection, maximum justified impact fee schedule, comparison to existing fee schedule, comparison to other jurisdictions, impact fee burden, and policy options.

Discussion ensued regarding certain Sarasota County fees compiled on City fees, and transportation impact fees.

Mr. Lear spoke to collecting Sarasota County transportation fees, County provides reports and when they want to spend money, and meeting a rational nexus before expending funds.

Ms. Slayton explained the County and City employ the same tests to use impact fees.

Mr. Villarreal spoke to City not setting the County fees.

Discussion ensued regarding differing impact City fees, adjusting Park impacts and Fire/Police, a workshop needed for additional discussion, antiquated impact fees, Private Activity Bonds (PAB), broad-based funding, and crowd-source funding for infrastructure, 2006 original study, raising the impact fees, a mobility fee/impact fee conversation, using the P-3 Ordinance, and possible effect on impact fees if West Villages de-annexing is successful.

Mr. Lear noted fees changed last year, public notice requirement, inability to adopt fees based on outdated study, and agreements based on impact fees.

Ms. Slayton responded to basing impact fees on findings within the Impact Fee Report.

Ms. Galehouse spoke to needing broader categories to accommodate the fee calculation.

PUBLIC COMMENT
Ivory Matthews: expressed concern with study.
Marty Black: expressed concern with study.
Mary Dougherty: expressed concern with timing.
Michael Neal: broad based less volatile funding.

Staff was asked to provide the last time the other government entities updated their impact fee studies, including Charlotte County.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to bring back the impact fee study of 2011 and raise it to 100% mark for all the impact fees. The motion carried by the following vote:

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

No: 1 - Commissioner Hanks

Commissioner Hanks voiced concern that this action would create an atmosphere of uncertainty.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to include as backup, the provided information as follows: the impacts to all individual fee categories, the true comparison to neighboring municipalities and

counties between our proposal and theirs, the cost of a typical mortgage or how it impacts individual specifically, completion dates of last impact studies for neighboring areas, and all included for first reading. The motion carried by the following vote:

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

There was a consensus to direct staff to schedule a Workshop in six months, with the 2020 study for evaluation, to include creative ways mentioned by Commissioner Hanks to reach out to community partners for information such as Private Activity Bonds (PAB), broad-based funding, and crowd-source funding for infrastructure, as well as the mobility fee study information, and the suggestions proposed in Assistant City Manager Yarborough's memorandum regarding additional revenue sources: 1) Public Service Tax on Water Sales, 2) Payment in Lieu of Franchise Fees for Solid Waste, 3) Adjustment of Public Service Tax of Electric to the Average Local Rate, and 4) Public Service Tax on Gas Products.

Recess was taken from 8:27 p.m. to 8:45 p.m.

6. PUBLIC HEARINGS:

ORDINANCE: Second Reading

A. ORD. NO. 2020-26 An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Related to the Collection of Solid Waste from Commercial Properties and Establishing a Late Payment Fee, by Amending Chapter 62 - Solid Waste and Appendix A - City Fee Structure; Repealing Section 62-57 – Delinquent Commercial Accounts and Section 62-66 - Appeals; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

There were no questions or comments from the Commission and there was no public comment.

A motion was made by Commissioner Carusone, seconded by Commissioner Hanks, to approve Ordinance No. 2020-26 as presented. The motion carried by the following vote:

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

ORDINANCE: First Reading

B. ORD. NO. 2020-35 An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, by Amending Chapter 2, Article V, Division 5 - Police Officers' Pensions; 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 Carusone, to read the ordinance 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.

Ms. Slayton confirmed the ordinance was reviewed by the pension board attorney and the City attorney.

There were no questions or comments from the Commission and there was no public comment.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to continue Ordinance No. 2020-35 to second reading on October 13, 2020. The motion carried by the following vote:

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

C. ORD. NO. 2020-37 An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 2-55. – Agenda, to Revise Subsection (d) Related to Procedures for Public Comment; 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 Carusone, to read the ordinance 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.

Ms. Slayton introduced the item.

Discussion ensued regarding requiring utilization of criteria for current methods in use, concern with non-resident submittals and the need for strict criteria, and updating the title to "revising subsection d".

Ms. Slayton proposed utilizing a resolution rather than an ordinance, and spoke to City policies being kept in one place on City Clerk's webpage, and closing public comment submissions.

Discussion followed regarding time frame for emailed comments, e-comment during meetings, and closing public comment submissions one hour prior to a meeting.

Ms. Taylor spoke to e-comment and logistical issues for online public comment.

Ms. Slayton spoke to reasons why e-comments were originally permitted, and having an alternative method to give a broader scope of participation.

Discussion continued regarding a cutoff time and safety parameters, giving public comment by phone needs to be explained, and an unequal bias for e-comments vs. in person.

Ms. Slayton stated voice mail limited to 2 minutes 15 seconds, and searchable database for resolutions.

There was no public comment.

Consensus was requested but not achieved, to have public comment available by phone until one hour prior to Commission meeting with voice mail being forwarded to Commissioners and not played during the meeting.

There was consensus to accept emailed public comment one hour prior to start of meeting, to be read into the record to be effective by adoption of the resolution.

There was consensus for City Attorney to get with City Clerk to determine a phone call process.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-37 to second reading on October 3, 2020 with the consensuses that were given. The motion carried by the following vote:

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

RESOLUTION:

D. RES. NO. 2020-R-29 A Resolution of the City Commission of the City of North Port, Florida, Providing Its Determination to Forego the Annual Increase in City Commissioner Salary for Fiscal Year 2020-2021; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Ms. Slayton introduced the item.

Mr. Lear spoke to the budget amount for the item.

There were no questions or comments from the Commission and no public comment.

A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to approve Resolution No. 2020-R-29 as presented. The motion carried by the following vote:

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

No: 1 - Commissioner Carusone

Commissioner Carusone dissented due to it not affecting her but affecting an incoming Commissioner.

7. GENERAL BUSINESS continued

C. 20-2632 Discussion and Possible Action Regarding City Commission Policy No. 2020-02 Ceremonial Items

Ms. Taylor introduced the item.

Discussion ensued regarding ceremonial items.

A motion was made by Commissioner Hanks, seconded by Commissioner Carusone, to include the words in section A. Criteria, line 36: "A key to the city is the City's most prestigious award and may be given but not limited to honor a North Port resident with significant accomplishments. . . " in line 39, and to correct the online application. The motion carried by the following vote:

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

Discussion ensued regarding proclamations.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to allow the City Attorney to wordsmith Section D on line 16, under Definitions. The motion carried by the following vote:

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

D. 20-2656 Discussion and Possible Action Regarding Distribution of Challenge Coins

Ms. Taylor introduced the item.

Discussion ensued regarding distribution of coins for each Commissioner.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to allow the current Commissioners to have five challenge coins of each design to hand out and balance given to the 2020 Commission. The motion carried by the following vote:

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

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Hanks had nothing to report.

Vice Mayor Luke spoke to extending the operational hours for the skate park.

Discussion ensued concerning skate park operating hours.

There was a consensus to close the skate park at 10:00 p.m. Monday through Sunday.

Vice Mayor Luke: attended Warm Mineral Springs Day and expressed concern that entrance/exit for the spring should be by the ramp only.

Mr. Lear spoke to mandating use of a ramp a policy issue.

There was a consensus to direct staff to have Warm Mineral Springs management mandate the use of the ramp.

Vice Mayor Luke attended Tourist Development Committee and listened to the Metropolitan Planning Organization meeting, and suggested a discussion to change Columbus Day to All-American day.

Mayor McDowell attended a zoom meeting for the Florida League of Cities Land Use and Economic Committee meeting, and queried when City Hall will be open on all floors.

Mr. Lear will send a memo regarding opening all of City Hall upon receiving information from Governor DiSantis.

Commissioner Carusone requested a memo concerning opening the Mullen Center on Saturday, attended Florida League of Cities Policy Committee meeting.

Commissioner Emrich attended Florida League of Cities Transportation Committee meeting, and attended the Metropolitan Planning Organization meeting,

Vice Mayor Luke attended a Florida League of Cities meeting.

10. ADMINISTRATIVE AND LEGAL REPORTS:

A. 20-2689 City Clerk Report

Ms. Taylor had nothing to report.

B. 20-2681 City Attorney Report

Ms. Slayton had nothing to report.

C. 20-2680 City Manager Commission Update Report

Mr. Lear had nothing to report.

11. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 9:48 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.