



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes 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 Peto, City Clerk

Thursday, December 6, 2018

1:00 PM

CITY COMMISSION CHAMBERS

AMENDED TO ADD ITEMS 7.C, 7.D., 7.E.

NOTE: This is a draft copy of the minutes of the 12-06-2018 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 Regular Meeting was called to order at 1:52 p.m. in City Commission Chambers by Mayor Hanks.

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

1. APPROVAL OF AGENDA – COMMISSION

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

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

2. PUBLIC COMMENT:

There was no public comment.

3. WELCOME OF NEW EMPLOYEES:

A. [18-827](#) New Employee Acknowledgement

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

5. PRESENTATIONS

After a request from City Manager Lear, the Commission decided to move item 5.A. after 5.C.

B. [18-831](#) Presentation on Prescribed Burning and Wildland Mechanical Mitigation Program for 2018/2019.

City Manager Lear then gave a brief overview of the item. Fire Chief Titus introduced Florida Forest Service Supervisor Rick Christman, and gave a PowerPoint presentation.

Discussion ensued: (1) it was explained that prescribed burns are typically conducted every three to four years; (2) reading the KBDI scale, the higher the number indicates less moisture in the ground; (3) Price Boulevard and Raintree Boulevard is currently the only area that the controlled burn will be conducted, other locations are being considered; (4) the defensible area around a home is dependent on the surrounding fuel load, it is suggested that vegetation be 30-feet away from the side of the house; (5) it was explained that a burn ban may apply to recreational and prescribed burning dependent on the conditions; (6) burn boxes are preferred for populated areas, if the setback is 5-feet or more a burn box isn't needed. There was no public comment.

Recess 2:18 p.m. - 2:31 p.m.

C. [18-851](#) Red Tide Presentation – Dr. Tracy Fanara from Mote Marine Laboratories will present information about Red Tide and research currently being conducted at Mote Marine related to the Red Tide phenomena

City Manager Lear and Public Works Director Bellia introduced Mote Marine Laboratory Environmental Health Staff Scientist and Program Manager, Dr. Tracy Fanara who provided a PowerPoint presentation of the item.

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

A. [18-808](#) Presentation of Big Slough Flood Reduction Study

City Manager Lear and Public Works Director Bellia introduced DeLoach Engineering Science Consultant David DeLoach who provided a PowerPoint presentation.

Discussion ensued: (1) it is recommended to continue the Myakkahatchee Creek relief channel from north of Price Boulevard to Tropicair Boulevard; (2) the bypass channel will be set at a higher elevation than the natural channel and will not intercept the lower flowing water, the intent is to intercept flood overflow.

PUBLIC COMMENT

Chuck English: controlled burn and creek bypass.

Discussion continued: (1) (page 11 presentation) the yellow indicates where major flooding in the existing condition would occur today, but would not occur with implementation of the plan; (2) there are no downstream adverse impacts with the design as that was taken into consideration and this must be demonstrated as a condition of permitting; (3) it was explained that previous plans were reviewed and concerns that were

raised then are being addressed in a current master plan; (4) the concept is to utilize the whole tier one lot for storage and conveyance, with a moderate side slope; (5) there can be walking paths and wetlands developed around the area; (6) change orders were made to the study in 2016 and concern was expressed that the timelines haven't been met; (7) it was explained that the project has been placed on hold several times at the request of the City to allow for various conversations with different parties involved; (8) staff is bringing this before the Commission for direction before obtaining a Southwest Florida Water Management District (SWFMWD) conceptual permit rather than pursue a construction permit; (9) the master plan includes capacity improvements of the R36 canal in the Dorothy Avenue area which will aid the City's water flow and address localized drainage issues; (10) the improvements in the Dorothy Avenue area will consist of constructing a larger ditch and installing three box culverts; (11) it was noted that a single box culvert will cost \$1,300,000 with an annualized cost of \$94,000 dependent on the final option selected.

A motion was made by Vice-Mayor McDowell, that no action be taken on the proposed recommendations. The motion failed for lack of a second.

Discussion continued: (1) concern was expressed for the bypass relief canal and how it may affect the water system, and the environment and archaeological impact; (2) a suggestion was made that a checklist be implemented and followed to ensure all City concerns have been addressed before proceeding with changes; (3) Vice-Mayor McDowell expressed concern that an additional report was to be brought back that addresses issues from the original report, and that this shouldn't be approved until the secondary report is presented; (4) it was suggested that a project narrative that addresses concerns in the plan can be brought to the Commission; (5) the community meeting will be scheduled once Commission gives direction for the project; (6) a recommended project phasing will be submitted with the conceptual permit application, all issues will be addressed for the different phases of the construction permit and this will be covered in the project narrative, the checklist can be included in the narrative.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve the recommended flood reduction plan with phased components, however, to not proceed with the bypass relief canal without extensive historical and archaeological environmental research done first.

A motion was made by Vice-Mayor McDowell, to amend the motion to have Mr. DeLoach and/or staff come back with the project narrative to include costs, timeline, and the checklist. The amendment failed for lack of a second.

A vote was taken on the main motion, to approve the recommended flood reduction plan with phased components, however, to not proceed with the bypass relief canal without extensive historical and archaeological environmental research done first. The motion carried by the following vote with Vice-Mayor McDowell dissenting for reasons stated:

Yes: 4 - Mayor Hanks, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

No: 1 - Vice-Mayor McDowell

Discussion continued: (1) Vice-Mayor McDowell stated she dissented because there are unanswered questions, the cost is unknown and flooding in the City does need to be addressed. Road and Drainage has admitted in the past that they are behind on maintenance which would help with some of the flooding issues; (2) staff noted that the checklist and the report will be completed prior to submission to SWFMWD, and that Commission concerns will be addressed in the application process; (3) it was explained

that the grant funding available has been extended twice, the deadline for the grant is April 2019 and it will take approximately three months for the conceptual permit to be completed and approved.

6. PUBLIC HEARINGS:

- A. [18-842](#) Resolution No. 2018-R-28, directing the City Manager to temporarily suspend enforcement of certain processes and collection of fees related to applications for review of certain sheds.

City Clerk Peto read Resolution No. 2018-R-28 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was noted that fences will be coming back to the Commission at a later date; (2) the Commission previously directed staff to draft a moratorium on fees and a portion of the approval process regarding sheds, it was suggested that the Commission directed portion of the fees be waived and that staff be allowed to continue the inspection process to protect the City from a liability perspective. There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to approve Resolution 2018-R-28. The motion carried by the following vote:

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

7. GENERAL BUSINESS:

- A. [18-834](#) Update from Parks and Recreation Board member regarding Sarasota County's Park Advisory and Recreation Council meetings

Parks and Recreation Manager Wisner gave a presentation on behalf of Parks and Recreation Board member Robin Short who is the North Port representative to Sarasota County's Park Advisory and Recreation Council.

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

Recess 3:56 p.m. - 4:04 p.m.

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

- A. [18-783](#) Recognition of the 2018 Solid Waste Association of North America Chapter International Road-E-O participant and 3rd place winner, Paul Healy

Public Works Director Bellia and Solid Waste Manager Lama recognized Solid Waste Equipment Operator Paul Healy for his award from the 2018 Solid Waste Association of North America Chapter International Road-E-O.

7. GENERAL BUSINESS:

- B. [18-865](#) Discussion and possible action for a Resolution for the City of North Port to become a member of American Flood Coalition.

City Manager Lear and Commissioner Luke gave an overview of the item.

Discussion ensued: (1) it was noted in discussion with Venice they have not joined, and a conversation has not been held with the City of Sarasota as to their participation; (2) it was suggested to wait and see if adjoining cities will be participating; (3) Commissioner Luke offered to reach out to other areas to see if they will be joining or to ask the agency for a presentation. There was no public comment.

There was a unanimous consensus that Commissioner Luke will contact the City of Venice, the City of Sarasota and the County of Sarasota to investigate if they will be participating.

C. [18-822](#)

Discussion and possible action regarding Commission Board and Committee assignments for the Year 2018/2019.

City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was noted that the Teen Court Board meets the third Tuesday of each month; (2) a suggestion was made to wait on filling the Florida League of Cities (FLC) and National League of Cities (NLC) delegate seats until prior to the conferences; (3) the FLC voting delegate will be needed in August; (4) concern was expressed regarding the Peace River Water Alliance Board meetings and it was suggested that staff research if this Board still exists, their meeting schedules and why there hasn't been any notice of meetings received; (5) suggestions were made to add the following to the chart: [a] Florida League of Cities (FLC) delegate; [b] Peace River Water Management Authority non-voting member; [c] North Port Community Economic Development Advisory Board non-voting member. There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the 2019 Commission Boards and Committee Assignments with the following changes:

[a] Community Health Action Team (CHAT)-Commissioner Emrich first/Commissioner Luke alternate;

[b] Council of Governments (COG)-Mayor Hanks first/Vice-Mayor McDowell alternate;

[c] Manasota League of Cities-Commissioner Carusone first/Vice-Mayor McDowell alternate;

[d] Metropolitan Planning Organization (MPO)-Commissioner Emrich first/Commissioner Carusone second/alternates stay the same;

[e] Sarasota County Community Action Agency Board-Commissioner Emrich alternate;

[f] Teen Court date changed to the third Tuesday of every month;

[g] Community Economic Development Advisory Board (CEDAB) non-voting member-Vice-Mayor McDowell;

[h] add Florida League of Cities (FLC) voting delegate to the list, the FLC and National League of Cities (NLC) voting delegate will be determined two months prior to the conference;

[i] direct staff to investigate everything about the Peace River Water Alliance Board and report back to the Commission in a memo;

[j] FLC Transportation and Intergovernmental Relations Committee-Commissioner Emrich.

The motion carried by the following vote:

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

D. [18-835](#) Discussion and possible action regarding establishing a Youth Council

City Manager Lear gave an overview of the item and Assistant City Manager Branco provided a PowerPoint presentation.

Discussion ensued: (1) it was noted that the Tampa Youth Corps Council best practice recommends having a dedicated paid staff member on the board; (2) historically a Commissioner and a staff liaison served on the board, the board failed because those members left after some time, it was suggested to have a staff member work with the youth board on a consistent basis as the Commission changes every two years; (3) it was noted that at the first reading in June 2017 the ordinance provided for a paid adult, and that at the second reading the adult provision was missing; (4) it was suggested that a staff liaison should be assigned at the discretion of the City Manager, just as it's done for other advisory boards; (5) a suggestion was made to have an adult from the community serve on the board in addition to the staff liaison, and that the youth board take the summers off; (6) it was explained that if the Commission creates an advisory board the City code already provides for a liaison to be assigned, if the Commission wishes to create something different than an advisory board they would need to state that a liaison will be assigned; (7) it was noted that a youth advisory board would be under the Commission and subject to Sunshine Laws, a youth advisory council under the City Manager would be exempt from Sunshine Laws; (8) it was explained that Sunshine Laws are based on the function of the group, not what it is called or how it is structured; (9) concern was expressed that being subject to Sunshine Laws prevents them from discussion outside of their meetings and it is hoped they would want to have discussions with other kids in school; (10) if the youth are encouraged to participate with Florida League of Cities and other agencies it was suggested having a sponsorship to help finance travel expenses; (11) it was explained that the liaison would need special training with parliamentary procedures and Sunshine Laws to effectively assist the youth members; (12) it was suggested to bring back Ordinance No. 2017-15 from the original second reading, for a first reading. There was no public comment.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to bring back the original second reading document for Commission approval. The motion carried by the following vote:

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

E. [18-876](#) Discussion and possible action for the Commission to pass a Resolution which would request that the new state administration pick back up the Stormwater Rule Manual that was stopped in 2010, and complete the process for implementation.

City Manager Lear and Commissioner Luke gave an overview of the item.

Discussion ensued: (1) it was noted that the December 11, 2018 agenda has been amended to bring back a Resolution for this item; (2) concern was expressed that the stormwater manual may have not necessarily been dropped by the state, but that the state had allocated the responsibility to the local water management districts; (3) it was explained that the stormwater manual had not been finalized so it could not be enacted, that there is a grassroots effort to have the state complete and implement the manual; (4) it was explained that currently Southwest Florida Water Management District (SWFWMD) holds back 40% of the nutrients from stormwater, and if the manual is adopted the City could request that 80% be held back; (5) the intent is to put responsibility on the state to support and continue efforts for water quality. There was no

public comment.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Luke: nothing to report.

Commissioner Emrich: nothing to report.

Commissioner Carusone: nothing to report.

Vice-Mayor McDowell: (1) received an invoice from Charlotte Harbor Natural Estuary Program (CHNEP) and gave it to City Manager Lear; (2) handout shared with the Commission from CHNEP regarding red tide; (3) email from Assistant City Manager Branco that the cost of the crosswalk at Creek Nine Drive and the Eagles Flight Way crossing Price Boulevard will be \$12,000.

There was a unanimous consensus for the City Manager to proceed with the crosswalk.

Vice-Mayor McDowell: (1) there are issues with Municode, the fee schedule says it's updated but it still shows 2017, and changes to be codified are taking up to six-months; (2) it was suggested to send a memo to find who is responsible for sending and verifying updated information in Municode, who is responsible for the Administrative Code, and the associated costs; (3) reported attending the ribbon cutting ceremony at Blue Ridge Park.

Discussion ensued: (1) it was noted that in a recent conversation Municode activities were assigned to the City Clerk's Office; (2) concern was expressed that knowledge and budgeting were not shifted with the responsibility; (3) it was noted that the Comprehensive Plan is not in Municode and that the status of updates is unknown; (4) staff will review to see if the budget was shifted with the change; (5) it was suggested that the City Manager, the City Clerk and Staff have a discussion and send a memo to the Commission, and that concern was expressed regarding the upcoming Unified Land Development Code (ULDC) rewrite.

Mayor Hanks: nothing to report.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

11. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Special Meeting at 5:30 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____

Kathryn Peto, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2019.