



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Special Meeting

CITY COMMISSIONERS

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

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Thursday, October 5, 2017

1:00 PM

CITY COMMISSION CHAMBERS

TIME CERTAIN 4:00 P.M. Proclamations and Recognitions

NOTE: This is a draft copy of the minutes of the 10-05-2017 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 1:02 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks, Luke and McDowell; City Manager Lear; City Attorney Slayton; City Clerk Adkins; Deputy City Clerk Peto; Recording Secretary Hale and Police Chief Vespia.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner Hanks, seconded by Vice-Mayor Carusone, to approve the Agenda, and move Item 4.C., after 5.F. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

There was no public comment.

3. WELCOME OF NEW EMPLOYEES:

A. [17-1341](#) Acknowledgement of New Employees

McDade introduced new employees in the Police Department, and the Public Works Department.

4. GENERAL BUSINESS:**A. [17-1364](#) Conflict Waiver for Greenberg Traurig, the City's state lobbyist**

City Attorney Slayton provided an overview of the item. There was no public comment.

Questions ensued: (1) when an attorney represents two parties, he/she must sign the a waiver with both parties; (2) it was stated that the request is out of an abundance of caution, but if there is an actual conflict of interest, the attorney could only represent one of the parties; (3) it was affirmed that there is no foreseeable West Villages Improvement District subject with which the City would have reason to have representation in the matter and there was no additional information pertaining to the nature of the representation other than what was provided in the Conflict Waiver; (4) it was stated that the only representation Greenberg Traurig is providing the City is the lobbying of City Priorities.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Carusone, to approve the Agreement for the Conflict Waiver of Greenberg Traurig. The motion carried by the following vote:

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

B. [17-1349](#) Professional Services Agreement between the City of North Port and the Florida Police Chiefs Education and Research Foundation to provide consulting and screening services for a qualified and experienced Police Chief in the amount of \$17,500 plus travel expenses up to \$1,000.

City Manager Lear provided an overview. There was no public comment.

Questions ensued: (1) the Job Description to be advertised will be the City's version; (2) the approximate target date of February 1, 2018 is when the replacement will be hired; (3) Exhibit A states that the Foundation will recommend 20 candidates to the City Manager for consideration; (4) it was stated that: [a] the City's request to omit the Indemnification Provision was declined by the Foundation and they only agreed to a modification of the first sentence; [b] the Commission needs to decide if the risk outweighs the liability; [c] the City cannot sue the contractor and if someone sues the Foundation directly then the Foundation would look to the City for reimbursement of any judgement up to the maximum amount; (5) three requests went out to search firms but only one accepted; (6) Mayor Yates stated that she would have preferred to see this go out to more companies because of the cost and is not comfortable putting liability on the City.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve the Professional Service Agreement between the City of North Port and the Florida Police Chiefs Education and Research Foundation to provide consulting and screening services for a qualified and experienced Police Chief in the amount of \$17,500 plus travel expenses up to \$1,000. The motion carried by the following vote with Mayor Yates dissenting for reasons stated.

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

No: 1 - Mayor Yates

5. PUBLIC HEARINGS:

- A.** [17-1353](#) Resolution 2017-R-31; A Resolution of the City of North Port, Florida opposing legislative efforts to impede the connotational rights Florida's citizens have enjoyed for fifty years to govern themselves under municipal home rule powers.

City Clerk read Resolution No. 20170-R-31 into the record by title only and City Manager Lear provided a brief overview and stated that this, as well as the rest of the Resolutions, are an effort to help preserve Home Rule as well as other local powers. There was no public comment.

Following a question, it was stated that the Sarasota Delegation consists of Representatives Gonzales, Gruters, Newton and Boyd; and Senator Steube. All will receive the Resolution along with the Florida League of Cities and the City's Lobbyist.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution 2017-R-31. The motion carried by the following vote:

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

- B.** [17-1355](#) Resolution 2017-R-32; A Resolution of the City of North Port, Florida urging all members of the Florida Legislation to oppose legislation that would restrict or eliminate Community Redevelopment Districts.

City Clerk Adkins read Resolution No. 2017-R-32 into the record by title only. City Manager Lear provided an overview with the previous agenda item. There was no public comment.

It was stated that a copy of all the Resolutions will be forwarded to the City's Lobbyist.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve Resolution No. 2017-R-32. The motion carried by the following vote:

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

- C.** [17-1354](#) Resolution 2017-R-33; A Resolution of the City of North Port, Florida supporting legislation reforming the communications services tax in a manner that is revenue neutral; providing for a broad and equitable base; providing for enhanced stability and reliability as an important revenue source for local government.

City Clerk Adkins read Resolution No. 2017-R-33 into the record by title only. City Manager Lear provided an overview under agenda item 5.A. There was no public comment.

It was stated that for many years the City has advocated reforming the communications

services tax in a manner that is revenue neutral.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-33. The motion carried by the following vote:

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

- D. [17-1356](#)** Resolution 2017-R-34; A resolution of the City of North Port, Florida supporting legislation that require certification for all recovery residence and recovery residence administrators to ensure that the vulnerable population in recovery is protected and that recovery residence administrators have the competence necessary to respond appropriately to the needs of the residents

City Clerk Adkins read Resolution No. 2017-R-34 into the record by title only. City Manager Lear provided an overview under agenda item 5.A. There was no public comment and no questions or comments from the Commission.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-34. The motion carried by the following vote:

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

- E. [17-1357](#)** Resolution 2017-R-35; A Resolution of the City of North Port, Florida supporting legislation that preserves local control of transportation planning, provides for a more equitable formula between municipalities and counties, and provides for additional revenue options for municipal transportation infrastructure and transit projects.

City Clerk Adkins read Resolution No. 2017-R-35 into the record by title only. City Manager Lear provided an overview under agenda item 5.A. There was no public comment and no questions or comments by the Commission.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-35. The motion carried by the following vote:

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

- F. [17-1358](#)** Resolution 2017-R-36; A resolution of the City of North Port, Florida supporting legislation to provide long-term, recurring and adequate state funding that is equitably distributed throughout the state, for local government water resource and water quality improvement projects and infrastructure, including but not limited to, projects that reduce nutrient and pollutant loading from wastewater sources, mitigate storm water and flooding impacts, and increases available water resources and supplies

City Clerk Adkins read Resolution No. 2017-R-36 into the record by title only. City Manager Lear provided an overview under agenda item 5.A. There was no public comment.

Following a concern, it was stated that the word "City" was left out of the title and will be corrected prior to the document is signed.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve Resolution No. 2017-R-36 with the title amendment. The motion carried by the following vote:

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

4. GENERAL BUSINESS:

C. [16-0713](#)

Discussion and direction regarding revisions to the City Cross-Connection Control Program under City Code Section 78, Article V.

City Manager Lear and Public Utilities Director Newkirk provided an overview. There was no public comment.

Discussion ensued regarding: (1) the requirements to implement a Double Check device or a Dual Check device; (2) inspection costs; (3) common hazards for cross-contamination of the potable water and exceptions to the rule; (4) it was clarified that this is only for homes that are connected to City's potable water system; (5) the three-year site surveys are done by City staff and are included in the regular City water rates; (6) initial permitting costs and replacement costs for the Double Check device and Dual Check device; (7) what is and is not considered a mandatory hookup; (8) the Florida Department of Environmental Protection (FDEP) Rule 62-555.360 mandates a Cross-Connection Control Program to prevent backflow through the cross-connection into the public water system; (9) how cross-contamination occurs; (10) staff's suggestion was approved by the Health Department and now Commission direction is needed regarding choosing the level of protection for the City's water system; (11) how it is determined which device is required on a residence, State Building Code requirements, and the existing homes that have yet to be connected to a backflow-preventer; (12) a contamination scenario was provided; (13) a suggestion to accept the minimum requirements; (14) when to send notifications; (15) the limitations of what can be added to the monthly water bill and how/when residential testing due dates are sent out; (15) the draft Ordinance options to pay for installation and a plumber's work; (16) following a question, it was stated that a moratorium could be placed on the annual testing date and still be consistent with the current State law of testing bi-annually; (17) the procedure of notifying the 1100 customers of the new changes; (18) staff's recommendation regarding testing coordinated by North Port Utilities and charged to the customer for non-compliant residents; (19) it was stated that the provision for the customer to be eligible for shut off applies more to the commercial side because the City does not have the ability to coordinate non-compliant testing; (20) the DEP performs an Annual Sanitary Survey Audit where they inspect the City's water system, including the Cross Connection Control Program; (21) the City's current Ordinance allows the City to go on residential property to do the testing but cannot on commercial property; (22) the assessment breakdown fees were explained for residential and commercial non-compliant customers; (23) staff tries to avoid shut off and last year there was 42 commercial businesses but all eventually paid.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to direct staff to come back with an Ordinance that meets the minimum requirements for the Cross-Connection Control Program; to leave the opt-in program as it currently is, which includes the testing, fees and process; as well as the non-compliance policy; and to have the City Attorney to bring an appropriate form that would implement a moratorium on the enforcement of annual testing.

Discussion ensued: (1) more information is needed regarding the lawful support for the City's Utility Department entering private property to repair the back-flow meters; (2) with the Commission's approval of a minimum requirement, it was stated that if the Dual Check device is selected, there is no annual testing only replacement after five years; (3) confirmation was provided that the minimum for testable devices is for reclaimed water only, and it will also depend on a site survey; (4) Mayor Yates supports the minimum requirements and favors having the whole system protected, but the motion, as stated, will leave a gap between all future development that will be required to have a Double Check or Dual Check device, and those who are not required to have one and could infiltrate the water system; (5) after a discussion, the City Attorney was requested to also review the opt-in "transfer of authority" authorizing the City to go on their property.

Mayor Yates passed the gavel to Vice-Mayor Carusone.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion to have all utility customers, at minimum, are required to install the Dual Check device.

Discussion ensued: (1) Commissioner Luke voiced concern at the costs for permitting, installation and the device especially for the older residents; (2) Commissioner McDowell stated there was no previous problem and the aging infrastructure is not creating a problem and she could not justify the expense to citizens in the neighborhoods that don't have a backflow preventer; (3) Mayor Carusone opposed the mandatory expense.

A vote was taken on the amendment, and the motion failed on the following vote with Vice-Mayor Carusone, Commissioners Luke and McDowell dissenting for reasons stated. Commissioner Hanks did not provide a reason for dissenting.

Yes: 1 - Mayor Yates

No: 4 - Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

A vote was taken on the main motion, and the motion carried by the following vote:

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

Discussion ensued regarding the best way to notify Utility customers about the Backflow Opt-in Program; (1) to direct the City Attorney to work with Staff to notify all Utility customers and make them aware of the Cross-Connection Control Program and the availability to Opt-in to the Program; (2) use social media; the City's website; the Utility New Customer Packer.

There was a consensus to direct Staff and the City Attorney to notify, in a no cost manner, those residents with no hazards of the ability to opt-in to the Backflow program.

Recess 3:40 p.m. - 4:03 p.m.

7. 4:00 P.M. TIME CERTAIN - PROCLAMATIONS AND RECOGNITIONS:(15 MINUTE TIME LIMIT)

A. [17-1338](#) Proclamation for Breast Cancer Awareness Month

Vice Mayor Carusone read the Proclamation into the record and Human Resources

Director McDade accepted the Proclamation.

- B.** [17-1363](#) Proclamation recognizing Domestic Violence Awareness Month, October 2017 presented to Liz Alvarado, Lead Domestic Violence Advocate Safe Place And Rape Crisis Center, Inc.

Commissioner Luke read the Proclamation into the record and presented it to Liz Alvarado of the Safe Place and Rape Crisis Center accepted the proclamation.

- C.** [17-1188](#) Proclamation designating Fire Prevention Week, October 8-14, 2017.

Commissioner McDowell read the Proclamation into the record and members of the North Port Fire Department accepted the Proclamation.

- D.** [17-1334](#) Proclamation of October, 2017, as Cyber Security Month.

Commissioner Hanks read the Proclamation into the record and Information Technology Manager Kasson and Police Department IT Administrator Drapeau accepted the Proclamation.

- E.** [17-1342](#) Proclamation recognizing October 2017 as City Government Month.

Mayor Yates read the Proclamation into the record and Community Outreach Manager Heid accepted the Proclamation.

- F.** [17-1359](#) Proclamation recognizing People for Trees, Inc. Month October 2017 and presentation of the tree planting projects that have been completed throughout the City.

Mayor Yates read the Proclamation into the record and Alice White accepted the Proclamation and provided a historical PowerPoint of People for Trees. For more information contact Ms. White at Treelady12001@yahoo.com or Peoplefortrees.com.

6. PRESENTATIONS: (15 MINUTE TIME LIMIT)

- A.** [17-1346](#) Presentation of Community Technical Assistance Grant (DEO) Final Plan

City Manager Lear, Interim Planning Manager Galehouse and Jason Green from Weiler Engineering provided an overview of the Technical Assistance Grant for neighborhood revitalization projects. There was no public comment.

Questions ensued regarding: (1) following a concern regarding the parking congestion near the old Post Office on U.S. 41, it was stated that mixed use developments need to find uses that utilize the off-hours of each other; perhaps develop a second story for residential; find ways to be creative and allow people to invest and create better opportunities; (2) ADA parking at some of the City parks; (3) clarification was provided that part of the Grant was to identify an Overlay Map that the City could use a tool to help change Codes; (4) how and where to place signage in the neighborhoods; (5) Staff is looking for Commission direction to prioritize and identify which strategies should move forward as the next steps; (6) as the ULDC chapters are updated, different areas that may need attention can be addressed; (7) concerns were expressed: [a] that people that are impacted by some of the suggestions in the Community Technical Assistance Grant Report were not notified that it was completed and should be able to review it prior to a Commission decision; [b] in view of Gilbert v. Reed, the signage suggestions need to be

reviewed by the City Attorney; [c] the neighborhood names were originally designated by the City not the residents; (8) clarification was provided that Staff was not recommending making the Neighborhood Revitalization Map a regulatory overlay on page 17, because it would add another layer to the existing layers and difficult to connect all the regulatory sections; (9) Marius and the Leisure Village areas were omitted from the Report due to time constraints and the demographics in the initial research; (10) implementing a Municipal Service Unit (MSU) fee to the residents was only suggested as a tool to help revitalization; (11) partnerships were explained where commercial businesses may re-vitalize an area as they help provide places for their workers to live; (12) the Lien Relief Application Process is another tool to alleviate liens that were a surprise to new owners who purchased a redevelopment property; (13) after the difference was explained between creating a renter registration program and the City's current policy for Code Enforcement issues that are sent to the property address as well as the owner's address, a brief discussion ensued and it was decided that further discussion is needed; (14) it was suggested: [a] get a list of all the suggestions, including any clarifications by staff of any of the suggestions; [b] set a workshop date; [c] make sure the neighborhoods are apprised and knowledgeable; [d] prioritize things similar to what is done in Strategic Planning Sessions; [e] provide more information regarding how to implement the strategies, the impact, the financial cost, and what is realistic; (15) a status update was provided concerning: [a] the crosswalks and missing segments of sidewalks on Biscayne Drive, Pan American Boulevard; [b] the intersection of U.S. 41 and Biscayne Drive; [c] the crosswalk at the Social Services building; (16) it was suggested to educate citizens regarding our Neighborhood Watch Program.

There was a consensus to direct City Manager Lear to schedule a Workshop to review the Revitalization Plan and notify those residents who attended the Neighborhood Meeting; including information regarding home registry; the overlay; and the Pilot Program regarding the culvert/drainage.

City Clerk Adkins is working on scheduling a Joint Meeting with the Charlotte County Board of County Commissioners and requested Tuesday, November 21, 2017 at 1:30 p.m. She will follow-up with an email.

Commissioner Hanks left the meeting at 5:56 p.m.

B. [17-1337](#)

**Neighborhood Development Services Department
Building Division Presentation**

Building Official Hopkins provided a PowerPoint. There was no public comment.

Questions ensued: (1) additional details were provided concerning the electronic plans review process; (2) implementation of the TRACKIT program is still a year away; (3) the process and limits to Skype inspections were explained including the legalities of the procedure; (4) after an electronic plans review is finished, reviewed and stamped, the City has the options of saving to a disk, thumb drive, to send it to a local printer or to the architect; (5) a homeowner may bring in his own plans which the City can then scan, review it and print.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

There was no Commission Communications to report.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative or Legal Report.

11. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 6:23 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

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