



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final 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 Wong, City Clerk*  
*Heather Taylor, Deputy City Clerk*

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Thursday, September 5, 2019

1:00 PM

CITY COMMISSION CHAMBERS

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### CALL TO ORDER

Mayor Hanks called the meeting to order at 1:00 p.m.

### ROLL CALL

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

### Also Present:

City Manager Peter Lear, City Attorney Amber Slayton, Human Resources Director Christine McDade, Neighborhood Development Services Director Frank Miles, Inspector Division Manager Tommy Lasprogato, Finance Director Kimberly Ferrell, Economic Development Manager Mel Thomas, Stormwater Manager Elizabeth Wong, Deputy City Clerk Heather Taylor, Recording Secretary Susan Hale, Police Chief Todd Garrison, and Fire Chief Scott Titus.

### The Pledge of Allegiance was led by the Commission.

A moment of silence was observed for the people in the Bahamas and others in the path of Hurricane Dorian, after which the Pledge of Allegiance was led by the Commission.

### 1. APPROVAL OF AGENDA

Discussion ensued regarding moving Item 19-0934 to a Workshop, impact on the City Clerk's budget for reclassification of the Public Records Technician, and a mid-year budget amendment.

Mr. Lear spoke to the total monetary of \$2,000.

Discussion continued pertaining to the possible date of September 17, 2019, including GovQA details and legislation, one workshop addressing staffing and another addressing GovQA.

*There was a consensus to pull Item No. 19-0934 from the agenda, moving it to the*

*October 7, 2019 Workshop, and to include the GovQA information and legislation.*

*A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the agenda as presented, clarifying that Item No. 19-0934 is removed. 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. [19-0956](#) New Employee Acknowledgement**

Ms. McDade welcomed new City employees in the City Manager's Office, Fire Department, Neighborhood Development Services, Police Department, and Public Works.

## **4. CONSENT AGENDA:**

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

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

### **A. [19-0773](#) Approve Agreement with Greenberg Traurig, P.A. for State Legislative Lobbying Services for and Annual Amount of \$56,100 and Authorize the City Manager to Execute any Subsequent Renewals under the Same Terms and Conditions**

*This Agreement was approved on Consent.*

## **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

### **A. [19-0910](#) TIME CERTAIN 1:00 P.M. Public Records Presentation by Matt Daugherty, Executive Vice President, SML, Inc: Records Management Plan**

Mr. Daugherty provided an overview of the Records Management Plan including overall plan, written standards, recommendations including access, retention requirements, disposal/preservation requirements, and on-site implementation of components.

Discussion ensued regarding Commission's input and final approval of a policy, a list of deficiencies, clarity of details and what steps were followed, communication between the Police Department and the City Clerk Department, the Executive Summary for the document, department record software parameters holding to State statutes pertaining to access/retention/disposal/preservation as detailed under the Implementation tab, disposing of records when retention is met and documenting any deviations, recommendation that every department appoint one or two individuals as the Records Coordinator, paperless records, issues and exceptions with records disposal, standards for records disposal, and inviting Mr. Daugherty to the October workshop.

*There was a consensus for the Records Management Consultant to attend the October Workshop.*

**B. [19-0765](#) Presentation & Discussion: Regulation of Contractor Licensing and Potential Creation of Trades Advisory Board**

Mr. Lear introduced the item.

Mr. Miles provided a presentation including legislation regarding contracting practices, a network of constituents, and an avenue in the community to generate interest in these jobs.

Mr. Lasprogato presented an overview including building process for unlicensed/unpermitted work, Sarasota County Licensing Board oversight, staffing and staffing costs, the proposed Building Trades Advisory Board and functions, opportunities in the trades industry, recommendations of the board and its specific membership requirements, duties and term of office, and meeting frequency.

Discussion ensued regarding membership and area affiliations, expanding the membership to other types of businesses, coordination with Sarasota County Licensing Board, ensuring an avenue of communication between contractors, the City, and Code Enforcement, reasoning for disbanding the old Board, staff verifying licenses, meeting with Sarasota County being a staff function, draft Ordinance status, and the Advisory Board being no cost to the City.

Ms. Slayton stated the new advisory board must follow the Sunshine Law.

Former Board Member Darryl Denson, spoke to the valuable service provided by the former Board.

Sarasota County Building Official Kathy Croteau explained the County Board is a regulatory entity, how licensed and unlicensed discipline is resolved, and how information is shared between local governments.

Discussion continued regarding an interlocal agreement needed to enable Sarasota County help with City contractor issues, clarification regarding parameters of discipline for the new Board, the local Board expanding to a larger Board in connection with Sarasota and Charlotte Counties, unexpected consequences with changes in the City Code, and importance of communication with public.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve the Contractor and Trades Advisory Board to be created by Ordinance and brought to Commission for first reading. The motion carried by the following vote:***

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

**C. [19-0863](#) Presentation and Discussion on the Financial Condition of the City.**

Ms. Farrell provided an overview of the City's financial condition, including the current bond rating, services provided by Police, Fire, Public Works, Parks & Recreation, Utilities and Neighborhood Development Services, industry comparisons, budget analysis with comparable cities, comparable millage rates adding assessments, data comparison between the same cities, total budget per capita for each city, budget per square mile compared to peers, capital funds budgeted among the cities, staffing comparing citizens

per employee and employees per square mile, historical staffing levels of the city, analysis of population and millage growth in North Port.

Discussion ensued regarding population growth as an economic cost driver vs. commercial growth, current rate for sustainable growth being 80% residential and 20% commercial, legal rights of a property owner, and the City's budgets ten years and five years ago will be provided to the Commission by department.

Mr. Lear spoke to the occasional anomaly in budgets that alter comparisons.

Concern was expressed that the millage rate is not sustainable for City growth.

## **7. GENERAL BUSINESS:**

### **A. [19-0963](#) Discussion and Possible Action Regarding Draft Economic Development Interlocal Agreement Providing for the Administration of a Joint County/Municipality Economic Development Program**

Mr. Lear provided an overview of the item which does not need to come back if approved today, existing agreement survives if this is not approved, alternative is to unfund the current agreement, if other entities stay, they will move forward without North Port, and Sarasota County supports the new agreement.

Discussion ensued regarding ensuring North Port receives a return on its investment, the draft Sarasota County Interlocal Agreement is the "Plan" referenced in Section 2.A., and the working document from Mr. Huey speaks to North Port's expectations through the Agreement with the County.

Mark Huey, President of the Economic Development Corporation of Sarasota County, clarified that the EDC does not have this level of an action plan with other municipalities, and the Plan can be restructured as needed.

Ms. Thomas spoke to the Plan addressing deliverables within performance measures, a governance clause that ensures North Port a seat at board meetings, the Plan described in 3.D. is the Strategic Plan, a quarterly report of the Plan provided and distributed, the second "Whereas" clause addressing North Port's seat on the committee.

Mr. Lear clarified that the Agreement is accessible on the EDC website, and 2.A. of the new contract is the same as item 4.A. under Governance.

Ms. Thomas explained the process of how a target area is chosen from business leads.

Mr. Huey spoke to the EDC's focus on a strong working relationship with all parties involved.

Discussion ensued regarding reducing the municipal contribution amount from \$1.00 per capita to \$ .50 per capita, no indication on page 3 of the draft Agreement that the City will be marketed, and more accountability is needed for the specific municipal strategic plans.

Mr. Lear clarified that the Agreement will only come back to the Commission if another entity makes a change to it, and spoke to how performance measures are measured and reportable, stated that Ms. Thomas accomplished the City Manager's direction insuring performance measures were included in the Agreement, and the EDC markets the entire

County.

***A motion was made by Commissioner Luke, seconded by Mayor Hanks, to approve the draft Agreement as presented, to be brought back to Commission in a final format and approval at a later date.***

Mr. Lear spoke to the consequences of unfunding the City's EDC budget line item.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to amend the motion for the Economic Development Interlocal to the following: page 3 in the graphic where it mentions the EDC shall market county, adding "and municipalities." The motion to amend carried by the following vote:***

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

**No:** 1 - Commissioner Luke

Commissioner Luke trusts how staff wrote the document and tht the word "county" encompasses everything.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to amend the motion, to change the cost from \$1.00 per capita program funding of each municipality, to \$ .50. The motion to amend failed by the following vote:***

**Yes:** 2 - Vice Mayor McDowell and Commissioner Carusone

**No:** 3 - Mayor Hanks, Commissioner Luke and Commissioner Emrich

Commissioner Luke opined that \$1.00 per person is reasonable for what is outlined to receive.

Mayor Hanks recognized that everything comes with a cost and supported giving Ms. Thomas the tools needed to do the job.

Commissioner Emrich did not provide a reason for dissenting.

Ms. Slayton spoke to the provision to cancel the contract by not appropriating the funding in the budget.

***The main motion as amended carried by the following vote:***

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

**No:** 1 - Vice Mayor McDowell

Vice-Mayor McDowell did not support the agreement because unless we receive a return on investment from the other parties involved.

Recess was taken from 3:49 p.m. -- 4:04 p.m.

## **6. PROCLAMATIONS AND RECOGNITIONS: TIME CERTAIN AT 4:00 P.M.**

- A.** [19-0624](#) Proclaim September 15 through 21, 2019 as National Forensic Science Week, Presented to Forensic Supervisor Tracey Gold

***The Commission presented this Proclamation.***

- B. [19-0631](#) Proclaim October 1, 2019 as National Night Out, Presented to Sergeant Scott Miranda

*The Commission presented this Proclamation.*

- C. [19-0913](#) Certificate of Appreciation Presented to Barbara Lockhart for her Service on the Environmental Advisory Board

*The Commission recognized Barbara Lockhart for her service on the Environmental Advisory Board.*

## **7. GENERAL BUSINESS continued**

After it was noted that a common provision was missing from the EDC agreement, it was suggested to add a clause stating this will supersede any previous agreement and so it was requested to reconsider the motion on Item No. 19-0963.

*A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to reconsider Item 19-0963. The motion carried by the following vote:*

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

- C. [19-0963](#) Discussion and Possible Action Regarding Draft Economic Development Interlocal Agreement Providing for the Administration of a Joint County/Municipality Economic Development Program

Vice-Mayor McDowell did not support the motion because it leaves the funding in place for the EDC.

*A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to amend the previous amended motion, to include a clause written by the City Attorney that this particular Agreement will supersede any and all existing, previous and future agreements. The motion carried by the following vote:*

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

**No:** 1 - Vice Mayor McDowell

## **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES - Continued**

- D. [19-0762](#) TIME CERTAIN 4:00 P.M. Jon Thaxton: Scrub Jays

Mr. Lear introduced the item

Mr. Thaxton presented a review of the importance of Scrub Jay habitation preservation and provided clarification regarding the mitigation process when housing development impinges on Scrub Jay sites, preserving areas of North Port as a piece of local Scrub Jay habitat, State-wide loss of 90% of their population, and US Fish and Wildlife Service jurisdiction over local mitigation plans and overlay maps.

Ms. Wong spoke to wildlife studies mandated for every development, 2017 Scrub Jay overlay map update, Scrub Jay surveys done by audio recordings, and conservation plans when habitats are encountered.

Mr. Lear confirmed that the Heron Creek Scrub Jay Management Plan is due in November, 2019.

Mr. Thaxton spoke to territory restoration being simple but expensive, developing sites that are viable for habitats, habitat maintenance plans managed by State agencies, Federal agencies and local governments are enforced by the same, Scrub Jay protected under the Endangered Species Act.

PUBLIC COMMENT:

Chuck English: water quality and habitat destruction concerns.

## **7. GENERAL BUSINESS continued**

**B. [19-0911](#)** Discussion and Possible Action Regarding Roseate Spoonbill Public Art Sculpture

Mr. Lear introduced the item and recommended accepting the artist's change.

PUBLIC COMMENT:

Laura Pucci: importance of the Art Advisory Board, the Roseate Spoonbill recommendation to remain with a steel patina, and the Tribute Wall, and confirmed there will be a memorial plaque in connection with the sculpture.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the artist's recommendation not to paint the art sculpture. The motion carried by the following vote:***

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

**Not Present:** 1 - Commissioner Carusone

**C. [19-0809](#)** Discussion and Possible Action Regarding Amending the City Code in Reference to District Meeting Notices

Mr. Lear provided an overview of the item.

Ms. Taylor spoke to an inconsistency in City Code regarding how District meetings are noticed, and clarified emergency meetings are to have seven-days notice.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to direct staff to draft an Ordinance amending Sections 66-33, 66-60, and 66-87 of the City's Code of Ordinances to reflect meeting notification requirements to be filed and published on a quarterly, semiannually or annual basis in a newspaper of general circulation, consistent with Florida Statute 189-015 and to remove the additional City requirement to be advertised at least seven days before the meeting in a newspaper of general circulation. The motion carried by the following vote:***

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

**Not Present:** 1 - Commissioner Carusone

**D. [19-0782](#)** Discussion and Possible Action Regarding the City Re-evaluate Sites (lands) that were Nominated in 2009 for the Sarasota County

## Neighborhood Parkland Acquisition Program

Mr. Lear introduced the item and clarified the flow of information to Sarasota County regarding properties along Myakkahatchee Creek, counter requests that may come from Sarasota County concerning maintenance, City Attorney memo confirming that the County cannot deed the land back to the City if the land is purchased by the County.

Ms. Slayton spoke to Commission's direction whether or not the City could opt-out of the program or use program dollars, and established criteria for identifying environmentally sensitive land, and the County's Oversight Committee's duties.

Mr. Lear suggested researching the funding mechanism to purchase these lands because they are bond-issued dollars.

Ms. Slayton clarified the referendum identifies the bond funding source for the acquisition protection and management of environmentally sensitive lands, the second referendum expanded the program by approving bonds for neighborhood parkland for conservation and public recreation, the County's right to set their own criteria for what establishes environmentally sensitive land by ordinance, potential negative impacts of creating an environmentally sensitive overlay, and clarified that neighborhood parklands acquisition and maintenance are included in the environmentally sensitive lands program.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to direct the City Manager to send a letter to Sarasota County to inquire about purchasing the sensitive lands that are outlined as the San Mateo property, the Chamberlain property, the Kemsler property and all the properties along the Myakkahatchee Creek that may be qualified.***

After a concern, Mr. Lear stated it was unclear whether public access to the path through the Myakkahatchee Creek will be affected.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to amend the motion to add the property called Pingree and the Myakkahatchee Creek properties would be subject to North Port City's long-term goals and objects for development of parkland.***

It was noted that Pingree is not a property.

Commissioner Carusone opposed the motion due to the questions that remain unknown.

***The motion and second were withdrawn.***

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to amend the motion that the Myakkahatchee Creek properties are subject to the development of parklands through the City of North Port's long-term plans. The motion carried by the following vote:***

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

**No:** 1 - Commissioner Carusone

***A vote was taken on the main motion as amended and the motion carried by the following vote:***

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

**No:** 1 - Commissioner Carusone

E. [19-0907](#) Discussion and Possible Action Regarding Compensation Adjustment for the Deputy City Clerk During her Assumption of the City Clerk Duties

Mr. Lear provided an overview of the item.

There were no questions or comments from the Commission.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve the compensation adjustment for the Deputy City Clerk during her assumption of the City Clerk duties at a pay rate retroactive as of June 19, 2019. The motion carried by the following vote:***

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

Recess was taken from 5:47 p.m. -- 8:22 p.m.

Mayor Hanks requested a motion to move the rest of the agenda items.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, move the remaining agenda items to the September 10, 2019 Commission Regular Meeting. The motion carried by the following vote:***

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

PUBLIC COMMENT:

Sherry Straub: Clean Water Now and the Rights of Nature.

***There was a consensus to have staff contact Ms. Straub to schedule a presentation at a future Commission meeting.***

F. [19-0934](#) Budget Follow Up Discussion and Possible Action Regarding Clerk Staffing/Positions

***This item was approved to be moved to the October 7, 2019 Commission Workshop Meeting.***

G. [19-0922](#) Review, Discussion, and Possible Action on the City Attorney's Performance Evaluation

***This item was approved to be moved to the September 10, 2019 Commission Meeting.***

H. [19-0954](#) Discussion and Possible Action Related to the Submissions Received from the Advisory Boards for a Tribute/Infinity Wall, Bricks or Artwork Display at the North Port Aquatic Center

***This item was approved to be moved to the September 10, 2019 Commission Meeting.***

I. [19-0772](#) Discussion and Possible Action Regarding the Use of Single Use Plastics at City facilities and Functions

***This item was approved to be moved to the September 10, 2019 Commission Meeting.***

J. [19-0969](#) Discussion and Possible Action Regarding Memorandums from the Environmental Advisory Board Related to General Board Action and Recommendations Including but not Limited to: Aquatic Plant Management and Spraying; Purchase of Conservation Land; Single-Use Plastics; and Code Provisions Related to Scrub Jays, Gopher Tortoises, and Environmental Studies.

*This item was approved to be moved to the September 10, 2019 Commission Meeting.*

**8. PUBLIC COMMENT:**

There was no public comment.

**9. COMMISSION COMMUNICATIONS:**

There were no Commission Communications to report.

**10. ADMINISTRATIVE AND LEGAL REPORTS:**

There were no Administrative or Legal Reports.

**11. ADJOURNMENT:**

Mayor Hanks adjourned the Commission Special Meeting at 8:27 p.m.

City of North Port,

By: \_\_\_\_\_  
Christopher B. Hanks, Mayor

Attest: \_\_\_\_\_  
Heather Taylor, Interim City Clerk

Minutes approved at the Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.