



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular 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

Tuesday, September 26, 2017

6:00 PM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 09-26-2017 Commission Regular Meeting, has not been approved and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 6:00 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 and Police Chief Vespia.

The Pledge of Allegiance was led by Commissioner McDowell.

1. APPROVAL OF AGENDA – COMMISSION

City Manager Lear requested to remove Agenda Item 4.A.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Carusone, to approve the Agenda, removing Item 4.A. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

A. [17-1347](#) Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record.

B. [17-1348](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expiration Dates for Boards and Committees into the record.

3. PUBLIC COMMENT:

Public comment: 6:04 p.m. - 6:19 p.m.

Alicia Phidd: introduced herself as the applicant for the Public Utility Advisory Board.

Louis Haller: phone/cell/landline service is poor in the estates and what happens in case of an emergency.

Steve Hudek: issues of concern regarding the YMCA pool.

Keith Brown: introduced himself as an applicant for Police Pension Board.

In response to public comment, it was requested to forward the concerns about the YMCA pool to the City Manager, who will provide the Commission with an update.

4. PUBLIC HEARINGS:

- A. [17-1286](#) Petition No.GEN-17-048, Ordinance No.2017-13, second reading, Amendments to Chapter 46, Article II, Division 2, Noise, Section 46-40 and Section 46-42 of the Code of the City of North Port, Florida to exempt planned developments from the noise regulations as it pertains to pumps, air conditioning or air handling equipment.

ITEM 4.A. WAS REMOVED FROM THE AGENDA.

- B. [17-1336](#) Ordinance No. 2017-32, second reading, amending the Fiscal Year 2016-2017 Non-District Budget and Capital Improvement Program and Budget.

City Clerk Adkins read Ordinance No. 2017-32 into the record and City Manager Lear provided an overview. There was no public comment and there were no questions or comments from the Commission.

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

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

- C. [17-1325](#) VDC 15-159, West Villages Town Center Village Development Pattern Plan

City Clerk swore in all those wishing to provide testimony.

Ex parte communication was disclosed: (1) Commissioner McDowell, stated she met with Staff; and (2) Mayor Yates stated she met with the City Attorney and the Planning & Zoning Staff.

City Manager Lear provided an overview. Mr. Marty Black, Vice-President of West Villages Land Partnership and Main Street Ranchlands, and Chairman of West Villages Improvement District, and Ms. Katie LaBarr, representing Main Street Ranchlands, presented an overview of the agenda item. Mr. Frank Domingo of StanTec provided the report regarding the Multi-modal Transportation Plan.

Neighborhood Development Services Director Williams provided an overview of Staff's

Report and stated that the Planning & Zoning Advisory Board approved the project unanimously with two conditions presented by the Applicant.

Discussion ensued: (1) the reference to RN-2 on page 5 of the Village District Pattern Plan (VDPP) was shifted to a mixed-use development and will be eliminated from the final approved document; (2) Figure 3.2.B. is illustrative and was meant to be an example of what can be used and is not a binding piece of the Development Standards; (3) it was stated that the optional accessory dwelling unit will be limited in size and because the City's Code does not grant accessory dwelling units as a right, it was incorporated within the Proposed Village District Pattern Plan (VDPP); (4) clarification was provided that the Proposed Town Center was designed to create a range of housing options which will create housing at various levels of affordability; (5) following a question, it was stated that this area is limited to 2,400 units in Village D but it is anticipated to add this feature in future developments to create flexibility; (6) it was stated that because of how tiny homes are defined, they do not meet building codes or hurricane standards for this area; (7) after clarification was provided that the accessory units are not "stand alone" structures, details and examples were provided; (8) following a concern, it was stated that mixed use dwellings are an allowed use in City Code and additional approval is not needed for West Villages; (9) it was noted that an accessory unit apartment on a single-family lot will not count as a dwelling unit for density calculation purposes, and those in the mixed-use commercial with an apartment on top and a store on the bottom will count; (10) it was stated that because the sidewalks do not border a State road, they are not required to have a 7-foot minimum width; the area is not a high traffic/high volume area; the speed limit is 20 to 25-miles an hour with on-street parking; and the roads within the Main Street Pattern Plan are designed to accommodate a licensed, electric golf carts; (11) after a concern, it was stated that the design standards for on-street parking meet the life/safety code requirements for first responder vehicles; (12) following a concern, clarification was provided that recycling is mandatory throughout the City and the document's "voluntary" reference pertained to West Village's selection of the recycling provider; (14) after it was suggested to clarify the reference to the tax rate on page 36, there was a brief discussion regarding possible clarifying language; (15) the State requirements for driving electric vehicles on roadways were explained; (16) it was stated that there are certain parks in the General Principles of Agreement that have minimum acreage requirements and their development is triggered as additional units are developed; (17) the timelines were explained for signal light installations on U.S. 41 in connection with West Villages developments; (18) in response to a request by residents in the Lennar community, it was stated that adding a golf cart/pedestrian bridge across U.S. 41 is too costly and is not practical because Mattamy does not own land on both sides of road; (19) it was noted that the addition of sidewalks on the south side of U.S. 41 are in the Florida Department of Transportation's five-year plan and a design completion timeline was provided of 2019-2020; (20) it was stated that there is a master road plan for West Villages to connect the east/west network to Venice and north/south network to Englewood, all of which will be available for public use; (21) it was stated that the signage requirement was directly from the VDPP Book and is not technically a condition of approval; (22) some changes that are needed in the document included: [a] clarifications regarding non-ad valorem assessments and taxes pieces; [b] that the reference to RN-2 be struck; [c] clarification regarding voluntary recycling; (23) following a question, it was stated that some of the sign elements were approved in the Pattern Book and other signage was designed to match what the City has already approved for other developments and the way-finding signs are different from directional signage; (24) concerns were expressed regarding the establishment of an internal architectural West Villages Review Committee: [a] that a City employee will be participating on a developer's committee; [b] if the goal is to be transparent, perhaps different individual or resident from the District would be more suitable; [c] staff time and resources belong in the City; [d] a

City Advisory Board member on the Committee is not advisable; [e] possible alterations to the West Villages District Pattern Plan if the City is not involved; [f] reviewing and improving stormwater improvements; [g] a potential conflict if City staff is reviewing sign content; (25) following a question why Staff's concerns were not made part of the Conditions of Approval, it was stated that the Review Committee was a recommendation from the former Planning Division Manager and the Committee is an additional review layer that is unnecessary; (26) a blanket approval of the Review Committee's authority is ill-advised; (27) the Applicant requested a copy of the list of issues provided by Staff; (28) clarification was provided that the WVPP Standards as cited on page 5, are applicable to open space and other requirements which create a different look than if every site has everything on its own piece; (29) the intention was explained regarding the provision on page 6, that public, non-profit and institutional uses shall not count against the total aggregate of square-footage for commercial or non-residential space; (30) following a request for Staff's input on the previous provision, it was stated that clarifying language will be added that those developments still have to comply with the City's major site and development plan, utility connections and related development impacts; (31) it was stated that the right to phase-in roadway development in section 3.7 on page 16, is maintained by the Master Developer and pertains to when he wants to proceed to develop each section with compliance to all City life/safety codes; (32) the Solid Waste Assessment in section 3.10.6 on page 35, is intended to outline the cost of the assessments at the time of the application and doesn't seek to modify or limit the Commission's ability to set rates. Additionally, it was affirmed that there is nothing in the document that contemplates restricting the ability of the Commission to set its fees and rates; (33) it was noted that there are two different percentages regarding the tree canopy on page 39 and 49; (34) during a discussion regarding parking: [a] concern was expressed that the number and size of parking spaces in North Port needs to be reconsidered; [b] it was stated that a parking garage is a viable solution to lack of parking spaces; [c] Staff explained that the flexibility in the West Villages Main Street Pattern Plan reduces the minimum parking space requirement currently in the City Code to create a destination experience for business areas and if needed, other locations for parking can be added; [d] the condition of a maximum number of spaces was recommended to be removed by the Planning & Zoning Advisory Board and Staff supports that recommendation.

Recess 8:42 p.m. - 9:05 p.m.

Discussion continued regarding the following recommended changes to the document. It was stated that the Applicant and the City are in agreement with the changes: (1) page 2, change: "To further these objectives, the West Villages Review Committee (WVRC), will be created. This committee will include one individual from Main Street Ranchlands Development, LLP (the Master Developer) and two individuals appointed from the West Villages Improvement District. The WVRC will use Section 10 of the West Villages VDPB, as well as design standards established for the Village D Town Center, contained in this Village District Pattern Plan (VDPP), for guidance in making approval decisions"; (2) page 5, to read: "One distinct moderate density residential neighborhood, identified as RN-1, is also envisioned for Village D"; (3) page 27, 3.8.3 Solid Waste, to eliminate the last sentence regarding voluntary recycling services; (4) page 36, 3.11. Revenue Generation Estimates, to read: "Generally, the average tax rate for a property within North Port is 15.7248 per \$1,000 of assessed property value (including City and other government taxes)"; (5) page 39, 3.12.5, Lighting, to read: "Village D may also utilize the standard poles and fixtures provided by FPL" and to strike the rest of that sentence; (6) page 50, 3.13.8, Landscape and Irrigation Standards, be modified to read: "The WVRC shall have authority to review and approve designs consistent with the Southwest Florida Water Management District" and the item listed under that to be stricken; (7) a concern was clarified on page 5, regarding a Zoning Administrator/Planning Manager. The

language was not changed, because it is language that is found in the Village District Pattern Plan for Village B, which was previously vetted by the Commission and Staff; (8) page 5, second column, the reference to RN-1 and RN-2 will be corrected to strike the reference to Residential Neighborhood RN-2 throughout the Pattern Plan; (9) after a concern regarding impact fees with absolute numbers, it was stated that there is already a provision that states those calculations were as of the date the document was prepared; (10) page 34, 3.10.3, Fire Rescue and page 35, 3.10.6, Solid Waste, references the current non-ad valorem assessment for the Districts; there is nothing in the document that limits the City's ability to modify rates or charges; and the calculation sources are from pages 37 and 38 which quote the City's Ordinance; (11) after a concern was expressed on page 39, Tree Canopy percentage conflicts with the percentage required on page 49, clarification was provided that they are modifications to the City Code and refer to two different standards: one for street trees being allowed to count toward the 35%, and the other deals with a downtown area where buildings have a zero setback. The overall development covers requirement of a 35% canopy and allows for some extra with the conversation of wetlands around parks. There was no public comment.

Mayor Yates closed the public hearing.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve VDC 15-159, West Villages Town Center Village Development Pattern Plan based on stipulations, conditions and amendments as proffered by the Applicant and agreed to by Staff on the record this evening.

Mayor Yates expressed concerns regarding some additional items for consideration and passed the gavel to Vice-Mayor Carusone.

A motion was made by Mayor Yates, to amend the motion, on page 6, removing the language regarding the non-profits and institutional uses not counting toward non-residential or residential intensity or density. The motion failed for lack of a second.

A motion was made by Mayor Yates, to amend the motion, seconded by Commissioner McDowell, to address language on pages 34 and 35, specific to the impact fee amount, to add language reflecting that the City has the ability to make changes, as may be amended.

Discussion ensued: (1) it was suggested to clarify the impact fee sections by stating that all fees are current fees, subject to change; (2) following a brief discussion, the motion and second were withdrawn; (3) it was suggested to end the sentence after "Certificate of Occupancy" and strike the rest of that sentence in Sections 3.10.3 and 3.10.6.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion, to remove the sentences referring to the pricing of impact fees on pages 34 and 35. Subsequently, the motion and second were withdrawn.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion, striking out all pricing references of the impact fees on pages 34 and 35. The motion carried by the following vote:

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

A vote was taken on the main motion, as amended, to approve VDC 15-159, West Villages Town Center Village Development Pattern Plan based on stipulations, conditions and amendments as proffered by the Applicant and agreed to by Staff on the record this evening; and striking out all pricing references of the impact fees

on pages 34 and 35. The motion carried by the following vote:

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

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

D. [17-1278](#)

Ordinance No. 2017-11, First Reading, Petition No. TXT-17-062, Amending the City of North Port Unified Land Development Code and the Administrative Code of the City of North Port to update language related to cannabis dispensing facilities and medical marijuana treatment centers to be consistent with Florida Constitution Article X, Section 29 and 2017 Senate Bill 8-A.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to read Ordinance No. 2017-11, by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2017-11 into the record by title only and City Manager Lear provided an overview.

Questions ensued: (1) it was stated that applications have been received to open a dispensing facility; (2) staff recommended an amendment to the Ordinance to strike the references to ULDC Chapter 61, Definitions; and in Section 34-40, include a clause after the word dispensing facility stating: as defined in Florida Statute 381.986 and Florida State Constitution, Article X, Section 29; (3) it was stated that some other definitions in the ULDC will need to be addressed later on; (4) clarification was provided that: [a] with the adoption of the new State Statutes, the Medical Marijuana Treatment Center (MMTC) is now the dispensing facility and the dispensing organization; [b] 17 MMTC locations are allowed within the State and each MMTC may have a certain number of dispensing facilities under its direction; [c] the business tax will be classified as retail; [d] the Ordinance provides the City control and regulatory measures against being overrun with facilities; [e] it was stated that surrounding municipalities are leaning toward banning or a moratorium; [f] law enforcement is prepared to test for cannabis impaired driving; (5) the date in the second Whereas clause and the City Attorney's title will be corrected prior to second reading; (6) it was stated that the 500-foot location buffer from schools is in State Statutes and is regulated by the State; (7) the MMTC licensing has a multiple layered review by the State prior to its approval; (8) following a concern, it was stated that the Commission is not prohibited from referencing State Statutes regarding the 50-foot buffer from schools but it is not necessary because State Statutes will prevail. By including it in Code, the City would be responsible to reflect any State Statute updates; (9) clarifications were provided that: [a] at the August Medical Marijuana Summit, it was reported that 10 new treatment center licenses were added, making a total of 17; [b] an increase was allowed of four licenses per 100,000 patients; [c] dispensaries were capped at 25 per license; [d] the State is divided into five regions; [e] the Department of Health determines the maximum of dispensaries in each region and must compare to State populous; (10) it was stated that; [a] the "special exception" language is included on page 4, Section 53-254(A)(1) to direct the reader to where the change is in the Code; [b] provisions (A) through (F) will remain in the ULDC and are applicable to dispensing facilities; [c] provision (G) is stricken which applies the Special Exception process to dispensing facilities; [d] the City cannot apply any Special Exception to this that isn't applied to a pharmacy; (11) for any State-regulated business, documentation from the State is part of the permitting process to obtain a Certificate of Occupancy and precedes

the issuance of the Business Tax Receipt; (12) following a concern, clarification was provided that very strict regulations are in place to keep a business within legal boundaries for dispensing cannabis; storefront requirements; delivery trucks etc.

PUBLIC COMMENT

Kevin Rouse: the cannabis Ordinance.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to continue Ordinance No. 2017-11, to the October 10, 2017 Commission Regular Meeting for second reading; striking the definitions from 61; adding a clause in as defined in Florida State Statutes and the Florida Constitution as well as clarifying the language addressing ULDC references and other errors as determined by Staff. The motion carried by the following vote:

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

Recess 10:30 p.m. - 10:46 p.m.

5. GENERAL BUSINESS:

- A.** [17-1318](#) Contract No 2018-04 with TLC Diversified, Inc. for the North Port Myakkahatchee Creek Water Treatment Plant Influent Pumping and Water Treatment for ASR Well in the amount of \$1,197,000 plus contingency of \$119,700 for a total amount of \$1,316,700.

City Manager Lear provided an overview. There was no public comment and there were no questions or comments from the Commission.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Contract No 2018-04. The motion carried by the following vote:

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

- B.** [17-1273](#) Acceptance of the Community Oriented Policing Services – United States Department of Justice Grant valued at \$375,000.00.

City Manager Lear provided an overview and stated that the grant has a matching component and will require a budget amendment if the grant is awarded. There was no public comment.

Discussion ensued: (1) subsequent to a question, it was clarified that Staff is seeking Commission approval of the Application and authority to accept it; (2) it was stated that one School Resource Officer (SRO) was hired this year and this grant would be for three additional SROs, making a total of eight; (3) the three new SROs would be placed in the elementary schools; (4) clarification was provided that the City's portion would be approximately \$232,000 and the grant is for \$375,000; (5) it was stated that at the conclusion of the three years, the City is required to retain the three SROs for an additional year, making the City's total portion approximately \$430,000.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Application and the authority to accept the Community Oriented Policing Services grant. The motion carried by the following vote:

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

6. CONSENT AGENDA:

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

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

- A. [17-1343](#) Approval of Minutes for the June 27,2017 Commission Workshop Meeting.
- B. [17-1299](#) Appointment of Alicia Phidd as a member to the Public Utility Advisory Board.
- C. [17-1333](#) Appointment of Keith Brown as a North Port Resident appointed by the Commission to the North Port Police Officer's Pension Board of Trustees.
- D. [17-1258](#) Utilization of City of Tamarac, Florida five-year term contract 16-14 R with Advanced Data Processing, Inc., a subsidiary of Intermedix for emergency medical transport billing and collection services.
- E. [17-1269](#) Utilization of Automated Integration for procurement of network integration equipment and services for water treatment plant and wastewater treatment plant instrumentation and control systems in an estimated budgeted amount of \$159,000 subject to competitive procurement procedures, quotes and documentation.
- F. [17-1292](#) Award of RFB No. 2018-01, EMS Supplies, Equipment, and Pharmaceuticals to Quadmed Inc, Henry Schein Inc, Bound Tree Medical LLC, Moore Medical LLC, Midwest Medical Supply Company LLC, and Southeastern Emergency Equipment Co at the unit prices bid for an estimated annual budgeted amount of \$119,000.00.
- G. [17-1302](#) Acceptance of a 2017 Bulletproof Vest Grant for replacement Body Armor for Police Officers in the amount of \$14,680.00.
- H. [17-1305](#) Use of Sole source purchase of Neptune AMR Water Meters, reading equipment, software and maintenance and repair services from Sunstate Meter & Supply, Inc. based on the attached distributor letter and unit price list, in an annual estimated amount of \$800,000.
- I. [17-1310](#) Cooperative Contract No. R2016105 with City of Punta Gorda for City-wide purchases of infrastructure, plumbing and utility products through Core & Main formerly known as, HD Supply Waterworks, LTD, in an estimated annual budgeted amount of \$235,000, based on unit pricing.
- J. [17-1335](#) Ranking of project priority for the Southwest Florida Water Management District 2019 Cooperative Funding Initiative.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner Hanks: Nothing to report.

Commissioner McDowell: attended a meeting this morning where Sarasota County recognized City Staff for efforts during Hurricane Irma.

Vice-Mayor Carusone: Nothing to report.

Commissioner Luke: (1) attended the Florida League of Cities Conference; (2) attended the International Rowing Championship at Benderson Park, in Sarasota; (3) will be out of town for one week.

Mayor Yates attended: (1) the Sarasota County Delegation Meeting; (2) the Sarasota/Manatee Metropolitan Planning Organization Meeting; (3) the meeting where Sarasota County recognized City Staff for efforts during Hurricane Irma; (4) the Florida League of Cities Board of Directors Meeting; (5) announced there will be an Age-Friendly Festival this year at the Sarasota Fair Grounds in October; (6) requested a consensus in recognition of Governor Scott's leadership during the Hurricane Irma.

There was a consensus to direct City Manager Lear to create a Resolution recognizing Governor Scott for his leadership during Hurricane Irma.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: expressed appreciation to the entire City Staff for their work and dedication during Hurricane Irma and announced a Hurricane Appreciation Day on Thursday, September 28, 2017 at City Hall at 10:00 a.m.

City Attorney Slayton: Nothing to report.

City Clerk Adkins: Nothing to report.

10. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Regular Meeting at 11:10 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.