



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Regular Meeting

### *CITY COMMISSIONERS*

*Debbie McDowell, Mayor*

*Jill Luke, Vice Mayor*

*Christopher Hanks, Commissioner*

*Pete Emrich, Commissioner*

*Vanessa Carusone, Commissioner*

### *APPOINTED OFFICIALS*

*Peter Lear, City Manager*

*Amber L. Slayton, City Attorney*

*Heather Taylor, City Clerk*

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Tuesday, October 13, 2020

10:00 AM

City Commission Chambers

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### CALL TO ORDER

Mayor McDowell called the meeting to order at 10:00 a.m.

### ROLL CALL

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

### Also Present:

City Manager Peter Lear, City Attorney Amber Slayton, City Clerk Heather Taylor, Planning Division Manager Nicole Galehouse, Public Works Director Julie Bellia, Parks & Recreation Director Sandy Pfundheller, Police Chief Todd Garrison, Officer Witkosky and Recording Secretary Ida Goodman.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Officer Witkosky.

### 1. APPROVAL OF AGENDA

Mayor McDowell noted that Resolution 2020-R-30 needs to be moved to be heard prior to hearing Ordinance No. 2020-37 for second reading.

***A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to approve the agenda moving Resolution 2020-R-30 to be heard prior to Ordinance No. 2020-37. The motion carried by the following vote:***

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

### 2. PUBLIC COMMENT:

William English - Arsenic soil testing and research on the old General Development Land Fill.

Thomas Hilbishi - Fence ordinances and concern with corner lots on major roads.

### 3. ANNOUNCEMENTS

- A. [20-2729](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

### 4. CONSENT AGENDA:

Mr. Lear noted that item 20-2678 is to be pulled for discussion.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve the Consent Agenda pulling item 20-2678 for discussion. The motion carried by the following vote:***

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

- A. [20-2481](#) Approve the Asset Disposition Services Agreement and Sourcewell Standard Fees & Services Addendum for the Utilization of PropertyRoom.com to Auction Seized, Stolen and Abandoned Goods

***This item was approved on consent.***

- B. [20-2631](#) Approve the Voluntary Cooperation Mutual Aid Agreement Between the Participating Agencies and the Florida Department of Law Enforcement to Form a Fort Myers Regional Operations Center Child Abduction Response Team

***This item was approved on consent.***

- C. [20-2665](#) Approve the Memorandum of Understanding (MOU) for Access to Biometric Facial Analysis System with the Florida Department of Highway Safety and Motor Vehicles

***This item was approved on consent.***

- D. [20-2674](#) Approve Professional Engineering Services - Continuing Services Contracts for City of North Port Utilities No. 2020-58-01 through 2020-58-14 for City of North Port Utilities with Ardaman & Associates, Inc., Ardurra Group, Inc, Arehna Engineering, Inc., Black & Veach Corp, CDM Smith, Inc., Giffels & Webster Engineers, Inc., Hanson Professional Services, Inc., Infrastructure Solutions Services, Jones Edmunds & Associates Inc, Kimley-Horn & Associates, Reiss Engineering, Inc, Stantec Consulting Services, Inc, Tierra, Inc, and Universal Engineering Sciences, LLC., and Authorize the City Manager to Approve Future Extensions of These Contracts

***This item was approved on consent.***

- E. [20-2675](#) Approve Contract No. 2020-64 with Spectrum Underground, Inc. in the Amount of \$1,585,675.70, with a Contingency of \$237,851.00, for a Total Project Cost of \$1,823,526.70 for the Myakkahatchee Creek Water Treatment Plant to Ortiz Water Main Project
- This item was approved on consent.*
- F. [20-2676](#) Approve the First Amendment to Agreement No. 2018-56 with Kimley-Horn & Associates, Inc. in the Amount of \$56,040.00, for a Total Contract Cost of \$394,690.00 for Water Transmission Main from Myakkahatchee Creek Water Treatment Plant to Ortiz Boulevard Project
- This item was approved on consent.*
- G. [20-2694](#) Approve the Sole Source Purchase of Lift Station Pumps, Control Panels and Associated Components from Xylem Water Solutions USA, Inc., for a Total of \$159,692.00
- This item was approved on consent.*
- H. [20-2695](#) Approve Contract No. 2020-11 Professional Engineering and Architectural Services for Design for Fire Rescue Station 81 Expansion and Remodel with Schenkel & Shultz, Inc. in the amount of \$365,830.00
- This item was approved on consent.*
- I. [GEN-20-172](#) Approve West Villages Improvement District (WVID) Consent to Acquisition of Real Property for Preto Boulevard (Phase 2)
- This item was approved on consent.*
- J. [20-2728](#) Approval of Minutes for the September 3, 2020 Commission Budget Hearing, September 3, 2020 Commission Special Meeting, and September 9, 2020 Commission Special Emergency Meeting
- This item was approved on consent.*
- K. [20-2638](#) Authorize the Mayor to Execute the Memorandum of Understanding Between the United States Attorney for the District of Columbia, the Metropolitan Police Department of Washington D.C., and the City of North Port for the 2021 Presidential Inauguration
- This item was approved on consent.*
- L. [20-2678](#) Appoint Stephanie Gibson and Marcia Loverdi as Regular Members to the Charter Review Advisory Board, to Serve a Term from October 13, 2020 to October 13, 2022
- Ms. Taylor introduced the item.
- Commissioner Carusone expressed opposition to the appointment of Ms. Gibson due to

her negative comments toward the Commission, Charter Officers, and staff made publicly and consistently, publicly made unfounded accusations, concern with retaliation toward volunteers on the board who have a different view, contact with citizens who have expressed opposition to Ms Gibson's appointment, and Ms. Gibson's actions inspiring and instituting negativity on a consistent bases when the City is trying to heal from the effects of COVID and other issues.

Commissioner Hanks expressed opposition to the appointment of Ms. Gibson due to affiliation with the political organization ABCD, tactics used to fulfill ones own agenda, attacks on Charter Officers and Commissioners private lives, abundance of public record requests, the negative handling of concerns, the intent of the Charter Review Advisory Board being compromised with the appointment of Ms. Gibson, filing of unfounded ethics complaints, and supports the appointment of Marcia Loverdi.

Ms. Taylor read public comment into the record:  
Stephenie Gibson - Appointment to the Charter Review Advisory Board.

Ms. Slayton spoke to the ability to provide public comment without providing a name.

Unknown - Opposition to the appointment of Stephanie Gibson.  
Unknown - Opposition to the appointment of Stephanie Gibson.

***A motion was made by Commissioner Carusone, seconded by Commissioner Hanks, to appoint Marcia Loverdi as a member of the Charter Review Advisory Board. The motion carried as follows:***

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

***A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to appoint Stephanie Gibson as a member of the Charter Review Advisory Board.***

Discussion ensued regarding the positive attributions of Stephanie Gibson to the City over the years including being an advocate for the body worn cameras (BWT) for the police department and advocating transparency and accountability, Commission allowing for advisory board members in the past that do not agree with the City, whether there has ever been an applicant that was not appointed to an advisory board, Commission control of advisory boards and ability to remove a members if deemed necessary, concern for the members of the board if disagreeing with Ms. Gibson, and Ms. Gibson's personal attacks on the City and City staff.

***The motion failed by the following vote:***

**Yes:** 2 - Mayor McDowell and Vice Mayor Luke

**No:** 3 - Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

Commissioner Emrich spoke to his reasons for dissenting agreeing with Commissioners Carusone and Hanks and noted he has also had contact with citizens expressing opposition to the appointment of Ms. Gibson.

Commissioner Carusone and Hanks dissented for reasons stated.

Ms. Slayton clarified that it is not a legal requirement for individuals to provide their names when giving public comment on non-quasi judicial items, but are required to provide their names on quasi judicial items as they will be testifying.

- M. [20-2692](#) Appoint Cynthia Shelton as an Alternate I Member to the Art Advisory Board, to Serve a Term from October 13, 2020 to October 13, 2022

*This item was approved on consent.*

- N. [20-2594](#) Appoint Joan Morgan as a Regular Member to the Historic and Cultural Advisory Board to serve a Two-year Term from October 13, 2020 to October 13, 2022

*This item was approved on consent.*

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

- A. [GEN-20-170](#) Announcement of Community Meeting for Brownfield Designation of Sabal Trace Redevelopment Area and Overview of Brownfield Designation Process

Ms. Galehouse introduced the item and read the required announcement into the record.

Attorney Charley Bailey, Williams Parker Law Firm, representing Sable Trace Development Partners, LLC, noted that Attorney and co-counsel Laura Locket was attending via telephone, provided a powerpoint presentation regarding brownfield information, designation process, Department of Environmental Protection (DEP) Interim Source Removal Workplan in conjunction to a Brownfield Site Rehabilitation Agreement (BSRA) to be completed prior to receiving the required City permits, requirement for the area to be designated by the local government as a redevelopment/brownfield area in the form of a resolution, required notice and public hearings, responsible party for the cleanup and job opportunities, and key considerations for the City.

Discussion ensued regarding the 207-acre golf course area and area related to Phase I, II and mix use area, brownfield designation, and undeveloped and developed areas.

Peter Van Buskirk, Kimley-Horn and Associates, spoke to the waterway and arsenic soil testing of the undeveloped areas.

Ms. Bellia spoke to Public Utilities arsenic soil testing and other required chemical testing and previous use of a golf course.

Ms. Locket clarified the corporate tax credit from the State for the redevelopment of an impaired site within 5 years, job creations and increase in the tax base.

Discussion ensued regarding the location of the public hearings and correcting the zip code on the announcements, virtual public meetings and including a link on the City website, no application fee required for the brownfield designation, applicant's responsibility for funding of the posting of announcements, legal notices and timeline for meetings, brownfield area scheduled arsenic soil testing and City participation, timeline and areas for the brownfield rehabilitation process and standards for development, and Florida Statutes 376.80 Section 4 regarding required advisory board for brownfield areas and process for establishing a board.

Public comment:

William English - Ground contamination.

**6. PUBLIC HEARINGS:**

**ORDINANCE: Second Reading**

- A. [ORD. NO. 2020-35](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, by Amending Chapter 2, Article V, Division 5 - Police Officers' Pensions; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

***A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to approve Ordinance No. 2020-35 as presented. The motion carried by the following vote:***

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

**RESOLUTION:**

- C. [RES. NO. 2020-R-30](#) A Resolution of the City Commission of the City of North Port, Florida, Adopting City Commission Policy No. 2020-04 Related to Procedures and Methods for Public Comment in City Commission Meetings and Workshops; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Ms. Slayton introduced the item and spoke to continuing online, in person and telephone public comment, timeframe for submission of online public comment and language in the City Code addressing public comment.

Discussion took place regarding previous consensus to accept online public comment one hour prior to the meeting time and requested information regarding voice mail public comment.

Ms. Slayton spoke to the timeline to receive online public comment one hour prior to a meeting, voice mail messages being played during a meeting, and addressing anonymous public comment.

Discussion ensued regarding public comment as noted in the backup material, public comment to be submitted from 8:00 a.m. the day before up to one hour prior to a meeting, notice requirements for an emergency meeting and ability to provide public comment, and limiting online public comment to 2,000 characters.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve Resolution No. 2020-R-30 making the adjustment of starting online and voice mail public comment at 8:00 a.m. the day prior to and closing one hour before a meeting and changing 3,000 characters to 2,000 characters for the online public comment form. The motion carried by the following vote:***

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

**ORDINANCE: Second Reading Continued**

B. [ORD. NO. 2020-37](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 2-55. – Agenda, to Revise Subsection (d) Related to Procedures for Public Comment; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item.

Discussion ensued regarding changing the word 'remove' to 'revise' in the title block.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Ordinance NO. 2020-37 as presented. The motion carried by the following vote:***

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

Discussion ensued regarding placing the virtual public comment form in a more prominent/accessible position on the City website, updating the form to reflect that Chambers is open to the public and reflecting the approved changes, and making the online meetings easier to locate and view.

***There was a consensus to have the online public comment and online meetings in a more prominent location on the City's website, update the public comment form with the approved changes and noting that the City Chamber is open to the public.***

**PETITION:**

D. [CC PLF-20-101](#) Approval of Cedar Grove Phase 2A, Plat (QUASI-JUDICIAL)

Recess was taken from 11:40 a.m. to 12:00 p.m.

Ms Taylor read the item into the record and swore in all those wishing to give testimony.

Vice Mayor Luke noted that she spoke with Julie Bellia regarding the different phases of this project.

Mayor McDowell and Commissioners Carusone, Emrich and Hanks reported no ex parte communications.

Strickland Smith, representative of Heidt Design LLC, on behalf of Centex Homes, being duly sworn, provided an overview, noted the required bond has been submitted and City Attorney, staff and Planning & Zoning Advisory Board have approved.

Ms. Galehouse, being duly sworn, provided an overview and concurred with the facts provided by Mr. Smith.

There were no aggrieved parties and the applicant and City had no rebuttals.

There was no public comment.

Subsequent to Ms. Slayton noting that the City Attorney review is not part of the review process, Mr. Strickland clarified that it was the City Surveyor, not the City Attorney that approved.

There were no closing statements from staff or applicant.

Mayor McDowell closed the public hearing.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Cedar Grove Phase 2A, Plat. The motion carried by the following vote:***

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

## **7. GENERAL BUSINESS:**

- A. [20-2691](#) Discussion and Possible Action to Appoint Howard Bearse or Gerardo Rodriguez as the North Port Resident Trustee, Appointed by the Commission to the Municipal Firefighters' Pension Trust Fund Board of Trustees, to Serve a Term from October 13, 2020 to October 13, 2022

Ms. Taylor introduced the item.

***A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to appoint Howard Bearse as the North Port Resident Trustee on the Municipal Firefighters' Pension Trust Fund Board of Trustees. The motion carried by the following vote:***

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

## **8. PUBLIC COMMENT:**

There was no public comment.

## **9. COMMISSION COMMUNICATIONS:**

Commissioners Emrich, Carusone and Hanks had nothing to report.

Vice Mayor Luke noted she attended the Community Yard Sale and requested another Community Yard Sale be scheduled prior to Christmas.

Discussion ensued regarding the previously proposed Makers Market event.

Ms. Pfundheller addressed the lack of interest in the Makers Market and agreed to research scheduling another Community Yard Sale prior to Christmas.

Discussion ensued regarding participants in the Community Yard Sale, inviting artist to participate in the yard sale, number of yard sale participants, social distancing for participants, registration timeline, and promoting efforts.

***There was a consensus to direct staff to schedule a Community Craft/Yard Sale***

*prior to Christmas.*

Discussion continued regarding promoting the Makers Market.

Mayor McDowell noted that she was invited to participate in a video for a virtual fund raiser for the Mayors Feed the Hungry program.

Discussion ensued regarding government being involved in a non-rofit private fund raiser, Mayors Feed the Hungry distribution, designation of Mayors Feed the Hungry Campaign, and Commission approval for the Mayor to participate.

Ms. Slayton spoke to the Mayor participating and the use of City resources if deemed to be in the public interest.

***A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to allow the Mayor to participate in the Mayors Feed the Hungry Campaign via video or any other means and to utilize City resources if necessary if deemed and found to be essential to the public interest and welfare of the citizens. The motion carried by the following vote:***

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

Discussion ensued regarding the canvassing of election minutes from 2016 and 2018, including all election data in the minutes, and election results in previous minutes.

There was a request for a consensus to have the City Clerk prepare an agenda item for the last meeting in October to review previous minutes and possibly include in the minutes in the backup material going back 20 years to determine what type of minutes the Commission wants for the canvassing of election results.

Discussion ensued regarding reviewing and approving past minutes, election results read into the record in the past, adding the detail of election results in the minutes, placing the minutes from the 2018 meeting in an agenda item and including the detailed election results, ensuring future minutes include all election result details, and ongoing process to create a policy addressing Commission minutes.

***There was a consensus for the City Clerk to bring back for the October 27, 2020 Commission Meeting the minutes from 2018 to be amended to include the actual data from the seat 4 and seat 5 election results and the results from the referendums to be included.***

***There was a consensus from this point forward for the minutes to include details of election and referendum results.***

## **10. ADMINISTRATIVE AND LEGAL REPORTS:**

There were no administrative and legal reports.

**11. ADJOURNMENT:**

Mayor McDowell adjourned the meeting at

12:37 p.m. City of North Port, Florida

By: \_\_\_\_\_  
Debbie McDowell, Mayor

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

Minutes approved at the Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_,  
2020.