



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

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

APPOINTED OFFICIALS
Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Peto, Interim City Clerk

Tuesday, October 23, 2018

6:00 PM

CITY COMMISSION CHAMBERS

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order 6:13 p.m. in City Chambers by Mayor Carusone.

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

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

It was noted that Agenda Presentation Item 4.B. is being pulled and will be rescheduled. It was requested to pull Consent Agenda Items 7.B., 7.D., and 7.F.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agenda as presented, pulling 4B, the Warm Mineral Springs Presentation. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

A. 18-733 Current Vacancies for Boards and Committees.

Interim City Clerk Peto read the Current Advisory Board Vacancies into the record.

B. 18-734 Upcoming Expiration Dates for Boards and Committees.

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

3. PUBLIC COMMENT:

Public comment was held 6:19 p.m. - 6:21 p.m.

Inga Harry: parking a boat on homesteaded property.

Following public comment, clarification was provided that homesteaded properties across the street from each other may be combined for tax purposes only. Lots cannot be allowed to be combined by the City, because the owner would have the right to put up a fence across the street. Additional information will be provided to the Commission.

4. PRESENTATIONS**A. 18-745****Presentation of the Priscilla Vespia Award**

Mayor Carusone and Steve Leclerc, Executive Director of Hope for North Port, provided background for the Award and presented a check and gift cards to Sheena Ray, the first recipient of the Priscilla Vespia award.

Thereafter, it was noted that Webelos Leader Kendra Howard and Cub Scouts Pack 257 were present to work on their Building a Better World Requirement and to learn about how community government functions.

PUBLIC COMMENT:

Public comment was held 6:37 p.m. - 6:58 p.m.

Sarah Norris: North Port Huskies football team.

Discussion ensued: (1) the North Port High School football team raised funds in the past by "renting" the team for yard work and house cleaning; (2) advertise through social media and the City's webpage; (3) Kiwanis, Rotary, and Moose Clubs, could also be approached as a resource; (4) it was noted that there is some City funding available in the Contingency fund; (5) it was suggested to establish a community fund for needs such as this; (6) regional games are scheduled for November 15 through 18, 2018 in Orlando; (7) Ms. Norris' contact information was provided.

There was a unanimous consensus to direct Staff to research contingency funds to start a community fund including the parameters and bring the information back to the Commission for approval.

There was a unanimous consensus to utilize \$5,000 from the Contingency Fund.

There was a consensus by majority to direct the City Manager to work with the Huskies to promote on the City's website and other social media access to advertise their fund-raising activity for this particular regional football activity.

The Meeting recessed at 6:59 p.m. and reconvened at 8:00 p.m.

PRESENTATIONS**B. 18-739****Warm Mineral Springs - Sacred Lands, Sacred Waters, Ancient Relatives.**

THIS ITEM WAS PULLED FROM THE AGENDA.

5. PUBLIC HEARINGS:

A. 18-720 Petition No. PLF-18-152, Plat for Gran Paradiso, Phase 8 (Quasi-Judicial)

Interim City Clerk Peto swore in all those wishing to provide testimony.

Ex parte communication was provided: (1) Commissioner Luke stated she had an agenda briefing with the City Manager, Assistant City Manager and City Attorney; (2) Vice-Mayor Yates stated she had an agenda briefing with the City Manager, Assistant City Manager and City Attorney; (3) Mayor Carusone none; (4) Commissioner McDowell stated she had an agenda briefing with the City Manager, Assistant City Manager and City Attorney; (5) Commissioner Hanks stated he had an agenda briefing with the City Manager, Assistant City Manager and City Attorney.

There were no aggrieved parties.

Ty Gremaux, P.E., on behalf of Kimley Horn, provided an overview of the petition.

City Senior Planner Heather Hansen provided Staff's presentation.

The petitioner had no rebuttal questions or comments. There was no public comment.

After a question, it was stated that the total dwellings allowed in Gran Paradiso Village A is capped at 2,199 and the total in Village A will have 2,165 including the present petition plat.

There were no closing arguments from either party.

It was noted that an email correspondence from Planner Galehouse regarding Title and Encumbrances will be provided to the City Clerk as part of the record.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Petition No. PLF-18-152. The motion carried by the following vote:

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

B. 18-718 Ordinance No. 2018-29, Second Reading - Amending Sections 2-54 and 2-55 of the Code of the City of North Port, Relating to the Conduct of Special Meetings

Interim City Clerk Peto read Ordinance No. 2018-29 into the record by title only. There were no questions or comments from the Commission and there was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to approve Ordinance No. 2018-29. The motion carried by the following vote:

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

C. 18-721 Ordinance No. 2018-16, Second Reading, Change of Street Name, Renaming a Section of South West Villages Parkway to Playmore Road

Interim City Clerk Peto read Ordinance No. 2018-16 into the record by title only. There

were no questions or comments from the Commission and there was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Ordinance No. 2018-16. The motion carried by the following vote:

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

D. 18-722

Ordinance Nos. 2018-23 (TXT-18-034) and 2018-24 (TXT-18-097), Second Readings. Amending ULDC Chapter 25-Parking and Loading Regulations and Chapter 53-Zoning Regulations related to parking and storage of certain vehicles.

Interim City Clerk Peto read Ordinance No. 2018-23 into the record by title only.

Discussion ensued: (1) clarification was provided that each Ordinance is a separate exhibit and addresses different issues; (2) after an error was noted in Exhibit B, line 195, Section T, clarification was provided that the Commission may correct it by striking the words "Manufactured" from the title and the public notice needs no change or readvertisement; (3) it was suggested to leave "modular homes and recreational vehicles" as the title in Section 53-240 paragraph T and remove the word "manufactured"; (4) in Section 53-240 Special Structures, the language "one (1) habitable story" cannot be moved to the manufactured home district section because it is not related to the parking and storage of vehicles and would not meet the legal notice requirements. There was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to approve Ordinance No. 2018-23 and in Exhibit B remove "Manufactured" from line 195. The motion carried by the following vote:

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

Interim City Clerk Peto read Ordinance No. 2018-24 into the record by title only.

Discussion ensued: (1) line 38 in the Ordinance was amended and now has the correct date of October 23, 2018; (2) the parking and storage facilities will be allowed on some commercial lots along I-75, south of Activity Center 4, and some Commercial General property north of U.S. 41; (3) clarification was provided that the facilities applies to Activity Centers 4, 6 and the Planned Community Development Zone just south of Activity Center 5. There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Ordinance No. 2018-24. The motion carried by the following vote:

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

E. 18-557

Resolution No. 2018-R-22, supporting a Statewide prohibition on the racing of and wagering on greyhounds or other dogs.

Interim City Clerk Peto read Resolution No. 2018-R-22 into the record by title only.

Discussion ensued: (1) it was suggested to remove references in the Resolution pertaining to Amendment 13; (2) clarification was provided that the two Whereas statements concerning Amendment 13 can remain or be deleted with no legal problem.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to approve Resolution 2018-R-22 removing 6th and 7th Whereas where it refers to Amendment 13.

Discussion continued: (1) the Resolution should state facts not opinions; the City should not take a position on a Referendum Ballot question, and the Commission represents voters on both sides of the issue; (2) Commissioner McDowell voiced concern that the Resolution is linked too closely to Amendment 13 when in reality the issue is to oppose racing and wagering of greyhounds or other dogs and inhumane use of animals should not be limited to greyhounds or dogs; (3) Commissioner Hanks did not support the motion because it is already illegal to abuse animals and opposes making a blanket statement that all dog racing is bad. There was no public comment.

A vote was taken on the motion and the motion carried by the following vote with Commissioners Hanks and McDowell dissenting for reasons stated:

Yes: 3 - Mayor Carusone, Vice-Mayor Yates and Commissioner Luke

No: 2 - Commissioner Hanks and Commissioner McDowell

6. GENERAL BUSINESS:

A. 18-723 GEN-18-173 West Villages Improvement District (WVID) Consent to Acquisition of Real Property

City Manager Lear provided a brief review of the item.

Discussion ensued: (1) it was requested in Section 3, that the property be identified with a Property Identification Number (PID) in the Agreement. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agreement for the acquisition of property by West Villages Improvement District with the change in Section 3 reflecting the actual Property ID number. The motion carried by the following vote:

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

B. 18-727 Discussion and Possible Action, Potential Appointment of a Commission Liaison to the ULDC Rewrite Process

City Manager Lear provided an overview of the item.

Discussion ensued: (1) it was noted that the Unified Land Development Code (ULDC) is a major project not just an advisory board; (2) concern was expressed that in the past, this has been done in conjunction with Sarasota County and it has not turned out well; (3) it was requested that Staff provide a monthly report.

No formal action was needed on this item and there was no public comment.

C. 18-731 Commission Orientation Handbook

Discussion ensued: (1) Scrivener's errors will be corrected; (2) following a question on page 11, it was previously directed that Commission candidates be afforded the Commission Handbook to understand the expected duties; (3) page 13 needs to organize the information for Florida League of Cities and National League of Cities references

together, conferences should be clarified and some committees need to be added; (4) Travel and Vehicle Policy on page 50 needs to be removed and replaced with updated Commission travel expenses in Article 2, Division 1 of the City's Administrative Code.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to approve the Commission Handbook with the changes as stated by the Mayor. The motion carried by the following vote:

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

Discussion continued: (1) it was suggested to schedule a Commission workshop regarding a Code of Ethics for Commissioners; (2) it was noted that the consequences to a hostile environment for Commissioners should be a conversation in a meeting; (3) State Statutes regulate Commission conduct/behavior and there is an Ethics Commission that addresses those types of concerns; (4) it was suggested that the last page of the Handbook contain an acknowledgement portion signed by the Commissioner and placed in their personnel file; (5) further discussion is needed at a future workshop. There was no public comment.

Recess 9:42 p.m. - 10:01 p.m.

D. 18-738

Murals for the Community Education Center

City Manager Lear and Commissioner Luke provided a brief overview of the item.

Discussion ensued: (1) concern was expressed that the Salvation Army will vacate the premises and a mural depicting their work is unnecessary; (2) the murals will be located on the back of the building on the parking lot side; (3) Senior Center patrons favored drawings of activities not a story-related painting; (4) it was noted that the Art Advisory Board voiced favor of the idea but there was no formal action taken to move forward with a plan; (5) it was suggested to table the item; (6) it was suggested to only do one mural not three; (6) it would not be fair to change the conditions first submitted to the artist since the work is gratis; (7) a community meeting could be held sponsored by the Commission, with invitees including the Senior Center, Education Center, the Art Advisory Board and the North Port Art Center to discuss a mural theme that represents the senior/community center. Thereafter, to do a Call to Artists with a focus on a group effort to complete the project. There was no public comment.

There was a unanimous consensus to have the City organize a meeting of artists groups to determine what can be displayed on the Senior Center that represents the building as whole.

E. 18-741

Appointment of City Clerk

Discussion ensued: (1) clarification was provided regarding why the salary amount increased by \$1,435.30 due to a change in the pay grade as of October 1, 2018 under a Commission directed adjustment; (2) the International Institute of Municipal Clerks (IIMC) certification has annual dues that are paid by the City and once obtained there are no further requirements associated with the initial certification; (3) it was noted in regard to the new compensation study and classification plan, the Commission did not address Charter Officers' minimum and maximum salaries; (4) Vice-Mayor Yates: [a] opined that the City Clerk's pay range is far ahead of the area norm; [b] the extra \$1,400 amount was added after the last Commission direction without the Commission's foreknowledge; [c] this position has the minimum and maximum rates the same as a Director; [d] the position needs to be examined by itself; [e] has an issue with the justification to increase Ms. Peto's current salary by up to 5%-10% plus the normal classification plan increase;

[f] the City pays for the certifications needed; [g] the Scrivener's error will be corrected and reduced from two to one in the requirement for civic involvement and activities.

Mayor Carusone passed the gavel to Vice-Mayor Yates.

A motion was made by Mayor Carusone, seconded by Commissioner Hanks, to approve the City Clerk Contract affiliated with the appointment of City Clerk, with a revision to Section 12, changing the local civic clubs from two (2) to one (1).

Discussion continued: (1) concern was expressed regarding the 5%-10% increase for certification and the 1.5% increase in salary; (2) Commissioner Hanks favored keeping the 10% increase as an option because the increased compensation is motivation for taking the classes. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to amend the motion, to strike the language "shall receive a compensation increase of no less than 5% or no more than 10% of her current salary once the IIMC certification is achieved." The motion carried by the following vote with Commissioner Hanks dissenting for reasons stated:

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

No: 1 - Commissioner Hanks

A vote was taken on the motion as amended, to approve the City Clerk Contract affiliated with the appointment of City Clerk, with a revision to Section 12, changing the local civic clubs from two (2) to one (1); and to strike the language "shall receive a compensation increase of no less than 5% or no more than 10% of her current salary once the IIMC certification is achieved." The motion carried by the following vote with Vice-Mayor Yates dissenting for reasons stated:

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

No: 1 - Vice-Mayor Yates

F. 18-740

Appointment of Deputy City Clerk

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

City Manager Lear noted that Ms. Leatherwood did not accept the position of Deputy City Clerk and requested Commission direction for a search process.

Discussion ensued: (1) it was suggested to reduce the pay grade for the position of Deputy Clerk; (2) the current pay range for a Deputy City Clerk starts at \$73,402.16 and goes to a maximum of \$110,103.34 and was based on the pay grade that the Deputy City Clerk has been historically; (3) according the City's Salary Study, the range for a Deputy City Clerk is from \$42,000 to \$67,000; (4) job requirements for a Deputy City Clerk were noted.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to have the City Manager use the Human Resource Department to put out a call for a job for a Deputy City Clerk with starting salary of \$50,000, subject to experience, and bring back the applications so the Commission may narrow it down to four candidates similar to the City Clerk position.

Following a brief discussion regarding additional parameters, it was stated that the search could specify Florida experience preferred in the job posting. There was no public

comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to amend the motion, to include "Florida experience preferred." The motion carried by the following vote:

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

A vote was taken on the main motion as amended, to have the City Manager use the Human Resource Department to put out a call for a job for a Deputy City Clerk with starting salary of \$50,000, subject to experience, and bring back the applications so the Commission may narrow it down to four candidates similar to the City Clerk position, and to include "Florida experience preferred." The motion carried by the following vote:

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

7. CONSENT AGENDA:

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to approve Consent Agenda items A, C and E. The motion carried by the following vote:

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

A. 18-735 Approval of Minutes for the September 25, 2018 Regular Meeting.

B. 18-742 Interlocal Agreement with Sarasota County regarding Escheated Lots

City Manager Lear stated that due to the extensive questions pertaining to this item, it was suggested to table the item until November 13, 2018 so additional information can be obtained from Sarasota County. The Commission was requested to email additional questions they may have to the City Manager. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to pull the Interlocal Agreement between the City of North Port and Sarasota County regarding escheated real property until a meeting of the City Manager's discretion. The motion carried by the following vote:

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

C. 18-684 Memorandum of Agreement between the Florida Bureau of Federal Property Assistance and the North Port Police Department and State Plan of Operations between the State of Florida and the North Port Police Department.

D. 18-704 An agreement with the Minnesota Multistate Contracting Alliance for Pharmacy in order to participate in the Helping Emergency Responders Obtain Support Program sponsored by the Florida Department of Health.

The item was pulled for discussion for Fire Chief Titus to do a public service announcement regarding the Heroes Program and it was stated that the Department of Health has a program to help municipalities obtain NARCAN Nasal Spray which the Fire

Department and Police Department use for the treatment of an opioid emergency or a possible opioid overdose. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve the Agreement with the Minnesota Multi-State Contracting Alliance for the pharmacies and HEROES programs. The motion carried by the following vote with Commission Hanks absent:

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

E. 18-710 Big Brothers Big Sisters of the Sun Coast Workplace Mentoring Program MOU

F. 18-730 Disposition of surplus assets by an appropriate fashion per Chapter 2 Article VIII Sec. 2-419 (d) of the City Code set forth in F.S. 274.06.

Commissioner McDowell stated she would be voting against this item due to serious concerns with the mowers. There was no public comment.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to approve the Consent Agenda Item F. The motion carried by the following vote with Commissioner McDowell dissenting for reasons stated:

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

No: 1 - Commissioner McDowell

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Vice-Mayor Yates: (1) acknowledged receiving an email from City Clerk Peto regarding Sarasota County Advisory Board vacancies and suggested they be included in North Port's vacancy announcements during Commission meetings; (2) at an upcoming quasi-judicial item concerning Sabal Trace it is anticipated that many aggrieved parties will attend and it was suggested to post the City's Quasi-judicial Procedures so that the public is aware they have to register to claim being aggrieved; (3) City Attorney Slayton stated that the City Manager's office meets with the Sabal Trace Homeowners' Association (HOA) monthly and two meetings ago, information was circulated related to the quasi-judicial procedure. At a recent HOA meeting, Assistant City Attorney Golen spoke with them regarding the process and answered questions; (4) City Manager Lear will post the procedure on the City's website and it is published online on Municode under the City Code. Additionally, it should be a permanent, general listing on the website and not specific to any issue.

Commissioner Luke suggested the City create a video to market what advisory boards and committees do, and could also be shown during Commission meeting breaks.

Commissioner McDowell: (1) attended the Sabal Trace Community Meeting and a video of the proceedings will be supplied to the City to post a link of the meeting; (2) reported that the City Manager and City Attorney were on a radio show on Friday, October 19, 2018 and requested that it be placed on the City's website and social media along with the City Charter information.

Commissioner Hanks - Nothing to report.

Mayor Carusone: Nothing to report.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There no Administrative or Legal Reports.

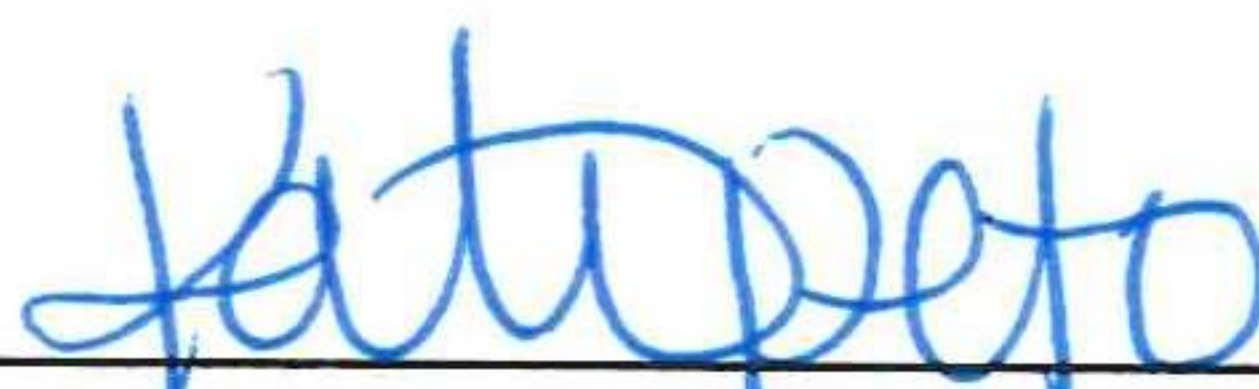
- A. 18-725 City Manager - Commission Update
- B. 18-729 City Attorney Report - Commission-Directed Actions
- C. 18-737 City Clerk/Deputy City Clerk update regarding Commission Direction.

11. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 11:37 p.m.

City of North Port, Florida

By: 
Christopher B. Hanks, Mayor

Attest: 
Kathryn Peto, City Clerk

Minutes approved at the City Commission Regular Meeting this 27 day of November 2018.