



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Regular 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

Tuesday, July 9, 2019

10:00 AM

CITY COMMISSION CHAMBERS

CALL TO ORDER

Mayor Hanks called the meeting to order at 6:00 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, Deputy City Clerk Heather Taylor, Recording Secretary Susan Hale, Human Resource Manager Deborah Hope, Neighborhood Development Services Director Frank Miles, Planning Division Manager Nicole Galehouse, Senior Planner Heather Hansen, Planner Sherry Willette-Grondin, Parks and Recreation Director Sandy Pfundheller, Assistant Director Parks & Recreation Tricia Wisner, Police Chief Todd Garrison, Public Utilities Director Rick Newkirk, Assistant Public Works Director Jennifer Desrosiers, and Public Works Director Julie Bellia.

The invocation was provided by Pastor Kyle Cannon, of Peace Christian Fellowship, followed by the Pledge of Allegiance led by Mayor Hanks.

1. APPROVAL OF AGENDA

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve the Agenda, moving Items 19-0615, 19-0739 and 19-0740 after Public Comment. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

- A. [19-0734](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the announcements into the record.

3. PUBLIC COMMENT:

Public Comment was held from 10:04 a.m. until 10:16 a.m.

Jessica Martin: overnight parking for truck drivers, letter provided for the record.

Sam George: the Hospital Certificate of Need approved for North Port, Mayor Hanks running for a Sarasota Commission seat.

Alice White: the City's Tree Fund

Richard Suggs: water/sewer future plans from Sumter Boulevard to I-75, Florida Job Growth Fund Grant.

Mr. Lear spoke to the July 23, 2019 or September 10, 2019 Commission Meeting agenda item to approve the submission for this grant, and requested placing an item on the July 23, 2019 Meeting authorizing the Mayor to sign the application once completed.

Discussion ensued regarding amending Thursday's agenda.

A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to amend the July 11, 2019 Commission Special Meeting to have the Job Growth Grant brought before the Commission for discussion and possible action to have the Mayor sign. The motion carried by the following vote:

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

7. GENERAL BUSINESS:

- C. [19-0615](#) Review City Manager Performance Evaluation

Mr. Lear provided an overview of the item.

Discussion ensued regarding items of the City Manager's evaluation, and the possible range of increase.

Mayor Hanks, Commissioners Carusone, Emrich and Luke all favored a 3.5% or 4% increase.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the City Manager to receive a 3.0% raise effective immediately. The motion failed by the following vote:

Yes: 1 - Vice-Mayor McDowell

No: 4 - Mayor Hanks, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

Vice-Mayor McDowell opposed a greater increase for a Charter Officer, with no negative reflection on the individual.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to give the City Manager a 4.0% raise, effective July 13, 2019. The motion carried by the following vote:

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

No: 1 - Vice-Mayor McDowell

D. [19-0739](#) Review and Discuss SKY Family YMCA Notice to Vacate Al Goll Facility

Mr. Lear spoke to an overview of the item including progress and of the P3 solicitation for the Dallas White Park and approximate completion of up to three years, and a possible new use agreement with the YMCA.

Ms. Bellia spoke to the plumbing issues being resolved and investigating the unfinished outside slab issue.

Ms. Pfundheller explained City expenditures for the two youth camps held during the year, utility bills paid by Facilities Maintenance, other costs that play a role in expenses, and confirmed no requests from the YMCA to make repairs.

Mr. Lear spoke to the parameters that could encompass remodeling.

Ms. Slayton cautioned speaking about the legalities of either party's position.

Public Comment:

James Rittenhouse and Feng Tao: in support of keeping the daycare open.

Discussion ensued regarding the repairs needed at the Al Goll Hall and campus and the possible renewal of a partnership with the YMCA.

Public Comment:

Martin Lumpert: the City Manager's Contract.

E. [19-0740](#) Discussion and Possible Action Regarding Department of Health Inspection Reports for the North Port Pool operated by the Sky Family YMCA

Mr. Lear provided an overview of the item.

Ms. Slayton clarified the difference between the two agreements and that the YMCA's intention could be to vacate the building as well as the pool.

Gordon Echtenkamp, Interim Chief Executive Office of SKY YMCA, clarified the termination notice is for the childcare center.

Ms. Wiser spoke to updates from the June 25, 2019 meeting, the current condition of the pool, YMCA staff responsibility to maintain the pool, clarification of inspection dates and testing performed, cost to resolve all the underlying issues, Health Department mandated resolution timelines, lack of funding for updates, the Request for Bid (RFB) renovation timetable vs. Health Department deadline date, and a maintenance log book requested from the YMCA along with a pool usage log.

Ms. Bellia spoke to backwash discharge.

Ms. Wisner clarified issues regarding the vacuum gage.

Ms. Pfundheller spoke to the procurement process preventing staff from meeting the Health Department's deadline, the resurfacing plan vs. correcting the flow issue, and the YMCA's repair bids not all inclusive of needed repairs.

Public comment was held.

Cory Nesbitt: the pool a necessity.

Mayor Hanks clarified comments regarding access to City pools, and future plans for the Dallas White complex.

Vice-Mayor McDowell spoke to City-owned gym facilities vs. the gym closed by the YMCA on U.S. 41.

Public Comment continued:

Gid Pool: unsupportive of building a second pool.

Joan Morgan: obtaining the City's own repair costs and the YMCA pool needed.

Mr. Lear clarified the repair costs were provided by the YMCA and were not at the request of the City.

Discussion ensued regarding past Commission discussions pertaining to the YMCA pool, receiving estimates for re-piping and resurfacing, and contracting the YMCA to do the work with the City reimbursing.

Mr. Lear spoke to an agreement needed between the YMCA and the City, estimates being acquired through a formal solicitation, and a legal review needed prior to any work done by the YMCA.

Ms. Slayton spoke to priorities set and/or adjusted by the Commission.

Mr. Lear clarified that the pool must be fixed by the September due date and the pool will be closed while work is done.

Mr. Echtenkamp spoke to keeping communication lines open while providing services to the City, the YMCA's ability to handle the work now with reimbursement afterward, and receiving the required design specifications.

Ms. Pfundheller spoke to estimating the scope of services by determining how long the project would take, swim classes held at the aquatic center, Sarasota County's statement to pull funding if the pool closes, final termination date of September 30, 2020 with no renewal, and the Al Goll Center Agreement expiration date.

A motion was made by Commissioner Carusone to direct staff to negotiate with the YMCA to complete a total renovation of the current pool, and to have a conversation with the Department of Health and the Sarasota County Administrator to determine how that plays a role in their contract, and to be creative in negotiations with the YMCA so it doesn't impact the City on an immediate manner, and obtain three estimates for the cost. The motion died for lack of a second.

Discussion ensued regarding the P3 vs. a renovation contract with the YMCA, a second pool located on the City's east side and closing the YMCA pool permanently.

Mayor Hanks passed the gavel to Vice-Mayor McDowell.

A motion was made by Mayor Hanks, seconded by Commissioner Luke, to let the pool run out its usefulness. The motion carried by the following vote:

Commissioner Carusone stated the P3 project included the YMCA pool, expediting a common sense measure and opposed the motion.

The motion carried by the following vote:

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

No: 1 - Commissioner Carusone

Vice-Mayor McDowell passed the gavel back to Mayor Hanks.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES - TIME CERTAIN 11:00 AM

A. [19-0723](#) Luis Serna (Calvin, Giordano & Associates): Major Issues and Recommendations for the City's Unified Land Development Code Rewrite

Mr. Lear introduced the item.

Mr. Miles provided an overview of the item.

Mr. Luis Serna, representing Calvin, Giordano & Associates, Inc., provided an overview of Commission direction and recommendations including environmental, zoning standards/districts, permitted, prohibited, special exception uses by Zoning District, redefining housing options, clarifying the Development Review Process, splitting/consolidating lots, and parking.

ENVIRONMENTAL

Discussion ensued regarding clarification that today's request for direction is a portion of the Unified Land Development Code (ULDC) to be rewritten, draft being presented at a future workshop, palm trees vs. shade trees in parking lots, and removing palm trees as alternative canopy coverage.

There was a consensus to remove "three palm trees to replace one shade tree" in commercial parking lots but allow palm trees for aesthetics.

ZONING STANDARDS

Discussion continued regarding prohibiting borrow pits in specific zoning districts.

There was a consensus to prohibit borrow pits in residential, commercial, open space, conservation, and neighborhood commercial districts.

HOUSING OPTIONS

Discussion continued regarding attached vs. detached homes on a residential lot, lot sizes dictating allowances for detached accessory structures.

Mr. Serna clarified current recommendation for detached/attached accessory units with the lot dictating what fits, the size of the accessory units, and the maximum and minimum size of the accessory unit.

There was a consensus to accept Recommendations (b) under Housing Options.

Mr. Serna spoke to 6.(a) neighborhood commercial's current allowance of residential housing, 5.(a) establishing criteria for Commissioners to grant or deny waivers, and defining 5.(c) the size of a small development.

PARKING

Discussion continued regarding making parking spaces more flexible, and recouping capital investments with funding help from the Sarasota/Manatee Metropolitan Planning Organization.

PROCESS AND ADMINISTRATIVE PROCEDURES

Ms. Galehouse clarified staff's reasoning to eliminate Section 53-6.(B).

Discussion continued regarding concern that Commission retain approval of all Development Master Plans, clarifying plat requirements.

Commissioner Carusone left the meeting at 1:10 p.m.

There was a consensus to keep staff's recommendation regarding Section 53-6.(B).

Mr. Serna spoke to 7.(b) the process and tracking to subdivide a lot, and 7.(d) review timeframes recommended to be eliminated from the ULDC.

PARKING AND LOADING

Mr. Serna confirmed the applicant pays for the parking study in 8.(b) and that clarification will be added.

Public comment:

Bill Gunnin: frustration regarding length of time to rewrite the ULDC.

Mr. Serna spoke to receiving recommendations from the business community.

Mr. Lear clarified the Contract scope does not have a provision allowing participation by private individuals or organizations.

Betty Kedziora: a storage facility on the corner of Price and Cranberry Boulevards, and single family residential in a condo development a lender nightmare.

William English: the tree ordinance and the ULDC amendments.

Recess was held from 1:35 p.m. to 2:22 p.m.

PETITIONS

- C. [CC](#)
[PLF-19-086](#) Approve Final Plat for 67 Single-Family Lots with Associated Road Right-of-Way, Drainage, and Utility Easements within the Oasis at the West Villages, Phase 2 (QUASI-JUDICIAL)

Without objection Mayor Hanks reordered the agenda to hear this item at this time.

Ms. Taylor swore in those wishing to provide testimony.

There were no ex-parte communications.

Tara Sall, West Villages, being duly sworn, provided a presentation including size and location of subdivision, current land owner, and number of additional lots.

Ms. Galehouse, being duly sworn, spoke to number of lots, review by City surveyor and bond received.

There were no aggrieved or adversely affected persons.

There were no further comments from the Applicant or staff.

There was no public comment.

Ms. Sall spoke to current phases of permitting Phase III under staff review.

There were no closing arguments.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve Petition No. PLF-19-086 for 67 single family lots with associated road right-of-way, drainage, and utility easements within the Oasis at the West Villages, Phase 2. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- D.** [CC](#)
[PLF-19-050](#) Approve Final Plat for ±24.8 Acres of 7 Commercial Lots with Associated Road Right-of-way, Drainage, and Utility Easements within Village "D" of the West Villages Marketplace (QUASI-JUDICIAL)

Ms. Taylor swore in all those wishing to provide testimony.

Kevin Letch, Sembler Company, being duly sworn, requested approval.

Ms. Galehouse, being duly sworn, presented a review of the project.

There was no rebuttal.

There were no aggrieved or adversely affected parties.

There was no public comment.

Vice-Mayor McDowell disclosed ex-parte email communication regarding platting, which was sent to City Manager.

Ms. Galehouse spoke to the developer's decision changes being made after construction started, the area remaining commercial in nature, and original plans changed from one-site ownership to selling individual outparcels.

There were no closing arguments.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the plat for West Villages Marketplace, PLF-19-050 as presented. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

4. CONSENT AGENDA:

Mr. Lear received a request to pull Items 19-0564, 19-0611 and 19-0692.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Consent Agenda Items 19-0577, 19-0656, and 19-0685, and 19-0733. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- A. [19-0564](#)** Approve Contract No. 2019-65 with Andrew Sitework, LLC for the Water Distribution Improvements Project in the Amount of \$725,369.53 with a Contingency Amount of \$36,268, for a Total Cost of \$761,637.53

Mr. Lear provided an overview of the item.

Mr. Newkirk spoke to looping connections between homes, homeowners not being notified, water quality issues if the project delayed, water quality grant not for water hookups, and time sensitivity to complete,

Ms. Desrosiers clarified specifications of the grant, and payment over time for hooking up currently exists.

Mr. Newkirk spoke to timing and process of notification.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve Consent Agenda No. 19-0564. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- B. [19-0577](#)** Approve Grant Application to the Gulf Coast Community Foundation in an Amount of \$5,500 for the Repair of the Mandalas for World Peace Sculpture

This Application was approved on Consent.

- C. [19-0611](#)** Approve the Technology Services Agreement Renewal and Amendment 1 with Sarasota County to allow the City of North Port to Continue Hosting Services for Servers and Network Equipment as the Sarasota County Data Center for a Term of 1 Year and Authorize the City Manager to Execute any Subsequent Renewal Term Under the Same Terms and Conditions

Mr. Lear provided an overview of the agreement.

Vice-Mayor McDowell voiced concern giving the City Manager authority to execute future renewals.

Mr. Lear spoke to the renewal terms only applying to this Agreement.

A motion was made by Commissioner Luke, seconded by Mayor Hanks, to approve Consent Agenda No. 19-0611. The motion carried by the following vote:

Yes: 3 - Mayor Hanks, Commissioner Luke and Commissioner Emrich

No: 1 - Vice-Mayor McDowell

Absent: 1 - Commissioner Carusone

- D.** [19-0656](#) Approve Agreement between Imagine School at North Port, Inc. (INSP) and the City of North Port for the School Resource Officer (SRO) Program, with the City Receiving \$139,346.78 from ISNP

This Agreement was approved on Consent.

- E.** [19-0685](#) Accept the Cash Receipts Summary Report for May 2019

This item was approved on Consent.

- F.** [19-0692](#) Approve the Parks & Recreation Master Plan Appendix I - Parks & Recreation Mission and Vision

Mr. Lear provided an overview of the Parks & Recreation Master Plan.

It was noted that Section 5.0 does not include all the appendices

Ms. Pfundheller spoke to the complete Master Plan documents being available on the City's Website.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve Consent Agenda No. 19-0962. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- G.** [19-0733](#) Approval of Minutes for the June 6, 2019 Commission Special Meeting, June 11, 2019 Commission Regular Meeting, and June 19, 2019 Commission Budget Workshop.

The minutes were approved on Consent.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES - continued

- B.** [19-0725](#) Update on West Villages Development

Mr. Lear provided an overview.

Ms. Galehouse provided a PowerPoint including the Development Review process of West Villages projects, the West Villages Index Map and changes to the map, residential developments in the villages, non-residential development, and Principles of Agreement re-evaluation, and spoke to the original annexation documents for commercial, building vertical to obtain density, the 2005 commercial area vs. 2018, memo update to Village B plats, Principles of Agreement dedicated to North Port

government uses with separate water and wastewater agreements, and future monitoring of commercial development.

6. PUBLIC HEARINGS:

ORDINANCES -Second Reading

- A. [ORD. NO. 2019-04](#) An Ordinance of the City of North Port, Florida, Creating a Mobile Food Vendor Permit and Associated Fees for the Operation of Mobile Food Vendors and Ice Cream Trucks within the City by Amending the Code of the City of North Port, Florida, Chapter 34 – Licenses, Permits and Miscellaneous Business Regulations, by Creating a New Article III – Business Permits and Appendix A – City Fee Structure; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read Ordinance No. 2019-04 into the record by title only.

Ms. Slayton clarified that line 74 denoted the State of Florida.

A scrivener's error was noted on line 147 that "e" should be "d".

There was no public comment.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve Ordinance No. 2019-04 as presented, correcting the scrivener's error. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- B. [ORD. NO. 2019-21](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget Fiscal Year 2018-19 by Providing for Changes Identified in Exhibit A; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read Ordinance No. 2019-21 into the record by title only.

Mr. Lear provided an overview of the item.

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

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2019-21 amending the Fiscal Year 2018-2019, Non-district Budget. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

RESOLUTIONS

- E. [RES. NO. 2019-R-07](#) A Resolution of the City of North Port, Florida, Adopting a Human Resources Policy for the Investigation of Allegations and Complaint against Charter Officers; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date

Ms. Taylor read Resolution No. 2019-R-07 into the record by title only.

Ms. Slayton spoke to the conditions meriting an investigation, and legal standards defining an action.

Ms. Hope spoke to the investigation process, documenting investigation files, and line 93 stricken.

Mr. Lear clarified the leeway provided in determining minor violations of the personnel policy.

Concerns were expressed regarding how and when to address valid and invalid allegations.

Ms. Slayton explained why this came forth and suggested two options: 1) undo the change in line 93; or 2) to add another sentence stating "if determined necessary by the Human Resources Department, allegations or complaints may require the initiation of law."

There was a consensus to incorporate the City Attorney's second suggestion.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Resolution No. 2019-R-07 with the following change, removing item #3 line 93 in creating its own subsection as outlined by the City Attorney. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

7. GENERAL BUSINESS:

- A. [CC SAP-19-119](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to the North Port High School Band Parent Organization (NPHSBPO) to Cover the Costs of City fees and/or Resources Associated with the September 2, 2019, Marching Alliance Duck Race Event

Mr. Lear suggested moving this agenda item to July 23, 2019.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to table Item SAP-19-119 regarding the Special Events Assistance Program for the North Port High School Band Parent Organization to the July 23, 2019 Commission Meeting. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- B.** [CC](#)
[SAP-19-093](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to the Rotary Club of North Port Central Foundation, Inc. to Cover the Costs of City fees and/or Resources Associated with the October 19, 2019, Rotary Club of North Port Car Show Event

Mr. Lear provided an overview of the item.

Ms. Willette-Grondin clarified that applications for monetary assistance are approved prior to going through the permit review process, and if the permit is not approved funds go back into the City's coffers.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Special Events Assistance Program to the Rotary of North Port to cover the costs for their October 19 Car Show held in the City, up to the amount of \$500.00. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Luke nothing to report.

Vice-Mayor McDowell: comments regarding the Freedom Festival.

Mayor Hanks attended the Freedom Festival.

Mr. Lear stated he will contact entities regarding using their parking facilities for the Freedom Festival, will forward the event statistics to the Commission, and that New Year's Eve discussions have commenced.

Commissioner Emrich: comments regarding the Freedom Festival.

10. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Lear reported that the Manasota League of Cities requested the City's Legislative Priorities before July 11.

Discussion ensued regarding sending the draft form of the City's Priorities.

There was a consensus to send the City's draft Legislative Priorities to the Manasota League of Cities with a letter requesting more notice next year.

There were no legal reports.

11. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 4:00 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Heather Taylor, Deputy City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2019.