



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final 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, June 25, 2019

6:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 07-23-2019 MEETING.

CALL TO ORDER

Vice-Mayor McDowell called the meeting to order at 6:00 p.m.

ROLL CALL

Present: 4 - Vice-Mayor Debbie McDowell, Commissioner Jill Luke, Commissioner Pete Emrich and Commissioner Vanessa Carusone
Absent: 1 - Mayor Christopher Hanks

Also present:

City Manager Peter Lear, City Attorney Amber Slayton, Recording Secretary Susan Hale, Administrative Services Specialist Laura Reed, Police Captain Michael Baute, Fire Chief Scott Titus, Neighborhood Development Services Director Frank Miles, and Planning Division Manager Nicole Galehouse.

The Pledge of Allegiance was led by NROTC Commander Stephen Bartek.

1. APPROVAL OF AGENDA

Vice Mayor McDowell stated the City Manager suggested moving item 19-0581 after 19-0691 and DMA-19-087 after 19-0581, and item 7.D. after 6.A.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve the Agenda, moving item 19-0581 after the Proclamation, and item DMA-19-087. after 19-0581. The motion carried by the following vote:

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

Absent: 1 - Mayor Hanks

2. ANNOUNCEMENTS

- A. [19-0686](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Reed read the announcements into the record.

3. PUBLIC COMMENT:

Public comment was held from 6:04 p.m. to 6:09 p.m.

Joan Morgan: Wallenda tightrope walk, Freedom Festival, 5K run sponsored by the High School, and the fireworks at the Braves' stadium.

Pastor Larry Snyder: civic responsibility to pray.

4. PROCLAMATIONS:

- A. [19-0691](#) Proclamation for "Commander Stephen Bartek Day"

Vice-Mayor McDowell presented the Proclamation to Commander Bartek.

6. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [19-0581](#) Presentation of the Comprehensive Annual Financial Report (CAFR) for the year ending September 30, 2018.

Mr. Lear introduced the item.

Wade Stansbury, Mauldin & Jenkins Auditors, provided a report.

Discussion ensued regarding the excellent financial condition of the City.

7. PUBLIC HEARINGS:

- D. [CC DMA-19-087](#) Development Master Plan Amendment, ALDI Expansion, Amendment to DCP-05-106, as Previously Amended, to Expand the Existing Building by 2,107 Square Feet and to Request Waivers to Encroach 4.1 Feet into the Required 20-Foot Rear Setback and to Allow 14 fewer Off-Street Parking Spaces than Required (QUASI-JUDICIAL)

The Commissioners reported having no ex-parte communications.

Ms. Reed read CC DMA-19-087 into the record and Ms. Hale swore in all those wishing to provide testimony.

Scott Stannard, PE, CSS, Inc representing the applicant, being duly sworn, provided an overview for expansion of the ALDI's store.

Ms. Hansen, being duly sworn, provided staff's report and cited the waivers requested by the applicant.

There were no aggrieved parties and no rebuttal from applicant or City staff.

There was no public comment.

There were no questions from the Commission.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Petition DMA-19-087 expanding the exiting building by 2,107 square-feet and requested waivers to encroach 4.1-feet into the required 20-foot rear setback and to allow 14 fewer off-street parking spaces than required. The motion carried by the following vote:

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

Absent: 1 - Mayor Hanks

5. CONSENT AGENDA:

Vice-Mayor McDowell stated she did not support Item 19-0520 because the score sheets for vehicles were not in the backup material, all of the other vehicles were not mentioned in the legislative text, an excavator is not scheduled for replacement until 2022, the hydroseeder is not scheduled for replacement until 2021, and the mower is not scheduled for replacement until 2024.

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

Yes: 3 - Commissioner Luke, Commissioner Emrich and Commissioner Carusone

No: 1 - Vice-Mayor McDowell

Absent: 1 - Mayor Hanks

- A. [19-0689](#) Minutes for the May 14, 2019 Commission Regular Meeting, May 28, 2019 Commission Regular Meeting, and June 3, 2019 Commission Special Meeting.

These minutes were approved on Consent.

- B. [19-0520](#) Disposition of Surplus Assets in an appropriate fashion pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property, (d), (1), (3), North Port, Florida, Administrative Code, set forth in Florida Statute 274.06

This item was approved on Consent.

- C. [19-0513](#) Microsoft Office 365 License Renewal

This Agreement was approved on Consent.

- D. [19-0568](#) Police Datacenter Disaster Recovery purchase of \$111,920.

This item was approved on Consent.

- E. [19-0582](#) County-Wide Justice Assistance Grant (JAG) for Behavioral/Mental Health Court Support Letter.

This support letter was approved on Consent.

- F. [19-0545](#) Agreement between Enterprise Fleet Management, Inc. and the City of North Port.

This Agreement was approved on Consent.

6. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- B. [19-0629](#) National League of Cities Water and Sewer Line Warranty Program Presentation

Mr. Lear introduced the item.

Lee Zell of the National League of Cities (NLC), provided an overview of a voluntary program pertaining to residential water and sewer infrastructure.

Discussion ensued regarding monthly fees, subscribing/unsubscribing options to the plan, NLC partnering with the City, local contractor lists and requirements, boundaries of ownership, NLC maximum coverages, no caps on number of incidents, no pre-existing conditions, no revenue from the City to subsidize the NLC plan, program notices sent by NLC, septic and well coverage also offered but not maintenance, payments to NLC and late payment grace periods, to start-up from Commission approval, and the City procurement process not being necessary.

There was no public comment.

There was a consensus to direct staff to determine the steps needed to move this forward and bring back a Resolution as an agenda item in September.

Recess was taken from 7:01 p.m. until 7:15 p.m.

- C. [19-0680](#) Presentation on Potential Land Preservation for Scrub Jay Habitat

Commissioner Luke introduced the item.

Edie Driest and Debbie Blanco provided an overview of the item including a map overview, information regarding environmentally sensitive scrub jay habitats, active scrub jay areas, descriptions of the active areas being nominated, fauna inhabitants in nominated areas, benefits of land acquisition, management of sites under the Environmentally Sensitive Lands Oversight Committee (ESLOC), total scrub jay properties in Sarasota County, challenges to their habitats, importance to protect scrub jays, and requested a letter of endorsement from the Commission to Sarasota County.

Discussion ensued regarding the quarter-acre lots on Constitution Drive, updating the Sarasota County Scrub-jay overlay map from 2005, surrounding conservation lands that have scrub jay habitats, mitigation process when nests are encountered, Sarasota County purchasing and maintaining the sites, possibility of deeding lands to the City for conservation, purpose of preserving the land remaining through time, return on investment for conservation taxes paid to Sarasota County, the zoning designation of the 104 lots and along the Myakkahatchee Creek, and potential expansion plans for both sites.

Mr. Lear spoke to the estimated value and tax fees imposed on a random quarter-acre lot in one of the recommended areas.

Public comment:

Lora Ross and Natalie Ross: preservation of natural wildlife corridors.

Mr. Lear spoke to the City's progress in purchasing properties on Spring Haven Drive for conservation.

Carolann Palm-Abramoff: a scrub jay report.

There was a consensus for the City Manager to contact the Sarasota County Land Acquisition Agent or who is responsible, to obtain the process and procedure for deeding properties that were acquired through ESLOC.

Mr. Lear requested clarification regarding the Commission direction in requesting ESLOC money to be used, deed restrictions, and priority in obtaining environmentally sensitive lands.

Discussion ensued regarding Commission directed priorities for purchasing conservation land.

There was a consensus to prioritize the list of conservation properties to be obtained in the following order: 1) Spring Haven Drive, 2) Myakkahatchee Creek Tier 1, 2, and Zone 3, and 3) Constitution Drive.

Discussion ensued regarding a letter of endorsement to Sarasota County regarding Constitution Drive and the 140 vacant lots.

A consensus was requested regarding the letter of endorsement for the two areas.

Discussion ensued regarding sending a letter of endorsement to Sarasota County's ESLOC supporting the nomination of Constitution Drive for acquisition and protection as a Florida scrub jay habitat area.

There was a consensus to send a letter of support for ESLOC funding for Constitution Drive only.

Public comment:

Debbie Blanco: Sarasota County's Natural Resources Department, Environmental Department, and Land Acquisition Agent to manage conservation lands.

7. PUBLIC HEARINGS:

- A. [ORD. NO. 2019-23](#) Second reading for Ordinance 2019-23 for the City of North Port, Florida, granting authority to the City Manager or designee to declare a state of local emergency in accordance with Florida Statutes.

Ms. Reed read Ordinance No. 2019-23 into the record by title only.

Mr. Lear introduced the item.

Ms. Slayton spoke to the Charter referencing an emergency ordinance.

Discussion ensued regarding City Charter, Section 2.03 mandating a quorum in order to meet.

Chief Titus suggested removing the word "quorum."

Ms. Slayton spoke to replacing "quorum" with "requisite number" of Commissioners, how a state of emergency is extended and by whom, and declaring it as soon as practicable.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve Ordinance No. 2019-23 with the change replacing "quorum" with "requisite number." The motion carried by the following vote:

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

Recess was called from 8:40 p.m. until 8:47 p.m.

- 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

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to read Ordinance No. 2019-21 by title only. The motion carried by the following vote:

Yes: 3 - Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

Absent: 2 - Mayor Hanks and Commissioner Carusone

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

Mr. Lear provided an overview of the item and spoke to the upcoming interviews.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2019-21 to the July 9, 2019 Commission Regular Meeting for second reading. The motion carried by the following vote:

Yes: 3 - Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

Absent: 2 - Mayor Hanks and Commissioner Carusone

- C.** [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

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to read Ordinance No. 2019-04 by title only. The motion carried by the following vote:

Yes: 3 - Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

Absent: 2 - Mayor Hanks and Commissioner Carusone

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

Mr. Lear provided an overview of the item.

Ms. Galehouse spoke to further research needed with the Florida Department of Business & Professional Regulations (DBPR) pertaining to the requirement of a food dispensing service license, and granting of certain permits pending approval of the Fire Department inspections on the premises.

Mr. Miles stated clarifying language will be added prior to second reading on lines 214-215 regarding the sale of alcoholic beverages authorized by a special event permit.

Discussion ensued regarding line 104 clarifying that anything over four vendors falls under a special event permit, line 223 regarding when and where a certificate of insurance is applicable, lines 241 addressing local regulations and 246 addressing federal or other requirements, sites granted on a first-come-first-served basis, appropriate licensing by produce vendors, line 223 regarding when and where a certificate of insurance is applicable, the time frame for vending setup and breakdown, Code Enforcement and Police enforcement, clarifying ice cream truck sales on lines 37 and 169, recrafting line 146 regarding parking limitations for vendors, increasing the size of the menu board on line 196, clarification regarding line 221 and the requirement of adding the City as an additional insured when the event is on City-owned property.

Public Comment:

Tammy Ashley: additional parking, grass parking, vendor cleanup responsibilities, a North Port Food Coalition list.

Ms. Galehouse spoke to providing a list of vendors through a public record request, and clarified all designated City parks are open for vendors at the same time.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve Ordinance No. 2019-04 to second reading with the following amendments and conditions: to clarify and change dimensions under the placement of items to the sign dimensions change to 30" x 50", to change the language under the parking condition on line 146 to reflect a case-by-case basis, to clarify on line 37 the ice cream truck dilemma, to change Section 34-55 3(c) to add restaurants with appropriate licensing, to Section 34-55 3(e) to allow the Fire Rescue to do a fire inspection to mobile units that are all-inclusive but to allow fire inspection on premises for those that are not, and that the permit would be pending passing of the fire inspection, in Section 34-55 5(f)1 to look into the conditions of alcohol beverage sales, considering private functions where a Special Event permit is not required, and to clarify line 174 that the 9:00 to 10:00 arrival and departure hours are strictly enforced. The motion carried by the following vote:

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

Absent: 1 - Mayor Hanks

- E.** [RES. NO. 2019-R-10](#) Continuation of Resolution of the City of North Port, Florida, Adopting the 2019 Revisions to the City of North Port, Florida Comprehensive Emergency Management Plan as the Formal Guide of the City of North Port's Emergency Management Activities; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date

Ms. Reed read Resolution No. 2019-R-10 into the record by title only.

Mr. Lear introduced the item.

Chief Titus provided an overview of the proposed legislation, how changes are made/updated, and how/when the Commission is notified.

Discussion ensued regarding scrivener's errors to include Exhibit A in the Resolution, and concern that any changes should come back to the Commission.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve Resolution No. 2019-R-10 as presented but with one change that the City Manager will notify Commission within one business day of any changes that he makes.

Vice-Mayor McDowell passed the gavel to Commissioner Luke.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to amend the motion to include the words "by memo." The motion carried by the following vote:

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

Absent: 1 - Mayor Hanks

Commissioner Luke passed the gavel back to Vice-Mayor McDowell.

The main motion as amended carried by the following vote:

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

Absent: 1 - Mayor Hanks

8. GENERAL BUSINESS:

A. [19-0684](#) Discussion and possible action regarding Commission meeting procedures.

Mr. Lear provided an overview of the item.

Commissioner Luke proffered a procedural change, and a timeframe for adding items or corrections upcoming agendas and the subsequent update to the City's website.

Discussion ensued regarding updating the quasi-judicial process.

There was a consensus to direct City Attorney Slayton to work with Commissioner Carusone to redo the quasi-judicial procedures and bring back an Ordinance for first reading.

Discussion continued regarding information transparency and a timeframe for updating new backup material on the online agenda.

Mr. Lear spoke to the need for a majority determination by the Commission in order to pull an item from the agenda.

- B. [19-0646](#) Discussion and possible action regarding sending a letter to Sarasota County Commission about their potential redistricting.

Mr. Lear provided an overview of the item.

Commissioner Luke provided additional information and suggested forwarding a letter to Sarasota County in opposition to redistricting at this time.

Mr. Lear spoke to unknown information regarding Sarasota County's decision to hire a consultant for the project.

Discussion ensued regarding performing the project now vs. again in 2020, the census not expected to change significantly, acquiring the City's population numbers through the City's Neighborhood Development Services building permits, the factor of registered voters in redistricting, the lack of voting power in a single-member district plan, concern that the Commission remain non-partisan, and population numbers vs. voter registration numbers.

9. PUBLIC COMMENT:

There was no public comment.

10. COMMISSION COMMUNICATIONS:

Commissioner Emrich: nothing to report

Commissioner Carusone: nothing to report.

Commissioner Luke: attended an Economic Development Corporation luncheon, a Ham Radio event, North Port Skate Park Day, the City Barbecue, Citizen's Academy Graduation, and visited the New College campus in Sarasota.

Vice-Mayor McDowell: noted discord between the Sarasota Memorial Hospital (SMH) and Cigna and requested to forward letters to Cigna and the hospital.

Mr. Lear spoke to this common negotiating tactic, and confirmed that if SMH drops Cigna a notice will be sent to City employees.

Discussion ensued regarding a letter notifying the two entities that the City is receiving concerns from employees that insurance will not be accepted after July 16, 2019, the Commission's concern for the healthcare coverage of employees, and City residents that have Cigna Health Insurance who pay taxes to SMH.

There was a consensus to send a letter to SMH and to Cigna, stressing the importance of the health and safety of City employees and include a reminder that we pay taxes to SMH.

Vice-Mayor McDowell: received email that City Clerk Katy Wong is on leave and asked if the Deputy City Clerk should be appointed Interim City Clerk, was a guest speaker at a Jockey Club Homeowners' Association meeting, attended Parks & Recreation accreditation event, an Open House for Anchor House and a Florida League of Cities Land Use and Economic Development Committee meeting.

Ms. Slayton spoke to the powers and duties of the Deputy City Clerk in the City Charter Sections 11.05 and 11.06, and confirmed it is unnecessary to appoint an Interim-City Clerk.

11. ADMINISTRATIVE AND LEGAL REPORTS:

A. [19-0610](#) City Manager - Commission Update

Mr. Lear reported on a recent policy priority decision by the Florida League of Cities Finance, Taxation and Personnel Committee to help areas obtain internet connection that currently do not have it.

B. [19-0652](#) City Attorney Report - Commission Update

Ms. Slayton: nothing to report.

C. [19-0653](#) City Clerk/Deputy City Clerk update regarding Commission Direction.

There were no updates from the City Clerk;Deputy City Clerk.

12. ADJOURNMENT:

Vice-Mayor McDowell adjourned the North Port City Commission Regular Meeting at 10:50 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.