City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft

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, Interim City Clerk

Tuesday, December 10, 2019 | **10:00 AM** | **CITY COMMISSION CHAMBERS**

CALL TO ORDER

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

ROLL CALL

Commissioner Carusone arrived at 10:32 a.m.

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

Also Present:

City Manager Pete Lear, City Attorney Amber Slayton, Interim City Clerk Heather Taylor, Recording Secretary Susan Hale, Police Chief Todd Garrison, Fire Chief Scott Titus, Planning Division Manager Nicole Galehouse, Planner Alison Christie, Public Works Director Julie Bellia, Engineering Division Manager Jerry Traverso, Public Utilities Director Rick Newkirk, Public Utilities Assistant Director Jennifer Desrosiers.

The invocation was provided by Reverend Donna Loflin followed by the Pledge of Allegiance led by Todd Mathes.

1. APPROVAL OF AGENDA

A motion was made by Commissioner Hanks, seconded by Vice Mayor Luke, to approve the agenda as presented. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Carusone

2. PUBLIC COMMENT:

Chuck English: concern regarding use of Tree Fund, and the need to review advisory boards and committees.
Kelly Youngquest: Poinsettia Parade and concern with release of balloon.

Chris Johnson: homelessness and North Port's Homeless Outreach Team.
Alice White: concern with use of Tree Fund.

Mr. Lear spoke to City's Tree Fund being used appropriately and legally.

Nancy Fisher: Tree Beautification/Scenic Highway Committee, use of Tree Fund, and clear-cutting lots.

3. ANNOUNCEMENTS

A. 19-1523 Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the Current Advisory Board Vacancies and Upcoming Expiration Dates for Boards and Committees into the record.

4. CONSENT AGENDA:

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

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

Not Present: 1 - Commissioner Carusone

A. 19-1226 Approve Amendment of Original ImageTrend Contract to Delete ImageTrend Vault Setup Fee and SaaS

This item was approved on consent.

B. 19-1232 Approve Utilization of Florida Sheriff's Association Contract FSA19-VEL27.0 for the Purchase of Three 2020 Ford F-150 Police-Rated Pickup Trucks in the Estimated Amount of $106,359.00, and the City of Cape Coral Contract CON-PW18-10MM for Emergency Vehicle Associated Equipment and Graphics in the Estimated Amount of $37,068.00 for an Estimated Total of $143,427.00.

This item was approved on consent.

C. 19-1288 Approve License Agreement with Zonar Systems, Inc. for Annual Communications Services, Equipment for New Vehicles, and As-Needed Replacement Parts and Equipment, in an Estimated Amount of $85,000

This item was approved on consent.

D. 19-1292 Approve Contract No. 2020-21 with Spectrum Underground, Inc. in the Amount of $118,967.00, with a Contingency Amount of $5,948.00, for a Total Project Cost of $124,915.00 for the North Salford Blvd. Bridge Water Main Replacement Project

This item was approved on consent.

E. 19-1310 Approve Contract No. 2020-20 with Spectrum Underground, Inc., in the Amount of $122,538.50 with a Contingency Amount of $12,254.00, for a Total Project Cost of $134,792.50 for the Lazy River Water Main and Force Main Replacement Project

This item was approved on consent.

F. 19-1313 Approve Acceptance of Local Funding Initiative Requests, if Awarded, for the Expansion of Water and Sewer to Warm Mineral Springs in the Amount of $875,000 and Design and Construction of a New Public Safety Training Track in the Amount of $750,000 and to Authorize the City Manager to Sign Grant Documents upon Satisfactory Legal Review

This item was approved on consent.

G. 19-1376 Approve Sole Source Procurement of Annual Naviline Maintenance from Central Square Technologies, LLC in an Estimated Budgeted Amount of $180,750.76 with a Contingency Amount of $10,000.00 for a Total Budgeted Amount of $190,750.76

This item was approved on consent.

H. 19-1381 Approve the 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) of the Code of the City of North Port, Florida.

This item was approved on consent.

I. 19-1386 Approve the Utilization of the OMNIA Partners Cooperative Purchasing Agreement for Office Depot and the Sourcewell Cooperative Agreement for Staples for the Procurement of Office Supplies in the Combined Estimated Amount of $110,000.00

This item was approved on consent.

J. 19-1394 Accept the Cash Receipts Summary Report for October 2019

This item was approved on consent.

K. 19-1395 Approve Amendment No. 1 to Agreement No. 2019-41, Professional Engineering Services for Water Transmission Main on San Mateo Drive from Price Blvd. to Hillsborough Blvd. with Kimley Horn & Associates, Inc, for the Amount of $46,906.20

This item was approved on consent.

L. 19-1400 Approve Amendment No. 1 to Request for Bid (RFB) No. 2018-59 for Janitorial Services for the City of North Port with 3H Service System, Inc., to add the North Port Aquatic Center, 6205 West Price Boulevard for daily

Janitorial Services in the estimated amount of $9,000 annually.

This item was approved on consent.

M. 19-1414 Approve Utilization of Charlotte County Water and Wastewater Chemicals, Annual Bid No. 19-582 for the Purchase of Sodium Hypochlorite Solution Per Unit Pricing, on an “As Required” Basis, from Allied Universal Corporation, for an Estimated Annual Amount of $120,000.00

This item was approved on consent.

N. 19-1437 Approve Data Processing Services Agreement/Subscription Agreement with Honeywell FIRST and Authorize the City Manager to Approve Annual Renewal Provided there are No Changes to Terms & Conditions

This item was approved on consent.

O. 19-1524 Approve Minutes for the November 7, 2019 Commission Special Meeting, and November 12, 2019 Commission Regular Meeting.

This item was approved on consent.

5. PUBLIC HEARINGS:

PETITIONS:

A. CC DMP-19-186 Development Master Plan, Woodlands - Phase 1, 288,510 Square Feet of Light Industrial, Flex Warehouse, and Office Space (QUASI-JUDICIAL)

Ms. Taylor read the Petition into the record and swore in all those wishing to provide testimony.

Ex parte communication was disclosed by Mayor McDowell through email questions sent to City Clerk's Office, Vice Mayor Luke disclosed conversations with Larry Fineberg the Sarasota County Economic Development Corporation (EDC) and a potential business, Commissioner Hanks spoke with Todd Mathes, and Commissioner Carusone discussed the project with representatives of the EDC.

Todd Mathes, representing Benderson Development, being duly sworn, provided an overview including location of the property, wetland mitigation, area for potential light industrial usage, access to property, and request of two waivers for parking.

Ms. Christie, being duly sworn, presented staff's report including parking waiver requests, neighborhood meetings held, consistency with Unified Land Development Code (ULDC) and Comprehensive Plan, two conditions that note #15 to be stricken and note #14 to be revised, recommending approval, and Planning & Zoning Advisory Board approved the petition unanimously.

There were no rebuttals by the petitioner or staff; no aggrieved parties; and no public comment.

Ms. Christie spoke to landscaping/tree surveys required at the Major Site Development stage, correcting building square-footage calculations for buildings A-1 and B-1, and applicant agreed to make changes which will be reflected in the motion.

Mr. Mathes explained the right-in ingress and right-out egress points on Plantation Boulevard, adding a road median on Plantation Boulevard in the motion, and concurrently developing both buildings.

Ms. Christie spoke doing an DMP amendment when the two out parcels are ready for development.

Mr. Traverso, being duly sworn, clarified truck weight limits for roadways and distribution of weight by more tires, determining the amount of support on Toledo Blade Boulevard, and core samples of roads.

Ms. Bellia, being duly sworn, spoke to construction traffic road fees, developer responsibilities for road rehab and future rehab by City Road and Drainage, and usage of the road impact fee.

Ms. Christie confirmed the applicant's awareness of increased impact fees.

There were no closing arguments from staff.

Mr. Mathes presented a summary of the project and expressed gratitude to City staff.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Petition No. DMP-19-186 with waiver to allow for each 1,000 square-foot of floor area parking calculation for the entire project and waiver to allow for two rows of parking along Toledo Blade Boulevard which the front of the building is facing, also with the conditions of striking Note #15 and changing the word within Note #14 to read "If required, bench, trash can and bike rack locations to be coordinated with City staff during approval of the urban designs standards review," correcting the labels of buildings so that each building is the building that it represents within the mapping and also a condition for the future median on Plantation Boulevard.

Ms. Slayton spoke to utilities conditions.

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to amend the motion to add the conditions set forward by the Utilities Department "1. Before FDEP permits will be signed, North Port Utilities requires the following: a. Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans both sets of items shall be signed and sealed by the engineer of record. b. One engineer certified (sealed) estimate for the cost of utility construction. c. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects $0 to $2 million, plus 2.5% of utility construction cost over $2 million. The minimum fee is $250.00. 2. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval. 3. Irrigation systems shall be designed and constructed to meet reuse standards. 4. Prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting. 5. A developer agreement shall be negotiated with the utility department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released." The motion to amend carried by the following vote:

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

The main motion as amended carried by the following vote:

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

ORDINANCES - First Reading:

B. ORD. NO. 2019-15

An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code Related to Fences, by Amending Section 53-3, Section 53-240, and Section 61-3; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to read Ordinance No. 2019-15 by title only. The motion carried by the following vote:

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

Ms. Taylor read the Ordinance by title only.

Mr. Lear introduced the item.

A consensus was requested to hear a staff presentation.

Ms. Galehouse replied to questions regarding setbacks and fence height requirements.

Mr. Lear spoke to line-of-sight requirements.

Ms. Galehouse responded to questions regarding grandfather clauses for erosion /code changes, transferring non-conforming uses, and possible negative impacts with future fence expansions.

Ms. Bellia explained drainage between lot lines, and rehabilitating retention ditches.

Ms. Galehouse spoke to residential requirements.

Ms. Bellia spoke to side outfall easement constraints between two lots, platted easements prohibitions, and dissolving lot lines.

Ms. Galehouse clarified when fence height requires engineering plans, compensating for septic tank issues, zoning concerns and challenges with higher fences, and determining opacity.

Ms. Slayton spoke to opacity ratings on fencing materials.

Ms. Galehouse responded to non-conforming situations, and compliance with wind load requirements.

Chief Titus and Chief Garrison replied to potential fence removal situations.

Ms. Slayton clarified City's right to access its easements.

Mr. Lear spoke to damages to City property arising from improper fence installment.

Ms. Slayton clarified the "where practicable" language applied to City's occupation of easement rights, spoke to adding timeline requirements, and clarifying verbiage in the motion.

Ms. Bellia spoke to formal notice mailed to homeowners.

Ms. Galehouse stated she will review the language with Building Official and provide results to the Commission.

There was no public comment.

There was a consensus for staff to provide new language in line 199 regarding written notice to homeowner when City requires removal of fence.

There was consensus for staff to review language in 5A lines 101 to 107, regarding wind load requirement clarifying language.

A motion was made by Commissioner Carusone, seconded by Commissioner Hanks, to continue Ordinance No. 2019-15 for second reading on January 28, 2020 with the following amendments: clarifying Section 5, Design Requirements to be clear throughout the entire Section 5A and allow for a grandfathering of sorts if the Code and wind speed is to change, as well as Section 8B iii, line 196, to redo language to allow a 90-day notice when a planned use for the occupied area of the occupied fence or any other use as long as it is not an emergency.

Vice Mayor Luke opposed the allowable height limit.

Mayor McDowell opposed the motion because it does not fit the Comprehensive Plan, expressed concern with staff and Planning and Zoning Advisory Board not recommending, 8-foot fences in front yard, and unintended consequences.

The motion carried by the following vote:

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

No: 2 - Mayor McDowell and Vice Mayor Luke

ORDINANCES - Second Reading

C. ORD. NO. 2019-50

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Bring Meeting Notice and Advertisement Requirements of the Fire Rescue District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article II – North Port Fire Rescue District, Section 66-33 – Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Ms. Taylor read the Ordinance into the record.

Ms. Lear introduced the item.

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

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-50 as presented. The motion carried by the following vote:

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

D. ORD. NO. 2019-51

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Provide Consistency and to Bring Meeting Notice and Advertisement Requirements of the Road and Drainage District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article III – Road and Drainage District, Section 66-51 – Governing Body, and Section 66-60 – Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Ms. Taylor read the Ordinance into the record.

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

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-51 as presented. The motion carried by the following vote:

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

E. ORD. NO. 2019-52

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Provide Consistency and to Bring Meeting Notice and Advertisement Requirements of the Solid Waste District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article IV – Solid Waste District, Section 66-86, Section 66-87, and Section 66-94; and by Creating Section 66-97; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

Ms. Taylor read the Ordinance into the record.

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

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-52 as presented. The motion carried by the following vote:

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

F. ORD. NO. 2019-53

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida Related to Advisory Boards, by Repealing in Its Entirety Chapter 4, Article V, Entitled “The Beautification and Tree/Scenic Highway Committee”; by Amending Section 4-182 Regarding the Powers and Duties of the Environmental Advisory Board; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the Ordinance into the record.

Mr. Lear introduced the item and clarified the City can still meet the requirements for the Tree City USA designation.

PUBLIC COMMENT:
Alice White: expressed opposition with repealing the committee.
Nancy Fisher: expressed opposition with repealing the committee and concern with committee requirements and structure.
Chuck English: expressed concern with committee structure, utilization of boards, and water testing authority.

Discussion followed regarding Commission interaction and support of advisory boards, combining the Beautification & Tree/Scenic Highway Committee and the Environmental Advisory Board, committee membership, and notification regarding board duties.

Ms. White responded to Commission questions regarding factors involved to solicit committee members.

Ms. Taylor responded to questions regarding meeting times.

Ms. Slayton spoke to postponing the decision for six months and re-advertising for an additional reading.

Mr. Lear explained City's process for advertising advisory board openings, board annual reports, Commission agenda items that may be of interest to advisory boards, City's annual acknowledgement of board members' civic service, communicating board needs to Commission, and encouraging community private sector involvement with advisory boards.

Ms. Slayton clarified the Committee's abilities regarding grants and other funding sources.

Discussion continued including changing the committee's title, and allowing committee review of its duties.

Ms. Slayton summarized main points of the discussion.

A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to continue Ordinance No. 2019-53 to a third reading at the last meeting in July to allow members to be found, submitted and to allow that membership to determine the best meeting time, goals and objectives, as well as a renaming of their committee. The motion carried by the following vote:

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

No: 1 - Mayor McDowell

Mayor McDowell stated reasons for dissenting included setting the board up for failure to disband in six months, but she favors the Committee's continued existence.

Recess was taken from 12:15 p.m. to 12:36 p.m.

6. GENERAL BUSINESS:

A. 19-1427 Discussion and Possible Action to Approve the Annual Water Demand Projections Reports

Mr. Lear introduced the item stating that water demands have not increased.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve year 8 of the 20-year projected water demand projections report. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Carusone

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

A. 19-1527 Commissioner Emrich's Communications

Nothing to report.

B. 19-1528 Commissioner Carusone's Communications

Nothing to report.

C. 19-1529 Commissioner Hanks' Communications

Nothing to report.

D. 19-1530 Vice Mayor Luke's Communications

Nothing to report.

E. 19-1531 Mayor McDowell's Communications

Mr. Lear spoke to staff liaison assignments.

Mayor McDowell requested Commissioner Hanks remove his hat when in Chambers.

Commissioner Hanks provided reasons for wearing a hat, and accommodated the request.

9. ADMINISTRATIVE AND LEGAL REPORTS:

Ms. Taylor requested to schedule a joint meeting between the Charter Review Advisory Board and the Commission.

There was a consensus to direct Ms. Taylor to schedule a joint meeting with the Charter Review Advisory Board.

10. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 12:44 p.m.

City of North Port, Florida

By: ____
Debbie McDowell, Mayor

Attest: ____
Heather Taylor, Interim City Clerk

Minutes approved at the Commission Regular Meeting this ___ day of ______________, 2019.