



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Regular Meeting

CITY COMMISSIONERS

Debbie McDowell, Mayor

Jill Luke, Vice Mayor

Christopher Hanks, Commissioner

Pete Emrich, Commissioner

Vanessa Carusone, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Acting City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, July 28, 2020

10:00 AM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

Mayor McDowell noted that Commissioner Carusone attended the meeting via telephone.

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

Also Present

Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Heather Taylor, Recording Secretary Susan Hale, Finance Director Kimberly Ferrell, Senior Planner Everett Farrell, Parks and Recreation Director Sandy Pfundheller, Assistant Parks and Recreation Director Tricia Wisner, Aquatics Supervisor Patricia Sturgess, Police Chief Todd Garrison, Public Works Director Julie Bellia, Assistant Public Works Director Monica Bramble, Solid Waste Manager Frank Lama, Social Services Manager Janet Carrillo, Senior Contract Administrator Alla Skipper, and Economic Development Manager Mel Thomas.

PLEDGE OF ALLEGIANCE

An invocation was offered by Commissioner Hanks after which the Pledge of Allegiance was led by Ms. Hale.

1. APPROVAL OF AGENDA

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

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

2. PUBLIC COMMENT:

Opel Cully: high property taxes in North Port.

Mayor McDowell explained the senior tax exemption for homesteaded property.

Greg Cully: 11.23% tax increase and no increase in services, and wasteful spending.

Mayor McDowell spoke to millage rate same as last year and Commission seeking a roll-back rate.

Donald Richardson: treatment for the coronavirus.

3. ANNOUNCEMENTS

- A. [20-2443](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the announcements into the record, openings are on all agendas and noted that a new online application is forthcoming and will include all vacancies.

4. CONSENT AGENDA:

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the consent agenda pulling Item Nos. 20-2370 and 20-2371 for discussion. The motion carried by the following vote:

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

- A. [20-2369](#) Approve NetDocuments Order Form and Software as a Service Agreement in the Amount of \$4,500.00 for Document Management Services for the City Attorney's Office and Approve Service Level Agreement with Mainbrace Consulting, LLC in the Amount of \$3,672.00 for Implementation and Conversion of Files for NetDocuments Document Management Services for the City Attorney's Office

This item was approved on consent.

- B. [20-2370](#) Approve Contract for School Crossing Guards with Waterfield Florida Staffing, LLC. D/B/A, in the Estimated Amount of \$182,700 Per Year for the Initial Term of Three Years; RFB 2020-56

Mr. Yarborough introduced the item.

Chief Garrison responded to questions regarding funding amount, and clarified the contract vs. budgeted amount.

Ms. Skipper answered questions concerning reduction in budget to \$182,700, and reducing the budget from \$202,000 to \$182,700.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve consent agenda Item 20-2370 with a memo coming back showing the decrease in the budget line item. The motion carried by the following vote:

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

- C.** [20-2371](#) Approve Housing Opportunities for Persons with Aids (HOPWA) Agreements to Re-Designate Funds to the State of Florida Department of Health; City of North Port HOPWA Cares Act Funding Re-Designation Agreement

Mr. Yarborough introduced the item.

Ms. Carollo spoke to amount of funds received, eligibility for awarded funds, administrative fee, statistical area for service, qualification due to population growth, ensuring citizens of North Port are benefiting, working with the Department of Health to obtain statistics, and health disclosures in compliance with Health Insurance Portability and Accountability Act (HIPPA).

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve consent agenda item 20-2371. The motion carried by the following vote:

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

- D.** [20-2376](#) Approve International Public Safety Data Institute (IPSDI) Agreement for the National Fire Operations Reporting Service Module for the First-year Total of \$5,000 with an Annual Cost of \$8,000 Thereafter Beginning in Fiscal Year 21-22.

This item was approved on consent.

- E.** [20-2401](#) Approve Acceptance of Grant, if Awarded, from the Florida Department of Law Enforcement Coronavirus Emergency Supplemental Funding Program in an Amount of \$182,229 and Authorize the City Manager to Sign Grant Documents upon Satisfactory Legal Review

This item was approved on consent.

- F.** [20-2402](#) Approve Contract No. 2020-32 for the Blue Ridge Park Parking Lot Improvements with AROX Land Development, Corp. in the Amount of \$201,097.29 Plus a Construction Contingency of \$20,109, for an Estimated Amount of \$221,206.29.

This item was approved on consent.

- G.** [20-2423](#) Approve Reimbursement Agreement for Replacement Improvements to Lift Station 88 with the West Villages Improvement District

This item was approved on consent.

- H.** [20-2386](#) Appoint Art Bilski as a Regular Member to the Charter Review Advisory Board to Serve a Two-year Term from July 28, 2020 to July 28, 2022

This item was approved on consent.

- I. [20-2439](#) Appoint Stacy Tracy as an Alternate Member to the Planning and Zoning Advisory Board to Serve a Four-year Term from July 28, 2020 to July 28, 2024.

This item was approved on consent.

- J. [20-2447](#) Approval of minutes for the June 23, 2020 Commission Regular Meeting, July 2, 2020 Commission Special Meeting, and July 6, 2020 Commission Workshop Meeting.

This item was approved on consent.

5. PUBLIC HEARINGS:

RESOLUTION:

- A. [RES. NO. 2020-R-03](#) A Resolution of the City of North Port, Florida, Adopting City Commission Policy No. 2020-02 Related to the Issuance of Ceremonial Items, Including Certificates, Keys to the City, Proclamations, and Challenge Coins; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only and provided an overview of the policy including Commission directed changes.

Discussion ensued regarding definition of proclamation to include event or individual, determining the verbiage adding event, or individual, and adding dates for repealing the ordinance.

There was no public comment.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Resolution No. 2020-R-03, adding to the definition of proclamation after the word issue, "event or individual." The motion carried by the following vote:

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

ORDINANCE: Second Reading

- B. [ORD. NO. 2020-09](#) An Ordinance of the City of North Port, Florida, Amending Section 2-54 of the Code of the City of North Port, Florida, Related to Proclamations at City Commission Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the ordinance by title only, and noted changes in the ordinance.

There was no Commission questions and no public comment.

A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to approve Ordinance No. 2020-09, correcting the date to February 4, 2020. The motion carried by the following vote:

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

ORDINANCE: Third Reading

- C. [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 by title only.

Vice Mayor Luke introduced the item noting board membership, inability to meet due to COVID-19, and requested the ordinance be withdrawn.

Discussion took place regarding a memorandum being sent to Commission within three months regarding goals and objectives, review of future minutes, yearly reports, possible joint meeting, and workshop or presentation.

There was no public comment.

No action was taken regarding this item.

ORDINANCE: First Reading

- D. [ORD. NO. 2020-26](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Related to the Collection of Solid Waste from Commercial Properties and Establishing a Late Payment Fee, by Amending Chapter 62 - Solid Waste and Appendix A - City Fee Structure; Repealing Section 62-57 – Delinquent Commercial Accounts and Section 62-66 - Appeals; 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 Emrich, to read the ordinance 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. Yarborough introduced the item.

Ms. Bellia provided an overview including administrative contracts for services, process for non-payment, options to rectify, sending invoice through utilities billing system, late fee assessment, language amendment to reflect procedure, additional solid waste fee for tote swap out, container size language amendment, request for delinquency processing fee and late payment fee, and spoke to eliminating the contract.

Ms. Slayton spoke to examination of current contracts and determination of clarifying the

process.

Ms. Bellia responded to questions regarding staffing.

Mr. Lama replied to questions regarding a \$30 per year for tote swap out, changing initiation fee to a startup fee for new residential structures, and commercial dumpster pull outs.

Ms. Bellia spoke to special waste fees applying to new residential structures only.

Ms. Slayton responded to questions regarding annotating fee schedule in ordinance, City Code dictating capitalization of departments, and comparing Ordinance 2020-26 and 2020-27 to ensure all effective dates, fee structure in the next ordinance, everything duplicative will be stricken, and keeping the fees specific to changes in Ordinance No. 2020-26 in the same ordinance.

There was no public comment.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-26 for second reading on September 22, 2020, clarifying language on page 6 of 9 changing "Solid Waste Initiation Fee" to "Start Up Fee." The motion carried by the following vote:

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

E. [ORD. NO. 2020-27](#)

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A - City Fee Structure to Change Certain Building, Fire, Police, Parks and Recreation, Facility Rental, Solid Waste, and Road and Drainage Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing an Effective Date

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to read the ordinance 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. Yarborough introduced the item.

Ms. Ferrell provided an overview including attachments, and responded to questions regarding staff recommendation, payment options, credit card fees, and waiving cancellation fees.

Ms. Bramble responded to questions regarding 5601 South Sumter Boulevard rental fee, Achieve Anything discount not being applicable, and food truck usage.

Ms. Wisner spoke to membership pass promotions moving to another area of the fee schedule, and Achieve Anything verbiage duplicated for pool promotions.

There was a consensus to remove language stating two membership passes may be scheduled annually at the City Manager's discretion.

Ms. Ferrell responded to questions regarding interest rate on credit card fees.

Discussion continued regarding whether or not to charge the processing fee.

There was a consensus to absorb credit card processing fee City wide, excluding the Utilities Department.

Ms. Wisner spoke to the Commission decision not to apply the Achieve Anything membership to the aquatic center, and fees being equal to market prices.

Discussion ensued concerning offering the Achieve Anything membership discount to aquatic center patrons, waiting a year before revisiting this conversation, incomplete data to make a final determination, and needing a full year data collection for Achieve Anything discount.

Ms. Wisner spoke to no increases but two new fees, following Sarasota County fee schedule for signature events and rental space at community events per event.

Ms. Slayton spoke to EMS fees under the Fire Section.

Ms. Wisner addressed questions regarding stretch pool rental, number of lanes available for rental, requested clarification of access to the pool by public and renting outside hours.

There was a consensus to direct staff come back for second reading with rental cost of entire stretch pool, breaking down for outside operating hours.

Ms. Wisner spoke to fee schedule breakdown within standard operating hours, outside operating hours and noted that certain rentals cannot take place when full facility is operating, defining what full facility means, and entire aquatic center may be rented outside regular hours.

Discussion ensued regarding waiver for cancellations and scenarios where it applies, and removing City Managers discretion to grant removal.

There was no public comment.

There was a consensus to remove language regarding waiver cancellation by City Manager.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-27 for second reading on September 22, 2020 with five changes of removing language stating two membership passes may be scheduled annually at the City Manager's discretion, absorbing credit card processing fee City wide, excluding the Utilities Department, directing staff come back for second reading with rental cost of entire stretch pool, breaking down for outside operating hours, and removing language regarding waiver cancellation by City Manager. The motion carried by the following vote:

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

Recess was held from 12:02 p.m. to 12:45 p.m.

6. GENERAL BUSINESS:

- A. [20-2004](#) Discussion and Possible Action Regarding the Proposed Interlocal Agreement Between the School Board of Sarasota County, Florida, and the City Of North Port, Florida, Regarding Use of the North Port Aquatic

Center

Mr. Yarborough introduced the item.

Ms. Wisner reviewed the item to include annual hours utilizing the pool, variable charges, dive well usage, and dates of exclusive usage.

Discussion took place regarding calculation of lane fees, recalculating the amount, the agreement providing exclusive use for swim meets, separate page for exclusive use for competitions, and junior high not being approached at this time.

Paul Magliacane, Head Swim Coach North Port High School, spoke to swim clubs vs. high school teams.

Ms. Wisner responded to questions regarding aquatic center membership not being affected by swim team fees.

Ms. Slayton spoke to terms of agreement being good until termination, Commission approval needed if changed, and schedule may be amended from time to time as agreed by the two parties.

Ms. Sturgess explained the 50% discount being typical for the area, and fee schedule being adjusted from time to time.

Ms. Wisner spoke to direction from Commission regarding a percentage cost in the agreement vs a 50% discount from the fee schedule.

Tony Miller, Athletic Director North Port High School, addressed the rental amount covered by the school district, any changes going through the school board, sports at high school paid by athletic department ticket revenue and fund raisers not school board.

Ms. Wisner spoke to 50% of normal fee is just under \$10,000 for the year, and exclusive use for competition a separate fee to be determined by the Commission.

Ms. Sturgess explained differing meets shutting down competition pool facility to public for eight hours.

Mr. Magliacane clarified swim meets during season, invitationals much larger, meet season from August through October, and water polo season from January to April.

Ms. Wisner spoke to full cost of \$300 and agreement covers meets and water polo.

Mr. Magliacane clarified high school swim season and water polo season.

Ms. Wisner spoke to Southwest Florida Water Polo agreement encompassing different age groups and each has its own agreement, and Commission direction regarding similar agreements.

Ms. Slayton explained this agreement is not a template for future contracts.

Mr. Miller spoke to high school water polo funding mechanism.

Ms. Wisner responded to questions regarding exclusive use only for competition pool, cancellation fee in the exclusive use options, authorized use areas for non-exclusive, swim team charged for admission, practice session not charged admission, charges will

be clarified, number of invitationals during year, lifeguards provided by City staff and cost will be discounted.

Ms. Slayton clarified acting city manager has same power as city manager.

Discussion ensued regarding the number of lifeguards needed to cover a swim meet, water polo practices/meets and agreements, annual meets and practice sessions scheduled by mid-summer, accommodating the swim team during spring break, when payment is due, refund fee for unanticipated cancellations, rescheduling for weather-related issues, and different rates for adult/private entities will come back to Commission for approval.

There was a consensus that the second Whereas clause "the School Board desires to have North Port High School's swim teams and water polo teams use the competition pool located at the North Port Aquatic Center for team practice; and" adding competitive meets.

There was a consensus to have a schedule for the percentage of the fee based on the fee schedule which is amended from time to time: 50% of the fee schedule for the swim team non-exclusive use of the pool including lifeguards.

There was a consensus of 50% of the fee schedule for the water polo team non-exclusive use of the pool including lifeguards, after school for practice only.

There was a consensus of 50% user fee for exclusive use for meets (school to school for more than two hours), plus the cost of lifeguards for invitationals or large meets.

There was a consensus that August 1st of each year, as the date the high school will submit the dates for future exclusive use of the facility, and May 31st for non-exclusive use (excluding this year).

There was a consensus for Section C Water Polo Team Practice (2) Scheduling, changing May 31st to October 31st.

Ms. Slayton confirmed rates will change when the Fee Schedule changes, written notice regarding any changes can be done administratively, and the final document will go through legal review concerning all requested language and changes.

There was a consensus in 3. Usage and Scheduling, (B) Swim Team Practice (3) for the sentence to read: The school board shall pay a fee of 50% of the current approved City Wide Fee Schedule per hour for each lap lane, "the per person admission fee would not apply" of the Competition Pool used under this Agreement.

There was a consensus to make all changes and let staff move forward and send to the school board for approval.

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve the Agreement with the consensuses as stated. The motion carried by the following vote:

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

Discussion ensued regarding using the agreement as a template for other agreements.

Ms. Slayton stated any new contracts must be Commission approved.

Recess was held from 2:21 p.m. to 2:36 p.m.

B. [20-2438](#) Discussion and Possible Action Regarding Effectively Marketing the City's Activity Centers as Adopted in the Comprehensive Plan

Mr. Yarborough introduced the item.

Mr. Farrell provided a presentation including prior Commission direction, number of activity centers, activity center potentials, Heron Creek Activity Center case study including highlights, marketing through FaceBook, Twitter and Instagram, Nextdoor app, City's website, North RePort alerts, other marketing options such as SnapChat, North Port podcasts and utilizing Chamber of Commerce, and community engagement to help rename activity centers.

Ms. Thomas spoke to marketing with good sense, and white paper report regarding place names.

Discussion ensued regarding community input for naming activity centers, an activity center identity that matches the name, obtaining community input first then highlighting the center, education through social media, focusing on one a month, and renaming them with a clear identity.

No action was taken.

C. [20-2058](#) Discussion and Possible Action Regarding Posting Emails to the City Website

Ms. Taylor introduced the item including recommendation to move forward with placing all emails on website or none.

Discussion ensued concerning difference between City business going to Commissioner's email vs. a personal message to one Commissioner, and controlling exempt information from public view.

Ms. Slayton spoke to City not required to disclose nor exempt emails that do not meet the definition of public records, City employees notified if City email accounts are used for emails of a personal nature they could be released, and HIPPA information not protected because City is not a medical provider.

Discussion continued regarding allowing 30 minutes time frame for public records research, public facing requests on public records request archive, not having emails public facing, and only charging for first request.

Mayor McDowell passed the gavel to Vice Mayor Luke.

A motion was made by Mayor McDowell, seconded by Commissioner Emrich, to discontinue placing Commission emails on the public records portal archive. The motion carried by the following vote:

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

No: 1 - Commissioner Carusone

Commissioner Carusone opposed the motion noting people should have access to public records, exemptions are being culled and redacted, and it is the safest way to relay

information.

Vice Mayor Luke passed the gavel back to Mayor McDowell.

Ms. Taylor spoke to Commission travel and calendars remaining accessible in the archive.

D. [20-2442](#) Discussion and Possible Action Regarding Commission Compensation

Mayor McDowell introduced the item.

Discussion ensued regarding cutting other areas of budget to reduce the budget, families of staff also negatively affected by COVID-19, certain budget cuts not warranted this year, budget being reduced where possible, Commissioners affected same as staff, going backwards and going forward, freezing Commission salary, and lowering millage but not at the expense of employees.

Mayor McDowell passed the gavel to Vice Mayor Luke.

A motion was made by Mayor McDowell, to freeze Commission salaries for Fiscal Year 2020-2021. The motion failed for lack of a second.

Vice Mayor Luke passed the gavel back to Mayor McDowell.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commission communication was waived in the interest of time.

9. ADMINISTRATIVE AND LEGAL REPORTS:

A. [20-2441](#) City Manager Commission Update Report

Mr. Yarborough requested the Commission appoint a voting delegate for the August 13, 2020 meetings.

There was a consensus to designate Commissioner Carusone as the voting delegate to the Florida League of Cities meetings in August.

B. [20-2452](#) City Attorney Report

The City Attorney had nothing to report.

C. [20-2450](#) City Clerk Report

The City Clerk had nothing to report.

10. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 3:52 p.m.

City of North Port, Florida

By: _____
Debbie McDowell, Mayor

Attest: _____
Heather Taylor, City Clerk

Minutes approved at the Commission Regular Meeting this ____ day of _____, 2020.