



# 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*

*Peter Lear, City Manager*

*Amber L. Slayton, City Attorney*

*Heather Taylor, Interim City Clerk*

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Tuesday, March 3, 2020

10:00 AM

City Commission Chambers

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### CALL TO ORDER

Mayor McDowell called the meeting to order at 10:03 a.m.

### ROLL CALL

**Present:** 4 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Christopher Hanks and Commissioner Pete Emrich

**Absent:** 1 - Commissioner Vanessa Carusone

### Also Present:

City Manager Pete Lear, Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, Interim City Clerk Heather Taylor, Recording Secretary Susan Hale, Public Records Technician Rebecca Clifford, Utilities Field Operations Manager Michael Vuolo, Economic Development Manager Mel Thomas, Neighborhood Development Services Director Frank Miles, Planning Division Manager Nicole Galehouse, Grant Writer Valerie Malingowski, Senior Executive Assistant Anna Duffey, Parks and Recreation Director Sandy Pfundheller, Police Chief Garrison, and Deputy Police Chief Chris Morales.

**The invocation was led by Pastor Jim Glazier, from Atwater Community Church, followed by the Pledge of Allegiance led by Finance Director Kim Ferrell.**

### 1. APPROVAL OF AGENDA

***A motion was made by Mayor McDowell, seconded by Commissioner Emrich, 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

**Absent:** 1 - Commissioner Carusone

**2. PUBLIC COMMENT:**

Scott Smith: equipment vests for police.

Katherine Prophet: Florida Scrub Jay concerns.

**3. ANNOUNCEMENTS**

- A. [20-2005](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

**4. CONSENT AGENDA:**

Mr. Lear requested to pull Consent Agenda Item 20-2003.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the Consent Agenda, pulling Item 20-2003 for discussion. The motion carried by the following vote:***

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

**Absent:** 1 - Commissioner Carusone

- A. [20-1902](#) Approve the Sole Source Purchase of Additional Lift Station Pumps, Control Panels and Associated Components from Xylem Water Solutions USA, Inc., in the Amount of \$67,848.00 and up to \$10,000.00 for Prorated Costs for Repair Services for Existing Pumps Partially Covered by Warranty for a Total of \$77,848.00

***This item was approved on Consent.***

- B. [20-1990](#) Appoint Brianna Cento to the North Port Youth Council as the Heron Creek Middle School Representative to Serve a One-Year Term from March 3, 2020 to March 3, 2021

***This item was approved on Consent.***

- C. [20-2003](#) Approve Minutes for the January 14, 2020 Commission Regular Meeting

Mayor McDowell spoke to correcting the portion of the minutes from "Manasota League of Cities" to " Florida League of Cities Call-in Summary Update to the Clerk and fellow Commissioners" on page 11.

Mayor McDowell passed the gavel to Vice Mayor Luke.

***A motion was made by Mayor McDowell, seconded by Commissioner Emrich, to approve the minutes as amended, adding "the email of the Florida League of Cities Call-in Summary Update" and striking "the Manasota League of Cities". The motion carried by the following vote:***

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

**Absent:** 1 - Commissioner Carusone

Vice Mayor Luke passed the gavel back to Mayor McDowell.

## **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

- A.** [20-1967](#) Megan McDonald, Florida Department of State's Division of Historical Resources: Certified Local Government (CLG) Program with Commission Discussion and Possible Action Regarding Becoming a Certified Local Government through the Division of Historical Resources

Mr. Lear introduced the item.

Meg McDonald, Certified Local Government Coordinator, Bureau of Historic Preservation, presented an outline regarding becoming a Certified Local Government (CLG), including the local government program, goal of the program, defining benefits of the designation, support with grant funding, training, technical assistance, networking, duties/responsibilities of a historic preservation board, municipal case studies, grant benefits, grant projects, training benefits, network support benefits, applying for CLG status, and spoke to local historical designations not a requirement for the CLG designation, no fees being associated with membership, requirements in a proposed ordinance, requirements to join, local registry vs. national registry, and forwarding a checklist in advance ensuring compliance with CLG requirements.

Commissioner Carusone arrived at 10:35 a.m.

***A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to direct staff to work with the Certified Local Government Coordinator to become a member as well as bringing back alterations needed for our local ordinance. The motion carried by the following vote:***

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

- B.** [20-1864](#) Becca Clifford: GovQA Customer Portal Overview

Ms. Taylor introduced the item.

Ms. Clifford provided an update regarding the customer side of GovQA public record request system, benefits for customer use, links from City's website and City Clerk's page, viewing the online public records window, submitting a request, options for police or City requests, login window, request status for records, the public records archive, reviewing public archive records options, fee changes, public records archive, online payments targeted for March, April police records moving to their own system, Laserfiche deflection for online minutes, resolutions, ordinances, agreements and contracts, and spoke to defining "deflection" of record requests, handling secondary requests, one-year retention for public records requests, resetting an expired public record, availability of paid research requests, estimating costs and viewable status estimates, cross training, and separate line item in the budget for payment.

**6. PUBLIC HEARINGS:****ORDINANCES - First Reading:**

- A. [ORD. NO. 2020-02](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Eliminate the Citizen Opt-in Program Under the Cross-Connection Control Program, by Amending Section 78-129 Cross-Connection Control Program; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Coding; and Providing an Effective Date

***A motion was made by Commissioner Hanks, seconded by Commissioner Carusone, 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. Lear introduced the item.

Mr. Vuolo, spoke to current program participants, users notification, and the deadline of March 24, 2020.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-02 for second reading on March 24, 2020. The motion carried by the following vote:***

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

- B. [ORD. NO. 2020-13](#) An Ordinance of the City of North Port, Florida Amending the Code of the City of North Port, Florida Section 4-151 Regarding the Membership of the Economic Development Advisory Board; 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. Lear introduced the item.

Ms. Slayton noted changes requested removing references to a Commissioner sitting on the Board, removing reference to a County Commissioner serving as an ex officio non-voting Member, no changes to school board member, and an unelected Sarasota County representative serving as an ex officio member.

Mr. Lear spoke to requiring notification to the County Administrator concerning his staff on City boards.

Discussion ensued regarding taking out non-elected official, benefits of having an elected official on the Board, consistency with elected officials, a representative's point of view, possible hindrances with a representative, and outside officials sharing North Port updates with the county.

Ms. Thomas spoke to perspectives of elected officials, and potential negative influence of an elected official as a Board Member.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to continue Ordinance No. 2020-13 for second reading on March 24 2020, changing 2.C. to be "higher education or School Board non-elected representative." The motion carried by the following vote:***

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

### **ORDINANCES - Second Reading:**

- C. [ORD. NO. 2020-12](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2019-20 by Providing for Changes Identified in Exhibit A to Transfer \$8,000,000 From the Sewer Capacity Fee Fund Balance for a Developer Reimbursement Related to the Construction of a Wastewater Treatment Plant and \$82,000 in the Forfeiture Fund from Confiscated Property for Operating Supplies and a Donation for Teen Court; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the Ordinance by title only.

Mr. Lear introduced the item and noted teen court being forfeiture fund eligible.

Chief Garrison spoke to details of the police officer vests, training learned through memory retention and personal preference, no reimbursement for previous personal purchase of a vest, weight of vest, funds for program includes all officers, vest cost with attachments, delivery window, and forfeiture funds disbursed for education.

Deputy Chief Morales clarified forfeiture fund revenue and expenditures.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Ordinance No. 2020-12 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. 2019-15](#) 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

Ms. Taylor read the Ordinance by title only.

Mr. Lear introduced the item.

Ms. Galehouse spoke to corner lots being addressed in line 74.

Commissioner Carusone dissented due to so many restrictions on citizens.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Ordinance No. 2020-15 as presented. The motion carried by the following vote:***

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

**No:** 1 - Commissioner Carusone

## RESOLUTIONS:

- E. [RES. NO. 2020-R-05](#) A Resolution of the City of North Port, Florida, Authorizing the City Manager or Designee to Sign and Execute the Hazard Mitigation Grant Program Application for the Rehabilitation of Water Control Structure 113; Incorporating Recitals: Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the Resolution by title only.

Mr. Lear introduced the item.

Ms. Malingowski spoke to an estimated waiting time of 1-2 years for a response, emergency repairs being made as needed, and this being a two phase grant application of design and construction.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Resolution No. 2020-R-05 as presented. The motion carried by the following vote:***

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

Recess was taken from 11:45 a.m. to 12:32 p.m.

## 7. GENERAL BUSINESS:

- A. [CC GEN-17-026](#) Discussion and Possible Action Regarding North Port Neighborhood Revitalization Plan Implementation Strategy

Mr. Yarborough introduced the item, suggested a dedicated meeting on the topic, and spoke to additional future signage.

Ms. Bellia spoke to signage funds in this budget, suggested size options for neighborhoods signs, budgeting every year until all neighborhoods finished, and budgeted signs being completed this fiscal year.

Mr. Yarborough spoke to scheduling a special meeting within the next month.

Mr. Miles clarified needing direct input from departments for budgetary components.

Ms. Taylor spoke to the meeting being on rolling agenda for April 6, 2020 as a workshop.

***There was a consensus to schedule a meeting between now and May 1, 2020, with***

*staff determining the type of meeting.*

**B. [20-1901](#)** Discussion and Possible Action Regarding Heron Creek Scrub Jay Management Plan

Mr. Yarborough introduced the item.

Ms. Galehouse provided an overview and update of the Heron Creek Development of Regional Impact (DRI) Development Order, and spoke to consultant's recommendation releasing Heron Creek from the directive, developer's restoration responsibility, enforcement mechanisms in the Development Order, a specific scrub jay management plan, a specific plan designed for this property outlined in first attachment, fire mitigation noted, DRI needing to be renewed regarding habitat restoration options, and consultant letter stating the habitat does not exist presently.

Discussion ensued concerning requiring Heron Creek to comply with the Development Order, and no cancellation stipulation in the DRI.

Ms. Galehouse spoke to the Myakkahatchee Creek trail being on City property, scrub jay habitat on Heron Creek property, and monitoring DRI's in the City.

Mr. Miles noted scrub jays are federally managed and US Fish and Wildlife Service input will be requested.

**PUBLIC COMMENT**

Katherine Prophet: scrub jay management and other bird refugees, landowner following his agreement.

Chuck English: need for a natural resource overview.

Patrice Matz: reestablishing scrub jays.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to direct staff to take steps necessary to fulfill the Heron Creek DRI. The motion carried by the following vote:***

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

**C. [20-1940](#)** Discussion and Possible Action Regarding Commission Challenge Coins

Mr. Yarborough introduced the item.

Discussion ensued regarding design options, and vendor groupings.

Ms. Duffy spoke to design being selected previously, pricing, draft proofs sent with pricing options, set-up fee, quantities being based on 50 or 100 of each coin per Commissioner, factors figuring into the unit price, and a final proof of the rendering.

***A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to allow staff to plan for each Commissioner to be allocated 50 of each type coin design using the top two designs and using the vendor they so choose who gives the best pricing.***

Mayor McDowell dissented due to the Commission acting as a body not as individuals, coins not budgeted, unnecessary, and little meaning behind distributing them.

Discussion ensued regarding Commission conversation regarding a Key to the City, Attorney General's Office opinion Commission can act as individuals pertaining to letters of recommendation, coins finding balance with accountability in giving recognitions, protocol/policy needed, funds coming from Commission budget, and usage/distribution of coins.

**The motion carried by the following vote:**

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

**No:** 1 - Mayor McDowell

**A motion was made by Vice Mayor Luke, to direct staff to bring back a procedure of how recognition coins are distributed, recouped and paid. The motion was subsequently withdrawn.**

**A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to direct staff to come back in the current policy being drafted for Proclamations, with a coin policy that dictates that each Commissioner will be allowed 100 coins per year, with 50 of each design to be given out at their discretion, the expense of the coins come from the Commission's budget, and any unused coins during the time frame are returned at the end of each Commissioner's term. The motion carried by the following vote:**

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

Discussion ensued and it was decided if there is a balance at year's end, the reorder shall be reduced from the balance.

## **8. PUBLIC COMMENT:**

There was no public comment.

## **9. COMMISSION COMMUNICATIONS:**

**A. [20-1960](#) Commissioner Emrich's Update**

Nothing to report.

**B. [20-1961](#) Commissioner Carusone's Update**

Nothing to report.

**D. [20-1963](#) Vice Mayor Luke's Update**

Vice Mayor Luke reported the Art Center gallery event on March 20, 2020 at 6:30 p.m., and requested an update on the Legacy Trail.

Mr. Yarborough spoke to direction regarding a quarterly Legacy Trail report.

**There was a consensus to direct staff to provide updates on the Legacy Trail in memo format.**

Vice Mayor Luke recognized Gulfcoast Community Foundation for offering material to post in City buildings, to thanked Dr. Lee Gross for his help with corona virus information,

suggested a letter to Florida League of Cities Executive Director, who is retiring.

***There was a consensus to send a letter of gratitude to Michael Sittig, retiring Executive Director of Florida League of Cities.***

Vice Mayor Luke noted the welcome sign on Sumter Boulevard near the interstate needs lighting, and recognized North Port's Panther Girls Softball team.

**E. [20-1964](#)**

**Mayor McDowell's Update**

Mayor McDowell spoke to the April community yard sale.

Ms. Pfundheller clarified the community yard sale schedule, reviewing the schedule for November, scheduling and advertising the Maker's Market event, and scheduling a mayor's play ball event this year and next.

Mayor McDowell will forward information to City Clerk to disperse.

Mr. Yarborough recommended further discussion regarding a play ball event during budget workshops.

**C. [20-1962](#)**

**Commissioner Hanks' Update**

Commissioner Hanks spoke to needing clarification regarding permits for sheds.

Ms. Galehouse addressed permit fees for sheds.

Discussion ensued regarding fee schedule for sheds.

Ms. Slayton spoke to City Code exception language.

**10. ADMINISTRATIVE AND LEGAL REPORTS:**

Mr. Yarborough provided a corona virus update and expressed thanks for staff's response to the recent blood drive.

Ms. Slayton had nothing to report.

Ms. Taylor requested scheduling a joint meeting with the North Port Youth Council.

***There was a consensus to schedule a Commission Joint Meeting with the North Port Youth Council.***

**11. ADJOURNMENT:**

Mayor McDowell adjourned the meeting at 1:59 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 \_\_\_\_\_, 2020.

