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, City Clerk

Tuesday, April 28, 2020 | **6:00 PM** | **Zoom**

Virtual Meeting

Notice of Virtual Meetings and Instructions to Watch and/or Participate in Meeting

A. 20-2199 Meeting Notice and Instructions

CALL TO ORDER

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

ROLL CALL

Mayor McDowell stated that a quorum was present.

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, City Clerk Heather Taylor, Planning Division Manager Nicole Galehouse, Public Works Director Julie Bellia, Parks and Recreation Director Sandy Pfundheller, and Economic Development Manager Mel Thomas.

A moment of silence was observed followed by the Pledge of Allegiance led by Ms. Taylor.

Ms. Slayton provided an introduction relative to the virtual meeting.

1. APPROVAL OF AGENDA

Mr. Lear requested the agenda be reordered to move Public Hearing Resolution No. 2020-R-16 after 20-2194.

A motion was made by Commissioner Hanks, seconded by Commissioner Emrich, to approve the agenda moving Item RES. NO. 2020-R-16 after Item 20-2194. The

motion carried by the following vote:

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

2. PUBLIC COMMENT:

There was no public comment.

3. ANNOUNCEMENTS

A. 20-2194 Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the announcements into the record.

5. PUBLIC HEARINGS:

RESOLUTION:

D. RES. NO. 2020-R-16 Resolution No. 2020-R-16 Accepting a Proposal of Truist Bank to Provide the City with a Loan in Order to Refund a Portion of the City's Outstanding Transportation Improvement Assessment Bonds, Series 2013.

Ms. Taylor read the resolution by title only.

Mr. Lear introduced the item.

Steve Miller, bond counsel, responded to questions regarding legally available non-ad valorem revenues, collection of road bonds, and exhibit references in the resolution.

Ms. Slayton clarified the reference to Exhibit A of the Agreement vs Exhibit A of the resolution, and noted the document will be reviewed for scrivener's errors prior to execution.

There was no public comment.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Resolution No. 2020-R-16, correcting scrivener's errors prior to signing. The motion carried by the following vote:

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

4. CONSENT AGENDA:

Mr. Lear noted there were no items to be pulled from consent.

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

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

A. 20-1903 Ratification of Revised Emergency Order 2020-06 Relating to Conduct of Public Meetings by Communications Media Technology

This item was approved on consent.

B. 20-2124 Cash Receipts Summary Report for February 2020

This item was approved on consent.

C. 20-2169 Approve Interlocal Agreements with Sarasota County for the Local Option Fuel Tax Revenue Distribution

This item was approved on consent.

D. 20-2182 Approve ImageTrend Agreement Amendment – Computer-Aided Dispatch (CAD) Vendor Switch to RapidDeploy

This item was approved on consent.

E. 20-2183 Approve the Municipal Election Agreement for August 18, 2020 City of North Port Primary and November 3, 2020 City of North Port General Election

This item was approved on consent.

F. 20-2187 Approve Group Medical Insurance Contract with Aetna Life Insurance Company

This item was approved on consent.

G. 20-2078 Appoint Thomas Nicholson as a Regular Member to the Planning and Zoning Advisory Board, to Serve a Four-Year Term from April 28, 2020 to April 28, 2024

This item was approved on consent.

H. 20-2091 Appoint Allain Hale as a Regular Member to the Environmental Advisory Board to Serve a Two-Year Term from April 28, 2020 to April 28, 2022

This item was approved on consent.

I. 20-2196 Approve Minutes for the March 17, 2020 Commission Special Emergency Meeting, March 24 2020 Commission Regular Meeting, and April 14, 2020 Commission Regular Meeting

This item was approved on consent.

5. PUBLIC HEARINGS Continued:

ORDINANCE - Second Reading:

A. ORD. NO. 2019-46

An Ordinance of the City of North Port, Florida, Adopting the West Villages Village District Pattern Book for ±8000 Acres in the "Village" Future Land Use; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

Katie LaBarr, Stantec, responded to questions regarding verbiage stating one advisory or non-voting member on the review committee.

Ms. Galehouse agreed the verbiage reads correctly, and spoke to language regarding expedited permit review incentive, reference of index map location within the pattern book and the City's website with an additional location under definitions, and frontage yard verbiage using "may" in some situations.

Ms. Galehouse and Ms. LaBarr stated they are comfortable with the index map location in the document.

There was no public comment.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Ordinance No. 2019-46 as presented. The motion carried by the following vote:

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

ORDINANCE - First Reading:

B. ORD. NO. 2020-20

An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2019-20 by Transferring $2,860,218 from the Park Impact Fee Fund Balance, $24,842 from the Fire/Rescue Impact Fee Fund Balance and $85,947 from the Law Enforcement Impact Fee Fund Balance and Increasing the Estimated Revenues for the Park Impact Fee Fund for Reimbursement of Costs as Outlined in the West Villages Developer Agreement (Post Annexation); Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to read Ordinance No. 2020-20 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.

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

A motion was made by Commissioner Hanks, seconded by Commissioner Emrich, to continue Ordinance No. 2020-20 for second reading on May 12, 2020.

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

Discussion followed regarding excessive funding for the 63-acre park.

C. ORD. NO. 2020-21

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 42-24 - Maintenance of Stormwater Drainage Area; 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 Hanks, to read Ordinance No. 2020-21 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.

Discussion took place regarding wording stated in whereas clauses regarding change in methodology.

Ms. Bellia replied to questions regarding updating the Unified Land Development Code (ULDC) to reflect areas the Road and Drainage District is responsible for and methodology changes, suggested adding two additional whereas clauses, time frame for mowing in neighborhoods, responsibilities of homeowners, staffing to supplement level of service, and reviewing the third whereas clause to reference a property owner's responsibility to aid in the maintenance of the stormwater drainage system at their own expense.

Ms. Slayton stated she would review the change prior to second reading.

Discussion followed regarding whereas clauses not being codified and incorporating the adopted methodology in the ordinance.

Ms. Bellia suggested reviewing the entire section and incorporating all changes at one time.

There was no public comment.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-21 to second reading on May 12, 2020 after review of the following language by the City Attorney;
Adding the following whereas clauses before the first whereas clause:

1. ***Whereas the City of North Port Road and Drainage District is responsible for the maintenance and operations of the City's stormwater drainage system; and***
2. ***Whereas the Road and Drainage District mows the banks of all swales along local roads six times per year and the centers of all swales two times per year. In addition, the Road and Drainage District mows the banks of all swales along arterial and collector roads eight times per year and the centers of all swales two times per year; and***

Amending the third whereas clause to add:

3. ***"to aid in the maintenance of the stormwater drainage system,"***

Mayor McDowell stated she cannot support due to concern with assessment raises and holding citizens accountable in between City's maintenance responsibilities.

The motion carried by the following vote:

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

No: 2 - Mayor McDowell and Commissioner Carusone

Commissioner Carusone dissented due to raise of rates for additional services.

B. ORD. NO. 2020-20 An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2019-20 by Transferring $2,860,218 from the Park Impact Fee Fund Balance, $24,842 from the Fire/Rescue Impact Fee Fund Balance and $85,947 from the Law Enforcement Impact Fee Fund Balance and Increasing the Estimated Revenues for the Park Impact Fee Fund for Reimbursement of Costs as Outlined in the West Villages Developer Agreement (Post Annexation); Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mr. Lear requested that ORD. NO. 202-20 be reconsidered due to an error in the date for second reading.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to reconsider ORD. NO. 2020-20. The motion carried by the following vote:

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

Ms. Taylor confirmed that the ordinance was publicly noticed for May 7, 2020.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-20 for second reading on May 7, 2020. The motion carried by the following vote:

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

6. GENERAL BUSINESS:

A. GEN-20-088 Discussion and Possible Action Regarding Impact Fees, Deferrals, and Waivers Best Practices and Economic Fiscal Impacts

Mr. Lear introduced the item.

Ms. Thomas and Ms. Galehouse spoke regarding 10-year business spin-off variations depending on type of business and/or salary, retail sale categories regarding eligibility and number of employees, offering the deferral program to targeted manufacturing industries, and clarification between retail/storefront sales and sole manufacturing.

Mr. Lear spoke to verification of employee residency.

Discussion continued regarding supplemental impact fee deferral point scale, City Commission approval of applications and agreements required by City Code, stacking opportunities, recouping fees if needed, directing targeted industries, and option to adjust the deferral payoff date.

Ms. Slayton spoke to existing and potential code language regarding impact fee deferral payments.

Discussion ensued regarding deferral timeline, policy decision regarding when deferrals needing Commission approval, Commission deferral approval based on number of employees, previous incentive program, software for running reports, 5-year deferrals, ability to petition more than 5 years with Commission approval, staff denial process, Commission approval of applications for deferrals, cost of software, direction requested pertaining to type of retail, who petitions a deferral, maximum number of years for a deferral, and options and considerations for approving deferrals.

There was consensus to use the provided Impact Fee Calculation Chart in totality.

There was a consensus to leave the approval process with staff with Commission approvals for all appeals.

A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to approve the Impact Fee Deferral Waiver best practices and program as presented by staff with the addition of an appeal process.

Discussion continued including ability for waivers, and minimum business value being a separate issue.

The motion carried by the following vote:

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

B. 20-2193 Discussion and Possible Action Regarding Budgetary Effects of COVID-19

Mayor McDowell introduced the item.

Discussion followed regarding the City Manager addressing questions in a memo with further discussion during budget, needing to review Capital Improvement Projects (CIP) linked to Surtax, need for more information for discussion, review of staffing, and the need to provide direction for this fiscal year.

Mr. Lear provided further information regarding various status related to funding savings, revenue loss, staffing, and budget expectations.

Discussion continued regarding timeline for budget talks, CIP projects, and staffing at the aquatic center.

Ms. Pfundheller provided an aquatic center update.

Mr. Lear spoke to sending list of vacant positions to Commission, and provided information regarding additional anticipated revenue sources.

Discussion ensued regarding pre-budget meeting prior to June 16, 2020 to review staff vacancies, putting hold on new Request for Proposal (RFP's) until the meeting, and current CIP status.

Mr. Lear spoke to keeping the procurement process for formal solicitations active.

Ms. Pfundheller confirmed park membership extensions.

Mr. Lear spoke to approval of the economic feasibility study on May 12, 2020

Mayor McDowell passed gavel to Vice Mayor Luke.

A motion was made by Mayor McDowell, to direct the City Manager to prepare for a meeting on June 4, 2020, by providing the CIP status for all projects including where we are in the project, to hold off on hiring of any staff other than police or fire, the vacant positions by department and position with date of vacancy, and the expected return dates for Family Medical Leave Act (FMLA). The motion failed due to lack of second.

Vice Mayor Luke passed the gavel back to Mayor McDowell.

Mr. Lear spoke to providing information to Commission on the June 4 meeting.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner Carusone had nothing to report and left the meeting at 9:33 p.m.

Commissioner Emrich had nothing to report.

Commissioner Hanks had nothing to report.

Vice Mayor Luke questioned current process for proclamations, business tax receipts, and property located on wildlife corridor on Spring Haven Drive.

Mr. Lear provided an update regarding the current asking price for the Spring Haven Drive property of $1.5 million vs. its true appraisal amount.

Vice Mayor Luke continued her report regarding Legacy Trail, Schewe Ranch Trail status update, and Project Graduation vehicle donation.

There was a consensus to allow Project Graduation to receive a truck to be given away at their combined event.

Mr. Lear spoke to childcare services and summer camp.

Vice Mayor Luke continued her report on the Environmentally Sensitive Lands Oversight Committee (ESLOC).

Mayor McDowell reported on kindness community.

There was a consensus to have the City put something on social media regarding the Kindness Community Survey.

9. ADMINISTRATIVE AND LEGAL REPORTS:

A. 20-2059 City Manager - Commission Update

Mr. Lear had nothing to report.

B. 20-2202 City Attorney Report

Ms. Slayton had nothing to report.

C. 20-2203 City Clerk Report

Ms. Taylor had nothing to report.

Mr. Lear responded to questions concerning sending an update regarding renting Al Gol Center, and a memo to State Representatives regarding installation of a traffic light at the intersection of Toledo Blade and I-75, and will forward a copy to the Commission of the letter of gratitude sent to Mr. Michael Sittig, retiring Executive Director of Florida League of Cities.

10. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 9:58 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.